

87th Meeting of the Metro Area Transit Coordinating Board May 19, 2021 – 8:00 am *Virtual Meeting*

Meeting Agenda

1. Call to Order and Introductions
2. Action Items:
 - a. March 17, 2021 Meeting Minutes
 - b. Procurement Manual Update – Mary Frahm
 - c. Preliminary 2021 Operating Budgets
 - i. Fargo – Julie Bommelman
 - ii. Moorhead – Lori Van Beek
3. Informational Items
 - a. Update on GTC Phase 2 Construction – Julie Bommelman
 - b. Update on COVID-19 Changes – Julie Bommelman
 - c. Update on Farebox System Implementation & Pilot Program – Lori Van Beek
 - d. Update on Transit Development Plan 2021-2025 – Michael Maddox
 - e. 2021 Operations Reports – Cole Swingen & Lori Van Beek
 - f. Interesting Transit Articles
4. Other Business

Online from Web Browser:

- Website: <https://pexip.me/meet/28901319>
- Meeting PIN: 0519
- (Make sure to only be using either Google Chrome or Firefox (**Internet Explorer will not work**)).

From Telephone:

- Phone Number: *67 +1 (351) 222-2275 (for other countries check web browser link)
- Conference Code: 28901319#
- Use guest PIN: 0519

Please make sure you dial *67 or your phone number will be displayed on the broadcast.

Memorandum

To: MAT Coordinating Board

From: Mary Frahm, Moorhead Accounting Technician
Lori Van Beek, Moorhead Transit Manager
Julie Bommelman, Fargo Transit Director

Date: May 13, 2021

RE: *Update to MATBUS Procurement Manual*



Federal Transit Administration (FTA) grantees use their own procurement procedures that reflect applicable state and local laws and regulations, provided the process ensures competitive procurement and the procedures conform to applicable Federal requirements.

The Fargo-Moorhead MATBUS Procurement Manual is being revised to reflect changes in the Minnesota purchasing requirements effective January 1, 2021.

- Micro purchase has been redefined at \$10,000 or less (previously \$3,500)
- Small purchase has been redefined as more than \$10,000 but less than \$250,000 (previously more than \$3,500 but less than \$150,000)
- Appendix E provides a link to the State of Minnesota Department of Transportation (MnDOT) Procurement Policy and Procedures.

Requested motion: The request is for the MAT Coordinating Board to recommend the revised transit procurement policies to the Fargo City Commission and the Moorhead City Council.

Cities of Fargo and Moorhead Transit (MATBUS) PROCUREMENT POLICIES



SECTION I. INTRODUCTION

The Cities of Fargo and Moorhead have responsibilities for the operation of a public transportation system and the planning of transit related projects. The Cities of Fargo and Moorhead award all transit related contracts and are responsible for establishing procedures to avoid the purchase of unnecessary property and services and the proper use of funds.

MATBUS is governed by the MAT Coordinating Board and the Cities of Fargo and Moorhead governing bodies.

The Cities of Fargo and Moorhead jointly operate public transit services under the name of MATBUS. The terms "City of Fargo, City of Moorhead, Cities, Metro Area Transit, MAT, MATBUS, Fargo Transit, Moorhead Transit, Grantee, Transit Office", are synonymous and mean the Cities of Fargo and/or Moorhead.

MATBUS receives funding from the Federal, State, and Local government. Therefore, procurement policies and procedures are consistent with federal regulations and the laws of the States of North Dakota and Minnesota as applicable, and the policies of the Cities of Fargo and Moorhead as applicable. Additional guidance and reference is provided by the latest *FTA Circular 4220, FTA's Best Practices and Procurement Manual*, MNDOT Procurement Policy and Procedures, and the Cities of Fargo and Moorhead purchasing policies (Appendix A, B, C, D, and E).

The Transit Director (City of Fargo) and the Transit Manager (City of Moorhead) are responsible for providing procurement advice on all matters relating to transit procurement as well as those procurement actions necessary to ensure that the award of contracts is carried out in a manner consistent with the policies and procedures herein.

The purpose of these policies and procedures is to set forth the procurement methods and establish standards for obtaining goods and services, including construction, professional, Architectural, and Engineering services necessary for the operation of MATBUS's public transportation service. These policies include procedures for the solicitation, award and administration of formally advertised contracts, as well as the consultant selection, negotiation, award and administration of competitively negotiated Architectural and Engineering contracts.

The procurement procedures are designed to:

- A. To create the maximum feasible free and open competition in all procurements.
- B. To prevent potential waste, fraud, abuse, and conflicts of interest in the procurement process.
- C. To prevent the issuance of exclusionary or discriminatory specifications.
- D. To ensure fair and equal treatment of all vendors.
- E. To establish standard procedures to be followed in making purchases.
- F. To achieve the optimum price for the item(s) being purchased. Optimum price may or may not mean the lowest price.
- G. To comply with all applicable Federal, State, and local laws, regulations, policies, and procedures in making all procurements.

SECTION II. WRITTEN STANDARDS OF CONDUCT

Employees, officers, and agents of MATBUS must adhere to the standards of conduct set forth in 49 CFR 18.36 in the award and administration of contracts supported by Federal funds.

No employee, officer or agent of MATBUS shall participate in the selection, award or administration of a contract if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when any of the following has a financial or other interest in the firm selected for award:

- a. The employee, officer, agent, or Commission/Council member;
- b. Any member of his/her immediate family;
- c. His or her partner; or
- d. An organization that employs, or is about to employ, any of the above.

SECTION III. DISADVANTAGED AND SMALL BUSINESS ENTERPRISES

MATBUS is supported by revenues from Federal and State grants, joint powers agreements, local funds, advertising fees, and passenger fares.

Disadvantaged Business Enterprise (DBE)

In accordance with Federal Regulation 49 CFR Part 26, Participation by Disadvantaged Business Enterprises in DOT Transportation Programs, recipients of federal funds are required to take necessary and reasonable steps all necessary affirmative steps to assure that minority, disadvantaged, and women-owned business enterprises along with labor surplus area firms are used when possible. To certify a minority, disadvantaged, or women-owned business enterprise (which is a business owned and controlled 51% or more by an individual or groups of individuals who are female or minorities (49 CFR 26) with the City, contact the appropriate state office.

For North Dakota based firms contact:

North Dakota Department of Transportation

Office of Civil Rights
608 East Boulevard Avenue
Bismarck, ND 58505-0700
(701) 328-2563
DBE Liaison Officer

<http://www.dot.nd.gov/divisions/civilrights/civilrights.htm>

For Minnesota based firms contact:

Minnesota Department of Transportation

Office of Civil Rights
Transportation Building
395 John Ireland Boulevard
St. Paul, MN 55155-1899
(651) 366-3073 (Voice)

(651) 296-9930 (TDD)
(651) 366-3129 (FAX)
www.dot.state.mn.us/civilrights/dbe.html

MATBUS has developed a DBE Policy and must submit semi-annual DBE activity reports on or before June 1 and December 1 describing procurement activities and DBE participation.

Fostering Small Business Participation

The City of Fargo and City of Moorhead Transit have established a small business element to their DBE programs, pursuant to 49 CFR 26.39. These programs aim to provide opportunities and foster small business enterprises (SBE)/participation in contracting with the City of Fargo and City of Moorhead Transit. These programs are race- and gender- neutral.

SECTION IV. GENERAL PROCUREMENT STANDARDS

The following standards apply to all procurements of MATBUS with Federal Transit grant funds:

MATBUS shall maintain records detailing the history of procurements. Procurement files will include:

- a. the rationale for the method of procurement;
- b. selection of contract type;
- c. reasons for contractor selection or rejection; and
- d. the basis for the contract price.

The requirements outlined in this section apply to the total aggregate annual purchase amount of supplies, equipment, materials, construction or services. Related parts of procurement are not to be divided for the express purpose of avoiding bidding requirements.

- A. Contract Administration System. Cities will maintain a contract administration system that ensures contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. No payments to contractors may be made until this provision is satisfied. The individual administering the contract (the Moorhead Transit Manager or Fargo Transit Director) are tasked with reviewing contractor and grantee expectations and tasks on a regular basis. Given the small size of the office staff, collaboration between the staff from Moorhead and Fargo ensures adherence. Leadership team meetings are held once per week to review responsibilities and follow-up on previously-assigned tasks. Leadership team meetings include Moorhead and Fargo administrators, the Fleet and Facilities Manager and the First Transit General Manager). Monthly Operations Reports are submitted by First Transit and reviewed by MATBUS staff. Sharepoint (previously ManageMAT) also contains various complaints, incidents, missed trips, maintenance logs and other data reviewed by MATBUS staff. Administration has access to the fleet management reporting software and reviews monthly data. The Fleet and Facilities Manager reviews maintenance conducted by Valley Senior Services and inspections are done regularly. The Mobility Manager conducts on-site reviews of the Valley Senior Services and completes a periodic checklist. Any inconsistencies are brought to the attention of the contractor for resolution. Contract changes or amendments must follow procurement policies. In addition, contract language is reviewed by the City Attorney. Contract changes/amendment are brought to the City Council/Commission for approval. The grantee's staff members are very cognoscente to avoid creep of scope. If the contract change/amendments are not directly related to the base intent of the project, a separate project will be created and procured to avoid any sense of impropriety. Due to the small staff size, the same individual(s) who drafted the

original procurement are involved with any changes/amendments. This helps ensure that the original scope is known and understood by those seeking potential modifications/changes to it.

- B. Review of Proposed Procurements. The Cities will provide for a review of proposed procurements to avoid purchase of unnecessary or duplicate items. The Cities will follow federal, state, and local guidelines outlined in their applicable procurement policies as outlined in applicable exhibits.

Lines of responsibility for City of Moorhead purchases for MATBUS: The Moorhead Transit Manager is responsible for making preparations for seeking quotations and/or open market purchasing initiating formal bidding processes in compliance with this policy; and the Planning and Neighborhood Services Director is responsible for approving all purchases within the department. The Finance Director reviews and approves City purchases as the designee for the City Manager.

Lines of responsibility for City of Fargo purchases for MATBUS: The Fargo Transit Director is responsible for making preparations for seeking quotations and/or open market purchasing initiating formal bidding processes in compliance with this policy; and the City Administrator/Assistant City Administrator is responsible for approving all purchases within the department. The Finance Director reviews and approves City purchases over \$25,000.

- C. Value Engineering Clauses. The Cities will use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. (Value engineering is a systematic and creative analysis of each contract item or task to insure that its essential function is provided at the overall lowest cost.)
- D. Contractor Awards. The Cities will make awards only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. Documentation regarding the determination of the contractors' responsibility level will be placed in the procurement file.
- E. Record Maintenance. The Cities will maintain records sufficient to detail the history of procurements. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, contractors' responsibility level, and the basis for the contract price. Retention of all required records will be for three years (six years under State guidelines) after grantees or subgrantees make final payments and all other pending matters are closed. Records pertaining to capital procurements and/or projects shall be retained until the item is disposed of.
- F. Settlement of Contractual/Administrative Issues. The Cities alone will be responsible in accordance with good administrative practice and sound business judgment for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to the following: source evaluation, protests, disputes, and claims. Refer to Protest Procedures of this document.
- G. Open Competition. All procurement transactions will be conducted in a manner providing full and open competition consistent with the standards set forth in this policy. Some of the situations considered to be restrictive of competition include, but are not limited to:
 - 1. Placing unreasonable requirements on firms in order for them to qualify to do business;

2. Requiring unnecessary experience and excessive bonding;
3. Noncompetitive pricing practices between firms or between affiliated companies;
4. Noncompetitive awards to consultants that are on retainer contracts;
5. Organizational conflicts of interest;
6. Specifying only a "brand name" product instead of allowing "an equal" to be offered and describing the performance of other salient characteristics of the brand name product; and
7. Any arbitrary action in the procurement process.

- H. Geographical Preferences. The Cities will conduct procurements involving federal funds in a manner that prohibits the use of statutorily or administratively imposed in-State or local geographical preferences in the evaluation of bids or proposals, except in those cases where applicable federal statutes expressly mandate or encourage geographic preference. This does not preempt State of North Dakota or Minnesota licensing laws. Geographic location may be a criteria when using the qualifications-based method for contracting for architectural and engineering services, provided such application leaves an appropriate number of qualified firms from which to choose. No Federal funds shall be used to support procurements utilizing exclusionary or discriminatory specifications.
- I. Written Specifications. The Cities will issue written specifications for all procurements as applicable per federal, state, and local guidelines, including all applicable 3rd Party Contracting Clauses. All solicitations will incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description will not, in competitive procurements, contain features that unduly restrict competition. The specification will identify all requirements that the offerors must fulfill and all other factors to be used in evaluating bids or proposals. The bidder or proposer agrees to comply with the requirements of 2 C.F.R. part 180, subpart C, as supplemented by 2 C.F.R. part 200, while this offer is valid and throughout the period of any contract that may arise from this offer.
- J. Prequalified Lists. The Cities will ensure that all prequalified lists of persons, firms, or products that are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. The Cities will not preclude potential bidders from qualifying during the solicitation period.
- K. Independent Cost Estimate and Cost/Price Analysis. The Cities shall perform an independent cost estimate prior to procurement, as well as a cost or price analysis in connection with every procurement action, including contract modifications. A price analysis is used to determine the reasonableness of the proposed contract price. Cost or price analysis will provide a comparative process of evaluating total price without regard to the individual elements that make up the total price. An example of cost and price analysis is attached to this document.

Cost Analysis must be obtained when a price analysis does not provide sufficient information to determine the reasonableness of the contract cost, when price competition is inadequate or when using a sole source is available, contract modifications, or in the event of a change order. Elements in a cost analysis include labor hours, overhead materials, and other pertinent information.

Price analysis is the process of examining and evaluating a bid price without evaluation of the separate cost elements and proposed profit of the individual prospective supplier whose price is being

evaluated. Normally, price analysis may be accomplished through one or more of the following activities. In order of preference the accepted forms of price analysis are:

- (1) Adequate price competition
- (2) Prices set by law or regulation
- (3) Established catalog prices and market prices
- (4) Comparison to previous purchases
- (5) Comparison to a valid Grantee independent estimate
- (6) Value analysis

If only one bid is received, the sole bidder must cooperate with the Cities of Fargo/Moorhead as necessary in order for its bid to be considered for award. For federally funded procurements, if the competition was deemed adequate, the single bid is considered as valid sole source procurement and is subject to the requirements for sole source procurements. However, a new solicitation of bids may be necessary if the single bid price appears unreasonable.

- L. Profit Negotiation. The Cities will negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration will be given to such things as the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work. Negotiated procurements are subject to approval of the Cities.
- M. Estimated Costs. Costs or prices based on estimated costs for contracts under federal grants will be allowable only to the extent that costs incurred or cost estimates included in negotiated prices are consistent with federal cost principles (49 CFR § 18.22).
- N. Restricted or Prohibited Types of Contracts. The cost plus a percentage of cost and percentage of construction cost methods of contracting shall not be used. Cost plus fixed fee and time and materials methods of contracting shall be used when restricted conditions for these types of contracts are met.
- O. Bonds. For construction or facility improvement contracts or subcontracts exceeding \$100,000, MATBUS will require bonds as outlined in the attached federal, state, and local guidelines.
- P. Tag-ons. Tag-ons are defined as the addition of work (supplies, equipment, or services) that is beyond the scope of the original contract that amounts to a cardinal change as generally interpreted in Federal practice by the various Boards of Contract Appeals. "In scope" changes are not tag-ons. Tag-ons are actually sole source additions that have not been justified and approved by the grantee's management official having authority to approve of sole source contract awards. Tag-ons are not permitted for any type of procurement. The agency may go through the process to define the purchase as sole source if the appropriate requirements are met.
- Q. Architectural and Engineering Services. FTA's enabling legislation at 49 U.S.C. § 5325(b)(1) requires the use of the qualifications-based procurement procedures contained in the Brooks Act, 40 U.S.C. §§ 1101-1104, to acquire program management, architectural engineering, construction management, feasibility studies, preliminary engineering, design, architectural, engineering, surveying, mapping, or related services for an FTA-funded project. The nature of the services to be performed and its

relationship to construction, not the nature of the prospective contractor, determines whether qualifications-based procurement procedures may be used, as described below:

- Qualifications-Based Procurement Procedures Required. The recipient must use qualifications-based procurement procedures not only when contracting for A&E services, but also for other services listed in 49 U.S.C. Section 5325(b)(1) that are directly in support of, directly connected to, directly related to, or lead to construction, alteration, or repair of real property.
- Qualifications-Based Procurement Procedures Prohibited. Unless FTA determines otherwise in writing, a recipient may not use qualifications-based procurement procedures to acquire other types of services if those services are not directly in support of, directly connected to, directly related to, or do not lead to construction, alteration, or repair of real property.

R. Design-Bid-Build. The design-bid-build procurement method requires separate contracts for design services and for construction.

- Design Services. For design services, the recipient must use qualifications-based procurement procedures, in compliance with applicable Federal, State and local law and regulations.
- Construction. Because the recipient may not use qualifications-based procurement procedures for the actual construction, alteration or repair of real property, the recipient generally must use competitive procedures for the construction. These may include sealed bidding or competitive negotiation procurement methods, as appropriate.

S. Design-Build. The design-build procurement method consists of contracting for design and construction simultaneously with contract award to a single contractor, consortium, joint venture, team, or partnership that will be responsible for both the project's design and construction.

- Procurement Method Determined by Value. First, the recipient must separate the various contract activities to be undertaken and classify them as design or construction, and then calculate the estimated total value of each. Because both design and construction are included in a single procurement, the FTA expects the recipient to use the procurement method appropriate for the services having the greatest cost, even though other necessary services would not typically be procured by that method.
 - Construction Predominant. The construction costs of a design-build project are usually predominant so that the recipient would be expected to use competitive negotiations or sealed bids for the entire procurement rather than the qualification-based "Brooks Act" procurement procedures. Specifically, when construction costs will be predominant, unless FTA determines otherwise in writing, an FTA recipient may not use qualifications-based procurement procedures to acquire architectural engineering, program management, construction management, feasibility studies, preliminary engineering, design, architectural and engineering, surveying, mapping, or related A&E services unless required by State law adopted before August 10, 2005.
 - (b) Design Services Predominant. In the less usual circumstance in which the cost of most work to be performed will consist of costs for architectural and engineering, program management, construction management, feasibility studies, preliminary engineering, design, architectural engineering, surveying, mapping, or related A&E services, FTA expects the recipient to use qualifications-based procurement procedures based on the "Brooks Act," 40 U.S.C. Sections 1101 through 1104, as described in subsection 3.e of this Chapter.
- Selection Processes. The Agency may structure its design-build procurement using one or more steps as described below:

- One-Step Method. The Agency may undertake its design-build procurement in a single step.
 - Two-Step Method.
 - Review of Technical Qualifications and Approach.
 - Review of Complete Proposals.
- T. Advance Payments. The recipient may not use FTA assistance to make payments to a third party contractor before the contractor has incurred the costs for which the payments would be attributable.
 - Exceptions for Sound Business Reasons
 - i. Adequate security for the advance payment
 - ii. Customary Advance Payments. FTA recognizes that advance payments are typically required for, but are not limited to, public utility connections and services, rent, tuition, insurance premiums, subscriptions to publications, software licenses, construction mobilization costs, transportation, hotel reservations, and conference and convention registrations. Accordingly, the recipient may use FTA assistance to support or reimburse the costs of such acquisitions. FTA concurrence is required only when such advance payment or payments customarily required in the marketplace exceed \$100,000.
- U. Progress Payments. The Agency may use FTA assistance to support progress payments provided the recipient obtains adequate security for those payments and has sufficient written documentation to substantiate the work for which payment is requested. The following will be required for all progress payments:
 - Adequate Security for Progress Payments
 - Adequate Documentation
 - Any progress payments for construction contracts be made on a percentage of completion method. The recipient, however, may not make progress payments for other than construction contracts based on this percentage method.
- V. Revenue Contracts. A revenue contract is a contract in which the recipient or subrecipient provides access to public transportation assets for the primary purpose of either producing revenues in connection with an activity related to public transportation, or creating business opportunities with the use of FTA assisted property. To ensure fair and equal access to FTA assisted property and to maximize revenue derived from such property, the Agency will conduct its revenue contracting as follows:
 - Limited Contract Opportunities. If there are several potential competitors for a limited opportunity (such as advertising space on the side of a bus), then the Agency will use a competitive process to permit interested parties an equal chance to obtain that limited opportunity.
 - Open Contract Opportunities. If, however, one party seeks access to a public transportation asset (such as a utility that might seek cable access in a subway system), and the Agency is willing and able to provide contracts or licenses to other parties similarly situated (since there is room for a substantial number of such cables without interfering with transit operations), then competition would not be necessary because the opportunity to obtain contracts or licenses is open to all similar parties.

SECTION V. METHODS OF PROCUREMENT

Methods of procurement include micro-purchase, small purchase, and three basic methods of formal procurements (sealed bid, competitive proposal, and sole-source). The following describes when each should be used. ***The Cities of Fargo and Moorhead separately adopted varying dollar thresholds which are defined in Appendix C (City of Fargo Procurement Policies) and Appendix D (City of Moorhead Procurement Policies) and are part of this document.*** If there is a conflict between City of Fargo, City of Moorhead, MNDOT Policy, or Federal Transit policy, the most restrictive policy is to be used. Documentation must be obtained and retained on file for the method of procurement and any required specifications, competitive proposals or quotations, and information as listed in this procurement manual.

When to Use a Micro-Purchase

FTA indicates that micro-purchases may be used to acquire property and services valued at \$10,000 or less without obtaining competitive quotations. These purchases are exempt from FTA's Buy America requirements. Davis-Bacon prevailing wage requirements, however, will apply to construction contracts exceeding \$2,000, even though the recipient uses micro-purchase procurement procedures.

When to Use a Small Purchase

FTA indicates that small purchase procedures may be used to acquire services, supplies, or other property valued at more than \$10,000 but less than \$250,000. Small purchase procurement forms are contained in Appendix C and D.

- Competition. MATBUS must obtain price or rate quotations from an adequate number of qualified sources.
- Prohibited Divisions. MATBUS may not divide or reduce the size of its procurement to avoid the additional procurement requirements applicable to larger acquisitions.

When to Use Sealed Bids

Sealed bids is the preferred method for procurement when:

- A complete, adequate, precise, and realistic specification or purchase description is available;
- Two or more responsible bidders are willing and able to compete effectively for the business;
- The procurement generally lends itself to a firm fixed price contract;
- The successful bidder can be selected on the basis of price and those price-related factors listed in the solicitation including, but not limited to, transportation costs, life cycle costs, and discounts expected to be taken; and
- Discussions with one or more bidders after bids have been submitted are expected to be unnecessary as award of the contract will be made based on price and price-related factors alone. Pre-bid conferences, however, with prospective bidders are permitted and oftentimes are very useful to both recipients and bidders.

When to Use Competitive Proposals

Competitive proposals should be used when any of the following circumstances are present:

- Type of Specifications. The property or services to be acquired are described in a performance or functional specification; or if described in detailed technical specifications, other circumstances such

as the need for discussions or the importance of basing the contract award on factors other than price alone are present.

- Uncertain Number of Sources. Uncertainty about whether more than one bid will be submitted in response to an invitation for bids and the recipient lacks the authority or flexibility under State or local law to negotiate the contract price if it receives only a single bid.
- Price Alone Not Determinative. Due to the nature of the procurement, contract award need not be based exclusively on price or price-related factors. In different types of negotiated acquisitions, the relative importance of cost or price may vary. When the recipient's material requirements are clearly definable and the risk of unsuccessful contract performance is minimal, cost or price may play a dominant role in source selection. The less definitive the requirements, the more development work required, or the greater the performance risk, the more technical or past performance considerations may play a dominant role in source selection and supersede low price.
- Discussions Expected. Separate discussions with individual offeror(s) are expected to be necessary after they have submitted their proposals. This contrasts with Sealed Bids (Formal Advertising) procedures in which discussions with individual bidders are not likely to be necessary, as award of the contract will be made based on price and price-related factors alone.
- Best and Final Offer. At the conclusion of discussions with offerors in the competitive range the procuring official may ask all offerors to submit their best and final offers (BAFO) in writing. See FTA Best Practices Procurement Manual for further guidance.

When to Use Sole Source

Procurement by noncompetitive negotiation may be used only when the award of a contract is infeasible under small purchase procedures, competitive sealed bid procedures, or by negotiated purchase and at least one of the following circumstances.

- The item is available only from a single source.
- The public exigency or emergency of the requirement will not permit a delay resulting from competitive solicitation.
- The Federal Transit Administration (FTA) authorizes noncompetitive negotiations.
- After solicitation of a number of sources, competition is determined to be inadequate after determining that specifications are not unduly restrictive and changes cannot be made to encourage greater competition.

SECTION VI. BID PROTEST PROCEDURES

Protests related to this solicitation must be submitted in writing and will only be accepted from prospective Bidder or Offerors whose direct economic interest would be affected by the award of a Contract or failure to award a Contract.

Copies of MATBUS's detailed protest procedure are available upon request and are part of the individual City policies contained in Appendices C and D. Contact Julie Bommelman or Lori Van Beek, 650 23rd Street N, Fargo, ND 58102, for a copy, if desired.

As this procurement is Federally funded, the provisions of FTA Circular 4220.1F apply. An appeal to FTA must be received by the cognizant FTA Regional or Headquarters Office with five (5) working days of the date the

protestor knew or should have known of the violation. FTA will review bid protests only in the following circumstances:

- a. A protestor has exhausted all administrative remedies with MATBUS.
- b. FTA will only review protests regarding the alleged failure of the grantee to have or follow its written protest procedures or its failure to review a complaint or protest.

Alleged violations on other grounds are under the jurisdiction of the appropriate State or local authorities. Alleged violations of Federal law or regulation that provide an applicable complaint procedure shall be submitted and processed in accordance with the Federal law or regulation.

Contractors who have exhausted all administrative remedies with MATBUS and FTA can pursue the matter further in the ND/MN state courts as applicable.

Appendix A

Federal Transit Administration Circular 4220.1, as amended: Third Party Contracting Guidance:
<https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/third-party-contracting-guidance>

Federally Required Clauses

Federally Required Clauses Checklist

Federally Required Information Checklist

Appendix B

Federal Transit Administration Best Practices Procurement Manual:

<https://www.transit.dot.gov/funding/procurement/procurement>

Appendix C

City of Fargo Procurement Policies

Appendix E

MNDOT Procurement Policy and Procedures:

<http://www.dot.state.mn.us/transit/grants/procurement.html>

Memorandum

To: MAT Coordinating Board
From: Julie Bommelman, Fargo Transit Director
Date: May 19, 2021
RE: *Fargo 2022 Capital and Operating Budget Overview*



As we make preparations for the 2022 Budget, Transit is proposing options for the Transit Division for FY2022:

A Transit Authority Study to explore the viability and potential structure of the overall Fargo-Moorhead Transit function has been completed. The existing structure of the Fargo Transit department is the result of a mélange of over 20 years reacting to the circumstances of the time. We currently contract for Management and Driver services then cost-share with the City of Moorhead. Contracting with a third party for these services has been the preferred method/model in one form or another for several years. That model may no longer be effective as we migrate to a population exceeding 200,000, but bringing the Fixed Route Dispatch in-house as City of Fargo employees in January 2021 was a significant step in the right direction. This has increased efficiencies, created a depth of dispatch personnel by combining fixed route and paratransit dispatch functions, eliminated several duplicities and inefficiencies, and allows focus on the true mission of the public transportation system, safely moving the traveling public. To effect growth that is proactive vs reactive, there is a need to continue working towards a new organizational structure.

As the transit operations have grown and expanded over the years, we have added personnel to the contractor, but only **four** positions (Mobility Manager in 2008, which is a shared position with Moorhead; and Transit Planner in 2016, a Fleet & Facilities Manager in 2017, another shared employee, and an Inventory Purchasing Agent in 2021) in **thirteen** years to the administrative City of Fargo Transit staff. During that time ridership more than doubled, routes/service has vastly expanded, hours of service have expanded, the demands on staff have exponentially increased, safety & security has become at least a full-time position, and keeping up with federal, state and local regulations has not kept pace in the administrative and maintenance functions. We have requested reclassifications for the Transit Director, the Assistant Transit Director, the Fleet & Facilities Manager as well as adjustments to pay for Metro Transit Garage Technicians (no reclassifications). The Technicians pay review is due to our (and Central Garage's) inability to draw good candidates to these positions and retain good employees.

A more detailed explanation of the budget by function is outlined below:

CITY OF FARGO TRANSIT DEPARTMENT

2022 BUDGET REQUEST BREAKDOWN BY ACCOUNT

May 19, 2021

ACCT 2561 SUMMARY – FARGO FIXED ROUTE & ADMINISTRATION

The 2561 account is used for Fargo fixed route transit service. In addition to the fixed route expenses, this account maintains administration employee salaries, office supplies, marketing materials and more. No cost in this account is shared with Moorhead. Below are the requested changes for the 2022 budget period.

GL Code	Expense Type	Prior Year Approved Budget	Incremental Request	Reallocation (RA) One Time (OT) or Reoccurring (RO)	Discretionary (D) or Non-discretionary* (N)	Purpose
551-2561-491-33-20	Accounting Services	1,500.00	1,000.00	RO	D	For last 2 years, actual expenditures were \$2,700, this is more in line with actuals
551-2561-491-33-80	Security Services	1,000.00	25,697.00	RO	N	Security services at West Acres, contract has 5% increase
551-2561-491-33-86	Bus Driver Services	3,372,980.00	101,190.00	RO	N	Driver services has a 3% increase
551-2561-491-38-99	Other Services	40,951.00	2,048.00	RO	N	West Acres rent and data (5% inc), bus shelter repairs
551-2561-491-42-06	Cleaning Service	30,000.00	1,500.00	RO	D	Contract expiring end of 2021 anticipate 5% increase
551-2561-491-53-20	Cellular Phone Service	19,000.00	2,000.00	RO	D	\$2K increase based on actuals from prior year
551-2561-491-54-10	Legal Publications	300.00	350.00	RO	D	increase based on actuals from prior year

Total Operating Requests	\$ 3,465,731.00	\$ 133,785.00				
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ACCT 2562 SUMMARY - PARATRANSIT

The 2562 account costs are shared between Fargo and Moorhead based on ridership. The below changes are based on working with Moorhead. Below are the requested budget changes for 2022.

GL Code	Expense Type	Prior Year Approved Budget	Incremental Request	Reallocation (RA) One Time (OT) or Reoccurring (RO)	Discretionary (D) or Non-discretionary* (N)	Purpose
551-2562-491-33-86	Bus Driver Services	797,000.00	33,474.00	RO	N	Contract has a 4.2% increase
551-2562-491-38-99	Other Services	39,165.00	17,922.00	RO	N	Routematch Annual license (contract inc 4%); FSS Coupons (reflects actuals for last 2 years)
551-2562-491-53-20	Cellular Phone Service	8,480.00	640.00	RO	N	Additional funds to reflect actuals
551-2562-491-53-60	Other Communications	1,800.00	1,600.00	RO	N	Windows 365 Licenses

Total Operating Requests	\$ 846,445.00	\$ 53,636.00				
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ACCT 2563 SUMMARY – GROUND TRANSPORTATION CENTER

The 2563 account costs are strictly operating costs and shared between Fargo (2/3) and Moorhead (1/3) based on our master agreement. The below changes are based on working with Moorhead, below are the requested budget changes for 2022.

GL Code	Expense Type	Prior Year Approved Budget	Incremental Request	Reallocation (RA) One Time (OT) or Reoccurring (RO)	Discretionary (D) or Non-discretionary* (N)	Purpose
551-2563-491-33-80	Security Services	100,000.00	36,500.00	RO	N	Contract has 5% increase (there was a mid-year budget adjustment of \$30,000)
551-2563-491-42-05	Custodial	46,750.00	2,338.00	RO	N	Contract expires end of 2021, anticipate 5% increase
551-2563-491-42-20	Snow Clearing	16,000.00	(10,000.00)	RA	N	Reallocate \$10,000 to Snow Hauling
551-2563-491-14.00	PT Seasonal/No Benefits	-	27,040.00	RO	D	Temp position to assist with covering vacations and sick leave for dispatchers
551-2563-491.42-21	Snow Hauling	4,000.00	10,000.00	RA	N	Reallocate \$10,000 to Snow Hauling
551-2563-491.53-20	Cellular Service	480.00	480.00	RO	N	Added cell phone for operations supervisor
Total Operating Requests		\$ 167,230.00	\$ 66,358.00			

ACCT 2564 SUMMARY – FARGO PLANNING

The 2564 account is our planning account. Below are the requested budget changes for 2022.

GL Code	Expense Type	Prior Year Approved Budget	Incremental Request	Reallocation (RA) One Time (OT) or Reoccurring (RO)	Discretionary (D) or Non-discretionary* (N)	Purpose
551-2564-491-33-15	Planning Services	12,100.00	12,000.00	RO	D	Planning service dues to Metro COG; short-term planning with TDP changes
Total Operating Requests		\$ 12,100.00	\$ 12,000.00			

ACCT 2568 SUMMARY – MOBILITY MANAGEMENT

The 2568 account costs are shared between Fargo (2/3) and Moorhead (1/3) for the Mobility Manager position. Below are the requested budget changes for 2022.

GL Code	Expense Type	Prior Year Approved Budget	Incremental Request	Reallocation (RA) One Time (OT) or Reoccurring (RO)	Discretionary (D) or Non-discretionary* (N)	Purpose
551-2568-491-54-11	Marketing	3,000.00	(1,500.00)	RO	N	Based on actuals
551-2568-491-55-10	Custom Printed Forms	3,000.00	(1,500.00)	RO	N	Based on actuals
Total Operating Requests		\$ 6,000.00	\$ (3,000.00)			

ACCT 2569 SUMMARY – METRO TRANSIT GARAGE

The 2569 account costs are shared between Fargo and Moorhead based on our master agreement. Below are the requested budget changes for 2022.

GL Code	Expense Type	Prior Year Approved Budget	Incremental Request	Reallocation (RA) One Time (OT) or Reoccurring (RO)	Discretionary (D) or Non-discretionary* (N)	Purpose
551-2569-491.14-00	PT Seasonal No Benefits	19,576.00	40,000.00	RO	D	Increase to fund additional Technician interns to help with the recruiting process of technicians.
551-2569-491.34-15	Computer Services	8,000.00	7,000.00	RO	N	License and Support agreements with FASTER and Genfare
551-2569-492.43-05	Freight Costs	2,000.00	(1,000.00)	RO	D	Decrease reflects the past four year's average expenditures
551-2569-491.43-25	Bus Repairs	540,000.00	35,000.00	RO	D	Bus part prices have increased damatically over the past year. Increase reflects the past four year's average expenditures.
551-2569-491.53-20	Cellular Phone Service	3,500.00	1,000.00	RO	N	Cell Phone Services added for a new employee in 2021. Based on actuals
551-2569-491.56-60	In State Travel Expense	100.00	100.00	RO	D	Increase funds to pre-covid levels to provide adequate training and education
551-2569-491.57-60	Out of State Travel Expense	2,500.00	2,500.00	RO	D	Increase funds to pre-covid levels to provide adequate training and education
551-2569-491.59-20	Seminar & Conf. Instate	2,000.00	2,000.00	RO	D	Increase funds to pre-covid levels to provide adequate training and education
551-2569-491.59-21	Seminar & Conf. Outstate	1,250.00	1,250.00	RO	D	Increase funds to pre-covid levels to provide adequate training and education
551-2569-491.61-45	Janitorial Supplies	4,500.00	1,000.00	RO	D	Janitorial Supply costs have increased. Increase is based on the past four year's average expenditures.
551-2569-491.62-10	Gasoline	10,436.00	10,000.00	RO	N	Gasoline usage is higher with the addition of more Tapride vehicles.
551-2569-491.62-52	Propane	-	500.00	RO	N	Adding new account to purchase propane for the garage sweeper/scrubber and the forklift

Total Operating Requests	\$ 593,862.00	\$ 99,350.00
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CITY OF FARGO TRANSIT DEPARTMENT 2022 CAPITAL REQUESTS

May 19, 2022

The City of Fargo requires a 5-year capital plan projection. The Request Description outlines the requested items 2022-2026 (for our purposes we will outline only items being requested for 2022, all of which is dependent upon the availability of grants and local share):

<u>Description</u>	<u>Federal Shr</u>	<u>Local Shr</u>	<u>TOTAL</u>
WA Shelter	\$1,600,000	\$400,000	\$2,000,000
Misc. Support Equip	\$80,000	\$20,000	\$100,000
Replace 5 Large Buses	\$2,300,000	\$575,000	\$2,875,000
Replace 3 Para Buses	<u>\$204,000</u>	<u>\$51,000</u>	<u>\$255,000</u>
TOTAL	\$4,184,000	\$1,046,000	\$5,230,000

Request Description	Replacement* (R), Expansion (E), New (N)	Funding Source	2022 Amount	2023 Amount	2024 Amount	2025 Amount	2026 Amount	Thereafter
West Acres Shelter (local shr is \$400,000K)	N	Grant	2,000,000					
Bus Deck Overlay (need every 5 years)(total amount listed, local shr \$200,000)	N	Grant				1,000,000		
Miscellaneous Support Equipment (total shown, local shr \$20,000)	N	Grant	100,000					
Replace 5 2010 vehicles (local share \$575,000)	R	Grant	2,875,000					
Replace 3 paratransit vehicles (local share \$51,000)	R	Grant	255,000					
Replace 2 2011 buses (local share \$200,000)	R	Grant		1,200,000				
Replace 3 paratransit vehicles (local share \$54,000)	R	Grant		270,000				
Miscellaneous Support Equipment (total shown, local shr \$20,000)	N	Grant		100,000				
Miscellaneous Support Equipment (total shown, local shr \$20,000)	N	Grant			100,000			
Miscellaneous Support Equipment (total shown, local shr \$20,000)	N	Grant				100,000		
Replace 5 2013 vehicles (local share \$650,000)	R	Grant				3,250,000		
Miscellaneous Support Equipment (total shown, local shr \$20,000)	N	Grant					100,000	

Total Capital Requests			\$ 5,230,000	\$ 1,570,000	\$ 100,000	\$ 4,350,000	\$ 100,000	\$ -
							Total	\$ 11,350,000

Requested motion: Approve draft budget as outlined and forward to Budget Team of the City of Fargo with the understanding any capital items are contingent upon identifying grants and local share.



Memorandum

To: MAT Coordinating Board

From: Lori Van Beek, Moorhead Transit Manager

Date: May 13, 2021

Re: *2022 MnDOT Operating Budget and Grant Applications*

The State of Minnesota Office of Transit and Alternative Transportation (OTAT) released their 2022 Grant Applications as of May 10, 2021. Applications are due June 30, 2021.

OTAT implemented a two-year grant cycle for 2020-2021. For CY2022, OTAT is requesting only one year with the right to extend the grant for an addition year with 60 days prior notice.

The statewide budget target for the CY 2022 Greater Minnesota Transit operating grant agreements is calculated by 2021 approved system budgets plus 2%. If extended an additional year, the change would also be 2%.

New service grant applications will be competitive statewide and must be supported by planning documents. The 2021-2025 Transit Development Plan is not yet complete; therefore, we do not expect to include new services in the 2022 budget.

Although the 2022 Operating Budget is not yet complete, we have identified the following changes that could impact CY 2022 budget for the Board's consideration:

Transit Authority Study – Large Urban Designation in FFY2023 (October 2022): City Manager consideration of increasing staffing levels and reclassifying existing positions due to more reporting required as a large urban and additional grants and reporting related to COVID-19 Federal funding and succession planning for potential retirement of the Moorhead Transit Manager in 2024.

First Transit Contract: The second-year of the two-year contract with First Transit with increases of 4.6% for driver services and 3.8% for management services. No change to safety and incentive bonuses.

Shelter Cleaning and Snow Removal: Our shelter cleaning contract will be in year four of five and includes an increase of 1.8% in the per-shelter cleaning fee. Our snow removal contract will be in year four as well, with no change to the unit price per event.

Fargo Master Agreement and Cost Sharing: Moorhead cost shares in various services provided by the City of Fargo for the transit system per our Master Agreement. Fargo's proposed budget received on May 3, 2021, will need to be reviewed and considered for inclusion in Moorhead's budget and operating grants:

- *Ground Transportation Center (GTC)*
- *Metro Transit Garage (MTG)*
- *Technology and Technical Support*
- *Mobility Management*
- *MAT Paratransit Service*

Recommended Motion:

Direct staff to move forward with operating budgets and grant applications for 2022 in coordination with the Moorhead City Manager based on the considerations listed and bring back a final 2022 budget at the regularly scheduled July meeting.

Memorandum



To: MAT Coordinating Board

From: Julie Bommelman, Fargo Transit Director

Date: January 28, 2021

Re: *Overview of 2020-2021 Ground Transportation Center (GTC) Improvements*



At the January 2021 MAT Coordinating Board meeting, I presented an overview of the improvements to the Ground Transportation Center (GTC) which, besides the deck work, were mostly done to the interior of the facility.

The net result of the construction is a larger lobby space, more lobby seating with the ability to access electrical and USB outlets, larger restrooms and much safer conditions. This initial interior portion of the project was substantially complete in early September 2020 and operations moved back to the GTC. With a variety of staff members now located at the GTC, much needed space was freed up at the Metro Transit Garage (MTG).

Exterior of the GTC Renovation Project:

The original project items we have added back into this project are as follows: exterior furniture/planters/benches, replace roof (demo overhang, fascia rebuild, reroof), remaining deck revisions, replace canopies over deck area, upgrade exterior lighting to increase safety and mitigate window glare, repair/replace pedestrian deck areas to increase safety, any additional technology needs, painting and exterior signage.

KLJ, Inc. originally analyzed and estimated this work, however, these costs will need to be updated for this second phase of the project.

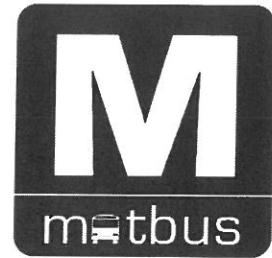
Remaining funding, combined with new funding, are summarized as follows: the funding in the CARES grant (\$1,798,024 – 100% federal funding), the remainder of a separate Federal Transit grant (\$116,703 – 80/20) and one NDDOT grant (\$350,000 – 80/20) will be utilized to cover portions of the renovation that were NOT covered by other funding sources for a grand total (federal and local) of \$2,264,726 (local share has been approved in the

Transit budget). Please note a small portion of these funds have been utilized to finish a variety of unforeseen interior needs i.e. a PA system for dispatching and announcements, technology needs, and signage.

Next Steps and Timeline:

KLJ, Inc. held the pre-bid meeting Tuesday, May 11, 2021. Bids are due May 19, 2021. We are aware materials pricing has increased significantly and will impact the budget, however, we are committed to work within the designated budget. Actual construction will begin in June and go through October/November 2021.

Memorandum



To: MAT Coordinating Board

From: Julie Bommelman, Fargo Transit Director

Date: May 19, 2021

RE: *COVID-19 Update*

The Transportation Security Administration (TSA) is extending the face mask requirement for individuals across all transportation networks throughout the United States, including at airports, onboard commercial aircraft, on over-the-road buses, and on commuter bus and rail systems through September 13, 2021.

The TSA has prepared a new Security Directives (SD) for airlines, airports, and surface passenger transportation to implement the Executive Order and the order from the Centers for Disease Control and Prevention (CDC). The attached document contains a revised transmittal memo and signed SD for surface passenger transportation. The effective date of the new security directive is May 12, 2021 and it will expire on September 13, 2021.

Requested motion: There is no requested motion, this is for informational purposes only.



**Transportation
Security
Administration**

MEMORANDUM

To: Covered Owners/Operators

Date: April 30, 2021

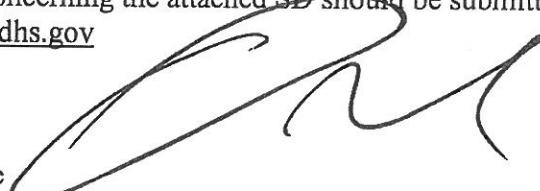
Subject: Security Directive 1582/84-21-01A

Attached to this memorandum is Security Directive (SD) 1582/84-21-01A: Security Measures – Face Mask Requirements. This SD supersedes SD 1582/84-21-01 on the date indicated in the new SD and extends the expiration date until September 13, 2021. This SD was issued to implement the January 21, 2021, Executive Order on promoting measures to prevent the spread of coronavirus disease 2019 (COVID-19) by travelers within the United States and those who enter the country from abroad, and the Acting Secretary of Homeland Security's January 27, 2021, national emergency determination. This SD also supports enforcement of the Centers for Disease Control and Prevention (CDC) Order mandating masks issued on January 29, 2021. The changes to SD 1582/84-21-01A are indicated in bold and are as follows:

- Added additional language on TSA authorities
- Added language that is in the Executive Order pertaining to applicability
- Highlights the CDC determination that the mask wearing requirement continues to apply to vaccinated persons
- Added link to additional guidance on disability exemptions issued by the CDC on March 23, 2021

This SD applies to passenger railroads, intercity bus services, and public transportation. Please refer to the SD for the specific applicability.

All queries concerning the attached SD should be submitted to TSA via email at TSA-Surface@tsa.dhs.gov


Darby LaJoye
Senior Official Performing the Duties of the Administrator

Attachment:
Security Directive 1582/84-21-01A



SECURITY DIRECTIVE

<u>NUMBER</u>	SD 1582/84-21-01A
<u>SUBJECT</u>	Security Measures – Mask Requirements
<u>EFFECTIVE DATE</u>	May 12, 2021
<u>EXPIRATION DATE</u>	September 13, 2021
<u>CANCELS AND SUPERSEDES</u>	SD 1582/84-21-01
<u>APPLICABILITY</u>	Each owner/operator identified in 49 CFR 1582.1(a); each owner/operator identified in 49 CFR 1584.1 that provides fixed-route service as defined in 49 CFR 1500.3
<u>AUTHORITY</u>	49 U.S.C. 114
<u>LOCATION</u>	United States

PURPOSE AND GENERAL INFORMATION

Due to the ongoing COVID-19 pandemic and to reduce the spread of the virus, the President issued an Executive Order, *Promoting COVID-19 Safety in Domestic and International Travel*, on January 21, 2021, requiring masks to be worn in and on airports, on commercial aircraft, and in various modes of surface transportation.¹ On January 27, 2021, the Acting Secretary of Homeland Security determined a national emergency existed² requiring the Transportation Security Administration (TSA) to issue this Security Directive (SD) to implement the Executive Order and enforce the related Order³ issued by the Centers for Disease Control and Prevention (CDC), pursuant to the authority of 49 U.S.C. section 114. Consistent with these mandates and TSA's authority, TSA is issuing this SD requiring masks to be worn to mitigate the spread of

¹ 86 FR 7205 (published Jan. 26, 2021).

² Acting Secretary David P. Pekoske, *Determination of a National Emergency Requiring Actions to Protect the Safety of Americans Using and Employed by the Transportation System (Jan. 27, 2021)*, available at <https://www.dhs.gov/publication/determination-national-emergency-requiring-actions-protect-safety-americans-using-and> (accessed Feb. 22, 2021). The Acting Secretary's determination directs TSA to take actions consistent with its statutory authorities "to implement the Executive Order to promote safety in and secure the transportation system." In particular, the determination directs TSA to support "the CDC in the enforcement of any orders or other requirements necessary to protect the transportation system, including passengers and employees, from COVID-19 and to mitigate the spread of COVID-19 through the transportation system."

³ See Order Under Section 361 of the Public Health Service Act (42 U.S.C. § 264) and 42 Code of Federal Regulations §§ 70.2, 71.31(B), 71.32(B); Requirement for Persons to Wear Masks While on Conveyances and at Stations, Ports, or Similar Transportation Hubs (January 29, 2021).

COVID-19. The requirements in this SD must be applied to all persons in or on one of the conveyances or a transportation facility used by one of the modes identified above, **including those already vaccinated**. TSA developed these requirements in consultation with the Department of Transportation (including the Federal Railroad Administration, the Federal Transit Administration, and the Federal Motor Carrier Safety Administration) and the CDC.

DEFINITIONS

For the purpose of this SD, the following definitions apply:

Conveyance has the same definition as under 42 CFR 70.1, meaning “an aircraft, train, road vehicle, vessel...or other means of transport, including military.”

Mask means a material covering the nose and mouth of the wearer, excluding face shields.⁴

Transportation hub/facility means any airport, bus terminal, marina, seaport or other port, subway stations, terminal (including any fixed facility at which passengers are picked-up or discharged), train station, U.S. port of entry, or any other location that provides transportation subject to the jurisdiction of the United States.

ACTIONS REQUIRED

- A. Owner/Operators must notify passengers with prominent and adequate notice of the mask requirements to facilitate awareness and compliance.⁵ At a minimum, this notice must inform passengers, at the time tickets are purchased or when otherwise booking transportation *and* at the time the conveyance departs its location after boarding passengers, of the following:
1. Federal law requires wearing a mask while on the conveyance and failure to comply may result in denial of boarding or removal.
 2. Refusing to wear a mask is a violation of federal law; passengers may be subject to penalties under federal law.
- B. Owner/Operators must require that individuals wear a mask, except as described in Sections D., E., or F., as follows:

⁴ A properly worn mask completely covers the nose and mouth of the wearer. A mask should be secured to the head, including with ties or ear loops. A mask should fit snugly but comfortably against the side of the face. Masks do not include face shields. Masks can be either manufactured or homemade and should be a solid piece of material without slits, exhalation valves, or punctures. Medical masks and N-95 respirators fulfill the requirements of this SD. CDC guidance for attributes of acceptable masks in the context of this SD is available at <https://www.cdc.gov/quarantine/masks/mask-travel-guidance.html>.

⁵ Notice may include, if feasible, advance notifications on digital platforms, such as on apps, websites, or email; posted signage in multiple languages with illustrations; printing the requirement on tickets; or other methods as appropriate.

1. Any persons in a public transportation, passenger railroad, or bus conveyance covered by this SD.
 2. Any person in public areas of transportation hubs/facilities controlled by the owner/operator (such as for purposes of purchasing tickets, waiting areas, and platforms for boarding and disembarking) for the duration of travel, boarding, and disembarking.
- C. Owner/Operators must ensure that direct employees and contractor employees wear a mask at all times when in conveyances or in or around transportation facilities under their control, except as described in Sections D., E., or F.
- D. The requirement to wear a mask does not apply under the following circumstances:
1. When necessary to temporarily remove the mask for identity verification purposes.
 2. While eating, drinking, or taking oral medications for brief periods⁶. Prolonged periods of mask removal are not permitted for eating or drinking; the mask must be worn between bites and sips.
 3. While communicating with a person who is deaf or hard of hearing, when the ability to see the mouth is essential for communication.
 4. If unconscious (for reasons other than sleeping), incapacitated, unable to be awakened, or otherwise unable to remove the mask without assistance.⁷
- E. The following conveyances are exempted from wearing masks:
1. Persons in private conveyances operated solely for personal, non-commercial use.
 2. A driver, when operating a commercial motor vehicle as this term is defined in 49 CFR 390.5, if the driver is the sole occupant of the vehicle.

⁶ The CDC has stated that brief periods of close contact without a mask should not exceed 15 minutes. *See* <https://www.cdc.gov/coronavirus/2019-ncov/php/public-health-recommendations.html>

⁷ Persons who are experiencing difficulty breathing or shortness of breath or are feeling winded may remove the mask temporarily until able to resume normal breathing with the mask. Persons who are vomiting should remove the mask until vomiting ceases. Persons with acute illness may remove the mask if it interferes with necessary medical care such as supplemental oxygen administered via an oxygen mask.

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- F. This SD exempts the following categories of persons from wearing masks:⁸
1. Children under the age of 2.
 2. People with disabilities who cannot wear a mask, or cannot safely wear a mask, because of the disability as defined by the Americans with Disabilities Act (42 U.S.C. 12101 et seq.).⁹
 3. People for whom wearing a mask would create a risk to workplace health, safety, or job duty as determined by the relevant workplace safety guidelines or federal regulations.
- G. Owner/Operators must establish procedures to manage situations with persons who refuse to comply with the requirement to wear a mask. At a minimum, these procedures must ensure that if an individual refuses to comply with an instruction given by the owner/operator with respect to wearing a mask, the owner/operator must:
1. Deny boarding;
 2. Make best efforts to disembark the individual as soon as practicable; or
 3. Make best efforts to remove the individual from the transportation hub/facility.
- H. If an individual's refusal to comply with the mask requirement constitutes a significant security concern, the owner/operator must report the incident to the Transportation Security Operations Center (TSOC) at 1-866-615-5150 or 1-703-563-3240 in accordance with 49 CFR 1570.203.

⁸ Owner/Operators may impose requirements, or conditions of carriage, on persons requesting an exemption from the requirement to wear a mask, including medical consultation by a third party, medical documentation by a licensed medical provider, and/or other information as determined by the owner/operator, as well as require evidence that the person does not have COVID-19 such as a negative result from a SAR-CoV-2 viral test or documentation of recovery from COVID-19. CDC definitions for SAR-CoV-2 viral test and documentation of recovery are available in Frequently Asked Questions at: <https://www.cdc.gov/coronavirus/2019-ncov/travelers/testing-international-air-travelers.html>. Owners/Operators may also impose additional protective measures that improve the ability of a person eligible for exemption to maintain social distance (separation from others by 6 feet), such as scheduling travel at less crowded times or on less crowded conveyances, or seating or otherwise situating the individual in a less crowded section of the conveyance or transportation hub/facility. Owners/Operators may further require that persons seeking exemption from the requirement to wear a mask request an accommodation in advance.

⁹ This is a narrow exception that includes a person with a disability who cannot wear a mask for reasons related to the disability; who, e.g., do not understand how to remove their mask due to cognitive impairment, cannot remove a mask on their own due to dexterity/mobility impairments, or cannot communicate promptly to ask someone else to remove their mask due to speech impairments or language disorders, or cannot wear a mask because doing so would impede the function of assistive devices/technology. It is not meant to cover persons for whom mask-wearing may only be difficult. The CDC issued additional guidance on disability exemptions on March 23, 2021, which is available at <https://www.cdc.gov/quarantine/masks/mask-travel-guidance.html>.

PREEMPTION

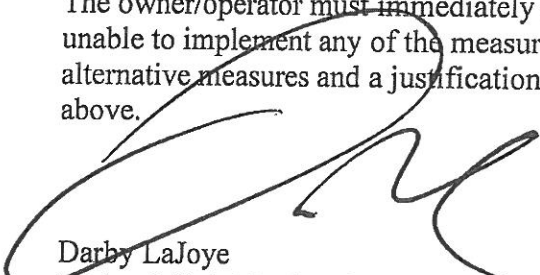
The requirements in this SD do not preempt any State, local, Tribal, or territorial rule, regulation, order, or standard necessary to eliminate or reduce a local safety hazard, which includes public health measures that are the same or more protective of public health than those required in this SD, if that provision is not incompatible with this SD.

PROCEDURES FOR SECURITY DIRECTIVES

- A. The owner/operator must immediately provide written confirmation of receipt of this SD via email to TSA at TSA-Surface@tsa.dhs.gov.
- B. The owner/operator must immediately disseminate the information and measures in this SD to corporate senior management, security management representatives, and any personnel having responsibilities in implementing the provisions in this directive. The owner/operator may widely share this SD with anyone subject to the provisions of this directive to include, but not limited to, federal, state, and local government personnel; direct owner/operator employees; tenants; contractors; transport personnel; taxi drivers; law enforcement; etc.
- C. All individuals responsible for implementing this SD must be briefed by the owner/operator. If the owner/operator is unable to implement the measures in this SD, the owner/operator must submit proposed alternative measures and the basis for submitting the alternative measures to TSA for approval.
- D. The owner/operator may comment on this SD by submitting data, views, or arguments in writing to TSA via email at TSA-Surface@tsa.dhs.gov. TSA may amend the SD based on comments received. Submission of a comment does not delay the effective date of the SD.

APPROVAL OF ALTERNATIVE MEASURES

The owner/operator must immediately notify TSA via email at TSA-Surface@tsa.dhs.gov if unable to implement any of the measures in this SD. The owner/operator may submit proposed alternative measures and a justification for adopting those measures to the email addresses above.



Darby LaJoye
Senior Official Performing the Duties of the Administrator

Memorandum

To: MAT Coordinating Board

From: Lori Van Beek, Moorhead Transit Manager
Jordan Smith, MATBUS Fleet & Facilities Manager

Date: May 13, 2021

RE: *New Farebox System Update – Pilot Program*



The new updated “Fare Fare” farebox system was installed in the Fixed Route vehicles in June 2020. The old “Odyssey” fareboxes were updated and installed in the MAT Paratransit vehicles, with final configuration to be completed next week.

From March 23, 2020, through March 31, 2021, MATBUS and MAT Paratransit were fare free. We began collecting fares again on April 1, 2021.

The new account-based system includes a MATBUS Connect web page and Smartcard. Passengers will be able to set up an online account and place value using a credit card on their MATBUS Connect cards. The MATBUS Customer Care Center staff will also be able to accept cash, check or credit card to load cards for individuals who don’t have access to a smart phone, computer or credit card. The MATBUS Connect card issued will include a photo and name of the individual passenger for security.

Staff training is scheduled for May 24-25, 2021. A pilot program with 20 individuals will be implemented in mid-June to thoroughly test all components of the system and integration with both MATBUS Fixed Routes and MAT Paratransit.

The pilot program requires that participants have a smart phone and personal email address. We are currently working to identify volunteers for the pilot program.

Our “go live” date is set tentatively for June 28, 2021. Fargo and Moorhead each have Retail Point of Sale equipment that can be set up in the community for remote sales. In addition, agencies can be set up to load cards for their clients.

Existing fare media cards will remain available while supplies last, and may continue based on passenger needs.



Operations Report

05 / 19 / 2021

(701) 232-7500

matbus.com

650 23rd St N. Fargo, ND 58102



Ridership

Year to Date - Total

Moorhead

20 – 145,964

21 – 147,335

Change - 1%

Fargo

20 – 368,842

21 – 271,893

Change - (26%)

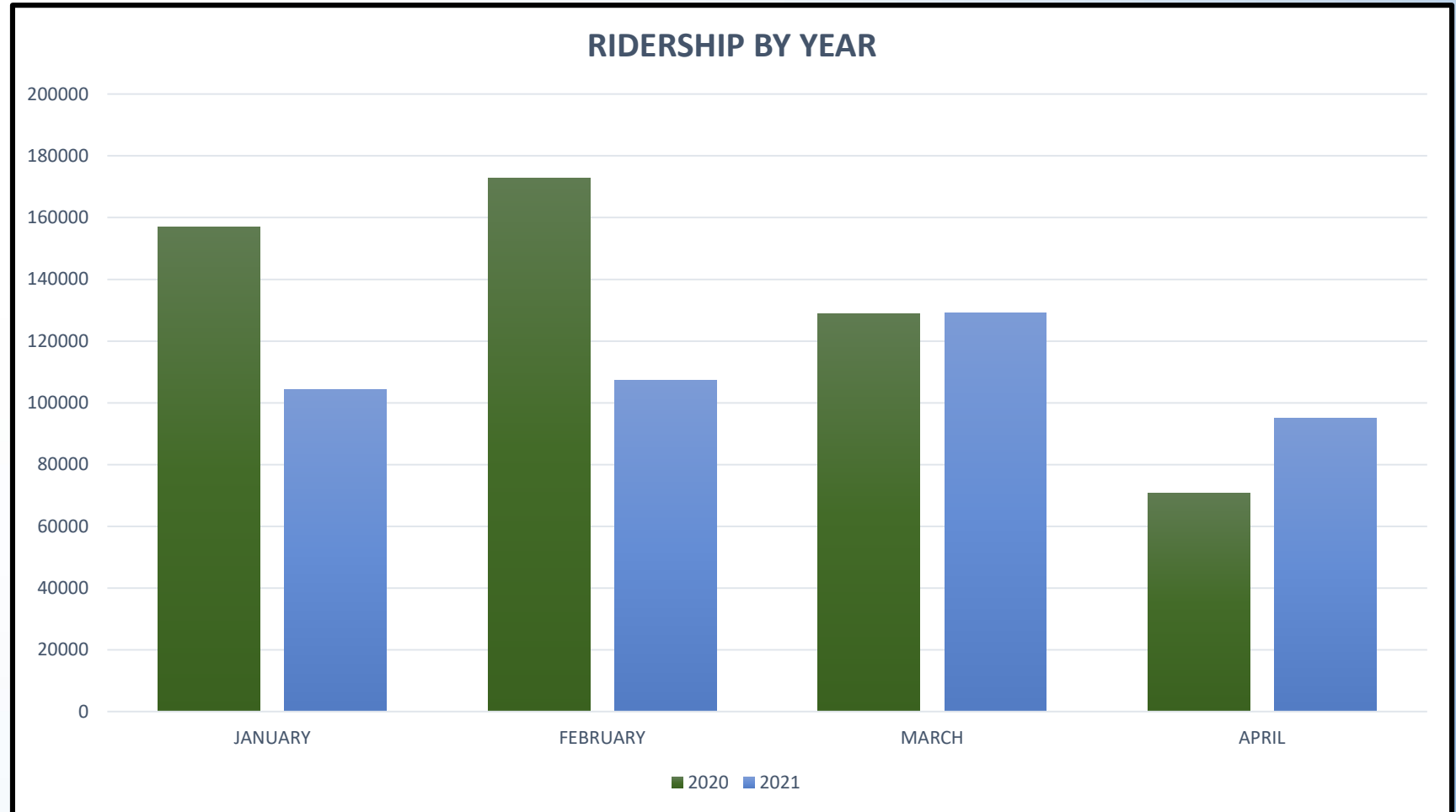
Paratransit

20 – 14,673

21 – 16,430

Change - 12%

Total Change – (18%)

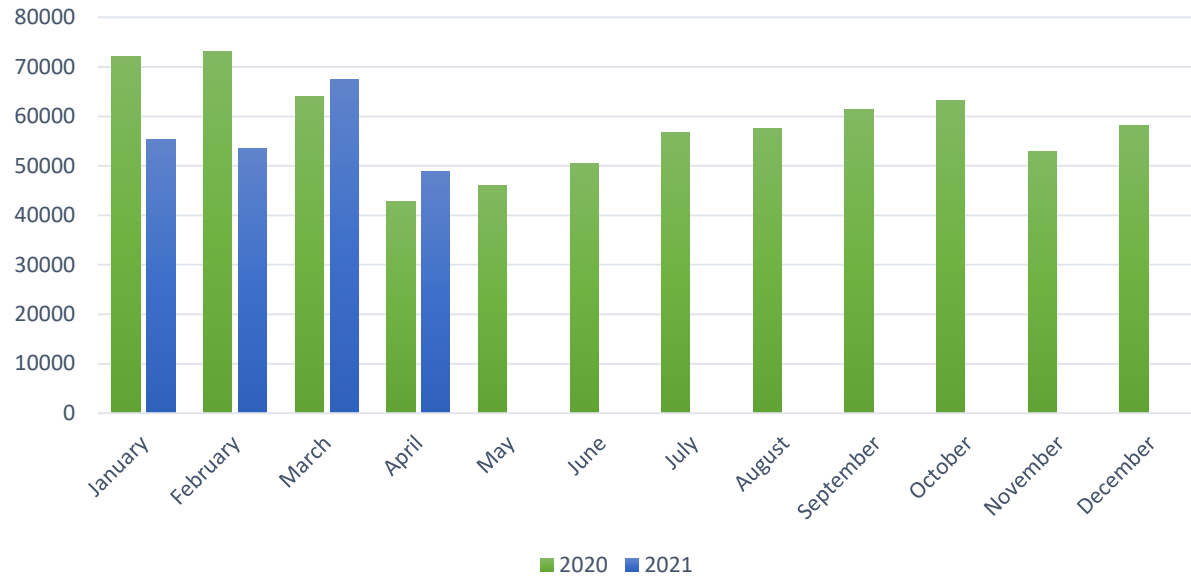




Ridership

Year to Date - NDSU & Fargo (Non-NDSU) Breakdown

RIDERSHIP BY YEAR - Fargo (Non-NDSU)



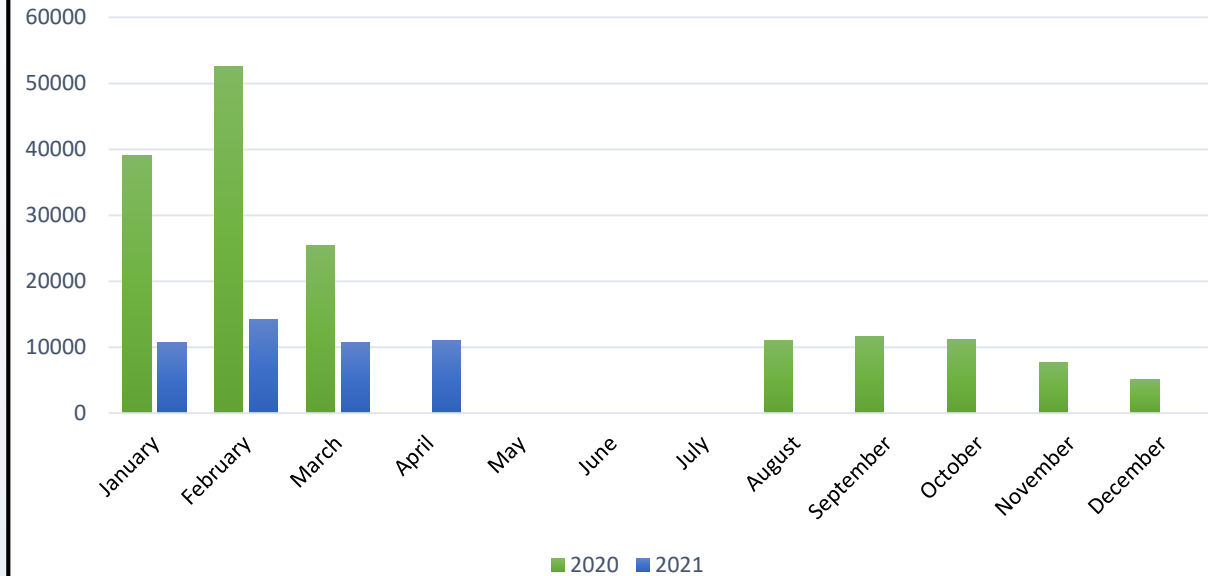
Fargo (Non-NDSU)

20 – 251,886

21 – 230,541

Change - (8%)

RIDERSHIP BY YEAR - NDSU



NDSU

20 – 116,956

21 – 41,352

Change - (65%)



Ridership

YTD (January – April) Fargo by Route

Period	Route 11	Route 13	Route 13U	Route 14	Route 15	Route 16	Route 17
2020	21,246	30,459	10,454	38,314	97,292	8,885	12,840
2021	17,978	21,530	5,333	36,777	100,296	8,346	12,059
Change	(15%)	(29%)	(49%)	(4%)	3%	(6%)	(6%)

Period	Route 18	Route 20	Route 24	LinkFM	Route 25 (TapRide)	Paratransit
2020	11,748	10,436	6,837	93	1,889	14,891
2021	10,108	10,691	5,855	0	981	15,508
Change	(14%)	2%	(14%)	(100%)	(48%)	4%

Period	Route 31	Route 32E & Route 32W	Route 33	Route 34	NDSU TapRide
2020	7,809	40,685	51,190	15,383	1,889
2021	2,110	17,010	16,476	4,775	981
Change	(73%)	(58%)	(68%)	(69%)	(48%)



Ridership

YTD (January – April) Moorhead by Route

Period	Route 1	Route 2	Route 3	Route 4	Route 5	Route 6	Route 9
2020	23,410	35,050	17,068	47,694	16,033	4,964	1,745
2021	20,965	28,594	23,702	49,565	17,971	4,866	1,672
Change	(10%)	(18%)	39%	4%	12%	(2%)	(4%)



Ridership

YTD U-Pass Ridership through April

Period	Concordia	M State	MSUM	NDSU	NDSCS	Total
19 – Aug to Dec	5,109	8,173	19,758	257,129	766	290,935
20 – Jan to Jul	2,535	3,790	10,112	144,119	593	161,149
19 – 20 Total	7,644	11,963	29,870	401,248	1,359	452,084

Period	Concordia	M State	MSUM	NDSU	NDSCS	Total
20 - Aug to Dec	127	103	399	43,406	94	44,129
21 – Jan to Jul	402	331	1,237	63,830	137	65,937
20 – 21 Total						

► Low U-Pass Ridership in 2020 is due to not charging fares. Students were not required to use their ID’s to ride. Fare collection began again on April 1st, 2021.

► NDSU students boarding on campus are manually tallied by drivers. This differs from other U-Pass rides, where student ID’s are used to track ridership by college.



Ridership

Trips by Customer Type through April

Period	Adult	College	Elderly	Disabled	Youth	Child	Total
2020	232,343	162,549	32,768	69,558	9,262	7,995	514,475
2021	327,061	44,472	19,099	19,957	3,342	5,294	419,225
Change	41%	(73%)	(42%)	(71%)	(64%)	(34%)	(19%)



Ridership

YTD (January – March) Metro Senior Ride

MONTH	MOORHEAD SENIORS			DILWORTH SENIORS			TOTAL PASSENGERS		
	2021	2020	% Change	2021	2020	% Change	2021	2020	% Change
January	466	756	-38.36%	12	104	-88.46%	478	860	-44.42%
February	485	712	-31.88%	38	95	-60.00%	523	807	-35.19%
March	548	463	18.36%	50	89	-43.82%	598	552	8.33%
April									
May									
June									
July									
August									
September									
October									
November									
December									
TOTAL	1,499	1,931	-22.37%	100	288	-65.28%	1,599	2,219	-27.94%



On-Time Performance

YTD (January – April) Fargo by Route

Period	Route 11	Route 13	Route 13U	Route 14	Route 15	Route 16	Route 17
2020	91.23%	88.20%	91.09%	94.59%	88.28%	97.61%	85.40%
2021	86.34%	86.85%	90.77%	92.48%	84.42%	92.00%	89.90%
Change	(4.89%)	(1.35%)	(0.32%)	(2.11%)	(3.86%)	(5.61%)	4.50%

Period	Route 18	Route 20	Route 24	LinkFM	Paratransit
2020	82.57%	79.73%	92.54%	85.71%	91.58%
2021	87.24%	72.44%	87.57%	N/A	90.03%
Change	4.67%	(7.29%)	(4.97%)	N/A	(1.55%)

Period	Route 31	Route 32E	Route 32W	Route 33	Route 34
2020	92.80%	96.82%	97.45%	91.94%	93.11%
2021	91.66%	86.69%	92.37%	97.70%	89.44%
Change	(1.14%)	(10.13%)	(5.08%)	5.76%	(3.67%)

90% OTP Goal

Fixed Route OT Criteria:

- > 5 min late
- > 1 min early

Paratransit OT Criteria:

- > 15 min early or late from scheduled pickup time



On-Time Performance

YTD (January – April) Moorhead by Route

Period	Route 1	Route 2	Route 3	Route 4	Route 5	Route 6	Route 9
2020	90.47%	84.81%	69.04%	84.07%	77.33%	86.34%	86.76%
2021	92.75%	91.25%	77.41%	91.70%	90.93%	92.82%	91.49%
Change	2.28%	6.44%	8.37%	7.63%	13.60%	6.48%	4.73%

Fargo Average

20 – 90.89%

21 – 88.52%

Change – (2.37%)

Moorhead Average

20 – 82.69%

21 – 89.76%

Change – 7.08%

System Average

20 – 88.28%

21 – 88.92%

Change – 0.64%



Rides per Hour (RpH)

Fixed Route

Moorhead

20 – 12.28

21 – 12.39

Change - 1%

Fargo

20 – 13.66

21 – 9.62

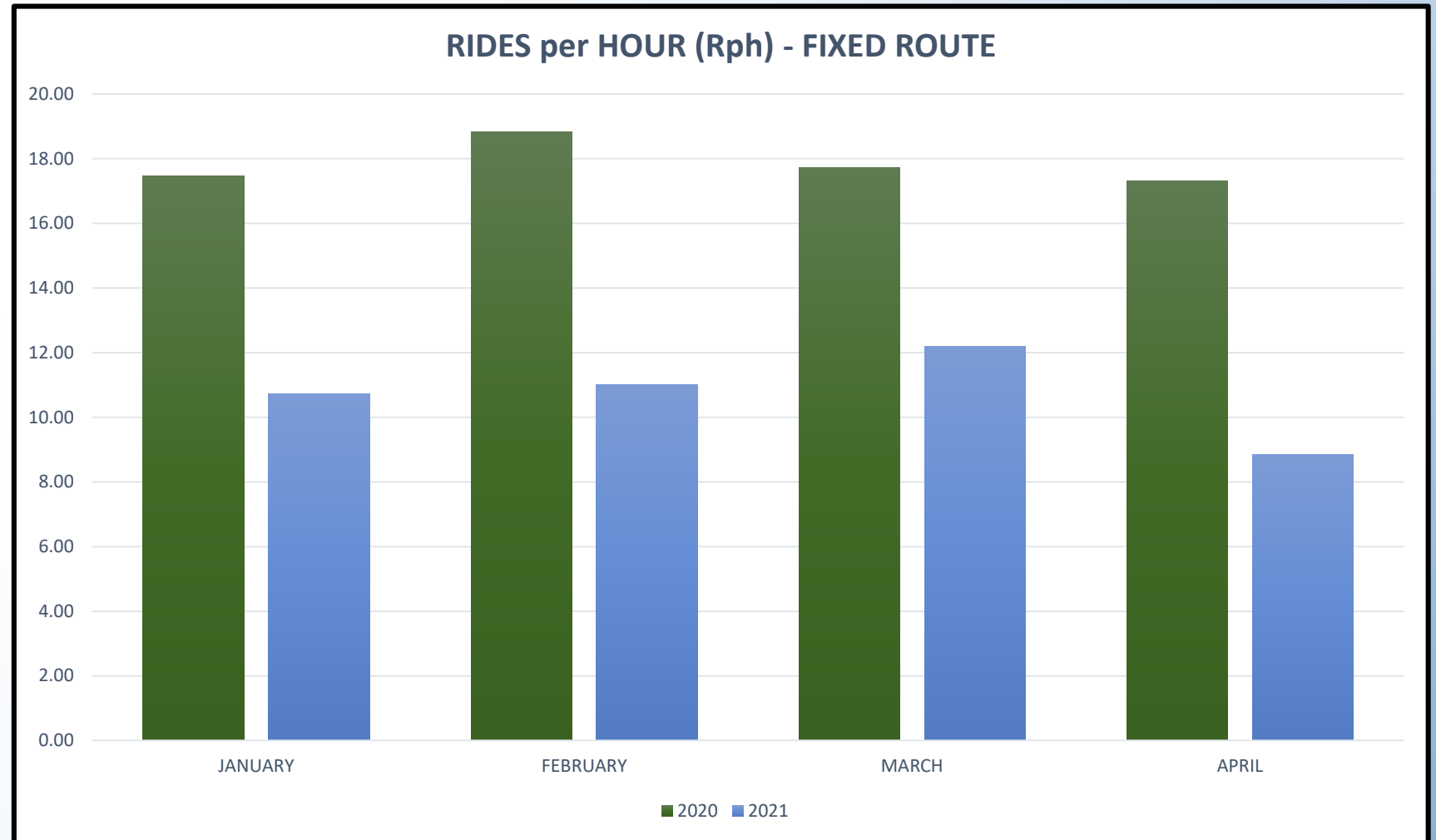
Change - (30%)

Total

20 – 13.24

21 – 10.44

Change - (21%)





Rides per Hour (RpH)

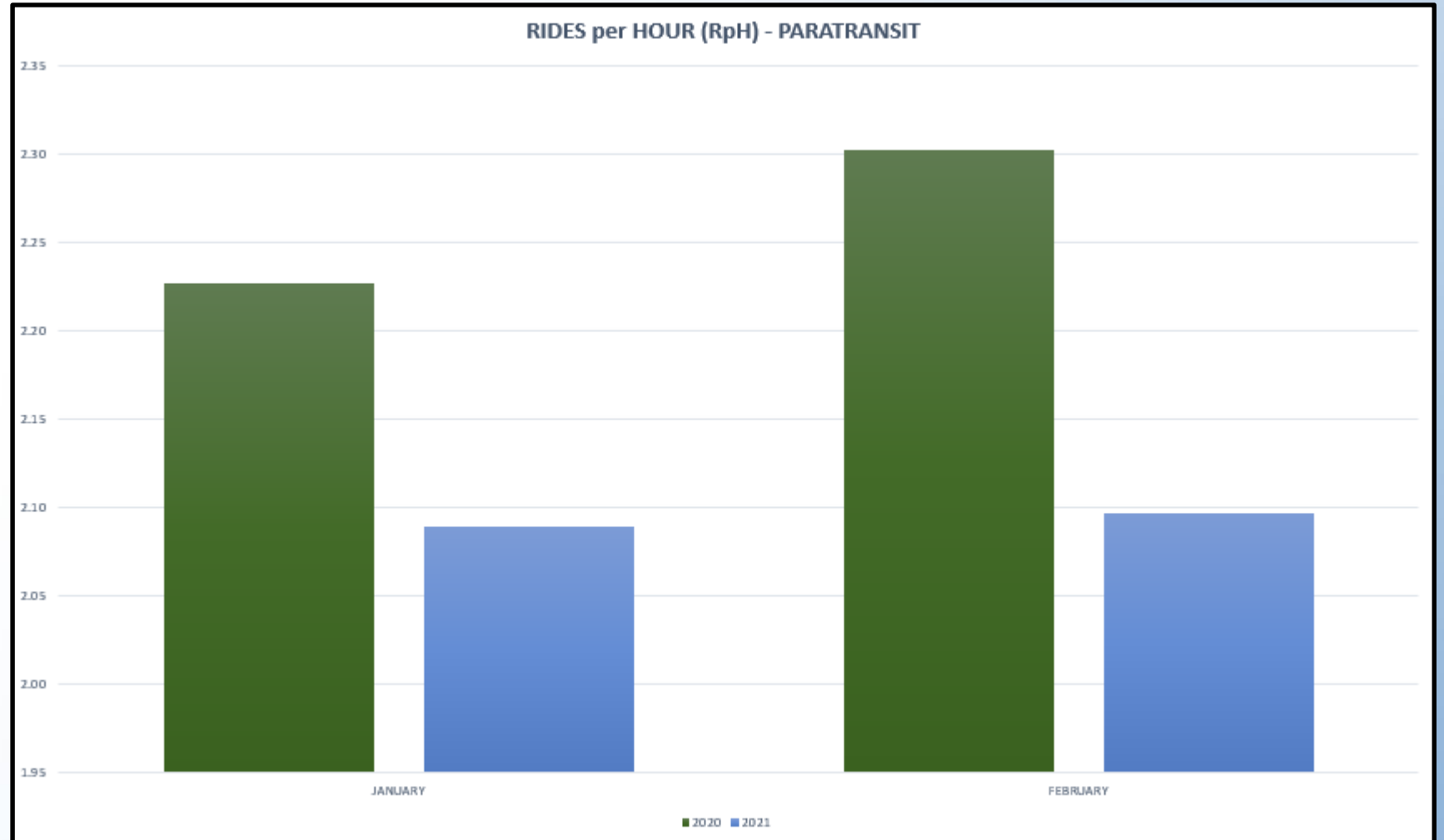
Paratransit

Paratransit

20 – 1.99

21 – 1.94

Change - (3%)





2021 Feedback Report

Complaints through April

Top 6 Complaints

Tracking Detail	Substantiated	Unsubstantiated	Other	Unclassified	Total
Employee Behavior	18	22	2	3	45
Unsafe Driving	9	7	1	2	19
Policy Issue	8	4	4	3	19
Behind Schedule	8	7	-	4	19
Ahead of Schedule	8	4	-	-	12
Off Route	5	-	-	-	5

Complaints Summary

Substantiated	Unsubstantiated	Other	Unclassified	Total
78	59	17	16	180
43%	33%	9%	9%	100%



2021 Feedback Report

Incidents through April

Top 6 Reported Incidents

Tracking Detail	Substantiated	Unsubstantiated	Other	Unclassified	Total
Police / Security Presence	23	2	24	2	51
Passenger Behavior	21	3	24	2	50
Emergency Services	9	1	8	0	18
Fall / Injury	8	2	1	1	12
Policy Issue	6	-	5	1	12
Biohazard	2	1	-	-	3

Incident Summary

Substantiated	Unsubstantiated	Other	Unclassified	Total
94	18	78	4	194
48%	9%	40%	2%	100%



2021 Feedback Report

Other Feedback Items, and Missed Trips through April

Other Feedback Items

Compliments	Bus Stop Requests	Public Hearing	Event / Policy
6	7	0	0

Missed Trips

City	Weather	Other	Driver Error	Mechanical	Dispatch Error	Collision
Fargo	1	3.25	4.25	6	-	1
Moorhead	4	5.75	6.5	2	-	2.25
West Fargo	-	-	-	1.5	-	-
Dilworth	-	-	-	-	-	-
Total	5	9	10.75	9.5	-	3.25



2021 Feedback Report

Collision Log through April

Collisions

Period	Preventable	Non-Preventable	Insignificant	Unreported	Document
2020	7	10	5	-	-
2021	2	10	1	-	-
Change	-5	0	-4	-	-

► Documented collisions are due to damage found for various reasons that do not reflect on the operator of the vehicle.



TECHNOLOGY | FARE COLLECTION

MN: Legislation would implement decriminalize fare evasion on Metro Transit, introduce officers to aid passengers

Two measures pending at the State Capitol would change the way fares are collected on public transportation in the Twin Cities — a pivot that supporters say will make the system safer and more pleasant to ride.

By Janet Moore

Source Star Tribune (TNS)

Mar 16th, 2021

Just 49 people were fined for failing to pay their fares on Metro Transit buses and trains in 2018 and 2019. But that doesn't mean Minnesotans are especially diligent about paying their way on public transportation.

The reality, according to the Metropolitan Council, is that local prosecutors are inclined to pursue far more serious crimes instead of a \$180 fine for an unpaid \$2 transit ticket.

Two measures pending at the State Capitol would change the way fares are collected on public transportation in the Twin Cities — a pivot that supporters say will make the system safer and more pleasant to ride.

Both bills would decriminalize fare evasion on Metro Transit by issuing offenders a \$35 administrative citation, akin to a parking ticket.

They also call for "uniformed transit safety officials" — not police officers — to ride light-rail trains and some buses to collect fares, answer questions and connect homeless passengers and those with mental health or substance abuse issues to available services.

The effort at the Legislature has rare bipartisan support.

"I think the prospects are pretty good," said Rep. Steve Elkins, DFL-Bloomington, who authored the House bill. "Last time, it was hard-fought. This year's bill is simpler and cleaner."

One recent convert is Sen. Scott Newman, R-Hutchinson, chairman of the Senate Transportation Finance and Policy Committee. "There's really nothing wrong going from a criminal citation to a civil citation," he said during a recent committee hearing.

"It's important to have someone on the train in a uniform [who] is easily identified as someone a passenger can talk to, with a certain appearance of responsibility and authority," Newman added.

The new transit agents wouldn't be armed but would work closely with Metro Transit's police force. The Met Council, which operates Metro Transit, hopes to hire up to 54 of them by 2023.

The agents would make their rounds on the Green and Blue light-rail lines and on several rapid bus routes where fares are paid at transit stations and not on board, roughly a third of Metro Transit's service.

The concept of decriminalizing fare evasion and deploying unarmed transit agents is gaining popularity in cities across the United States.

A study released by the transit advocacy group East Metro Strong found more than a dozen transit agencies nationwide use unarmed, uniformed staff to patrol their systems and check fares. Most agencies penalize fare evaders with a petty misdemeanor or administrative citation. East Metro Strong's executive director, Will Schroer, said those efforts at other agencies "improve safety and the customer experience."

Seattle's transit system will begin using uniformed fare checkers in a pilot program later this year, focusing on educating riders about fares and connecting low-income passengers with reduced fare programs, said spokeswoman Rachelle Cunningham.

Not everyone is on board with the Minnesota legislation, however.

Rep. Donald Raleigh, R-Circle Pines, a member of the Public Safety and Criminal Justice Reform committee, said he worried that transit agents would violate passengers' Fourth Amendment rights prohibiting unreasonable searches by demanding their personal information.

Fare checks would result in "a private citizen asking another private citizen for your papers," he said, noting the practice could open the state and Met Council to litigation. The measure passed the committee despite the objections of Raleigh and six others.

The push to create a force of transit agents and decriminalize fares began early last year at the Legislature. But the bill stalled in a House committee and failed to get traction in the Senate.

A highly publicized surge in serious crime — robberies, aggravated assaults and theft — on light-rail trains in late 2019 made the debate over transit safety especially charged. When the COVID-19 pandemic hit, priorities at the Capitol shifted.

The Senate bill calls for Metro Transit to adopt and post a passenger code of conduct, mark paid fare zones at transit stations, and launch real-time security monitoring systems to suss out crime — all practices already in place.

The bill would strengthen the ban on passengers who have committed crimes on public transit, and it would require Hennepin and Ramsey counties to help finance the program. The Met Council has said it would use federal pandemic stimulus money to pay for the program for the next two years.

Transit ridership plunged 53% in 2020 because of the COVID-19 outbreak, and trips remain limited to essential excursions such as work, school and grocery shopping.

Still, said Rep. Jon Koznick, R-Lakeville, a co-author of the House bill, "As riders come back [to transit], they will have a new experience. Everyone agrees safety is important to a successful transit system."

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MASS TRANSIT



DCTA

ALT. MOBILITY | SHARED MOBILITY

DCTA gathering feedback on proposed on-demand system transition

The restructuring proposal aims to expand service area, add “virtual stops” in lieu of fixed route stops, improve regional mobility, as well as the rider experience.

Author — [Mischa Wanek-Libman](#)

Apr 20th, 2021

Denton County Transportation Authority (DCTA) has started collecting feedback regarding its proposed network restructuring that would see the authority transition to a mostly on-demand service system and cease operation of the majority of its fixed-route bus service.

Via would operate the GoZone on-demand service within designated zones using dedicated vans that will be wheelchair accessible. Riders would book a trip through an app, call DCTA's customer service line or visit DCTA's Downtown Transit Center to book a trip in person. Once booked, the rider would be directed toward a "virtual bus stop" where a driver would pick them up.

"With the proposed GoZone service, pick-up and drop-off points will multiply compared to the existing fixed-route service. So not only do the proposed GoZones cover more territory, but they also provide more virtual stops which is a major convenience factor for users," DCTA Communications Coordinator Kayla Laird wrote in a blog on the proposed service.

GoZone would replace all fixed route bus service in Denton and Lewisville, with the exception of Denton Connect Routes 3 and 7. Additionally, the University of North Texas shuttle and UNT Lyft program will remain in operation to ensure transportation around campus.

DCTA will collect feedback on the program through June 25 in preparation for a July 2021 presentation to the board. The GoZone service is scheduled to launch in September 2021, but DCTA notes any significant change to the plan would result in a delay in its roll out.

The transition to GoZone service would be implemented in two phases. Phase 1 includes roll out of base service in Denton and Lewisville/Highland Village, Sunday and holiday on-demand service, a Sunday A-train replacement service, a late-night "guaranteed ride home" service, and a Saturday service hours extension. To aid in the transition between the two service plans, DCTA plans to operate both its fixed-route services and GoZone services during the first two weeks. Following that, only service on fixed-routes 3 and 7 will remain and operate in parallel with GoZone service to evaluate which meets riders' needs.

Phase 2A, which would launch in early 2022 would expand GoZone service to Castle Hills and incorporate Access services and Phase 2B would include the addition of weekday late-night hours. The final phase's launch is targeted for the summer of 2022.

"We are looking forward to the enhanced quality of service, increased service area and extended hours of service that have been proposed for GoZone service," DCTA CEO Raymond Suarez said. "The proposed GoZone on-demand rideshare service will improve the rider experience, enhance service delivery and build our efficiency as a mobility provider."

Feedback can be provided to DCTA via dctafeedback.net and an interactive map of the proposed service is available at <https://dctafeedback.net/gozone/map#/>.

Source URL: <https://www.masstransitmag.com/alt-mobility/shared-mobility/article/21219280/dcta-gathering-feedback-on-proposed-ondemand-system-transition>