

The 610th Policy Board Meeting
Fargo-Moorhead Metropolitan Council of Governments
THURSDAY, January 19, 2023 – 4:00 p.m.
Fargo, North Dakota

AGENDA

1. Call to Order and Introductions
 - a. Introductions Information Item
 - b. Election of Metro COG Chair and Vice Chair Action Item
 - c. Approve Order and Contents of the Overall Agenda Action Item
 - d. Approve Minutes of the December 15, 2022 Board Meeting Action Item
 - e. Approve January 2023 Bills Action Item
2. Consent Agenda Action Item
 - a. December End of Month Report
 - b. Metro COG Q4/Annual Report
3. Regular Agenda
 - a. Public Comment Opportunity Public Input
 - b. 2023-2026 TIP Amendment #3 Action Item
 - c. FM Metro Bicycle and Pedestrian Plan Action Item
 - d. FM Regional ITS Architecture Plan Action Item
 - e. Metropolitan Transportation Plan RFP Action Item
 - f. Performance Measures Update Information Item
4. Additional Business Information Item
5. Adjourn

REMINDER: The next Metro COG Policy Board Meeting will be held Thursday, February 16, 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 Savanna Leach, Metro COG Executive Assistant, 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.



To: Policy Board Members
From: Cindy Gray, Executive Director
Date: January 13, 2023
Re: **Election of Policy Board Chair and Vice Chair**

Metro COG's Policy Board Bylaws call for a rotation in the Chair and Vice Chair of the Board on an annual basis. The rotation is established within the bylaws, and alternates between North Dakota and Minnesota.

Year(s)	Chair Representative	Vice Chair Representative
2022, 2029, 2036, 2043	City of Fargo	City of Moorhead
2023, 2030, 2037, 2044	City of Moorhead	Cass County
2024, 2031, 2038, 2045	Cass County	Clay County
2025, 2032, 2039, 2046	Clay County	City of West Fargo
2026, 2033, 2040, 2047	City of West Fargo	City of Horace
2027, 2034, 2041, 2048	City of Horace	City of Dilworth
2028, 2035, 2042, 2049	City of Dilworth	City of Fargo

Appendix A. – Metro COG Policy Board Chair and Vice Chair Rotation Schedule

The bylaws recognize that, from time to time, the order of jurisdictional representation may need to be changed or occur prior to the designated year.

In 2023, the Chair is intended to consist of a City of Moorhead Policy Board member, and the Vice Chair to consist of a Cass County Policy Board member.

Metro COG wishes to thank Commissioner Dave Piepkorn for his service as Vice Chair and Chair over the past two years. The commitment to the agency is very much appreciated.

Similarly, we thank Councilmember Chuck Hendrickson for his service as Vice Chair this past year.

Requested Action: Nominate and elect a Board Chair and Vice Chair based on the order of jurisdictions identified in the Policy Board Bylaws.

**609th Policy Board Meeting
Fargo-Moorhead Metropolitan Council of Governments
Thursday, December 15, 2022 – 4:00 pm**

Members Present:

Duane	Breitling	Cass County Commission
Amanda	George	West Fargo City Commission
Matthew	Gilbertson	Moorhead City Council
John	Gunkelman	Fargo Planning Commission
Chuck	Hendrickson	Moorhead City Council
Steve	Lindaas	Moorhead City Council
Jenny	Mongeau	Clay County Commission
Julie	Nash	Dilworth City Council
Brad	Olson	West Fargo City Commission
Dave	Piepkorn	Fargo City Commission
Rocky	Schneider	Fargo Planning Commission
John	Strand	Fargo City Commission
Scott	Stofferahn	Fargo Planning Commission (alternate for Ms. Tasa)
Jeff	Trudeau	Horace City Council
Bob	Walton	NDDOT – Fargo District (ex-officio)

Members Absent:

Denise	Kolpack	Fargo City Commission
Arlette	Preston	Fargo City Commission
Maranda	Tasa	Fargo Planning Commission (alternate present)
Shiloh	Wahl	MnDOT – District 4 (ex-officio)

Others Present:

Adam	Altenburg	Metro COG
Paul	Bervik	Metro COG
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
Ayden	Schaffler	Metro COG

1a. MEETING CALLED TO ORDER, WELCOME, AND INTRODUCTIONS, convened
The meeting was called to order at 4:00 pm, on December 15, 2022 by Chair Piepkorn, noting a quorum was present. Introductions were made.

1b. Approve Order and Contents of Overall Agenda, approved
Chair Piepkorn asked for approval for the overall agenda.

MOTION: Approve the contents of the Overall Agenda of the December 15, 2022 Policy Board Meeting.

Mr. Gunkelman moved, seconded by Mr. Gilbertson

MOTION, passed

Motion carried unanimously.

1c. Past Meeting Minutes, approved
Chair Piepkorn asked for approval of the Minutes of the November 17, 2022 Meeting.

MOTION: Approve the November 17, 2022 Policy Board Meeting Minutes.

Mr. Olson moved, seconded by Mr. Lindaas

MOTION, passed

Motion carried unanimously.

1d. Monthly Bills, approved
Chair Piepkorn asked for approval of the December 2022 Bills as listed on Attachment 1d.

MOTION: Approve the December 2022 Bills List.

Mr. Breittling moved, seconded by Mr. Gunkelman

MOTION, passed

Motion carried unanimously.

2. CONSENT AGENDA

Chair Piepkorn asked for approval of Items a-f on the Consent Agenda.

- a. November Month End Report
- b. 2023-2024 NDDOT MPO Contract Agreement
- c. Transit Section 5310/5339 Grant Applications
- d. Metro COG 2023 Meeting Schedule
- e. Approval of Accountant Selection
- f. Staff Promotion – Ari Del Rosario, AICP, to Associate Planner

MOTION: Approve Items a-f on the Consent Agenda.

Mr. Breittling moved, seconded by Ms. George

MOTION, passed

Motion carried unanimously.

3. REGULAR AGENDA

3a. Public Comment Opportunity

No public comments were made or received.

3b. Public Participation Plan Update

Ms. Gray presented the updated Public Participation Plan. In October, 2022, the TTC and Policy Board approved the opening of the required 45-day public comment period for the updated Public Participation Plan.

Public notice was published in The Forum on October 26, 2022 and November 16, 2022. Metro COG's mailing list was also used to notify the public about the opportunity to comment on the document, and the opportunity to comment was also posted on our website. A press release was also sent out to regional media outlets.

One comment was received by a member of the public describing the document as "wordy" and suggesting that an Executive Summary be provided. The document contains a table of contents and an introductory section that allows the reader to quickly determine the purpose of the document and the location of relevant information. This is not the type of document that would benefit from a separate Executive Summary, so thus far, none has been provided.

**MOTION: Approve the updated Public Participation Plan
Mr. Olson moved, seconded by Mr. Gunkelman.
MOTION, passed
Motion carried unanimously.**

3c. 2023-2026 Transportation Improvement Program Amendment #2

Mr. Bervik presented amendment #2 to the 2023-2026 Transportation Improvement Program (TIP).

A public notice was published in The Forum of Fargo-Moorhead on Wednesday, November 30, 2022, 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, December 15, 2022. No written comments have been 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 132%.
2. **Modification of Project 9221006:** NDDOT will be repairing a slide along Main Avenue in West Fargo (2023). The project year was shifted from 2024.
3. **Modification of Project 9231005:** NDDOT will be reconstructing the I-94 interchange at Lynchburg. (2024) The project year shifted from 2025.

4. **Modification of Project 9231005:** Moorhead Transit will be purchasing a new utility vehicle (2023). The project description is being modified.
5. **New Project 4232020:** City of Fargo construction of new shared use path along the Red River between 35th Avenue South and 40th Avenue South (2024). This is for the federal funding in fiscal year 2024 for 4232021.
6. **New Project 4232021:** City of Fargo construction of new shared use path along the Red River between 35th Avenue South and 40th Avenue South (2025). This is for the federal funding in fiscal year 2025 for 4232020 and the local portion.
7. **New Project 4232022:** City of Fargo construction of a shared use path and drain crossing on Drain 27. This project will connect two existing trail networks (2025).
8. **New Project 7232023:** City of Horace construction of a shared use path along the east side of Country Road 17. (2024).

MOTION: Approve Amendment #2 to the 2023-2026 Transportation Improvement Program

Mr. Lindaas moved, seconded by Ms. George.

MOTION, passed

Motion carried unanimously.

3d. 2021-2022 UPWP Amendment #7

Ms. Gray presented amendment #7 to the 2021-2022 Unified Planning Work Program (UPWP). Staff hours were approximately 300 less than budgeted due to a staff change mid-year that resulted in an unfilled position for a period of two months. She explained that some of the hours were made up by an increase in intern time, but at a much lower hourly rate. We anticipated this, and used approximately \$15,500 in carryover funds from 2021 and \$17,000 of the unused 2022 operations budget in the last UPWP amendment (#6) to purchase the Urban SDK license.

Ms. Gray explained that Metro COG's 2022 overhead expenditures are very close to the amount budgeted. The table in the memo showed estimated overhead expenses for the year. The only category that went overbudget is the maintenance of traffic count equipment.

Ms. Gray explained that an estimated \$31,653 remains in the 2022 overhead budget, which Metro COG recommends carrying over into the 2023 budget. She requested shifting \$700 from Category 800a, the travel/training budget to cover the overage in 800p, traffic count equipment maintenance.

Ms. Gray stated the recommended 2022 year-end amendment is summarized as follows:

- Amend the staff hours and costs as discussed
- Amend the overhead budget to shift \$700 from 800a to 800p to cover the overage in traffic count equipment maintenance.
- Amend the UPWP to carry over \$32,000 in remaining overhead funds into 2023. The proposed amendments to the 2023-2024 UPWP will address how these funds will be used.

Mr. Lindaas asked how there was an overage of approximately 7-1/2 weeks of staff time left over. Ms. Gray said that there was a vacancy after Luke Champa left and the position remained unfilled for approximately three months before Paul Bervik started. We made up for some of the vacancy with extra intern hours, but those hours did not cover the three-month vacancy of a full-time staff person.

MOTION: Approve the 2022 year-end UPWP Amendment, consisting of the changes identified below:

- **Amend the staff hours and costs as shown in the table on p. 1.**
- **Amend the overhead budget to shift \$700 from 800a to 800p to cover the overage in traffic count equipment maintenance.**
- **Amend the UPWP to carry over \$32,000 in remaining overhead funds into 2023. The proposed amendments to the 2023-2024 UPWP will address how these funds will be used.**

**Mr. Lindaas moved, seconded by Mr. Trudeau
MOTION, passed
Motion carried unanimously.**

3e. 2023-2024 UPWP Amendment #1

Ms. Gray presented amendment #1 to the 2023-2024 Unified Planning Work Program (UPWP). The purpose of this amendment is to consider additional projects to utilize approximately \$210,000 in unprogrammed CPG funds for the 2023 work program and approximately \$32,000 in unused 2022 overhead funds, for a total of approximately \$244,000.

She explained that since completion of the 2023-2024 UPWP earlier this fall, a few other project requests have been put forth that were not under consideration when we prepared the 2023 budget or the 2023-2024 UPWP. We do not have enough funding in our 2023 budget to do all of the projects, and at this time, we don't have flexibility in our 2024 budget either, so it will be important to choose carefully and focus broadly on the future transportation needs of the region.

The projects that have been suggested are as follows:

- West Metro Perimeter Highway Study – Cass County (referred to as a ring route in the interstate operations analysis)
- Horace Downtown Neighborhood Plan – City of Horace
- BNSF Railroad Grade Separation Study at 14th St NE in Dilworth – Not officially requested and no local sponsor identified at this time

Ms. Gray explained that she wanted to inform the Policy Board of the discussions about the BNSF Railroad discussions with local staff so everyone is aware of it, even though no specific project has been proposed at this time.

Ms. Gray stated that the West Metro Perimeter Highway Study is recommended as the highest priority project for the use of CPG funds, because it has the highest level of regional planning significance and is important from a timing perspective due to the short-term need to sell the excess right-of-way purchased for the diversion. She recommends that \$200,000 in CPG funds be used to fund this study, and Jason Benson, Cass County Engineer, has stated that he has the budget to provide the required local match.

She explained that the Horace Downtown Neighborhood Plan is recommended for partial funding using \$42,000 in CPG funds, because it is significantly less regional in nature and more focused on a neighborhood planning process. The City also intends to apply for a state-funded Partners in Planning grant. Metro COG could provide some level of staff assistance for the project to supplement funds. She added that the challenge with a project of this size is that the use of federal funding pushes it into a full Qualifications Based Selection (QBS) process, which is expensive for consultants to go through in pursuit of a small-scale project. The City of Horace will need to take this into consideration when adding funds to the total project budget.

Mr. Schneider said that he wrote a RAISE grant for the 15th Ave N(Moorhead)/12th Ave N(Fargo)bridge project, and suggested that Dilworth look into that same grant for Dilworth. Ms. Gray said she did send that information to Peyton Mastera, Dilworth City Administrator, earlier today. Chair Piepkorn asked if Dilworth could still use the funds if they could find enough local match, and Ms. Gray said it was feasible, should they find the funds, as there is enough unprogrammed CPG funding, but added that a project of that nature involves more engineering than we would normally be allowed to carry out in a planning study, and that the West Perimeter Route seems like a higher regional priority due to the timing of selling the excess right-of-way for the diversion. Ms. Nash asked if CPG funds were used to study the grade separation currently being designed in Moorhead at 11th Street. Ms. Gray stated that they were, but that study looked more at changing travel patterns with a multi-track grade separation and was looking at alternative locations for the grade separation within downtown Moorhead, at more of a planning and traffic analysis level.

MOTION: Approval of Amendment 1 to the 2023-2024 UPWP to add the West Metro Perimeter Highway Study to the UPWP with an estimated cost of \$240,000 and the Horace Downtown Neighborhood Plan for \$50,400 (with additional overmatch required from the City of Horace or other sources).

Mr. Schneider moved, seconded by Ms. George

MOTION, passed

Motion carried unanimously.

3f. Electric Vehicle Readiness Study

Mr. Altenburg stated that Metro COG has drafted a Request for Proposals (RFP) for an electric vehicle (EV) readiness study for the Fargo-Moorhead metropolitan area and plans to bring the RFP forward for approval in January. It is envisioned

that this study will provide local jurisdictions with 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 metropolitan area. This is similar in scope to plans developed by cities and regional areas throughout the United States, 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 completed by NDDOT and MnDOT, including goals, strategies, and key takeaways identified in each plan.

3g. 2023 Employee Salary Adjustment

Ms. Gray presented a request for a 2023 adjustment in Employee Salaries, sometimes referred to as Cost-of-Living Adjustment (COLA). The 2021-2022 UPWP budgeted for a 3% increase. At the December 9 Executive Committee meeting, there was a recommendation of at least a 3.5% increase, to follow the City of Fargo, but potentially more depending on discussion at the Policy Board meeting. Ms. Gray presented budgeting options of 3%, 3.5%, and 4% in combination with 2023 health insurance premiums, and showed how they affect the 2023 budget.

**MOTION: Approve a 3.5% salary adjustment for Metro COG staff
Mr. Strand moved, seconded by Mr. Olson
MOTION, passed
Motion carried unanimously.**

3g. Summary of Benefits Presentation

Per the Metro COG Policies and Procedures, the Executive Director is required to provide a summary of employee benefits every year. Ms. Gray gave a brief presentation of all of the benefits that Metro COG offers its employees.

4. Additional Business

No additional business.

5. Adjourn

The 609th Meeting of the FM Metro COG Policy Board held Thursday, December 15, 2022 was adjourned at 5:15 pm.

**THE NEXT FM METRO COG POLICY BOARD MEETING WILL BE HELD January 19, 2023,
4:00 P.M.**

Respectfully Submitted,

Savanna Leach
Executive Assistant

To: Policy Board
From: Paul Bervik, Assistant Transportation Planner
Date: January 6, 2022
Re: **2023-2026 Transportation Improvement Program (TIP) Amendment #3**

The Fargo-Moorhead Metropolitan Council of Governments (Metro COG) will hold a virtual public meeting via Zoom Video Communications on Thursday, January 19, 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, January 4, 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, January 19, 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 5230001:** Purchase of AVA/AVL System (2023) for fixed-route transit vehicles by Moorhead Transit. The project cost increased by 20%.
2. **Modification of Project 5230002:** Purchase of paratransit scheduling software (2023) by Moorhead Transit. The project cost increased by 20%.
3. **Modification of Project 7220005:** Construction of a shared-use path in Horace, ND (2023). The cost estimate is being updated to be consistent with the most recent engineer's estimate. Lead Agency and Metro COG ID are updated from Cass County to City of Horace.
4. **Modification of Project 7220006:** Third-phase of construction of a shared-use path along County Road 17 in Horace, ND (2023). The cost estimate is being updated to be consistent with the most recent engineer's estimate. Lead Agency and Metro COG ID are updated from Cass County to City of Horace.
5. **Modification of Project 9162667:** Rehabilitation of 10.9 miles of 1-94W with a thin mill and overlay from East of Casselton to near Fargo (2023) by NDDOT. The project cost increased by 55.9%.
6. **Modification of Project 9231003:** Pavement marking (2023) within NDDOT – Fargo District. The project cost increased by 48.2%.
7. **Modification of Project 5210020:** Construction of transit hub improvements at Walmart in Dilworth, MN (2023) by Moorhead Transit. Change in project description.
8. **Modification of Project 9210005:** Installation of High-Tension Cable Median Guardrail along I-29 from County Road 20 to south of Argusville (2024) by NDDOT. The project year shifted from 2023.

9. **Modification of Project 9220039:** Installation of High-Tension Cable Median Guardrail along I-29 from south of Argusville to Gardner (2024) by NDDOT. The project year shifted from 2023.
10. **Modification of Project 9221002:** Installation of a Wrong Way Detection System on I-29 at Exist 69 (2024) by NDDOT. The project year shifted from 2023.
11. **Modification of Project 9221004:** Upgrading lighting to LEDs at various locations throughout Fargo District (2024) by NDDOT. The project description was updated.
12. **Modification of Project 9221005:** Rehabilitating the shoulder of ND 46 (2026) by NDDOT. The project year shifted from 2025.
13. **New Project 5233024:** Purchase of software for Moorhead, MN (2023) by City of Moorhead.
14. **New Project 5233025:** Construction of transit hub improvements at Walmart in Dilworth, MN (2023) by Moorhead Transit.
15. **New Project 8233026:** Improving interchange lighting on I-94 at exits 22, 24, 32, 38, 56, 67, 77(2024) by MNDOT.
16. **New Project 9233027:** Rehabilitating the bridge deck of the Cass County Legal Drain 14 crossing on 37th Street NE (2023) by NDDOT.
17. **New Project 9233028:** Rehabilitating the bridge deck, approach slab and guardrail of the I-29 and ND46 interchange (2026) by NDDOT.
18. **New Project 9233029:** Rehabilitating the bridge decks with an over lay and spall repair on the swan creek and I-94 bridges (2026) by NDDOT.
19. **New Project 9233030:** Rehabilitating two bridges with new coatings (paint crack sealing, and bridge deck seal) on I-29 at the interchanges of ND 46 and I-94 (2026) by NDDOT.

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

At their January 12, 2023 meeting, the Transportation Technical Committee recommended approval of the proposed amendments.

Requested Action: Approve Amendment #3 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 3 - 2023-2026 Metro COG TIP

Existing projects with a change in cost

Moorhead Transit	5230001 TRF-0034-23H	2023	Transit				Sect 5339: Purchase Equipment (AVA/AVL System) (ITS) (Includes Sect: 5339)	Transit Capital	\$241,800 \$201,500	FTA 5339	Local	\$193,440 \$161,200 \$48,360 \$40,300
Moorhead Transit	5230002 TRF-0034-23J	2023	Transit				Sect 5339: City of Moorhead, Replace Paratransit Scheduling Software	Transit Capital	\$30,000 \$25,000	FTA 5339	Local	\$24,000 \$20,000 \$6,000 \$5,000
City of Horace Cass County	7220005 1220005 23242-8027	2023	Center Ave	0.3	Wall Ave	Nelson Drive	Center Ave Multi-Modal Improvement in Horace, ND (City of Horace Co-Sponsor)	Bike/Ped	\$166,000 \$166,250	TA	Local	\$134,344 \$120,329 \$31,656 \$45,921
City of Horace Cass County	7220006 1220006 23241-8021	2023	CR 17	0.3	76th Ave S	73rd Ave S	Construction of a Shared Use Path - Phase 3 (City of Horace Co-Sponsor)	Bike/Ped	\$302,000 \$341,145	TA	Local	\$244,409 \$246,915 \$57,591 \$94,230
NDDOT	9162667 22599-8007	2023	I-94W	10.9	E Casselton	Near W Fargo	Thin Mill and Overlay	Rehabilitation	\$4,521,200 \$2,900,000	IM	State	\$4,069,080 \$2,610,000 \$452,120 \$290,000
NDDOT	9231003 23799	2023					VAR HWYS - VAR HWYS - FARGO DISTRICT PAVEMENT MARK	Safety	\$1,482,300 \$1,000,000	HES	State	\$1,185,840 \$800,000 \$296,460 \$200,000

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 3 - 2023-2026 Metro COG TIP

Existing projects with a non-cost change

Moorhead Transit	5210020 TRF-0034-23K	2023	Transit			Transit Hub Improvements - Dilworth Walmart Connected to 5233025. Transit Hub Improvements - Dilworth Walmart	Transit Capital	\$250,000	FTA 5307	Local	\$200,000 \$50,000	
NDDOT	9210005 22888-8030	2024 2023	I-29	8.1	CR 20	S of Argusville Interchange	High Tension Cable Median Guardrail (HTCMG)	Safety	\$2,040,000	HSIP	State	\$1,836,000 \$204,000
NDDOT	9220039 23330	2024 2023	I-29	8.6	S of Argusville Interchange	Gardner Interchange	High Tension Cable Median Guardrail (HTCMG)	Safety	\$2,656,000	HSIP	State	\$2,390,000 \$266,000
NDDOT	9221002	2024 2023	I-29		I-29 @ Exit 69		Wrong Way Detection System (ITS) (Total project cost reflects statewide estimates. Cost estimate for the Fargo MPA is \$82,728)	Safety	\$777,423	HSIP	State	\$699,681 \$77,742
NDDOT	9221004 23280	2023	Fargo District		52nd Ave S, University Dr, Main Ave, 12th Ave N, 19th Ave N		LED Lighting Upgrade ***Pending*** LED Lighting Upgrade	Rehabilitation	\$1,000,000	Non NHS-S	State	\$800,000 \$200,000
NDDOT	9221005 23390	2026 2025	ND 46		9.0 East of Enderlin E	I-29	Minor Rehabilitation Including Shoulder Repair	Rehabilitation	\$5,300,000	Non NHS-S	State	\$4,240,000 \$1,060,000

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 3 - 2023-2026 Metro COG TIP

The following are new projects.

City of Moorhead	5233024	2023	Moorhead			Software Purchase. Moorhead may choose to use the purchase of a computer as part of their local match	Safety	\$60,000	CRP	Local	\$50,000 \$10,000
Moorhead Transit	5233025 TRF-0034-23K	2023	Transit			Transit Hub Improvements - Dilworth Walmart Connected to 5210020.	Transit Capital	\$84,000	CRP	Local	\$70,000 \$14,000
MNDOT	8233026 5690-152	2024	I-94 Various Locations			ON I94, INTERCHANGE LIGHTING AT EXIT 22, 24, 32, 38, 56, 67, 77 (22 and 24 are within the MPA)	Safety	\$1,200,000	HSIP	State	\$960,000 \$240,000
NDDOT	9233027 23628	2023	2.5 Miles East of Mapleton on the Frontage Road South of I-94		Intersection of 37th Street NE and Cass County Legal Drain 14	Bridge Deck Replacement (#0010-013.192)	Rehabilitation	\$528,500	IM	State	\$422,800 \$105,700
NDDOT	9233028 23905	2026	I-29		ND 46 Interchange	Various Structures on I-29 - Fargo District Deck Replacement, Approach Slab Replace, Guardrail (#0029-048.182)	Rehabilitation	\$1,439,000	IM	State	\$1,295,100 \$143,900
NDDOT	9233029 23906	2026	I-94		Intersection of I-94 and Swan Creek	Various Structures on I-94 - Fargo District Deck Overlay, Spall Repairs (#0094-334.998L & #0094-334.998R)	Rehabilitation	\$674,900	IM	State	\$607,410 \$67,490
NDDOT	9233030 23907	2026	I-29 Various Locations		ND 46 and I-94 Interchanges	Various Structures on I-29 - Fargo District Structure Paint, Crack Sealing, Bridge Deck Seal (#0029-048.182 I-29 & ND 46)(#0029-063.267 I-29 & I-94)	Rehabilitation	\$2,125,800	NH	State	\$1,700,640 \$425,160



To: Metro COG Policy Board
From: Dan Farnsworth, Transportation Planner
Date: January 13, 2023
Re: **Fargo-Moorhead Metro Bicycle & Pedestrian Plan**

In June of 2021 Metro COG began the Fargo-Moorhead Metropolitan Bicycle & Pedestrian Plan Update. Every five years Metro COG, in cooperation with the local jurisdictions, updates the Bicycle & Pedestrian Plan.

This plan was guided by a 23-member study review committee with representation from local jurisdictions, parks departments, local health agencies, citizens, and more. Public engagement was also held twice throughout Plan's development. Upon completion of the final plan, presentations were made to all local elected bodies and some planning commissions. The plan has received broad support.

The Plan including the Plan's appendices can be found on Metro COG's website at the following link:

<https://www.fmmetrocog.org/BikePedPlan21/project-materials>.

At the January 12, 2023 meeting, the Transportation Technical Committee recommended final Policy Board approval of the plan.

Requested Action: Approval of the 2022 Fargo-Moorhead Metropolitan Bicycle & Pedestrian Plan.

Fargo-Moorhead Metropolitan Council of Governments

Resolution 2023-R001

Resolution in Support of the 2022 Fargo-Moorhead Metropolitan Bicycle and Pedestrian Plan

WHEREAS, the Fargo-Moorhead Metropolitan Council of Governments (Metro COG) is responsible for the planning and development of a safe and functional transportation systems including bicycle and pedestrian facilities;

WHEREAS, Metro COG, as the metropolitan planning organization designated by the Governors of North Dakota and Minnesota to maintain the metropolitan area's transportation planning process in accordance with federal regulations;

WHEREAS, the Metro COG has undertaken the task of developing the 2022 Fargo-Moorhead Metropolitan Bicycle and Pedestrian Plan, which is a vital element of the planning process, and which makes transportation-related bicycle and pedestrian needs eligible for future federal funding;

WHEREAS, the 2022 Fargo-Moorhead Metropolitan Bicycle and Pedestrian Plan was directed by the Metropolitan Bicycle and Pedestrian Committee comprised of a wide cross section of bicycle and pedestrian interest groups including park district representatives, law enforcement, technical city, county and state staff, citizens, and other applicable agencies/organizations;

WHEREAS, the public was invited, encouraged, and involved in this Plan's preparation in full compliance with Metro COG's Public Participation Plan;

WHEREAS, the 2022 Fargo-Moorhead Metropolitan Bicycle and Pedestrian Plan seeks to enhance the Fargo-Moorhead Metropolitan Area's bicycle and pedestrian environment so as to increase mobility, health, safety, equity, and the quality of life for all citizens;

NOW, THEREFORE BE IT RESOLVED, that the Fargo-Moorhead Metropolitan Council of Governments does hereby adopt the 2022 Fargo-Moorhead Metropolitan Bicycle and Pedestrian Plan and agrees to use it as a tool to implement area bicycle and pedestrian goals and objectives which will complement the overall development of the Area's transportation system.

Approved this ____ day of _____, 2023,

Chuck Hendrickson
Metro COG Policy Board Chair

Cindy Gray
Metro COG Executive Director

To: Metro COG Policy Board
From: Dan Farnsworth, Transportation Planner
Date: January 13, 2023
Re: **Fargo-Moorhead Regional ITS Architecture Plan Update**

In early 2022 Metro COG in cooperation with the Upper Great Plains Transportation Institute's Advanced Traffic Analysis Center (ATAC) began the Fargo-Moorhead Regional ITS Architecture Plan Update.

ITS, or Intelligent Transportation Systems, uses technology and communication to improve traffic flow, improve transportation safety, and notify roadway users of current traveling conditions. Such ITS in our region can include dynamic message signs, traffic signal coordination, emergency vehicle preemption, and more.

ITS architecture is the blueprint which displays and coordinates the existing and proposed connectivity and interaction of all ITS components in an area or region. The goal of the Fargo-Moorhead Regional ITS Architecture is to guide the implementation of ITS systems and coordinate funding, development, information sharing, and operations of ITS systems in the region. This plan utilizes the latest national standard for ITS architecture (ARC-IT 9.1).

This plan was guided by the Fargo-Moorhead Metropolitan Traffic Operations Working Group which consists of local and state traffic engineers and other applicable stakeholders. In addition, regional stakeholders were contacted to better identify needs and issues and inform the contents of this plan.

The final draft plan can be viewed at the following location:

<https://regional.atacenter.org/fargomhd/downloads/FMRA2022.pdf>

This is the fourth F-M Regional ITS Architecture Plan update, with the last update occurring in 2014.

The Transportation Technical Committee recommended Policy Board adoption of the plan at their January 12, 2023 meeting.

Requested Action: Approval of the Fargo-Moorhead Regional ITS Architecture Plan Update.

To: Metro COG Policy Board
From: Michael Maddox, AICP
Date: January 6, 2023
Re: **2050 Metropolitan Transportation Plan Update RFP**

Metro COG's core responsibility as an agency is to provide a long-range, fiscally constrained listing of multimodal transportation needs within the Fargo Moorhead Region and establish a cooperative, continuous, and comprehensive planning process to identify, prioritize, study, and program funding for those identified needs. This is done through the Metropolitan Transportation Plan (MTP), which is required to be updated every five years and has a planning horizon of twenty-five years.

Metro COG is seeking consultants to complete the 2050 MTP. The attached RFP includes the outline of a scope of work to give insight into project intent, context, coordination responsibilities, and other elements to help facilitate proposal development. Metro COG has set a budget of \$400,000 for this project.

The Census Bureau released the 2020 Census Urbanized Area populations in December 2022. The Fargo Moorhead Region has now officially surpassed the 200,000-population threshold, and as such will become a Transportation Management Area (TMA) in federal fiscal year 2024 (October 1, 2023). The 2050 MTP must include all required elements to facilitate a smooth transition to TMA status.

The Transportation Technical Committee unanimously recommended Policy Board approval at their meeting on January 12, 2023 meeting. Upon approval by Metro COG's Policy Board, the RFP will be released through NDDOT – Local Governments Division. Proposals are slated to be due by 4:30 p.m. CDT on Friday, February 17, 2023 (Pending the aforementioned release by NDDOT).

Recommended Action:

Approval of the release of the 2050 Metropolitan Transportation Plan Update RFP.

**FARGO-MOORHEAD
METROPOLITAN COUNCIL OF GOVERNMENTS**

REQUEST FOR PROPOSALS (RFP)

PROJECT NO. 2023-202

2050 Metropolitan Transportation Plan Update

January, 2023

APPROVED:

Cynthia R. 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:

2050 Metropolitan Transportation Plan Update

Qualifications based selection criteria will be used to analyze proposals from responding consultants. The most qualified candidates may be invited to present an oral interview. Upon completion of technical ranking and oral interviews, Metro COG will enter into negotiations with the top ranked firm. **Proposals shall be submitted in PDF format. Sealed cost proposals shall be submitted as a hard copy. Both proposal and sealed cost proposal shall be due by the date and time specified below.** 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 cost proposals submitted. This project will be funded, in part, with federal transportation funds and has a not-to-exceed budget of **\$400,000**.

Interested firms can request a hard copy of the RFP by telephoning 701.532.5100, or by e-mail: leach@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 (Exhibit D) with their submittal of information.

All proposals received by **4:30 p.m. (Central Time) on Friday, February 17, 2023** at the Metro COG office will be given equal consideration. Minority, women-owned, and disadvantaged business enterprises are encouraged to participate. Proposals received after 4:30 p.m. on February 17 shall not be considered. 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 fifteen (15) double sided pages for a total of thirty (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 proposal shall be delivered to the contact below:

Michael Maddox, AICP
Fargo-Moorhead Metropolitan Council of Governments
Case Plaza, Suite 232
1 - 2nd Street North
Fargo, ND 58102
maddox@fmmetrocog.org
701-532-5104

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

Note: This 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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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 as well as addressing other planning issues of a regional nature that have an impact on or are associated with transportation. Eleven cities and two counties comprise the Metro COG Metropolitan Planning Area (MPA).

II PROJECT BACKGROUND AND OBJECTIVE

Metro COG facilitates transportation planning by engaging the public and fostering strong partnerships between the MPO and other agencies, local governments, and communities. One of Metro COG's most important responsibilities is developing and implementing its Metropolitan Transportation Plan (MTP) in coordination with other regional and local planning efforts, while moving toward an agreed-upon vision for transportation in the Metro COG region. The MTP is updated every five years to identify evolving transportation-related needs and priorities in the region, adapt to population shifts, policy changes, new legislation and guidance (federal and state), and other changes affecting the region.

The last update to the Metro COG MTP was in November of 2019. That plan, entitled MetroGROW, sought to develop regional transportation policies, delineate transportation needs, integrate new agency responsibilities due to the upcoming designation as a TMA, and integrate federal performance-based planning and programming approach into the transportation planning process. Metro COG would like to build upon this plan by refining and furthering the concepts, policies, and approach documented in that plan with the updated 2050 MTP.

The time horizon for the updated MTP is 2050 with an interim year of 2035. Metro COG is committed to continued improvement and innovation in delivery of the 2050 MTP update. The 2050 update will focus on greater coordination, while fully adhering to the guiding principles of the Infrastructure Investment and Jobs Act (IIJA).

Metro COG is a bi-state MPO with a planning area encompassing 14 townships in Cass County, ND and 16 townships in Clay County, MN. The North Dakota portion of the Metro COG region is the most populous urbanized area in North Dakota, with a 2020 population

2050 Metropolitan Transportation Plan Update

estimate of 216,214. Together with the Minnesota portion of the MPO, Metro COG is the largest MPO in North Dakota and second only to the Metropolitan Council (Minneapolis/St Paul) in Minnesota. This total region's population is expected to continue to increase between now and 2050, with a projected 2050 MSA population of 357,322. This growth presents both challenges and opportunities for how the region will collaboratively plan for regional multimodal transportation needs in a coordinated manner.

2020 Census results put the Fargo Moorhead Urbanized Area (UZA) at a population of 216,214, which exceeds the threshold required for designation as a Transportation Management Area (TMA). Due to a delay within the Census Bureau, the agency was not able to delineate urban areas until December 2022. FHWA made the determination that it would wait until 2023 to announce new MPOs and TMAs. As such, it is anticipated that Metro COG will become a TMA in federal fiscal year 2024, during the development of this plan. Additional consideration should be given to the estimation of financial resources available to Metro COG in the development of the MTP.

Metro COG has completed multiple planning efforts that may inform the development of elements of MTP. Such plans include, but are not limited to:

- 2045 Metro COG MTP: MetroGROW
- Fargo West Fargo Parking and Access Study
- Southwest Metropolitan Transportation Plan
- Northwest Metropolitan Transportation Plan
- Fargo Transportation Plan (underway)
- 76th Avenue Corridor Study
- Veteran's Blvd Corridor Study
- Transit Development Plan
- Interstate Operations Analysis
- Bicycle and Pedestrian Plan Update
- Red River Greenway Corridor Study
- Fargo 17th Avenue S Corridor Study
- 13th Avenue S Corridor Study
- Moorhead 17th Street N Corridor Study
- Regional housing needs assessment
- University Dr and 10th Street Corridor Study (underway)
- Fargo 25th Street S Corridor Study (underway)
- Dilworth US 10 Corridor Study (underway)
- 2050 Demographic Forecast

These Plans include discussions of future infrastructure needs, future land use designations, transportation policy, as well as providing insight into the growing needs of the region.

As Metro COG transitions to a Transportation Management Area (TMA), it becomes extremely important that transportation projects utilizing its directly suballocated funds

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are studied, programmed, and developed according to a schedule that would lead to prompt utilization of those funds within a predictable timeframe so that funds are not in danger of lapsing. This plan should lay out the priorities for each directly suballocated funding source for the 25-year period, paying special attention to project priorities that are expected to lead to funding applications during the first five fiscal years after adoption of the MTP, and those one to three years outside the five-year window that will need to be under project development during the next five years. Projects identified in the MTP are expected to lead to inclusion in the Transportation Improvement Program (TIP), project development, and ultimately construction.

III SCOPE OF WORK AND PERFORMANCE TASKS

This RFP provides for the tasks necessary to assist Metro COG and local stakeholders in the development of the 2050 update to Metro COG's MTP.

The MTP will use a performance-based planning and programming methodology to provide for a system-level, data driven process to identify strategies and investments for the Metro COG region. Such a process will help to define key goals and objectives for the MTP update and to analyze and evaluate strategies and scenarios for meeting the stated goals developed for the Plan.

The MTP will use 2050 as the horizon year, with an interim scenario year of 2035 in order to document and assess the need for transportation facilities in all modes, and policy direction over the next 25 years. Importantly, it will continue the new paradigm established in the previous plan update (2045) to provide a balanced transportation system that achieves optimum mobility and supports economic growth through improvements in multiple transportation modes.

The 2050 MTP update will look to implement new and innovative transportation system performance measures that de-emphasize traditional road "congestion" in lieu of broader desirable transportation outcomes to a) recognize the funding limitations relevant to capacity expansion, and b) forward regional livability goals. To that end, the MTP is expected to detail Transportation Systems Management and Operations (TSMO) solutions to address transportation needs and issues where possible. Metro COG would like to strike a balance between new infrastructure needs of a growing region, right-sizing infrastructure, system efficiency and creating livable built environments for residents.

Metro COG is particularly interested in the furtherance of a congestion management process, specifically detailing how congestion manifests in our region, local tolerance to congestion, and right-sizing the transportation network to respond to the ability to pay for and maintain the system. Metro COG is also interested in how transportation infrastructure choices can impact safety, especially the recent national speeding trend. This would include how the built environment (transportation infrastructure, utility infrastructure, and land uses) can be broadly laid out to meet regional goals. This ultimate build transportation network map will provide Metro COG a basis for

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commenting on roadway design projects and provide regional jurisdictions with an idealized transportation network they can use as a basis in decision-making.

The update process will consider a wide range of social, mobility, freight, safety, infrastructure, environmental, energy, and economic factors reflected by the MTP's Goals, Objectives (G&O) and Measures/Performance Measures (PM) to identify future transportation needs. The 2050 MTP update will weigh and balance the cost of various transportation investments against anticipated future funding to ensure the 2050 MTP update is a fiscally constrained plan for the Metro COG Region over the next 25 years.

This Scope of Services specifies the tasks that may be issued, in whole or in part, to the Consultant to support Metro COG in the development of the 2050 MTP update. During contract negotiations, tasks and work elements may be refined, added or deleted at the discretion of Metro COG in coordination with our representative jurisdictions and the consultant team.

The Consultant will prepare a final work plan (to be included in the contract). It is desired that all work be completed before the start of federal fiscal year 2025 (September 30, 2024). This is Metro COG's required timeline for having an updated MTP in place and adopted. If the process is incomplete by September 30, 2024, special authorization will be required from NDDOT and FHWA.

The 2050 MTP update will include long-range and short-range strategies/actions that lead to the development of an integrated multimodal transportation system to facilitate the safe and efficient movement of people and goods. In keeping with the intent and requirements of IIJA, and the requirements stipulated by the Federal Highway Administration ("FHWA"), the Federal Transit Administration ("FTA"), and the North Dakota and Minnesota Departments of Transportation ("State DOTs"), this plan update will be multimodal in nature. It will include: public transportation; pedestrian facilities; bikeways; highways; transportation system management and operations ("TSMO"); and freight transportation. Coordination with local airport management will be used to document relevant air- and land-side airport improvements that are relevant to the regional transportation plan. The 2050 MTP update will also include safety and security elements to meet the Federal requirements included in 23 CFR 450.

The update will include a robust public engagement effort to provide interested parties opportunities to participate in the 2050 MTP update process. This update shall also be developed in consultation with Federal, State, and local agencies responsible for: land use management, natural resources, environmental protection, conservation, historic preservation and other cognizant agencies as well.

The 2050 MTP update will consider new and emerging technologies and services such as electrification, automation, and sharing. Improvements in these areas should be linked to policies and funding opportunities in IIJA.

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The overall update process and policy decisions will be guided by the Metro COG Policy Board and its subcommittees: Transportation Technical Committee, Bike Ped Committee, Safety Committee, and Freight Committee.

Outlined below is the scope of work that will guide development of this project. 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. The Consultant is encouraged to offer innovative initiatives in addition to, or supplemental to the included scope of work.

At minimum, the Consultant shall be expected to establish detailed analysis, recommendations and/or deliverables for the following tasks:

Task 1 – Project Management

This task involves activities required to manage the project including staff, equipment and documentation. It also includes the preparation of monthly progress reports, documenting hours spent on the project, 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 2050 MTP update, 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 within 30 business days following the end of each month 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. Metro COG reviews and processes all invoices for payment that are received prior to its Policy Board (3rd Thursday of each month). Any invoice received after the Wednesday before Policy Board meetings will not be processed until the next Policy Board meeting.

Task 2 - Public Participation

Public input is a key component of all of Metro COG's planning efforts. This is particularly true in the case of the MTP. The consultant should employ an active public engagement strategy that focuses on meeting people where they are at. The consultant should purpose a mixed strategy of online and in-person engagement techniques as well as

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methods for public engagement that lead to measurable feedback that can be utilized to develop the various elements of the plan.

Public participation will be in accordance with Metro COG's Public Participation Plan, as adopted in December of 2022, and will involve the following:

1) Project Leadership Team Meetings

The consultant should propose a committee structure for how the study is led and how decisions are made, the purpose of which is to lead the development of all of the individual components of the study as well as guide the process of the MTP update. The consultant should detail who should be involved, and committee structure used in decision-making. The consultant should take into consideration: representatives from local governments, regional stakeholders, local subject matter experts, multi-modal representation, local champions, etc.

2) Public Meetings

As mentioned above, Metro COG prefers an active participation method that prioritizes meeting people where they are. It is vital to the planning effort that input be gathered from the public in meaningful ways that help the development of all elements of the MTP. Public input should be done in such a manner that gains measurable results.

The public should be given multiple opportunities at various times and locations to attend public meetings in places that are convenient, easily accessible, and open to the public. The consultant should propose a public engagement strategy that identifies an identified number of meetings, the timing of public engagement during the development of the MTP, potential techniques for engagement, and how that engagement will be measured in order to be usable for the MTP development.

3) Outreach and Education

The development of the MTP is a good opportunity to advertise Metro COG and educate the region on transportation planning. The consultant should propose a strategy that incorporates outreach efforts in both traditional and online media, including social media. This should be aimed at both developing the MTP, educating the public on transportation planning, and bringing greater awareness of Metro COG as an organization. The consultant should consider the use of videos or other such means to accomplish this task.

Task 3 – Integration of Previous Planning Efforts

In the past ten-years, Metro COG has completed numerous plans. These plans contain transportation policy, future projects, and project timing among other topics. In order to solidify these priorities and to carry the elements of these studies forward, Metro COG

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would like the consultant to incorporate the findings of these planning efforts into the MTP. Such plans are listed on page 6 of this RFP.

Other documents relevant to this task may include local comprehensive plans. The consultant should work with Metro COG to incorporate elements of these plans into the MTP. Project managers of each study will share summaries of recommendations.

Task 4 – Transportation System Vision

Following on the efforts in Task 3, Metro COG would like the consultant to develop an ultimate, full build transportation network representative of “full build-out” of the region. This future vision should emphasize the functionality of corridors, differentiate mobility vs livability corridors, include barriers to transportation (drains, rivers, etc.), logical extensions of the arterial network, and carry forward the ideas that have been developed in legacy plans. This effort should culminate in a GIS mapping tool that can be integrated into Metro COG’s website where the public can digest how the future roadway network will look, feel, and operate. Metro COG is currently developing a full-build scenario for the Interstate Operations Analysis, which can be used and referenced for the development of this vision.

Task 5 – Goals and Objectives

The 2045 MTP included a number of goals and objectives, derived both locally and from federal guidance. These goals and objectives are currently used to not only score and rank projects during funding solicitations, but also to direct Metro COG’s transportation planning efforts.

Metro COG would like to refine these goals and objectives in order to clarify how project selections are made and to provide clear direction on preferred regional outcomes on a variety of transportation related topics. This effort should include discussion and coordination with Metro COG staff and its regional partners in order to gain perspective amongst agencies and to garner feedback on issues important to local jurisdictions.

Task 6 – Performance-Based Planning and Programing of Projects

The development of future projects utilizing federal funding suballocated to this region is a critical element of the MTP. This listing of project priorities serves as a basis for necessary transportation improvements needed over the life of the plan and provides the agency and its partners a roadmap in guiding funding decisions.

1) Travel Demand Model (TDM)

The consultant will work with the Advanced Traffic Analysis Center (ATAC) at NDSU to run TDM scenarios to develop future transportation scenarios that lead to the identification of future transportation needs. ATAC has developed the TDM using the Cube platform. ATAC will provide a calibrated TDM to the consultant, at which time the consultant will be responsible for developing and running future

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scenarios. The consultant will be required to develop and run at least three scenarios, a base year scenario, an interim year 2035, and a target year 2050.

The consultant should propose how it will accomplish this task and is encouraged to propose its own approach to this task, detailing how its approach may be beneficial to Metro COG planning efforts.

2) Fiscal Constraint

The MTP is required to be a fiscally constrained document. The consultant will work with Metro COG to develop fiscal constraint (funding that can be reasonably expected over the life of the plan that can be used to implement, maintain, and operate the transportation system) which is required to be inflated over the life of the plan. This can be based upon past projects funded through the TIP and the current funding levels within IJA.

3) Performance-based Programming of Future Projects

The consultant will be required to develop future projects stemming from the needs identified by both the TDM and maintenance needs identified by local jurisdictions utilizing a performance-based planning and programming methodology. The consultant will develop three separate project tables: 1) total project needs, 2) fiscally constrained project needs, and 3) visionary future projects (large projects outside of fiscal constraint and 2050 needs). These project tables should be organized into five-year time bins based upon need.

The consultant should develop a methodology to prioritize needs across modes and develop funding scenarios for the fiscally constrained needs table listed above. Metro COG's 2045 MTP includes a rudimentary scoring matrix that the consultant may utilize as a starting point. It also contains an ideal funding distribution chart that sets idealized funding distribution across different modes, for system expansion projects, and for maintenance projects. Metro COG would like the consultant to update this chart and use it as a guide in creating funding allocation scenarios.

4) Future Transportation Planning Projects

Metro COG is interested in creating a process by which projects are studied, programmed for funding, developed, and ultimately constructed in a predictable manner. This is critical as Metro COG will be responsible for programming its directly suballocated TMA funds. Sometimes, corridor studies that are undertaken lead to programming, but other times are too far in advance of the project need, often leading to the need to reopen studies and re-evaluate their findings.

Metro COG would like the consultant to identify possible future corridor studies that would be necessary based upon the needs analysis completed in the previous subtask. This task may include the review of corridor studies that have

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recently been completed (last 5-years). These future transportation planning projects should correlate to construction project needs developed in previous tasks.

Task 7 – Congestion Management Process and TMA Planning Requirements

It was expected that Metro COG was to become a TMA in FY2023 (Fall 2022); however, due to the delay in the Census Bureau's process of delineating urban area populations, Metro COG is now slated to become a TMA in FY2024 (Fall 2023). Many of the TMA requirements were integrated into the 2045 MTP. Metro COG would like to further develop these elements as well as ensure that the agency is meeting all the requirements of a TMA.

1) Federal Requirement Review

Metro COG would like the consultant to review federal TMA requirements and make sure that the agency is meeting those requirements either through the development of the 2050 MTP, or ensure that it has already met those requirements through previous planning and coordination efforts.

2) Congestion Management Process (CMP)

Metro COG would like the consultant to develop a Congestion Management Process utilizing the work that was included in the 2045 MTP. Unlike the 2045 MTP, Metro COG would like this to be a stand-alone document. It should include the required CMP framework, but should also include a primer on how the agency can fulfill the CMP requirement as well as how a CMP strategy can be integrated into the work Metro COG performs through its other required work products. Metro COG would like direction on how it can utilize this tool, develop necessary datasets, and achieve both MTP and federal goals.

Task 8 – Document

The consultant will prepare technical memorandums that represent the information developed in each individual task as they are completed. These will be made available to Metro COG and the project leadership team for review during the development of the MTP. These can be used in the development of the final document at the end of the planning process.

1) Graphics

The document and technical memorandums should be as graphically rich as possible and shall include charts, graphs, infographics, etcetera where applicable. These graphics should be developed along with the content in the technical memorandums so that they can be reviewed by Metro COG.

2050 Metropolitan Transportation Plan Update2) Executive Summary

The consultant will be required to develop an executive summary. The consultant should propose how it would develop such a summary and what it will look like. Metro COG is open to innovate methods, such a video, to achieve this subtask. The executive summary should encompass and explain all important elements of the MTP (as determined through conversations with Metro COG staff and the project leadership team).

3) Final Document

The culmination of the process should result in an MTP that is coordinated, comprehensive, and continuous. It should meet federal TMA requirements as well as contain state and local goals, policies, and initiatives. The document should be graphically rich and be able to be both used for technical purposes and also be understandable to the public. Metro COG will require PDFs of the document and appendices that are suitable for both printing and for posting on our website. This may involve providing documents of different file sizes. Products developed during the process, such as Word or InDesign files, spreadsheets, GIS layers, map files, etc. shall be provided to Metro COG upon adoption of the plan to ensure that we have possession of the files needed to process future plan amendments.

Task 9 – Plan Adoption

Metro COG represents seven jurisdictions (five cities and two counties). The adoption of the plan should include meetings where elected officials and leadership can engage the consultant team to gain a thorough understanding of the contents of the plan, including explanations of policy ramifications and their ultimate relationship to implementation and impacts. Learning sessions should be scheduled to give each entity this opportunity.

After the learning sessions are conducted, the consultant will work with Metro COG staff as well as staff from each of the jurisdictions to schedule times to bring the final plan forward to the applicable commission or council to show support for the MTP. The consultant should develop a stock resolution of support and staff memo language that each jurisdiction can utilize for their Board approvals. Some jurisdictions may desire presentations to technical staff or other committees. The consultant should include an adoption process within its proposal.

Final adoption of the plan should occur no later than September 30, 2024.

IV IMPLEMENTATION SCHEDULE

1) Consultant Selection

Advertise for Consultant Proposals	approximately 1/25/2023
Due Date for Proposal Submittals (by 4:30pm)	2/17/2023
Review Proposals/Identify Finalists	(week of) 2/20/2023
Interview Finalists	between 2/27/2023 – 3/8/2023
Metro COG Board Approval/Consultant Notice	3/16/2023
Contract Negotiations	Upon selection of a preferred consultant
Notice to Proceed*	One day after contract signing

*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.

V EVALUATION AND SELECTION PROCESS.

Selection Committee. The Client will establish a multijurisdictional selection committee to select a Consultant. The committee will potentially consist of Metro COG staff and representatives from some or all of Metro COG's seven primary jurisdictions: Fargo, west Fargo, Horace, and Cass County, ND; and Moorhead, Dilworth, and Clay County, MN. Representatives from the North Dakota Department of Transportation and/or Minnesota Department of Transportation may also participate in the selection committee

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
- 20% - Current workload and ability to meet deadlines

The Selection Committee, at the discretion of the Client and under the guidance of NDDOT policy, will entertain formal oral presentations for the top candidates to provide additional information for the evaluation process. The oral 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 March 16, 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, FAX, 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) Required Disadvantaged Business Enterprise (DBE) and/or Minority Business Enterprise (MBE) Firms participation documentation, 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)
 - Exhibit B – Federal Clauses
 - Exhibit C – SFN 60232: Proposed Sub-Consultant Request

VII CERTIFICATION FORM Submittal Information

Hard copies of technical and cost proposals should be shipped to ensure timely delivery to the contact as defined below:

Michael Maddox, AICP
Senior Transportation Planner
Fargo-Moorhead Metropolitan Council of Governments
Case Plaza, Suite 232
One 2nd Street North
Fargo, ND 58102-4807
maddox@fmmetrocog.org

All proposals received by **4:30 pm (Central Time) on Friday, February 17, 2023** at the Metro COG office will be given equal consideration. Minority, women-owned and disadvantaged business enterprises are encouraged to participate. Respondents must submit one Adobe Acrobat (.pdf) copy of the proposal. The full length of each proposal should not exceed fifteen (15) double sided pages for a total of thirty (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 **February 8, 2023**. No response will be given to verbal questions; however, Metro COG will entertain meeting with consultant teams before the proposal deadline to answer any questions or to give insight into the needs of the organization in regards to the MTP. The Client reserves the right to decline a response to any question if, in the Client's assessment, the information cannot be obtained and shared with all potential organizations in a timely manner.

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 shall 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 within the sealed cost proposal.**
- 3) **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.
- 4) **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.
- 5) **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.

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.

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- 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.

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

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- 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

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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

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(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	0.00

Exhibit B - Federal Clauses

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.

Exhibit C – SFN 60232: Proposed Sub-Consultant Request

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: Ari Del Rosario, AICP
Date: January 6, 2023
Re: **Performance Measures Update**

As a part of the Fixing America's Surface Transportation (FAST) Act, which was signed into law on December 4, 2015, State DOTs and MPOs are required to establish quantifiable targets for performance measures. There are three performance measures.

Performance Measure 1 (PM1) is meant to establish performance targets related to safety. This falls under §490 Subpart B. As such, each state must annually establish and report performance targets for the Highway Safety Improvement Program (HISP) for the following five (5) safety performance measures:

1. Number of Fatalities
2. Rate of Fatalities
3. Number of Serious Injuries
4. Rate of Serious Injuries
5. Number of Non-motorized Fatalities and Non-motorized Serious Injuries

Performance Measure 2 (PM2) is meant to establish performance targets related to pavement and bridge condition. This falls under §490 Subpart C and §490 Subpart D. As such, as well as reporting annually on each of these targets, every four years each State DOT is required by Federal Highway Administration (FHWA) to establish six (6) pavement and bridge condition performance measure targets:

1. Percent of Interstate Pavement in Good Condition
2. Percent of Interstate Pavement in Poor Condition
3. Percent of Non-interstate NHS Pavement in Good Condition
4. Percent of Non-interstate NHS Pavement in Poor Condition
5. Percent of NHS Bridges in Good Condition
6. Percent of NHS Bridges in Poor Condition

Performance Measure 3 (PM3) is meant to establish performance targets related to auto and truck travel time reliability. This falls under §490 Subpart E and §490 Subpart F. As such, as well as reporting annually on each of these targets, every four years each State DOT is required by Federal Highway Administration (FHWA) to establish three (3) auto and truck travel time reliability performance measure targets:

1. Percent of person-miles traveled on the Interstate that are reliable
2. Percent of person-miles traveled on the Non-Interstate NHS that are reliable
3. Truck Travel Time Reliability Index

As an MPO, Metro COG is required by FHWA to either:

1. Agree to program projects in each state's portion of the Metropolitan Planning Area (MPA) to support the performance targets established by the respective state and/or
2. Establish MPO specific safety performance targets for all or some of the above five measures.

In years previous, TTC has recommended to Policy Board to support the performance targets established by each respective state. This has meant the adoption of MnDOT's Performance Measure targets for the Minnesota portion of the MPA and the adoption of NDDOT's Performance Measure targets for the North Dakota portion of the MPA.

Metro COG is currently in the process of collecting and analyzing the performance data and plans to continue supporting the performance targets established by each respective state as explained above. Metro COG will be seeking a recommendation to adopt its MPO targets at next month's February TTC meeting.

Requested Action: None