



Central Dakota MPO Policy Board Meeting

Thursday, April 25, 2024, at 4:30 PM

3rd Floor Executive Conference Room, City Hall (10 3rd Ave SW)

Any person needing special accommodation for the meeting is requested to notify the City Clerk's office at 857-4752.

**1. ROLL CALL**

**2. REVIEW/APPROVAL OF MARCH 28, 2024, POLICY BOARD MEETING MINUTES**

Documents:

[03282024 MPO Meeting Minutes.pdf](#)

**3. DISCUSSION CITY FINANCE/HUMAN RESOURCE INTEGRATION WITH MPO**

- a. **This discussion will impact subrecipient, who contracts are written with, etc.**
- b. **Attached is a memo from Lance laying out the options and the recommendation for the Policy Board to discuss and provide direction.**
- c. **May require clarification in bylaws.**

Documents:

[CDMPO Contract with NDDOT Memo.pdf](#)

**4. UPDATE ON EXECUTIVE DIRECTOR**

**5. TITLE VI PLAN REVIEW, DISCUSSION, AND POTENTIAL APPROVAL**

Documents:

[Title VI Master Plan - Final Draft .pdf](#)

**6. CDMPO 2050 MTP FRP REVIEW, DISCUSSION, AND POTENTIAL APPROVAL**

Documents:

[MTP RFP with tracked changes.pdf](#)

**7. MPO TO DO LIST UPDATE**

Documents:

[MPO to do list \(4-22-24\).pdf](#)

**8. ADDITIONAL BUSINESS**

**9. NEXT SCHEDULED MEETING**

**The next scheduled Policy Board meeting is Thursday, May 23, 2024, at 4:30 pm in the 3rd floor Executive Conference Room at City Hall.**

**10. ADJOURNMENT**

CENTRAL DAKOTA METROPOLITAN PLANNING ORGANIZATION  
MEETING MINUTES

March 28, 2024 at 4:30 PM

3<sup>rd</sup> Floor Executive Conference Room, City Hall (10 3<sup>rd</sup> Ave SW)

Chair Fjeldahl called the meeting of the Central Dakota MPO to order at 4:30 pm, the following were present:

**Burlington City-** Zach Walker

**Minot City-** Lisa Olson, Harold Stewart, Mark Jantzer

**Surrey City-** Michael Thiesen

**Ward County-** Bucky Anderson, John Fjeldahl

Others Present: Dana Larsen, Wayne Zacher, Lance Meyer, Stacey Hanson, Michael Johnson, Paul Benning, and Mikayla McWilliams

**Review/Approval of February Policy Board Meeting Minutes**

The February 22, 2024 meeting minutes were presented for review and approval. Mark Jantzer moved to approve the February 22, 2024 meeting minutes. The motion was seconded by Mike Thiesen and carried the following vote: ayes: Anderson, Fjeldahl, Jantzer, Olson, Stewart, Thiesen, Walker; nays: none.

**Discussion City Finance/Human Resource Integration with MPO**

One impact of the MPO operating under the City of Minot would be the subrecipient process. There is an upcoming staff meeting with the NDDOT to walk through all the financial impacts. All MPOs in North Dakota operate differently:

- Grand Forks – The MPO operates mostly independently.
- Fargo – The MPO is completely independent.
- Bismarck – The MPO is fully operating under the City of Bismarck.

The contract process would essentially operate as a pass through, but the City of Minot would oversee the audit and financial portion. The intent would be to lease an employee with the City of Minot and be similar to the MPL Library Board. Operating separately has challenges that include:

- Employee issues (ex. benefits, payroll, insurance)
- Financial Extras for the MPO (ex. financial software and audits)

**5.2 MPO Liability Insurance**

The Ward County NDIRF representative believed the MPO Policy Board should have separate liability insurance. The Bismarck/Mandan MPO falls under the Bismarck policy. City of Minot uses 1st Western Bank as an insurance agent.

Lisa Olson moved to direct staff to bring quotes on general liability insurance back to the board at the next meeting. The motion was seconded by Mark Jantzer and carried the following vote: ayes: Anderson, Fjeldahl, Jantzer, Olson, Stewart, Thiesen, Walker; nays: none.

**Update on Executive Director**

The City of Minot received a total of 9 applications. There are two applicants for consideration one is from Canada and one from Georgia. They both have international work experience. The options to move

forward would be to go back out for new applicants, put an RFP out for a consultant, and/or hire a head hunter.

Zach Walker moved to reopen the application process for new applicants. The motion was seconded by Mike Thiesen and carried the following vote: ayes: Anderson, Fjeldahl, Thiesen, Walker; nays: Jantzer, Olson, Stewart.

The board also discussed how a head hunter/recruiter is expensive, but they produce quality employees. This process was not included in the work program. The board would need to present an amendment to the work program, which would move money from the salary portion of the contract to recruiter costs. The amendment to the SPR would be presented to the board for approval, then would need approval by the NDDOT and Federal Highway Department.

Harold Stewart moved approval to begin the process of hiring a recruiter including the amendment to reallocate the salary fund savings to recruiter costs up to \$35,000. The motion was seconded by Mike Thiesen and carried the following vote: ayes: Anderson, Fjeldahl, Jantzer, Olson, Stewart, Thiesen, Walker; nays: none.

Mark Jantzer had to leave the meeting at 5:14 pm.

### MPO To Do List Update

CDMPO To Do List				
Task	Start Date	Due Date	Complete date	Comments
Bylaws			10/28/2023	Approved at Oct PB Mtg.
MPO ED Job Posting	1/31/2024	Open until filled		Noticed position was posted on City of Minot Website 1/31. Currently, posted as Open until filled (should a closing date be entered?). Also posted on AMPO site 2/1. I also understand that this was or will be posted on AWA and APA websites.
UPWP			3/11/2024	FHWA complemented CDMPO on their first UPWP
3C Agreement		11/30/2023	12/20/2023	
Title VI Process				Started looking at during TAC, but was not in a position to adopt
Boundaries		12/29/2023	11/9/2023	Letter sent from Governor 11/9/23 the letter to the Governor included the Map. UZA approved by FHWA 12/5
Designation by Governor		12/29/2023	11/9/2023	
MPO Contract		12/31/2023		this is needed to provide CPG funds to MPO, but we will have some time as we will enter an SPR contract with Minot to get started. Will need to have Tax ID before we can get Vendor ID set up, which is needed prior to reimbursements. This is tied to agenda item #2
SPR Contract with City of Minot			1/19/2024	Intended to get MPO up and running.
Rdwy Functional Class Update		12/29/2025		Roadway functional class updates for Census defined urban boundaries. Letter will be sent to jurisdictions requesting they update functional class after UZA approval. Goal to have completed by 12/29/24
Public Participation Plan				Will need to have in place sooner than later
TIP		12/29/2026		Goal is to have official TIP by 7/2026 to get projects in the STIP. Need to have MTP completed before we can have TIP because MTP feeds the TIP
Internal policies & procedures	on going			This will be ongoing for the ED once on board
MTP	1/1/2024	12/29/2026		DL provided NDDOT a Draft of the MTP on 3/12. We are working to set up a meeting to go over comments. We should be able to bring to PB in April for approval to send, but we need to make sure we have movement on the MPO Contract before we will be able to move on the RFP.
Website				Agendas can currently be found on City of Minot Website

Sam.gov registration				DLak questioned if this couldn't just be City of Minot registration. WZ will dig into. NDDOT has internal (LGD and Finance) discussion scheduled for 11/28 to discuss. Mike T., PB Chair, is looking into Sam.gov registration.
Tax ID			12/5/2023	Mike T., PB Chair, got EIN set up as of 12/5/23 and is 93-4698426. Follow up paper work is needed because name was set up as "Central Dakotas MPO" not "Central Dakota MPO"
MPO Insurance				Will need to have insurance for MPO Contract. Minimum \$2,000,000/occurrence and \$500,000/person

Dana Larsen has the draft map for the roadway functional class fully up-to-date from the previous TAC meeting. Lance Meyer would like to review on more time to make sure all the frontage roads are present on the map. Mike Johnson will also look at the map, but the group will need to provide a spreadsheet to track the changes on the map along with the new roads and classes.

### **Additional Business**

#### **5.1 Minot Outdoor Recreation Path Phase II Letter of Support**

Chair Fjeldahl moved to approve the letter of support for the Minot Park District on behalf of the MPO Policy Board and authorize the chair to sign. The motion was seconded by Lisa Olson and carried the following vote: ayes: Anderson, Fjeldahl, Olson, Stewart, Thiesen, Walker; nays: none.

### **Next Scheduled Meeting**

The next Policy Board meeting is scheduled for April 25, 2024 at 4:30 pm in the 3<sup>rd</sup> Floor Executive Conference Room at City Hall.

### **Adjournment**

There being no further business, Harold Stewart motioned the board meeting be adjourned. Motion was seconded by Zach Walker and carried unanimously. The meeting adjourned at 5:26 pm.

# Central Dakota Metropolitan Planning Organization

**TO:** Chairman John Fjeldahl  
Members of the Policy Board

**FROM:** Lance Meyer, P.E., Minot City Engineer

**DATE:** April 25, 2024

**SUBJECT:** CDMPO CONTRACT WITH NDDOT AND SUB-RECIPIENT RELATIONSHIP

## I. RECOMMENDED ACTION

1. Recommend the policy board approve Alternative 1

## II. DEPARTMENT CONTACT PERSONS

Lance Meyer, Minot City Engineer	701-857-4100
Dana Larsen, Ward County Engineer	701-838-2810

## III. DESCRIPTION

### A. Background

On April 16<sup>th</sup>, a meeting was held with NDDOT staff, Minot finance, HR, and engineering staff, and county engineer Larsen. The meeting was held to discuss alternatives to various issues regarding a path forward for federal funding passthrough to the MPO, what oversight responsibilities come with the funding passthrough options, and how to handle MPO staff.

### B. Proposed Project

Based on the information presented by NDDOT and the challenges described by city finance and HR staff, these alternatives exist:

Alternative 1: CDMPO as Department Housed within City of Minot, Minot as Sub-Recipient

This continues the action approved by the policy board at the March 28<sup>th</sup> meeting. This alternative provides the cleanest, most straightforward method for administering the financial, auditing, reporting, payroll, benefits, and support services needed to run the MPO.

Under this alternative, the NDDOT would contract directly with the City of Minot to distribute the federal funds to Minot. Minot would manage the funds in an account, but the funds would be acted upon at the policy board's direction. Minot is the sub-recipient of the federal funds and not CDMPO.

By Minot not passing the funds down another level to CDMPO, this avoids creating another level of oversight. If passed down, Minot would have to audit CDMPO. Minot is already paying for its own yearly audit, why do it twice? While Minot is the recipient of the funds, CDMPO still uses the funds for planning and expenses. CDMPO will not receive less funds because they are being received by Minot.

In addition, CDMPO no longer needs its own tax ID, it will use Minot's.

Regarding employees, since we cannot have a pool of one employee for benefit purposes, the Executive Director will be a City of Minot employee. However, the Executive Director and other future staff that may eventually work for CDMPO will not report to the Minot City Manager, they will report to the CDMPO Policy Board.

A small bylaws amendment should be undertaken to provide clarity and detail for process matters. However, the current bylaws seem to be open enough to allow this alternative to happen without an update.

Alternative 1 is the recommendation of staff.

Alternative 2: CDMPO as Department Housed within City of Minot, CDMPO as Sub-Recipient

This option is largely the same as the option above with the exception being the funds are passed down through the City of Minot directly to CDMPO. In this alternative, the NDDOT contracts with City of Minot and Minot then contracts with CDMPO as a sub-recipient of the federal funds.

This creates an additional layer of required oversight for the City of Minot. Minot must ensure that all programs administered by CDMPO are compliant with federal grant assurances. Minot must then also report those assurances as well as other grants Minot is managing. The sub-recipient relationship creates another layer of oversight that is time-consuming and has a cost. In summary, why pay for oversight twice?

The employment of Executive Director is the same as alternative 1.

Alternative 2 is not recommended due to the additional reporting and oversight required from the sub-recipient relationship.

- C. Consultant Selection  
N/A

#### IV. IMPACT:

- A. Strategic Impact:  
Selecting the initial path forward for CDMPO is important as many of the early decisions are administrative in nature.
- B. Service/Delivery Impact:  
Staff's recommended alternative will be the least demanding from an administrative standpoint and allow the executive director to focus on getting the MPO up and running.
- C. Fiscal Impact:  
Alternative 1 likely has the least financial impact since staff knows an outside payroll and benefits firms does not have to be hired. Also, audit functions can likely be done by the city's consulted auditor, but there may be some additional cost. It will be less than if the audit was done solely independent.

#### V. ALTERNATIVES

The policy board can choose between the two alternatives described above or other alternatives the board directs. The board can also direct other options for CDMPO staff. However, the options stated above seem to be the best options staff can determine at this time.

**VI. TIME CONSTRAINTS**

Before the NDDOT can enter into a contract with the City of Minot or CDMPO, a decision needs to be made by the policy board on which alternative to choose. An alternative must be selected, a contract approved, and Title VI plan adopted before the Metropolitan Transportation Plan can be solicited for consultants.

**VII. LIST OF ATTACHMENTS**

A. N/A



## **Title VI Plan**

**March 2024 FINAL DRAFT**

Title VI Coordinator

Lisa Jundt, Director of Human Resources

10 3<sup>rd</sup> Ave SW, PO Box 5006, Minot, ND 58702-5006

(701)-857-4753

[lisa.jundt@minotnd.gov](mailto:lisa.jundt@minotnd.gov)

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## **I. EQUAL EMPLOYMENT OPPORTUNITY ACT (EEO)**

### **A. Equal Employment Opportunity (EEO) Report**

The City of Minot is an equal opportunity employer and has employment policies that adhere to the Civil Rights Act of 1964 and the Americans with Disabilities Act (ADA).

Bi-annually, the City of Minot submits an EEO-4 Report on the demographics of its workforce. This is a required report for employers of 15 or more employees.

There is also EEO information submitted voluntarily by applicants of all posted positions. That information goes with the applicant if they become an employee.

The City of Minot is an equal opportunity employer and does not discriminate against or exclude any particular class of people based on race, color, religion, sex, national origin, age, disability, or genetic information. Vacancies are advertised on the City of Minot website, which is accessible to both internal and external candidates.

### **B. Organization, Staffing, and Responsibilities**

The City of Minot is governed by a Mayor and six (6) Member City Council. The Mayor is a voting member, elected at large for a four (4)-year term. The Members of the City Council are elected at large for four (4)-year terms with one half of the Members elected biennially. The City is also served by several volunteer boards and commissions.

The City of Minot is a full-service entity and includes the departments of Assessor, Airport, City Attorney, Community and Economic Development, Engineering, Finance, Fire, Human Resources, Library, Municipal Court, Police, Public Works and Office of Resilience.

Positions on the City of Minot's council, commissions, boards, and committees are elected or appointed and are listed below. The organization members will be polled annually and given an opportunity to self-attest to their race and gender.

The City Clerk for the City of Minot ensures that notices for public meetings reach all segments of the impacted community. The Title VI coordinator will assist to identify the effective media platforms to share announcements and notices.

Announcements are made in social media, general circulation newspapers, community newspapers, email broadcasts, and posted at the City Building public areas.

## **C. Purposes and Responsibilities**

### **City Council**

The City Council has the sole authority to pass and adopt rules and regulations concerning the organization, management, and operation of all the departments of the city and the other agencies created by it for the administration of the city's affairs. Reference: NDCC Sec. 40-05-01

### **Planning Commission**

The Planning Commission consults and advises public officials, public utility companies, civic, educational, professional and other organizations, and citizens in assisting with planned development of the City and surrounding area. The Commission recommends programs for specific improvements and financing, to the appropriate officials as needed. [Planning Commission | Minot, ND \(minotnd.gov\)](#)

### **Library Board**

The Library Board of Directors governs library operations. Board members are appointed by the governing body and must be residents of Minot. One appointee must be a member of the City Council or a designated representative. Meetings are held on the fourth Thursday of each month, unless rescheduled. [Library Board | Minot, ND \(minotnd.gov\)](#)

### **Other Boards and Committees**

The City of Minot has many other boards and committees composed of citizens of Minot. [Boards & Committees | Minot, ND \(minotnd.gov\)](#)

## **D. Selection Process**

Selection for various boards and committees starts with a citizen submitting a volunteer form through an online link, indicating their interest to serve on a specific board. The Mayor reviews the volunteer applications, and initiates an appointment to City Council for approval, as volunteer vacancies become available.

## **E. EEOC Reporting for Publicly Held Meetings**

The Civil Rights Act of 1964 and related nondiscrimination authorities require the city of Minot to ensure everyone has the opportunity to comment on the transportation programs and activities that may affect their community.

The City of Minot monitors attendance to ensure equal opportunity at all publicly held meetings, by providing voluntary attendance survey forms at each meeting. This survey is for affirmative action purposes only. It will aid in monitoring attendance, determining demographics being reached, and how to announce future meetings to the public.

## **II. AMERICANS WITH DISABILITIES ACT (ADA)**

### **A. Title VI Coordinator**

The Title VI Coordinator is charged with the responsibility for implementing, monitoring, and ensuring the City's compliance with Title VI regulations. Title VI responsibilities are as follows:

1. Proactively ensures that the City is in compliance with nondiscrimination requirements of Title VI and reports to City of Minot leadership on the status of Title VI compliances.
2. Responds promptly to requests by Federal Authorities for data and records and for the scheduling of compliance reviews and other meetings to determine compliance with Title VI and related requirements.
3. Process the disposition of Title VI complaints received by the City and forward them to the applicable Federal Authorities within 15 days of receipt, together with any actions taken to resolve the matter.
4. Provides applicable Federal Authority with updates regarding its response and status of early resolution efforts to complaints concerning Title VI and related requirements (49 CFR Part 21, Appendix C(b)(3)), including resolution efforts.
5. Coordinates data collection to evaluate whether racial or ethnic groups are unequally benefited or impacted by City programs. The data will be regularly assessed and readily available upon request (49 CFR § 21.9(b) & (c)). Data collection methods may include but are not limited to optional demographic questions in City customer satisfaction surveys, customer complaints, City event sign-in sheets, bids/proposals for City contracts, and other methods.
6. Maintains demographic data for members of appointed planning and advisory bodies for the Airport and identifies any disparities compared to the community. Provides information to the membership selecting official/committee, particularly when vacancies occur.
7. Collect statistical data (race, color, sex, age, disability, or national origin) of participants in and beneficiaries of City programs, e.g., relocates, affected citizens, and impacted communities.
8. Conduct Title VI reviews of construction contractors, consultant contractors, suppliers, and other recipients of contracts administered through the City.
9. Annually reviews City Title VI Plan program directives and, where applicable, includes Title VI language and related requirements. Disseminate information throughout the staff and City leadership.
10. Conduct training programs on Title VI and other related statutes, including anti-harassment training, language, and assistance resources and practices, collecting and assessing demographic data, reporting Title VI complaints and other required program-specific notifications for City employees and, which include the following:  
Advise all employees of the availability of

the Title VI Plan on the City of Minot's Intranet, post the Title VI Plan on the City of Minot Internet, post the Title VI Plan on employee bulletin boards at City of Minot worksites, inform all employees that a copy of the Title VI Plan is available upon request and instruct all new employees about the Title VI Plan during orientation. See appendix for department-specific sponsor responsibilities.

11. Prepare a yearly report of Title VI accomplishments and goals, as required.
12. Develop Title VI information for dissemination to the general public and, where appropriate, in languages other than English, and post the Title VI Plan on the City of Minot web page.
13. Conduct post-grant approval reviews of City programs and applicants (e.g., highway location, design and relocation, and persons seeking contracts with the City) for compliance with Title VI requirements.
14. Identify and take corrective action to help eliminate discrimination.
15. Establish procedures to promptly resolve identified Title VI deficiencies. Document remedial actions agreed to be necessary. Provide remedial actions within 90 days of identification of a deficiency.
16. Establish, maintain, and coordinate a Limited English Proficiency Plan as detailed within this document.
17. Ensure federally sponsored programs have and maintain a Community Participation Plan (CPP).
18. Maintains a copy of 49 CFR Part 21 for inspection by any person asking for it during normal working hours (49 CFR 21, Appendix C (b)(2)(i)).

## **B. ADA Coordinator**

The Americans with Disabilities Act (ADA) of 1990 is a companion civil rights legislation with the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination against people with disabilities. ADA implementing regulations to Title II of the act prohibit discrimination in the provision of services, programs, and activities by state and local governments such that "...No qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity." 28 CFR § 35.130(a).

The City of Minot will make every reasonable accommodation to provide an accessible meeting facility for all persons and ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others, 28 CFR §35.160. Individuals may request appropriate provisions, auxiliary aids, or services (such as sign language, interpreter, accessible parking, or materials in alternative format) by contacting the Title VI/ADA Coordinator from the contact information on the Title VI Plan cover page.

The Americans with Disabilities Act requires public agencies with more than 50 employees to create and maintain a transition plan. The City of Minot employs more than 50 employees; for information about the City of Minot's ADA transition plan, please contact Title VI Coordinator. Contact information is listed on Title VI Plan cover page.

As the Americans with Disabilities Act is companion civil rights legislation with the Civil Rights Act of 1964, all disability-related complaints will follow the complaint procedures and forms as outlined in the City of Minot Title VI and Nondiscrimination Program.

Complaints about violations of ADA by units of state and local governments may also be filed directly with the US Department of Justice. For assistance, please call the toll-free ADA Information Line at 800-514-0301 (voice) or 800-514-0383 (TTY) or go to <http://www.ada.gov/>.

### **C. DBE Liaison Officer For the Airport**

The DBE (Disadvantaged Business Enterprise) Liaison Officer shall have direct, independent access to the Mayor as the Chief Executive Officer for the City of Minot concerning DBE program matters. The liaison officer is responsible for implementing all aspects of our DBE program. The City will provide adequate staff to administer the program in compliance with this part.

For more information, about the DBE program, go to [motairport.com/224/DBE](http://motairport.com/224/DBE)

### **D. City of Minot Title VI/Nondiscrimination and ADA Policy Statement**

The City of Minot is committed to compliance with Title VI of the Civil Rights Act of 1964 and all related regulations and statutes. The City assures that no person or group(s) of persons shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by the City of Minot, regardless of whether those programs and activities are federally funded or not. In addition to Title VI, there are other nondiscrimination statutes which include sex, age, and disability. These requirements define an over-arching Title VI/Nondiscrimination and ADA Program.

The City of Minot also assures that every effort will be made to prevent discrimination through the impacts of its programs, policies, and activities on minority and low-income populations. In addition, the City will provide meaningful access to services for persons with Limited English Proficiency for language assistance free of charge to the person upon request.

Additionally, the City of Minot agrees, among other things, to understand the communities surrounding or in the flight path of its Airport, as well as customers that use the Airport. Anytime communities may be impacted by programs or activities, the City of Minot takes-action to involve them and the general public in the decision-making process.

In the event the City of Minot distributes federal-aid funds to a subrecipient, the City will include Title VI language in all written agreements and will monitor for compliance.

The City of Minot's Title VI Coordinator is responsible for initiating and monitoring Title VI activities, preparing reports and other responsibilities as required by 23 Code of Federal Regulations (CFR) 200 and 49 CFR 21.

Anyone who needs additional information or believes that he or she has been discriminated against should the City of Minot Title VI Coordinator and ADA Coordinator from the contact information listed on the Title VI Plan cover page. TTY users may call Relay North Dakota at 711 or 1 800-366-6888 (toll-free).

Assurances

### III. LIMITED ENGLISH PROFICIENCY PLAN

#### A. Introduction

This Limited English Proficiency Plan (LEP) has been prepared to address the City of Minot's responsibilities as a sub-recipient of federal financial assistance as they relate to the needs of individuals with LEP language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 USC 2000d, et seq, and its implementing regulations, which state that no person shall be subjected to discrimination on the basis of race, color, or national origin.

Executive Order 13166, titled ***Improving Access to Services for Persons with Limited English Proficiency***, indicates that differing treatment based upon a person's inability to speak, read, write, or understand English is a type of national origin discrimination. It directs each agency to publish guidance for its respective recipients, clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies that receive federal funds, including all the City of Minot and its sub-recipients.

#### B. Plan Summary

The City of Minot has developed this LEP to help identify reasonable steps for providing language assistance to individuals with LEP who wish to access the services provided. As defined in Executive Order 13166, LEP related individuals are those who do not speak English as their primary language and have limited ability to read, speak, write, or understand English. This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and how to notify LEP individuals that assistance is available.

In order to prepare this plan, the City of Minot used the four-factor LEP analysis, which considers the following factors:

1. The number or proportion of LEP persons served or encountered in the City of Minot.
2. The frequency with which LEP individuals come in contact with the program, activity, or services.
3. The nature and importance of the program, activity, or service provided by the program.
4. The resources available to the Recipient and costs.

#### C. Meaningful Access: Four-Factor Analysis

1. The Number or proportion of LEP related individuals served or encountered in the eligible service population.

The City of Minot is a local public agency with a defined service area as follows: areas within the boundaries of the city of Minot. Services may be provided by a specific area as follows: police, fire, administration, public works, airport, library, and municipal court. The City of Minot's defined service area does not include the public school district or the park district.

All previous contacts with LEP persons were identified by language along with the type of service provided for the reporting period, January 1, 2023, through December 31, 2023. This includes documenting phone inquiries or office visits. The following contacts occurred.

To date, the City of Minot has had no requests for interpreters and no requests for translated program documents. City of Minot staff have had very little contact with LEP persons.

The City of Minot attempted to identify LEP minority populations that are eligible beneficiaries who may be underserved because of existing language barriers.

The City of Minot utilized the following data resource to identify LEP populations:

- US Census for the City of Minot
- 2018-2022 American Community Survey 5-Year Estimates
  - The City of Minot staff reviewed the 2018-2022 American Community Survey 5-Year Estimates for the City of Minot and determined that 2,893 individuals in the city of Minot (6.4 % of the population) speak a language other than English at home. Of those, 803 individuals have limited English proficiency; that is, they speak English less than "very well" or "not at all." This is only 1.6 % of the overall population in the City of Minot.
  - The languages of those 803 individuals are as follows:

Language	Total who speak English Less than very well
Spanish	286
Indo-European languages	79
Other Unspecified languages	280
Other Asian and Pacific Island languages	158

## **2. The nature and importance of services provided by the City of Minot to the LEP population.**

There is no large geographic concentration of any type of LEP individuals in the service area for the City of Minot. The overwhelming majority of the population, 93.6% speak English. As a result, there are few social service, professional and leadership organizations within the City of Minot service area that focus on outreach to LEP individuals. The Minot City Council and staff are most likely to encounter LEP individuals through office visits and phone conversations.

The City of Minot determined the importance of its services for the LEP population in its service area by reviewing and considering the following factors, including the identification of vital documents.

### Identification of Vital Documents

- A document will be considered vital if it contains information that is critical for obtaining federal services and/or benefits or is required by law.
- Examples:
  - Applications
  - Consent and complaint forms,
  - Notices of rights and disciplinary action
  - Notices advising LEP persons of the availability of free language assistance
  - Written tests that assess competency for a particular license, job, or skill for which English competency is not required
  - Letters or notices that require a response from the beneficiary or client
  - In larger documents, the translation of vital information contained within the document will suffice and need not be translated in its entirety.
  - Outreach docs: It is difficult to determine if a vital lack of awareness may effectively deny LEP persons access. It's important to continually survey/assess the needs of eligible service populations to determine what outreach materials are critical to translate.

The City of Minot provides a Request for Reasonable Accommodations form for individuals to request services for oral or written translations as determined by the Four-Factor Analysis or defined by Safe Harbor requirements. Safe Harbor applies to written translations only.

Vital documents will be translated when a significant number of percentages of the population eligible to be served or likely to be directly affected by the program/activity need services or information in a language other than English to communicate effectively. If the English language version is posted on the City of Minot website, the translation will be posted on the website.

The City of Minot considered the importance of immediate and long-term effects of a delay in written translations. Most services have several days to weeks allowed for comment or completion.

### **3. The resources available to the Recipient and costs.**

City of Minot is contracted with Propio Language Services, to provide interpretation for LEP individuals. Languages will be interpreted through a telephone interpreter line for which the City would pay a fee.

Oral telephonic and written interpreter services are provided free of charge for the people served.

### **4. Language Assistance**

A person who does not speak English as their primary language or who has a limited ability to read, write, speak, or understand English may be a LEP person and may be entitled to language assistance with respect to City of Minot services.

Language assistance can include interpretation, which means an oral or spoken transfer of a message from one language into another language, and/or translation, which means the written transfer of a message from one language into another language.

After applying the four-factor analysis, the City of Minot has examined the following language assistance options and identified which methods will provide the City of Minot with an effective LEP Plan.

### **5. Language Assistance Services**

- Post notice of the LEP Plan and availability of interpretation or translation services free of charge.
- All City staff will be provided with “I Speak” cards to assist in identifying the language interpretation needed if the occasion arises.
- All City staff will be informally surveyed periodically on their experience concerning any contacts with LEP persons during the previous year.
- When the City of Minot sponsors an informational meeting or event, a staff person may greet participants as they arrive. By informally engaging participants in conversation it is possible to gauge each attendee’s ability to speak and understand English. Although translation may not be able to be provided at the event, it will help identify the need for future events.

### **D. Language Assistance Measures**

Although there is a very low percentage of LEP individuals in the City of Minot, that is, persons who speak English “not well” or “not at all”, the City will strive to offer the following measures:

- City staff will take reasonable steps to provide the opportunity for meaningful access to LEP clients who have difficulty communicating English.

- The following resources will be available to accommodate LEP person:
  - Language interpretation will be accessed through a telephone interpretation service.

#### **E. Annual Staff Training**

Training includes how to obtain language assistance services and communication with interpreters and translators.

- Information on the Title VI Policy and LEP responsibilities.
- Description of language assistance services offered to the public.
- Use of the “I Speak” cards.
- Documentation of language assistance requests.
- How to handle a potential Title VI/LEP complaint.

#### **F. Monitoring**

The City of Minot will update the LEP Plan as required. The plan has been updated with data from the 2020 US Census and is available when higher concentrations of LEP individuals are present in the City of Minot service area. Updates will include the following:

- The number of encountered LEP persons, by language, who received language assistance services annually.
- The frequency of encounters with LEP persons
- The current/primary language of LEP populations in the service area.
- Determine whether the need for translation services has changed.
- Determine whether local language assistance programs have been effective.
- Determine whether the City of Minot's financial resources are sufficient to fund language assistance resources needed.
- Determine whether the City of Minot fully complies with the goals of this LEP Plan.
- Determine the number and type of complaints received concerning the needs of LEP individuals.
- Determine whether staff are knowledgeable about City of Minot LEP procedures.

#### **G. Dissemination of the City of Minot LEP Plan**

- Post the City of Minot LEP Plan to their website.
- Post City of Minot LEP Plan in all City Buildings and employee breakrooms.
- Post “I Speak” cards at the front desks/doors of City offices to aid staff in notifying LEP persons of the LEP Plan and how to access language services.

## IV. TITLE VI COMPLAINTS

### A. Title VI/ADA Complaint Procedure

This procedure outlines the Title VI and ADA complaint procedures related to providing programs, services, and benefits. It does not deny the Complainant the right to file formal complaints with the applicable state or federal agency or to seek private counsel for complaints alleging discrimination, intimidation, or retaliation of any kind that is prohibited by law.

Title VI of the Civil Rights Act of 1964 and Titles II and III of the Americans with Disabilities Act of 1990 requires that no person in the United States shall, on the grounds of disability, race, color, or national origin, be excluded from, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Any person who believes that they have been subjected to discrimination may file a written complaint with the City of Minot. Complaints must be filed within 180 calendar days of the alleged incident.

The Complainant may download the complaint form from the CITY OF MINOT website ([Title-VI---Civil-Rights-Complaint \(minotnd.gov\)](#)) or request the complaint form from the Title VI Coordinator.

The complaint will include the following information:

- a. Name, address, and telephone number of the Complainant.
- b. The basis of the complaint, i.e., race, color, national origin, sex, elderly or disabled.
- c. The date or dates on which the alleged discriminatory event or events occurred.
- d. The nature of the incident that led the Complainant to feel discrimination was a factor.
- e. Names, addresses, and telephone numbers of persons who may have knowledge of the event.
- f. Other agencies or courts where a complaint may have been filed and a contact name.
- g. Complainant's signature and date.
- h. If the Complainant is unable to write a complaint, City of Minot staff will assist the Complainant.
- i. The complaint may be mailed or faxed to the following address: City of Minot, 10 3<sup>rd</sup> Ave SW, Minot, ND 58701 or (701) 857-4751 (Fax)
- j. The complaint may be sent via email to [lisa.jundt@minotnd.gov](mailto:lisa.jundt@minotnd.gov). Complainant also has the right within the 180-day timeframe to file a Title VI or ADA claim with the appropriate agency:

<p>North Dakota Department of Transportation Civil Rights Division 608 E Boulevard Ave. Bismarck, ND 58507-0700 Phone: (701) 328-2576 TTY: 711 or (800) 366-6888 Email: <a href="mailto:civilrights@nd.gov">civilrights@nd.gov</a></p>	<p>United States Department of Transportation (USDOT) Departmental Office of Civil Rights US Department of Transportation Office of Civil Rights 1200 New Jersey Ave., SE. Washington, DC 20590 Phone: (202) 366-4648 Fax: (202) 366-5575 TTY/Assistive Device: (202) 366-9696</p>
<p>FHWA North Dakota Division Office 4503 Coleman St. N., Suite 205 Bismarck, ND 58503 Phone: (701) 250-4204 Fax: (701) 250-4395 Email: <a href="mailto:NorthDakota.fhwa@dot.gov">NorthDakota.fhwa@dot.gov</a></p>	<p>USDOJ - Race, Color, National Origin Complaints Federal Coordination and Compliance Section - NWB Civil Rights Division US Department of Justice (USDOJ) 950 Pennsylvania Avenue, NW. Washington, DC 20530 Phone: (888) 848-5306 (English and Spanish) (202) 307-2222 (voice) (202) 307-2678 (TDD)</p>
<p>United States Department of Transportation (FHWA) Federal Highway Administration US Department of Transportation Office of Civil Rights 1200 New Jersey Ave., SE. 8th Floor E81-105 Washington, DC 20590 Phone: (202) 366-0693 Fax: (202) 366-1599 TTY: (202) 366-5132 Email: <a href="mailto:CivilRights.FHWA@dot.gov">CivilRights.FHWA@dot.gov</a></p>	<p>USDOJ - ADA Complaints US Department of Justice (USDOJ) 950 Pennsylvania Avenue, NW. Civil Rights Division Disability Rights Section – 1425 NYAV Washington, DC 20530 Fax: (202) 307-1197 ADA Information Line: (800) 514-0301 (voice) or (800)514-0383 (TTY) Main Section Telephone Number: (202) 307-0663 (voice and TTY)</p>
<p>Federal Transit Administration (FTA) Office of Civil Rights Attention: Complaint Team East Building, 5th Floor - TCR 1200 New Jersey Ave., SE. Washington, DC 20590 Phone: (888) 446-4511</p>	<p>Federal Aviation Administration Office of Civil Rights (ACR-4) 800 Independence Avenue SW Washington DC, 20591 (718)553-3297 Complaint link: <a href="https://www.faa.gov/about/office_org/headquarters_offices/acr/external-discrimination-complaints/form">https://www.faa.gov/about/office_org/headquarters_offices/acr/external-discrimination-complaints/form</a></p>

Internal Complaint Referral. All Title VI complaints received by departments must be promptly forwarded to the Coordinator within five business days of receipt.

The City of Minot will begin an investigation and will contact the Complainant in writing no later than fifteen (15) working days after receipt of the Title VI complaint or five (5) days after receipt of the ADA complaint. The Complainant will be notified within 30 days if additional information is required to investigate the complaint. If the Complainant fails

to provide the requested information on a timely basis, the City of Minot may administratively close the complaint. The City of Minot may also decide not to proceed with, or continue a complaint investigation if the same allegations and issues of the complaint have been addressed in a recently closed investigation or by previous federal court decisions.

The City of Minot will use its best effort to complete the investigation of Title VI and ADA complaints within sixty (60) calendar days of receipt of the complaint. A written investigation report will be prepared by the investigator; the report shall include a summary description of the incident, findings, and recommendations for disposition. In each case, the Coordinator will consult with the Legal Counsel regarding the investigation and the report. Legal counsel will ensure that the report is consistent with the applicable Title VI nondiscrimination requirements.

The Title VI Coordinator will forward the report of the investigation and recommendations to the City Manager for final agency decision. Also included in the report will be a copy of the complaint and all documentation pertaining to the complaint.

At the completion of the investigation, the Complainant and respondent will receive a copy of the investigation including a letter of findings, determination of the investigation and any applicable resolution. The letter transmitting the findings and any applicable resolution will state City's conclusion regarding whether unlawful discrimination occurred and will describe the Complainant's appeal rights.

Intimidation and Retaliation are prohibited. City of Minot employees, contractors, and tenants will not intimidate or retaliate against a person who has filed a complaint alleging discrimination.

Appeal Rights. The Complainant must be notified of their right to appeal the findings or determinations and of the procedures and requirements for an appeal:

- The Complainant may appeal in writing to the Minot City Manager
- The written appeal must be received within ten (10) business days after mailing of the written decision.
- The written appeal must contain all arguments, evidence, and documents supporting the basis for the appeal.
- The Minot City Manager will issue a final written decision in response to the appeal.

This complaint procedure is shared with the public through the following methods:

Websites, In-person, and Other Distribution Methods

## Minot Airport Additional Procedures

Initial FAA Notification. A copy of each Title VI complaint will be forwarded to the FAA within 15 days of initial receipt (not the date that the Title VI Coordinator was notified). The airport staff supporting the Title VI Coordinator will forward a copy of the complaint and a statement describing all actions taken to resolve the matter and the results thereof to the FAA Civil Rights staff. (Note: complaints based on disability do not have to be forwarded to FAA.) To transmit complaint information to the FAA, the Coordinator will [describe contacts and process – it is preferred for the information to be uploaded to the FAA Civil Rights Connect System, which issues automated notifications to FAA staff]. The Coordinator will also seek technical assistance from the FAA, as needed, throughout the complaint intake, investigation, and resolution process.

Cooperation with FAA. The Coordinator will promptly investigate all Title VI complaints, including those referred by the FAA for investigation. If the FAA is investigating a complaint against the City of Minot, the Coordinator will avoid interfering with the FAA investigation, cooperate with the FAA when needed, and share factual information with the FAA.

A summary of the investigation report, any appeal, or follow-up actions will be sent to the FAA via the FAA Civil Rights Connect System.

### **B. Title VI Yearly Reporting Practice**

At the end of each fiscal year, the City of Minot will have a yearly complaint reporting log. This will list all Title VI complaints that have come in during that time frame.

The City of Minot will identify and implement measures to reduce the chances of similar discrimination in the future.

## **V. TITLE VI PROGRAM MONITORING ACTIVITIES**

### **Subrecipient Monitoring**

The Title VI Recipient Checklist/Form and the Title VI Subrecipient Monitoring Checklist/ Form will be completed on an annual basis and provided to appropriate federal agencies requiring them at appropriate times. The Forms are a Word document and provide additional detail to accompany the checklist, which is saved in Excel. The suggested review period is in January to cover activities of the prior year (January- December). A representative from the City of Minot Human Resources Department and/or an assigned City personnel will complete the Title VI Recipient Checklist to ensure the City's Title VI procedures and plan follow federal regulations. The DBE Liaison Officer will follow up with the City personnel to ensure the City's checklist is completed. The DBE Liaison Officer will also complete the Title VI Subrecipient Monitoring Checklist to ensure that the City's Title VI processes and plan are being carried out. At a minimum, both checklists will be collected and saved by the DBE Liaison Officer for review annually. If requested by a federal agency, the checklists may also be uploaded to TrAMS or sent directly to the Title VI Oversight Agent at FTA Region 8 or another location. The following pages provide the questions and framework for the checklists as mentioned above.

### **Additional Title VI Requirements for Public Transit**

#### **1. Public Participation Plan**

Minot City Transit is committed to ensuring it serves the community fairly, consistently and in the most cost-efficient and appropriate manner using available resources. Federal and State government mandate public involvement because it helps to guide department decisions in providing public transportation services. Public involvement also benefits Minot City Transit and the public by allowing for the development of services that meet the needs of area citizens/customers. Through conversation and collaboration with riders, prospective riders, and local human service agencies, Minot City Transit continually assesses the quality of its service, measures potential impacts from Minot City Transit proposed initiatives and ensures that it is providing valuable services to the residents and visitors of the City of Minot. Public participation is a vital part of the process. The City of Minot Voluntary Attendance Sheet (see attachment 2) will be utilized to collect statistical data for public participation.

#### **Purpose of the Public Participation Plan**

As part of the Title VI Program, Minot City Transit, a division of the City of Minot, is bolstering its public participation processes and enhancing its strategies for engaging under-served groups, including those with limited English. This plan outlines the importance of and provides guidelines for involving the public in Minot City Transit's planning efforts to ensure that all groups are represented and their needs considered.

#### **Public Participation Process**

A public participation process will be considered at the earliest stages of any Minot City

Transit project that may impact the general public and/ or potential riders. As the scope of the projects vary in time and size, the public participation process may vary for each, as well as the extent of public participation.

The Federal government mandates public involvement prior to raising fares, implementing major reductions in service, or applying for grants/loans to finance transportation improvement projects. Minot City Transit will insure there is a 30-day notice and comment period prior to any reduction in service or increase in fares.

**Minot City Transit's public participation process ensures that:**

1. Information about public participation opportunities will be advertised and/ or posted appropriately. Any public members with concerns or interests will have an appropriate opportunity to participate in decisions about Minot City Transit services and will be notified of these opportunities to provide input.
2. At the beginning of all projects staff will determine which strategies might have the highest potential to encourage public participation and best serve all those affected or possibly affected by the project, including those in the under-served communities. At any time during the project, it may be reevaluated and if appropriate, additional public participation activities will be explored.
3. Community involvement and contribution will be included in the development of the plans, passenger amenities and improvements at Minot City Transit
4. Comments and concerns of all persons or groups participating in the process will be considered in the development of the plans and locations of transit services and amenities.
5. At any time, members of the public are welcome to submit comments or concerns to Minot City Transit via email ([pwclerk@minotnd.org](mailto:pwclerk@minotnd.org)); in person at the Minot City Transit office in the Public Works Department building, 1025 31<sup>st</sup> Ave SE, Minot ND; by mail at P.O Box 5006, Minot, ND 58701; or by calling Minot City Transit at (701) 857-4148.

**Public Participation Outreach Options**

Minot City Transit uses several strategies to provide interested parties with reasonable opportunities to be involved in the planning process. The following is a non-inclusive list of participation strategies and techniques that have been utilized:

1. Posting and/or distributing notices and/or flyers at key community locations and in buses; notifying stakeholders such as Health and Human Service Agencies, Minot Public Schools, and Minot State University.
2. Monthly Minot City Council meetings are open to the public for questions or comment on any Minot City Transit Services.
3. Partner with community-based organizations and/or agencies for targeted outreach; hold a facilitated discussion or question and answer session using visual aids such as maps, charts, illustrations, and/or photographs; hold meetings at varied dates, times and locations to ensure that all riders and

potential riders in the Minot City Transit service area have equal access and opportunity to participate.

4. Rider surveys and interviews on board the transit vehicles; electronic surveys via website.
5. Utilize local media and news sources to inform the public of participation opportunities; news releases; public service announcements.
6. Posting information on the City of Minot website; posting on social media sites.

Minot City Transit is committed to serving the community and will continue providing public participation opportunities and outreach activities as well as execute various strategies to monitor the service area's transit needs against services provided and future plans.

### **Minot City Transit's Public Presence and Assistance**

In the past Minot City Transit has used various ways to engage, train, and distribute information to the public.

1. Conducting "Travel Training" for potential riders in order to help them understand how to use the website, ride the bus and interpret the bus route schedule
2. Attending coordination meetings with other local transportation agencies such as Souris Basin Transportation.
3. Coordinating with human service agencies to attend or present information at meetings.
4. Participates in other community events such as senior center health fairs and other informational events provided by local human service agencies.
5. **FIXED ROUTE SERVICE STANDARDS** (Only applicable if Fixed Route System)

## **2. Fixed Route Service Standards**

### **Vehicle Load Standards**

The average of all loads during the peak operating periods should not exceed 1.3 passengers/seat.

The average of all loads during non-peak operating periods should not exceed 1.0 passenger/seat.

### **Vehicle Headway Standards**

Minot City Transit operates all of its routes on a one-hour headway standard.

### **On-Time Performance Standards**

Minot City Transit's "on-time" performance standard prohibits vehicles from departing the transfer center at the Minot City Auditorium earlier than the posted departure time. Minot City Transit operates on a flag-stop type service. As there are no actual bus stops Minot City Transit strives to complete all routes "on time".

## **Service Availability Standards**

Minot City Transit is a public transportation system, operating 6 fixed routes within Minot city limits Monday through Friday from 7:00 a.m. until 7:00 p.m. Minot City Transit contracts with Souris Basin Transportation to provide complimentary para-transit service within Minot city limits.

## VI. GOALS AND ACCOMPLISHMENTS

**Goals:** City of Minot goals cited for 2024.

1. Provide a good response to the City of Minot's Title VI plan during any potential audit.
2. Collaborate with the council, commissions, boards, and committees to provide information by explaining the forms and their purpose to encourage participation.
3. Prepare and present for all-staff training during the year.
4. Continue to update the City of Minot's Title VI plan.
5. Continue to update the City of Minot's ADA plan.
6. Gather updated census information as available.
7. Monitor the NDDOT Title VI website for any required form updates and make changes to posted documents as needed.

**Accomplishments:** During the triennial period, here are the accomplishments obtained by the City of Minot in compliance with the Title VI program.

1. The thorough review and update of the City of Minot Title VI Plan.
2. The City of Minot employees reviewed annual training material on Title VI and Limited English Proficiency.
3. Ensured continued interpretive services and the providing of updated information to departments and employees.

### **Training:**

New employee orientation incorporates Title VI training. Topics include:

- Title VI and related laws prohibit discrimination on the basis of race, color, national origin (including LEP), sex (including sexual orientation and gender identity), creed, or age
- Title VI complaints must be forwarded to the Coordinator
- Protections against retaliation for filing civil rights complaints or related actions
- Title VI notices must be displayed throughout the all City public facilities
- All contracts must include Title VI clauses
- Language interpretation and translation services
- Cultural and community relations sensitivity training
- Anti-harassment training

Refresher information will be provided annually.

## APPENDIX A OF THE TITLE VI ASSURANCES

During the performance of this contract, the Contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the Contractor) agrees as follows:

1. Compliance with Regulations: The Contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally assisted programs of the U.S. Department of Transportation, the Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. Non-discrimination: The Contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. 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 will be notified by the Contractor of the Contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. Information and Reports: The Contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish the information, the Contractor will so certify to the Recipient or the Federal Highway Administration as appropriate and will set forth what efforts it has made to obtain the information.
5. Sanctions for Noncompliance: In the event of a contractor's noncompliance with the Nondiscrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

- a. withholding payments to the Contractor under the contract until the Contractor complies; and/or
  - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. Incorporation of Provisions: The Contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The Contractor will take action with respect to any subcontract or procurement as the Recipient or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the Contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the Contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the Contractor may request the United States to enter into the litigation to protect the interests of the United States.

## **APPENDIX B OF THE TITLE VI ASSURANCES**

### **CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY**

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the City of Minot will accept title to the lands and maintain the project constructed thereon in accordance with Title 23, United States Code, the Regulations for the Administration of the Federal-Aid Highway Program, and the policies and procedures prescribed by the Federal Highway Administration of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the City of Minot all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

### **(HABENDUM CLAUSE)**

TO HAVE AND TO HOLD said lands and interests therein unto the City of Minot and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the City of Minot, its successors and assigns.

The City of Minot, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]\* (2) that the City of Minot will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended[, and (3) that in the event of

breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].\*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

## **APPENDIX C OF THE TITLE VI ASSURANCES**

### **CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM**

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by City of Minot pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
  - 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, City of Minot will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.\*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, City of Minot will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the City of Minot and its assigns.\*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

## **APPENDIX D OF THE TITLE VI ASSURANCES**

### **CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM**

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by City of Minot pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, City of Minot will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.\*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, City of Minot will there upon revert to and vest in and become the absolute property of City of Minot and its assigns.\*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

## APPENDIX E OF THE TITLE VI ASSURANCES

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the Contractor) agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

### **Pertinent Non-Discrimination Authorities:**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations.
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).

## E. Appendix F Airport Specific Provisions

### 1. Title VI Policy Statement<sup>1</sup>

**City of Minot** assures that no person shall on the grounds of race, color, national origin (including limited English proficiency (LEP)), sex (including sexual orientation and gender identity), creed, or age, as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 (PL 100.259), Section 520 of the Airport and Airway Improvement Act of 1982, and related authorities (hereafter, "Title VI and related requirements"), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity that receives U.S. Department of Transportation (DOT) funding. Title VI also prohibits retaliation for asserting or otherwise participating in claims of discrimination.

**City of Minot** further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs are federally funded or not. The Airport Sponsor agrees, among other things, to understand the communities surrounding or in the flight path, as well as customers that use the airport. Anytime communities may be impacted by programs or activities the **City of Minot** will take action to involve them and the general public in the decision-making process.

**City of Minot** requires nondiscrimination assurances, as prescribed by FAA, from each tenant, contractor, and concessionaire providing an activity, service, or facility at the airport. Assurances must be included in any related lease, contract, or franchise agreement between **City of Minot** and each tenant, contractor, and concessionaire, as well as in any similar agreements with their own sub-tenants and sub-contractors.

Lisa Jundt, Title VI Coordinator, available at (701)857-4753 and [lisa.jundt@minotnd.gov](mailto:lisa.jundt@minotnd.gov) is responsible for overseeing the Airport Sponsor's compliance with Title VI and the point of contact for all airport Title VI matters and related responsibilities, including those required by 49 CFR Part 21.

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**Signature**

**[Director Name]**

**[Director Title]**

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**Effective Date**

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**3-Year Expiration Date**

In addition to the Coordinator and City's leadership, the following people also assist with our Title VI program requirements specifically for the city's Airport:

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**Staff Supporting Title VI Program**

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**Airport Sponsor Program / Office**

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<sup>1</sup> This policy statement will be translated into languages other than English, upon request and based on patron and local language demographics.

Jessica Long – Airport Business and Development Manager	<b>MinotMinot International Airport</b>
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**The City** has the following airport program sub-recipients:

<i>None</i>
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As of the date of this plan, **the City** has the following pending applications for Federal financial assistance for Airport projects:

<b>Federal Source</b>	<b>Grant Number</b>	<b>Amount</b>
NONE	NONE	NONE

In addition, the **City's Airport's** sub-recipients have the following pending applications for Federal financial assistance (either directly from the FAA or passed through the State DOT.

<b>Federal Source</b>	<b>Grant Number</b>	<b>Amount</b>
<i>None</i>		

Updated information for pending and awarded grant applications will be available through the following methods:

<b>Federal Source</b>	<b>Grant Award Information Available at:</b>
<i>FAA-Dakota Minnesota ADO</i>	<i>Mark Holzer mark.holzer@faa.gov</i>

The Coordinator has not requested and received access to the Title VI portion of the FAA Civil Rights Connect System (<https://faa.civilrightsconnect.com/>); however, Airport staff supporting Title VI Program, Jessica Long has received access to the Title VI portion of the Civil Rights Connect System.

The City of Minot will conspicuously display the FAA-provided Unlawful Discrimination Poster in all public areas on airport property, including those with pedestrian activity.

The Coordinator ensures that these posters are visible, accessible,<sup>1</sup> and maintained. The poster template is available at [Unlawful Discrimination Poster \(faa.gov\)](https://www.faa.gov/unlawful-discrimination-poster), and a completed copy is attached. See Section 15 Appendix.

Posters are displayed in the terminal and other areas on City of Minot Airport property, including the following locations:

<b>Terminal/FBO/Concessions/ Other Locations</b>	<b>Quantity in Pre-Security Area</b>	<b>Quantity in Post-Security Area</b>	<b>Additional Quantities</b>

Security Office, BSO, and Travel Center Pre-Security Gate 6 Elevator, Gate 4, and Gate 2	3	3	0
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"Affected Communities" means any readily identifiable group potentially impacted by an airport project or operation, such as the community immediately surrounding a project or a community in the flight path. The City of Minot Administration Department contacts leaders and representatives in Affected Communities directly to confirm effective media platforms to reach all Affected Communities<sup>2</sup> and provide important feedback on translated materials. The office maintains records of all such notices and the efforts made to reach each of the Affected Communities.

City of Minot will create a detailed CPP by **ENTER DATE**. A copy of the plan will be available at (URL).

To ensure that the community is effectively informed of and able to participate in public hearings, Minot International Airport includes public notices translated into appropriate languages, including for any language spoken by a significant number or proportion of the Affected Community population that has limited English proficiency (LEP). Such social media postings and notices will include directions for obtaining an interpreter, free of charge, for public hearings. 28 CFR § 42.405(d). See Limited English Proficiency (LEP) Section.

### Community Statistics

Title VI regulations require Federal grant recipients to know their community demographics. See 49 CFR § 21.9(b). By knowing this information, the City of Minot will be able to identify, understand, and engage with communities. In doing so, the City of Minot needs to know about communities eligible to be served, actually or potentially affected, benefited, or burdened by the City of Minot's airport program.

<sup>2</sup> We will not subject any persons to discrimination based on race, color, national origin, age, sex, or creed. The term "protected communities" is used within this Title VI Plan to highlight the requirements of Title VI, 49 U.S.C. § 47123, the Age Discrimination Act of 1975, and, in some instances, includes low- income populations under Executive Order 12898.

Affected Communities <sup>3</sup>	Population
<i>City of Minot</i>	47,759

(Hereafter, the above communities will be referred to collectively as "the Affected Communities").

We have identified the following facts about the Affected

Communities: Low-Income Communities<sup>4</sup>.

A low-income area is an identifiable group of persons living in geographic proximity whose median household income is at or below the Department of Health and Human Services poverty guidelines. Pursuant to Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," the City of Minot is collecting information about affected and potentially affected low-income communities. According to the US Census Bureau Poverty in the United States: 2022, Table B-5, number, and percentage of people in Poverty by State using 3 Year Average, the overall poverty level for the state of North Dakota is approximately 11.5 %. The poverty rate remains similar compared with the rest of the state of North Dakota.

Affected Communities	Poverty Rate
<i>City of Minot</i>	11.3 %

#### Racial and Ethnic Communities.

Demographic data for race, color, and national origin was evaluated to identify racial and ethnic communities and populations in each Affected Community. The demographic composition by race, color, or national origin for the specific Affected Communities are as follows<sup>5</sup>:

**Affected Community: Minot, ND**  
**Total Affected Community Population: 47,759**

Demographic Group within Affected Community	Number of People in Minority Group	Percent of Total Affected Community Population
<i>White</i>	39,258	82.2%
<i>Black or African American</i>	2149	4.5%
<i>American Indian or Alaska Native</i>	812	1.7%
<i>Asian</i>	1051	2.2%
<i>Native Hawaiian or other Pacific Islander</i>	48	0.1%
<i>Hispanic or Latino</i>	3534	7.4%
<i>Two or More, races</i>	3534	7.4%
<i>White alone, not Hispanic or Latino</i>	37968	79.5%

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<sup>3</sup> "Affected communities" means any readily identifiable group potentially impacted by an airport project or operation, such as the community immediately surrounding a project or a community in the flight path.

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<b>Affected Communities</b>	<b>Poverty Rate</b>
<i>City of Minot</i>	<i>11.3 %</i>

#### Racial and Ethnic Communities.

Demographic data for race, color, and national origin was evaluated to identify racial and ethnic communities and populations in each Affected Community. The demographic composition by race, color, or national origin for the specific Affected Communities are as follows<sup>5</sup>:

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<i>American Indian or Alaska Native</i>	<i>812</i>	<i>1.7%</i>
<i>Asian</i>	<i>1051</i>	<i>2.2%</i>
<i>Native Hawaiian or other Pacific Islander</i>	<i>48</i>	<i>0.1%</i>
<i>Hispanic or Latino</i>	<i>3534</i>	<i>7.4%</i>
<i>Two or More, races</i>	<i>3534</i>	<i>7.4%</i>
<i>White alone, not Hispanic or Latino</i>	<i>37968</i>	<i>79.5%</i>

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<sup>4</sup> Low-income data must be collected to assist in our compliance with Environmental Justice requirements (not Title VI requirements). For example, this data will be utilized in our Community Participation Plan (CPP) to help ensure the meaningful involvement of low-income communities in airport programs and activities.

<sup>5</sup> Recommend using demographic groups from the U.S. Census.

#### Beneficiary Diversity.

Demographic information is collected from airport customers, attendees at community meetings, and businesses seeking opportunities at the Airport through voluntary disclosures.

#### Potential or Known Community Impacts

Projects or services receiving federal financial assistance have the potential to touch so many aspects of American life. Thus, in general, no City of Minot activity must have a discriminatory disparate impact on the basis of race, color, national origin (including LEP), sex (including sexual orientation and gender identity), creed, or age. This means that policies or procedures that have a disparate impact would require a well- documented, substantial, legitimate, nondiscriminatory justification, summarized below. Impacts to protected communities must be avoided or minimized to the extent possible. No project with a discriminatory impact on protected communities will be undertaken.<sup>6</sup>

The following airport facilities are already in use or under construction and are expected to be in use within the next three years.

<b>Existing Airport Facilities</b>	<b>Affected Community Impacted by Operation of the Facility</b>
<i>Commercial Passenger Terminal</i>	<i>None</i>
<i>Terminal Public Parking lots</i>	<i>None</i>
<i>Snow Removal Equipment Building</i>	<i>None</i>
<i>Runway 13-31</i>	<i>None</i>
<i>Runway 08-26</i>	<i>None</i>
<i>Taxiway A</i>	<i>None</i>
<i>Taxiway B</i>	<i>None</i>
<i>Taxiway C</i>	<i>None</i>
<i>Taxiway D</i>	<i>None</i>
<i>Taxiway E</i>	
<i>Taxiway F</i>	<i>None</i>
<i>Passenger Terminal Apron</i>	<i>None</i>
<i>General Aviation Apron</i>	<i>None</i>
<i>ARFF Building 3</i>	<i>None</i>
<i>Cargo Apron</i>	<i>None</i>
<i>T Hangars 1-15</i>	<i>None</i>
<i>Private Hangars</i>	<i>None</i>
<i>Airport Access/Service Road System</i>	<i>None</i>

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<sup>6</sup> In order to carry out an alternative with a discriminatory impact, the airport sponsor must demonstrate that there was a substantial legitimate justification for the decision. The sponsor must also show that alternatives with less discriminatory impacts were meaningfully considered and rejected for legitimate reasons.

The following airport facility projects (including all alternatives) are in construction or expected to be in construction within the next three years:

<b>Airport Facility Construction Projects</b>	<b>Affected Community Impacted by Construction of the Facility</b>
Wildlife Hazard Mitigation Phase 1-2	<i>None</i>
Reconstruct Taxiway B2	<i>None</i>

T-Hangar Pavement Repair	None
Terminal Roadway and Parking Study	None
Electrical Vault Rehab/Equipment	None
Wildlife Hazard Removal – Phase 3	None
Reconstruct Taxiway C	None
GA Access Road Rehab and Construction- Phase 1	None
Runway 8 Approach Clearing	None
Runway 8/26 Rehab and Taxiway B Phase 1	None
G A Access Road Rehab and Construction- Phase 1-2	None
T-Hangar Replacement	None
Terminal Roadway and Parking – Phase 2	None

We have analyzed the above existing facilities and facility construction projects for disparate impacts on the basis of race, color, or national origin (including LEP) in Affected Communities. The following have disparate impacts:

<b>Facilities or Construction Projects with Disparate Impacts</b>	<b>Affected Community Impacted</b>	<b>Impact Can Be Eliminated?</b>
None		

Justifications: None

<b>Facilities or Construction Projects</b>	<b>Justification</b>
None	

### Transportation

#### 49 Part CFR 21 Appendix C (a)(1)(ix)

In the Community Statistics section of this plan, we identified Affected Communities and provided demographic and related data for the community populations. The minority and disadvantaged community areas located within the Affected Communities are identified below. Other minority and disadvantaged community areas that are near the Airport but not within Affected Communities are also identified below.

We have coordinated with Minot City Transit to encourage them to provide transit service access between the airport and these areas.

The following chart identifies existing and planned transit services connecting the airport employment centers with the identified minority and disadvantaged community areas.

<b>Minority and/or Disadvantaged Community Areas</b>	<b>Transit Service</b>	<b>Planned or Existing</b>
Minot City Transit	Fixed-Route buses	Existing
Souris Basin Transportation	Paratransit vans	Existing

## Minority Businesses

### 49 CFR 21 Appendix C (a)(1)(x)

Bids for airport concessions and other business opportunities are solicited from area minority and woman-owned businesses through the following methods:

<b>Airport Business Opportunity</b>	<b>Minority Business Outreach Methods</b>
<i>Restaurant Concessionaire</i>	<i>Advertised (Public Notice) through local newspaper of record, published on City and Airport Websites, and direct outreach to known ACDBEs on the NDDOT website (Unified Certification Program for ND).</i>
<i>Parking Management Company</i>	<i>Advertised (Public Notice) through local newspaper of record, published on City and Airport Websites, advertised nationally in the American Association of Airport Executives website, and direct outreach to known ACDBEs on the NDDOT website (Unified Certification Program for ND). Currently filled with qualified ACDBE.</i>
<i>Car Rental Concessions</i>	<i>Bid would be advertised (Public Notice) through the local newspaper of record, published on City and Airport Websites, and direct outreach to known ACDBEs on the NDDOT website (Unified Certification Program for ND).</i>
<i>Airport Advertising</i>	<i>Once available bid opportunity will be advertised (Public Notice) through the local newspaper of record, published on City and Airport Websites and direct outreach to known ACDBEs on the NDDOT website (Unified Certification Program for ND).</i>

Selections comply with Title VI, Part 21, and related requirements. Information on the award process and documentation for specific bid decisions is kept with the Minot Airport administration.

Initial FAA Notification. A copy of each Title VI complaint will be forwarded to the FAA within 15 days of initial receipt (not the date that the Coordinator was notified). The Coordinator will forward a copy of the complaint and a statement describing all actions taken to resolve the matter and the results thereof to the

FAA Civil Rights staff. (Note: complaints based on disability do not have to be forwarded to FAA.) To transmit complaint information to the FAA, the Coordinator will work with the Assistant Airport Director, who will upload the information to the FAA using the FAA Civil Rights Connect System, which issues automated notifications to FAA staff. The Coordinator, assisted by the Assistant Airport Director or designee, will also seek technical assistance from the FAA, as needed, throughout the complaint intake, investigation, and resolution process.

Forwarding Report and Response to Complainant. At the completion of the investigation, the Complainant and respondent will receive a letter of findings and determination of the investigation and any applicable resolution. The letter transmitting the findings and any applicable resolution will state the City of Minot's conclusion regarding whether unlawful discrimination occurred and will describe the Complainant's appeal rights. A summary of the investigation report, any appeal, or follow-up actions will be sent to the FAA via the FAA Civil Rights Connect System.

#### Completed Unlawful Discrimination Poster

Unlawful Discrimination Poster ([faa.gov](http://faa.gov))

**FAA Notification. The Coordinator will notify FAA of any pending investigations and reviews, including:**

- **Compliance reviews or audits concerning civil rights requirements**
- **Complaints, lawsuits, or other investigations alleging noncompliance with civil rights requirements**

Title VI complaints must be forwarded to FAA contacts within 15 days of receipt. For all other civil rights investigations, the City of Minot must notify FAA contacts of any new investigations prior to grant execution.

At regular intervals, the Coordinator will provide FAA contacts with status updates for the investigations and reviews until completed. For each existing investigation or review completed within five years of this plan, the Coordinator will also provide a statement about the outcome unless previously provided.



## Title IV Complaint

Individual or Organization Against Whom the Complaint is Made:

---

Basis of the Discrimination (check all that apply):

- ☐ Race      ☐ Age      ☐ National Origin      ☐ Disability      ☐ Limited English Proficiency  
☐ Color      ☐ Sex      ☐ Status with Respect to Public Assistance/Income Status

Reason for complaint: (Describe in detail when, where, and how the alleged discrimination occurred.) Attach additional sheets, if needed.

Remedy Sought:			
Signature:		Date:	
Name (print):		Telephone Number:	
Address:		City:	State:    Zip Code:

Send To:      City of Minot  
                 Title VI Coordinator –Lisa Jundt  
                 PO Box 5006  
                 Minot ND 58702-5006  
                 701-857-4753  
                 FAX 701-857-4782  
                 Email: [hr@minotnd.org](mailto:hr@minotnd.org)



## Request for Reasonable Accommodation

Name (print):		Telephone Number:	
Address:	City:	State:	Zip Code:
Email Address:			
Preferred Method of Contact: <input type="checkbox"/> Day Phone <input type="checkbox"/> Email <input type="checkbox"/> USPS			
<b>Type of Event:</b> <input type="checkbox"/> Public Meeting/Public Hearing <input type="checkbox"/> Training <input type="checkbox"/> Other (specify) _____			
Date of Event: _____ and/or Date Needed: _____			
Location of Event: _____			

**Do you need Language Assistance for Limited English Proficiency (LEP)?** ☐ YES ☐ NO

### Language Assistance:

- ☐ Oral Interpretation – (specify language) \_\_\_\_\_
- ☐ Written Translation – (specify language) \_\_\_\_\_

Name of Documents
<b>For Office Use Only</b> Services Provided:

**Do you need Accommodation for a Disability?** ☐ YES ☐ NO

### Types of Accommodation:

- ☐ Interpreter for Deaf – (specify ASL, tactile, etc.) \_\_\_\_\_
- ☐ Assistive Listening Device – (specify) \_\_\_\_\_
- ☐ Physical location accessible for persons with a physical mobility impairment.
- ☐ Other (specify) \_\_\_\_\_

### Nature of Disability (Medical documentation may be requested)

- ☐ Physical Mobility Impairment – (specify) \_\_\_\_\_
- ☐ Speech Impairment – (specify) \_\_\_\_\_
- ☐ Visual Impairment – (specify) \_\_\_\_\_

☐ Hearing Impairment – (specify) \_\_\_\_\_

☐ Other (specify) \_\_\_\_\_

**Alternative Format (Indicate first, second, third choice if possible)**

**Date Needed:** \_\_\_\_\_

☐ Braille \_\_\_\_\_

☐ Large Print (font point size) \_\_\_\_\_

☐ Audio Recording – MP3 \_\_\_\_\_

☐ CD/Flash Drive \_\_\_\_\_

☐ Other (specify) \_\_\_\_\_

Name of Documents
-------------------

<b>For Office Use Only</b>
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The Accommodation Requested is: <input type="checkbox"/> Granted as requested <input type="checkbox"/> Granted with Change -see additional Information <input type="checkbox"/> Denied – see additional information
--

Send To:

City of Minot  
Title VI/ADA Coordinator –Lisa Jundt  
PO Box 5006  
Minot ND 58702-5006  
701-857-4753  
FAX 701-857-4782  
Email: [hr@minotnd.org](mailto:hr@minotnd.org)



## Title VI Complaint Reporting Log

[illegible]

## Voluntary Attendance Sheet

Meeting/Topic: Regular City Council	Date: 1/3/2023	Place: Council Chambers
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☐ Male   ☐ Female   ☐ Disabled   ☐ White   ☐ Black   ☐ Asian   ☐ Hispanic   ☐ American Indian/Alaskan Native  
☐ Native Hawaiian or other Pacific Islander

☐ Male   ☐ Female   ☐ Disabled   ☐ White   ☐ Black   ☐ Asian   ☐ Hispanic   ☐ American Indian/Alaskan Native  
☐ Native Hawaiian or other Pacific Islander

☐ Male   ☐ Female   ☐ Disabled   ☐ White   ☐ Black   ☐ Asian   ☐ Hispanic   ☐ American Indian/Alaskan Native  
☐ Native Hawaiian or other Pacific Islander

☐ Male   ☐ Female   ☐ Disabled   ☐ White   ☐ Black   ☐ Asian   ☐ Hispanic   ☐ American Indian/Alaskan Native  
☐ Native Hawaiian or other Pacific Islander

☐ Male   ☐ Female   ☐ Disabled   ☐ White   ☐ Black   ☐ Asian   ☐ Hispanic   ☐ American Indian/Alaskan Native  
☐ Native Hawaiian or other Pacific Islander

☐ Male   ☐ Female   ☐ Disabled   ☐ White   ☐ Black   ☐ Asian   ☐ Hispanic   ☐ American Indian/Alaskan Native  
☐ Native Hawaiian or other Pacific Islander

☐ Male   ☐ Female   ☐ Disabled   ☐ White   ☐ Black   ☐ Asian   ☐ Hispanic   ☐ American Indian/Alaskan Native  
☐ Native Hawaiian or other Pacific Islander

☐ Male   ☐ Female   ☐ Disabled   ☐ White   ☐ Black   ☐ Asian   ☐ Hispanic   ☐ American Indian/Alaskan Native  
☐ Native Hawaiian or other Pacific Islander



**The City of Minot is committed to providing nondiscriminatory service. No person shall, on the basis of a person's national origin, race, color, disability, sex, age, and/or income status, be excluded from participation or be subjected to discrimination or harassment by the City of Minot or any of its locations.**

**Contact Lisa Jundt, Director of Human Resources and Title VI Coordinator for the City of Minot, at 701-857-4753 or [lisa.jundt@minotnd.gov](mailto:lisa.jundt@minotnd.gov) to request additional information on our nondiscrimination obligations or to file a complaint.**

# **Central Dakota MPO**

## **REQUEST FOR PROPOSALS (RFP) FOR ENGINEERING TRANSPORTATION PLANNING SERVICES**

**PROJECT NO 2024-01**

March 11, 2024

**REQUEST FOR PROPOSALS  
FOR  
ENGINEERING TRANSPORTATION PLANNING SERVICES**

The Central Dakota MPO requests proposals from qualified consultants for the following project:

**2050 Metropolitan Transportation Plan**

Qualifications based selection criteria will be used to analyze technical proposals and interviews from responding consultants. The MPO reserves the right to reject any or all proposals. This project has a not to exceed budget of \$520,000.

Interested firms should contact, Lance Meyer, at the City of Minot, located at 1025 31st St SE, Minot, ND 58701. Contact can also be made via phone, 701-857-4100 or by email: [lance.meyer@minotnd.gov](mailto:lance.meyer@minotnd.gov). 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.gov/807/Metropolitan-Planning-Organization](http://www.minotnd.gov/807/Metropolitan-Planning-Organization).

All applicants must be prequalified with the North Dakota Department of Transportation (NDDOT). If not prequalified with the NDDOT, applicants will be required to submit a completed Standard Form 330 (Exhibit D[JME1]) with their submittal of information.

All proposals received by **2:00 pm (Central Time), May 14, 2024**, at the ~~Ward County~~City Engineer's Office located at ~~1025 31st St SE, Minot, ND 58701~~200 72<sup>nd</sup> Street SE, Minot, ND 58701, will be given equal consideration. Respondents must submit (1) PDF of the proposal one (1) print copy of the proposal with sealed cost proposal. The full length of each proposal shall not exceed fifteen (15) double sided pages for a total of thirty (30) pages; including any supporting material, charts, or tables.

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## I. Purpose of Request

The MPO requests proposals from qualified consultants for the following project:

### **2050 Metropolitan Transportation Plan**

The purpose of this Request for Proposals (RFP) is to provide interested consulting firms with enough information about the professional services desired by the MPO.

A selection committee will rank submittals from responding consultants. Upon completion of the rankings, the MPO will enter into contract negotiations with the top ranked firm. Sealed cost proposals will be required with the RFP. The cost proposals of the top ranked firm will be opened during contract negotiations. The MPO reserves the right to reject any and all submittals.

## II. General Instructions

### **A. Any questions or comments regarding this proposal should be submitted to:**

Stephen Joersz  
Traffic Engineer  
1025 31st St SE  
Minot, ND 58701  
Phone: 701-857-4100  
Email: [stephen.joersz@minotnd.gov](mailto:stephen.joersz@minotnd.gov)

### **B. Proposals shall be submitted to:**

Central Dakota MPO  
1025 31st St SE  
Minot, ND 58701

### **C. All proposals must be clearly identified and marked as follows:**

Proposal for:  
2050 Metropolitan Transportation Plan  
Firm's Name  
Central Dakota MPO

All proposals received by 2:00 pm (Central Time), May 14, 2024, at which time the proposals will be opened for review. Cost proposals will remain sealed in a secure place until proposal ranking is complete and contract negotiations begin. One PDF copy and one (1) print copy of the proposal must

be provided along with the cost proposal, which will be submitted in a separate sealed and clearly marked envelope.

#### **D. Selection Committee**

The technical proposals will be reviewed by the Selection Committee, which may include staff from local municipalities and multi-jurisdictional bodies as follows:

- City of Minot
- Ward County
- City of Surrey
- City of Burlington
- NDDOT District
- NDDOT MPO Coordinator

Once the written proposals are received, if there are five or more proposals the Selection Committee will rank the proposals to interview the top three (3). There will be 50-minutes allotted for each interview. Presentations will be limited to no more than 40-minutes, in order to allow time for questions. Interviews will be scheduled on the week of June 3-7, 2024 [LM2] with the top ranked firms. The interviews will be in person, but accommodations can be made if some of the Firm's staff need to attend virtually due to conflicts or distance. Firms may be asked to verbally expand upon particular points in their written proposal and should be prepared to do so.

#### **E. Respondents Qualifications**

Respondents must submit evidence that they have relevant past experience and have previously delivered services similar to the ones required. Each respondent may also be required to show that he/she has satisfactorily performed similar work in the past and that no claims of any kind are pending against such work. No proposal will be accepted from a respondent who is engaged in any work that would impair his/her ability to perform or finance this work.

No proposal will be accepted from, nor will a subcontract be awarded to, any respondent who is in arrears to MPO or its representative governments, upon any debt or contract; who is in default, as surety or otherwise, upon any obligation to the local partners; or who is deemed to be irresponsible or unreliable by the local representatives.

#### **F. Disadvantaged Business Enterprise**

In the performance of this agreement, the contractor shall cooperate with MPO in meeting its goals with regard to the maximum utilization of disadvantaged business enterprises and will use its best efforts to ensure that such business enterprises shall have maximum practical opportunities to compete for subcontract work under this agreement.

##### **1. Policy**

It is the policy of the Department of Transportation that disadvantaged business enterprises as defined in 49 CFR Part 23, shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with federal funds under this Agreement. Consequently, the DBE requirements of 49 CFR Part 23 applies to this Agreement.

## **2. DBE Obligation**

The MPO and contractor agree to ensure that disadvantaged business enterprises as defined in 49 CFR Part 23 have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with federal funds provided under or pursuant to this Agreement. In this regard, the contractor shall take all necessary and responsible steps in accordance with 49 CFR Part 23 to ensure that disadvantaged business enterprises have maximum opportunity to compete for and perform contracts. The contractor shall not discriminate on the basis of race, creed, color, national origin, age, or sex in the award and performance of DOT-assisted contracts.

## **G. Equal Employment Opportunity**

In connection with this proposal and any subsequent contract, the consultant shall not discriminate against any employee or applicant for employment because of race, color, creed, religion, national origin, disability, sex, or status regarding public assistance. The consultant will take action to ensure that its employees are fairly treated during employment without regard to their race, color, creed, religion, national origin, disability, sex, or status regarding public assistance. Such actions shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising, layoff or termination; rate of pay or other forms of compensation; and selection for training, including internship and/or apprenticeship. The consultant further agrees to insert a similar provision in all subcontracts, except subcontract for standard commercial supplies or raw materials. The consultant will furnish all necessary information and reports and will permit access to its books, records, and accounts by the MPO and/or its representatives including state and federal agencies, for purposes of investigation to ascertain compliance with non-discrimination provisions or any resultant contract.

## **H. Ownership, Publication, Reproduction, and Use of Materials**

All work products of the contractor which result from this contract are the exclusive property of MPO, local partners, and its federal/state grantor agencies. No material produced in whole or part under this agreement shall, during the life of this agreement, be subject to copyright in the United States or in any other country. Permission and approval must be obtained from the MPO before any report, handbook, cassettes, manual, interim data, or results are published. Draft copies of all deliverables must be prepared by the consultant and reviewed and approved by the MPO before publication. The consultant, subject to the approval by the MPO, shall have the authority to publish, disclose, distribute, and otherwise use in whole and part, any reports, data, or other materials prepared under this agreement.

## **I. Records, Access, and Audits**

The consultant shall maintain complete and accurate records with respect to allowable costs incurred

and manpower expended under this contract. All such records shall be maintained on a generally accepted accounting basis and shall be clearly identified and readily accessible. The consultant shall provide free access to the representatives of MPO, the US Department of Transportation, and the Comptroller General of the United States at all proper times to such data and records, and their right to inspect and audit all data and records of the Consultant relating to his performance under the contract; and to make transcripts there from as necessary to allow inspection of all work data, documents, proceedings, and activities related to this contract for a period of three (3) years from the date of the final payment under this contract.

**J. Conflicts of Interest**

No official or employee of the MPO, state, or any other governmental instrumentality who is authorized in his official capacity to negotiate, accept, or approve, or to take part in negotiating, accepting, or approving any contract or subcontract in connection with a project shall have, directly or indirectly, any financial or other personal interest in any such contract or subcontract. No engineer, attorney, appraiser, inspector, or other person performing services for the MPO, state, or a governmental instrumentality in connection with a project shall have, directly or indirectly, a financial or other personal interest other than his employment or retention by the MPO, state, or other governmental instrumentality, in any contract or subcontract in connection with such project. No officer or employee of such person retained by the MPO, state, or other governmental instrumentality shall have, directly or indirectly, any financial or other personal interest in a project unless such interest is openly disclosed upon the public records of the MPO, the NDDOT, or such other governmental instrumentality, and such officer, employee, or person has not participated in such acquisition for and in behalf of the state.

**K. Eligibility of Proposer, Non-procurement, Debarment and Suspension Certificate, and Restriction on Lobbying**

The consultant is advised that his or her signature on this contract certifies that the company/agency will comply with all provisions of this agreement, as well as applicable federal and state laws, regulations, and procedures. Moreover, the consultant affirms its compliance with the federal Debarment and Suspension Certification and the Federal Restrictions on Lobbying.

**L. Subcontracting**

The contractor may, with prior approval from the MPO, subcontract as necessary to accomplish the contract objectives. Subcontracts shall contain all applicable provisions of this agreement, and copies of the subcontract must be filed with the MPO.

**M. Assignments**

The contractor shall not assign or transfer the contractor's interest in this agreement without the express written consent of the MPO.

**N. Procurement- Property Management**

The contractor shall adhere to 49 CFR 18.36 when procuring services, supplies, or equipment, and to the applicable provisions of 49 CFR 18.32 and FHWA Safety Grant Management Manual, Transmittal 14, October 5, 1995 Property Management Standards, which are incorporated into this agreement by reference, and are available from the North Dakota Department of Transportation.

**O. Termination**

The right is reserved by either party to terminate this agreement with or without cause at any time if the recipient does not comply with the provisions of this agreement or its attachments.

If the MPO terminates this agreement, it reserves the right to take such action as it deems necessary and appropriate to protect the interests of the MPO, and its state/federal grantor agencies. Such action may include refusing to make any additional reimbursements of funds and requiring the return of all or part of any funds that have already been disbursed.

**P. Amendments**

The terms of this agreement shall not be waived, altered, modified, supplemented, or amended in any manner whatsoever, except by written instrument signed by the parties.

**Q. Civil Rights**

The contractor will comply with all the requirements imposed by Title VI of the Civil Rights Act of 1964 (78 STAT. 252), the regulation of the Federal Department of Transportation, 49 CFR, Part 21, and Executive Order 11246.

The contractor shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, age, handicap, or national origin. The contractor shall take affirmative action to ensure that applicants are employed and that employees are treated during their employment without regard to their race, religion, color, sex, age, handicap, or national origin. Such actions shall include but not be limited to the following: employment, upgrading, demotion or transfer, recruitment or advertising, layoff or termination, rates of pay, or other forms of compensation, and selection for training, including apprenticeship. Furthermore, the contractor agrees to insert a similar provision in all subcontracts, except subcontracts for standard commercial supplies or raw materials.

**R. Civil Rights- Noncompliance**

If the contractor fails to comply with the federal or state civil rights requirements of this contract, sanctions may be imposed by the FHWA or the NDDOT as may be appropriate, including, but not limited to:

1. Withholding of payments to the contractor under the contract until the contractor complies, or
2. Cancellation, termination, or suspension of the contract, in whole or in part.

**S. Energy Efficiency**

The contractor shall comply with the standards and policies relating to energy efficiency which are contained in the North Dakota Energy Conservation Plan issues in compliance with the Energy Policy & Conservation Act, Public Law 94-163, and Executive Order 11912.

**T. Disabled**

The contractor shall ensure that no qualified disabled individual, as defined in 29 USC 706(7) and 49 CFR Part 27 shall, solely by reason of this disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity that receives or benefits from the assistance under this agreement.

**U. EPA Clean Act and Clean Water Acts**

The contractor shall comply with the Clean Air Act, 42 U.S.C. 1857; the Clean Water Act, 33 U.S.C. 1251; EPA regulations under 40 CFR Part 15, which prohibits the use of nonexempt federal contracts, grants, or loans of facilities included on the EPA List of Violating Facilities, and Executive Order 11738.

**V. Successors in Interest**

The provisions of this agreement shall be binding upon and shall ensure to the benefit of the parties hereby, and their respective successors and assigns.

**W. Waivers**

The failure of the MPO or its local state/federal grantors to enforce any provisions of this contract shall not constitute a waiver by the MPO or its state/federal grantors of that or any other provision.

**X. Notice**

All notices, certificates, or other communications shall be sufficiently given when delivered or mailed, postage prepaid, to the parties at their respective places of business as set forth below or at a place designated hereafter in writing by the parties.

**Y. Hold Harmless**

The contractor shall save and hold harmless the MPO, its officer, agents, employees, and members, and the State of North Dakota and the NDDOT, its officers, agents, employees, and members from all claims, suits, or actions of whatsoever nature resulting from or arising out of the activities of the contractor or its subcontractors, agents, or employees under this agreement. It is hereby understood and agreed that any and all employees of the contractor and all other persons employed by the contractor in the performance of any of the services required or provided for under this agreement shall not be considered employees of the MPO, the NDDOT, and that any and all claims that may arise under the Worker's Compensation Act on behalf of said employees while so engaged and any

and all claims by any third parties as a consequence of any act or omission on the part of said contractor’s employees while so engaged in any of the services to be rendered under this agreement by the contractor shall in no way be the obligation or responsibility of the MPO.

**Z. Compliance with Federal Regulations**

The contractor is advised that his or her signature on this contract certifies that its firm will comply with all provisions of this agreement as well as applicable federal and state laws, regulation, and procedures. Moreover, the contractor affirms its compliance with the federal Debarment and Suspension Certification and the federal Restrictions on Lobbying.

III. Preliminary Project Schedule

**A. Consultant Selection**

Advertise RFP to Qualified Firms	April 29, 2024
Receive Proposals	May 22, 2024
Selection Committee Activity:	
Review Proposals	April 23-27, 2024
Interview Finalist	June <del>6</del> 3-7, 2024
Select Firm	
Contract Negotiations	
MPO Policy Board Approval of Consultant Selection and Contract	June 27, 2024

**B. Project Development**

Notice to Proceed	July 1, 2024
Draft Report Submittal	September 1, 2025
Final Draft Report Submittal	December 1, 2025

IV. RFP Evaluation Criteria & Process

The Committee will determine which firm would best provide the services requested by the RFP. When choosing a consulting firm, the MPO will have a two (2) step process. The proposal evaluation will evaluate the proposal that the firm sends the MPO. The evaluation will may reduce the number of firms to three (3) for the purposes of interviewing. The interview evaluation will be based on the interview of the firm. The MPO in close coordination with members of the Selection Committee will evaluate the proposals based on, but not limited to, the following criteria and their weights:

**A. Proposal Evaluation Criteria and Weight**

1. Demonstrates understanding of the scope of work and local factors. Shows how firm proposes to approach, resolve challenges, and encourage new ideas that improve the end project. (Weight 25%)
2. Demonstrates the firm has the knowledge and experience to successfully address the scope of work. (Weight 25%)
3. Demonstrates the firm has a history of timely performance, quality, and integrity, as evidenced by a list of client references. Demonstrates the firm's approach to managing resources and project output. (Weight 15%)
4. Demonstrate experience, expertise, qualifications, and credentials of project manager, key personnel, and subconsultant team members. Project team should indicate other significant projects being worked on, the percent of involvement, and probable completion date of the individual's work on the project. (Weight 25%)
5. Provide a time schedule for completion of each task and the entire project, with appropriate time for review. Demonstrate the project team has the resources necessary to complete the project. (Weight 10%)

#### B. Interview Evaluation Criteria and Weight

1. Observations on existing conditions and key project information. (Weight 20%)
2. Identification of key issues or problems that will need to be considered and any initial thoughts on how to resolve issues or problems. (Weight 25%)
3. Innovative approaches and concepts. (Weight 25%)
4. Experience and capabilities in development of similar studies of both key personnel and the project team. (Weight 20%)
5. Quality of interview. Comment on specific reasons why the firm should be selected for the project. (Weight 10%)

Each proposal will be evaluated on the above criteria by the Selection Committee. The interview and proposal scores will be combined to have a final score. The firm with best final score will be contacted for contract negotiations. The qualifying firm chosen by the Selection Committee will enter into a contract and fee negotiation based on the sealed cost proposal, submitted in a separate envelope.

The MPO is an Equal Opportunity Employer.

## V. Terms and Conditions

- A. The MPO reserves the right to reject any or all quotes, or to award the contract to the next most qualified firm if the successful firm does not execute a contract within forty-five (45) days after the award of the proposal.
- B. The MPO reserves the right to request clarification of information submitted and to request additional information of one or more applicants.
- C. Any proposal may be withdrawn up until the date and time set for the opening of the proposals. Any proposals not so withdrawn shall constitute an irrevocable offer, for a period of 90 days, to provide to the MPO the services set forth in the attached specifications, or until one or more of the quotes have been approved by the MPO Policy Board.

- D. If, through any cause, the firm shall fail to fulfill in timely and proper manner the obligations agreed to, the MPO shall have the right to terminate its contract by specifying the date of termination in a written notice to the firm at least ninety (90) working days before the termination date. In this event, the firm shall be entitled to just and equitable compensation for any satisfactory work completed.
- E. Any agreement or contract resulting from the acceptance of a proposal shall be on forms either supplied by or approved by the MPO and shall contain, as a minimum, applicable provisions of the Request for Qualifications. The MPO reserves the right to reject any agreement that does not conform to the Request for Qualification and any MPO requirements for agreements and contracts.
- F. ~~The firm shall not assign any interest in the contract and shall not transfer any interest in the same without prior written consent of the MPO.~~<sup>[JME3]</sup>

## VI. Proposal Format and Content

Proposals shall include the following sections at a minimum:

### A. Introduction and Executive Summary

Provide the following information concerning your firm:

1. Firm name and business address, including telephone number and email address.
2. Project manager's name and contact information
3. Project manager's experience.

In the Executive Summary, highlight the major facts and features of the proposal, including any conclusions, assumptions, and recommendations you desired to make.

### B. Response to Administration Questions

Provide the following information concerning your firm:

1. Identify the respondent's authorized negotiator and contact information if different than the Project Manager.
2. Provide workload and manpower summaries to define respondent's ability to meet project timeline.

### C. Summary of Proposed Technical Process/Planning Process

Discuss and clearly explain the methodology that your firm proposes to use to satisfactorily achieve the required services on this project. The respondent must document his/her clear understanding of the RFPs entire scope of work and project intent (see VII of RFP) for the [Street and Highway Metropolitan Transportation](#) Plan Update, data requirements, public participation process, and alternative evaluation methodology. Include all aspects of technical analysis, projections, advanced technology and software, and public participation processes.

Address any unique situations that may affect timely, satisfactory completion of this project.

#### **D. Project Staff Information**

Provide a complete project staff description in the form of a graphic organization chart, a staff summary that addresses individual roles and responsibilities, and resumes for all project participants. Please provide staff information breakdown of estimated staff hours by each staff class per task. It is critical that contractors commit to particular levels of individual staff members' time to be applied to work on this project. Variance from these commitments must be requested in writing from the MPO and reviewed/approved in terms of project schedule impact.

The completion of the scope of work in this agreement by the contractor must be done without any adverse effect in any way on other contracts that the contractor currently has in place with the MPO.

#### **E. Similar Project Experience**

Describe similar types of studies/construction projects completed or currently under contract.

#### **F. References**

Provide References of three clients for whom similar work has been completed.

#### **G. DBE/MBE Participation**

Present the consultant's efforts to involve DBE/MBE businesses in this project. If the consultant is a DBE/MBE, a statement indicating that the business is certified by the NDDOT as a DBE/MBE shall be included in the proposal. If the consultant intends to utilize a DBE/MBE to complete a portion of this work, a statement of the subcontractor's certification by either the NDDOT shall be included. The percent of the total proposed cost to be completed by the DBE shall be shown.

#### **H. Cost Quotes/Negotiations - Sealed Cost Proposals (in a separate envelope)**

##### **1. Cost Quotes**

Submit in a separate sealed envelope a cost proposal for the project work activities. Cost proposals will be separated from technical proposal and secured unopened until the technical evaluation process is completed. Cost Proposals shall be based on hourly "not to exceed" amount. Cost proposals must be prepared using the format provided in [Appendix B\[JME4\]](#). Attached to the Cost Proposal the Certification of Indirect Rate Form also provided in [Appendix B\[JME5\]](#) should be filled out.

##### **2. Contract Negotiations**

The MPO will negotiate a price for the project after the Selection Committee completes its final ranking of the consultants. Negotiation will begin with the most qualified consultant, based on the opening of their sealed cost proposal. If the MPO is unable to negotiate a fair and reasonable contract for services with the highest- ranking firm, negotiations will be formally terminated, and will

begin with the next most qualified firm. This process will continue until a satisfactory contract has been negotiated.

The MPO reserves the right to reject any, or all, submittals.

## VII. Background and Scope of Work

### A. Background

The Central Dakota Metropolitan Planning Organization (CDMPO) was established in November 2023 in response to the 2020 US [Decennial](#) Census. The Census identified the Cities of Minot and Surrey and areas of Ward County within the urbanized area. Collectively, these entities included the City of Burlington to be a part of the Metropolitan Planning Area, but not part of the urbanized area.

CDMPO is represented by these political subdivisions:

- City of Burlington
- City of Minot
- City of Surrey
- Ward County

The Central Dakota MPO ~~is~~ currently does not have a Metropolitan Transportation Plan (MTP) and the major task will be creating the first MTP for the Central Dakota MPO. Below is a list of Transportation Plans and Corridor [Study Studies](#) that have taken place within the Metropolitan Planning Area.

- 2025 [Minot](#) Transportation Plan
- Broadway Corridor Study
- Minot Safe Routes to School Study
- 2024-2028 Capital Improvement Plan
- Ward County Transportation Plan - October 2019
- Ward County SW & SE Connector Corridor Study – August 2022
- Minot Intermodal / Logistics Park of ND CRISI Study – Draft 2024

### B. Scope of Work

Outlined below is the scope of work that will guide development of the **2050 Metropolitan Transportation Plan**. The MPO has included the following scope of work to provide interested consultants insight into project intent, context, coordination, responsibilities, and other elements to help facilitate proposal development.

The Metropolitan Transportation Plan (MTP) document will be a key tool in establishing and maintaining our regional transportation system. The MTP will evaluate needs, set priorities and

coordinate improvements at a regional transportation system level. It will do this while being financially constrained, and environmentally and socially sensitive. The MTP will consider short, medium, and long-range transportation needs between 2025 and 2050.

The MTP should address multiple modes of transportation: automobile, freight, bicycle, pedestrian, and transit. Additionally, the MTP should consider Intelligent Transportation System (ITS).

The selected consultant shall develop a long-range transportation plan compliant with federal, state, and local regulations with specific attention to: 23 Code of Federal Regulations Part 450 Subpart C- Metropolitan Planning and Programming; and the North Dakota Century Code Chapter 40-48 Municipal Master Plans and Planning Commissions.

Planning level unit cost estimates shall be developed and provided to the Central Dakota MPO for new construction and reconstruction of transportation facilities including but not limited to: Principal Arterial, Minor Arterial, and Collector roadways; bridge structures; multi-use trails; sidewalks; bicycle lanes; interchanges and associated auxiliary lanes; traffic signals; roundabouts; and para transit and fixed route buses. For roadway estimates rural and urban cross sections should be provided in both rolling and flat terrain.

Consideration should be given to linking NEPA and the transportation planning processes where appropriate in the development of the MTP.

The consultant will identify special priority areas to be studied and will complete a sub area analysis to assist with more clearly understanding the transportation planning issues and opportunities at each location.

This outline is not necessarily all inclusive. The consultant may include in the proposal additional performance tasks that will integrate innovative approaches to successfully complete the project. At a minimum, the consultant will be expected to establish detailed analyses, recommendations, and/or deliverables for the following tasks:

1. Project Management

The consultant will be required to manage the study and coordinate with sub consultants, as well as bearing responsibility for all documentation and equipment needs. The consultant will identify a project lead from their team to act as the direct point of contact for the MPO project manager.

The consultant should expect bi-weekly progress meetings with the MPO project manager. Additionally, the consultant should expect to prepare monthly progress reports, documentation of all travel and expense receipts, and prepare and submit invoices monthly. When submitting progress reports, the consultant will be required to outline the following performed work during the reporting period:

- Upcoming tasks

- Upcoming milestones
- Status of scope and schedule
- Any issues to be aware of

## 2. Community Engagement

The Consultant will assist the MPO in developing a Public Participation Plan (PPP) that will be used during the community engagement program that seeks to gain input from community members from all parts of the study area. Broad-based community engagement is considered critical to the success of this plan.

It is imperative to consider the public and keep them informed of the planning activities and outcomes using strategies that include use of the internet and social media. Providing information to the MPO and other regional jurisdictions for posting on their websites will be required. New and innovative public engagement solutions are highly encouraged.

### a. Steering Committee

The consultant will utilize the MPO's Technical Advisory Committee (TAC) to provide input and oversight throughout the study process. The TAC meets monthly, and will meet as needed, to provide input and guidance through the study process, particularly at key decision points in the study. The consultant will be responsible for providing all information (support information such as maps, etc.) to be discussed at the TAC meeting. The consultant will prepare clear and concise briefings to present to the Committee. The consultant should expect at least ten meetings with the Committee, which can be coordinated with public input meetings to make the most efficient use of any travel expenditures.

### b. Public Involvement Meetings

The consultant should plan for a minimum of four public meetings to identify concerns and needs of businesses, regular users, and residents including pedestrian and bicycling needs. The consultant shall be required to submit its approach on how it will reach out to the community during the planning process. It is expected that each round of community engagement will have presences in Burlington, Minot, and Surrey. The consultant's approach should address:

- How it will go about these meetings.
- Methods it will employ.
- Quantity of rounds of public engagement meetings.
- Timing of engagement techniques the consultant is accustomed to utilizing to accomplish this task.

The consultant will be responsible for fully developing each round of public engagement before it is proposed to the MPO's project manager. Scheduling, presentations/written material, and development should occur well in advance of the proposed engagement event. All public comments are to be recorded as they pertain to the plan.

c. Local Government Presentations

The consultant should budget for the following meetings;

- Four local government presentations, one to each of the following, City of Burlington, City of Minot, City of Surrey, and Ward County
- One presentation of the final draft plan to the NDDOT Management in Bismarck, which may be virtually.
- One presentation of the final plan to the CDMPO Policy Board for final approval.

**Deliverable:** At the end of each meeting a memorandum with the meeting activities and results will be provided to the MPO. This will include documentation of comments/feedback and how they are incorporated into the final document. These will be gathered into a public involvement appendix in the final document.

3. Existing Conditions

The City of Minot, Ward County, and NDDOT have completed a number of transportation plans and corridor studies. These plans contain transportation policy, future projects, and project timing among other topics. In order to solidify these priorities and to carry the elements of these studies forward, Central Dakota MPO would like the consultant to incorporate the findings of these planning efforts into the MTP.

Other documents relevant to this task may include local comprehensive plans. The consultant should work with the local agency to incorporate elements of these plans into the MTP.

The consultant will identify special priority areas to be studied and will complete a sub area analysis to assist with more clearly understanding the transportation planning issues and opportunities at each location, and develop a series of short, mid and long-term considerations to improve the special priority areas. [LM6]

Special Priority Areas

Burdick Expwy — particularly the downtown core Expressway – Downtown Core

N Broadway between 19<sup>th</sup> Avenue NW and 21<sup>st</sup> Avenue NW

21<sup>st</sup> Avenue NW corridor

S Broadway from 11<sup>th</sup> Avenue SW to 20<sup>th</sup> Avenue SW [SJ7]

**Deliverable:** A technical memorandum or chapter draft that will provide an analysis of the existing conditions. It is the desire to also have a list of possible studies for the future and how they will connect the transportation network. A separate technical memorandum should be drafted for the focus areas.

#### 4. Goals, Objectives. Policies, and Performance Measures<sup>[LM8]</sup>

The Central Dakota MPO is required to develop MTP with goals and objectives that can be used to guide the Central Dakota MPO's transportation planning efforts and will be used to help create its Transportation Improvement Program (TIP).

**Deliverable:** A technical memorandum or chapter draft will provide the goals, objectives, policies, and performance measures updates for the plan. A framework for the MTP goals, objective, policies, and performance measures will also be established.

##### Specific Policies

Access Management

Corner Clearance

Traffic Calming Policy<sup>[S9]</sup> and Best Practices

#### 5. Future Network Conditions

This report will reflect the forecasted 2035 and 2050 traffic conditions of the street networks within the MPO Study Area. The Advanced Traffic Analysis Center (ATAC) is part of the North Dakota State University Upper Great Plains Transportation Institute will develop the base year (2022) Travel Demand Model. Based on the tentative schedule provided by ATAC, the model files are expected to be provided to the MPO and Consultant by October 15, 2024, followed by the final report by November 30, 2024.

This Report includes the LOS analysis, inventory of environmental features (both cultural and natural) and particular data related to freight identified and analyzed. As previously identified, ATAC is the travel demand modeler and will deliver these two loaded networks to the MPO and consultant. The consultant will need to become familiar with these files and provide a review of its results.

**Deliverables:** A technical memorandum or chapter draft of the existing plus committed future network conditions.

#### 6. Identification of Issues

This report will identify the important issues that resulted from the Existing Conditions analysis, performance report, existing plus committed conditions report, and the issues identified through public participation efforts. These issues will be the basis from which the range of alternatives will be developed to address these issues.

**Deliverables:** A technical memorandum or chapter draft of the issues identified.

## 7. Range of Alternatives

This report will develop a range of alternatives to address the issues identified. There is not a current recommended list of projects because this is the initial MTP for the CDMPO, so working closely with the steering committee to develop a list. The MTP will consider a wide range of social, mobility, freight, safety, infrastructure, environmental, energy, and economic factors reflected by the MTP's Goals, Objectives, and Performance Measures to identify future transportation needs. The alternatives will need to be presented in a manner that is able to convey the concept to the public. The alternatives should be analyzed as standalone projects and as grouping of projects to allow the MPO to eventually narrow down the alternatives to the recommended plan. [JME10]

**Deliverable:** A technical memorandum or chapter draft will be provided for the range of alternatives. The two focus areas [JME11] and their potential solutions are to be incorporated into this memorandum or chapter.

## 8. Financial Plan

This report will provide a history of the financial ability of the respective agencies for the past 10 years. This should include differentiating the financial inputs for maintenance and operations versus new (re)construction, major rehabilitation, or other capacity improving projects completed. This report should be able to provide insight of the future with a reasonable expectation of revenues to finance the continued operation and maintenance and the potential range of alternatives. Integrating safety revenue will again be a source of funding for consideration. New federal programs have been approved and recent reauthorization of surface transportation funds potentially have increased revenue sources. Many of these increases are through existing formulas to each state; however, some programs are new and are more focused on national competitive grants.

Recent legislation in North Dakota has increased funding towards specific projects and/or programs such as county bridges.

As stated in the Federal Register, all reasonably foreseen financial resources will be identified, whether they are local, state, or federal (or any combination) shall be included and examined as part of the 2050 MTP's fiscal capabilities.

This is the CDMPO's first MTP, so there is not an existing fiscally constrained list of projects to verify they are in a status of "good repair". The MTP will weigh and balance the cost of various transportation investments against the anticipated future funding to ensure the 2050 MTP is a fiscally constrained plan for the CDMPO region over the next 25 years.

An fiscally-unconstrained recommended network is desired with an identified priority of these unfunded projects. All financial information will need to be adjusted for "year of expenditure" (YOE). Working through the MPO process, an agreed to base of revenue and any possible adjustment for future growth will be developed. The same process will be used to develop an agreed to rate of inflation for the estimated cost of projects. It is anticipated that the rate of growth in revenue will not keep pace with the rate of inflation. Focus should be given to the first 15-year timeframe; this includes current TIP and respective capital highway investment plans.

**Deliverable:** A technical memorandum or chapter draft will be provided for the history of financial support in the MPO and a reasonable assumption of future funds. A table of projects identified in priority order will be compiled to be the basis of the recommended future network and implementation of projects.

## 9. Recommend Future Network and Implementation

This task will document the selected alternative concepts that will be recommended for improvement to the network. The projects will be prioritized in order, using agreed upon time bands for short, medium, and long range projects. The recommended projects, as either stand-alone or as groupings of projects will need to be documented as to how progress towards a particular goal and performance measure is being achieved. The recommended projects should also identify any anticipated environmental impacts and strategies to mitigate any negative impacts. These potential mitigation costs should be identified and included in the project costs.

**Deliverable:** A technical memorandum or chapter draft will be provided listing the fiscally constrained projects in the priority order.

## 10. Final Plan & Executive Summary

The consultant will develop a draft preliminary plan document with recommendations for improved traffic operations, street and multimodal improvements for the study area. The study will address deficiencies and/or excess capacity (existing, short-term and long-term), capital improvement programming (cost, funding sources, and timing), operational improvements, and expected performance from recommendations. Review and receive comments from the Committee<sup>[JME12]</sup> and update accordingly prior to proceeding through the MPO process.

The consultant will develop a draft final plan document and provide final copies for review by the [Committee](#)<sup>[JME13]</sup>, NDDOT, the MPO, the City of Burlington, City of Minot, City of Surrey, and Ward County

Upon completion of the final plan, the consultant will develop an executive summary which relays all pertinent information in an easy-to-follow format. The summary should be concise and highly graphic, highlighting all major recommendations of the plan.

### **C. Project Deliverables**

The final product of this effort will document the results of fulfilling the scope of work. This document will show recommendations for future transportation system:

1. First full draft preliminary plan document by noon September 1st, [2024/2025](#)
2. A draft final document by noon October 11th, 2025
3. An approved final plan by December 29th, 2023 (10 full printed copies)

An electronic copy of the approved final reports will be delivered to the Central Dakota MPO in PDF and Word format. The electronic copies should be complete and in order such that additional copies of either document could be printed on-demand. In addition, electronic copies of any working papers, data, modeling software, and maps used to create information in the document will be delivered to the MPO either during the project or at its conclusion.

### **D. Estimated Project Budget**

This project has a not-to-exceed budget of \$520,000. The scope of work is not final and may have changes that could cause an amendment of the budget. Consultants submitting proposals are asked to use audited DOT rates when completing their Cost Proposal Form and certify the indirect costs with the Certification of Final Indirect Costs (See Appendix B).

### **E. Other Requirements**

The consultant will update the Project Manager on an on-going basis, along with a written monthly progress report which will clearly reflect progress, timeliness, and budget expenditures. The monthly progress report will be required with the submission of each invoice.

As part of the MPO's efforts to track consultant history the MPO will do an end of project evaluation of the consultant. This will be shared with the consultant for their information. This form can be found in Appendix C.

## **VIII. Information Available for Consultant**

A. Shapefiles/Data

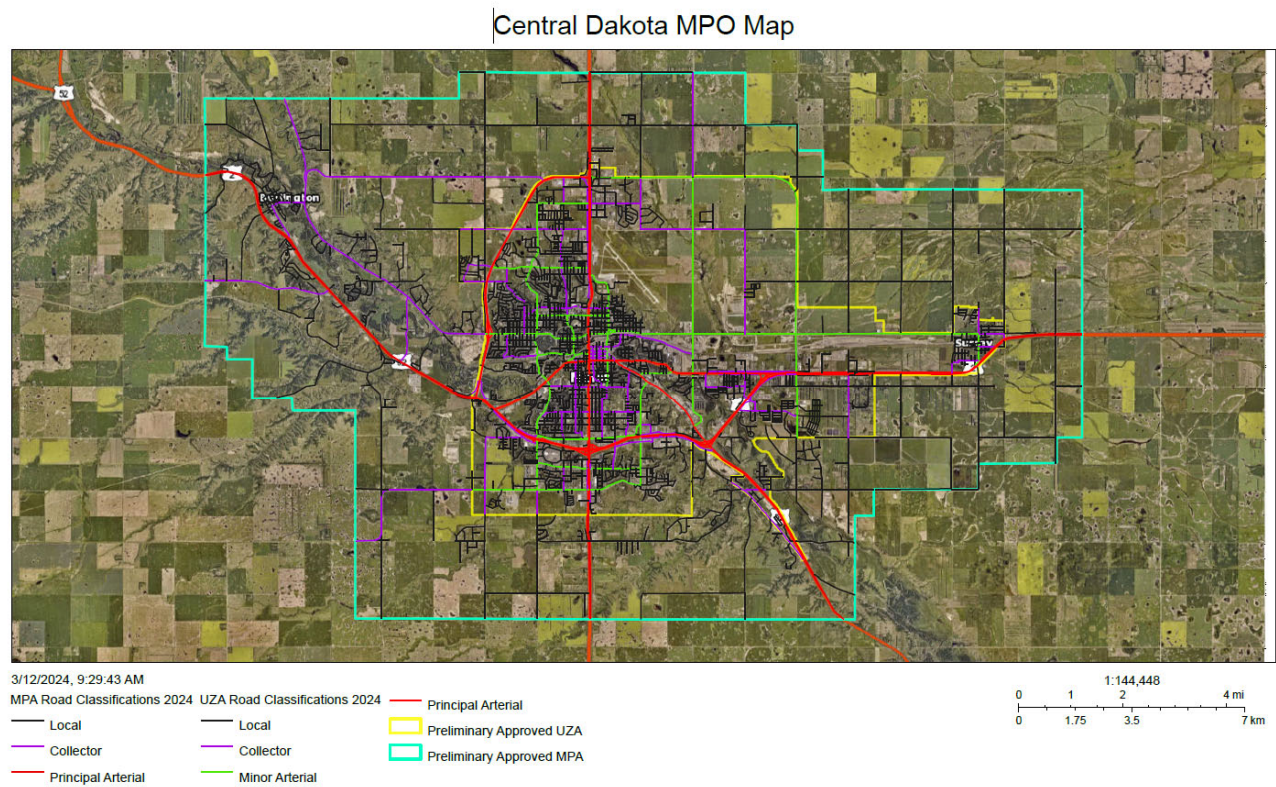
- Road Centerline
- 2020 3inch imagery
- UZA/MPA Boundaries

B. Other Documents

- MPO GIS Online Map

<https://wardnd.maps.arcgis.com/apps/webappviewer/index.html?id=9f9aad6cabfb4085ad21fbab9d50ad4a#>

## IX. Map of Project Area



CDMPO To Do List				
Task	Start Date	Due Date	Complete date	Comments
Bylaws			10/28/2023	Approved at Oct PB Mtg.
MPO ED Job Posting	1/31/2024	Open until filled		Reposted and approval was given to hire a recruiter. NDDOT believes current contract covers this work without work program or contract amendments (Zacher memo 4/8)
UPWP			3/11/2024	
3C Agreement		11/30/2023	12/20/2023	
Title VI Process				Started looking at during TAC, but was not in a position to adopt
Boundaries		12/29/2023	11/9/2023	Letter sent from Governor 11/9/23 the letter to the Governor included the Map. UZA approved by FHWA 12/5
Designation by Governor		12/29/2023	11/9/2023	
MPO Contract		12/31/2023		this is needed to provide CPG funds to MPO, but we will have some time as we will enter an SPR contract with Minot to get started. Will need to have Tax ID before we can get Vendor ID set up, which is needed prior to reimbursements. This is tied to agenda item #2
SPR Contract with City of Minot			1/19/2024	Intended to get MPO up and running.
Rdwy Functional Class Update		12/29/2025		Roadway functional class updates for Census defined urban boundaries. Letter will be sent to jurisdictions requesting they update functional class after UZA approval. Goal to have completed by 12/29/24
Public Participation Plan				Will need to have in place sooner than later
TIP		12/29/2026		Goal is to have official TIP by 7/2026 to get projects in the STIP. Need to have MTP completed before we can have TIP because MTP feeds the TIP
Internal policies & procedures	on going			This will be ongoing for the ED once on board
MTP	1/1/2024	12/29/2026		Agenda Item #5 is looking for PB approval to send RFP out (should get contract squared away before we send, but can still get this step done)
Website				Agendas can currently be found on City of Minot Website
Sam.gov registration				This may not be needed if MPO contract is signed with Minot (discussion item #2)
Tax ID			12/5/2023	Mike T., PB Chair, got EIN set up as of 12/5/23 and is 93-4698426. Follow up paper work is needed because name was set up as "Central Dakotas MPO" not "Central Dakota MPO"

MPO Insurance				Will need to have insurance for MPO Contract. Minimum \$2,000,000/occurrence and \$500,000/person
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