



REQUEST FOR PROPOSALS

FOR

LONG RANGE TRANSPORTATION AND TRANSIT PLANS

RFP 23-03

August 24, 2023

Advertised:

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SECTION 1: SOLICITATION NOTICE

1.1 Notice

Notice is hereby given that Missoula Urban Transportation District (MUTD), in partnership with the Missoula Metropolitan Planning Organization (MPO), has released Request for Proposals RFP #23-03 and is seeking responses from qualified firms to develop strategic, long-range plans for both the Missoula Urban Transit District (MUTD) and the Missoula Metropolitan Planning Organization (MPO). Responses to the RFP will be accepted via email until **5:00 PM on Monday, October 2**. To access the RFP documents and future addenda, please visit <https://mountainline.com/doing-business/current-solicitations/> or contact Vince Caristo, Procurement Specialist, vcaristo@mountainline.com.

1.2 Communications with MUTD and MPO

Upon release of this solicitation document, all communications concerning this procurement must be directed to:

Vince Caristo
Procurement Specialist
Missoula Urban Transportation District
1221 Shakespeare Street
Missoula, MT 59802
406-543-8386
vcaristo@mountainline.com

Aaron Wilson
Planning Manager
City of Missoula, Public Works &
Mobility Department
435 Ryman St
Missoula, MT 59802
406-552-6663
Wilsona@ci.missoula.mt.us

Unless authorized by the General Manager in writing, no other MUTD or MPO official or employee is empowered to speak for MUTD or MPO with respect to this Request for Proposals (RFP).

1.3 Submission of Proposals

Proposals shall be prepared as described in Section 3 of this RFP.

Submissions shall be sent via email in PDF format, and/or delivered in electronic media (CD, flash drive, etc.) to the MUTD offices, attention of:

Vince Caristo, Project Management Specialist
 Missoula Urban Transportation District
 1221 Shakespeare Street
 Missoula, MT 59802
vcaristo@mountainline.com

1.4 Schedule

Dates preceded by an asterisk (*) are estimated dates, and are for informational purposes only.

<u>RFP Issued:</u>	August 23, 2023
<u>Written Questions Due:</u>	September 22, 2023
<u>Proposals Due:</u>	October 2, 2023, 12pm MDT
<u>*Interviews:</u>	October 23 – 27, 2023
<u>*Board Approval:</u>	November 2023
<u>*Notice to Proceed:</u>	January 2024

1.5 Nonresponsive Submittals

MUTD reserves the right to reject as non-responsive any submittal which is incomplete, obscure or irregular, or from Firms who have previously failed to perform properly, or to complete on time, contracts of any nature. MUTD reserves the right to reject any or all submittals, based on its discretion alone.

1.6 Late Submittals, Modifications of Submittals, and Withdrawals of Submittals

A modification of a submittal already received will be considered only if the proposed modification is received prior to the established deadline. Any submittal or modification received at the office designated in the solicitation after the exact time specified for receipt will be considered non-responsive and will be returned to the Consultant not opened.

The time of receipt at MUTD is the time-date stamped on the email or submittal envelope, or other documentary evidence of receipt maintained by MUTD.

Submittals may be officially withdrawn from consideration only by a written request to MUTD's point of contact as identified in Section 1.3 prior to the response deadline.

1.7 Pre-contractual Expenses

MUTD will not be responsible for any expenses incurred in preparing, submitting, or negotiating this proposal, and such costs should not be included in the proposal.

1.8 Clarifications and Questions

Any explanation desired by a Consultant regarding the meaning or interpretation of the solicitation document must be requested in writing, via email to vcaristo@mountainline.com no later than the date listed in Section 1.4. Oral explanations or instructions given before the award of the contract shall not be binding.

Any answers to questions given to prospective Firms concerning the clarification of, or any changes to, the RFP solicitation document will be provided in writing to all prospective Firms as an addendum to the solicitation. All addenda will be posted on the MUTD website at www.mountainline.com and on the City of Missoula's website at <https://www.ci.missoula.mt.us/bids.aspx>.

1.9 Acknowledgement of Addenda

Please send an email to vcaristo@mountainline.com to state your interest in submitting a proposal and to receiving any issued Addenda.

While MUTD will make efforts to provide addenda to all interested parties, it is the Consultant's responsibility to ensure that they have received and understand any and all addenda issued.

A completed 'Addendum Acknowledgement' form (Exhibit A) shall be included with all proposals.

1.10 Protest Procedures

Grounds for Protest

A protest with may be filed by any interested party on the grounds that MUTD has:

- Failed to comply with its procurement procedures;
- Failed to comply with the terms of the solicitation in question, including the failure to adhere to the evaluation criteria set forth in the solicitation, if applicable;
- Issued restrictive or discriminatory specifications;

Protest Contents

Written protests should be concise, logical, and clearly state the grounds for the protest. They must include the following information:

- Name, address, and telephone number of protestor
- Identification of the solicitation or contract number
- A detailed statement of the legal and factual grounds of the protest including copies of relevant documents
- A statement as to what relief is requested.

All protest documents received by the General Manager shall be stamped with date and time received and logged into a file folder with a copy to the Master File.

Pre-Bid and Pre-Award Protests

Protests addressing the solicitation process or the solicitation documents, including the specifications, must be received by the General Manager within seven (7) calendar days of the decision to award a contract. Thereafter, any protest based on such grounds will not be considered.

Post-Award Protests

Protests addressing the approval or award, including the evaluation of bids or proposals, must be received by the General Manager within five (5) days after the decision to award a contract. Thereafter, any protest based on such grounds will not be considered. MUTD will notify all unsuccessful bidders or proposers of its intent to award a contract at the same time it notifies the successful bidder or proposer.

Protest Response

MUTD will notify the protestor within 3 days of receipt that the protest is being considered.

Upon receipt of a timely protest regarding the solicitation process, MUTD will postpone the opening of bids until resolution of the protest. The filing of the protest will not, however, change the date on which bids are due, unless otherwise noticed.

Upon receipt of a timely protest regarding the evaluation or award, MUTD will suspend contract approval or other pending action until resolution of the protest, unless the General Manager determines in writing that:

- The items to be procured are urgently required; or
- Delivery or performance will be unduly delayed by failure to make the award promptly; or
- Failure to make prompt award will otherwise cause undue harm to MUTD or the State or the Federal Government.

Protest Decision

The decision of the General Manager shall be issued in writing within fourteen (14) days of receipt of the protest, and shall be the final binding agency action. If the protest is upheld, MUTD will take appropriate action to correct the procurement process, such as a re-solicitation, revised evaluation, or termination of contract. If the protest is denied, MUTD will proceed with its procurement process.

The Federal Transit Administration will only entertain a protest that alleges the District failed to follow their protest procedures and such a protest must be filed in accordance with FTA Circular 4220.1F.

1.11 Disadvantaged Business Enterprise Participation

The Disadvantaged Business Enterprise (DBE) requirements of 49 CFR Part 26 applies to this contract. The requirements of this contract are to encourage DBE participation and to report race neutral accomplishments semi-annually. No preference will be included in the submission evaluation, no minimum level of DBE participation shall be required as condition for receiving an award and submissions will not be rejected or considered non-responsive on that basis.

Pursuant to the above requirements, MUTD has established an overall DBE goal of 5% for FFY 2023-2025 anticipated to be met fully by race-neutral measures.

1.12 Public Disclosure of Information

All the information contained in the submittal is subject to the State of Montana public disclosure laws. If a Consultant feels that any information is confidential or proprietary in nature, the Consultant must submit all such information in a separate sealed envelope prominently marked with the Consultant's name and "Exempt from Public Disclosure." MUTD shall not release or divulge such information to third parties without the consent of the Consultant unless required to do so by applicable law or order of a court of competent jurisdiction.

MUTD assumes no responsibility or liability for any losses or damages which may result from the information contained in the submittal. Furthermore, it will be the responsibility of the Consultant to protect the confidentiality of any information submitted in the submittal, and the Consultant will assume all liability and responsibility for any information declared confidential

and shall defend and hold MUTD harmless for any cost, penalties, and/or fees (including attorney fees) incurred in any action regarding the disclosure of said information.

1.13 Federal Clauses and Requirements

MUTD receives funding from the Federal Transit Administration to assist with transit operations and capital expenses and intends to use such funds for this project. The MPO funding for this project will come from federal PL funds. As such, third party contracts involving the use of federal funds are subject to applicable federal requirements. A full listing of these requirements can be found in Exhibit C and at <https://mountainline.com/business-policies/>.

1.14 Nondiscrimination Compliance and Affirmative Action

Consultants will be subject to Federal, Montana, and City of Missoula nondiscrimination and affirmative action laws and regulations (see Exhibit C).

1.15 Insurance

It is required that the Contractor performing work under this Contract to provide proof of the following insurance coverage prior to the date upon which work is to begin. The proof of insurance or exemption must be valid for the entire agreement period:

- Comprehensive general liability insurance, including vehicle liability insurance, in the minimum amount of \$750,000 per claim and \$1,500,000 aggregate/total liability for accidents occurring during service delivery or at the services delivery site that are attributable to the Consultant or its agents' conduct.
- Consultant shall maintain professional Errors and Omissions Insurance in the minimum amount of \$1,000,000 per claim.
- Workers Compensation Insurance coverage valid in the State of Montana or proof of exemption thereof.

SECTION 2: SCOPE OF WORK

2.1 Introduction

Missoula Urban Transit District (MUTD) and the Missoula Metropolitan Planning Organization (MPO) are collaborating to develop a set of strategic, long-range plans. The two institutions have overlapping needs, but the form and content of the final plans will have separate requirements.

In 2018 MUTD adopted a strategic plan that projected service expansions and outlined several other action items. The requested plan update should reflect on the progress on action items from the previous plan, iterate on long term action items, and project new scenarios in response to changes in local, national, and international developments.

MUTD is seeking to develop a strategic plan that includes a comprehensive evaluation and actionable recommendations to address Missoula’s Transit goals and objectives, service design and operations, capital improvements, funding strategy, climate objectives, equity goals, and related policy issues. The plan shall address internal and external factors influencing the use of public transit, including impacts from the Covid-19 pandemic, local and regional transit policies, service schedules, route designs, passenger experience and amenities, land uses, infrastructure analyses, emerging technologies etc. In addition, the plan shall include updated scenarios resulting from the development of a new operations center. The process will include extensive public engagement efforts, working with local community stakeholders. The Plan should focus on the development of short-range strategies and actions (within a 5-year window) with consideration for longer-term objectives and improvement of overall sustainability by reviewing and updating the existing 2045 long-term network. Finally, the plan should be a document that is able to demonstrate MUTD’s value to the community both as a fiscal investment but also a service. The intention is for the MUTD Board to adopt a strategic Community Reconnection Plan in late-2024 or early 2025.

In 2021, the Missoula Metropolitan Planning Organization (MPO) adopted a Long-Range Transportation Plan (LRTP). The planning process included a comprehensive update of the goals and objectives, evaluated scenarios, and developed a preferred funding plan for a balanced multi-modal transportation system. This plan forms the foundation for policy and planning at the local and regional level, supported by Bicycle and Pedestrian Facilities Master Plans, an award-winning Complete Streets Policy, a Community Transportation Safety Plan, and strong interagency coordination.

As a federally designated MPO in an urbanized area exceeding a population of 50,000 and within an air quality non-attainment area, the LRTP must be updated every four (4) years. Due to the comprehensive, rigorous update completed in 2021, the proposed process for development of a 2024 LRTP update will be targeted and limited in scope. Anticipated areas of focus include updating existing conditions, review and revision of the list of projects, and creating a fiscally constrained financial plan through the year 2050.

The unique opportunity offered by this RFP is to use the timing of plan updates for both MUTD and the MPO to better integrate transit into our region’s long-range transportation planning and growth strategies.

2.2 Community Snapshot

Missoula is the regional center of Western Montana, and the seat of Missoula County. MUTD and the MPO consists of the City of Missoula and surrounding urbanized portions of Missoula County. The area is a steadily growing, contemporary municipality set in the northern Rocky Mountains near the confluence of the Clark Fork, Blackfoot, and Bitterroot Rivers in a landscape that retains most of its natural quality. Its proximity to pristine wild lands and

natural systems is the defining characteristic of this community. The University of Montana and regional medical facilities are the major anchor institutions in the area, supported by the various medium to small local businesses spread throughout. Missoula is also an important regional retail and transportation center. Missoula's built environment is shaped by a mountain valley landscape and a transportation system that includes strongly supported and growing transit and trail systems. Several distinct residential and commercial neighborhood centers fill out the framework and along with a healthy business element, and education system, create an exciting and vibrant community environment.

2.3 Agency Profiles

MUTD

MUTD provides zero-fare fixed-route bus and paratransit service in and around the City of Missoula, Montana. It was named the top public transit agency in North America of its size in 2021, earning the American Public Transportation Association Outstanding Public Transportation System Achievement Award. MUTD helps employees get to work, students get to school, and seniors and those living with disabilities get to medical appointments and stay active and mobile. By reducing traffic congestion, improving air quality, and providing safe, accessible, and reliable transportation, MUTD benefits everyone in the Missoula Valley. The agency has been at the forefront of transitioning to zero-emissions buses (ZEBs) in the United States and has become a valuable resource for other agencies – especially small urban networks – looking to make the same transition. As mandated by its Board of Directors in February 2020, MUTD will transition to a 100%-zero-emissions fleet by 2035. Its fixed-route fleet currently comprises 12 battery-electric buses (BEBs) and 17 diesel buses. It also maintains 15 cutaway paratransit vehicles and 10 service vehicles. The agency has grown to provide an average of 1.5 million rides annually (pre-pandemic) on its fixed-route system, and over 200 individually scheduled rides per day on paratransit.

MPO

The Missoula MPO serves an urbanized area of approximately 90,000 people and includes the City of Missoula and Missoula County. The MPO provides regional transportation planning services focused on **creating a safe, efficient, and sustainable transportation network** that will improve the quality of life within our community. The provision of reliable access to employment, education, recreation, social and cultural activities, healthcare, and shopping plays an integral role in the region's social, economic, and environmental vitality. Our data-driven plans seek to enhance reliability by guiding regional transportation improvements in ways that promote the goals of our community and enhance travel conditions and opportunities for users of all modes.

2.4 Key Considerations

This RFP offers a unique opportunity to update **both** the MPO LRTP and MUTD Strategic Plan in a coordinated and cooperative manner. In addition, the City of Missoula is currently undergoing a significant update to the Growth Policy and City Code, and sewer and water utility master plan updates, offering a rare chance to coordinate plan goals, priorities and outcomes during an update process, rather than through sequentially adopted plans or policies.

While some of the following considerations are specific to MUTD's Strategic Plan, they also affect the MPO as the transit system is essential to the region's transportation network. These considerations include but are not limited to:

Land Use Changes/ Development/Sxwtpqyen/ Grant Creek

Large tracts of land in the MPO have and are being developed and added to the urbanized area and the Urban Transportation District (MUTD taxing jurisdiction). The MPO and MUTD are operating from a shared vision to grow inward, however Missoula is experiencing a rapid rise in housing costs, and as a result more developments occurred along the fringes of the Missoula urban area than originally forecasted. These areas were largely unaccounted for in the service plans of MUTD, and only included in the MPO's planning in the most recent 2020 LRTP update. The current and future development will result in a large influx of residents in an area previously unserved by fixed route service, and needing additional transportation infrastructure to support sustainable transportation. The updated plans might include an analysis of the area (existing conditions, needs assessments, feasibility study and ridership projections), service options, and an implementation plan to ensure Missoula can continue to meet it's broad transportation and transit goals.

Pandemic

The pandemic changed global society and had profound impacts on travel behavior, including regional mode splits and across all aspects of transit operations. This impacted MUTD most visibly in dramatic ridership decline that is still recovering. Coupled with ridership decline is a slight rise in single-occupancy vehicles, going against the MPO's mode split goals, which, as delineated in the 2016 LRTP, are to triple bike and walk shares and quadruple transit share by 2024 and to reduce drive alone commute share to 34% by 2045. The plan updates might reflect on these impacts, the lessons learned, and how the MPO and MUTD might make changes to become more resilient, adjust to changing trends, protect transit staff, protect the public, and improve transportation services in the face of new challenges.

Climate

The whole world and particularly the Mountain West is experiencing a rapidly changing climate. Missoula is no exception: more irregular rains and hotter temperatures are

resulting in longer and more severe wildfire seasons. Missoula has several agencies that are leading the charge to address the impacts of these changes on the health of the community. The MPO seeks to address climate change through increasing nonmotorized travel and decreasing drive-alone share. MUTD is also playing a role by committing to electrification and reducing the net emissions by combining vehicle trips. The plan could look at the net impacts of MUTDs service, celebrating the work accomplished, and providing a roadmap to further improvements.

Transportation/mode shifts

There are a host of transportation modes emerging from e-bikes, scooters, and micro transit models. MPOs and Transit agencies are having to explore these modes, and how they work with the existing services being provided. Missoula has yet to see the full impact of these new modes, but it is assumed that these modalities will be arriving in the area shortly. These emerging modes could affect the MPO's mode split goals.

Housing Crisis

Missoula property prices have surged over the past 4 years, a pattern that began 10 years ago and came to a peak near the end of the pandemic. Rents dramatically increased, forcing some to live further out, increasing transportation costs. Housing affordability also needs to be a central component of the LRTP update, as transportation is the second highest household cost in the region. While the transit district does not directly impact home prices, the services provided at no cost to the rider results in invaluable access for those who may be more vulnerable to houselessness, and unemployment. The plan might consider how MUTD provides a safety net for residents, reduces the cost burden from increased rents, connects individuals to services and employment, and makes Missoula a more livable place.

Affordability Crisis

Similar to the Housing Crisis, the cost of necessities (food, medicine, childcare, etc.) has dramatically increased. With this, vehicle ownership has also increased in cost. Currency inflation has devalued money, meaning it now takes more money to buy less. MUTD provides a service that helps individuals navigate to opportunities, and services that can help fill the gaps resulting from increased financial strain. The plan might consider how MUTD provides a safety net for residents, reduces the cost burden from increased rents, connects individuals to services and employment, and makes Missoula a more livable place. The role of multi-modal transportation in overall affordability in the region should be considered in how both transit and the broader transportation network can reduce costs.

Transit Ridership

Ridership has been identified as the principal metric for success by MUTD's board. This metric, while important, may be overemphasized or incomplete without consideration

of other indicators of success. Recent trends of incorporating principles such as equity are of interest to MUTD and the MPO.

Transit Route Design

Currently MUTD operates as a pulse system. With the limitations of space for vehicles, and the changing population distribution, it is important to reexamine how the routes are designed and if modifications can lead to outcomes that better align with MUTD's goals and vision.

Transit Facility Relocation

MUTD is currently operating out of a compound that the service has long since outgrown. MUTD has plans to expand to a new facility and has secured funding for the transition. The timeline for this transition is projected to be five years, any strategic plan developed for and by MUTD should account for this constraint.

Transit Perception

Making the public aware of the range of services, coverage, and operations of MUTD is an ongoing exercise. For people to opt in, they first need to be aware that the services and infrastructure are available and know how to interact with them. Actively combating misinformation and speaking to primary concerns (cleanliness, accessibility, safety etc.). A transit strategic plan might account for resources and strategies that would improve public awareness and perception of not only transit services but also the MPO's non-motorized network.

2.5 Task 1- Project Management Plan, Schedule, Launch

The consultant will formulate a Project Management (PM) Plan outlining the process, work and deliverables of the two primary plan update projects (MPO and MUTD). This will be used to assess progress and will be referenced when discussing timelines and expectations. This will include a detailed project schedule that specifies phases, deliverables, deadlines, milestones, specific presentations, and public engagement. The PM plan will outline tasks, assign those tasks to consultants or MUTD/MPO staff, and be used to maintain accountability and assess progress. In addition, the PM plan will be used to set expectations regarding public engagement, staff involvement, and communication with the MUTD board, Transportation Policy Coordinating Committee (TPCC) and any applicable advisory committees.

As part of the PM plan, Task One will include launching the public engagement process through various introductory meetings. The purpose of these meetings shall be to present the project management plan, receive feedback, and ultimately garner buy-in.

Planned Deliverables:

- Project Management Plan
- Gantt Schedule

- Project Kick-off Meetings

2.6 Task 2 – Public Engagement Plan

This task will outline plans for public engagement. The engagement plan will include special and regular meetings with various boards and committees, community stakeholders, interest groups, and the general public to solicit feedback, circulate information, and actively engage in planning exercises. This plan will detail the times, locations, and format for a range of meetings necessary. In addition, the plan must recognize the potential for inequitable distribution of engagement opportunities and propose measures to control against that outcome.

Regardless of the combination of traditional and innovative outreach methods, the consultant will ensure the plan has components designed to expand the outreach and involvement potential of this process, particularly towards efforts that will engage minorities, low income communities, and other groups often underrepresented in the transportation planning process.

The final plan should outline how selected methods will contribute towards a more interested, invested, and educated public. The MPO and MUTD are particularly interested in how the plan will foster a system for sustained engagement beyond adoption of the LRTP and the MUTD strategic plan. The engagement plan should also discuss how other ongoing efforts such as the Midtown Master Plan, *Our Missoula* Growth Policy Update, and other community networks can be leveraged to build on rather than duplicate engagement outcomes. A detailed outline of MPO and MUTD goals for public engagement can be found in Exhibit A.

The engagement plan should consider the required public participation plan elements outlined in the recently adopted Montana SB 382 (<https://leg.mt.gov/bills/2023/billpdf/SB0382.pdf>). This bill creates a new Land Use Planning Act for major cities and counties across the state. Transportation is one of the key infrastructure planning requirements, and it is expected that the LRTP Update will be used to meet required planning elements in support of the Growth Policy.

Planned Deliverables:

- Public Engagement Plan, including innovative strategies for sustained engagement
- Public input summaries by relevant task, and for each final plan draft
- Additional Surveys and/or other tactics for information gathering and analysis, as needed (**note:** the MPO is currently conducting a regional transportation survey, to be completed by the end of 2023, and MUTD recently completed a comprehensive ridership survey, both of which can inform engagement needs)
- Minimum of 4 presentations to the MUTD Board, and 3 presentations to TTAC/TPCC committees.
- Presentation and approval of the Public Engagement Plan by the MUTD Board, TPCC and City Council

2.7 Task 3 – Conditions Report

The consultant shall review existing background data, and documentation to produce an updated existing community conditions report. The community conditions shall incorporate information of population distribution, land use policy, and market analyses.

The Conditions Report should include an update of the Existing Conditions Report from the 2020 LRTP Update ([LRTP Appendix B](#)). A key component of the existing conditions analysis will be to develop and analyze progress towards established Performance Measures. MAP-21 and the FAST Act placed emphasis on performance management within the Federal-aid highway program and transit programs and required use of performance-based approaches in metropolitan transportation planning. Establishing a performance-based approach was a critical component of the 2016 LRTP update, and with this update the MPO will further refine and implement a process that incorporates a clear link between transportation planning and performance measures.

In addition, using ridership data, service changes, infrastructure projects, and other relevant data the consultant will compile a Transit Conditions report. The Transit Conditions report should incorporate operational analyses as well as a public perception element. The operations analyses will assess fiscal, and operational efficiency while the public perception element will attempt to determine how the broader public views the transit district, and the quality of service being provided.

Planned Deliverables:

- Conditions Report(s) - Existing Transportation and Transit Conditions

2.8 Task 4 – Future Growth

An important aspect of planning for future transportation system and transit improvements is developing a vision for future growth. It is critical for the MPO and MUTD planning efforts to be consistent with adopted Growth Policies for the City and County of Missoula. In particular, the MPO long-range plan requires projecting transportation needs over the next 20-30 years. It will be expected that the selected Consultant will coordinate closely with the City of Missoula's *Our Missoula* Growth Policy Update and Code Reform project. Identification of magnitude and potential locations of growth will be needed for modeling future transportation impacts and transit system operations.

The Consultant will also be expected to coordinate with the Travel Demand Model (TDM) team for any modeling and future transportation conditions. This will be through a separate contract, responsible for updating the TDM, integrating future land use data, and conducting existing and future network analysis. Please refer to the separate RFP issued by the Missoula MPO for additional modeling details.

Planned Deliverables:

- Future Growth Report, including projected future growth rate and potential locations

2.9 Task 5 – MPO 2050 Transportation System Needs Assessment and Project List Update

The consultant shall conduct a future year (2050) transportation system needs assessment, utilizing the existing conditions analysis, current project lists and prioritization, and future growth scenarios in the City of Missoula and Missoula County Growth Policies. The needs assessment will be used to inform the update and development of a revised set of projects, building off the project lists included in the 2020 LRTP. In addition to a revised project list, the consultant shall evaluate projects for necessary updates to required elements and estimated costs. In order to make the document more comprehensive and user friendly, all existing project descriptions should also be updated to include detailed, comprehensive summaries.

In addition to the future needs assessment and proposed project lists necessary to address those needs, the MPO desires to more explicitly address the role emerging technologies can and should take in achieving our plan goals. These technologies include autonomous vehicles, low-speed modes such as ebikes and e-scooters, communications technology, intelligent transportation systems (ITS), and shared mobility/mobility as a service (MaaS) systems. The consultant should be prepared to develop research, recommendations, and gather community priorities for emerging technology.

The MPO also continues to work with the Big Sky Passenger Rail Authority to coordinate on support for future passenger rail service along the southern corridor of Montana. One of the anticipated tasks relating to future transportation system needs is conducting preliminary station location analysis as well as integrating first-last mile transportation services. This task should include some related analysis in the proposal and deliverables.

Planned Deliverables:

- Project List updated and prioritized.
- Preliminary passenger rail station analysis

2.10 Task 6 – MUTD Future Service Goals and Objectives.

The consultant will develop and refine a set of goals and objectives for MUTD. The updated service goals will build from the previous strategic plan. Utilizing the information gathered from the previous tasks (public engagement, conditions report, growth scenarios, and the system needs assessment) the consultant will update the service goals to reflect the current context, and contemplate service alternatives (on demand transit, pulse alternatives etc.). With direction from senior management, and the MUTD Board, the consultant will develop in-depth future service proposals with comparisons of operating cost estimates, and projected performance metrics.

Potential services for evaluation and consideration:

- Bus Rapid Transit (following RAISE Transforming Brooks Street – Connecting Midtown)
- On-Demand Transportation (following Via On-Demand Transit Feasibility Study)
- Increased frequency in core
- Downtown trolley circulator, perhaps seasonal

Planned Deliverables:

- The final deliverable will be a list of service goals, their timelines, projected costs, and projected outcomes.

2.11 Task 7 – Financial Plans (MPO and MUTD)

Required MPO analysis:

Federal regulations regarding the development of long-range transportation plans require that a financial plan that demonstrates how the adopted transportation plan can be implemented is provided and that the recommended project list be fiscally constrained.

Required Analysis:

Early in the process, the consultant should work with the MPO and Montana Department of Transportation staff to identify projected funding resources (throughout the lifetime of the plan), including both public and private sources (federal, state, and local) and by mode as necessary. This task will likely require coordination with other entities such as the City of Missoula, Missoula County, and MDT.

As the future needs assessment is developed and refined, the consultant will develop the cost estimates (engineering and construction costs in 2024 and year of expenditure dollars) required to implement the transportation projects under consideration. These project costs for each will then be compared to the available and projected revenues.

Required MUTD analysis:

Mountain Line seeks a long-term capital improvement plan and operating plan. This task will result in a financial analysis of operations, current and projections forward. These forecasts will consider the tax district revenue, operating costs, and potential service expansion(s). Mountain Line aims to develop a CIP that prioritizes fleet, facility, operation, planning, and other strategic projects. This prioritization will be aided by financial modeling and proformas for various services and initiatives. Mountain Line aims to create dedicated reserves for large capital projects/investments including, but not limited to Zero-Emission Transmission, Facilities, and Expanded Services. Proformas and modeling to focus on 5, 10, and 15-year horizons. Incremental capital and operating costs modeled annually.

Capital improvement plan: The transit agency must provide a capital improvement plan (CIP) that outlines its plans for capital investments over the next five years. The CIP should include a detailed list of projects, their estimated costs, and their funding sources.

Long-term proformas: The transit agency must provide long-term proformas for each project in its CIP. The proformas should show the project's estimated costs, revenues, and operating expenses over a 20-year period.

Financial modeling: The transit agency must use financial modeling to consider and then prioritize new services, expansion, and planning for the future. The financial modeling should take into account the agency's current financial situation, its future revenue projections, and its capital needs.

Planned Deliverables:

MPO:

- A preliminary financial resources summary should be provided early in the planning process to support outreach activities and project development.
- An updated financial plan that includes a fiscally constrained project list for the final preferred scenario, as outlined in the 2020 LRTP.

MUTD:

- 5-year Capital Improvement Plan with the following elements minimum:
 - Project List
 - Feasibility
 - Rank Order
 - Cost Estimates/ Samples
 - Funding sources
 - Timelines
- Long Term Proforma(s) (fleet, facilities, reserve, and service alternatives)
- Financial Model(s)

2.12 Task 8 – MPO Air Quality Conformity Modeling

Missoula is a maintenance area for carbon monoxide (CO) and particulate matter (PM10). Federal code requires that In metropolitan areas that are in nonattainment for ozone or carbon monoxide, the MPO shall coordinate the development of the metropolitan transportation plan with the process for developing transportation control measures (TCMs) in a State Implementation Plan (SIP). However, it is expected that any air quality analysis will be conducted via the travel demand model outputs and use of current EPA emissions tools such as MOVES and will be provided for under the TDM Update RFP and contract.

Consultants selected under this joint planning RFP will be expected to coordinate with the TDM update consultant team to ensure the LRTP adequately incorporates necessary information for

air quality conformity of the plan.

Planned Deliverables:

- Integration of air quality analysis into final LRTP draft, and adequate reference to conformity with the SIP and other federal requirements

2.13 Task 9 – Final Report and Presentations

Preparation of the Final Plans should include sufficient time and capacity to ensure adequate public review and input from appropriate boards and committees, including the MUTD Board, TPCC, City Council, and the Board of County Commissioners. The MPO and MUTD may require the consultant to make revisions in the draft plans prior to release for public hearings. Once any changes are made, the draft plan will be subject to public hearings. The consultant will assist in presenting the hearings and will analyze the input received for the MPO and MUTD. The MPO may require additional revisions to the draft plan before recommending it to TPCC for approval. It is possible that TPCC may require further modifications before approving the plan.

The culmination of the tasks will be a final Strategic Plan document. The plan will include the background data collected from the various tasks, and the identification and justification for the goals and objectives that are selected via the strategic plan process. The Strategic Plan will be similar in scope and format as the previous MUTD strategic plan adopted in 2018. In addition to the final plan, the consultant will be responsible for providing all the component parts of the plan (shapefiles, unique imagery, statistical data, files etc.) so that each piece of the plan can be easily accessed in an editable format.

Planned Deliverables:

- Draft MPO LRTP and MUTD LRSP for public review and comment prior to adoption by TPCC and the MUTD board.
- Final Plans, including design and layout materials, InDesign packages, and stand-alone graphics
- Shapefiles and associated data products for all relevant analysis completed
- Strategic/Long-Range Plan documents, in a form ready for adoption by the MUTD Board of Directors and TPCC

SECTION 3: SUBMITTAL REQUIREMENTS

3.1 Proposal Contents

To be considered responsive, each proposal shall contain the following:

1. Letter of Transmittal (Section 3.2)
2. Proposed Scope of Work (Section 3.3)
3. Required Forms and Certifications (Section 3.4)
4. Project Cost Proposal (Section 3.5)

3.2 Letter of Transmittal

A brief introductory letter to introduce the proposal should contain the following:

1. Identification of the Lead Consultant, including name and mailing address.
2. Acknowledgement of receipt of all RFP addenda, if any.
3. Name, title, email address, and telephone number of contact person during period of proposal evaluation.
4. A statement to the effect that the proposal shall remain valid for a period of not less than 90 days from the date of submittal.
5. Signature of a person authorized to commit the Consultant to the terms of the proposal.

3.3 Proposed Scope of Work

The scope of work proposal shall fully address the following areas:

1. Qualifications of firm
 - Provide a description of your firm, including the year founded, the types of services offered, the number of employees, and the size and location of offices.
 - Describe the key personnel involved in the completion of the project requirements, including information on the government and transit agency auditing experience of each person. Please include copies of all professional resumes.
 - If your submittal represents a joint effort on a prime/subcontracted submittal, provide the above for all members of the submittal team and the specific responsibilities of each project team firm.
 - Provide information on the circumstances and status of any disciplinary action taken or pending against the firm during the past three (3) years with state regulatory bodies or professional organizations.

- Required certifications and business licenses allowing the firm to do business in the city of Missoula and the state of Montana.

2. Past performance and quality of services

- Describe the firm's overall experience and past performance in providing services similar to those solicited in this RFP.
- Provide at least three (3) references for which similar services have been performed for both Transit Strategic Planning and Long-Range Transportation Planning. Indicate the scope of work, dates of the engagement, and the name, email and phone number of a contact person who is willing to briefly discuss the Vendor's work with MUTD and MPO staff.

3. Response to scope of work

- Address the scope of work requirements listed in Section 4 of this RFP and how you will meet or exceed those requirements.
- A proposed work plan indicating tasks to be accomplished, work schedule, consultant personnel/subcontractors expected to perform each major task element, person/hours and estimated costs required to accomplish each task, and the involvement (and timing of that involvement) anticipated from MUTD, MPO, and MDT staff.
- A public participation program detailing consultant's plan for obtaining public input and identifying the specific mechanisms to be employed in meeting the requirements identified in the Scope of Work

3.4 Required Forms and Certifications

Each of the forms in Exhibit B of this document should be completed by the proposer and included in the submittal.

3.5 Project Cost Proposal

- Provide a fully developed cost for services required by the Scope of Work in Section 2 of this RFP.
- The cost proposal for services should include a breakdown of:
 - Total project cost.
 - A detailed breakdown of cost and hours per task or phase.
 - List of staff working on the project, titles, and hourly rates
 - Variable fee options, if any.
 - List of anticipated direct expenses and the rate charged for each.
 - Any other fees or charges.

SECTION 4: EVALUATION PROCESS AND AWARD

4.1 Evaluation Committee

Evaluations will be performed by a committee comprised of MUTD staff, MPO Staff, and representatives of partner organizations. The evaluation committee will evaluate and select the proposal that best addresses the requirements of the project, in accordance with the criteria stated herein. MUTD reserves the right to reject any or all submittals.

4.2 Evaluation Criteria

Each proposal will be evaluated on the basis of the following factors and corresponding weights:

Criteria	Weight
Cost	20%
Project Understanding & Approach	25%
Qualifications of Staff	25%
Prior experience with similar projects	20%
Public Participation Plan	10%

The points score for Total Cost will be calculated as established in Method 1, Ratio Method, Cost Evaluation Methods For Requests For Proposals, Department of Administration General Services Administration, State Procurement Bureau:

The proposal meeting the required scope-of-work with the lowest cost receives the maximum points allowed. All other proposals receive a percentage of the points available, based upon their cost relationship to the lowest. This is determined by applying the following formula:

$$(Lowest\ Cost / Cost\ Being\ Evaluated) \times 20\ points = awarded\ points$$

4.3 General Approach

This contract will be awarded in accordance with the regulations set forth in FTA Circular 4220.1F.

MUTD may hold interviews with all Vendors judged reasonably susceptible of being selected for an award (competitive range). However, MUTD also reserves the right to make an award without holding any discussions or interviews. In either case, MUTD may determine a Vendor to be not responsible and/or determine that a Vendor's proposal does not have a reasonable chance of being selected for an award (outside the competitive range) at any time after the proposal due date and MUTD's initial review of the proposals submitted.

4.4 Evaluation Process

The evaluation process will occur in the following manner and sequence:

1. The MUTD procurement officer (Section 2.5) will conduct an evaluation of each proposal to determine whether the basic procurement requirements listed in Section 1 were met.
2. All remaining proposals will be evaluated and ranked by the evaluation committee based on the criteria in Section 5.2.
3. MUTD and the MPO may hold interviews with all Vendors whose proposals are within the competitive range. The purpose of such interviews will be to assure a full understanding of the Scope of Work and project requirements and the Vendor's ability to perform and deliver those requirements.
4. Vendors must confirm in writing any substantive oral clarification of, or change in, their proposals made in the course of an interview or discussion. Any such written clarification will then become part of the Vendor's proposal.

4.5 Award of Contract

- A. Upon completion of all interviews, reference checks, and scoring of technical proposals, the evaluation committee will recommend award of the Contract to the responsible Vendor whose proposal is determined to be the most advantageous to MUTD, considering the evaluation factors listed in the solicitation.
- B. MUTD reserves the right to make an award without holding any discussions or interviews.
- C. MUTD may reject all proposals if such action is determined to be in the best interest of MUTD or the MPO.
- D. Within 30 days after the deadline for submittals, MUTD will either decide to award a contract or reject all submittals, unless extension is made.
- E. Prior to issuance of a Notice to Proceed, MUTD may issue a notice of intent to issue an award.

- F. Upon execution and submission of all required documentation, MUTD will issue a Notice to Proceed evidencing its formal acceptance and award of the contract.

4.6 Billing and Payment

Payment for services rendered under the contract will be based on work completed. Invoices should be submitted no more frequently than monthly.

Exhibit A:
PUBLIC ENGAGEMENT DETAILS

This Exhibit provides additional background and details on the public engagement desired in Task 2.

Task 2 is to develop a methodology and timeline to engage the public regarding the long-range transportation plan and strategic plan. One of the key goals of this joint RFP is to **improve efficiency and communication** around the role of the MPO and MUTD in planning for a coordinated, multi-modal transportation system. Aside from the traditional planning outcomes (existing surveys) Mountain Line and the MPO are interested in using these planning processes to bolster community building, public participation, and reinforce a positive public perception in its community image of transit and Missoula's transportation system. The engagement plan must recognize the potential for inequitable distribution of engagement opportunities and propose measures to control against inequitable engagement. The engagement plan should also identify opportunities to coordinate the LRTP and Strategic Plan updates to better inform the public and stakeholders on the relationship between transit and MPO transportation planning efforts. To accomplish this the public participation proposal should include elements that address the following:

1. **Information gathering:** Public engagement strategies should include opportunities to gather public information that can be used in both plan updates. The MPO and MUTD already use tools such as surveys to collect information about desired services and the state of the transportation system. For MUTD, surveys reflect what service/programming existing riders want from us—but in other surveys, this often boils down to more frequency and more served areas. MUTD is interested in other information.
 - a. Public Perception - What does the public think of Mountain Line service, the MPO, or our transportation system?
 - b. Ridership experience - What is the public's actual and perceived ease of access to our system? Has public perception and interaction with Mountain Line changed in recent years? If so, how? What are the contributing factors of a persons choice to ride, or not ride?
 - c. Gauge interest in service alternatives and emerging modes of transportation (e.g. micro-transit/on-demand transit, special shuttle services, etc.)?

This topic can be informed through in-process and completed regional transportation surveys and transit ridership surveys. Access to these data and associated reports will be provided at the outset of this joint planning process to inform additional information needs.

2. **Community Building:** The MPO and MUTD recognize that we are in a leveraged position to support the social fabric of Missoula. This strategic position can benefit the community by acting as a contributing component of increasing ridership and efficiency, support housing and affordability, reduce climate impacts, and support quality of life. An added benefit of

prioritizing community building is presenting ourselves as community-oriented and promoting a sense of ownership and pride in MUTD and the MPO among the community we serve.

3. **Innovative Engagement Strategies and Methods:** past and present engagement strategies have yielded good results, , but MUTD is interested in engaging with the public in new ways.. We are interested in engaging with the public in new ways. In addition to established tactics for engagement and information sharing, the MPO and MUTD are pursuing creative ways to inform and inspire our community (e.g. collaborating with arts institutions on event programming, launching a Mountain Line flavor with a local ice cream shop). We are eager to invite more fun, novel methods to capture public attention and curiosity for public engagement, especially given the high number of concurrent planning processes taking place in Missoula. This can include unexpected engagement tools, unique collaborations with existing organizations and social networks, interdisciplinary research and/or education options, and more.
4. **Education:** Along with community building, the MPO and MUTD have an interest in education campaigns. We want the public to better understand how transit planning works (e.g. how routes are assigned, how frequency is determined—basically, how the sausage is made), as well as the challenges, limitations and function of a multi-modal transportation system. This is both for transparency and for cultivating (hopefully) more informed responses to our queries.
5. **Engagement as a long-term goal:** We want to engage with the public not just as part of the long-range plan and transit strategic plan but as part of our continuing operations. How will this engagement be continued after the current planning process?

MPO Public Engagement Needs:

- Information:
 - What has changed for Missoulian’s over the last 4 years that could influence the projects or priorities of the MPO?
 - What does equity mean in transportation planning, and how might we reflect that in our long range plan?
 - What new trends are emerging in transportation that are of concern to Missoula residents?
 - How have mode choice decisions changed in the last 4 years, particularly coming out of the COVID-19 pandemic?
- Community Building:
 - What ongoing efforts should the long-range plan support? E.g. Housing, Climate, Equity
 - How can the long-range plan better inform residents on transportation planning and infrastructure design?

- How can the plan update foster stronger engagement from individuals, neighborhoods, or community organizations?
- Innovative Engagement:
 - Broaden public engagement beyond the typical formats, such as surveys, public meetings, or open houses
 - Utilize virtual public involvement to lower the barrier to engagement
 - Utilize existing communication networks and community partners to both reduce communication/engagement overload, but also to better foster the relationship between the long-range plan and other community priorities.
- Education:
 - Use this plan update to help educate the public on our region's transportation issues, goals, and priorities.
 - Foster increased understanding of the role transportation planning plays in project development and infrastructure funding
 - Increase familiarity with tools and opportunities for better community-led transportation planning and infrastructure development
- Long-term engagement
 - Shift focus from engagement specific to the long-range plan update, and towards continued conversations and involvement in plan implementation
 - Set the stage for ongoing communications and involvement of the MPO in various community networks and social channels
 - Ensure continued engagement and relationship building after plan adoption

MUTD Public Engagement Needs:

- Information:
 - What does the public think of Mountain Line?
 - How do they learn about Mountain Line projects/plans/updates?
 - What kind of communication do they want from the agency?
 - We do want to know what service/programming they want from us—but in other surveys, this often boils down to more frequency and more served areas. How can we draw out new and/or more specific and/or actionable information?

- What is people’s experience of our service? What are non-riders’ assumptions of our service? [This is being explored in the MPO survey currently in development.]
- What possible new ideas would the public entertain about transit in the future (e.g. micro-transit/on-demand transit, special shuttle services, etc.)?
- What is the public’s actual and perceived ease of access to our system?
- How has public perception and interaction with Mountain Line changed in recent years?
- Community Building
 - Includes presenting ourselves as community-oriented and promoting a sense of ownership and pride in MUTD among the community we serve.
 - An important component is “closing the loop” on public comment/engagement: informing the public about how their contributions were or will be used so that they’re not shouting into a void.
 - Identifying and supporting transit champions to inform their circles accurately and enthusiastically. Understanding the circles in which these individuals can be most effective: organized by neighborhood, by how they use the system, by some other differences? Current/future/non-served areas? High-frequency route-adjacent or not? Daily commuters vs. occasional riders vs. former riders? Sustainability-motivated vs. financially motivated? And so on. Community in this context is a broad term that we’d like to understand with more nuance so that it can be better used to develop enduring relationships and networks for mutual communication.
 - Strengthening community partnerships (with other agencies, nonprofits, and businesses) to maintain/increase our prominence as a local institution and a top-of-mind transportation choice, not just for individuals but for organizations. Currently, a high number of planning efforts are under way in Missoula. As a result, there is concern that isolated attempts at public outreach will yield diminished results. The consultant will work collaboratively with other agencies to combine engagement efforts in order to minimize “engagement fatigue” among the public and take advantage of complementary goals, strategies, and audiences and communicate more efficiently and effectively in collaboration.
- Fresh Engagement Tactics
 - In addition to established tactics for engagement and information sharing, MUTD is pursuing creative ways to inform and inspire our community (e.g. collaborating with arts institutions on event programming, launching a Mountain Line flavor with a local ice cream shop). We are eager to invite more fun, novel methods to capture public

attention and curiosity for public engagement, especially given the high number of concurrent planning processes taking place in Missoula. This can include unexpected engagement tools, unique collaborations, interdisciplinary research and/or education options, and more.

- Audience Education
 - We want the public to better understand how transit planning works (e.g. how routes are assigned, how frequency is determined—basically, how the sausage is made). This is both for transparency and for cultivating (hopefully) more informed responses to our queries.
 - Informing and educating the public about the variety of ways they can access information and connect with MUTD.
 - Informing the community about potential and planned projects in the near- and medium-term future.
- Sustainability and Future Roadmap
 - The methods and public engagement efforts undertaken during this strategic planning process should lay a foundation that MUTD can continue to build on (e.g. in building sustainable community networks or repeatable engagement efforts). Ideally, this would apply not just to public audiences but also to inter-agency collaboration opportunities that can be repeated and revised to adapt as engagement needs shift.
- Accessibility
 - The engagement plan must recognize the potential for inequitable distribution of engagement opportunities and propose measures to control against inequitable engagement.

Current MUTD public engagement / promotion / outreach efforts (for reference):

- Building connections with local businesses to promote bus use as a choice for recreation/social opportunities and position Mountain Line as a cultural entity in Missoula (not only a critical utility, but also part of the social fabric of the city).
- Informing the public about our services at various events and sponsorship opportunities (e.g. Roots Fest, Western MT Fair, etc.)
- Sharing information through agency cross-promotion, press releases, paid media, and various advertising channels
- Developing Mountain Line’s public content channels (e.g. social media, newsletters) to invite more casual community interaction

- Promoting multiple contact and rider information channels (Bus Tracker, Transit, website, possible SMS alert service) to demonstrate (and deliver on) access to answers, route information, and general customer service experience for active and potential riders.

Exhibit B:

REQUIRED FORMS AND CERTIFICATIONS

For a proposal to be considered responsive, the following forms, certifications, and/or statements are to be executed and enclosed with each proposal. Proposals received without these forms/certifications completed will not be considered. Compliance with these requirements is mandatory for a contract award.

MISSOULA URBAN TRANSPORTATION DISTRICT

ADDENDUM ACKNOWLEDGEMENT

Proposer/Bidder acknowledges receipt of the following addenda which are attached to the proposal/bid:

Addendum No. _____ Date _____

Addendum No. _____ Date _____

Addendum No. _____ Date _____

Addendum No. _____ Date _____

Addendum No. _____ Date _____

Failure to acknowledge receipt of all addenda may cause the proposal to be considered non-responsive and omitted from consideration.

MISSOULA URBAN TRANSPORTATION DISTRICT

Debarment and Suspension Certification

All Contracts over \$25,000

Instructions for Certification: By signing and submitting this bid or proposal, the prospective lower tier participant is providing the signed certification set out below.

(1) It will comply and facilitate compliance with U.S. DOT regulations, "Nonprocurement Suspension and Debarment," 2 CFR part 1200, which adopts and supplements the U.S. Office of Management and Budget (U.S. OMB) "Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," 2 CFR part 180,

(2) To the best of its knowledge and belief, that its Principals and Subrecipients at the first tier:

- a. Are eligible to participate in covered transactions of any Federal department or agency and are not presently: (1) Debarred, (2) Suspended, (3) Proposed for debarment, (4) Declared ineligible, (5) Voluntarily excluded, or (6) Disqualified,
- b. Its management has not within a three-year period preceding its latest application or proposal been convicted of or had a civil judgment rendered against any of them for: (1) Commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction, or contract under a public transaction, (2) Violation of any Federal or State antitrust statute, or (3) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making any false statement, or receiving stolen property,
- c. It is not presently indicted for, or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses listed in the preceding subsection 2.b of this Certification,
- d. It has not had one or more public transactions (Federal, State, or local) terminated for cause or default within a three-year period preceding this Certification,
- e. If, at a later time, it receives any information that contradicts the statements of subsections 2.a – 2.d above, it will promptly provide that information to FTA,
- f. It will treat each lower tier contract or lower tier subcontract under its Project as a covered lower tier contract for purposes of 2 CFR part 1200 and 2 CFR part 180 if it: (1) Equals or exceeds \$25,000, (2) Is for audit services, or (3) Requires the consent of a Federal official, and
- g. It will require that each covered lower tier contractor and subcontractor: (1) Comply and facilitate compliance with the Federal requirements of 2 CFR parts 180 and 1200, and (2) Assure that each lower tier participant in its Project is not presently declared by any Federal department or agency to be: (a) Debarred from participation in its federally funded Project, (b) Suspended from participation in its federally funded Project, (c) Proposed for debarment from participation in its federally funded Project, (d) Declared ineligible to participate in its federally funded Project, (e) Voluntarily excluded from participation in its federally funded Project, or (f) Disqualified from participation in its federally funded Project, and

(3) It will provide a written explanation as indicated on a page attached in FTA’s TEAM-Web or the Signature Page if it or any of its principals, including any of its first tier Subrecipients or its Third Party Participants at a lower tier, is unable to certify compliance with the preceding statements in this Certification Group.

Certification

Company _____

Signature of Authorized Official: _____ **Date:** / /

Name and Title of Authorized Official _____

MISSOULA URBAN TRANSPORTATION DISTRICT

Certification and Restrictions on Lobbying

All Contracts over \$250,000

I, _____, hereby certify
(Name and title of official)

on behalf of _____ that:
(Name of Bidder/Company Name)

1. No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
2. If any funds other than federal appropriated funds have been paid or will be paid to any person influencing or attempting to influence an officer or employee of any agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with the federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form – LLL, “Disclosure Form to Report Lobbying,” in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including sub-contracts, sub-grants and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The undersigned certifies or affirms the truthfulness and accuracy of the contents of the statements submitted on or with this certification and understands that the provisions of 31 U.S.C. Section 3801, et seq., are applicable thereto.

Name of Bidder/Company Name _____

Type or Print Name _____

Signature of authorized representative _____ **Date** _____

Disadvantaged Business Enterprise (DBE) Form

In accordance with federal regulations, MUTD is required to set a goal for utilizing DBE’s in federally-funded projects, and to demonstrate a good faith effort in meeting this goal. MUTD’s goal for the period from October 1, 2022 through September 30, 2025 is 5%.

A listing of Montana-based DBE firms can be found at <https://app.mdt.mt.gov/dbe/dbe/search>.

A. DBE Certification. Mark below to indicate your firm’s DBE status. If applicable, please provide a copy of your certification letter or certificate.

CERTIFIED as a DBE

NOT-CERTIFIED as a DBE

B. Subcontractors. Please list below all DBE firms that will perform work on this contract.

Subcontractor’s Name	Industry / Trade	Dollar Value of Contract

Bidder / Firm _____

Authorized Representative _____ **Title** _____

Signature _____ **Date** _____

Exhibit C:

NOTICE TO CONSULTANT

Federal Contract Clauses and Other Requirements

NONDISCRIMINATION COMPLIANCE AND AFFIRMATIVE ACTION

Consultants will be subject to Federal, Montana and City of Missoula nondiscrimination and affirmative action laws and regulations.

NOTICE TO CONSULTANT

During the performance of this Agreement, the Consultant, for itself, its assignees and successors in interest, agrees as follows:

NON-DISCRIMINATION AND DISABILITY ACCOMMODATION NOTICE

The Montana Department of Transportation (MDT) is committed to conducting all of its business in an environment free of discrimination, harassment, and retaliation. In accordance with State and Federal law the MDT prohibits any and all discrimination and protections are all inclusive (hereafter “protected classes”) by its employees or anyone with whom MDT does business:

Federal protected classes

Race, color, national origin, sex, sexual orientation, gender identity, age, disability, and Limited English Proficiency

State protected classes

Race, color, national origin, parental/marital status, pregnancy, childbirth, or medical conditions related to pregnancy or childbirth, religion/creed, social origin or condition, genetic information, sex sexual orientation, gender identification or expression, national origin, ancestry, age, disability mental or physical, political or religious affiliations or ideas, military service or veteran status

For the duration of this contract/agreement, the CONSULTANT agrees as follows:

1. **Compliance with Regulations:** The CONSULTANT will comply with all Acts and Regulations of the United States and the State of Montana relative to Non-Discrimination in Federally and State-assisted programs of the U.S. Department of Transportation and the State of Montana, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:**
 - a. The CONSULTANT, with regard to the work performed by it during the contract, will not discriminate, directly or indirectly, on the grounds of any of the protected classes in the selection and retention of subcontractors, including procurements of materials and leases of equipment, employment, and all other activities being performed under this contract/agreement.
 - b. CONSULTANT will provide notice to its employees and the members of the public that it serves that will include the following:
 - i. Statement that CONSULTANT does not discriminate on the grounds of any protected classes.
 - ii. Statement that CONSULTANT will provide employees and members of the public that it serves with reasonable accommodations for any known disability, upon request, pursuant to the Americans with Disabilities Act as Amended (ADA).
 - iii. Contact information for CONSULTANT’s representative tasked with handling non-discrimination complaints and providing reasonable accommodations under the ADA.
 - iv. Information on how to request information in alternative accessible formats.
 - c. In accordance with Mont. Code Ann. § 49-3-207, CONSULTANT will include a provision, in all of its hiring/subcontracting notices, that all hiring/subcontracting will be on the basis of merit

and qualifications and that CONSULTANT does not discriminate on the grounds of any protected class.

3. **Participation by Disadvantaged Business Enterprises (DBEs):**
 - a. If the CONSULTANT receives federal financial assistance as part of this contract/agreement, the CONSULTANT will make all reasonable efforts to utilize DBE firms certified by MDT for its subcontracting services. The list of all currently certified DBE firms is located on the MDT website at mdt.mt.gov/business/contracting/civil/dbe.shtml.
 - b. By signing this agreement the CONSULTANT assures that:
The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.
 - c. CONSULTANT must include the above assurance in each contract/agreement the CONSULTANT enters.
4. **Solicitation for Subcontracts, Including Procurement of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation, made by the CONSULTANT for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the CONSULTANT of the CONSULTANT's obligation under this contract/agreement and all Acts and Regulations of the United States and the State of Montana related to Non-Discrimination.
5. **Information and Reports:** The CONSULTANT will provide all information and reports required by the Acts, 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 MDT or relevant US DOT 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 CONSULTANT will so certify to MDT or relevant US DOT Administration, as appropriate, and will set forth what efforts it has made to obtain the information.
6. **Sanctions for Noncompliance:** In the event of a CONSULTANT's noncompliance with the Non-discrimination provisions of this contract/agreement, MDT will impose such sanctions as it or the relevant US DOT Administration may determine to be appropriate, including, but not limited to:
 - a. Withholding payments to the CONSULTANT under the contract/agreement until the CONSULTANT complies; and/or
 - b. Cancelling, terminating, or suspending the contract/agreement, in whole or in part.
7. **Pertinent Non-Discrimination Authorities:**

During the performance of this contract/agreement, the CONSULTANT, for itself, its assignees, and successor in interest, agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Federal

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 200d 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 Airways Improvement Act of 1982, (49 U.S.C. § 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 prohibits 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 CFR 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 prevents 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.).
- Executive Order 13672 prohibits discrimination in the civilian federal workforce on the basis of gender identity and in hiring by federal contractors on the basis of both sexual orientation and gender identity.

State

- Mont. Code Ann. § 49-3-205 Governmental services;
- Mont. Code Ann. § 49-3-206 Distribution of governmental funds;
- Mont. Code Ann. § 49-3-207 Nondiscrimination provision in all public contracts.

8. Incorporation of Provisions: The CONSULTANT will include the provisions of paragraph one through seven in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and/or directives issued pursuant thereto. The CONSULTANT will take action with respect to any subcontract or procurement as MDT or the relevant US DOT Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the CONSULTANT becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the CONSULTANT may request MDT to enter into any litigation to protect the interests of MDT. In addition, the CONSULTANT may request the United States to enter into the litigation to protect the interests of the United States.

B. AUDIT REQUIREMENTS

The LOCAL AUTHORITY may be subject to the audit requirements of 2 CFR 200 Subpart F if the audit threshold in 2 CFR 200.501 is met. An audit must be conducted in compliance with 2 CFR 200 Subpart F if required. The audit must be completed and the data collection form and reporting package submitted to the Federal Audit Clearinghouse within the earlier of 30 calendar days after the receipt of the auditor's report(s) or nine months after the end of the audit period. For local governments and school districts, the LOCAL AUTHORITY will provide the report to the State of Montana, Department of Administration, Local Government Services Bureau. All other subrecipients such as Tribal Communities and Non-Profit Organizations will provide the report to the State of Montana, Department of Transportation, Audit Services if audit findings are discovered.

C. DEBARMENT AND SUSPENSION (E.O.s 12549 and 12689)

The Grantee shall obtain from its third party contractors certifications required by Department of Transportation regulations, "Government-wide Debarment and Suspension (Non-procurement)," 49 CFR Part 29, and otherwise comply with the requirements of those regulations. A list of debarred entities is located at <https://www.sam.gov/portal/public/SAM/>.

D. CONFLICT OF INTEREST (2CFR 200.112)

The Subrecipient must disclose in writing any potential conflict of interest to the MDT in accordance with applicable Federal awarding agency policy.

E. MANDATORY DISCLOSURES (2CFR 200.113)

The Subrecipient must disclose, in a timely manner, in writing to the MDT all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Failure to make required disclosures can result in any of the remedies described in 2 CFR 200.338, including suspension or debarment.

F. INTERNAL CONTROLS (2 CFR 200.303)

The Subrecipient must establish and maintain effective internal controls that provide reasonable assurance to the MDT that the Subrecipient is in compliance with Federal statutes, regulations, and terms and conditions of the Federal award.

G. POLITICAL ACTIVITY (HATCH ACT)

The Subrecipient will comply with the provisions of the Hatch Act (5 U.S.C. 1501-1508) which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

H. CERTIFICATION REGARDING FEDERAL LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements. The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

I. RESTRICTION ON STATE LOBBYING

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

Exhibit D

**FEDERAL REQUIREMENTS FOR
LONG RANGE TRANSPORTATION PLANNING**

450.324 Development and content of the metropolitan transportation plan.

(a) The metropolitan transportation planning process shall include the development of a transportation plan addressing no less than a 20-year planning horizon as of the effective date. In formulating the transportation plan, the MPO shall consider factors described in [§ 450.306](#) as the factors relate to a minimum 20-year forecast period. In nonattainment and maintenance areas, the effective date of the transportation plan shall be the date of a [conformity](#) determination issued by the FHWA and the FTA. In attainment areas, the effective date of the transportation plan shall be its date of adoption by the MPO.

(b) The transportation plan shall include both long-range and short-range strategies/actions that provide for the development of an integrated multimodal transportation system (including accessible pedestrian walkways and bicycle transportation facilities) to facilitate the safe and efficient movement of people and goods in addressing current and future transportation demand.

(c) The MPO shall review and [update](#) the transportation plan at least every 4 years in air quality nonattainment and [maintenance areas](#) and at least every 5 years in [attainment areas](#) to confirm the transportation plan's [validity](#) and consistency with current and forecasted transportation and land use conditions and trends and to extend the forecast period to at least a 20-year planning horizon. In addition, the MPO may revise the transportation plan at any time using the procedures in this section without a requirement to extend the horizon year. The MPO shall approve the transportation plan (and any revisions) and submit it for information purposes to the [Governor](#). Copies of any [updated](#) or revised transportation plans must be provided to the FHWA and the FTA.

(d) In [metropolitan areas](#) that are in nonattainment for ozone or carbon monoxide, the MPO shall coordinate the development of the [metropolitan transportation plan](#) with the process for developing [transportation control measures](#) (TCMs) in a [State](#) Implementation Plan (SIP).

(e) The MPO, the State(s), and the public transportation operator(s) shall validate data used in preparing other existing modal plans for providing input to the transportation plan. In updating the transportation plan, the MPO shall base the [update](#) on the latest available estimates and assumptions for population, land use, travel, employment, [congestion](#), and economic activity. The MPO shall approve transportation plan contents and supporting analyses produced by a transportation plan [update](#).

(f) The [metropolitan transportation plan](#) shall, at a minimum, include:

(1) The current and projected transportation demand of persons and goods in the metropolitan planning area over the period of the transportation plan;

(2) Existing and proposed transportation facilities (including major roadways, public transportation facilities, intercity bus facilities, multimodal and intermodal facilities, nonmotorized transportation facilities (e.g., pedestrian walkways and bicycle facilities), and intermodal connectors) that should function as an integrated metropolitan transportation system, giving emphasis to those facilities that serve important national and regional transportation functions over the period of the transportation plan.

(3) A description of the [performance measures](#) and [performance targets](#) used in assessing the performance of the transportation system in accordance with [§ 450.306\(d\)](#).

(4) A system performance report and subsequent [updates](#) evaluating the condition and performance of the transportation system with respect to the [performance targets](#) described in [§ 450.306\(d\)](#), including -

(i) Progress achieved by the metropolitan planning organization in meeting the [performance targets](#) in comparison with system performance recorded in previous reports, including baseline data; and

- (ii) For metropolitan planning organizations that voluntarily elect to develop multiple scenarios, an analysis of how the preferred scenario has improved the conditions and performance of the transportation system and how changes in local policies and investments have impacted the costs necessary to achieve the identified performance targets.
- (5) [Operational and management strategies](#) to improve the performance of existing transportation facilities to relieve vehicular [congestion](#) and maximize the safety and mobility of people and goods;
- (6) [Consideration](#) of the results of the [congestion management process](#) in TMAs that meet the requirements of this subpart, including the identification of SOV projects that result from a [congestion management process](#) in TMAs that are nonattainment for ozone or carbon monoxide.
- (7) Assessment of capital investment and other strategies to preserve the existing and projected future metropolitan transportation infrastructure, provide for multimodal capacity increases based on regional priorities and needs, and reduce the vulnerability of the existing transportation infrastructure to natural disasters. The [metropolitan transportation plan](#) may consider projects and strategies that address areas or corridors where current or projected [congestion](#) threatens the efficient functioning of key elements of the metropolitan area's transportation system.
- (8) Transportation and transit enhancement activities, including [consideration](#) of the role that intercity buses may play in reducing [congestion](#), pollution, and energy consumption in a cost-effective manner and strategies and investments that preserve and enhance intercity bus systems, including systems that are privately owned and operated, and including transportation alternatives, as defined in [23 U.S.C. 101\(a\)](#), and associated transit improvements, as described in [49 U.S.C. 5302\(a\)](#), as appropriate;
- (9) [Design concept](#) and [design scope](#) descriptions of all existing and proposed transportation facilities in sufficient detail, regardless of funding source, in nonattainment and [maintenance areas](#) for [conformity](#) determinations under the EPA's transportation [conformity](#) regulations ([40 CFR part 93](#), subpart A). In all areas (regardless of air quality designation), all proposed improvements shall be described in sufficient detail to develop cost estimates;
- (10) A discussion of types of potential [environmental mitigation activities](#) and potential areas to carry out these activities, including activities that may have the greatest potential to restore and maintain the environmental functions affected by the [metropolitan transportation plan](#). The discussion may focus on policies, programs, or strategies, rather than at the project level. The MPO shall develop the discussion in [consultation](#) with applicable Federal, [State](#), and Tribal land management, wildlife, and regulatory agencies. The MPO may establish reasonable timeframes for performing this [consultation](#);
- (11) A [financial plan](#) that demonstrates how the adopted transportation plan can be implemented.
- (i) For purposes of transportation system operations and maintenance, the [financial plan](#) shall contain system-level estimates of costs and revenue sources that are reasonably expected to be available to adequately operate and maintain the Federal-aid [highways](#) (as defined by [23 U.S.C. 101\(a\)\(5\)](#)) and public transportation (as defined by title [49 U.S.C. Chapter 53](#)).
- (ii) For the purpose of developing the [metropolitan transportation plan](#), the MPO(s), public transportation operator(s), and [State](#) shall cooperatively develop estimates of funds that will be available to support [metropolitan transportation plan](#) implementation, as required under [§ 450.314\(a\)](#). All necessary financial resources from public and private sources that are reasonably expected to be made available to carry out the transportation plan shall be identified.
- (iii) The [financial plan](#) shall include recommendations on any additional financing strategies to fund projects and programs included in the [metropolitan transportation plan](#). In the case of new funding sources, strategies for ensuring their [availability](#) shall be identified. The [financial plan](#) may include an

assessment of the appropriateness of innovative finance techniques (for example, tolling, pricing, bonding, public private partnerships, or other strategies) as revenue sources for projects in the plan.

(iv) In developing the [financial plan](#), the MPO shall take into account all projects and strategies proposed for funding under title 23 U.S.C., title [49 U.S.C. Chapter 53](#) or with other Federal funds; [State](#) assistance; local sources; and private participation. Revenue and cost estimates that support the [metropolitan transportation plan](#) must use an inflation rate(s) to reflect “year of expenditure dollars,” based on reasonable financial principles and information, developed cooperatively by the MPO, State(s), and public transportation operator(s).

(v) For the outer years of the [metropolitan transportation plan](#) (*i.e.*, beyond the first 10 years), the [financial plan](#) may reflect aggregate cost ranges/cost bands, as long as the future funding source(s) is reasonably expected to be available to support the projected cost ranges/cost bands.

(vi) For nonattainment and maintenance areas, the [financial plan](#) shall address the specific financial strategies required to ensure the implementation of TCMs in the applicable SIP.

(vii) For illustrative purposes, the [financial plan](#) may include additional projects that would be included in the adopted transportation plan if additional resources beyond those identified in the [financial plan](#) were to become available.

(viii) In cases that the FHWA and the FTA find a [metropolitan transportation plan](#) to be fiscally constrained and a revenue source is subsequently removed or substantially reduced (*i.e.*, by legislative or administrative actions), the FHWA and the FTA will not withdraw the original determination of fiscal constraint; however, in such cases, the FHWA and the FTA will not act on an [updated](#) or amended [metropolitan transportation plan](#) that does not reflect the changed revenue situation.

(12) Pedestrian walkway and bicycle transportation facilities in accordance with [23 U.S.C. 217\(g\)](#).

(g) The MPO shall consult, as appropriate, with [State](#) and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation concerning the development of the transportation plan. The [consultation](#) shall involve, as appropriate:

- (1) Comparison of transportation plans with [State](#) conservation plans or maps, if available; or
- (2) Comparison of transportation plans to inventories of natural or historic resources, if available.

(h) The [metropolitan transportation plan](#) should integrate the priorities, goals, countermeasures, strategies, or projects for the metropolitan planning area contained in the HSIP, including the SHSP required under [23 U.S.C. 148](#), the [Public Transportation Agency Safety Plan](#) required under [49 U.S.C. 5329\(d\)](#), or an Interim Agency Safety Plan in accordance with [49 CFR part 659](#), as in effect until completion of the [Public Transportation Agency Safety Plan](#), and may incorporate or reference applicable emergency relief and disaster preparedness plans and strategies and policies that support homeland security, as appropriate, to safeguard the personal security of all motorized and non-motorized users.

(i) An MPO may, while fitting the needs and complexity of its community, voluntarily elect to develop multiple scenarios for [consideration](#) as part of the development of the [metropolitan transportation plan](#).

- (1) An MPO that chooses to develop multiple scenarios under this paragraph (i) is encouraged to consider:
 - (i) Potential regional investment strategies for the planning horizon;
 - (ii) Assumed distribution of population and employment;
 - (iii) A scenario that, to the maximum extent practicable, maintains baseline conditions for the performance areas identified in [§ 450.306\(d\)](#) and measures established under [23 CFR part 490](#);

- (iv) A scenario that improves the baseline conditions for as many of the [performance measures](#) identified in [§ 450.306\(d\)](#) as possible;
 - (v) Revenue constrained scenarios based on the total revenues expected to be available over the forecast period of the plan; and
 - (vi) Estimated costs and potential revenues available to support each scenario.
- (2) In addition to the performance areas identified in [23 U.S.C. 150\(c\)](#), 49 U.S.C. 5326(c), and 5329(d), and the measures established under [23 CFR part 490](#), MPOs may evaluate scenarios developed under this paragraph using locally developed measures.
- (j) The MPO shall provide individuals, affected public agencies, representatives of public transportation employees, public ports, [freight shippers](#), providers of freight transportation services, private providers of transportation (including intercity bus operators, employer-based commuting programs, such as carpool program, vanpool program, transit benefit program, parking cashout program, shuttle program, or telework program), representatives of [users of public transportation](#), representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with a reasonable opportunity to comment on the transportation plan using the participation plan developed under [§ 450.316\(a\)](#).
 - (k) The MPO shall publish or otherwise make readily available the [metropolitan transportation plan](#) for public review, including (to the maximum extent practicable) in electronically accessible formats and means, such as the World Wide Web.
 - (l) A [State](#) or MPO is not required to select any project from the illustrative list of additional projects included in the [financial plan](#) under [paragraph \(f\)\(11\)](#) of this section.
 - (m) In nonattainment and [maintenance areas](#) for transportation-related pollutants, the MPO, as well as the FHWA and the FTA, must make a [conformity](#) determination on any [updated](#) or amended transportation plan in accordance with the [Clean Air Act](#) and the EPA transportation [conformity](#) regulations ([40 CFR part 93](#), subpart A). A 12-month [conformity lapse](#) grace period will be implemented when an area misses an applicable deadline, in accordance with the [Clean Air Act](#) and the transportation [conformity](#) regulations ([40 CFR part 93](#), subpart A). At the end of this 12-month grace period, the existing [conformity](#) determination will lapse. During a [conformity lapse](#), MPOs can prepare an [interim metropolitan transportation plan](#) as a basis for advancing projects that are eligible to proceed under a [conformity lapse](#). An [interim metropolitan transportation plan](#) consisting of eligible projects from, or consistent with, the most recent conforming transportation plan and TIP may proceed immediately without revisiting the requirements of this section, subject to interagency [consultation](#) defined in [40 CFR part 93](#), subpart A. An [interim metropolitan transportation plan](#) containing eligible projects that are not from, or consistent with, the most recent conforming transportation plan and TIP must meet all the requirements of this section.

23 USC 134(c)(1) General Requirements, Development of Long-Range Plans and TIPS

To accomplish the objectives in subsection (a), metropolitan planning organizations designated under subsection (d), in cooperation with the State and public transportation operators, shall develop long-range transportation plans and transportation improvement programs through a performance-driven, outcome-based approach to planning for metropolitan areas of the State.

23 USC 134(h) Scope of the Planning Process

1. In general.— The metropolitan planning process for a metropolitan planning area under this section shall provide for consideration of projects and strategies that will—

1. support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;
2. increase the safety of the transportation system for motorized and nonmotorized users;
3. increase the security of the transportation system for motorized and nonmotorized users;
4. increase the accessibility and mobility of people and for freight;
5. protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns;
6. enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;
7. promote efficient system management and operation; and
8. emphasize the preservation of the existing transportation system.
9. improve the resiliency and reliability of the transportation system and reduce or mitigate stormwater impacts of surface transportation; and
10. enhance travel and tourism.

(2) Performance-based approach.—

(A) In general.— The metropolitan transportation planning process shall provide for the establishment and use of a performance-based approach to transportation decisionmaking to support the national goals described in section [150 \(b\)](#) of this title and in section [5301 \(c\)](#) of title [49](#).

(B) Performance targets.—

(i) Surface transportation performance targets.—

(I) In general.— Each metropolitan planning organization shall establish performance targets that address the performance measures described in section [150 \(c\)](#), where applicable, to use in tracking progress towards attainment of critical outcomes for the region of the metropolitan planning organization.

(II) Coordination.— Selection of performance targets by a metropolitan planning organization shall be coordinated with the relevant State to ensure consistency, to the maximum extent practicable.

(ii) Public transportation performance targets.— Selection of performance targets by a metropolitan planning organization shall be coordinated, to the maximum extent practicable, with providers of public transportation to ensure consistency with sections [5326 \(c\)](#) and [5329 \(d\)](#) of title [49](#).