

The 614th Policy Board Meeting Fargo-Moorhead Metropolitan Council of Governments THURSDAY, April 20, 2023 – 4:00 p.m. AGENDA

1. Call to Order and Introductions
 - a. Introductions Information Item
 - b. Approve Order and Contents of the Overall Agenda Action Item
 - c. Approve Minutes of the March 16, 2023 Board Meeting Action Item
 - d. Approve Minutes of the April 6, 2023 Special Board Meeting Action Item
 - e. Approve April 2023 Bills Action Item
2. Consent Agenda Action Item
 - a. March End of Month Report
 - b. 25th Street Corridor Study – Contract Amendment #1
 - c. Fargo Transportation Plan – Contract Amendment #2
 - d. Metro COG First Quarter Report
3. Regular Agenda
 - a. Public Comment Opportunity Public Input
 - b. 2023-2026 TIP Amendment #6 Action Item
 1. Public Comment Opportunity
 - c. Safe Streets and Roads for All (SS4A) – Request for Proposals Action Item
 - d. Electric Vehicle Readiness Study – Consultant Selection Action Item
 - e. Moorhead I-94 & 20th St Interchange Analysis – Consultant Selection Action Item
 - f. West Metro Perimeter Highway Study – Request for Proposals Action Item
 - g. Updated Urbanized Area Boundary Proposal Action Item
 - h. Potential 2023 & 2024 UPWP Amendments Discussion Item
4. Additional Business Information Item
5. Adjourn

REMINDER: The next Metro COG Policy Board Meeting will be held Thursday, May 18, 2023 at 4:00 p.m.

Metro COG is encouraging citizens to provide their comments on agenda items via email to leach@fmmetrocog.org. To ensure your comments are received prior to the meeting, please submit them by 8:00 a.m. on the day of the meeting and reference which agenda item your comments address. If you would like to appear via video or audio link for comments or questions on a regular agenda or public hearing item, please provide your e-mail address and contact information to the above e-mail at least one business day before the meeting.

For Public Participation, please REGISTER with the following link:

https://us02web.zoom.us/webinar/register/WN_gT8CpdBft7y1I7VNFoYNxg

Red Action Items require roll call votes.

Full Agenda packets can be found on the Metro COG Web Site at <http://www.fmmetrocog.org>

NOTE: Given the participation of Fargo City Commissioners at Policy Board meetings, such meetings may constitute open public meetings of the City of Fargo.

Metro COG is committed to ensuring all individuals, regardless of race, color, sex, age, national origin, disability/handicap, sexual orientation, and/or income status have access to Metro COG's programs and services. Meeting facilities will be accessible to mobility impaired individuals. Metro COG will make a good faith effort to accommodate requests for translation services for meeting proceedings and related materials. Please contact Savannah Leach, Metro COG Office Manager, at 701-532-5100 at least five days in advance of the meeting if any special accommodations are required for any member of the public to be able to participate in the meeting.

**612th Policy Board Meeting
Fargo-Moorhead Metropolitan Council of Governments
Thursday, March 16, 2023 – 4:00 pm**

Members Present:

Duane	Breitling	Cass County Commission
John	Gunkelman	Fargo Planning Commission
Chuck	Hendrickson	Moorhead City Council
Paul	Krabbenhoff	Clay County Commission (alt for Jenny Mongeau)
Steve	Lindaas	Moorhead City Council
Jenny	Mongeau	Clay County Commission
Julie	Nash	Dilworth City Council
Brad	Olson	West Fargo City Commission
Arlette	Preston	Fargo City Commission
Rocky	Schneider	Fargo Planning Commission
John	Strand	Fargo City Commission
Scott	Stofferahn	Fargo Planning Commission
Jeff	Trudeau	Horace City Council
Deb	White	Moorhead City Council
Aaron	Murra	NDDOT – Fargo District (ex-officio)

Members Absent:

Amanda	George	West Fargo City Commission
Denise	Kolpack	Fargo City Commission
Dave	Piepkorn	Fargo City Commission
Shiloh	Wahl	MnDOT – District 4 (ex-officio)

Others Present:

Adam	Altenburg	Metro COG
Paul	Bervik	Metro COG
Laura	Bowles	Confluence
Jaron	Capps	Metro COG
Ari	Del Rosario	Metro COG
Dan	Farnsworth	Metro COG
Cindy	Gray	Metro COG
Savanna	Leach	Metro COG
Michael	Maddox	Metro COG
Maelo	Maldonado	Confluence

1a. MEETING CALLED TO ORDER, WELCOME, AND INTRODUCTIONS, convened

The meeting was called to order at 4:00 pm, on March 16, 2023 by Chair Hendrickson, noting a quorum was present. Introductions were made.

1b. Approve Order and Contents of Overall Agenda, approved

Chair Hendrickson asked for approval for the overall agenda. Ms. Gray said there will be one additional item during the Additional Business, agenda item 4.

MOTION: Approve the contents of the Overall Agenda of the March 16, 2023 Policy Board Meeting.

Ms. White moved, seconded by Mr. Lindaas

MOTION, passed

Motion carried unanimously.

1c. Past Meeting Minutes, approved

Chair Hendrickson asked for approval of the Minutes of the February 16, 2023 Meeting.

MOTION: Approve the February 16, 2023 Policy Board Meeting Minutes.

Mr. Olson moved, seconded by Mr. Breitling

MOTION, passed

Motion carried unanimously.

1d. Monthly Bills, approved

Chair Hendrickson asked for approval of the March 2023 Bills as listed on Attachment 1d.

MOTION: Approve the March 2023 Bills List.

Mr. Krabbenhoff moved, seconded by Ms. White

MOTION, passed

Motion carried unanimously.

2. CONSENT AGENDA

Chair Hendrickson asked for approval of Item A on the Consent Agenda.

a. February Month End Report

MOTION: Approve Item A on the Consent Agenda.

Mr. Strand moved, seconded by Mr. Krabbenhoff

MOTION, passed

Motion carried unanimously.

3. REGULAR AGENDA

3a. Public Comment Opportunity

No public comments were made or received.

3b. 2023-2026 Transportation Improvement Program Amendment #5

Mr. Bervik presented amendment #5 to the 2023-2026 Transportation Improvement Program. A public notice was published in The Forum of Fargo-Moorhead on Wednesday, March 1, 2023, which advertised the public meeting, detailed how to request more information, and provided information on how to make public comment regarding the proposed amendment. The public notice advertised that all public comments will be accepted until 12:00 p.m. (noon) on Thursday, March 16, 2023. No written comments were received.

The proposed amendment to the 2023-2026 TIP is as follows:

1. Modification of Project 9200031: NDDOT is rehabilitating the 25th Street I-94 interchange (2023). The project cost increased by 37.8%.
2. Modification of Project 9231006: Chip seal coat on US-81 (19th Avenue North) from Dakota Drive to I-29 (2023) in Fargo, ND. The project cost increased by 44.5%. Federal, state, and local funding adjusted accordingly.
3. Modification of Project 9231005: NDDOT will be reconstructing the I-94 interchange at Lynchburg. (2023) The project year shifted from 2024.
4. New Project 4235031: Purchase of a new paratransit bus and related equipment for Fargo Transit (2024).
5. New Project 4235032: Electric Vehicle Readiness Study across all Metro COG jurisdictions (2023).

Chair Hendrickson asked if anyone was present who wished to comment on the proposed amendment. Mr. Bervik stated that no public comments were received.

MOTION: Approve amendment #5 to the 2023-2026 Transportation Improvement Program
Mr. Breittling moved, seconded by Mr. Gunkelman.
MOTION, passed
Motion carried unanimously.

3c. Red River Greenway Study Final Report

Mr. Del Rosario and Mr. Farnsworth presented the Red River Greenway Study Final Report.

The Study focuses on enhancing and expanding the existing greenway on the Fargo side of the Red River. The study looks at filling existing greenway gaps, extending the greenway to the north and the south along the Red River, and connecting to and incorporating Drains 27 and 53 and their associated amenities.

In 2008 a Red River Greenway Study was completed and looked at both North Dakota and Minnesota sides of the Red River. The City of Moorhead completed a Red River Greenway study in 2014. The intent of this study was to update the plan for the Fargo side of the river, examine potential for future enhancements and opportunities for expansion and improved connectivity from the river into the community as the metro area grows.

Ms. White asked if there has been discussion of moving the downtown floating bridge. Mr. Farnsworth said there was not a lot of discussion regarding the floating bridge.

Mr. Lindaas asked if any of the recommendations will be implemented immediately. Ms. Gray said that having these studies and reports help the cities

determine which projects would be feasible for implementation. In turn, these projects will likely be presented as applications for Transportation Alternatives funding or another funding opportunity in the future.

Mr. Schneider said that he will be abstaining from the vote, as his employer is a subconsultant on the study itself.

**MOTION: Approve the Red River Greenway Study Final Report.
Mr. Lindaas moved, seconded by Mr. Olson.
MOTION, passed. (12 – 0 – 1) Mr. Schneider abstaining
Motion carried.**

3d. 2050 Metropolitan Transportation Plan Consultant Selection

Mr. Maddox presented SRF with subconsultant HDR as the highest-ranked consultant for the 2050 Metropolitan Transportation Plan Update. Two firms proposed on the Request for Proposals, the other being KLJ Engineering, with subconsultants Bolton & Menk, and Alliant Inc. The consultant selection panel met with and interviewed the consultant teams on March 3, 2023 to further understand each team's technical qualifications, project approach, task deliverables, and past project experiences. The selection was based upon scoring criteria, written technical proposals, and the in-person interviews.

Upon coming to agreement on the top ranked team, SRF's sealed cost proposal was opened. The proposed project budget is within the \$400,000 programmed in the UPWP. Metro COG will work with the consultant to finalize the scope of work and the project budget sometimes varies based on these negotiations. Metro COG received a refined scope of work, and staff is confident that the final scope of work and fee will not exceed the amount budgeted for this study.

The MTP serves as the foundational document for transportation decision-making, including funding priorities, in the Fargo Moorhead region.

Mr. Lindaas asked about the four Public Input opportunities, slated for 6 hours each. Mr. Maddox said that the events themselves won't necessarily be six hours, but broken up into 1-2 hours events, but is included in the scope to maximize the consultant's time on-site.

**MOTION: Approval of SRF Consulting Group with subconsultant HDR as the preferred team recommended by the study's consultant selection panel to complete the study; and authorization for the Executive Director to enter into a contract with said consulting team for the 2050 Metropolitan Transportation Plan Update.
Ms. White moved, seconded by Mr. Breitling
MOTION, passed
Motion carried unanimously.**

3e. ND Urban Grant Program Solicitation, FY 2025-2026

Ms. Gray presented the North Dakota Urban Grant Program Solicitation for FY 2025-2026. In mid-January, NDDOT distributed a notification and materials to local jurisdictions and MPOs regarding the solicitation period for the Urban Grant Program, FY 2025-2026. North Dakota's Urban Grant Program is aimed at infrastructure improvements in core city areas.

The City of Fargo is submitting an application for Broadway between Main Ave and 6th Ave N in the heart of downtown Fargo. The proposed project would replace the existing brick pavers in the intersections and crosswalks at 2nd Ave N, 3rd Ave N, 4th Ave N, and 6th Ave N. The project would also replace or relocate the existing ADA ramps on Broadway between Main Avenue and 6th Avenue N. Metro COG intends to submit a letter of support for this project.

MOTION: Approve the letter of Metro COG support to the Policy Board for the City of Fargo's Urban Grant Application.

Mr. Olson moved, seconded by Ms. White

MOTION, passed

Motion carried unanimously.

3f. ND Urban Regional Program Solicitation, FY 2027

Ms. Gray presented the North Dakota Urban Regional Program for FY 2027.

The City of Fargo is submitting two applications for this program. One is full street reconstruction of S University Drive between 13th Ave S and 18th Ave S. The cost estimate is \$30.9M, \$20M being Federal funds.

The other application is for Main Avenue between 25th Street and I-29 and between I-29 and 45th Street. This project would consist of concrete pavement repair and bridge expansion joint replacement. The cost estimate is \$16M, \$8M being Federal funds.

Metro COG intends to prepare a letter of support for these projects. System preservation is a key pillar of the Metropolitan Transportation Plan, and these two corridors are extremely important to metropolitan mobility.

MOTION: Approve the letters of Metro COG support to the Policy Board for the City of Fargo's Regional Program Applications.

Mr. Schneider moved, seconded by Ms. Preston

MOTION, passed

Motion carried unanimously.

3g. 2023 Bicycle and Pedestrian Count Report

Mr. Bervik presented the 2023 Bicycle and Pedestrian Count Report. These counts are performed manually and occur once a year in September.

Metro COG also has five automated bicycle and pedestrian counters. These counters collect data 24 hours a day, 365 days a year.

Metro COG compiles the data from both the manual counts and automated counters and develops a report. The purpose of the report is to provide data regarding local bicycle and pedestrian activity to the public, elected officials, interested persons, parks departments, local planners and engineers, and more. This information also informs Metro COG of bicycle and pedestrian usage throughout our planning area. In some cases, the data is thorough and on-going, due to the use of counting equipment installed along the facility. In other cases, the data is simply a snapshot of a certain day of the year. Guidance is used from the National Bicycle and Pedestrian Documentation Project when counting bicycle and pedestrian traffic.

3h. Letter of Support – Moorhead Bluestem Bridge Funding Application

Mr. Farnsworth presented a Letter of Support for the Moorhead Bluestem Bridge Funding Application. Metro COG provided a letter of support to the City of Moorhead for the funding of the bicycle and pedestrian bridge over the Red River connecting Bluestem in Moorhead to neighborhoods and multimodal connections in south Fargo. The letter was needed prior to the Policy Board meeting.

The City of Moorhead is working with Senator Klobuchar's and Senator Smith's offices in requesting \$4 Million in Congressional Direction Spending to go toward Moorhead's portion of the bridge.

3i. Carbon Reduction Program Funding Solicitation

Ms. Gray presented the Carbon Reduction Program (CRP) Project Solicitations for FY2024 and 2025. Metro COG will be accepting projects for federal fiscal years 2024 and 2025. FY2026 will be programmed at future solicitation.

Chair Gray presented the inaugural CRP application form, noting that the form was drafted using other TMAs as examples. She also briefly explained the instructions to the application. The document for instructions highlights the types of projects eligible for funding as well as the information that Metro COG will be looking for in the application.

4. Additional Business

Ms. Gray presented an offer of employment letter to Lance Dasher for the Executive Director position. The Executive Committee interviewed three candidates, once via Zoom and once in person at the Metro COG office. The candidates also had the opportunity to meet with the TTC, Policy Board, and Metro COG staff. The Executive Committee found Mr. Dasher to be the preferred candidate, and would like to offer the position to him.

Mr. Schneider asked if the letter could also include moving expenses coverage. Ms. Gray said this would be added to the letter and that she had spoke to Mr. Dasher about it.

MOTION: Approve the Letter of Employment Offer to Lance Dasher as discussed.

**Mr. Schneider moved, seconded by Ms. Preston
MOTION, passed
Motion carried unanimously.**

5. Adjourn

The 612th Meeting of the FM Metro COG Policy Board held Thursday, March 16, 2023 was adjourned at 5:38 pm.

THE NEXT FM METRO COG POLICY BOARD MEETING WILL BE HELD April 20, 2023, 4:00 P.M.

Respectfully Submitted,

Savanna Leach
Executive Assistant

Agenda Item 1d

FM Metro COG SPECIAL Policy Board Monday, April 6, 2023 – 12:00pm Metro COG Conference Room

Members Present:

Amanda	George	West Fargo City Commission
Chuck	Hendrickson	Moorhead City Council
Denise	Kolpack	Fargo City Commission
Steve	Lindaas	Moorhead City Council
Jenny	Mongeau	Clay County Commission
Julie	Nash	Dilworth City Council
Brad	Olson	West Fargo City Commission
Arlette	Preston	Fargo City Commission
Rocky	Schneider	Fargo Planning Commission
Jeff	Trudeau	Horace City Council
Deb	White	Moorhead City Council
Aaron	Murra	NDDOT – Fargo District (ex-officio)

Members Absent

Duane	Breitling	Cass County Commission
John	Gunkelman	Fargo Planning Commission
Dave	Piepkorn	Fargo City Commission
John	Strand	Fargo City Commission
Maranda	Tasa	Fargo Planning Commission
Shiloh	Wahl	MnDOT – District 4 (ex-officio)

Others Present:

Cindy	Gray	Metro COG
Savanna	Leach	Metro COG

1. CALL TO ORDER AND INTRODUCTIONS

The meeting was called to order at 12:00 p.m. on April 6, 2023 by Chair Hendrickson. A quorum was present.

1b. Approve Order and Contents of Overall Agenda, approved

Chair Hendrickson asked for approval for the overall agenda.

MOTION: Approve the contents of the Overall Agenda of the April 6, 2023 Policy Board Meeting.

Mr. Olson moved, seconded by Ms. White

Motion, passed

Motion carried unanimously.

2. Regular Agenda

2a. Public Comment Opportunity

No public comments were received.

2b. Executive Director Employment Offer

Ms. Gray reminded the Policy Board that at the March meeting, Metro COG was going to offer Lance Dasher the position of Executive Director. After much consideration, Mr. Dash did end up turning the offer down. Ms. Gray was instructed by the Executive Committee to call the references of the other two candidates, Ben Griffith and Michael Maddox.

Ms. Gray said that at their regular Executive Committee meeting on Monday, April 3, 2023, the committee voted to send Mr. Griffith the employment offer for the position. Mr. Griffith did sign the offer letter. Ms. Gray said that the starting salary offer is higher than originally expected, as Mr. Griffith is making significantly more than the offer at Step 3. The starting salary offer is for Grade 22, Step 9, or \$156,703. The offer also includes 80 hours of vacation and 40 hours of sick leave. The offer is contingent on a six-month probationary period. Mr. Griffith said that he will be able to start on Monday, May 8.

Mr. Olson asked if the agency will be required to pay for Mr. Griffith's stay during the last week of April when he plans to be in town. Ms. Gray said that she has not received any such request from Mr. Griffith.

MOTION: Approve the offer letter to Mr. Ben Griffith date April 3, 2023 and accepted by Mr. Griffith on April 5, 2023.

Mr. Schneider moved, seconded by Mr. Lindaas

Motion, passed

Motion carried unanimously.

3. Additional Business

The committee had no additional business.

4. Adjourn

The April 6, 2023 SPECIAL Policy Board meeting was adjourned at 12:23 p.m.

Respectfully Submitted,

Savanna Leach

Executive Assistant

To: Policy Board
From: Michael Maddox, AICP
Date: April 14, 2023
Re: **25th Street Corridor Study – Contract Amendment #1**

In 2021, Metro COG contracted with KLJ to complete a study of the 25th Street corridor. This study is in advance of a planned reconstruction project on the northern portion of the roadway between 32nd Ave S and 40th Ave S. The overall focus of the study has been to assess how the roadway is utilized, its function in the overall transportation network, and the desired look and feel of the corridor.

The study included the development of three (3) corridor alternative scenarios, along with intersection configuration sub-alternatives. After the recent conclusion of the alternative development process and analysis phase of the project, City of Fargo staff wanted the consultant to develop additional corridor configuration alternatives, revise existing alternatives, and analyze shifting the alignment of the roadway. At that point in the project, Metro COG asked the consultant to prepare an amendment prior to completing any of the requested work.

Attached to this memo is the proposed scope of work and fee proposed under Amendment #1. The total proposed fee of \$12,594.59 would cover the development of those additional tasks as proposed. The City of Fargo has agreed to fund the full amount of the proposed fee with local funding.

The consultant has agreed that they will complete unfulfilled tasks in the original project scope of work after the tasks in Amendment #1 are completed. This includes the remaining portions of public engagement, document preparation and delivery, and guiding the final plan through the approval process.

Included as attachments to this memorandum are a modified scope of work, inclusive of the additional work tasks, and the associated fee the consultant would charge to complete those tasks.

The TTC recommended approval of Amendment #1 at their April 13, 2023 meeting.

Requested Action:

Approval of the Amendment #1 to the 25th Street Corridor Study contract with KLJ.

Scope of Services Amendment #1
February 2023
Metropolitan Council of Governments
25th Street Corridor Study
Project No. 2021-226

Background

The 25th Street Corridor Study has completed the existing condition, future conditions, and alternatives analysis portion of the project. Per the original scope, up to three corridor alternatives were to be evaluated. At Study Review Committee Meeting #5, the City of Fargo requested the following:

- Revision to the three-lane alternative between 52nd Ave and 40th Ave to shift the roadway centerline to the west so that adequate space is provided for a shared use path along the east side of the roadway
- Revision to the five-lane section between 35th Ave and 32nd Ave to remove the $\frac{3}{4}$ access at Kirsten Lane
- New alternative between 40th Ave and 35th Ave to evaluate a 2+1 (two lanes in one direction, center turn, and one lane in the opposite direction).

These requests were made after all exhibits were created, public input information had been developed, and the alternatives report had been submitted for review.

Task 1 – Project Management and Coordination

Project management will include coordination between the City of Fargo and the Metro COG. It will include bi-weekly progress meetings, monthly progress reports, invoices and expense documentation, meeting coordination, agendas, and summaries, and any other documentation necessary.

Task 2 – Purpose and Need Statement

No change to this task.

Task 3 – Data Collection and Existing Conditions

No change to this task.

Task 4 – Community Engagement and Approval Process

KLJ revised the project website and open house exhibit boards to reflect the changes to the three-lane alternative and create additional boards for the new alternative.

The KLJ team will continue to use the existing public participation plan to organize all public engagement efforts, track results, and summarize input received throughout the process.

Task 5 – Corridor Needs and Vision

No change to this task.

Task 6 – Future Conditions

No change to this task.

Task 7 – Alternatives Analysis and Development

Alternative Exhibit Preparation/Revisions

KLJ will revised the exhibits based on the comments received during SRC #5. New exhibits and cost estimates will be created for the 2+1 alternative.

Capacity Analysis

KLJ's subconsultant, TC2, will conduct year 2045 intersection capacity analysis during the a.m. and p.m. peak hours for up to two (2) additional scenarios. The additional scenarios focus on a 2-lane northbound + 1-lane southbound configuration, as well as a 1-lane northbound + 2-lane southbound configuration. The intent of this analysis is to understand the difference in operations relative to other alternative and help assist the alternative evaluation/selection process.

Origin-Destination Analysis

KLJ will use Streetlight-Top Routes to analyze O-D data to/from the corridor study area. The intent of this analysis is to help guide the alternative development and determine the ideal typical section for a 2+1 alternative.

Alternatives Report

KLJ will revise the alternatives report to include the 2+1 alternatives, capacity analysis, and O-D analysis.

Task 8 – Recommendations and Draft Report

No Change to this task.

Task 9 – Final Report

No change to this task.

Project Budget



KLJ Project Name:	25th St Corridor Study
KLJ Project Number:	2113-01340

Job Classification:		Project Manager	Engineer	Engineer in Training II	Sr Public Engagement Specialist	Associate Engineer	DIRECT LABOR Subtotal	Subconsultant Bill	Subconsultant Fee	DIRECT EXPENSE ²	Bal to: Lump Sum or Agreed Fee	TASK TOTAL
1	25th St Corridor Study	\$ 59.00	\$ 45.00	\$ 35.00	\$ 35.00	\$ 38.00						
1	Project Management	6					\$ 354.00		\$ -			\$ 354.00
2	Community Engagement and Approval Process				6		\$ 210.00		\$ -			\$ 210.00
7	Alternatives Analysis and Development	2	6	8		36	\$ 2,036.00	\$ 4,300.00	\$ 4,300.00			\$ 6,336.00
							\$ -		\$ -			\$ -
							\$ -		\$ -			\$ -
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		8	6	8	6	36	\$ 2,600.00	\$ 4,300.00	\$ 4,300.00	\$ -	\$ -	\$ 6,900.00

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¹ To be billed at actual with an \$150 maximum (Meals \$35- Lodging \$115)

² Includes: equipment, rental/subscriptions, mileage... etc.

Summary of Costs: NDDOT

Direct Labor			\$ 2,600.00
	Indirect Costs -	184.44%	\$ 4,795.44
Subtotal			\$ 7,395.44
On bill rate	Fixed Fee -	12.00%	\$ 887.45
Raw labor cost	COF -	0.45%	\$ 11.70
Direct Expenses			\$ -
Subconsultants			\$ 4,300.00
Reimbursables			\$ -
Balance to Lump Sum or Agreed Fee			\$ -
Total Estimated Engineering Costs			\$ 12,594.59

To: Policy Board
From: Michael Maddox
Date: April 14, 2023
Re: **Fargo Transportation Plan – Contract Amendment #2**

In 2021, Metro COG contracted with Kimley-Horn to complete a Transportation Plan for the City of Fargo. This effort was designed to set broad goals for the transportation network; determine metrics for the when, where, and what types of bicycle and pedestrian facilities should be included into the roadway cross section; and link transportation with the surrounding land use context. In short, the document was intended to serve as what the City referred to as a “playbook” that would guide all city departments working together during the process of making decisions about the transportation systems in both new and existing areas of the city.

The Fargo Transportation Plan has been moving forward since the last contract amendment in June 2022. That amendment included tasks that would retool portions of the document. As the Study Review Committee, which consists of department heads from the City of Fargo and Metro COG staff, worked through those elements, new focus areas emerged that City of Fargo staff would like to concentrate on. They feel this plan should span all City of Fargo departments and be linked to not only their comprehensive plan, but also their growth plan effort that just kicked off.

In order to accomplish this goal, the consultant presented the SRC with a proposed contract amendment that included the tasks described above. There is approximately \$12,000 remaining in the project budget as changed through Amendment #1. The consultant is proposing an additional not-to-exceed budget of an additional \$49,967. The City of Fargo - Engineering Department agreed that they would be able to fund the additional work solely with local funds in the amount of \$49,967.

Included as attachments to this memorandum are a modified scope of work, inclusive of the additional work tasks, and the associated fee the consultant would charge to complete those tasks.

The TTC recommended approval of Amendment #2 at their April 13, 2023 meeting.

Requested Action:

Approval of Amendment #2 to the Fargo Transportation Plan contract with Kimley-Horn.



April 6, 2023

Michael Maddox, AICP
 Fargo-Moorhead Metro COG
 One 2nd Street North
 Suite 232
 Fargo, North Dakota 58102-4807

Re: Amendment Number 2 to Professional Services Agreement

Dear Mr. Maddox:

Kimley-Horn and Associates, Inc. (“Kimley-Horn” or “Consultant”) and Fargo-Moorhead Metro COG (“Client”) entered in a Professional Services Agreement dated March 31, 2021 (“Agreement”) concerning the Fargo Transportation Plan (“Project”). This contract was further amended to include additional scope of work on June 28, 2022.

This contract amendment to the Fargo Transportation Plan, originally scoped in March 2021, is intended to respond to requests and feedback by the City on ongoing planning work. Over the course of the project, the City of Fargo identified several key priorities and goals for the plan which necessitated re-thinking the original project direction. These included a greater need for coordination with the City’s previous street typology work, a need to identify a set of short- and mid-term projects for documentation within the plan, and additional edits to the policy recommendations to better fit the City’s needs. In addition, the City desires additional coordination with elected and appointed officials to ensure the transportation vision reflects the view of key stakeholders.

The parties now desire to amend the Agreement to include services to be performed by Consultant for compensation as set forth below in accordance with the terms of the Agreement, which are incorporated by reference.

Consultant will provide the services specifically set forth below.

Project Coordination

- Prepare for and attend up to 12 additional virtual meetings. Each meeting will be attended by up to 2 Consultant staff.
- 6 additional Monthly invoices and progress reports

Stakeholder and Elected Official Engagement

- Prepare for and attend up to 2 in-person meetings with city commission or planning commission

Foundations Report

- Complete Minor edits to the foundations report to respond to additional City comments. Major new analysis is not anticipated.

Multimodal Assessment

- Complete minor edits to the multimodal assessment to respond to additional City comments. Major new analysis is not anticipated.
- Prepare high-level peer city analysis comparing the City of Fargo’s multimodal transportation performance to up to 5 peer cities (selected in consultation with the City)

Street Design Toolkit and Roadway Playbook

- Prepare graphic of recommended short- and mid-term projects, developed in conjunction with City input

Policy Recommendations

- Complete minor Edits to the policy recommendations to respond to additional City comments. These edits will be completed in close coordination with the City.
- Prepare and submit a draft complete streets policy for future use by the City
- Development of up to 5 “lessons learned” corridor profiles, similar to the template already developed

Final Documentation

- Prepare and submit an action plan/action matrix to reflect the priority or timeline of the plan recommendations

We will provide our services as expeditiously as practicable with the goal of finalizing the project by September 2023.

Kimley-Horn will complete the required tasks as efficiently as possible, and have developed a “not-to-exceed” total labor budget for all work related to this amendment. We will check in at certain milestones (after every \$10,000 billed) to ensure all work is being completed efficiently, satisfactorily, and identifying ways to adjust our approach as necessary.

For the services set forth above, Client shall pay Consultant the following compensation:

Direct Labor	Hours	Rate	Project Cost
Project Manager/Senior Planner	120	55.00	\$ 6,600.00
Senior Quality Review	47	85.00	\$ 3,995.00
Planning Analyst/Technical Support	120	38.00	\$ 4,560.00
<i>Subtotal Direct Labor</i>			<i>\$ 15,155.00</i>
<i>Overhead</i>		194.38%	<i>\$ 29,458.29</i>
<i>Fixed Fee</i>		12%	<i>\$ 5,353.59</i>
Total Cost			\$ 49,967



We appreciate the opportunity to provide these services to you. Please contact me if you have any questions.

Very truly yours,
Lydia Statz, AICP

KIMLEY-HORN AND ASSOCIATES, INC.

Signed: *[enter your signature]*

Printed Name: *[enter your printed name]*

Title: *[enter your title]*

AGREED AND ACCEPTED:
[CLIENT NAME]

By: _____

Title: _____

Date: _____

To: Policy Board
From: Paul Bervik, Assistant Transportation Planner
Date: April 14, 2023
Re: **2023-2026 Transportation Improvement Program (TIP) Amendment 6**

The Fargo-Moorhead Metropolitan Council of Governments (Metro COG) will hold a public meeting both in person and via Zoom Video Communications on Thursday, April 20, 2023 at 4:00 p.m. to consider public comments regarding a proposed amendment to the 2023-2026 Transportation Improvement Program (TIP) for the FM Metropolitan Area. The proposed amendment to the 2023-2026 TIP reflects modified federally funded projects within the Metropolitan Planning Area (MPA).

A public notice was published in The Forum of Fargo-Moorhead on Wednesday, April 5, 2023, which advertised the public meeting, detailed how to request more information, and provided information on how to make public comment regarding the proposed amendment. The public notice advertised that public comments will be accepted until 12:00 p.m. (noon) on Thursday, April 20, 2023. As of the writing of this memo, no written comments have been received.

The proposed amendment to the 2023-2026 TIP is as follows:

1. **Modification of Project 0235032:** Electric Vehicle Readiness Study across all Metro COG jurisdictions (2023). Updated project description.
2. **New Project 4236033:** Replacing lighting heads with LED lighting heads throughout the City of Fargo. (2023).

See **Attachment 1** for more detailed project information.

Requested Action: Approve Amendment 6 of the Metro COG 2023-2026 Transportation Improvement Program (TIP).

Lead Agency	Metro COG ID State Number	Project Year	Project Location	Length	Project Limits From To	Project Description	Improvement Type	Total Project Cost	Federal Revenue Source	Other Revenue Source	Revenue
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Amendment 6 - 2023-2026 Metro COG TIP

Existing projects with a non-cost change

Metro COG	0235032 23948	2023	Metropolitan Wide			EV READINESS STUDY 2023 Electric Vehicle Readiness Study across all Metro COG jurisdictions.	Planning	\$150,000	CRP	State Local	\$120,000 \$0 \$30,000
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Amendment 6 - 2023-2026 Metro COG TIP

The following are new projects

City of Fargo	4236033	2023	City of Fargo			Replacing lighting heads with LED lighting heads throughout the City of Fargo.	Rehabilitation	\$1,018,750	CRP	State Local	\$815,000 \$0 \$203,750
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To: Policy Board
From: Adam Altenburg, AICP
Date: April 14, 2023
Re: **Safe Streets and Roads for All (SS4A) Comprehensive Safety Action Plan RFP**

Metro COG is seeking review and recommendation of the draft Request for Proposals (RFP) for the Safe Streets and Roads for All (SS4A) Comprehensive Safety Action Plan (CSAP). The plan is intended to provide a framework of innovative strategies and implementation actions intended to reduce transportation-related fatalities and serious injuries and support federal safety initiatives.

The CSAP will identify safety issues and specific actions that can be implemented to improve safety for people traveling by any mode throughout the region. The plan will develop recommendations for both motorized and non-motorized modes in the roadway network as well as other elements including land use, transit, freight, and other community factors to create a comprehensive course of action. The plan will address federal and state regulations, including design guidance as well as performance management goals, measures, and targets, and will promote equitable outcomes.

One component that has been outlined is a dashboard and toolkit that will include graphic visualizations illustrating safety countermeasures, context-sensitive solutions, and performance measure tracking. Another component of the safety plan is an implementation matrix for implementing safety measures including detailed policies and low-cost/high-impact strategies as well as specific construction projects in the Fargo-Moorhead area including scope, budget, and time frame. Upon completion of this plan, Metro COG and area jurisdictions will be able to apply for implementation grants under the SS4A program to fund the planning, design, and development of multimodal safety improvements.

A budget of \$250,000 has been allocated for this study with 80 percent (\$200,000) coming from an SS4A Action Plan Grant that was awarded to Metro COG on January 31. The selection award requires a 20 percent (\$50,000) local match. It is proposed that the project would begin in early June 2023 and be completed by November 2024.

Metro COG is currently in the process of establishing and executing an SS4A grant agreement with the Federal Highway Administration (FHWA). This agreement is required before the disbursement of any award funds. It is anticipated that this agreement will be signed before the selection of a consultant in June. However, if a grant agreement is not in place at that time, an official notice to proceed may be delayed.

At their April 13th meeting, the TTC recommended approval of the RFP.

Requested Action: Approve the Safe Streets and Roads for All (SS4A) Comprehensive Safety Action Plan RFP.

**FARGO-MOORHEAD
METROPOLITAN COUNCIL OF GOVERNMENTS**

REQUEST FOR PROPOSALS (RFP)

PROJECT NO. 2023-210

***Safe Streets and Roads for All (SS4A)
Comprehensive Safety Action Plan***

April, 2023

APPROVED:

**Cindy Gray
Metro COG, Executive Director**

REQUEST FOR PROPOSALS (RFP)

The Fargo-Moorhead Metropolitan Council of Governments (Metro COG) is seeking requests for proposals from qualified consultants for the following:

SS4A Comprehensive Safety Action Plan

Qualifications based selection criteria will be used to analyze proposals from responding consultants. The most qualified candidates may be invited to present an in-person or virtual interview. Upon completion of technical ranking and interviews, Metro COG will enter into negotiations with the top ranked firm. **Sealed cost proposals shall be submitted with the RFP.** The cost proposal of the top ranked firm will be opened during contract negotiations. Those firms not selected for direct negotiations will have their unopened cost proposals returned. Metro COG reserves the right to reject any or all submittals. This project will be funded, in part with a Safe Streets and Roads for All (SS4A) Action Plan Grant and has a not-to-exceed budget of **\$250,000.**

Interested firms can request a full copy of the RFP by telephoning 701.532.5100, or by e-mail: metrocof@fmmetrocog.org. Copies will be posted on the North Dakota Department of Transportation website (<https://www.dot.nd.gov>) and will also be available for download in PDF format at www.fmmetrocog.org.

All proposals received by **4:30 p.m. on Friday, May 26, 2023** at Metro COG's office will be given equal consideration. Minority, women-owned and disadvantaged business enterprises are encouraged to apply. Respondents must submit one PDF of the proposal, and one sealed hard copy of the cost proposal. The full length of the proposal should not exceed 30 pages; including any supporting material, charts, or tables.

A PDF of the proposal may be emailed or delivered by USB. Hard copies of sealed cost proposals shall be delivered to the contact below:

Adam Altenburg, AICP
Fargo-Moorhead Metropolitan Council of Governments
One 2nd Street North, Suite 232
Fargo, ND 58102-4807
altenburg@fmmetrocog.org
701.532.5105

Fax versions will not be accepted as substitutes for hard copies. Once submitted, the proposals will become the property of Metro COG.

Note: The document can be made available in alternative formats for persons with disabilities by contacting Savanna Leach, Office Manager at 701.532.5100 or leach@fmmetrocog.org.

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I. Agency Overview

The Fargo-Moorhead Metropolitan Council of Governments (Metro COG) serves as the Council of Governments (COG) and Metropolitan Planning Organization (MPO) for the greater Fargo, North Dakota – Moorhead, Minnesota metropolitan area. As the designated MPO for the Fargo-Moorhead metropolitan area, Metro COG is responsible under federal law for maintaining a continuous, comprehensive, and coordinated transportation planning process.

Metro COG is responsible, in cooperation with the North Dakota and Minnesota Departments of Transportation (NDDOT and MnDOT, respectively) and local planning partners, for carrying out the metropolitan transportation planning process and other planning issues of a regional nature. Metro COG represents eleven cities and portions of two counties that comprise the Metro COG region in these efforts.

II. Purpose of Request

A comprehensive safety action plan (CSAP) is a powerful way to prioritize safety improvements and justify investment decisions within area jurisdictions. These plans can serve as the basic building block to significantly improve roadway safety by reducing and eliminating serious injury and fatal crashes, communicating and collaborating with stakeholders and community members, and providing information on funding opportunities.

As a recent recipient of a FY22 Safe Streets and Roads for All (SS4A) Action Plan Grant, this first-of-its-kind regional CSAP for the Fargo-Moorhead metropolitan area will provide a framework of innovative strategies and implementation actions intended to reduce transportation-related fatalities and serious injuries while also supporting federal safety initiatives. The CSAP will identify safety issues and specific actions that can be implemented to improve safety for people traveling by any mode throughout the region. The plan will develop recommendations for both motorized and non-motorized modes in the roadway network as well as other elements including land use, transit, freight, and other community factors to create a comprehensive course of action. The plan will address federal and state regulations, including design guidance as well as performance management goals, measures, and targets, and will promote equitable outcomes.

As noted, this plan will be funded in part through an Action Plan Grant through the Safe Streets and Roads for All (SS4A) discretionary grant program. The purpose of this program, established by the Bipartisan Infrastructure Law (BIL), is to support local initiatives to prevent death and serious injury on roads and streets, including pedestrians, bicyclists, public transportation users, motorists, personal conveyance and micro-mobility users, and commercial vehicle operators. Once complete, the CSAP will allow Metro COG and area jurisdictions to apply for implementation (capital construction) discretionary grant funds through the SS4A initiative.

III. Project Narrative

The Fargo-Moorhead Metropolitan Council of Governments (Metro COG) and area jurisdictions understand our shared responsibility in eliminating fatal and serious crashes for all roadway users, including those who walk, bike, drive, ride transit, and travel by other modes in our community. We are committed to a holistic approach in how we think about transportation safety and how we prioritize investments across the entire transportation system so that we can build a safe and better system for all users of all modes.

By developing the first regional comprehensive safety action plan for the Fargo-Moorhead MSA, our area will commit to providing a framework of innovative strategies and implementation actions that will ensure crash reductions and support federal safety initiatives. Through expanded collaboration with regional stakeholders and community members, as well as guidance from FHWA's Safe System approach and SS4A's Action Plan Components, Metro COG and area jurisdictions will develop a joint comprehensive safety action plan that is founded upon the following:

- Stakeholder and public engagement plan, with a strong emphasis on equity and outreach to BIPOC, New Americans, historically marginalized communities, and economically disadvantaged communities.
- Data collection and review, including a summary of existing programs, policies, and studies as well as a peer review of comparable metropolitan areas.
- Safety analysis, including an analysis of regional trends, contributing factors, and patterns of transportation-related accidents in the region.
- Transportation equity review, including an assessment of regional equity indicators related to accessibility, connectivity, environment, health, engagement, and effectiveness, and how transportation systems affect and/or influence safe and equitable outcomes.
- Dashboard and toolkit, including graphic visualizations that illustrate safety countermeasures, context-sensitive solutions, user educational components, and performance measure tracking.
- Implementation matrix for implementing safety measures including:
 - Policies, programs, innovative practices, and low-cost/high-impact strategies; and
 - Specific construction projects with scope, budget, and time frame.

IV. Scope of Work and Performance Tasks

Metro COG is seeking a consultant that can not only provide the typical qualifications necessary in the development of the CSAP but also can provide pro-activeness, vision, innovation, and collaboration in examining and proposing strategies and recommendations that will ensure a reduction of fatal and serious crashes for all roadway users.

Outlined below is the scope of work that will guide the development of the CSAP. Metro COG has included the following scope of work to provide interested consultants insight into project intent, context, coordination, responsibilities, and other elements to help facilitate proposal development.

This outline is not necessarily all-inclusive and the consultant may include in the proposal any additional performance tasks that will integrate innovative approaches to successfully complete the CSAP. At a minimum, the consultant shall be expected to establish detailed outlines, analyses, assessments, and recommendations for the following tasks:

Task 1: Project Structure and Work Plan. Building on the scope of work presented in their proposal, and incorporating any relevant changes made during contract negotiations, the consultant will prepare a detailed work plan and the achievable timeline for the CSAP anticipated to be completed by November 2024. The work plan will outline the overall approach, as well as specific actions and activities that will occur during the project and how these will result in a successful conclusion to the study.

Task 2: Project Management and Coordination. The consultant shall be required to manage the study and coordination with any subconsultants, as well as bear responsibility for all documentation and equipment needs. The consultant will identify a project lead from their team to act as the direct point of contact for Metro COG's project manager.

This task will also include regular progress meetings with Metro COG, the preparation of monthly progress reports, documentation of travel and expense receipts, and the preparation and submission of invoices. When submitting progress reports, the consultant will be required to outline the following:

- Performed work;
- Upcoming tasks or milestones;
- Status of scope and schedule; and
- Any issues to be aware of.

Development of the CSAP will be guided by a Study Review Committee (SRC), which will provide oversight and input into study assessments, analyses, policies, and recommendations. The consultant should expect up to five meetings with the SRC.

The consultant shall be responsible for the preparation and coordination of all data collection, data analysis, technical memorandum, and draft documents for the SRC. Metro COG shall be responsible for coordinating and scheduling SRC meetings and assisting the consultant in developing agendas. The consultant will be expected to work closely with Metro COG on the coordination and distribution of materials to the SRC as applicable to consultant work tasks, as well as be responsible for the recording of meeting minutes.

The SRC is scheduled to be comprised of representatives from each of Metro COG's seven primary jurisdictions: Fargo, West Fargo, Horace, and Cass County, ND; and Moorhead, Dilworth, and Clay County, MN. State and federal partners including NDDOT, MnDOT, FHWA, and FTA may also be included on the SRC.

Task 3: Stakeholder and Public Engagement Program. In compliance with Metro COG's adopted Public Participation Plan (PPP), the consultant will develop and implement a detailed stakeholder and public engagement program that seeks to gain authentic and meaningful public input from community members across the Fargo-Moorhead metropolitan area. A strong emphasis shall be placed on equity and outreach to BIPOC, New Americans, historically marginalized communities, and economically disadvantaged communities in the region. At minimum, the stakeholder and public engagement program should address the following:

- Identification of, and engagement activities for, key communities that may be disproportionately impacted by traffic risks and traditionally underserved by safety efforts;
- Specific activities for reaching identified stakeholder groups and engagement strategies that inform, involve, and empower stakeholders and the public;
- Examination of perceived safety culture and concerns in the Fargo-Moorhead metropolitan area
- Timeline for stakeholder and public engagement activities;
- Communication methods for sharing information with residents and community members; and
- Strategy for effective and consistent messaging.

The consultant is encouraged to utilize creative methods, opportunities, and activities when collaborating, engaging, and informing stakeholders and the public, especially for communities disproportionately impacted and traditionally underserved. The consultant is also encouraged to review [Promising Practices for Meaningful Public Involvement in Transportation Decision-Making](#) for additional insights.

Task 4: Data Collection and Review. The consultant will collect and review existing, programs, policies, and activities, and provide a summary of current efforts to address transportation safety in the Fargo-Moorhead metropolitan area. The consultant should also review strategies that other cities, counties, and MPOs are using to address safety, identify programs that have evidence of measurable success, and provide an assessment of the most effective and efficient methods used to achieve outcomes.

As part of this task, the consultant should at minimum:

- Review existing local, regional, state, and federal plans, studies, and initiatives related to roadway safety improvements to identify opportunities to improve processes for prioritizing transportation safety and collaboration that could lead to improved effectiveness of safety analysis, project development, and implementation for jurisdictions in the Fargo-Moorhead metropolitan area;
- Conduct a peer review and comparison of the crash analyses of similar-sized MPOs and/or MSAs. This review should include, but is not limited to, a comparison based on crashes per VMT and crashes per capita, and exposure to risk/crash risk;
- Assess the quality and completeness of existing available data including crash, transportation, land use, and demographic data; and
- Develop recommendations based on literature, policy, and data review on best analysis strategies and data requirements.

Task 5: Safety Analysis. The consultant will conduct an analysis of existing safety conditions and historical trends that provides a baseline level of crashes involving fatalities and serious injuries across jurisdictions in the Fargo-Moorhead metropolitan area. This safety analysis shall include an examination of locations where there are crashes and the severity of the crashes, as well as contributing factors and crash types by relevant road users (personal motorists, bicyclists, pedestrians, freight, etc.). An analysis of systemic and specific safety needs should also be performed, as needed (e.g., high-risk road features, specific safety needs of relevant road users, public health approaches, analysis of the built environment, demographic, and structural issues, etc.). To the extent practical, the analysis should include all roadways within the Fargo-Moorhead MSA, without regard for ownership.

Task 6: Transportation Equity Review. The consultant will perform a transportation equity review to better understand how current transportation systems, services, and decision-making processes impact the lives of all users, including underserved and underrepresented communities in the Fargo-Moorhead metropolitan area. This should include an analysis of systems, services, and processes that support safe and easy-to-use multimodal options, amenities that are accessible to all populations for reaching destinations independently, and strategies to reduce socioeconomic disparities experienced by underserved and underrepresented communities.

As part of this task, the consultant should develop and assess regional transportation indicators that easily measure transportation barriers in the Fargo-Moorhead metropolitan area and/or potential structural inequalities that different population groups may face. These indicators should include, at minimum:

- Accessibility;
- Connectivity;
- Effectiveness;
- Environment;
- Health;
- Mobility;
- Safety;
- Level of community engagement; and
- Other equity indicators, as required.

Task 7: Dashboard and Toolkit. The consultant will establish a process and create a publicly accessible tracking mechanism in the form of a dashboard or other appropriate format as a means to monitor safety outcomes and evaluate which safety measures are most effective throughout the Fargo-Moorhead metropolitan area. The consultant will also develop a safety toolkit with graphic visualizations that illustrate safety countermeasures, context-sensitive design solutions, and user educational components tailored for the region.

Task 8: Implementation Matrix. The consultant will develop an implementation matrix that identifies potential projects, strategies, and recommendations for future grant opportunities, measures that can be included in regular maintenance cycles, and potential updates to Fargo-Moorhead area jurisdictions to better align with safety best practices. The implementation matrix will recognize the needs of all users of the regional transportation system, potential projects that are feasible and applicable for grant funding, conceptual infrastructure improvements with estimated costs, and schedule for implementation.

Strategies and recommendations shall consider and outline fiscal and staff time resources necessary for a continued, sustained, and successful effort to achieve traffic safety goals and meet SS4A objectives after plan adoption. A project readiness timeline for each strategy and project should be included for short-term (0-5 years), mid-term (5-10 years), and long-term (10+ years).

Task 9: Administrative Draft and Final Plan. The consultant will prepare an administrative draft of the CSAP for review and comment by the SRC. This draft is to be provided as an electronic PDF to SRC members. Comments received from the SRC will be incorporated into the final plan.

Upon final review and consent by the SRC, the consultant will develop a final report that is visually appealing, easy for policymakers and stakeholders to understand, and communicates action plan strategies and recommendations. The report should be able to be used both digitally and in hard copy format. This may take the form of separate print and web formats.

Specifically, the consultant should develop a final report that:

- Is organized and communicates a clear message both graphically and with accompanying text;
- Is easy to read and understand; and
- Explains key implications as they relate to policies, programs, practices, strategies, infrastructure projects, funding, and other recommendations.

The consultant shall provide Metro COG with appropriate presentation materials for final review and approval of the comprehensive safety action plan by Metro COG's TTC, Policy Board, and other jurisdictions as appropriate. Metro COG shall be responsible for presenting and achieving final recommendations and approval of the study. If the consultant wishes to include assistance with the final approval process in their scope of work, this should be accounted for in the proposal.

Task 10: Executive Summary/Fact Sheet. Upon completion of the CSAP, the consultant shall develop a brief executive summary or fact sheet in PDF format which relays all pertinent information in an easy-to-follow format. The summary should be concise and highly graphic, highlighting major assumptions, strategies, and recommendations.

Task 11: Deliverables. Upon final project completion, the consultant will be responsible for providing a high-resolution document in PDF format. **The consultant is also expected to provide Metro COG with all data and study products.** All meeting summaries and technical analyses should be included as an appendix of the study.

NOTE: If the consultant wishes to modify or include additional tasks deemed necessary to complete the study, this must be agreed to by Metro COG before issuing the notice to proceed.

V. Implementation Schedule

1) Consultant Selection.

Advertise for Consultant Proposals	4/21/2023
Deadline for RFP Clarifications/Questions	5/19/2023
Due Date for Proposal Submittals (by 4:30 p.m.)	5/26/2023
Review Proposals/Identify Finalists	(week of) 5/29/2023
Interview Finalists	(week of) 6/5/2023
Metro COG Board Approval/Consultant Notice	(week of) 6/12/2023
Contract Negotiations/Signed Contract	(week of) 6/19/2023
Notice to Proceed*	(week of) 6/19/2023

2) Project Development (Major Milestones).

Project Start-Up/Mobilization	(week of) 6/26/2023
Planned Draft Action Plan Completion	June 2024
Final Action Plan Completion	August 2024
Planned Action Plan Adoption	November 2024
Final Invoices Received	December 2024

*Notice to Proceed shall not be issued until an SS4A Action Plan Grant Agreement has been executed by the FHWA Office of Acquisition and Grants Management.

VI. Evaluation and Selection Process

Selection Committee. Metro COG will establish a selection committee to select a consultant. The selection committee will likely include representatives from Metro COG and each of Metro COG's seven primary jurisdictions: Fargo, West Fargo, Horace, and Cass County, ND; and Moorhead, Dilworth, and Clay County, MN.

The consultant selection process will be administered under the following criteria:

- 20% The consultant's related experience with similar projects, including the consultant's ability, familiarity, and involvement in handling similar types of activities
- 20% Specific qualifications of the consultant's project manager and key staff's experience related to the development of similar studies
- 20% The consultant's understanding of the project scope and knowledge of local/regional issues related to the study
- 20% The consultant's project understanding, proposed project approach and methodology, project work plan, and project management techniques
- 15% The consultant's current workload, availability of key personnel, and record of past performance
- 5% The consultant or subconsultant is documented as a Disadvantaged Business Enterprise (DBE) and/or Minority Business Enterprise (MBE)

The selection committee will entertain formal oral presentations for the top candidates to provide additional input into the evaluation process. Oral presentations will be followed by a question-and-answer period during which the selection committee may question the prospective consultants about their proposed approaches.

A consultant will be selected on June 15, 2023 based on an evaluation of the proposals submitted, the recommendation of the selection committee, and approval by Metro COG's Policy Board. Metro COG reserves the right to reject any or all proposals or to waive minor irregularities in said proposal, and reserves the right to negotiate minor deviations to the proposal with the successful consultant. Metro COG reserves the right to award a contract to the firm or individual that presents the proposal, which, in the sole judgement of Metro COG, best accomplishes the desired results.

The RFP does not commit Metro COG to award a contract, to pay any costs incurred in the preparation of the contract in response to this request, or to procure or contract for services or supplies. Metro COG reserves the right to withdraw this RFP at any time without prior notice.

All proposals, whether selected or rejected, shall become the property of Metro COG.

VII. Proposal Content and Format

The purpose of the proposal is to demonstrate the qualifications, competence, and capacity of the consultant seeking to provide comprehensive services specified herein for Metro COG, in conformity with the requirements of the RFP.

The proposal should demonstrate qualifications of the firm and its staff to undertake this project. It should also specify the proposed approach that best meets the RFP requirements. The proposal must address each of the service specifications under the Scope of Work and Performance Tasks.

At minimum, proposals shall include the following information:

- 1) **Contact Information.** Name, telephone number, email address, mailing address, and other contact information for the consultant's project manager.
- 2) **Introduction and Executive Summary.** This section shall document the firm name, business address (including telephone, email address(es), year established, type of ownership and parent company (if any), project manager name and qualifications, and any major features that may differentiate this proposal from others, if any.
- 3) **Work Plan and Project Approach Methodology.** Proposals shall include the following, at minimum:
 - a) Detailed work plan identifying the major tasks to be accomplished relative to the requested study tasks and expected product as outlined in this RFP;
 - b) Timeline for completion of the requested services, including all public outreach and stakeholder meetings, identifying milestones for development of the project, and completion of individual tasks;
 - c) List of projects with similar size, scope, type, and complexity that the proposed project team has successfully completed in the past;
 - d) List of the proposed principal(s) who will be responsible for the work, proposed Project Manager, and project team members (with resumes);
 - e) Breakout of hours for each member of the team by major task area, and an overall indication of the level of effort (percentage of overall project team hours) allocated to each task. Note that specific budget information is to be submitted in a sealed cost proposal as described in Section IX: General RFP Requirements;
 - f) List of any subcontracted agencies, the tasks they will be assigned, the percent of work to be performed, and the staff that will be assigned;

- g) List of client references for similar projects described within the RFP;
 - h) Required Disadvantaged Business Enterprise (DBE) and/or Minority Business Enterprise (MBE) Firms participation documentation, if applicable; and
 - i) Ability of firm to meet required time schedules based on current and known future workload of the staff assigned to the project.
- 4) **Signature.** Proposals shall be signed in ink by an authorized member of the firm/project team.
- 5) **Attachments.** Review, complete, and submit the completed versions of the following RFP Attachments with the proposal:

Exhibit A – Cost Proposal Form
Exhibit B – Federal Clauses

VIII. Submittal Information

A PDF of the proposal may be emailed or delivered by USB. Sealed cost proposals shall be submitted as hard copies. Hard copies of the sealed cost proposals may either be hand delivered or shipped to ensure timely delivery to the project manager as defined below:

Adam Altenburg, AICP
Fargo-Moorhead Metropolitan Council of Governments
One 2nd Street North, Suite 232
Fargo, ND 58102-4807
altenburg@fmmetrocog.org

All proposals received by **4:30 p.m. on Friday, May 26, 2023** will be given equal consideration. Minority, women-owned and disadvantaged business enterprises are encouraged to apply. Respondents must submit one PDF copy of the proposal. The full length of each proposal should not exceed 30 pages; including any supporting material, charts, or tables.

The consultant may ask for clarifications of the RFP by submitting written questions to the Metro COG project manager identified above. Questions regarding this RFP must be submitted no later than May 19, 2023. Metro COG reserves the right to decline a response to any question if, in Metro COG's assessment, the information cannot be obtained and shared with all potential firms in a timely manner. All questions and responses will be forwarded to applicants and posted on Metro COG's website on May 22, 2023.

IX. General RFP Requirements

- 1) **Sealed Cost Proposal.** All proposals must be clearly identified and marked with the appropriate project name; inclusive of a separately sealed cost proposal per the requirements of this RFP. Cost proposals shall be based on an hourly “not to exceed” amount and shall follow the general format as provided within Exhibit A of this RFP. Metro COG may decide, in its sole discretion, to negotiate a price for the project after the selection committee completes its final ranking. Negotiation will begin with the Consultant identified as the most qualified per requirements of this RFP, as determined in the evaluation/selection process. If Metro COG is unable to negotiate a contract for services negotiations will be terminated and negotiations will begin with the next most qualified Consultant. This process will continue until a satisfactory contract has been negotiated.
- 2) **Consultant Annual Audit Information for Indirect Cost.** Consulting firms proposing to do work for Metro COG must have a current audit rate no older than fifteen (15) months from the close of the firms Fiscal Year. Documentation of this audit rate must be provided with the sealed cost proposal. Firms that do not meet this requirement will not qualify to propose or contract for Metro COG projects until the requirement is met. Firms that have submitted all the necessary information to Metro COG and are waiting for the completion of the audit will be qualified to submit proposals for work. Information submitted by a firm that is incomplete will not qualify. Firms that do not have a current cognizant Federal Acquisition Regulations (FARs) audit of indirect cost rates must provide this audit prior to the interview. **This documentation should be attached with the sealed cost proposal. The submitted Indirect Rate MUST match the Indirect Rate on all invoicing.**
- 3) **Debarment of Suspension Certification and Certification of Restriction on Lobbying.** See Exhibit B, Federal Clauses regarding Debarment of Suspension and Restriction on Lobbying.
- 4) **Respondent Qualifications.** Respondents must submit evidence that they have relevant past experience and have previously delivered services similar to the requested services within this RFP. Each respondent may also be required to show that similar work has been performed in a satisfactory manner and that no claims of any kind are pending against such work. No proposal will be accepted from a respondent whom is engaged in any work that would impair his or her ability to perform or finance this work.
- 5) **Disadvantaged Business Enterprise.** Pursuant to Department of Transportation policy and 49 CFR Part 23, Metro COG supports the participation of DBE/MBE businesses in the performance of contracts financed with federal funds under this RFP. Consultants shall make an effort to involve DBE/MBE businesses in this project. If the Consultant is a DBE/MBE, a statement indicating that the business is certified DBE/MBE in North Dakota or Minnesota shall be included within the proposal.

If the Consultant intends to utilize a DBE/MBE to complete a portion of this work, a statement of the Subconsultant's certification shall be included. The percent of the total proposed cost to be completed by the DBE/MBE shall be shown within the proposal. Respondents should substantiate (within proposal) efforts made to include DBE/MBE businesses.

- 6) **US DOT Policy Statement on Bicycle and Pedestrian Accommodations.** Consultants are advised to review and consider the *US DOT Policy Statement on Bicycle and Pedestrian Accommodation* issued in March of 2010 when developing written proposals.
- 7) **North Dakota Department of Transportation Consultant Administration Services Procedure Manual.** Applicants to this Request for Proposal are **required** to follow procedures contained in the *NDDOT Consultant Administration Services Procedure Manual*, which includes prequalification of consultants. Copies of the Manual may be found on the Metro COG website www.fmmetrocog.org or the NDDOT website at www.dot.nd.gov.

X. Additional Resources

Respondents are encouraged to review project planning resources on the SS4A website at <https://www.transportation.gov/grants/SS4A/resources>.

XI. Contractual Information

- 1) Metro COG reserves the right to reject any or all proposals or to award the contract to the next most qualified firm if the successful firm does not execute a contract within forty-five (45) days after the award of the proposal. Metro COG shall not pay for any information contained in proposals obtained from participating firms.
- 2) Metro COG reserves the right to request clarification on any information submitted and additionally reserves the right to request additional information of one (1) or more applicants.
- 3) Any proposal may be withdrawn up until the proposal submission deadline. Any proposals not withdrawn shall constitute an irrevocable offer for services set forth within the RFP for a period of ninety (90) days or until one or more of the proposals have been approved by Metro COG's Policy Board.
- 4) If, through any cause, the consultant shall fail to fulfill in a timely and proper manner the obligations agreed to, Metro COG shall have the right to terminate its contract by specifying the date of termination in a written notice to the firm at least ninety (90) working days before the termination date. In this event, the firm shall be entitled to just and equitable compensation for any satisfactory work completed.

- 5) Any agreement or contract resulting from the acceptance of a proposal shall be on forms either supplied by or approved by Metro COG and shall contain, as a minimum, applicable provisions of the RFP. Metro COG reserves the right to reject any agreement that does not conform to the RFP and any Metro COG requirements for agreements and contracts.
- 6) The consultant shall not assign any interest in the contract and shall not transfer any interest in the same without prior written consent of Metro COG.

XII. Payments

The selected consultant shall submit invoices for work completed to Metro COG. Payments shall be made to the consultant by Metro COG in accordance with the contract after all required services and tasks have been completed to the satisfaction of Metro COG.

XIII. Federal and State Funds

The services requested within this RFP will be partially funded with funds from the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA). As such, the services requested by this RFP will be subject to federal and state requirements and regulations.

The services performed under any resulting agreement shall comply with all applicable federal, state, and local laws and regulations. In addition, this contract will be subject to the relevant requirements of 2 CFR 200.

XIV. Title VI Assurances

Prospective consultants should be aware of the following contractual requirements regarding compliance with Title VI should they be selected pursuant to this RFP:

- 1) **Compliance with Regulations.** The consultant shall comply with the regulations relative to nondiscrimination in federally-assisted programs of the U.S. Department of Transportation, 49 CFR Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations).
- 2) **Nondiscrimination.** The consultant, with regard to the work performed by it, shall not discriminate on the grounds of race, color, national origin, sex, age, disability/handicap, or income status**, in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The consultant shall not participate, either directly or indirectly, in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

- 3) **Solicitations for Subcontracts, Including Procurements of Materials and Equipment.** In all solicitations, either by competitive bidding or negotiation, made by the consultant for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the consultant of the contractor's obligations to Metro COG and the Regulations relative to nondiscrimination on the grounds of race, color, national origin, sex, age, disability/handicap, or income status**.
- 4) **Information and Reports.** The consultant shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by Metro COG or NDDOT to be pertinent to ascertain compliance with such Regulations, orders, and instructions. Where any information required of a consultant is in the exclusive possession of another who fails or refuses to furnish this information, the consultant shall so certify to Metro COG, or NDDOT, as appropriate, and shall set forth what efforts it has made to obtain the information.
- 5) **Sanctions for Noncompliance.** In the event of the consultant's noncompliance with the nondiscrimination provisions as outlined herein, Metro COG shall impose such sanctions as it or FHWA may determine to be appropriate, including but not limited to:
 - a) Withholding of payments to the consultant under the contract until the consultant complies; and/or
 - b) Cancellation, termination, or suspensions of the contract, in part or in whole.
- 6) **Incorporation of Title VI Provisions.** The consultant shall include the provisions of Section XIII, paragraphs 1 through 5 in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto.

The consultant shall take such action with respect to any subcontract or procurement as Metro COG, the U.S. Department of Transportation, or FHWA may direct as a means of enforcing such provisions, including sanctions for noncompliance provided, however, that in the event a consultant becomes involved in, or is threatened with, litigation by a subcontractor or supplier as a result of such direction, the consultant may request Metro COG enter into such litigation to protect the interests of Metro COG; and, in addition, the consultant may request the United States to enter into such litigation to protect the interests of the United States.

** The Act governs race, color, and national origin. Related Nondiscrimination Authorities govern sex, 23 USC 324; age, 42 USC 6101; disability/handicap, 29 USC 790; and low income, EO 12898.

XV. Termination Provisions

Metro COG reserves the right to cancel any contract for cause upon written notice to the consultant. Cause for cancellation will be documented failure(s) of the consultant to provide services in the quantity or quality required. Notice of such cancellation will be given with sufficient time to allow for the orderly withdrawal of the consultant without additional harm to the participants or Metro COG.

Metro COG may cancel or reduce the amount of service to be rendered if there is, in the opinion of Metro COG, a significant increase in local costs; or if there is insufficient state or federal funding available for the service; thereby terminating the contract or reducing the compensation to be paid under the contract. In such event, Metro COG will notify the consultant in writing ninety (90) days in advance of the date such actions are to be implemented.

In the event of any termination, Metro COG shall pay the agreed rate only for services delivered up to the date of termination. Metro COG has no obligation to the consultant, of any kind, after the date of termination. The consultant shall deliver all records, equipment, and materials to Metro COG within twenty-four (24) hours of the date of termination.

XVI. Limitation on Consultant

All reports and pertinent data or materials are the sole property of Metro COG and may not be used, reproduced, or released in any form without the explicit, written permission of Metro COG.

The consultant should expect to have access only to the public reports and public files of local governmental agencies and Metro COG in preparing the proposal or reports. No compilation, tabulation or analysis of data, definition of opinion, etc., should be anticipated by the consultant from the agencies, unless volunteered by a responsible official in those agencies.

XVII. Conflict of Interest

No consultant, subcontractor, or member of any firm proposed to be employed in the preparation of this proposal shall have a past, ongoing, or potential involvement which could be deemed a conflict of interest under North Dakota Century Code or other law. During the term of this agreement, the consultant shall not accept any employment or engage in any consulting work that would create a conflict of interest with Metro COG or in any way compromise the services to be performed

under this agreement. The consultant shall immediately notify Metro COG of any and all potential violations of this paragraph upon becoming aware of the potential violation.

XVIII. Insurance

The consultant shall provide evidence of insurance as stated in the contract prior to execution of the contract.

XIX. Risk Management

The consultant agrees to defend, indemnify, and hold harmless Metro COG and the State of North Dakota, its agencies, officers and employees, from and against claims based on the vicarious liability of Metro COG and the State or its agents, but not against claims based on Metro COG's and the State's contributory negligence, comparative and/or contributory negligence or fault, sole negligence, or intentional misconduct. The legal defense provided by consultant to Metro COG and the State under this provision must be free of any conflicts of interest, even if retention of separate legal counsel for Metro COG and the State is necessary. The consultant also agrees to defend, indemnify, and hold Metro COG and the State harmless for all costs, expenses and attorneys' fees incurred if Metro COG or the State prevails in an action against the consultant in establishing and litigating the indemnification coverage provided herein. This obligation shall continue after the termination of the contract.

The consultant shall secure and keep in force during the term of the contract, from insurance companies, government self-insurance pools or government self-retention funds authorized to do business in North Dakota, the following insurance coverage:

- 1) Commercial general liability and automobile liability insurance - minimum limits of liability required are \$250,000 per person and \$1,000,000 per occurrence.
- 2) Workforce Safety insurance meeting all statutory limits.
- 3) Metro COG and the State of North Dakota, its agencies, officers, and employees (State) shall be endorsed as an additional insured on the commercial general liability and automobile liability policies.
- 4) Said endorsements shall contain a "Waiver of Subrogation" in favor of Metro COG and the State of North Dakota.
- 5) The policies and endorsements may not be canceled or modified without thirty (30) days prior written notice to Metro COG and the State Risk Management Department.

The consultant shall furnish a certificate of insurance evidencing the requirements in 1, 3, and 4, above to Metro COG prior to commencement of this agreement.

Metro COG reserves the right to obtain complete, certified copies of all required insurance documents, policies, or endorsements at any time. Any attorney who represents the State under this contract must first qualify as and be appointed by the North Dakota Attorney General as a Special Assistant Attorney General as required under N.D.C.C Section 54-12-08.

When a portion of the work under the agreement is sublet, the consultant shall obtain insurance protection (as outlined above) to provide liability coverage to protect the consultant, Metro COG, and the State as a result of work undertaken by the subconsultant. In addition, the consultant shall ensure that any and all parties performing work under the agreement are covered by public liability insurance as outlined above. All subconsultants performing work under the agreement are required to maintain the same scope of insurance required of the consultant. The consultant shall be held responsible for ensuring compliance with those requirements by all subconsultants.

Consultant's insurance coverage shall be primary (i.e., pay first) as respects any insurance, self-insurance or self-retention maintained by Metro COG or the State of North Dakota. Any insurance, self-insurance or self-retention maintained by Metro COG or the State shall be excess of the consultant's insurance and shall not contribute with it. The insolvency or bankruptcy of the insured consultant shall not release the insurer from payment under the policy, even when such insolvency or bankruptcy prevents the insured consultant from meeting the retention limit under the policy. Any deductible amount or other obligations under the policy(ies) shall be the sole responsibility of the consultant. This insurance may be in a policy or policies of insurance, primary and excess, including the so-called umbrella or catastrophe form and be placed with insurers rated "A-" or better by A.M. Best Company, Inc. Metro COG and the State will be indemnified, saved, and held harmless to the full extent of any coverage actually secured by the consultant in excess of the minimum requirements set forth above.

Exhibit A – Cost Proposal Form

Cost Proposal Form – Include completed cost form (see below) in a separate sealed envelope – labeled “**Sealed Cost Form – Vendor Name**” and submit concurrently with the technical proposal as part of the overall RFP response. The cost estimate should be based on a not to exceed basis and may be further negotiated by Metro COG upon identification of the most qualified contractor. Changes in the final contract amount and contract extensions are not anticipated.

REQUIRED BUDGET FORMAT

Summary of Estimated Project Cost

1.	Direct Labor	Hours	x	Rate	=	Project Cost	Total
	Name, Title, Function	0.00	x	0.00	=	0.00	0.00
			x		=	0.00	0.00
			x		=	0.00	0.00
				Subtotal	=	0.00	0.00
2.	Overhead/Indirect Cost (expressed as indirect rate x direct labor)					0.00	0.00
3.	Subcontractor Costs					0.00	0.00
4.	Materials and Supplies Costs					0.00	0.00
5.	Travel Costs					0.00	0.00
6.	Fixed Fee					0.00	0.00
7.	Miscellaneous Costs					0.00	0.00
Total Cost					=	0.00	0.00

Exhibit B – Federal Clauses

DRAFT

Federal Clauses

Equal Employment Opportunity Clause – 41 CFR 60-1.4(a) and 2 CFR Part 200 Appendix II (C)

41 CFR 60-1.4(a)

- (a) *Government contracts.* Except as otherwise provided, each contracting agency shall include the following equal opportunity clause contained in section 202 of the order in each of its Government contracts (and modifications thereof if not included in the original contract): during the performance of this contract, the contractor agrees as follows:
- (1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer, recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.
 - (2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.
 - (3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under section 202 of Executive Order 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
 - (4) The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the secretary of labor.
 - (5) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by the rules, regulations, and orders of the secretary of labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the secretary of labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
 - (6) In the event of the contractor's non-compliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be canceled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further government contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the secretary of labor, or as otherwise provided by law.

- (7) The contractor will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the secretary of labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as may be directed by the secretary of labor as a means of enforcing such provisions including sanctions for noncompliance: *provided, however*, that in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction, the contractor may request the united states to enter into such litigation to protect the interests of the United States.

2 CFR Part 200 Appendix II (C)

- (C) Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of “federally assisted construction contract” in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, “Equal Employment Opportunity” (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and implementing regulations at 41 CFR part 60, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”

Sanctions and Penalties for Breach of Contract – 2 CFR Part 200 Appendix II (A)

- (A) Contracts for more than the simplified acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

Termination for Cause and Convenience – 2 CFR Part 200 Appendix II (B)

- (B) All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.

Rights to Inventions Made Under a Contract or Agreement – 2 CFR Part 200 Appendix II (F)

- (F) Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of “funding agreement” under 37 CFR § 401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, “Rights to Inventions Made by Nonprofit Organizations and

Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency.

Debarment and Suspension - 2 CFR Part 200 Appendix II (I)

- (I) Debarment and Suspension (Executive Orders 12549 and 12689)—A contract award (see 2 CFR 180.220) must not be made to parties listed on the governmentwide Excluded Parties List System in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR Part 1986 Comp., p. 189) and 12689 (3 CFR Part 1989 Comp., p. 235), “Debarment and Suspension.” The Excluded Parties List System in SAM contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

Byrd Anti-Lobbying Amendment - 2 CFR Part 200 Appendix II (J)

- (J) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—Contractors that apply or bid for an award of \$100,000 or more must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.



Fargo-Moorhead Metropolitan Council of Governments

Case Plaza Suite 232 | One 2nd Street North
Fargo, North Dakota 58102-4807
p: 701.232.3242 | f: 701.232.5043
e: metrocog@fmmetrocog.org
www.fmmetrocog.org

To: Policy Board
From: Adam Altenburg, AICP
Date: April 14, 2023
Re: **Electric Vehicle Readiness Study Consultant Selection**

The Fargo-Moorhead Metropolitan Council of Governments is seeking professional consultant services to complete an Electric Vehicle Readiness Study for the Fargo-Moorhead metropolitan area. This plan will provide local jurisdictions with a public understanding of EV feasibility and benefits, assist in identifying current and potential barriers to EV adoption, and inform cities, counties, and other planning partners on infrastructure-related best practices to meet current and future EV needs of the region. This is similar in scope to plans developed by cities and regional areas throughout the United States in recent years, which take an impartial look at EV trends and how best communities should lay the groundwork to become EV-ready. This study will also tie into recent National Electric Vehicle Infrastructure (NEVI) plans developed and completed by NDDOT and MnDOT, including goals, strategies, and key takeaways identified in each plan.

In February, Metro COG’s Policy Board approved the RFP to secure a consultant to complete the technical and planning tasks outlined in the scope of work under an approved budget of \$150,000. Metro COG received five proposals before the March 24 closing date from the following lead consultants: Alliant, HDR, SRF, Stantec, and WSB. The selection committee met with and interviewed consultants on April 6 and April 10 to further understand each consultant’s technical qualifications, task deliverables, and past project experience. Selection committee members included:

- | | |
|-------------------------------------|-----------------------------------|
| Adam Altenburg, Metro COG | Andrew Wrucke, City of West Fargo |
| Brenda Derrig, City of Fargo | Peyton Mastera, City of Dilworth |
| Steve Iverson, City of Moorhead | Grace Puppe, Cass County |
| Travis Schmidt, Mhd. Public Service | Matt Jacobson, Clay County |

Based on scoring criteria, written technical proposals, and in-person interviews, the selection committee has chosen the proposal submitted by HDR.

The initial cost proposal form submitted by HDR is \$149,953.83. Total project costs would be split 80 percent between funding through the Carbon Reduction Program (CRP) and a 20 percent local match from Metro COG’s member jurisdictions. A CRP project agreement is required before a contract with the consultant can be signed. It is anticipated that this agreement will be ready in May.

At their April 13th meeting, the TTC recommended Policy Board approval.

Requested Action: Approve of the selection of HDR to complete the Electric Vehicle Readiness Study pending contract negotiations to finalize the scope and fee, and the development of a final CRP project agreement with NDDOT.

Fargo-Moorhead Metropolitan Council of Governments

Resolution 2023-R009

Resolution of Approval of a Consultant for Project 2023-204: Electric Vehicle Readiness Study

WHEREAS, The Fargo-Moorhead Metropolitan Council of Governments (Metro COG) has been designated by the Governors of North Dakota and Minnesota as the Metropolitan Planning Organization (MPO) for the greater Fargo, North Dakota – Moorhead, Minnesota metropolitan area; and

WHEREAS, the North Dakota Department of Transportation (NDDOT) by agreement with the Minnesota Department of Transportation is the lead agency in providing Public Law (PL) and Federal Transit Administration (FTA) Section 5303 funds in a combined Consolidated Planning Grant; (CPG) and

WHEREAS, the NDDOT requires that the Policy Board, as governing entity of the MPO, approve the selection of the consultant to enter into a contract to perform a requested service; and

WHEREAS, Metro COG has conducted a Qualifications Based Consultant Selection Process in which a consultant has been selected to perform contractual work for Metro COG; and

WHEREAS, Metro COG desires to enter into a contract with the selected consultant to perform the services requested;

THEREFORE, BE IT RESOLVED that the Metro COG Policy Board approves the recommendation of the Consultant Selection Panel and the Transportation Technical Committee for Project 2023-204: Electric Vehicle Readiness Study and to enter into a contract with HDR, Inc. to provide the services requested.

Approved this ____ day of _____, 2023,

Chuck Hendrickson
Metro COG Policy Board Chair

Cindy Gray
Metro COG Policy Board Secretary

To: Metro COG Policy Board
From: Dan Farnsworth, Transportation Planner
Date: April 14, 2023
Re: **Moorhead I-94 & 20th St Interchange Analysis – Consultant Selection**

In February, the Metro COG Policy Board approved the request for proposals (RFP) for the Moorhead I-94 & 20th St Interchange Analysis. This project has a budgeted amount of \$150,000 (\$120,000 funded using Federal CPG funds, \$15,000 using MnDOT funds, and \$15,000 using City of Moorhead funds).

The deadline for consulting firms to submit proposals was March 17th. Metro COG received proposals from three firms – KLJ, Stantec, and WSB.

Metro COG and the consultant selection panel met on Tuesday April 11th to interview the firms and select the top ranked firm. Upon interviews with the three consultant teams, Stantec was the highest ranked firm. Stantec's cost proposal came in at \$149,945.56, which is within the budgeted amount.

At their April 13th meeting, the TTC recommended approval of Stantec as the project consultant.

Requested Action:

Approval of Metro COG entering into a contract with Stantec for the Moorhead I-94 & 20th St Interchange Analysis.

Fargo-Moorhead Metropolitan Council of Governments

Resolution 2023-R008

Resolution of Approval of a Consultant for Project 2023-207: Moorhead I-94 & 20th St Interchange Analysis

WHEREAS, The Fargo-Moorhead Metropolitan Council of Governments (Metro COG) has been designated by the Governors of North Dakota and Minnesota as the Metropolitan Planning Organization (MPO) for the greater Fargo, North Dakota – Moorhead, Minnesota metropolitan area; and

WHEREAS, the North Dakota Department of Transportation (NDDOT) by agreement with the Minnesota Department of Transportation is the lead agency in providing Public Law (PL) and Federal Transit Administration (FTA) Section 5303 funds in a combined Consolidated Planning Grant; (CPG) and

WHEREAS, the NDDOT requires that the Policy Board, as governing entity of the MPO, approve the selection of the consultant to enter into a contract to perform a requested service; and

WHEREAS, Metro COG has conducted a Qualifications Based Consultant Selection Process in which a consultant has been selected to perform contractual work for Metro COG; and

WHEREAS, Metro COG desires to enter into a contract with the selected consultant to perform the services requested;

THEREFORE, BE IT RESOLVED that the Metro COG Policy Board approves the recommendation of the Consultant Selection Panel and the Transportation Technical Committee for Project 2023-207: Moorhead I-94 & 20th St Interchange Analysis and to enter into a contract with Stantec to provide the services requested.

Approved this ____ day of _____, 2023,

Chuck Hendrickson
Metro COG Policy Board Chair

Cindy Gray
Metro COG Policy Board Secretary

To: Metro COG Policy Board
From: Dan Farnsworth, Transportation Planner
Date: April 14, 2023
Re: **West Metro Perimeter Highway Study RFP**

The purpose of this study is to determine the feasibility, alignment, costs, and right-of-way necessary for a perimeter highway just west of the Fargo-Moorhead metro area. This study will build off of the Interstate Operations Analysis which is approaching completion.

A portion of this perimeter highway is anticipated to be adjacent to the FM Area Diversion where land has been acquired for the Diversion project. The timing of this study is critical in that excess right-of-way purchased for the Diversion project is available for use of a potential perimeter highway. In the near future, this property will need to be placed on the market, however the opportunity exists for the County to purchase this property which could be used for a future highway corridor.

The West Metro Perimeter Highway Study will be a consultant-led study and is in Metro COG's Unified Planning Work Program (UPWP) (Amendment 1) for the year 2023. The budget for this study is \$250,000 with 80% (\$200,000) coming from Metro COG's CPG funds and 20% (\$50,000) from Cass County.

Attached is the study's draft RFP which is anticipated to be released pending Policy Board approval on April 20th.

At their April 13th meeting, the TTC recommended Policy Board approval of the RFP for the West Perimeter Highway Study, on the condition that the RFP include language about addressing future land use control and jurisdiction along the route. Language has been added to address this discussion.

Requested Action: Approval of the West Metro Perimeter Highway Study RFP

**FARGO-MOORHEAD
METROPOLITAN COUNCIL OF GOVERNMENTS**

REQUEST FOR PROPOSALS (RFP)

PROJECT NO. 2023-208

West Metro Perimeter Highway Study
(Fargo-Moorhead Metropolitan Area)

April, 2023

APPROVED:

Cindy Gray
Metro COG, Executive Director

METROCOG
FM REGIONAL TRANSPORTATION PLANNING ORGANIZATION

REQUEST FOR PROPOSALS (RFP)

The Fargo-Moorhead Metropolitan Council of Governments (Metro COG) requests proposals from qualified consultants for the following project:

West Metro Perimeter Highway Study

Qualifications based selection criteria will be used to analyze proposals from responding consultants. The most qualified candidates will be invited to present an in-person, virtual, or hybrid interview. Upon completion of technical ranking and interviews, Metro COG will enter into negotiations with the top ranked firm. **Sealed cost proposals shall be submitted with the RFP.** The cost proposal of the top ranked firm will be opened during contract negotiations. Those firms not selected for direct negotiations will have their unopened cost proposals returned. Metro COG reserves the right to reject any or all submittals. This project will be funded, in part with federal transportation funds and has a not-to-exceed budget of **\$250,000**.

Interested firms can request a full copy of the RFP by telephoning 701.532.5100, or by e-mail: metrocof@fmmetrocog.org. Copies will be posted on the North Dakota Department of Transportation QBS website (<https://www.dot.nd.gov>) and are also available for download in .pdf format at www.fmmetrocog.org.

All applicants must be prequalified with the North Dakota Department of Transportation (NDDOT). If not prequalified with the NDDOT, applicants will be required to submit a completed Standard Form 330 with their submittal of information.

All proposals received by **4:30 p.m. (Central Time) on Friday May 19, 2023** will be given equal consideration. Respondents must submit one (1) PDF of the proposal, and one (1) sealed hard copy of the cost proposal. The full length of each proposal shall not exceed thirty-five (35) pages; including any supporting material, charts, or tables.

The sealed cost proposals shall be shipped to ensure timely delivery to the contact defined below:

Dan Farnsworth
Fargo-Moorhead Metropolitan Council of Governments
Case Plaza, Suite 232
One 2nd Street North
Fargo, ND 58102
farnsworth@fmmetrocog.org
701-532-5106

Fax versions will not be accepted as substitutes for the sealed cost proposal. Once submitted, the proposals will become property of Metro COG.

Note: This RFP can be made available in alternative formats for persons with disabilities by contacting Savanna Leach, Office Manager at 701.532.5100 or leach@fmmetrocog.org.

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Exhibit A – Cost Proposal Form

Exhibit B – Federal Clauses

Exhibit C – SFN 60232: Proposed Sub

Note: Throughout this RFP, Metro COG may be referred to as 'Client' and the consulting firm may be referred to as 'Consultant', 'Contractor', or 'Firm'.

I AGENCY OVERVIEW

The Fargo-Moorhead Metropolitan Council of Governments (Metro COG) serves as the Council of Governments (COG) and Metropolitan Planning Organization (MPO) for the greater Fargo, North Dakota – Moorhead, Minnesota metropolitan area. As the designated MPO for the Fargo-Moorhead Metropolitan Area, Metro COG is responsible under federal law for maintaining a continuous, comprehensive, and coordinated transportation planning process.

Metro COG is responsible, in cooperation with the North Dakota and Minnesota Departments of Transportation (NDDOT and MnDOT, respectively) and our local planning partners, for carrying out the metropolitan transportation planning process and other planning issues of a regional nature. Metro COG represents eleven cities and two counties that comprise the Metro COG region in these efforts.

II PROJECT BACKGROUND AND OBJECTIVE

As the Fargo-Moorhead metropolitan area continues to grow, traffic volumes continue to increase on the interstate system (I-29 and I-94), as well as other urban corridors. A bypass corridor or 'perimeter highway' could alleviate traffic volumes through the Fargo-Moorhead metro area, cut down on trip lengths, and provide alternate routing options.

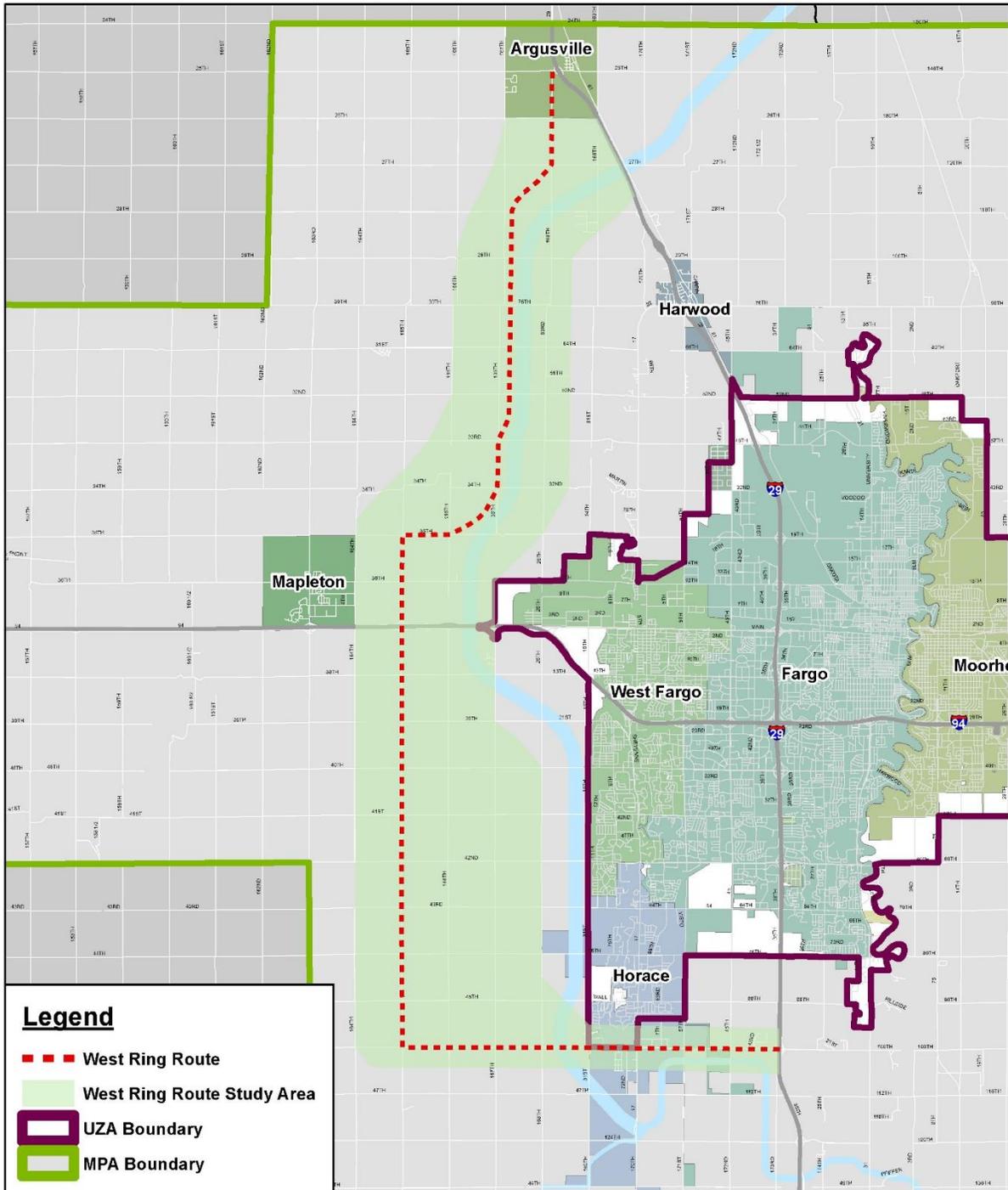
Metro COG is currently completing the Interstate Operations Analysis which analyzes current and projected traffic along the interstate system within the Fargo-Moorhead metropolitan area. As part of this study, a preliminary look at projected traffic volumes on a west metro perimeter highway found that this corridor would be one of the most heavily traveled highways in Cass County.

In addition, a large flood control project, the FM Area Diversion, is currently underway which is constructing a channel west of the metro area. As part of this project, land has been acquired for the FM Area Diversion project. Purchased land adjacent to the channel should be sufficient for other uses such as a highway. With unneeded land being sold back in the near future, it is imperative to analyze whether a west metro perimeter highway is warranted and feasible in the near and/or long-term horizon.

The objective of this planning study (project) is to analyze the need and feasibility of a west metro perimeter highway, develop layouts, alternatives, and planning level cost estimates, determine needed right-of-way, and develop an implementation strategy.

A map on the following page shows the location of the study area.

Figure 1 - Study Area Map



III SCOPE OF WORK AND PERFORMANCE TASKS

Outlined below is the scope of work that will guide development of the West Metro Perimeter Highway Study. Metro COG has included the following scope of work to provide interested Consultants with insight into project intent, context, coordination, responsibilities, and other elements to help facilitate proposal development.

This outline is not necessarily all-inclusive. The Consultant may include in the proposal any additional performance tasks or the modification of the tasks listed below that will integrate approaches to successfully complete the project. At a minimum, the Consultant is expected to complete the following tasks as part of this project:

Task 1 - Project Management and Coordination

This task involves activities required to manage the project including staff, equipment and documentation. It also includes the preparation of monthly progress reports, documenting travel and expense receipts, and preparing and submitting invoices for reimbursement. In addition, this task includes progress meetings with Metro COG. It should be assumed that progress meetings will occur at least monthly and as needed in between.

The Consultant will assign a single person to serve through the life of the contract as Consultant Project Manager ("PM"). The PM must be the person identified in the selected firm's proposal and may not be changed without prior written approval of Metro COG. The PM is responsible for overall project management necessary to ensure the satisfactory completion of the West Metro Perimeter Highway Study, on-time and on-budget, in accordance with the scope of services. The PM will serve as a single point of contact and will be expected to ensure the Consultant team is properly managed, adequate resources are available, submittals are timely, quality control processes are utilized for maximum benefit, and invoices are paid in a timely fashion.

The PM will submit monthly invoices with documentation acceptable to Metro COG throughout the life of the contract. Invoices must include the monthly progress report, a breakout of activities by task, employee hours for those tasks, and any supportive documentation for expenses. All invoice submittals, including progress reports, and any supportive materials shall be submitted to the Metro COG project manager no later than the 2nd Thursday of the month. This is to ensure invoices are processed in a timely fashion.

Task 2 – Existing & Planned Conditions

The Consultant shall gather and analyze existing and planned conditions relative to the study area. Planned conditions will entail conditions which will be in-place upon completion of the FM Area Diversion. Metro COG and applicable jurisdictions can aid in these efforts by providing relevant information where it exists. All other information necessary to accomplish the goals of the Existing & Planned Conditions task will need to be compiled by the Consultant. (Note – engineering services such as surveying and

geotechnical analysis are not eligible for Metro COG reimbursement; therefore, such datasets will need to be collected through desk review research).

Existing conditions should include but is not limited to:

- Roadways within study area
- Roadway cross sections & rights of way
- Features such as rivers, drains, utilities, and railroads
- Utilize existing AADTs and truck counts
- Potential ADT counts and/or turning movement counts at up to four locations if deemed necessary during the study
- Existing and proposed bicycle/pedestrian infrastructure
- Metro Flood Diversion Authority-owned land
- Environmental data (wetlands, etc.)
- Existing and proposed land use
- Jurisdictional authority (roadways, access management, land use, jurisdictional & extraterritorial boundaries, etc.)

Planned conditions should include but is not limited to:

- FM Diversion cross sections
- FM Diversion bridges & bridge layouts
- FM Diversion features such as service roads, structures, etc.
- Future Cass County roadway/bridge plans
- Planned recreational facilities (Fargo-Moorhead Greenway Recreation Master Plan)

The Consultant should also review relevant documents and studies related to this project. Special attention should be given to Metro COG's Interstate Operations Analysis which is scheduled for completion in the spring of 2023. Other relevant studies include the 2018 Cass County Comprehensive & Transportation Plan, the 2045 Fargo-Moorhead Metro Transportation Plan, Fargo-Moorhead Greenway Recreation Master Plan, and the 2022 Fargo-Moorhead Bicycle & Pedestrian Plan.

Task 3 – Community Engagement

Community engagement will include the following:

Study Review Committee Meetings

Development of this study will be guided by a Study Review Committee (SRC) who will provide oversight and input into the study process, methodology, parameters of alternatives, and overall findings and recommendations. The Consultant should propose the quantity, timing, and content of these meetings.

The Consultant will be responsible for the preparation and coordination of all information, documents, and agendas for the SRC. The Consultant will be expected to distribute materials to the SRC in a timely manner, no less than three business days prior to the meetings. Metro COG and the Consultant will work together in coordinating and scheduling SRC meetings. The Consultant is also responsible for the recording of meeting minutes, which should be submitted to Metro COG's project manager and will serve as documentation of the SRC's guidance and decisions.

Public Involvement

The Consultant shall propose an approach for public involvement which shall be in accordance with Metro COG's Public Participation Plan (see recently adopted PPP update at https://fmmetrocog.org/application/files/4016/7277/3608/2022_PPP_-_Final_Policy_Board_Review.pdf). The Consultant, in cooperation with Metro COG and local agencies, will facilitate all public engagement activities, and should propose the number, type, and strategy for each public involvement effort.

Please note that all public notices, mailings, and social media boosts, etc. shall be paid for out of the project budget. Metro COG's website will be used to host the project webpage, and Metro COG staff will work with the Consultant to keep the website up-to-date with content provided by the Consultant team.

Stakeholder Outreach

In conjunction with Metro COG and the SRC, the Consultant shall develop a list of stakeholders which could be impacted by a proposed west metro perimeter highway. These stakeholders could include, but not be limited to: the cities of Argusville, Harwood, and Horace, the associated townships, BNSF, Rush River Water Resource District, Maple River Water Resource District, SE Cass Water Resource District, and any other applicable stakeholders.

Task 4 – Purpose and Need

The Consultant shall work with Metro COG and the SRC in developing a Purpose and Need Statement for inclusion within the study.

Task 5 – Travel Analysis

Using the Fargo-Moorhead metro area travel demand model (TDM) and other analysis tools, Metro COG's recent Interstate Operations Analysis analyzed projected use of a west metro perimeter highway for both year 2045 and a full buildout scenario. The Consultant should utilize the TDM results provided by the Interstate Operations Analysis as a basis for travel analysis in this study. The Consultant should also use origin-destination tools such as StreetLight to analyze the origins and destinations of existing trips to inform the potential demand for the perimeter highway.

The Consultant should determine existing and projections of future ADTs and truck volumes for key roadways which will intersect the west metro perimeter highway, including the north and south termini of the perimeter highway.

Other methods and traffic analysis tools may be necessary to determine future travel demand, the necessary roadway capacity and necessary intersection and interchange layouts.

The Consultant should plan to use 2045 as the future year planning horizon (as well as a full buildout scenario). However, the Fargo-Moorhead travel demand model (TDM) is currently being updated which will be developed for the 2050 planning year. If the 2050 TDM is developed in time for this study the 2050 TDM should be utilized instead of the 2045 TDM.

Task 6 – Development of Alternatives

The Consultant will analyze the future conditions of a No Build alternative. This alternative should look at the impact the absence of a west metro perimeter highway will have on the interstate system through the Fargo-Moorhead metro area as well as other routes. This alternative should also include impacts on the interstate system due to construction and incidents on I-94 and/or I-29 that would result in lane closures or an entire shutdown of the interstate(s).

Two phases of alternative analysis should take place as part of this study. The first phase should be a 'high elevation' alignment analysis which shall look at up to two alternate alignments north of I-94 and up to two alternative alignments south of I-94. These alignment alternatives will be in addition to the preliminary alignment shown in Figure 1. These alignment alternatives should be located within the study area as shown in Figure 1 and should be developed in cooperation with the SRC.

Once alternative alignments have been developed, these alignments should be analyzed for feasibility. This feasibility analysis should include the preliminary alignment shown in Figure 1. In cooperation with the SRC and feedback from stakeholders and the public, a recommended alternative should be brought forward for further analysis which will be the second phase of alternative analysis.

As part of the second phase of alternative analysis, the Consultant should take the recommended alternative developed in the first phase and develop sub-alternatives where necessary. Sub-alternatives should be developed where the alignment connects to I-29 and I-94. Other sub-alternatives may also be necessary where the alignment intersects key roadways, railroads, FM Area Diversion bridges, or any other features. These sub-alternatives should be vetted through the SRC.

As part of this task, environmental and social impacts should be evaluated and planning level cost estimates shall be developed.

The Consultant shall work jointly with Metro COG and the SRC in development of the alternatives. As part of this task, the Consultant will prepare planning level cost estimates for the alternatives and sub-alternatives.

Task 7 – Right-of-way Needs

Based on the alternatives which will be considered as part of this study, the Consultant shall determine the right-a-way required for the alternatives and sub-alternatives. This shall include planning-level costs estimates. The corridor's right-of-way adjacent to the FM Area Diversion is owned by the Metro Flood Diversion Authority. However, some alternatives may require right-of-way not owned by the Diversion Authority. Meanwhile, the corridor's right-of-way outside of FM Diversion area will likely be a mix of county, township, and privately-owned property.

The right-of-way needs analysis is a crucial part of this study as the Diversion Authority may be selling back unneeded right-of-way in future years. This study should look at right-of-way needs both into the planning year of 2045 as well as corridor preservation needs beyond 2045, should a potential roadway widening project be justified in the far-term.

Task 8 – Implementation Plan

An implementation plan shall be developed to determine the phasing of both right-of-way acquisition as well as construction timing of various portions of the west metro perimeter highway. Considerations in this implementation plan could include FM Area Diversion construction, future land use needs, regional traffic needs (including future traffic on I-29 & I-94), funding, and more. In addition, the implementation plan shall determine future ownership of the west metro perimeter highway.

The implementation plan should also include recommended access control along the proposed west perimeter highway corridor as well as criteria jurisdictions can use to limit urban sprawl in vicinity of the corridor.

The implementation plan shall also include grant funding opportunities including, but not limited to: RAISE grant, INFRA grant, RURAL grant, and MEGA grant.

Task 9 – Draft Report

Upon completion of the aforementioned tasks, the Consultant shall provide a draft report for review by the SRC, stakeholders, and public. The report shall include but not be limited to: existing conditions information, the study's purpose and need, public involvement information and results, alternative layouts and analysis, planning level cost estimates, right-of-way needs, implementation, and pertinent maps and graphics.

The report shall include an appendix. Meeting summaries, public involvement results, and technical analysis should be included in the appendix of the report.

Task 10 – Final Report

Once comments on the draft report have been received and addressed, the Consultant shall assemble the final report. The final report shall be in PDF format.

Task 11 – Adoption Process

As part of the study's adoption process, presentations will be made to local boards and committees. The Consultant should budget for up to four presentations of the final study to local boards and committees.

NOTE: While under contract, if the Consultant wishes to modify or include additional tasks deemed necessary to complete the study, this must be agreed to by Metro COG before issuing the notice to proceed.

IV IMPLEMENTATION SCHEDULE

1) Consultant Selection

Advertise for Consultant Proposals	approximately 4/21/2023
Due Date for Proposal Submittals (by 4:30pm)	5/19/2023
Review Proposals/Identify Finalists	5/22/2023 – 5/26/2023
Interview Finalists	between 5/31/2023 – 6/7/2023
Metro COG Board Approval/Consultant Notice	6/15/2023
Contract Negotiations	6/16/2023 – 6/23/2023
Signed Contract	approximately 6/26/2023
QBS Submittal & Approval (between NDDOT & Metro COG)	6/26/23 – 7/7/23
Notice to Proceed*	approximately 7/10/2023

***Notice to Proceed shall not be issued until the Consultant has provided all materials required for contracting, including, but not limited to, the Proposed Sub-Consultant Request form (SFN 60232 (9-2016) and Prime Consultant Request to Sublet form (SFN 60233 (9-2019) form, if applicable, and the Qualifications Based Selection documentation has been fully compiled by Metro COG and submitted to and approved by the North Dakota Department of Transportation.**

2) Project Development (Major Milestones)

Project Kick-off	July 2023
Plan Development	July 2023 – March 2024

Final Draft of Study	April 2024
Final Completion of Study	May 2024
Presentations to committees and boards	June - July 2024
Final Invoices Received	July 2024

V EVALUATION AND SELECTION PROCESS.

Selection Committee. The Client will establish a multijurisdictional selection committee to select a Consultant. The Selection Committee will likely consist of staff from Metro COG, Cass County, the City of Horace, and any other applicable stakeholders.

The Consultant selection process will be administered under the following criteria:

- 20% - Understanding of study objectives and local/regional issues
- 20% - Proposed approach, work plan, and management techniques
- 20% - Experience with similar projects
- 20% - Expertise of the technical and professional staff assigned to the project
- 15% - Current workload and ability to meet deadlines
- 5% - Inclusion of DBE/MBE firm on project team

The Selection Committee, at the discretion of the Client and under the guidance of NDDOT policy, will entertain formal in-person or virtual presentations for the top candidates to provide additional information for the evaluation process. The presentations will be followed by a question-and-answer period during which the committee may question the prospective Consultants about their proposed approaches.

A Consultant will be selected on June 15th, 2023 based on an evaluation of the proposals submitted, the recommendation of the Selection Committee and approval by the Metro COG Policy Board.

The Client reserves the right to reject any or all proposals or to waive minor irregularities in said proposal, and reserves the right to negotiate minor deviations to the proposal with the successful Consultant. The Client reserves the right to award a contract to the firm or individual that presents the proposal, which, in the sole judgement of the Client, best accomplishes the desired results.

The RFP does not commit the Client to award a contract, to pay any costs incurred in the preparation of the contract in response to this request or to procure or contract for services or supplies. The Client reserves the right to withdraw this RFP at any time without

prior notice.

All proposals, whether selected or rejected, shall become the property of the Client.

VI PROPOSAL CONTENT

The purpose of the proposal is to demonstrate the qualifications, competence, and capacity of the Consultant seeking to provide comprehensive services specified herein for the Client, in conformity with the requirements of the RFP. The proposal should demonstrate qualifications of the firm and its staff to undertake this project. It should also specify the proposed approach that best meets the RFP requirements. The proposal must address each of the service specifications under the Scope of Work and Performance Tasks.

The Client is asking the Consultant to supply the following information. Please include all requested information in the proposal to the fullest extent practical.

- 1) **Contact Information.** Name, telephone number, email address, mailing address and other contact information for the Consultant's Project Manager.
- 2) **Introduction and Executive Summary.** This section shall document the Consultant name, business address (including telephone, email address(es)), year established, type of ownership and parent company (if any), project manager name and qualifications, and any major facts, features, recommendations or conclusions that may differentiate this proposal from others, if any.
- 3) **Work Plan and Project Methodology.** Proposals shall include the following, at minimum:
 - a) A detailed work plan identifying the major tasks to be accomplished relative to the requested study tasks and expected product as outlined in this RFP;
 - b) A timeline for completion of the requested services, including all public participation opportunities and stakeholder meetings, identifying milestones for development of the project and completion of individual tasks.
 - c) List of projects with similar size, scope, type, and complexity that the proposed project team has successfully completed in the past.
 - d) List of the proposed principal(s) who will be responsible for the work, proposed Project Manager and project team members (with resumes).
 - e) A breakout of hours for each member of the team by major task area, and an overall indication of the level of effort (percentage of overall project team hours) allocated to each task. Note that specific budget information

is to be submitted in a sealed cost proposal as described below in Section VIII. General Proposal Requirements.

- f) A list of any subcontracted agencies, the tasks they will be assigned, the percent of work to be performed, and the staff that will be assigned.
 - g) List of client references for similar projects described within the RFP.
 - h) Disadvantaged Business Enterprise (DBE) and/or Minority Business Enterprise (MBE) Firms, if applicable.
 - i) Ability of firm to meet required time schedules based on current and known future workload of the staff assigned to the project.
- 4) **Signature.** Proposals shall be signed by an authorized member of the firm/project team.
- 5) **Attachments.** Review, complete, and submit the completed versions of the following RFP Attachments with the proposal:

Exhibit A - Cost Proposal Form (as identified in VIII 1) – Submit as sealed hard copy

Exhibit B – Federal Clauses

Exhibit C – SFN 60232: Proposed Sub-Consultant Request

VII SUBMITTAL INFORMATION

Proposals shall be submitted in PDF format. Sealed cost proposals shall be submitted as a hard copy. Cost proposals should be shipped to ensure timely delivery to the contact as defined below:

Dan Farnsworth
Transportation Planner
Fargo-Moorhead Metropolitan Council of Governments
Case Plaza, Suite 232
One 2nd Street North
Fargo, ND 58102-4807
farnsworth@fmmetrocog.org

All proposals received by 4:30 p.m. on Friday, May 19, 2023 at Metro COG's office will be given equal consideration. Minority, women-owned and disadvantaged business enterprises are encouraged to apply. Respondents must submit one (1) PDF copy of the proposal. The full length of each proposal should not exceed thirty-five (35) pages; including any supporting material, charts, or tables.

The Consultant may ask for clarifications of the RFP by submitting written questions to the Metro COG project manager identified above.

VIII GENERAL RFP REQUIREMENTS.

- 1) Sealed Cost Proposal.** All proposals must be clearly identified and marked with the appropriate project name, inclusive of a separately sealed cost proposal per the requirements of this RFP. Cost proposals shall be based on an hourly "not to exceed" amount and shall follow the general format as provided within Exhibit A of this RFP. Metro COG may decide, in its sole discretion, to negotiate a price for the project after the selection committee completes its final ranking. Negotiation will begin with the Consultant identified as the most qualified per requirements of this RFP, as determined in the evaluation/selection process. If Metro COG is unable to negotiate a contract for services negotiations will be terminated and negotiations will begin with the next most qualified Consultant. This process will continue until a satisfactory contract has been negotiated. The sealed cost proposal is required to include the following documentation:

 - a. Documentation from the ND Secretary of State detailing the prime consultant is in good standing and is licensed to do business in the State of North Dakota**
 - b. Documentation that the prime consultant is registered with the ND Board of Registration**
 - c. Documentation showing registration with the federal System for Award Management (SAM.gov) that the prime consultant has not been suspended, debarred, voluntarily excluded, or deterred ineligible**
- 2) Consultant Annual Audit Information for Indirect Cost.** Consulting firms proposing to do work for Metro COG must have a current audit rate no older than 15 months from the close of the firms Fiscal Year. Documentation of this audit rate must be provided with the sealed cost proposal. Firms that do not meet this requirement will not qualify to propose or contract for Metro COG projects until the requirement is met. Firms that have submitted all the necessary information to Metro COG and are waiting for the completion of the audit will be qualified to submit proposals for work. Information submitted by a firm that is incomplete will not qualify. Firms that do not have a current cognizant Federal Acquisition Regulations (FARs) audit of indirect cost rates must provide this audit prior to the interview. **This documentation should be attached with the sealed cost proposal. The submitted Indirect Rate MUST match the Indirect Rate on all invoicing.**
- 3) Debarment of Suspension Certification and Certification of Restriction on Lobbying.** See Exhibit B, Federal Clauses regarding Debarment of Suspension and Restriction on Lobbying.

- 4) Respondent Qualifications.** Respondents must submit evidence that they have relevant past experience and have previously delivered services similar to the requested services within this RFP. Each respondent may also be required to show that similar work has been performed in a satisfactory manner and that no claims of any kind are pending against such work. No proposal will be accepted from a respondent whom is engaged in any work that would impair his or her ability to perform or finance this work.
- 5) Disadvantaged Business Enterprise.** Pursuant to Department of Transportation policy and 49 CFR Part 23, Metro COG supports the participation of DBE/MBE businesses in the performance of contracts financed with federal funds under this RFP. Consultants shall make an effort to involve DBE/MBE businesses in this project. If the Consultant is a DBE/MBE, a statement indicating that the business is certified DBE/MBE in North Dakota or Minnesota shall be included within the proposal. If the Consultant intends to utilize a DBE/MBE to complete a portion of this work, a statement of the Subconsultant's certification shall be included. The percent of the total proposed cost to be completed by the DBE/MBE shall be shown within the proposal. Respondents should substantiate (within proposal) efforts made to include DBE/MBE businesses.
- 6) US DOT Policy Statement on Bicycle and Pedestrian Accommodations.** Consultants are advised to review and consider the *US DOT Policy Statement on Bicycle and Pedestrian Accommodation* issued in March of 2010 when developing written proposals.
- 7) North Dakota Department of Transportation Consultant Administration Services Procedure Manual.** Applicants to this Request for Proposal are **required** to follow procedures contained in the *NDDOT Consultant Administration Services Procedure Manual*, which includes prequalification of consultants. This Manual may be found on the NDDOT website at www.dot.nd.gov/manuals/environmental/proceduremanual.pdf.

IX CONTRACTUAL INFORMATION.

- 1) The Client reserves the right to reject any or all proposals or to award the contract to the next most qualified firm if the successful firm does not execute a contract within forty-five (45) days after the award of the proposal. The Client will not pay for any information contained in proposals obtained from participating firms.
- 2) The Client reserves the right to request clarification on any information submitted and additionally reserves the right to request additional information of one (1) or more applicants.
- 3) Any proposal may be withdrawn up until the proposal submission deadline. Any proposals not withdrawn shall constitute an irrevocable offer for services set forth within the RFP for a period of ninety (90) days or until one or more of the proposals

have been approved by the Metro COG Policy Board.

- 4) If, through any cause, the Consultant shall fail to fulfill in a timely and proper manner the obligations agreed to, the Client shall have the right to terminate its contract by specifying the date of termination in a written notice to the firm at least ninety (90) working days before the termination date. In this event, the firm shall be entitled to just and equitable compensation for any satisfactory work completed.
- 5) Any agreement or contract resulting from the acceptance of a proposal shall be on forms either supplied by or approved by the Client and shall contain, as a minimum, applicable provisions of the Request for Proposals. The Client reserves the right to reject any agreement that does not conform to the Request for Proposal and any Metro COG requirements for agreements and contracts.
- 6) The Consultant shall not assign any interest in the contract and shall not transfer any interest in the same without prior written consent of Metro COG.
- 7) The Consultant agrees to not start any work on the project until the Qualifications Based Selection requirements have been satisfied and approved by the NDDOT, and Metro COG has provided the consultant with a notice to proceed.**

X PAYMENTS

The selected Consultant will submit invoices for work completed to the Client. Payments shall be made to the Consultant by the Client in accordance with the contract after all required services, and items identified in the scope of work and performance tasks, have been completed to the satisfaction of the Client.

XI FEDERAL AND STATE FUNDS

The services requested within this RFP will be partially funded with funds from the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA). As such, the services requested by this RFP will be subject to federal and state requirements and regulations.

The services performed under any resulting agreement shall comply with all applicable federal, state, and local laws and regulations. In addition, this contract will be subject to the relevant requirements of 2 CFR 200.

XII TITLE VI ASSURANCES

Prospective Consultants should be aware of the following contractual ("Contractor") requirements regarding compliance with Title VI should they be selected pursuant to this RFP:

- 1) **Compliance with Regulations.** The Consultant shall comply with the regulations

relative to nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations).

- 2) **Nondiscrimination.** The Consultant, with regard to the work performed by it, shall not discriminate on the grounds of race, color, national origin, sex, age, disability/handicap, or income status**, in the selection and retention of Subconsultants, including procurements of materials and leases of equipment. The Consultant shall not participate, either directly or indirectly, in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- 3) **Solicitations for Subcontracts, Including Procurements of Materials and Equipment.** In all solicitations, either by competitive bidding or negotiation, made by the Consultant for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential Subconsultant or supplier shall be notified by the Consultant of the Consultant's obligations to Metro COG and the Regulations relative to nondiscrimination on the grounds of race, color, national origin, sex, age, disability/handicap, or income status**.
- 4) **Information and Reports.** The Consultant shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by Metro COG or the North Dakota Department of Transportation to be pertinent to ascertain compliance with such Regulations, orders, and instructions. Where any information required of a Consultant is in the exclusive possession of another who fails or refuses to furnish this information, the Consultant shall so certify to Metro COG, or the North Dakota Department of Transportation, as appropriate, and shall set forth what efforts it has made to obtain the information.
- 5) **Sanctions for Noncompliance.** In the event of the Consultant's noncompliance with the nondiscrimination provisions as outlined herein, the Client and the North Dakota Department of Transportation shall impose such sanctions as it or the Federal Highway Administration / Federal Transit Administration may determine to be appropriate, including but not limited to:
 - 6) Withholding of payments to the Consultant under the contract until the Consultant complies; or
 - 7) Cancellation, termination, or suspension of the contract, in whole or in part.
- 8) **Incorporation of Title VI Provisions.** The Consultant shall include the provisions of Section XII, paragraphs 1 through 5 in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto.

The Consultant shall take such action with respect to any subcontract or procurement as Metro COG or the U.S. Department of Transportation, Federal Highway Administration, may direct as a means of enforcing such provisions, including sanctions for noncompliance provided, however, that in the event a Consultant becomes involved in, or is threatened with, litigation by a Subconsultant or supplier as a result of such direction, the Consultant may request Metro COG enter into such litigation to protect the interests of Metro COG; and, in addition, the Consultant may request the United States to enter into such litigation to protect the interests of the United States.

** The Act governs race, color, and national origin. Related Nondiscrimination Authorities govern sex, 23 U.S.C. 324; age, 42 U.S.C. 6101; disability/handicap, 29 U.S.C. 790; and low income, E.O. 12898.

XIII TERMINATION PROVISIONS

The Client reserves the right to cancel any contract for cause upon written notice to the Consultant. Cause for cancellation will be documented failure(s) of the Consultant to provide services in the quantity or quality required. Notice of such cancellation will be given with sufficient time to allow for the orderly withdrawal of the Consultant without additional harm to the participants or the Client.

The Client may cancel or reduce the amount of service to be rendered if there is, in the opinion of the Client, a significant increase in local costs; or if there is insufficient state or federal funding available for the service, thereby terminating the contract or reducing the compensation to be paid under the contract. In such event, the Client will notify the Consultant in writing ninety (90) days in advance of the date such actions are to be implemented.

In the event of any termination, the Client shall pay the agreed rate only for services delivered up to the date of termination. The Client has no obligation to the Consultant, of any kind, after the date of termination. Consultant shall deliver all records, equipment and materials to the Client within 24 hours of the date of termination.

XIV LIMITATION ON CONSULTANT

All reports and pertinent data or materials are the sole property of the Client and its state and federal planning partners and may not be used, reproduced or released in any form without the explicit, written permission of the Client.

The Consultant should expect to have access only to the public reports and public files of local governmental agencies and the Client in preparing the proposal or reports. No compilation, tabulation or analysis of data, definition of opinion, etc., should be anticipated by the Consultant from the agencies, unless volunteered by a responsible official in those agencies.

XV CONFLICT OF INTEREST

No Consultant, Subconsultant, or member of any firm proposed to be employed in the preparation of this proposal shall have a past, ongoing, or potential involvement which could be deemed a conflict of interest under North Dakota Century Code or other law. During the term of this Agreement, the Consultant shall not accept any employment or engage in any consulting work that would create a conflict of interest with the Client or in any way compromise the services to be performed under this agreement. The Consultant shall immediately notify the Client of any and all potential violations of this paragraph upon becoming aware of the potential violation.

XVI INSURANCE

The Consultant shall provide evidence of insurance as stated in the contract prior to execution of the contract.

XVII RISK MANAGEMENT

The Consultant agrees to defend, indemnify, and hold harmless the Client and the state of North Dakota, its agencies, officers and employees (State), from and against claims based on the vicarious liability of the Client and the State or its agents, but not against claims based on the Client's and the State's contributory negligence, comparative and/or contributory negligence or fault, sole negligence, or intentional misconduct. The legal defense provided by Consultant to the Client and the State under this provision must be free of any conflicts of interest, even if retention of separate legal counsel for the Client and the State is necessary. Consultant also agrees to defend, indemnify, and hold the Client and the State harmless for all costs, expenses and attorneys' fees incurred if the Client or the State prevails in an action against Consultant in establishing and litigating the indemnification coverage provided herein. This obligation shall continue after the termination of this Agreement.

The Consultant shall secure and keep in force during the term of this agreement, from insurance companies, government self-insurance pools or government self-retention funds authorized to do business in North Dakota, the following insurance coverage:

1. Commercial general liability and automobile liability insurance - minimum limits of liability required are \$250,000 per person and \$1,000,000 per occurrence.
2. Workforce Safety insurance meeting all statutory limits.
3. The Client and the State of North Dakota, its agencies, officers, and employees (State) shall be endorsed as an additional insured on the commercial general liability and automobile liability policies.
4. Said endorsements shall contain a "Waiver of Subrogation" in favor of the Client and the state of North Dakota.

5. The policies and endorsements may not be canceled or modified without thirty (30) days prior written notice to the undersigned Client and the State Risk Management Department.

The Consultant shall furnish a certificate of insurance evidencing the requirements in 1, 3, and 4, above to the Client prior to commencement of this agreement.

The Client and the State reserve the right to obtain complete, certified copies of all required insurance documents, policies, or endorsements at any time. Any attorney who represents the State under this contract must first qualify as and be appointed by the North Dakota Attorney General as a Special Assistant Attorney General as required under N.D.C.C. Section 54-12-08.

When a portion of the work under the Agreement is sublet, the Consultant shall obtain insurance protection (as outlined above) to provide liability coverage to protect the Consultant, the Client and the State as a result of work undertaken by the Subconsultant. In addition, the Consultant shall ensure that any and all parties performing work under the Agreement are covered by public liability insurance as outlined above. All Subconsultants performing work under the Agreement are required to maintain the same scope of insurance required of the Consultant. The Consultant shall be held responsible for ensuring compliance with those requirements by all Subconsultants.

Consultant's insurance coverage shall be primary (i.e., pay first) as respects any insurance, self-insurance or self-retention maintained by the Client or State. Any insurance, self-insurance or self-retention maintained by the Client or the State shall be excess of the Consultant's insurance and shall not contribute with it. The insolvency or bankruptcy of the insured Consultant shall not release the insurer from payment under the policy, even when such insolvency or bankruptcy prevents the insured Consultant from meeting the retention limit under the policy. Any deductible amount or other obligations under the policy(ies) shall be the sole responsibility of the Consultant. This insurance may be in a policy or policies of insurance, primary and excess, including the so-called umbrella or catastrophe form and be placed with insurers rated "A-" or better by A.M. Best Company, Inc. The Client and the State will be indemnified, saved, and held harmless to the full extent of any coverage actually secured by the Consultant in excess of the minimum requirements set forth above.

Exhibit A – Cost Proposal Form

Cost Proposal Form – Include completed cost form (see below) in a separate sealed envelope – labeled “**Sealed Cost Form – Vendor Name**” and submit with concurrently with the technical proposal as part of the overall RFP response. The cost estimate should be based on a not to exceed basis and may be further negotiated by Metro COG upon identification of the most qualified Consultant. Changes in the final contract amount and contract extensions are not anticipated.

REQUIRED BUDGET FORMAT

Summary of Estimated Project Cost

1.	Direct Labor	Hours	x	Rate	=	Project Cost	Total
	Name, Title, Function	0.00	x	0.00	=	0.00	0.00
			x		=	0.00	0.00
			x		=	0.00	0.00
				Subtotal	=	0.00	0.00
2.	Overhead/Indirect Cost (expressed as indirect rate x direct labor)					0.00	0.00
3.	Subconsultant Costs					0.00	0.00
4.	Materials and Supplies Costs					0.00	0.00
5.	Travel Costs					0.00	0.00
6.	Fixed Fee					0.00	0.00
7.	Miscellaneous Costs					0.00	0.00
Total Cost						=	0.00

Exhibit B - Federal Clauses

Equal Employment Opportunity Clause – 41 CFR 60-1.4(a) and 2 CFR Part 200 Appendix II (C)

41 CFR 60-1.4(a)

- (a) *Government contracts.* Except as otherwise provided, each contracting agency shall include the following equal opportunity clause contained in section 202 of the order in each of its Government contracts (and modifications thereof if not included in the original contract): during the performance of this contract, the contractor agrees as follows:
- (1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer, recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of the nondiscrimination clause.
 - (2) The contract will, in all solicitations or advertisements for employees placed by or no behalf of the contractor, state that all qualified applicants will receive considerations for employment without regard to race, color, religion, sex, or national origin.
 - (3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under section 202 of Executive Order 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
 - (4) The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the secretary of labor.
 - (5) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by the rules, regulations, and orders of the secretary of labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the secretary of labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

- (6) In the event of the contractor's non-compliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be canceled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further government contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the secretary of labor, or as otherwise provided by law.
- (7) The contractor will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the secretary of labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as may be directed by the secretary of labor as a means of enforcing such provisions including sanctions for noncompliance: *provided, however, that in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction, the contractor may request the United States to enter into such litigation to protect the interests of the United States.*

2 CFR Part 200 Appendix II (C)

- (C) Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of "federally assisted construction contract" in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, "Equal Employment Opportunity" (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and implementing regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor."

Sanctions and Penalties for Breach of Contract – 2 CFR Part 200 Appendix II (A)

- (A) Contracts for more than the simplified acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

Termination for Cause and Convenience – 2 CFR Part 200 Appendix II (B)

- (B) All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be affected and the basis for settlement.

Rights to Inventions Made Under a Contract or Agreement – 2 CFR Part 200 Appendix II (F)

- (F) Right to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of "Funding agreement" under 37 CFR § 401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that "funding agreement," the recipient of subrecipient must comply with the requirements of 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.

Debarment and Suspension – 2 CFR Part 200 Appendix II (I)

- (I) Debarment and Suspension (Executive Orders 12549 and 12689) – A contract award (see 2 CFR 180.220) must not be made to parties listed on the governmentwide Excluded Parties List System in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR Part 1986 Comp., p. 189) and 12689 (3 CFR Part 1989 Comp., p.235), "Debarment and Suspension." The Excluded Parties List System in SAM contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

Byrd Anti-Lobbying Amendment – 2 CFR Part 200 Appendix II (J)

- (J) Byrd Anti-Lobbying Amendment (31 U.S.C 1352) – Contractors that apply or bid for an award of \$100,000 or more must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

Exhibit C – SFN 60232: Proposed Sub-Consultant Request

DRAFT

PROPOSED SUB-CONSULTANT REQUEST

North Dakota Department of Transportation, Environmental & Transportation Services
SFN 60232 (9-2016)

Sub-Consultant firms that have been contacted and agree to be listed on a Prime Consultants Project Proposal for work with NDDOT must submit original form and one copy to be attached to the Prime Consultants Proposal. This form is used for informational purposes only.

NDDOT Project Number		NDDOT Project Control Number	Prime Consultant Company Name	
Company Name		Owner		
Address		City	State	ZIP Code
Company Telephone Number	Fax Number		Email Address	

Type of Work to be Subcontracted

<input type="checkbox"/> Appraisals	<input type="checkbox"/> Environmental	<input type="checkbox"/> Planning	<input type="checkbox"/> Structural Design
<input type="checkbox"/> Architecture	<input type="checkbox"/> Geotechnical	<input type="checkbox"/> Public Involvement	<input type="checkbox"/> Survey
<input type="checkbox"/> Bridge Inspection	<input type="checkbox"/> Materials Testing	<input type="checkbox"/> Roadway Design	<input type="checkbox"/> Traffic Operations
<input type="checkbox"/> Construction Engineering	<input type="checkbox"/> Partnering Facilitation	<input type="checkbox"/> Soil Contamination	<input type="checkbox"/> Wetlands Delineation
<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Photogrammetry	<input type="checkbox"/> Steel Fabrication	<input type="checkbox"/> Other

The undersigned declares that all statements listed above are true.

Firm Name
Print Name
Title

Signature	Date
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Is Firm Currently NDDOT Certified as a DBE?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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To: Metro COG Policy Board
From: Michael Maddox, Senior Transportation Planner
Jaron Capps GIS Coordinator
Date: April 14, 2023
Re: **Updated Urbanized Area Boundary Proposal**

The primary purpose of the memorandum is to outline considerations regarding potential adjustments to the 2020 Census-defined Urbanized Area (UZA) for the FM Metropolitan Area. The existing UZA, approved after the 2010 Census, **is shown in Attachment 1**. The **draft proposed UZA is shown in Attachment 2** for your review and consideration.

Metro COG followed these parameters instructed by FHWA and NDDOT to create the proposed boundary:

- Boundary needs to encompass the entire Census Urban Area Boundary
- The boundary should encompass one contiguous area
- Maintain consistency with highway functional classifications
- The boundary should not split roadways or ramps
- Simple, without irregularities
- Align with existing planning boundaries or other physical features
- The boundary should include areas with urban characteristics, such as airports, industrial areas, transportation terminals, major activity centers, etc.

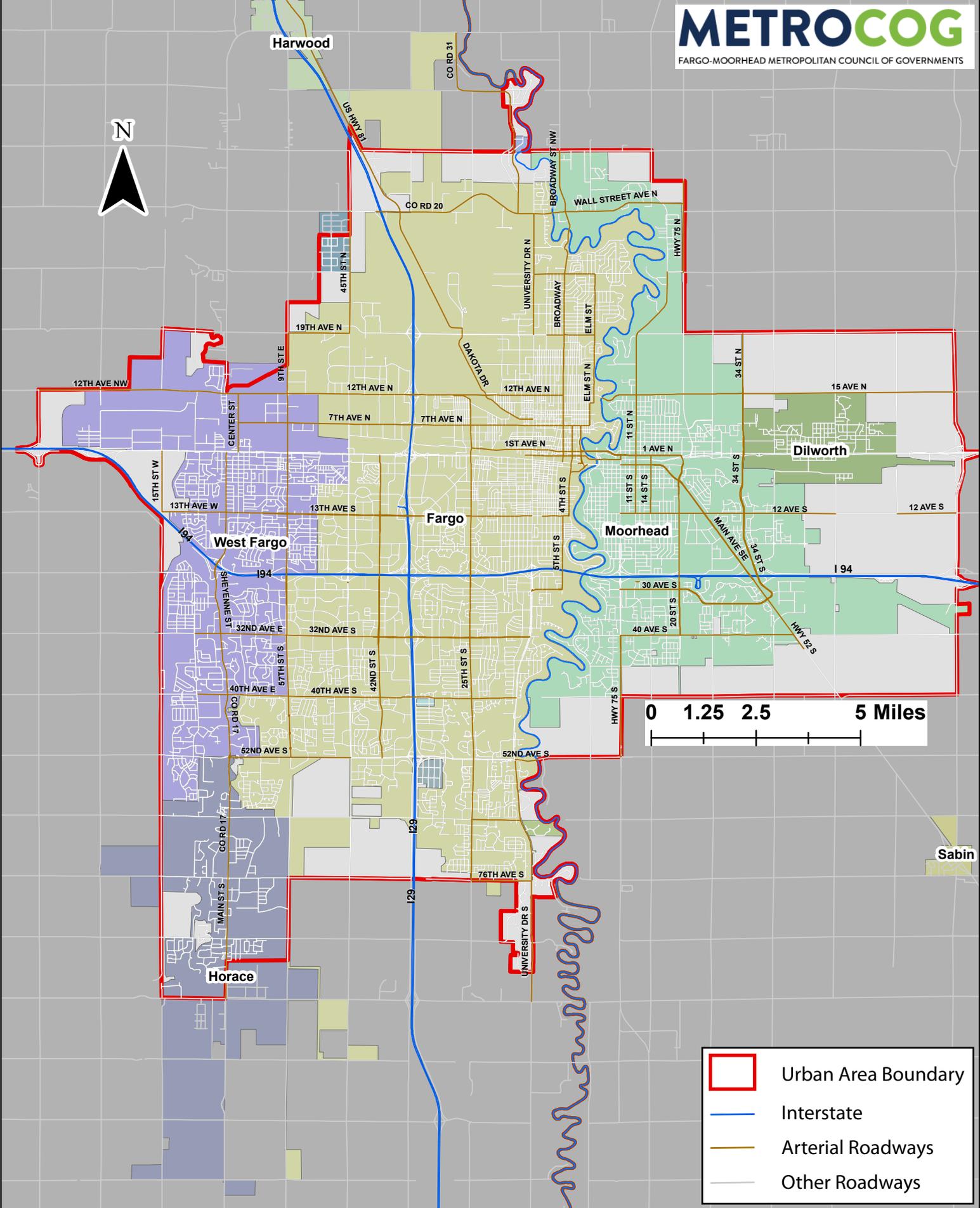
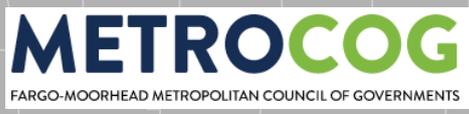
After internal discussion and consideration of the UZA guidance provided by FHWA and NDDOT, we believe the most proactive approach to updating the UZA is to extend the boundary to ¼ mile west of the diversion footprint. Also, significant roadways were used as boundary borders, such as Cass County Roads 17, 20, and 22; 100th Ave S; Clay County Roads 12, 18, 26, and 74; Mn State Highway 336; and US 75. As directed by the guidance, the boundary lies along the outside of the right of way for these roadways to ensure that the entire right of way is included in the UZA. City boundaries were used in some instances where a significant roadway or the diversion alignment did not make sense. The inclusion of the City of Harwood in the UZA is recommended due to the adjacency to the City of Fargo and the flood protection that will be provided by the diversion.

The deadline for a **PRELIMINARY REVIEW is JUNE 1, 2023** to NDDOT. Any feedback received from the TTC at the April meeting will be incorporated into the map prior to being presented to the Policy Board.

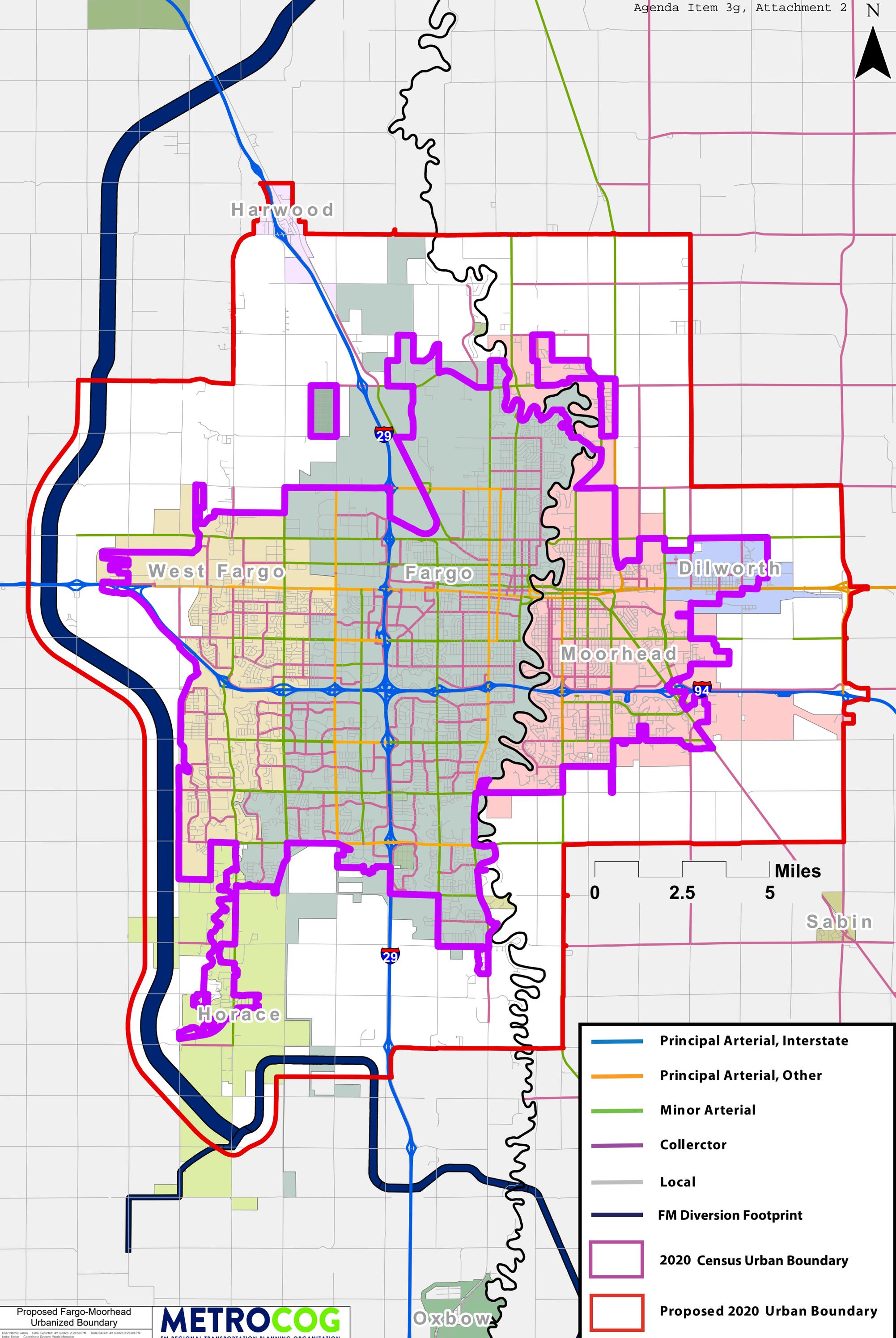
Upon Policy Board approval, the proposed UZA update will be forwarded to NDDOT for review. If Metro COG receives any feedback from NDDOT, MnDOT, FHWA, or FTA, proposed changes to address that feedback will be brought before the TTC and Policy Board prior to resubmittal. The **FINAL DEADLINE is SEPTEMBER 1, 2023**. The TTC recommended approval on April 13, 2023.

Requested Action: Policy Board approval of the Proposed Urban Boundary Map for NDDOT Preliminary Submittal.

Urbanized Area Boundary



-  Urban Area Boundary
-  Interstate
-  Arterial Roadways
-  Other Roadways



-  Principal Arterial, Interstate
-  Principal Arterial, Other
-  Minor Arterial
-  Collector
-  Local
-  FM Diversion Footprint
-  2020 Census Urban Boundary
-  Proposed 2020 Urban Boundary

0 2.5 5 Miles



To: Policy Board
From: Cindy Gray, AICP – Executive Director
Date: April 14, 2023
Re: **Potential 2023 and 2024 UPWP Amendments**

On March 13 of 2023, Metro COG participated in the ND MPO Directors' Meeting – 1st Quarter 2023. This meeting is held roughly quarterly, and involves staff from the MPOs, NDDOT, FHWA, FTA, and in this particular case, City of Minot staff, since Minot will be designated as a new MPO starting in FY 2024. This discussion item is in direct response to one of the issues discussed at the meeting.

NDDOT explained that FHWA is scrutinizing the lag in spending of Consolidated Planning Grant (CPG) funds designated for North Dakota MPOs. In an effort to get the funds programmed and authorized for use, NDDOT asked the three MPOs for an updated 2023 budget. Metro COG is already in a position where our UPWP needs to be updated to:

- add the Safe Streets for All (SS4A) Safety Action Plan and adjust staff hours to accommodate time spent on the plan,
- adjust a few operations and overhead costs, including the need for a new and upgraded server.

Several project-related opportunities have arisen and have been discussed with local partners. These opportunities have been described and their costs estimated in the form of a budget update summary provided to NDDOT this week. The summary is attached for your reference (**Attachment 1**). I will go through this at the Policy Board meeting. Some or all of these items may be moving forward to the TTC and Policy Board in May as UPWP amendments.

The Transportation Technical Committee (TTC) discussed this at their April 13 meeting and had a favorable reaction to the opportunity to add projects to our work program.

Requested Action: None – discussion item only.

Metro COG 2023-2024 Budget Summary

2023 Internal Operations and Overhead

Metro COG's personnel costs have been updated with actual insurance and health savings account costs and the 2023 salary adjustment that was approved by the Policy Board at year-end.

Overhead costs have been adjusted to account for actual figures rather than estimates, and the addition of a new, upgraded server has been included in the IT budget.

The costs shown in the attached table reflect an increase in CPG funds of \$48,800 for Operations and Overhead over what was approved in the UPWP.

2023 Projects

Metro COG's 2023 projects are reflected as approved in the UPWP. However, five additions to the scope have been requested. Each addition is described below:

1. [Metropolitan Transportation Plan Workshop](#) – Since the recent completion of the Housing Study, a desire has surfaced to have a strong connection between the recommendations of the housing study and the MTP. This is supported by IJJA. The consultant team has already scoped a workshop at some point during the process, but the idea for a broader workshop in the summer of 2023 has been discussed.

Estimated cost: \$25,000 (\$20,000 CPG, \$5,000 local)

2. [Metro Railroad Needs Study](#) – BNSF has participated in two meetings with Metro COG and local officials to ask for the metro area's participation in a rail study. They have offered \$100,000 in financial participation. Metro COG has asked for their participation to be increased to \$150,000. Local jurisdictions have identified several matters that they would like studied relative to railroad bridges, street alignments near railroads, conversion of at-grade crossings to grade separations, and future roadway extensions that will require railroad grade separations.

Estimated cost: \$400,000 (\$250,000 CPG, \$62,500 match from BNSF, and \$87,500 in overmatch from BNSF)

3. [Uni10 Scope Amendment](#) – More funds are needed to fully fund the second phase of this project, where strategies to improve traffic operation, bicycle and pedestrian safety, vehicular safety, quality of life, and reduce speeding will be considered and additional public engagement will be carried out. This will involve working closely with neighborhood associations, NDSU, the Fargo School District and downtown property owners.

Estimated cost: \$125,000 (\$100,000 CPG, \$25,000 local)

4. [Horace Downtown/Core Neighborhood Plan](#) – This study was partially funded when it was added to the 2023 UPWP as part of Amendment1. The intent was for the City of Horace to seek funding through a Partners in Planning grant and supplement with additional local funds over and above the required local match. However, the Partners in Planning grant cycle has not yet been initiated, and the scope of the project requires additional funding. The study would examine improvements to connectivity between the older core neighborhoods and other adjacent parts of the city. It would also study existing street ROW and work with neighborhoods to consider changes that would improve upon bicycle and pedestrian safety. Options for the abandoned railroad corridor will be examined as a bike/ped corridor, and adjacent land uses will also be considered. The project will involve significant public engagement. A total of \$52,500 is currently budgeted in the UPWP (\$42,000 CPG, \$10,500 local). An additional \$62,500 is proposed. The City of Horace would continue to pursue the Partners in Planning grant to further supplement this project.

Estimated cost: \$62,500 (\$50,000 CPG, \$12,500 local)

5. [SS4A – Safety Action Plan](#) – This project needs to be added to the UPWP as the result of a separate grant. Metro COG applied for, and received, \$200,000 in SS4A funds to complete a safety action grant.

Estimated cost: \$250,000 (\$200,000 SS4A, \$50,000 local)

The projects described above would require an additional \$420,000 in CPG funding. These funds, combined with the increase of \$48,800 in Operations and Overhead funding, result in a total of **\$468,800** in additional CPG funds that Metro COG and our local jurisdictions are seeking to add to our 2023 UPWP.

2024 Internal Operations and Overhead

Metro COG’s personnel costs have been updated with more up-to-date information stemming from actual 2023 costs as well as the 2023 salary adjustment. This provides a more accurate starting point from which to build upon for the 2024 estimates.

Overhead cost estimates for 2024 have been updated, where necessary, based on actual changes experienced in 2023.

The costs shown in the attached table reflect an increase in CPG funds of \$41,990 for Operations and Overhead over what was approved in the UPWP.

2024 Projects

Metro COG’s 2024 projects are reflected as approved in the UPWP. However, four budget amendments have been requested. Each addition is described below:

1. [Heartland Trail Alignment Analysis](#) – This study will analyze and document alignment alternatives for the Heartland Trail, which currently exists east of Clay County. Portions of the trail outside Clay County have been the recipient of Minnesota bonding funds or other funding

sources for design and/or construction. However, the Clay County portion of the trail requires further study, documentation of environmental considerations, public and property owner engagement, and examination of the tie-ins between rural and urban segments to better prepare this portion of for construction. This project was scoped and budgeted to begin in 2024 and continue into 2025. This was done to spread out the cost of the project and the local match. Ideally, Metro COG would be able to make an amendment that entails a) moving the second half of the project into 2024, and b) waiving the local match for all, or the newly added portion of the project, under the safe and accessible transportation provisions of IJJA.

Estimated cost: \$125,000 (\$125,000 CPG, 0 local – seek waiver through safe and accessible transportation provision of IJJA)

2. [Bridge Crossing Study at 76th Ave S and 100th Ave S](#) – This study was included in the 2024 UPWP for \$200,000 (\$160,000 CPG, \$40,000 local). However, the scope of the project warrants additional funding to ensure that the project sufficiently accounts for the Red River Diversion, the property acquisitions that have taken place, and the multi-jurisdictional nature of the project. The purpose of the project is to review and refresh the 76th Ave S river crossing analysis that was completed over 20 years ago, and also study the alignment and implications of a 100th Avenue S bridge corridor.

Estimated cost: \$62,500 (\$50,000 CPG, \$12,500 local)

3. [15th Avenue N Corridor Study through Moorhead, Dilworth and Clay County](#) – This study was included in the 2024 UPWP for \$150,000. Due to the multi-jurisdictional nature of the project and the need to study both the urban segments of the corridor and the rural segments that will be phasing into urbanized segments, a higher budget would be very beneficial to the project. Bicycle and pedestrian connectivity is an important aspect of this project, along with its relationship to the adjacent drainage channel. Phased intersection improvements should be addressed, as well as the impact of agricultural freight on the corridor both now, and in the future, as a demand will continue to exist in the general area due to the presence of the American Crystal Sugar processing facility north of the corridor in Moorhead. Public and property owner engagement will be a crucial element of the study.

Estimated cost: \$30,000 (\$24,000 CPG, \$6,000 local)

4. [13th Ave S \(or 15th Ave W\) Overpass at I-94 and Sheyenne Diversion](#) – the City of West Fargo has asked for the ability (i.e. budget) to add the 26th Street corridor extension to the south into the area that would also be accessed by an extension of either 13th Ave S or 15th Street W across I-94 and the Sheyenne Diversion channel. The completion of the Red River Diversion will bring approximately 2,000 acres of land coming out of the floodplain between the Red River Diversion and the Sheyenne Diversion. West Fargo anticipates this as a growth area. Furthermore, 26th Street is envisioned as a significant north/south corridor that would connect this area to the north, through the industrial area just north of Main Ave and beyond. The City is

already looking at potential alignments for an interchange at Main Ave and I-94 that would incorporate 26th Street for the purpose of ROW preservation.

Estimated cost: \$100,000 (\$80,000 CPG, 20,000 local)

The projects described above would require an additional \$279,000 in CPG funding. These funds, combined with the increase of \$41,990 in Operations and Overhead funding, result in a total of **\$320,990** in additional CPG funds that Metro COG and our local jurisdictions are seeking to add to our 2024 UPWP.

Fargo-Moorhead Metropolitan Council of Governments 2023-2024 Adjusted Budget

	2023			2024	
Internal Operations & Overhead	Federal CPG	Local/State	Overmatch	Federal CPG	Local/State
Personnel (total loaded wages)	\$756,046.10	\$189,011.50		\$784,737.83	\$196,184.46
Overhead Costs	\$251,973.02	\$62,993.25		\$253,954.40	\$63,488.60
Subtotal	\$1,008,019.12	\$252,004.75		\$1,038,692.23	\$259,673.06
Federal + Local/State	\$1,260,023.87			\$1,298,365.29	
2023 Projects	Federal CPG	Local/State*	Overmatch		
NDSU ATAC Annual Participation	\$8,000.00	\$2,000.00			
MTP (Year 1 of 2)	\$144,000.00	\$36,000.00			
MTP Workshop to coalesce the MTP with the Housing Analysis	\$20,000.00	\$5,000.00			
Metro RR Needs Study (Uses BNSF \$ for local match & overmatch)	\$250,000.00	\$62,500.00	\$87,500.00		
Travel Demand Model Update Yr. 2	\$32,000.00	\$8,000.00			
Interstate Ops Analysis (Yr. 3 of 3) (also includes \$28K DOT overmatch)	\$83,555.00	\$25,780.00	\$15,110.00		
Electric Vehicle Readiness Study (CRP)	\$120,000.00	\$30,000.00			
Moorhead Intersection Data Collection (Yr. 2 of 3)	\$9,896.00	\$2,474.00			
Signalized Intersections Traffic Data	\$80,000.00	\$20,000.00			
Moorhead I-94/20th St Interchange Analysis	\$120,000.00	\$30,000.00			
Uni10 Corridor Study (Yr. 3 of 3)	\$20,000.00	\$5,000.00			
Uni10 Scope Amendment	\$100,000.00	\$25,000.00			
West Perimeter Highway Corridor Study	\$200,000.00	\$50,000.00			
Horace Downtown Neighborhood Plan	\$42,000.00	\$10,500.00			
Horace Downtown Neighb Plan - Addl. Budget	\$50,000.00	\$12,500.00			
SS4A - Safety Action Plan (separate SS4A grant)	\$200,000.00	\$50,000.00			
2024 Projects				Federal CPG	Local/State
NDSU ATAC Annual Participation				\$8,000.00	\$2,000.00
MTP (Year 2 of 2)				\$176,000.00	\$44,000.00
Heartland Trail Alignment Analysis (Yr. 1 of 2)***				\$100,000.00	\$25,000.00
Heartland Trail Alignment Analysis (Yr. 2 of 2)**				\$125,000.00	\$0.00
Vehicular Bridge Xing Study at 76th Ave S & 100th Ave S				\$160,000.00	\$40,000.00
Budget Amendment for the study above				\$50,000.00	\$12,500.00
15th Ave N Corridor Study (Moorhead, Dilworth, Clay Co)				\$120,000.00	\$30,000.00
Budget increase for the study above				\$24,000.00	\$6,000.00
13th Ave S (or 15th St. W) overpass at I-94 & Sheyenne Diversion)				\$160,000.00	\$40,000.00
Addition to the above: 26th St/Main/I-94 Connectivity				\$80,000.00	\$20,000.00
Intersection Data Collection and Reporting - Expansion Project				\$80,000.00	\$20,000.00
Moorhead Intersection Traffic Data Collection (Yr. 3 of 3)				\$9,896.00	\$2,474.00
Subtotal	\$1,479,451.00	\$374,754.00	\$102,610.00	\$1,092,896.00	\$241,974.00
Total	\$2,487,470.12	\$626,758.75	\$102,610.00	\$2,131,588.23	\$501,647.06
Minus Federal funds from other sources (CRP & SS4A grant)	\$-320,000.00				
Adjusted Total	\$2,167,470.12	\$626,758.75	\$102,610.00	\$2,131,588.23	\$501,647.06
Federal + Local and Overmatch	\$2,896,838.87			\$2,633,235.29	

Projects highlighted in orange are proposed to be added to the UPWP.

Projects shaded in dark blue are funded with non-CPG Federal sources.

*Local funds for Metro Railroad Needs Study includes BNSF funds for both local match, and additional overmatch.

Total of BNSF funds - \$150,000 with \$62,500 used as local match and \$87,500 as overmatch

**Moves the Year 2 of the Heartland Trail Alignment Analysis into the first year, and uses all CPG (waiving the local match).

***Could the local match be removed for the entire project?