



REQUEST FOR QUALIFICATIONS (RFQ)

Broadway Corridor Study

Northern City Limits to Southern City Limits

SPR-P039(006), PCN 22533

City Project #4443

August 2019

Table of Contents

1) GENERAL INFORMATION.....3

2) PURPOSE OF REQUEST3

3) PROJECT BACKGROUND3

4) SCOPE OF WORK – PART 1 (SOUTHERN PORTION)4

5) SCOPE OF WORK – PART 2 (NORTHERN PORTION)8

6) PROJECT DELIVERABLES 10

7) IMPLEMENTATION SCHEDULE 11

8) STATEMENT OF QUALIFICATIONS 12

9) EVALUATION AND SELECTION PROCESS 12

10) SUBMITTAL INFORMATION 14

11) PAYMENTS 14

12) FEDERAL AND STATE FUNDS..... 14

13) TITLE VI ASSURANCES 15

14) TERMINATION PROVISIONS 16

15) LIMITATION ON CONSULTANT 16

16) CONFLICT OF INTEREST 17

17) RISK MANAGEMENT 17

1) GENERAL INFORMATION

The City of Minot requests qualifications from qualified consultants for the following project:

Broadway (US Highway 83) Corridor Study in Minot, North Dakota

All applicants meeting the deadline for submittal will receive consideration. Selection criteria will follow a qualifications-based review process to analyze proposals from responding consultants. Upon completion of technical ranking, oral interviews and possible discussion with candidate consultants, the City of Minot will enter into negotiations with the top ranked firm. The City of Minot reserves the right to reject any or all submittals.

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 (Attachment D) with their submittal of information.

This project will be funded in part with federal transportation funds and has a not-to exceed budget of \$315,000 dollars. The project will be initiated during the third quarter of 2019 and is required to be complete by October 30th, 2020. The proposed schedule for the project is identified in Implementation Schedule Section of this RFQ.

Interested firms can request a full copy of the RFQ by telephoning 701.857.4100, or by e-mail: engineers@minotnd.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.minotnd.org.

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

This document can be made available in alternative formats for persons with disabilities by calling Peggy Anderson, Administrative Specialist, at 701.857.4100.

2) PURPOSE OF REQUEST

The City of Minot is requesting a statement of qualifications from consultant firms concerning their qualifications, experience and availability to perform specific tasks related to the development of a corridor study for Broadway in Minot, North Dakota.

3) PROJECT BACKGROUND

Broadway, in general, serves as the backbone of Minot's transportation system. Over the past decade plus, Broadway has experienced a significant growth in both through and local traffic. This is due in large part to both the infill around Broadway and the fact that Broadway, US Highway 83 on the North Dakota Highway System, serves as the main connector between Bismarck and Minot.

Over the past two decades, the City of Minot has been reconstructing Broadway starting from downtown to both the north and south city limits. On a broad note, this study will review the entire stretch of Broadway. On a more specific note, this study will be broken out into the following two sub studies:

- 1) **Part 1 (Southern Portion)** – Broadway from 19th Avenue SW to southern city limits
- 2) **Part 2 (Northern Portion)** - Broadway from northern city limits to 19th Avenue SW

The first portion to be completed is a detailed traffic operations study that will analyze South Broadway from 19th Avenue SW to the southern city limits. This segment of South Broadway has pavement that is currently unable to handle the current and forecasted traffic. Along with the need to urbanize this corridor, a study is needed to determine an appropriate future build when reconstruction soon becomes necessary. This portion of the study will include current and future traffic patterns with consideration of existing and future right-of-way needs, bicycle, pedestrian and transit accommodations, turning movements, traffic operations, access management, beautification modifications and the feasibility/potential of any interchange modifications at US Highway 2.

The second part of the Broadway study will more broadly focus on the stretch from 19th Avenue SW to the northern city limits. The hope is that this study will serve as a roadmap for future improvements. Such improvements are, but not limited to; access management, review of traffic patterns, signal timing and corridor capacity improvements, Intelligent Transportation Systems (ITS), corridor beautification concepts and pedestrian/bicycle improvements.

4) SCOPE OF WORK – PART 1 (SOUTHERN PORTION)

Outlined below is the scope of work that will guide development of Part 1 of the Broadway Corridor Study for the City of Minot. The City has included the following scope of work to provide interested consultants insight into project intent, context, coordination, responsibilities and other elements to help facilitate qualification development.

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 progress reports, documenting travel and expense receipts, and preparing and submitting invoices.

It is imperative to consider the public and keep it informed of the planning activities and outcomes using strategy that includes use of the internet and social media. Maintaining a project website or providing information to the City of Minot for posting on their websites will be required. This task also includes a monthly progress meeting with the Client, the preparation of meeting agendas, and taking and reporting meeting minutes.

Task 2 – Project Development and Planning

The consultant shall work with the City of Minot, NDDOT and, as appropriate, other regional partners to assess the needs of the Broadway corridor and develop a Purpose and Need Statement for inclusion within the Study.

Task 3 – Data Collection

The consultant shall identify and collect data needed to conduct the technical analysis necessary for the corridor study. The consultant shall also identify times and methods in which the data will be collected. All data collection needed to complete technical analysis will be the responsibility of the consultant. The consultant should review all relevant documents and studies which may include the following:

- Minot Area 2035 Long Range Transportation Plan;
- City of Minot Comprehensive Plan (2012);
- Statewide Active and Public Transportation Plan (ND Moves);
- 31st Avenue Southeast (Broadway to 13th Street Southeast) Reconstruction Traffic Operations Study; and
- Other minor traffic studies.

Task 4 – Existing Conditions

The consultant shall evaluate and document existing conditions along the Part 1 study corridor, including but not limited to the following:

- a) Geometrics
- b) Typical Sections
- c) AADT & Turning Movement Counts
- d) Traffic Operations
- e) ITS Deployments
- f) Transit Operations & Stop locations
- g) Bicycle and Pedestrian Accommodations
- h) Crash History (last 5 yrs.)
- i) Identify Existing Access Locations
- j) Lighting
- k) Conformance to current land development code (LDC)
- l) Right-of-Way (from existing plat information)
- m) Encroachments
- n) Existing Utilities (from existing documentation)
 1. Public utilities
 2. Private utilities

Task 5 – 2040 Traffic Forecasts

Develop Planning Year 2045 Traffic Forecasts for AADT Volumes and Turning Movements where necessary to conduct technical analyses.

Task 6 – Technical Analysis

Conduct existing and planning year technical analyses for corridor capacities, intersection level of service (LOS), and intersection control evaluations (ICE).

Task 7 – Issues Identification & Needs Assessment

Based on existing year and planning year 2040 – provide documentation on all identified issues for the basis to develop alternatives. The issues identification and needs assessment should include comprehensive plan reviews, crash analysis, access control, future traffic forecasts, roadway segment LOS, intersection LOS, traffic operations analysis, consideration of all modal facilities, and early public input.

Task 8 - Alternative Development

Based on identified issues and development strategies, the consultant shall develop, at minimum, the following alternatives:

- at least one (1) alternative that does not widen the existing corridor but does have intersection improvements addressing items such as intersection control, access management, transit service levels, bicycle and pedestrian accommodations;
- at least one (1) alternative that does widen the roadway and also has intersection improvements associated with it.

The alternatives should be demonstrated in a manner in which the public and Study Review Committee can graphically see what is being proposed. Alternative development should include but not be limited to:

- a) Recommended roadway sections to meet future capacity needs
- b) Geometric improvements
- c) Intersection control
- d) Access management strategies
- e) ADA/Bicycle/Pedestrian connectivity
- f) Transit operations
- g) ITS/Traffic Operations
- h) Lighting enhancements
- i) Corridor beautification
- j) Phasing Options
- k) Preliminary cost estimates

Task 9 - Alternative Impact Analysis

The analysis information which shall be provided for the corridor should include but not be limited to the following:

- a) Preliminary cost estimates
- b) Phasing Options
- c) Right-of-way impacts
- d) Traffic Operations
- e) Safety
- f) Access guidelines
- g) Bicycle/Pedestrian connectivity
- h) Transit Operations
- i) ITS/Traffic Operations Strategies
- j) Conform to other approved plans
- k) Public input on alternatives

Task 10 - Public Participation

The consultant will be responsible to complete a Public Participation Plan for Part 1 of this corridor study. The City will assist the consultant with the development of the mailing list of property owners and relevant neighborhood associations in the study area, and the cost of the mailings. The consultant will provide a contact person for the public to give input. The contact person shall be made available by phone, mail and e-mail. The consultant shall log and record all comments received by any method and include them in the final report or an appropriate report appendix. Following are the minimum requirements for the Public Participation Plan:

Public Meeting Notice and Project Update

The consultant shall develop a maximum of a two-page project update explaining the current status of the project and prepare an invitation to the first public input meeting. The Consultant will mail this update and invitation out. All presentations shall be made available for posting to the City's website 24 hours in advance of the public meeting. The posting shall appear following the public presentation.

Public Input Meeting/Review of Alternatives

The consultant shall conduct a public meeting to present project alternatives and collect public input prior to development of the Draft Corridor Study Report. The public meeting location will be near the corridor and City staff will work with the Minot Daily News for publishing the meeting ad 15 to 21 days prior to the meeting. A survey shall be prepared to solicit public feedback. This document shall be made available for download from the City's website following any public meetings.

Study Review Committee Meetings

The consultant should expect at least five (5) on-site meetings with the Study Review Committee, which can be coordinated with public input meetings so as to make the most efficient use of any travel expenditures.

Committee Presentations

The consultant should budget for the following presentations of the Draft Part 1 Corridor Study Report:

- a) NDDOT management
- b) Minot City Council

Task 11 - Draft and Final Report

The consultant is responsible for providing (1) copy of the draft and (1) copy of the final report. The reports shall be neatly bound and shall also be offered in electronic format (PDF format). All graphics within the report of preliminary and final alternatives shall be easy to read and easy to reproduce. All important meeting summaries and technical analysis shall be included in the appendix of the report.

Task 12 - Executive Summary

Upon completion of the final report, the consultant shall prepare an executive summary which relays all pertinent information to interested parties for review. The graphics in the executive summary shall be easy to read and easy to reproduce.

5) SCOPE OF WORK – PART 2 (NORTHERN PORTION)

Outlined below is the scope of work that will guide development of Part 2 of the Broadway Corridor Study for the City of Minot. The City has included the following scope of work to provide interested consultants insight into project intent, context, coordination, responsibilities and other elements to help facilitate qualification development.

Many of the Part 2 tasks overlap with Part 1 tasks. The City and Consultant will scope and negotiate a contract to provide the most optimum task arrangement to service the contract.

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 progress reports, documenting travel and expense receipts, and preparing and submitting invoices.

It is imperative to consider the public and keep it informed of the planning activities and outcomes using strategy that includes use of the internet and social media. Maintaining a project website or providing information to the City of Minot for posting on their websites will be required. This task also includes a monthly progress meeting with the Client, the preparation of meeting agendas, and taking and reporting meeting minutes.

Task 2 – Project Development and Planning

The consultant shall work with the City of Minot, NDDOT and, as appropriate, other regional partners to assess the needs of the Broadway corridor and develop a Purpose and Need Statement for inclusion within the Study.

Task 3 – Data Collection

The consultant shall identify and collect data needed to conduct the technical analysis necessary for the corridor study. The consultant shall also identify times and methods in which the data will be collected. All data collection needed to complete technical analysis will be the responsibility of the consultant. The consultant should review all relevant documents and studies which may include the following:

- Minot Area 2035 Long Range Transportation Plan;
- City of Minot Comprehensive Plan (2012);
- Statewide Active and Public Transportation Plan (ND Moves);
- Other minor traffic studies.

Task 4 – Existing Conditions

The consultant shall evaluate and document existing conditions along the corridor, including but not limited to the following:

- a. Geometrics
- b. Typical Sections
- c. AADT & Turning Movement Counts
- d. Traffic Operations
- e. ITS Deployments
- f. Transit Operations & Stop locations
- g. Bicycle and Pedestrian Accommodations
- h. Crash History (last 5 yrs.)
- i. Identify Existing Access Locations

Task 5 – 2040 Traffic Forecasts

Developing Planning Year 2040 Traffic Forecasts will not be necessary for this part of the Broadway Corridor Study.

Task 6 – Technical Analysis

Conduct existing year technical analyses for corridor capacities, intersection level of service (LOS), and intersection control evaluations (ICE).

Task 7 – Issues Identification & Improvement Assessment

Based on existing year – provide documentation on all identified issues for the basis to develop guidelines and improvement opportunities. The issues identification and improvement assessment should include comprehensive plan reviews, crash analysis, access control, roadway segment LOS, intersection LOS, traffic operations analysis, consideration of all modal facilities, and early public input.

Task 8 – Improvement Development

Based on identified issues and development strategies, the consultant shall develop, at minimum, improvements that include but not limited to:

- a. Geometric improvements
- b. Intersection control
- c. Access management strategies
- d. ADA/Bicycle/Pedestrian connectivity
- e. Transit operations
- f. ITS/Traffic Operations
- g. Corridor beautification
- h. Phasing options
- i. Preliminary Cost Estimates

Task 9 - Public Participation

The consultant will be responsible to complete a Public Participation Plan for Part 2 of this corridor study. The City will assist the consultant with the development of the mailing list of property owners and relevant neighborhood associations in the study area, and the cost of

the mailings. The consultant will provide a contact person for the public to give input. The contact person shall be made available by phone, mail and e-mail. The consultant shall log and record all comments received by any method and include them in the final report or an appropriate report appendix. Following are the minimum requirements for the Public Participation Plan:

Public Meeting Notice and Project Update

The consultant shall develop a maximum of a two-page project update explaining the current status of the project and prepare an invitation to the first public input meeting. The Consultant will mail this update and invitation out. All presentations shall be made available for posting to the City's website 24 hours in advance of the public meeting. The posting shall appear following the public presentation.

Public Input Meeting/Review of Alternatives

The consultant shall conduct a public meeting to present potential improvement strategies and collect public input prior to development of the Draft Part 2 Corridor Study Report. The public meeting location will be near the corridor and City staff will work with the Minot Daily News for publishing the meeting ad 10 to 15 days prior to the meeting. A survey shall be prepared to solicit public feedback. This document shall be made available for download from the City's website following any public meetings.

Study Review Committee Meetings

The consultant should expect at least two (2) on-site meetings with the Study Review Committee, which can be coordinated with public input meetings so as to make the most efficient use of any travel expenditures.

Committee Presentations

The consultant should budget for presentations of the Draft Part 2 Corridor Study Report to the Minot City Council.

6) PROJECT DELIVERABLES

Project Administration

The consultant shall prepare all working papers, technical memos and progress reports as required in the scope of work.

Project Reports

- 1 copy of the Draft Corridor Study Report – Part 1.
- 1 copy of the Draft Corridor Study Report – Part 2.
- 1 copy of the Final Corridor Study Report including the Public Meeting Summary and associated appendixes.
- A digital copy (PDF) of the Final Report.

The reports shall be neatly bound and shall also be offered in electronic format (PDF format). All graphics within the report of preliminary and final alternatives shall be easy to read and easy to reproduce. All important meeting summaries and technical analysis shall be included in the appendix of the reports.

Upon completion of the final report, the consultant shall prepare an executive summary which relays all pertinent information to interested parties for review. The graphics in the executive summary shall be easy to read and easy to reproduce.

Public Participation Plan

- 1 copy of each public meeting notice/project update.
- All necessary handouts, comment cards, presentation boards, etc.

7) IMPLEMENTATION SCHEDULE

Consultant Selection

- Advertise for Consultant Proposals August 12, 2019
- Due Date for Proposal Submittals (by 4:00pm) September 6, 2019
- Review Proposals/Identify Finalists (week of) September 9, 2019
- Interview Finalists/Contract Negotiations (week of) September 30, 2019
- NDDOT and City of Minot Approval/Consultant Notice October 22, 2019

Part 1 Project Development (Major Milestones)

- November 2019 - Begin Project Development and Planning
- December 2019 – Purpose and Needs Statement
- March 2020 – Existing Conditions, Issues Identification and Needs Analysis
- June 2020 – Draft Part 1 Corridor Study Report
- July 2020 – Presentation of the Part 1 Reconstruction Plan
- All invoices for the project are to be received by City of Minot by November 13, 2020.

Part 2 Project Development (Major Milestones)

- November 2019 - Begin Project Development and Planning
- January 2020 – Purpose and Needs Statement
- June 2020 – Existing Conditions, Issues Identification and Improvement Assessment
- September 2020 – Draft Part 2 Corridor Study Report
- October 2020 – Presentation of the Part 2 Improvement Plan
- All invoices for the project are to be received by City of Minot by November 13, 2020.

8) STATEMENT OF QUALIFICATIONS

Statements of Qualifications are to be a maximum of 30 sheets of 8 ½" x 11" paper which includes any appendices, but not the cover, and shall include as a minimum the following information:

General Information

- Firm's legal name and address.
- General firm information.
- Location of firm's office.

Firms Capability

- Resume of experience and qualifications of Project Manager.
- Resume of experience and qualifications of key project personnel.
- List of key personnel and their availability for this project.
- In-house expertise and/or need for outside consultants (ex. traffic modeling)
- Firms understanding of the project scope.
- Current project workload and estimated schedule with milestones for completion of this project within 12 months of a notice to proceed.
- Organizational chart.

Record and Performance

- Experience of firm with transportation planning, traffic modeling, and traffic engineering/analysis.
- Experience of firm with City of Minot transportation planning, design, and construction engineering.
- List of three (3) references for transportation planning, traffic modeling, and traffic engineering/analysis.
- List of one (1) financial reference

9) EVALUATION AND SELECTION PROCESS

The City of Minot has established a multijurisdictional selection committee to select a Consultant. The committee consists of local government, NDDOT, and other local stakeholder agencies.

Each firm will be initially judged on the basis of values assigned to the Statement of Qualification factors. Based on the ranking of the submitted Statement of Qualifications, the selection committee will entertain formal oral presentations for the top candidates to provide additional input into the evaluation process.

The highest ranked firm based on the statement of qualifications and interview will receive verbal notification of selection. Within 48 hours, a detailed scope of work and engineering services contract will be negotiated with the selected firm. If the City of Minot and the selected firm are unable to reach a negotiated agreement the City shall terminate negotiations with the selected firm and begin negotiations with the second ranked firm.

Any changes to key staff members assigned to this project must be approved by the City of Minot. Unauthorized changes can be a reason to void the award of contract.

The Minot City Council reserves the right to reject any and all proposals.

Notice to proceed for consulting services will be given only when the Minot City Council approves the engineering selection and after a negotiated contract is approved. All costs related to this proposal shall be solely at the responder's expense.

Proposed Sub Consultant Request

Sub Consultant firms that have been contacted and agree to be listed on the 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.

Prime Consultant Request to Sublet

The successful firm will be required to include the attached 'Prime Consultant Request to Sublet' form for each Sub consultant listed on the contract prior to execution of the contract. The form assures that the contract between the Prime consultant and all Sub consultants contains all the pertinent provisions and requirements of the prime contract with the North Dakota Department of Transportation (NDDOT).

Disadvantaged Business Enterprise (DBE)

49 Code of Federal Regulations Part 26 (CFR) states that the consultant, sub recipient, or sub consultant shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. Consultants shall carry out applicable requirements of 49 CFR Part 26 in the solicitation, award, and administration of USDOT-assisted contracts. Failure by the consultant, to carry out these requirements is a material breach of the contract, which may result in the termination of the contract or such other remedy as the recipient deems appropriate.

In addition, Title VI assures that no person or group of persons may, on the grounds of race, color, national origin, sex, age, or handicap or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs or activities administered by the Department. For information regarding Title VI, see the 2005 DBE Program at www.dot.nd.gov/dbebidinfo.html (then select the most current published date from the drop down box in the left-hand column under DBE Program Administration Manual).

The two paragraphs above apply to every consultant on the project, including every tier of sub consultant. It is the consultant's, or sub-consultant's responsibility to include the two above paragraphs in every subcontract.

Disclosure of Proposal

At the conclusion of the selection process, the contents of the short-listed proposals will be subject to North Dakota's Open Records Law and may be open to inspection by interested parties. Any information included in the proposal that the proposing party believes to be a trade secret or proprietary information must be clearly identified in the proposal. Any identified information recognized as such and protected by law may be exempt from disclosure.

Risk Management for Professional Services

The Risk Management Appendix/Addendum will be incorporated into the agreement between NDDOT and the consultant. Firms must be able to provide a proper Certificate of Insurance within 15 days of notification of Selection.

Audit

Firms that do not have a current cognizant Federal Acquisition Regulations (FARs) audit of indirect cost rates must provide this audit at the interview

10) SUBMITTAL INFORMATION

Hard copies of statement of qualifications should be shipped to ensure timely delivery to the contact as defined below:

Lance Meyer
City Engineer
City of Minot Engineering
1025 31st Street SE
Minot, ND 58701

All statements of qualifications received by 4:00 pm on Friday, September 6, 2019 at the City of Minot Engineering Department will be given equal consideration. Minority, women-owned and disadvantaged business enterprises are encouraged to participate. Respondents must submit five (5) hard copies and one Adobe Acrobat (.pdf) copy of the statement of qualifications. The full length of each proposal should not exceed thirty (30) double sided pages for a total of sixty (60) pages; including any supporting material, charts or tables.

11) PAYMENTS

The selected Consultant will submit invoices for work completed to the Client. Payments will be made to the Consultant by the Client in accordance with the contract after all required services, and items identified in Task 1, have been completed to the satisfaction of the Client.

12) FEDERAL AND STATE FUNDS

The services requested within this RFQ will be partially funded with funds from the Federal Highway Administration (FHWA). As such, the services requested by this RFQ 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.

13) 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 RFQ:

Compliance with Regulations

The Contractor 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).

Nondiscrimination

The Contractor, with regard to the work performed by it, shall not discriminate on the grounds of race, color, national origin, sex, age, disability/handicap, or income status**, in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor 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.

Solicitations for Subcontracts, Including Procurements of Materials and Equipment

In all solicitations, either by competitive bidding or negotiation, made by the Contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the Contractor of the Contractor’s obligations to City of Minot and the Regulations relative to nondiscrimination on the grounds of race, color, national origin, sex, age, disability/handicap, or income status**.

Information and Reports

The Contractor 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 City of Minot or the NDDOT to be pertinent to ascertain compliance with such Regulations, orders, and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish this information, the Contractor shall so certify to City of Minot, or the NDDOT, as appropriate, and shall set forth what efforts it has made to obtain the information.

Sanctions for Noncompliance

In the event of the Contractor’s noncompliance with the nondiscrimination provisions as outlined herein, the Client and the NDDOT shall impose such sanctions as it or the Federal Highway Administration may determine to be appropriate, including but not limited to:

- a) Withholding of payments to the Contractor under the contract until the Contractor complies; or
- b) Cancellation, termination, or suspension of the contract, in whole or in part.

Incorporation of Title VI Provisions

The Contractor shall include these provisions in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto.

The Contractor shall take such action with respect to any subcontract or procurement as City of Minot 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 Contractor becomes involved in, or is threatened with, litigation by a subcontractor or supplier as a result of such direction, the Contractor may request City of Minot enter into such litigation to protect the interests of City of Minot; and, in addition, the Contractor 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.

14) TERMINATION PROVISIONS

The Client reserves the right to cancel any contract for cause upon written notice to the Contractor. Cause for cancellation will be documented failure(s) of the Contractor 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 Contractor 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 Contractor 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 Contractor, of any kind, after the date of termination. Contractor shall deliver all records, equipment and materials to the Client within 24 hours of the date of termination.

15) 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.

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

16) CONFLICT OF INTEREST

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

17) RISK MANAGEMENT

The Risk Management Appendix will be incorporated into the agreement between NDDOT, City and Contractor. Firms must be able to provide a proper Certification of Insurance within 15 days of notification of selection.