

AGENDA

APO POLICY BOARD MEETING

THURSDAY, MARCH 11, 2021 - 4:30 P.M.

VIRTUAL MEETING VIA ZOOM



1. Introductions
2. Approval of Agenda
3. Public Comment Period
4. Consideration of Consent Agenda Items (*Attachments A – F*)
 - a. Approve Minutes of February 11, 2021 Policy Board Meeting (*Attachment A*)
 - b. Approve Actual Bills List for February and Anticipated Bills for March (*Attachments B1 – B2*)
 - c. Approve Purchase of Bicycle-Pedestrian Counter (*Attachment C*)
 - d. Approve Contract for Regional Household Travel Survey (*Attachment D*)
 - e. Approve Transportation Improvement Program Administrative Modification (*Attachment E*)
 - f. Receive Staff Report for Technical Advisory Committee Meetings (*Attachment F*)
5. Consider Active Transportation Plan Goals and Objectives (*Attachment G*) *Brian Gibson, Executive Director*
 - a. **Suggested Action:** Approve
6. Consider Changes to APO Procurement Policies (*Attachments H1 & H2*) *Brian Gibson, Executive Director*
 - a. **Suggested Action:** Approve
7. Presentation: Introduction to the APO (*Attachment I*) *Brian Gibson, Executive Director*
 - a. **Suggestion Action:** None, informational only
8. Other Business & Announcements
9. Adjournment

English

The Saint Cloud Area Planning Organization (APO) fully complies with the Title VI of the Civil Rights Act of 1964, Title II of the Americans with Disabilities Act of 1990, Executive Order 12898, Executive Order 13116 and related statutes and regulations. The APO is accessible to all persons of all abilities. A person who requires a modification or accommodation, auxiliary aids, translation services, interpreter services, etc., in order to participate in a public meeting, including receiving this agenda and/or attachments in an alternative format, or language please contact the APO at 320-252-7568 or at admin@stcloudapo.org at least seven (7) days in advance of the meeting.

Somali

Ururka Qorsheynta Deegaanka ee Cloud Cloud (APO) wuxuu si buuxda u waafaqsanahay Cinwaanka VI ee Xuquuqda Xuquuqda Rayidka ee 1964, Cinwaanka II ee Sharciga Naafada Mareykanka ee 1990, Amarka Fulinta 12898, Amarka Fulinta 13116 iyo qawaaniinta iyo qawaaniinta la xiriira. APO waa u furan tahay dhammaan dadka awooda oo dhan. Qofka u baahan dib-u-habeyn ama dejin, caawimaad gargaar ah, adeegyo turjumaad, adeegyo turjubaan, iwm, si uu uga qeyb galo kulan dadweyne, oo ay ku jiraan helitaanka ajendahaan iyo / ama ku lifaaqan qaab kale, ama luqadda fadlan la xiriir APO. 320-252-7568 ama at admin@stcloudapo.org ugu yaraan toddobo (7) maalmood kahor kulanka.

Spanish

La Organización de Planificación del Área de Saint Cloud (APO en inglés) cumple plenamente con el Título VI de la Ley de Derechos Civiles de 1964, con el Título II de la Ley sobre los Estadounidenses con Discapacidad de 1990), de la Orden Ejecutiva 12898, de la Orden Ejecutiva 13116 y los estatutos y reglamentos relacionados. La APO es accesible para todas las personas de todas las capacidades. Una persona que requiere una modificación o acomodación, ayudas auxiliares, servicios de traducción, servicios de interpretación, etc., para poder participar en una reunión pública, incluyendo recibir esta agenda y/o archivos adjuntos en un formato o idioma alternativo, por favor, contacta a la APO al número de teléfono 320-252-7568 o al admin@stcloudapo.org al menos siete (7) días antes de la reunión.

Saint Cloud Area Planning Organization Electronic Meeting Notification

February 23, 2021

The Executive Director has determined that an in-person meeting is not prudent and – under MN Statute 13D.021, subdivision 1 – believes that a conference with Policy Board members participating via video conference and/or conference call is warranted.

The following process for the Saint Cloud Area Planning Organization's Policy Board meeting to be held on Thursday, March 11, 2021, at 4:30 p.m. will be done in accordance with State Law:

1. The Executive Director will be present at the Saint Cloud Area Planning Organization office. The meeting will be audio recorded.
2. All votes will be done by rollcall so there is a clear record of who is in favor or opposed to the subject vote.
3. We will ensure that all members are able to hear one another and all discussions and testimony.
4. Notice of the meeting will be sent to all persons who have requested notice along with area media outlets.
5. Any member of the public may contact the Executive Director if he or she desires to be connected electronically to the meeting to hear the content of the meeting. If there is an expense for such connection, the Executive Director shall inform the public of the charge for such connection in advance of the meeting.

Allowing the public to be present at this meeting has been determined to not be feasible due to the health pandemic and emergency declaration and is authorized by MN Statute 13D.021, subdivision 1.

SAINT CLOUD AREA PLANNING ORGANIZATION POLICY BOARD
Thursday, February 11, 2021 – 4:30 p.m.

A regular meeting of the Saint Cloud Area Planning Organization Policy Board was held on Thursday, February 11th at 4:30 p.m. APO Chair Joe Perske presided with the following members participating via the Zoom app or telephone access:

Commissioner Joe Perske	Stearns County
Mayor Rick Miller	City of Waite Park
Commissioner Raeanne Danielowski	Sherburne County
Ryan Daniel, CEO	Metro Bus
Mayor Dave Kleis	City of Saint Cloud
Paul Brandmire	City of Saint Cloud
Tim Elness	City of Sartell
Jeff Goerger	City of Saint Cloud
Dottie Seamans	City of Sauk Rapids
Beth Schlangen	Benton County
Jared Gapinski	Benton County
Scott Hedlund	Sauk Rapids
Jon Halter	City of Sartell
Andrew Witter	Sherburne County
Steve Foss	City of Saint Cloud
Brian Gibson, Exec Director	Saint Cloud APO
Amber Blattner	Saint Cloud APO
Vicki Johnson	Saint Cloud APO
Alex McKenzie	Saint Cloud APO
Fred Sandal	Saint Cloud APO

APPROVAL OF AGENDA:

Mr. Goerger motioned to approve the agenda, and Mr. Brandmire seconded the motion. Roll Call Vote: Miller-yes; Danielowski-yes; Daniel-yes; Brandmire-yes; Perske-yes; Kleis-yes; Goerger – yes; Seamans – yes; Elness – yes; Motion Passed.

PUBLIC COMMENT PERIOD: No members of the public were in attendance.

CONSIDERATION OF CONSENT AGENDA ITEMS:

- Approve Minutes of January 14, 2021 Policy Board Meeting (*Attachment A*)
- Approve Actual Bills List for January and Anticipated Bills Lists for February and March (*Attachments B1 – B2*)
- Approve Liability Coverage Statutory Tort Limits (*Attachment C*)
- Approve Technical Corrections to APO Stakeholder Engagement Plan (*Attachments D1 – D2*)
- Approve PM2, PM3, and Transit Safety Performance Targets (*Attachment E*)
- Receive Staff Report for January Meeting of Active Transportation Advisory Committee (*Attachment F*)

g. Receive Staff Report for District 3 Area Transportation Partnership Meeting
(Attachment G)

Mr. Kleis motioned to approve the consent agenda, and Ms. Seamans seconded the motion. Roll Call Vote: Miller-yes; Danielowski-yes; Daniel-yes; Brandmire-yes; Perske-yes; Kleis-yes; Goerger – yes (abstain from item a); Seamans – yes; Elness – yes; Motion Passed.

Consider FYs 2021-2024 Transportation Improvement Program Amendments and Administrative Modifications (Attachments H1 - H3)

Ms. Johnson provided a summary of the changes to the TIP that were requested by the following entities: Stearns County, City of St. Cloud, City of Sartell, City of Sauk Rapids, WACOSA, ConnectAbility of Minnesota, and MnDOT. Ms. Johnson noted the public comment period ran from December 30, 2020 through January 29, 2021 and 11 online surveys were taken. Reactions were mostly positive, but some participants indicated disapproval, but it was not clear what they disapproved of. Ms. Johnson noted that a memo was sent to members on February 2, 2021 regarding a MnDOT modification. The Technical Advisory Committee (TAC) met on February 4, 2021 and recommended Policy Board approval.

Mr. Kleis motioned to approve the TIP Amendments and Administrative Modifications, and Mr. Goerger seconded the motion. Roll Call Vote: Miller-yes; Danielowski-yes; Daniel-yes; Brandmire-yes; Perske-yes; Kleis-yes; Goerger – yes; Seamans – yes; Elness – yes; Motion Passed.

Consider FY 2025 Surface Transportation Block Grant Program Project Prioritization (Attachments I1 – I7)

Ms. Johnson gave an overview of the process for the Surface Transportation Block Grant Program (STBGP). STBGP is a federal funding source that is used by states and localities for projects to preserve and improve the conditions and performance of any Federal aid highway, bridge and tunnel projects on any public road, pedestrian and bicycle infrastructure, and transit capital projects including intercity bus. The project funds come from 80% federal funding (maximum) and 20% local. Saint Cloud APO is expected to receive \$2,135,120 of Federal funding in 2025. APO received six applications: City of Sartell 15th Street North expansion, Stearns County CSAH 81 resurfacing, Stearns County CSAH 133 resurfacing, City of Saint Cloud 2nd Street South reconstruction, City of Sauk Rapids Second Avenue South reconstruction, and Sherburne County CR 65/45 Avenue realignment. Ms. Johnson asked if there were any questions. Mr. Perske asked if the Sartell project was going to 19th or to Townline Road. Mr. Halter confirmed Phase 1 would go to 19th Avenue from Pine Cone Road to improve access for neighborhoods and the high school. At the February 4th TAC meeting they made the proposed recommendations: the City of Sauk Rapids would be awarded \$1,135,120, and Sherburne County would receive

the remaining one million dollars. Mr. Goerger asked if the City of Sauk Rapids received 30% would that allow the St. Cloud projects to also receive 30%. Ms. Johnson said that that would be possible but was not sure if the city would accept only 30% funding because once a project receives funding you cannot ask for more. Ms. Danielowski mentioned that Sherburne County has not received funds in 21 years and the project would benefit the St. Cloud area. Mr. Foss explained the TAC logic on recommending the two chosen projects. Mr. Foss said in the past we have funded projects at a low level, giving a smaller percent to more projects, but that can create problems if the project costs increase and the share of Federal funding falls below the 30% threshold, so we decided to start funding them at a higher level.

Ms. Danielowski motioned to approve the TAC recommendation of the City of Sauk Rapids being awarded \$1,135,120 and Sherburne County being awarded \$1,000,000, and if additional federal funding became available they would fund the two projects up to the 80% maximum, and then fund the next ranked St. Cloud project and Ms. Seamans seconded the motion. Roll Call Vote: Miller-yes; Danielowski-yes; Daniel-yes; Brandmire-yes; Perske-yes; Kleis-yes; Goerger – yes; Seamans – yes; Elness – yes; Motion Passed.

Consider FY 2025 Transportation Alternatives Project Prioritization (Attachments J1 – J2)

Ms. Johnson summarized what Transportation Alternatives (TA) are and how funding works. Ms. Johnson summarized that there were 16 applications received districtwide to compete for the \$1,600,000 available. The St. Cloud APO received one application from the City of Sartell. The City of Sartell would like to complete four trail and sidewalk connections. They requested \$367,040 of Federal funding. Ms. Johnson requested approval of the assignment of 10 regional priority points to the City of Sartell's TA project.

Mr. Goerger motioned to approve the City of Sartell's TA project, and Ms. Danielowski seconded the motion. Roll Call Vote: Miller-yes; Danielowski-yes; Daniel-yes; Brandmire-yes; Perske-yes; Kleis-yes; Goerger – yes; Seamans – yes; Elness – yes; Gapinski – YES; Motion Passed.

OTHER BUSINESS & ANNOUNCEMENTS:

Mr. Gibson noted that there are new members and that he is open to meeting with anyone who wants to learn more about the APO. Ms. Danielowski suggested Mr. Gibson give a summary to all Policy Board members. Mr. Gibson said he will provide a summary at the next Policy Board meeting. Mr. Perske noted that Ms. Schlangen has joined the meeting.

ADJOURNMENT:

The meeting was adjourned at 5:27 p.m.

ST. CLOUD AREA PLANNING ORGANIZATION

2:45 PM

Transaction List by Vendor

03/01/2021

February 2021

Type	Date	Num	Vendor Name	Accounting Description	Amount
Adobe Creative Cloud					
Credit Card Charge	02/04/2021	ADB15599857		6609 · IT Support & Software	22.59
Credit Card Charge	02/08/2021	1345604081		6609 · IT Support & Software	57.03
Credit Card Charge	02/10/2021	ADB15557648		6609 · IT Support & Software	16.13
Credit Card Charge	02/19/2021	8760		6609 · IT Support & Software	16.13
Credit Card Charge	02/19/2021	6960		6609 · IT Support & Software	16.13
Amazon Market Place					
Credit Card Charge	02/08/2021	7525048		6609.1 · Equipment & Hardware	64.56
Credit Card Charge	02/08/2021	05155446		6609.1 · Equipment & Hardware	644.67
BCBS of MN					
Bill Pmt -Check	02/22/2021	xx		6600.5 · Health/Dental/Life Insurance	4,819.18
CBI - SOPHOS SOFTWARE					
Credit Card Charge	02/01/2021	2367		6609 · IT Support & Software	44.88
Cloudnet					
Bill Pmt -Check	02/10/2021	Ck-GBFCCI29		6603.1 · Telephone	10.00
Conway,Deuth & Schmiesing PLLP					
Bill Pmt -Check	02/12/2021	Ck-2BFC3I4C		Audit - Year 2020 Financials	2,000.00
David Turch & Associates					
Bill Pmt -Check	02/12/2021	Ck-KB4CI4C		902.10 · Washington Lobbyist	4,000.00
Dell Financial Services					
Bill Pmt -Check	02/01/2021	E-9BFC37KU		6609.1 · Equipment & Hardware	182.95
Delta Dental					
Bill Pmt -Check	02/05/2021	eft		6600.5 · Health/Dental/Life Insurance	415.95
EI-Jay Mechanical					
Bill Pmt -Check	02/12/2021	Ck-VBKCEI4C		6606.2 · Maintenance	1,072.00
Further (SelectAccount)					
Bill Pmt -Check	02/22/2021	xx		6600.6 · HSA Account	48.00
Google Inc.					
Credit Card Charge	02/28/2021	7056		6603.1 · Telephone	48.00
Greater St Cloud Dev Corp					
Bill Pmt -Check	02/01/2021	Ck-2B7C27VU		Dues & Subscriptions	500.00
KLJ Engineering LLC					
Bill Pmt -Check	02/02/2021	Ck-8B5CM7LU		Trunk Hwy 15 Opearions Imprmt Study	20,000.00
Bill Pmt -Check	02/03/2021	Ck-2BTCV7LU		Trunk Hwy 15 Opearions Imprmt Study	14,336.30
Bill Pmt -Check	02/12/2021	Ck-WBEC4I4C		Trunk Hwy 15 Opearions Imprmt Study	3,040.97

ST. CLOUD AREA PLANNING ORGANIZATION

2:45 PM

Transaction List by Vendor

03/01/2021

February 2021

Type	Date	Num	Vendor Name	Accounting Description	Amount
			Liberty Savings Bank		
Bill Pmt -Check	02/11/2021	xx		VISA 2733	946.66
			Loffler Companies		
Bill Pmt -Check	02/08/2021	Ck-IBDCZ7YU		6608 · Multifunction Copier	141.71
			Metro Analytics		
Bill Pmt -Check	02/01/2021	Ck-DBXCV7YU		6622 CPG Travel Demand Model Updates	13,039.20
Bill Pmt -Check	02/16/2021	Ck-JB1CFI4C		6622 CPG Travel Demand Model Updates	12,346.24
			Microsoft		
Credit Card Charge	02/02/2021	7893457797		6609 · IT Support & Software	107.61
			Net V Pro		
Bill Pmt -Check	02/08/2021	Ck-VBACQ7LU		6609 · IT Support & Software	321.00
Bill Pmt -Check	02/12/2021	Ck-EBXCFI4C		6609 · IT Support & Software	343.50
			Postmaster		
Credit Card Charge	02/03/2021	889		6603.2 · Postage	29.70
			Premium Waters, Inc.		
Bill Pmt -Check	02/01/2021	E-SB4C47XU		6601 · Office Supplies	20.55
Bill Pmt -Check	02/23/2021	E-YBSC4IG9		6601 · Office Supplies	20.55
			Principal Mutual Life Insurance		
Bill Pmt -Check	02/01/2021	E-VBECH7XU		6600.5 · Health/Dental/Life Insurance	349.90
Check	02/10/2021	E-IBKCKI29		6600.5 · Health/Dental/Life Insurance	349.90
Bill Pmt -Check	02/16/2021	E-YB5CI7XU		6600.5 · Health/Dental/Life Insurance	349.90
			Quadient (Neopost USA, Inc)		
Bill Pmt -Check	02/10/2021	Ck-3BECVI29		6603.2 · Postage	35.00
			Quill.com		
Bill Pmt -Check	02/01/2021	E-TBPCN7XU		6601 · Office Supplies	200.88
			SC Times		
Bill Pmt -Check	02/01/2021	Ck-DBTCI7MU		6605 · Printing & Publishing	513.83
			Schroden's Inc.		
Bill Pmt -Check	02/01/2021	Ck-8BRCD7MU		6606.2 · Maintenance	140.00
Bill Pmt -Check	02/10/2021	Ck-YB3CTI29		6606.2 · Maintenance	240.00
			Spectrum Business (Charter)		
Bill Pmt -Check	02/01/2021	E-7BQCE7MU		Internet and Telephone	414.94
Bill Pmt -Check	02/10/2021	E-RBVCSI29		Internet and Telephone	414.94
			Stantec Consulting Services Inc		
Bill Pmt -Check	02/04/2021	Ck-SB4CL7MU		6622 CPG Mississippi River Bridge Plan20	8,789.72

ST. CLOUD AREA PLANNING ORGANIZATION

2:45 PM

Transaction List by Vendor

03/01/2021

February 2021

Type	Date	Num	Vendor Name	Accounting Description	Amount
Bill Pmt -Check	02/17/2021	Ck-IBHC614C		6622 CPG Mississippi River Bridge Plan20	20,000.00
Bill Pmt -Check	02/18/2021	Ck-7BHCHI4C		6622 CPG Mississippi River Bridge Plan20	20,000.00
Bill Pmt -Check	02/19/2021	Ck-KBRC714C		6622 CPG Mississippi River Bridge Plan20	1,204.30
			Stearns Electric Association		
Bill Pmt -Check	02/25/2021	xx		6606.1 · Utilities	149.91
			WACOSA		
Bill Pmt -Check	02/01/2021	Ck-ABICC7WU		6606.2 · Maintenance	129.62
			Weisman Cleaning Inc		
Bill Pmt -Check	02/11/2021	Ck-OB2CSI09		6606.2 · Maintenance	279.83
			West Central Sanitation, Inc		
Bill Pmt -Check	02/01/2021	E-GBHCE7WU		6606.2 · Maintenance	39.74
Bill Pmt -Check	02/22/2021	E-6BZCRID9		6606.2 · Maintenance	41.40
			Xcel Energy		
Bill Pmt -Check	02/03/2021	xx		6606.1 · Utilities	211.49
			Your CFO Inc		
Bill Pmt -Check	02/01/2021	Ck-8B9CG7KU		6602.2 · Accounting Services	1,519.00
					134,046.49

LIBERTY BANK DEPOSITS

	Deposit Date	Amount
City of St Joseph - Assessment - 1st Half	2/2/2021	3,180.50
MN DOT - November 2020 Billing for CPG	2/4/2021	39,106.90
MN DOT - TH15 - Operations Improvement - MN DOT	2/19/2021	54,800.00
Return of Duplicate Payment - Wacosa	2/24/2021	279.83
MN DOT - 4th Qtr 2020 Grant	2/25/2021	15,703.75
MN DOT - December 2020 Billing for CPG	2/26/2021	66,377.79
Bank interest earned	2/28/2021	5.63
		179,454.40

PROPOSED March 2021 and April 2021 DISBURSEMENTS
prepared 03/01/2021

Method Of Payment	To Whom Paid	What Check is for	Account	Amount
Direct Dep.	Net Payroll (including insurance reimbursement)	3/5/2021 Payroll Paid	Payroll	\$ 8,189.24
Electronic	Expense Reimbursemt - Employee mileage	3/5/2021 Payroll Paid	Payroll	\$ -
Electronic	Social Security, Medicare & Federal Tax PAID	3/5/2021 Payroll Paid	Payroll	\$ 2,482.00
Electronic	MN Department of Revenue-Withholding PAID	3/5/2021 Payroll Paid	Payroll	\$ 588.00
Electronic	PERA	3/5/2021 Payroll Paid	Payroll	\$ 1,744.70
Electronic	Great West Annuity	3/5/2021 Payroll Paid	Payroll	\$ 10.00
Electronic	Minnesota State Retirement System	3/5/2021 Payroll Paid	Payroll	\$ 90.93
Electronic	Select Account (H.S.A.)	3/5/2021 Payroll Paid	Payroll	\$ 157.70
Direct Dep.	Net Payroll (including insurance reimbursement)	3/19/2021 Payroll Paid	Payroll	\$ 8,189.24
Electronic	Expense Reimbursemt - Employee mileage	3/19/2021 Payroll Paid	Payroll	\$ -
Electronic	Social Security, Medicare & Federal Tax PAID	3/19/2021 Payroll Paid	Payroll	\$ 2,482.00
Electronic	MN Department of Revenue-Withholding PAID	3/19/2021 Payroll Paid	Payroll	\$ 588.00
Electronic	PERA	3/19/2021 Payroll Paid	Payroll	\$ 1,744.70
Electronic	Great West Annuity	3/19/2021 Payroll Paid	Payroll	\$ 10.00
Electronic	Minnesota State Retirement System	3/19/2021 Payroll Paid	Payroll	\$ 90.93
Electronic	Select Account (H.S.A.)	3/19/2021 Payroll Paid	Payroll	\$ 157.70
Direct Dep.	Net Payroll (including insurance reimbursement)	4/2/2021 Payroll Paid	Payroll	\$ 8,189.24
Electronic	Expense Reimbursemt - Employee mileage	4/2/2021 Payroll Paid	Payroll	\$ -
Electronic	Social Security, Medicare & Federal Tax PAID	4/2/2021 Payroll Paid	Payroll	\$ 2,482.00
Electronic	MN Department of Revenue-Withholding PAID	4/2/2021 Payroll Paid	Payroll	\$ 588.00
Electronic	PERA	4/2/2021 Payroll Paid	Payroll	\$ 1,744.70
Electronic	Great West Annuity	4/2/2021 Payroll Paid	Payroll	\$ 10.00
Electronic	Minnesota State Retirement System	4/2/2021 Payroll Paid	Payroll	\$ 90.93
Electronic	Select Account (H.S.A.)	4/2/2021 Payroll Paid	Payroll	\$ 157.70
Direct Dep.	Net Payroll (including insurance reimbursement)	4/16/2021 Payroll Paid	Payroll	\$ 8,189.24
Electronic	Expense Reimbursemt - TRB conference	4/16/2021 Payroll Paid	Payroll	\$ -
Electronic	Social Security, Medicare & Federal Tax PAID	4/16/2021 Payroll Paid	Payroll	\$ 2,482.00
Electronic	MN Department of Revenue-Withholding PAID	4/16/2021 Payroll Paid	Payroll	\$ 588.00
Electronic	PERA	4/16/2021 Payroll Paid	Payroll	\$ 1,744.70
Electronic	Great West Annuity	4/16/2021 Payroll Paid	Payroll	\$ 10.00
Electronic	Minnesota State Retirement System	4/16/2021 Payroll Paid	Payroll	\$ 90.93
Electronic	Select Account (H.S.A.)	4/16/2021 Payroll Paid	Payroll	\$ 157.70
Direct Dep.	Net Payroll (including insurance reimbursement)	4/30/2021 Payroll Paid	Payroll	\$ 8,189.24
Electronic	Expense Reimbursemt - TRB conference	4/30/2021 Payroll Paid	Payroll	\$ -
Electronic	Social Security, Medicare & Federal Tax PAID	4/30/2021 Payroll Paid	Payroll	\$ 2,482.00
Electronic	MN Department of Revenue-Withholding PAID	4/30/2021 Payroll Paid	Payroll	\$ 588.00
Electronic	PERA	4/30/2021 Payroll Paid	Payroll	\$ 1,744.70
Electronic	Great West Annuity	4/30/2021 Payroll Paid	Payroll	\$ 10.00
Electronic	Minnesota State Retirement System	4/30/2021 Payroll Paid	Payroll	\$ 90.93
Electronic	Select Account (H.S.A.)	4/30/2021 Payroll Paid	Payroll	\$ 157.70
Credit Card	Adobe Creative Cloud - March 2021	Subscription service to PDF software	IT Support & Software	\$ 89.29
Credit Card	Adobe Creative Cloud - April 2021	Subscription service to PDF software	IT Support & Software	\$ 89.29
Check	AFLAC - March 2021	Employee Addtl Insurance	Payroll	\$ 993.90
Check	AFLAC - April 2021	Employee Addtl Insurance	Payroll	\$ 993.90
Credit Card	Amazon Market Place	one 1080P 60FPS Webcam with Microphone	IT Support & Software	\$ 64.56
Credit Card	Amazon Market Place	one JABRA speak 810 UC - speakerphone	IT Support & Software	\$ 644.67
Electronic	BCBS of MN - March 2021	Employee Health Insurance	Payroll	\$ 4,819.18
Electronic	BCBS of MN - April 2021	Employee Health Insurance	Payroll	\$ 4,819.18
Credit Card	CBI _ Sophos software		IT Support & Software	\$ 44.88
Check	City of St Cloud - Water/Sewer - March 2021	Utilities - water / sewer	Utilities	\$ 25.00
Check	City of St Cloud - Water/Sewer - April 2021	Utilities - water / sewer	Utilities	\$ 25.00
Check	Cloudnet - March 2021	Internet Service	Utilities	\$ 10.00
Check	Cloudnet - April 2021	Internet Service	Utilities	\$ 10.00

PROPOSED March 2021 and April 2021 DISBURSEMENTS
prepared 03/01/2021

Method Of Payment	To Whom Paid	What Check is for	Account	Amount
Check	Conway Deuth & Schmiesing PLLP	Audit - financial	Audit	\$ 2,000.00
Check	David Turch & Associates - estimate - March 2021	Lobbyist Services	Lobbying	\$ 4,000.00
Check	David Turch & Associates - estimate - April 2021	Lobbyist Services	Lobbying	\$ 4,000.00
Check	Dell Financial Services	computer	IT Support & Software	\$ 1,427.46
Check	Delta Dental - estimate - March 2021	Employee dental insurance	Payroll	\$ 415.95
Check	Delta Dental - estimate - April 2021	Employee dental insurance	Payroll	\$ 415.95
Check	EL-Jay Mechanical	Water Heater Replacement	Maintenance	\$ 1,072.00
Credit Card	Google Inc - March 2021	G Suite Basic - Commitment	Utilities	\$ 48.00
Credit Card	Google Inc - April 2021	G Suite Basic - Commitment	Utilities	\$ 48.00
Check	Loffler Companies - estimate - March 2021	Copier Supplies	Copy Machine	\$ 150.00
Check	Loffler Companies - estimate - April 2021	Copier Supplies	Copy Machine	\$ 150.00
Credit Card	Microsoft	Office 365	IT Support & Software	\$ 107.61
Credit Card	Neopost USA, Inc.	Postage Meter	Meter Lease	\$ 59.25
Credit Card	Neopost USA, Inc.	Postage Meter	Postage	\$ 200.00
Check	Net V Pro - March 2021	Monthly IT Support	IT Support & Software	\$ 321.00
Check	Net V Pro - April 2021	Monthly IT Support	IT Support & Software	\$ 321.00
Check	Premium Water Inc - estimate - March 2021	office drinking water	Utilities	\$ 25.00
Check	Premium Water Inc - estimate - April 2021	office drinking water	Utilities	\$ 25.00
Check	Principal Financial - March 2021	Employee disability insurance	Payroll	\$ 349.90
Check	Principal Financial - April 2021	Employee disability insurance	Payroll	\$ 349.90
Credit Card	Post Office	Postage Meter	Postage	\$ 29.70
Check	Schroden's Inc	snow removal - February 2021 - estimate	Maintenance	\$ 200.00
Check	Schroden's Inc	snow removal - March 2021 - estimate	Maintenance	\$ 200.00
Check	Spectrum Business (Charter) - estimate - March 2021	Internet Service	Utilities	\$ 414.94
Check	Spectrum Business (Charter) - estimate - April 2021	Internet Service	Utilities	\$ 414.94
Check	Stantec Consulting Services Inc	Period Ended 1/31/21	CPG Passthrough Mississippi River Bridge Plan20	\$ 15,424.59
Electronic	Stearns Electric Association - estimate - March 2021	Utilities - electric	Utilities	\$ 250.00
Electronic	Stearns Electric Association - estimate - April 2021	Utilities - electric	Utilities	\$ 250.00
Check	SC Times - estimate - estimate - March 2021	Public Postings	Printing/Publishing	\$ 200.00
Check	SC Times - estimate - estimate - April 2021	Public Postings	Printing/Publishing	\$ 200.00
Check	Weisman Cleaning Inc - estimate - March 2021	Office Cleaning Services	Maintenance	\$ 150.00
Check	Weisman Cleaning Inc - estimate - April 2021	Office Cleaning Services	Maintenance	\$ 150.00
Check	West Central Sanitation Inc - estimate - March 2021	Utility - garbage	Utilities	\$ 39.57
Check	West Central Sanitation Inc - estimate - April 2021	Utility - garbage	Utilities	\$ 39.57
Electronic	Xcel Energy - estimate - March 2021	Utilities - gas	Utilities	\$ 200.00
Electronic	Xcel Energy - estimate - April 2021	Utilities - gas	Utilities	\$ 200.00
Check	Your CFO Inc	2021 accounting services - March	Accounting Services	\$ 1,519.00
Check	Your CFO Inc	2021 accounting services - April	Accounting Services	\$ 1,519.00
TOTAL				\$ 115,829.03



1040 County Road 4, Saint Cloud, MN 56303-0643

T. 320.252.7568 F. 320.252.6557

TO: Saint Cloud APO Policy Board
FROM: Brian Gibson, PTP, Executive Director
RE: Purchase of Bicycle-Pedestrian Counter
DATE: February 23, 2021

Like vehicle counting equipment, bicycle-pedestrian counters are machines that count bicycles and pedestrians that pass over or near them. The APO typically deploys bicycle-pedestrian counters on shared-use paths around the region to track facility usage and to better understand how area residents are using non-motorized modes of transport to meet their needs.

Currently, the Minnesota Department of Transportation (MnDOT) allows the APO to take care of a bicycle-pedestrian counter. The counter, purchased by MnDOT, is made by a company called Eco-Visio, and the model is called "Mobile Multi". As caretakers of this piece of equipment we are allowed to use it as needed, and it has become an important tool for the APO to track bicycle and pedestrian activity. However, MnDOT also allows other entities (i.e., cities, counties, park departments, etc.) within the region to also use the counter. Over the past two years, we have been fielding more and more requests to us the Mobile Multi counter from outside entities, so much so that it has become less available to us. As a result, we have completed fewer counts than in previous years.

Staff would like to purchase a second Multi Mobile counter of our own so that we always have at least one counter available for our use. The price for the counter is \$5,475. We would use this counter to continue our bike-ped counting program, and supplement it with the MnDOT counter when possible such that we complete our seasonal counts more quickly.

We have a budget of \$7,500 for new equipment in 2021. The only other major equipment purchase for 2021 that I anticipate is the purchase of a new computer for the Executive Director. I expect both the counter and the computer would fit within the approved budget.

Requested Action: Approve the purchase of a Mobile Multi bike-ped counter for a price of \$5,475.



1040 County Road 4, Saint Cloud, MN 56303-0643

T. 320.252.7568 F. 320.252.6557

TO: Saint Cloud APO Policy Board
FROM: Brian Gibson, PTP, Executive Director
RE: Contract for Regional Household Travel Survey
DATE: February 23, 2021

When the Policy Board approved the 2021 Unified Planning Work Program, it approved a budget of \$300,000 for a regional household travel survey. The purpose of the survey is to gain insight on the travel behavior of area residents, which will both help our understanding of travel behavior and will also help us improve our regional travel demand model, which uses certain assumptions about travel behavior to forecast traffic demand. Currently the model uses assumptions based on national surveys or travel surveys from other cities.

Staff issued a Request for Proposals in January, and we received three proposals from qualified firms. Staff reviewed the proposals and ranked the proposal from Resource Systems Group (RSG) as the top proposal. I have negotiated a final scope-of-work and contract with RSG.

During the survey, a random sample of households will be asked to complete travel diaries. Those households that agree to use RSG's smartphone app will be asked to verify all trips for household members for a seven-day period. Those households who cannot or choose not to use the smartphone app will be asked to complete a trip diary for a selected 24-hour period. Through this effort, we expect to receive data about several thousand trips.

Requested Action: Approve the contract with RSG Inc. for the regional household travel survey for a cost not to exceed \$300,000.



1040 County Road 4, Saint Cloud, MN 56303-0643

T. 320.252.7568 F. 320.252.6557

TO: Saint Cloud Area Planning Organization Policy Board
FROM: Vicki Johnson, Senior Transportation Planner
RE: FY 2021-2024 Transportation Improvement Program Administrative Modification
DATE: Feb. 25, 2021

One of the responsibilities of the Saint Cloud Area Planning Organization (APO), as outlined by the Federal Government, is to develop and maintain a Transportation Improvement Program (TIP). The TIP is the document that programs federal funds for transportation improvements in the APO's Metropolitan Planning Area (MPA). Decisions about transportation investments require collaboration and cooperation between different levels of government and neighboring agencies and jurisdictions. As a document, the TIP reports how the various agencies and jurisdictions within the MPA have prioritized their use of limited Federal highway and transit funding.

The Minnesota Department of Transportation (MnDOT) is requesting a change be made to the fiscal years 2021-2024 TIP. The MN 301 retaining wall restoration project (7109-08) is currently programmed as an \$800,000 state-funded project to be constructed in fiscal year 2021. The MnDOT Historic Roadside Property Program manager is requesting this project be moved to fiscal year 2022. In addition, MnDOT is proposing to increase the cost of this project to \$900,000. Fiscal constraint will be maintained.

In accordance with the APO's Stakeholder Engagement Plan, the proposed changes are an administrative modification and therefore do not require the 30-day public input process.

The APO's Technical Advisory Committee (TAC) discussed the proposed change at its Feb. 25, 2021, meeting and recommended Policy Board approval.

Suggested Action: Approval.



1040 County Road 4, Saint Cloud, MN 56303-0643

T. 320.252.7568 F. 320.252.6557

TO: Saint Cloud Area Planning Organization Policy Board
FROM: Vicki Johnson, Senior Transportation Planner
RE: Staff Report on Feb. 4 and Feb. 25 Technical Advisory Committee meetings
DATE: Feb. 26, 2021

The Saint Cloud Area Planning Organization's (APO's) Technical Advisory Committee (TAC) held a special meeting on Thursday, Feb. 4, 2021. At that meeting, the following topics were discussed:

- FY 2021-2024 Transportation Improvement Program (TIP) Amendments and Administrative Modifications
 - TAC representatives considered requests from Stearns County, City of Saint Cloud, City of Sartell, City of Sauk Rapids, WACOSA, ConnectAbility of Minnesota, and the Minnesota Department of Transportation (MnDOT) to make changes to the APO's FY 2021-2024 TIP. Staff presented information about public comments received on these proposed changes. The TAC recommended Policy Board approval.
- FY 2025 ATP-Managed Surface Transportation Block Grant Program (STBGP) prioritization
 - TAC representatives were provided information about the six FY 2025 STBGP applications received by APO staff. They were as follows:
 - City of Sartell's 15th Street N corridor expansion.
 - Stearns County's CSAH 81 resurfacing.
 - Stearns County's CSAH 133 resurfacing.
 - City of Saint Cloud's 22nd Street S reconstruction.
 - City of Sauk Rapids' Second Avenue S reconstruction.
 - Sherburne County's CR 65/45th Avenue realignment.
 - APO staff informed TAC representatives of the proposed Federal funding target for the APO was \$2,135,120. TAC representatives discussed these projects and recommended funding the City of Sauk Rapids project at \$1,135,120 in Federal funds and the remaining \$1 million would be allocated to Sherburne County. Both projects would be receiving less than what was requested in Federal funding. TAC representatives also recommended that if additional funding was made available it would be distributed to these two projects first to fulfill their requested Federal funding amount. Any additional Federal funding would be allocated in the following order: City of Saint Cloud, City of Sartell, Stearns County CSAH 81, and Stearns County CSAH 133.
- FY 2025 Transportation Alternatives (TA) program prioritization
 - TAC representatives heard a presentation from the City of Sartell on their proposed FY 2025 TA project to complete two trail and two sidewalk gaps. Since this was the only application received within the APO's planning area,

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TAC representatives recommended assigning the city the APO's 10 regional priority points. The Sartell application will be competing against 15 other TA applications from across MnDOT District 3 for the available \$1.6 million in Federal funding assistance.

The Saint Cloud Area Planning Organization's (APO's) Technical Advisory Committee (TAC) held a regular meeting on Thursday, Feb. 25, 2021. At that meeting, the following topics were discussed:

- FY 2021-2024 Transportation Improvement Program (TIP) Administrative Modification
 - APO staff presented on a proposed change to the FY 2021-2024 TIP requested by the Minnesota Department of Transportation (MnDOT). MnDOT is requesting to delay preservation work on the WPA wall along MN 301 from 2021 to 2022. In addition, they are requesting to increase the project cost from \$800,000 to \$900,000. TAC representatives recommended Policy Board approval of the request.
- Revision to the FY 2022-2025 Transportation Improvement Program (TIP) Development Schedule
 - APO staff, to better coordinate with MnDOT's State Transportation Improvement Program (STIP) development schedule, have requested a revision to the approved FY 2022-2025 TIP development schedule. Staff indicated the public comment period on the final draft of the TIP would be pushed back from June to July to further accommodate any last-minute changes made by MnDOT. This would push back approval of the TIP from July/August to August/September. TAC members approved of the proposed change.
- Active Transportation Plan (ATP) Vision Statement, Goals, and Objectives
 - APO staff presented on the proposed vision, goals, and objectives for the Active Transportation Plan (ATP). Staff have identified five goals for the region:
 - Improve bicycle and pedestrian safety and comfort.
 - Improve active transportation connections to desired destinations.
 - Improve the condition of active transportation infrastructure.
 - Provide equitable access to active transportation facilities for all people of all abilities.
 - Promote an interconnected regional active transportation network.
 - TAC representatives recommended Policy Board approval of the vision, goals, and objectives for the ATP.
- Active Transportation Facility Ownership Discussion
 - In relation to the ATP discussion, APO staff had a discussion with TAC representatives about ownership and maintenance of several shared use paths located across the MPA. Staff will work to further refine the definition of ownership and will work with each of jurisdictions individually.

Suggested Action: None, informational only.



1040 County Road 4, Saint Cloud, MN 56303-0643

T. 320.252.7568 F. 320.252.6557

TO: Saint Cloud Area Planning Organization Policy Board
FROM: Fred Sandal, Associate Transportation Planner
RE: Active Transportation Plan Vision, Goals and Objectives
DATE: March 26, 2020

In recent months staff has reported relative to the Active Transportation Plan (ATP) its findings from areawide data collection, the results of on-line surveys and other public comments. From the review of these findings and discussions with the Active Transportation Plan Advisory Committee (ATAC), a vision for the area's active transportation network was developed as follows:

The Saint Cloud MPA strives to provide a regionally-coordinated and well-maintained active transportation network allowing for safe, efficient, convenient, and comfortable walking and bicycling access to local and regional destinations for all users of all abilities.

This vision statement is proposed as the guiding principle for the future of active transportation in the region. The vision will also serve as a guide to project development and implementation from APO member jurisdictions relative to active transportation.

Drawn from this vision were a set of goals consistent with those outlined in the 2045 MTP and representing the desires and needs for furthering active transportation in the region. For each ATP goal, a set of measurable objectives was then carefully considered from which progress toward achieving goals can be monitored.

Goals and objectives for active transportation proposed for adoption by the APO are as follows:

Goal 1: Improve bicycle and pedestrian safety and comfort.

- **Objective 1.1: Reduce the number and severity of crashes involving pedestrians and people who cycle.**
- **Objective 1.2: Improve the comfort level of active transportation facilities where necessary.**

Goal 2: Improve active transportation connections to desired destinations.

- **Objective 2.1: Improve connectivity to high demand destinations for bicyclists and pedestrians.**
- **Objective 2.2: Improve bicycle and pedestrian connections to and**

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from transit stops.

Goal 3: Improve the condition of active transportation infrastructure.

- **Objective 3.1: Improve the state of good repair for active transportation facilities.**

Goal 4: Provide equitable access to active transportation facilities for all people of all abilities.

- **Objective 4.1: Provide comfortable facilities and access for people of all ages and abilities.**
- **Objective 4.2: Improve access to active transportation facilities in areas with high concentrations of vulnerable and underserved populations.**

Goal 5: Promote an interconnected regional active transportation network.

- **Objective 5.1: Improve connectivity across the planning area.**
- **Objective 5.2: Improve connectivity with communities outside of the MPA's boundaries.**

Adopting the goals and objectives will provide direction to the APO and its member jurisdictions in developing and prioritizing future investments in active transportation.

Policy Board agreement with these goals and objectives will provide the underlying framework for the analysis of areawide and local needs for bicycles, pedestrians, and other active transportation users. Factors for analyses relative to each objective will determine areas of focus within individual jurisdictions. Further discussion of the focus area analyses with local staff and representatives will identify workable project solutions to address gaps and other needs which will be incorporated into the ATP and inform the APO's long range transportation plan.

APO staff will next develop performance measures from available data to determine how well goals and objectives for active transportation are being addressed over time.

The APO's Technical Advisory Committee recommended at the Feb. 25, 2021 TAC meeting Policy Board approval of the active transportation vision, goals and objectives as presented.

Suggested Action: Approve the Active Transportation Plan vision statement, goals, and objectives.



1040 County Road 4, Saint Cloud, MN 56303-0643

T. 320.252.7568 F. 320.252.6557

TO: Saint Cloud APO Policy Board
FROM: Brian Gibson, PTP, Executive Director
RE: Amendment to the APO's Procurement Policies
DATE: February 26, 2021

Because the APO expends Federal grants, we are subject to Federal requirements regarding how the money can be expended. Federal grant requirements are largely contained in 2 Code of Federal Regulations (CFR) Part 200.

Late in 2020, a significant amendment to 2 CFR Part 200 was approved by the President and his administration. The stated purpose of the amendment was to "simultaneously reduce administrative burden and the risk of waste, fraud, and abuse while delivering better performance on behalf of the American people."

The changes that will impact the APO the most are the changes to the procurement thresholds. Federal procurement requirements are tiered so that smaller procurements are given maximum flexibility and larger procurements have the most administrative requirements. Some of those changes are summarized in the table below:

Procurement Type	Requirements	Previous Federal Dollar Amount Threshold	New Federal Dollar Amount Threshold	APO Staff Suggested Dollar Amount Limit
Micro-Purchase	Price should be "reasonable"	Up to \$3,500	Up to \$50,000	Up to \$10,000
Small Purchase	At least 2 price quotes from qualified vendors	Up to \$150,000	Up to \$250,000	\$10,001-\$25,000
Competitive Proposals	Request Proposals	Over \$150,000	Over \$250,000	Over \$25,000

I have attached a copy of the APO's procurement policies showing the proposed changes. The Minnesota Department of Transportation has reviewed the proposed

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changes and has no questions or concerns with the updated procurement procedures, stating that they are comprehensive and align with 2 CFR 200.

At your March 11th meeting I will provide a summary of the proposed changes for your consideration, but I encourage you to review the attached document ahead of time for all the details.

Requested Action: *Approve the amendments to the APO's procurement policies as shown attached.*

Saint Cloud Area Planning Organization Procurement Procedures

Approved by the Policy Board on XXXX, 2021

1. INTRODUCTION

The purpose of these procurement procedures is to provide uniform direction to employees of the Saint Cloud Area Planning Organization (APO) involved in the procurement of goods and services. Additionally, these procedures are intended to ensure that the APO's procurement processes are carried out in accordance with Federal procurement regulations, as shown in 2 CFR Part 200, and applicable State and local laws to the extent that they do not conflict with Federal regulations.

2. GOALS

1. To ensure procurement administrative efficiency by matching an appropriate level-of-effort with the size of the procurement.

1.2. To ~~create the maximum feasible~~,ensure free and open competition in all procurements.

2.3. To prevent potential waste, fraud, abuse, and conflicts of interest in the procurement process.

3.4. To insure fair and equal treatment of all potential vendors and contractors.

4.5. To establish standard procedures to be followed in making purchases.

5.6. To achieve the optimum price for the item(s) being purchased. The optimum price may or may not be the lowest price, all things considered.

6.7. To comply with Federal, State, and local procurement laws and regulations

3. ETHICAL STANDARDS

A conflict of interest arises when an employee, their partner, any member of their immediate family, or any organization that employs, or is about to employ, any of the above has a financial or other interest in or a tangible personal benefit from a firm being considered for a contract.

1. All procurements conducted by the APO shall comply with applicable Federal laws and standards as shown in 2 CFR Part 200, and also, to the extent possible, with applicable State and local laws. In the event that Federal laws directly contradict State or local laws, APO employees shall follow Federal laws. In the event that Federal laws are inconsistent with State or local laws, APO employees shall follow the more restrictive applicable law such that compliance with all laws is possible.
2. In general, an APO employee shall not engage in any procurement related activity that would actually or potentially create a conflict of interest, or which might reasonably be expected to contribute to the appearance of such a conflict.

3. No employee shall solicit nor accept favors, gratuities, or gifts of monetary value from actual or potential contractors or subcontractors. However, unsolicited de minimis gifts or favors ~~valued at \$25 or less per calendar year~~ may be accepted without consequence, but shall be reported to the ~~Executive~~Policy Board at a meeting that is open to the general public.
4. APO employees shall maintain strict confidentiality in the procurement process and shall not impart privileged information to any ~~contractors or~~ potential contractors that would give them an advantage over any other potential contractors. During a procurement process, when clarifying questions are received from potential contractors, all questions and all answers shall be made available to all potential contractors by publishing them on the APO's website.
5. To promote free and open competition, technical specifications shall be prepared to meet the minimum legitimate needs of the APO and, to the extent possible, shall not exclude or discriminate against any qualified contractors.
6. Any employee who violates these ethical standards shall be subject to disciplinary action based upon the extent and severity of the violation, up to and including employment termination. At a minimum, a formal letter of reprimand will be added to the employee's personnel file. The Executive Director, in consultation with the Officers of the Policy Board~~Personnel Committee~~, will determine the appropriate disciplinary action on a case-by-case basis.

4. GENERAL PROCUREMENT POLICIES

The following policies apply to all procurements conducted by APO employees:

1. In general, to help ensure good stewardship of public funds, qualifications-based procurement wherein price is not an evaluation factor is strongly discouraged.
2. Participation in Federal, State, and local intergovernmental agreements for the procurement or use of common goods and services is encouraged if such joint purchases are cost effective.
3. The APO shall avoid acquisition of unnecessary or duplicative items. Additionally, the APO shall consider consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis may be completed to determine the most economical approach.
4. The APO shall procure excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project or life-cycle costs.
5. Pursuant to 2 CFR §200.216, the APO shall **NOT** expend grant funds to procure, obtain, or enter into a contract to procure or obtain equipment, services, or systems from Huawei Technologies Company or ZTE Corporation or any subsidiary or affiliate thereof.
6. Pursuant to 2 CFR §200.322, the APO shall, to the greatest extent possible, purchase or acquire goods, products, or materials produced in the United States.
- 5-7. _____ The APO shall comply with the Minnesota Government Data Practices Act, Chapter 13, as it applies to data provided by the State, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the APO.

Solicitations

~~6.8.~~ When using the Competitive Proposal procurement method, ~~the~~ APO shall submit a copy of any draft Request for Proposals (RFP) to the Minnesota Department of Transportation (MnDOT) Planning Program Coordinator and request a Disadvantaged Business Enterprise (DBE) goal assignment before publicizing the RFP.

~~7.9.~~ Contractors or potential contractors that develop or draft independent cost estimates, specifications, requirements, statements of work, invitations for bids, or requests for proposals shall be excluded from competing for such procurements.

~~8.10.~~ All procurements will be conducted in a manner providing full and open competition consistent with the standards set forth in this policy. Some of the situations considered to be restrictive of competition include, but are not limited to:

- a. Placing unreasonable requirements on firms in order for them to qualify to do business;
- b. Requiring unnecessary experience and excessive bonding;
- c. Noncompetitive pricing practices between firms or between affiliated companies;
- d. Organizational conflicts of interest;
- e. Specifying only a "brand name" product instead of allowing "an equal" product to be offered; and
- f. Any arbitrary action in the procurement process.

~~9.11.~~ The APO shall ensure that all solicitation lists of pre-qualified persons, firms, or products that are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. The APO shall not preclude potential bidders or offerors from qualifying during the solicitation period.

~~10.12.~~ All solicitations shall incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description will not, in competitive procurements, contain features that unduly restrict competition. The specifications will identify all requirements that the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

- a. For procurements in excess of \$~~1025~~,000, APO employees shall develop and publicize either a formal written RFP, Request for Quotes (RFQ), or Invitation for Bids (IFB).

~~11.13.~~ For procurement in excess of \$25,000, ~~the~~ APO shall include the following information on all RFPs, RFQs, and IFBs supported by Federal funds:

- a. An announcement that the funds are from FHWA/FTA;
- b. The CFDA number; and
- c. The amount of FHWA/FTA funds that support the procurement.

~~12.14.~~ The APO shall take all necessary affirmative steps to assure small businesses, minority-owned businesses, women-owned businesses, and labor surplus firms are used when possible. Affirmative steps include:

- a. Placing qualified small and minority-owned businesses and women-owned businesses on the solicitation list of pre-qualified firms;

- b. Assuring that small and minority-owned businesses and -women-owned businesses are solicited whenever they are potential sources;
- c. Dividing requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority-owned businesses and women-owned businesses;
- d. Establishing delivery schedules, when possible, to encourage participation by small, minority-, and women-owned businesses;
- e. Using the services and assistance of organizations such as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
- f. Requiring primary contractors to also take these steps when they are exploring sub-contracting as well.

Evaluations and Awards

~~13.~~15. The APO shall use its written and approved method for conducting technical evaluations of proposals received and for selecting recipients. (See Section 6 "Evaluating Proposals".)

~~14.~~16. The APO shall not use in-State or local geographic preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. This does not preempt State of Minnesota licensing laws.

Contracts

17. For contracts for an amount less than \$1,500 or which may reasonably be expected to result in payments of \$1,500 or less per year, there is no prescribed format or content for the contract.

18. Contracts for an amount greater than \$1,500 but less than \$10,000 may be executed using a contract form or template provided by the vendor.

19. Contracts for amount of \$10,000 or more shall be executed using the APO's contract template, including the required Federal clauses and certifications.

20. For contracts more than \$10,000, the APO shall notify the MnDOT Planning Program Coordinator of its intent to award a contract prior to the issuance of the contract.

- a. MnDOT reserves the right to review and approve the contract. MnDOT may, at its sole discretion, approve or disapprove any contracts between the APO and a contractor, vendor, or consultant. However, the APO shall maintain primary responsibility for the work performed.

~~15.~~21. Before entering into any contract for more than \$25,000, APO employees shall check the Federal System for Award Management website (www.sam.gov) to ensure the vendor or contractor has not been excluded from doing business with the Federal government or its grantees. APO employees shall document that the SAM website has been checked.

~~16. The APO shall notify the MnDOT Planning Program Coordinator of its intent to award a contract prior to the issuance of the contract.~~

- ~~a. MnDOT reserves the right to review and approve the contract. MnDOT may, at its sole discretion, approve or disapprove any contracts between the APO and a contractor, vendor, or consultant. However, the APO shall maintain primary responsibility for the work performed.~~

~~17-22.~~ The APO will engage only responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration shall be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

~~18-23.~~ The APO will maintain records sufficient to detail the significant history of procurements, including but not limited to: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

a. The APO shall use a time-and-materials type contract ONLY after a determination that no other contract is suitable AND if the contract includes a ceiling price that the contractor exceeds at its own risk. The APO shall document such a determination and keep it in the contract file.

i. If the APO does award a time-and-materials type contract, it shall be prepared to assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using sufficient methods and effective cost controls.

~~19-24.~~ The APO shall NOT use a cost-plus-percentage method of contracting.

25. When using Competitive Proposal or Sole-Source procurement methods, profit must always be negotiated as a separate cost element.

~~20-26.~~ Contract terms for services shall not exceed five (5) years.

27. The APO will maintain a contract administration system that ensures that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. No payments to contractors may be made until this provision is satisfied.

~~21-~~

Project Development and Completion

~~22-28.~~ The APO shall comply with MnDOT's DBE reporting requirements.

~~23-29.~~ For contracts greater than \$25,000, All contracted services shall be performed to the satisfaction of the MnDOT Planning Program Coordinator and District Planner.

~~24-30.~~ Any studies, research, reports, etc. that identifies the State as a sponsoring agency shall not be released by the APO without prior written approval from the MnDOT Planning Program Coordinator or District Planner. The APO shall not claim that the State endorses its products or services.

~~25-31.~~ The APO shall include the following statement on all plans, studies, and reports:

a. *"The preparation of this report has been funded in part by the U.S. Department of Transportation, Federal Highway Administration and Federal Transit Administration. The contents of this document reflect the views of the authors who are responsible for the facts or accuracy of the data presented therein. The contents do not necessarily reflect the official views or policies of the U.S. Department of Transportation. The report does not constitute a standard, specification, or regulation."*

~~26-32.~~ The APO shall maintain contract files, technical specifications, procurement documents, independent cost estimates, books, reports, papers, accounting records,

and other evidence pertaining to costs incurred, and must make all such materials available for six (6) years from the date of final payment for inspection by the State or the Federal awarding agency. Materials shall be provided within one (1) week of notice from the State or Federal awarding agency.

~~27-33.~~ The APO shall self-certify its procurement process annually in the approved Unified Planning Work Program. This self-certification does not limit the Federal awarding agency's or MnDOT's right to review the system.

~~28-34.~~ To assure that expenditures are proper and in accordance with the terms and conditions of the Federal award and approved project budgets, the annual final fiscal report and any reimbursement request made to the Federal awarding agency through MnDOT shall include the following certification signed by the APO Executive Director:

- a. *"By signing this report, I certify to the best of my knowledge and belief that the report is true, complete, and accurate, and the expenditures, disbursements, and cash receipts are for the purposes and objective set forth in the terms and conditions of the Federal award. I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil, or administrative penalties for fraud, false statements, false claims, or otherwise (U.S. Code Title 18, Section 1001 and Title 31, Sections 3729-3730 and 3801-3812)."*

5. PROCUREMENT TYPES AND PROCESSES

MICRO PURCHASE

Micro Purchases are defined as those between \$0 and \$~~310~~,000.

1. Micro Purchases may be awarded without soliciting competitive quotes if the price is reasonable.
 - a. Written or oral quote solicitation can be used if a reasonable price cannot be found; there is no minimum number of quotes required.
2. To the extent practicable, the APO shall distribute Micro Purchases equitably among qualified suppliers.
3. Per action of the APO ~~ExecutivePolicy~~ Board, the Executive Director has authority to approve Micro Purchases up to \$1,500.
4. For Micro Purchases between \$1,501 and \$~~310~~,000, the ~~PolicyExecutive~~ Board Chair shall give pre-approval for the purchase.
5. Receipts will be retained, and all Micro Purchases will be documented on the ~~ExecutivePolicy~~ Board's monthly bills list.
6. A construction-related contract in excess of \$2,000 that uses Federal funds must include a provision for compliance with the Davis-Bacon Act (40 USC 3141-3144 and 3146-3148).

SIMPLIFIED PURCHASE

Simplified Purchases are defined as those between \$~~310~~,001 and \$~~1025~~,000.

1. Written or oral quotes shall be obtained from an adequate number of qualified sources.

- a. If fewer than three quotes are obtained, the reason shall be documented. The APO must receive quotes from at least two qualified sources, or else must use the Sole-Source procurement method.
2. The APO ~~ExecutivePolicy~~ Board Chair shall give pre-approval of all Simplified Purchases.
3. Award of Simplified Purchases may be based, in part, upon the experience, performance history, and qualifications of the offeror in addition to the quoted price.
4. Receipts will be retained, and all Simplified Purchases will be documented on the ~~ExecutivePolicy~~ Board's monthly bills list.
- ~~5.~~—A construction-related Simplified Purchase that uses Federal funds must include a contract provision for compliance with the Davis-Bacon Act (40 USC 3141-3144 and 3146-3148).

5.

~~SMALL PURCHASE~~

~~Small Purchases are relatively simple and informal procurements of equipment, goods, or professional services where total cost is between \$10,001 and \$100,000. (For more complex or planning related consultant services procurements in excess of \$10,000, APO staff shall use "Competitive Proposals".)~~

~~The Executive Board shall pre-approve all Small Purchases prior to the RFQ being publicized.~~

~~APO staff shall prepare a formal, written RFQ detailing the technical specifications or requirements of the good or service being sought and shall publicize it on the APO's website. Additionally, the APO may send the RFQ to its solicitation list of prequalified persons and firms.~~

~~Quotes from at least three qualified sources shall be solicited. If fewer than three qualified sources are solicited, the reasons shall be documented. The APO must receive quotes from at least two qualified sources, or else must use the Sole-Source procurement method.~~

~~Award of a Small Purchase shall be approved by the Executive Board and may be based, in part, upon the qualifications, performance history, and experience of the offeror in addition to the quoted price.~~

~~Vendors shall submit an invoice prior to payment, and a receiving slip must be signed for all items received (if applicable).~~

~~Invoices and receipts will be retained, and will be documented on the Executive Board's monthly bills list.~~

~~A Small Purchase contract shall address termination for cause and convenience by the APO, including the manner by which it will be effected and the basis or settlement.~~

~~For Small Purchases, the APO must comply with section 6002 of the Solid Waste Disposal Act, which includes procuring paper, non-paper office products, and construction material~~

~~with the highest percentage of recovered materials practicable consistent with maintaining a satisfactory level of competition.~~

~~Pursuant to EPA standards, the minimum recovered content for office paper shall be 30% post-consumer fiber. Small Purchase RFQs and contracts shall include this requirement.~~

~~APO staff shall check the EPA website for other minimums as the need arises.~~

~~For all RFQs exceeding an expected cost of \$25,000, the APO shall obtain from all offerors a signed Certificate of Primary Participant Regarding Debarment, Suspension, and Other Responsibility Matters, which shall become part of the contract and which shall be provided to the MnDOT Planning Program Coordinator for the State contract file.~~

~~A construction-related Small Purchase that uses Federal funds must include a contract provision for compliance with the Davis-Bacon Act (40 USC 3141-3144 and 3146-3148).~~

COMPETITIVE PROPOSALS

Competitive Proposals are generally used when procuring planning-related consultant services in excess of \$~~1025~~,000, or when conditions are such that the proposed project methodology, proposed work plan, proposed project schedule, and the offeror's qualifications are to be considered in addition to price in selecting the preferred offer.

1. All Competitive Proposal procurements shall be identified in the Unified Planning Work Program as approved by the ~~Executive~~Policy Board. Approval of the UPWP shall constitute approval for APO staff to prepare and publicize a Request for Proposals (RFP).

~~2. For all Competitive Proposal procurements, the APO shall develop an independent cost estimate prior to developing the RFP.~~

~~3.2.~~ APO staff shall prepare a written RFP.

- a. The RFP shall identify all evaluation factors to be used in ranking the proposals and their relative importance.
- b. The RFP shall, at a minimum, be published on the APO's website. APO staff may also provide the RFP to persons and firms on its prequalified solicitation list of consultants and contractors.
- c. Proposals shall be solicited from at least three qualified sources.
 - i. If fewer than three qualified sources are solicited, the reasons shall be documented.

~~4.3.~~ During the solicitation process, all questions regarding the RFP shall be directed to the APO project manager or contract manager.

- a. APO staff shall prepare written responses to all questions received by the deadline shown in the RFP and shall publish them on the APO website by the date shown in the RFP. The web address for where the questions and answers will be posted shall be published in the RFP.

~~5.4.~~ The APO shall use their written process for evaluating proposals received (for more details, see Section 6 "Evaluating Proposals"). If so stated in the RFP, the selection may be made on the basis of the original proposals without further information from any offeror.

- 6.5. The contract shall be awarded by the ~~Executive~~Policy Board, after hearing the recommendation of the Evaluation Committee (as defined in Section 6, "Evaluating Proposals", Part 1), to the responsible firm or individual whose proposal is most advantageous to the program, with price and other factors considered.
- 7.6. Contracts shall NOT be awarded to parties listed on the government-wide exclusions at the www.sam.gov website; APO staff shall document that the SAM website has been checked.
- 8.7. The APO staff shall negotiate profit as a separate element of the price of each Competitive Proposal procurement. To establish a fair and reasonable profit, consideration shall be given to such things as the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of sub-contracting, the quality of the contractor's record of past performance, and industry profit rates for similar work.
- 9.8. For Competitive Proposals, the APO must comply with section 6002 of the Solid Waste Disposal Act, which includes procuring paper, non-paper office products, and construction material with the highest percentage of recovered materials practicable consistent with maintaining a satisfactory level of competition.
- a. Pursuant to EPA standards, the minimum recovered content for office paper shall be 30% post-consumer fiber. RFPs and contracts shall include this requirement.
 - b. APO staff shall check the EPA website for other minimums as the need arises.
- 10.9. All Competitive Proposal contracts for planning-related services shall include a requirement for the following statement to be on all plans, studies, or reports that are products of the contract:
- a. *"The preparation of this report has been funded in part by the U.S Department of Transportation, Federal Highway Administration, and Federal Transit Administration. The contents of this document reflect the view of the authors who are responsible for the facts or accuracy of the data presented herein. The contents do not necessarily reflect the official views or policies of the U.S. Department of Transportation. The Report does not constitute a standard, specification, or regulation."*
- 11.10. All ~~contract procured through the~~ Competitive Proposal ~~method~~contracts shall require the following certification signed by the project manager to be included on all invoices:
- a. *"I certify to the best of my knowledge the belief that this request for payment is true, complete, and accurate, and the expenditures are for the purposes and objectives set forth in the project contract. I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject me and my employer to criminal or civil penalties for fraud, false statements, false claims, or otherwise."*
- 12.11. Contracts in excess of \$25,000 ~~procured through the Competitive Proposal method~~ shall include a signed Certification of Primary Participant Regarding Debarment, Suspension, and Other Responsibility Matters.

12. Contracts in excess of \$25,000 procured through the Competitive Proposal method shall include a signed Assurances for Non-Construction Programs.
13. Contracts in excess of \$25,000 procured through the Competitive Proposal method shall include a signed Disclosure of Potential Conflicts of Interest.
14. Contracts in excess of \$50,000 procured through the Competitive Proposal method shall include a signed Immigration Status Certification.
- 13-15. Contracts in excess of \$100,000 procured through the Competitive Proposal method shall include a signed Standard Form LLL Certification Regarding Lobbying.
16. Contracts in excess of \$100,000 procured through the Competitive Proposal method shall include a signed Affirmative Action Certification.
- 14-17. For contracts in excess of \$100,000 procured through the Competitive Proposal method, the APO staff shall perform a cost or price analysis of the offers received in order to determine the reasonableness of the proposed contract price.
- 15-18. Contracts in excess of \$150,000 procured through the Competitive Proposal method must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate; and must contain a provision that requires compliance with all applicable standards, orders, or regulations issued under the Clear Air Act and the Federal Water Pollution Control Act.

SEALED BIDS

Sealed Bids is the preferred method of procurement for projects greater than \$~~100~~25,000 related to the construction, alteration, repair, or maintenance of real property or the supplies, materials, or equipment for such activities. (For procurements less than \$~~100~~25,000, ~~Small Purchase~~, Simplified Purchase, or Micro-Purchase processes can be used).

1. All Sealed Bid projects shall be identified in the approved UPWP. ~~Executive Policy~~ Board approval of the UPWP shall constitute approval for staff to prepare and publicize an Invitation for Bids (IFB).
- ~~2. For all Sealed Bid procurements, APO staff shall develop an independent cost estimate prior to developing the IFB.~~
- 3-2. APO staff shall develop an IFB that includes a complete, adequate, and realistic specification or purchase description.
 - a. The IFB shall, at a minimum, be published on the APO's website and in the newspaper of record. APO staff may also provide the IFB to known suppliers, providing them with sufficient response time.
 - b. At least two bids from qualified sources shall be received or else the Sole-Source method of procurement shall be used.
 - c. If fewer than three qualified sources are solicited, the reasons shall be documented.
 - d. The IFB shall include a deadline for the submission of bids and notification of the date, time, and place when the bids shall be ~~publically~~publicly opened. All bids received by the deadline shall be held unopened by APO staff until the time and place described in the IFB, at which time they shall be ~~publically~~publicly opened.

- 4.3. For Sealed Bids, the APO must comply with section 6002 of the Solid Waste Disposal Act, which includes construction material with the highest percentage of recovered materials practicable consistent with maintaining a satisfactory level of competition. This requirement shall be included in the IFB.
- 5.4. Sealed Bid procurements that use Federal funds must include a contract provision for compliance with the Davis-Bacon Act (40 USC 3141-3144 and 3146-3148). Sealed Bid procurements that include State funding are subject to prevailing wage rules per MN Statutes §§177.41-177.44. All IFBs shall include a statement that prevailing wage rules apply.
- 6.5. For all Sealed Bid procurements, the APO staff shall negotiate profit as a separate element of price. To establish a fair and reasonable profit, consideration will be given to such things as the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of sub-contracting, the quality of the contractor's record of past performance, and industry profit rates for similar work.
- 7.6. For all Sealed Bid procurements, the APO staff shall develop a cost or price analysis of the bids received in order to determine the reasonableness of the proposed contract price.
7. A firm fixed price contract (lump sum or unit price) shall be awarded by the ~~Policy~~Executive Board to the responsible bidder whose bid conforms to all material terms and conditions of the IFB principally on the basis of lowest price.
8. Contracts in excess of \$25,000 procured through the Sealed Bid method shall include a signed Certification of Primary Participant Regarding Debarment, Suspension, and Other Responsibility Matters.
9. Contracts in excess of \$25,000 procured through the Sealed Bid method shall include a signed Assurances for Non-Construction Programs.
10. Contracts in excess of \$25,000 procured through the Sealed Bid method shall include a signed Disclosure of Potential Conflicts of Interest.
11. Contracts in excess of \$50,000 procured through the Sealed Bid method shall include a signed Immigration Status Certification.
12. Contracts in excess of \$100,000 procured through the Sealed Bid method shall include a signed Standard Form LLL Certification Regarding Lobbying.
13. Contracts in excess of \$100,000 procured through the Sealed Bid method shall include a signed Affirmative Action Certification.
14. For contracts in excess of \$100,000 procured through the Sealed Bid method, the APO staff shall perform a cost or price analysis of the offers received in order to determine the reasonableness of the proposed contract price.
15. Contracts in excess of \$150,000 procured through the Sealed Bid method must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate; and must contain a provision that requires compliance with all applicable standards, orders, or regulations issued under the Clear Air Act and the Federal Water Pollution Control Act.
- 8.16.

SOLE-SOURCE PURCHASE

Sole-Source Purchases are procurements of goods or services for an ~~amount-dollar~~ in excess of \$~~310~~,000 through solicitation of a proposal or quote from only one source, and may ONLY be used when one or more of the following apply:

1. The item or service is available from only one source.
2. A public emergency will not permit a delay resulting from another procurement method.
3. The Federal awarding agency or MnDOT expressly authorizes a Sole-Source Purchase in response to a written request from the APO.
4. After attempting to use another procurement method, competition is determined to be inadequate.

~~For Sole-Source Purchases, the following processes apply:~~

~~For Sole-Source Purchases from \$3,001 to \$10,000:~~

~~The Executive Board Chair shall preapprove the purchase; and~~

~~A verbal or written quote will be obtained by APO staff~~

~~For non-contractual goods or services, APO staff shall retain receipts and the purchase shall be included on the Executive Board's monthly bills list.~~

For all Sole-Source purchases ~~in excess of \$10,000:~~

~~1.-The ExecutivePolicy Board shall pre-approve the contract or purchasepurchase.~~

~~1.~~

~~2.-For procurements expected to exceed \$25,000, For purchases in excess of \$100,000, APO staff shall develop an independent cost estimate prior to requesting quotes.~~

~~3.-APO staff shall prepare an RFQ to describe in sufficient detail the technical specifications or requirements of the good or service being sought.~~

~~2.~~

~~4.3.~~ For non-contractual goods or services, the vendor shall submit an invoice for payment and the purchase shall be included on the ExecutivePolicy Board's monthly bills list.

~~5.-The Executive Board shall award any Sole-Source contract.~~

~~6.4.~~ Contracts shall NOT be awarded to parties listed on the government-wide exclusions at the www.sam.gov website; APO staff shall document that the SAM website has been checked.

~~7.5.~~ APO staff shall negotiate profit as a separate element of price for all Sole-Source procurements. To establish a fair and reasonable profit, consideration shall be given to such things as the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of sub-contracting, the quality of the contractor's record of past performance, and industry profit rates for similar work.

8-6. All Sole-Source contracts for planning-related services in excess of \$10,000 shall include a requirement for the following statement to be on all plans, studies, or reports that are products of the contract:

- a. *"The preparation of this report has been funded in part by the U.S. Department of Transportation, Federal Highway Administration, and Federal Transit Administration. The contents of this document reflect the view of the authors who are responsible for the facts or accuracy of the data presented herein. The contents do not necessarily reflect the official views or policies of the U.S. Department of Transportation. The Report does not constitute a standard, specification, or regulation."*

9-7. All Sole-Source contracts shall require the following certification signed by the project manager to be included on all invoices:

- a. *"I certify to the best of my knowledge the belief that this request for payment is true, complete, and accurate, and the expenditures are for the purposes and objectives set forth in the project contract. I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject me and my employer to criminal or civil penalties for fraud, false statements, false claims, or otherwise."*

10-8. Sole-Source procurements in excess of \$2,000 for construction-related purposes that use Federal funds must include a contract provision for compliance with the Davis-Bacon Act (40 USC 3141-3144 and 3146-3148). Sealed Bid procurements in excess of \$25,000 for construction-related purposes that include State funding are subject to MN Statutes §§177.41-177.44 regarding prevailing wages. These requirements will be made known to the sole-source prior to the submission of the quote.

11-9. For Sole-Source Purchases ~~in excess of \$10,000~~, the APO must comply with section 6002 of the Solid Waste Disposal Act, which includes procuring paper, non-paper office products, and construction material with the highest percentage of recovered materials practicable consistent with maintaining a satisfactory level of competition.

- a. Pursuant to EPA standards, the minimum recovered content for office paper shall be 30% post-consumer fiber. RFPs and contracts shall include this requirement.
- b. APO staff shall check the EPA website for other minimums as the need arises.

10. Contracts in excess of \$25,000 procured through the Sole-Source method shall include a signed Certification of Primary Participant Regarding Debarment, Suspension, and Other Responsibility Matters.

11. Contracts in excess of \$25,000 procured through the Sole-Source method shall include a signed Assurances for Non-Construction Programs.

12. Contracts in excess of \$25,000 procured through the Sole-Source method shall include a signed Disclosure of Potential Conflicts of Interest.

13. Contracts in excess of \$50,000 procured through the Sole-Source method shall include a signed Immigration Status Certification.

14. Contracts in excess of \$100,000 procured through the Sole-Source method shall include a signed Standard Form LLL Certification Regarding Lobbying.

15. Contracts in excess of \$100,000 procured through the Sole-Source method shall include a signed Affirmative Action Certification.
16. For contracts in excess of \$100,000 procured through the Sole-Source method, the APO staff shall perform a cost or price analysis of the offers received in order to determine the reasonableness of the proposed contract price.
17. Contracts in excess of \$150,000 procured through the Sole-Source method must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate; and must contain a provision that requires compliance with all applicable standards, orders, or regulations issued under the Clean Air Act and the Federal Water Pollution Control Act.

~~Sole-Source Contracts in excess of \$25,000 shall include a signed Certification of Primary Participant Regarding Debarment, Suspension, and Other Responsibility Matters.~~

~~Contracts in excess of \$100,000 shall include a signed Standard Form LLL Certification Regarding Lobbying.~~

~~For contracts in excess of \$100,000, APO staff shall develop a cost or price analysis of the quote received in order to determine the reasonableness of the proposed contract price.~~

~~Contracts in excess of \$150,000 must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate; and must contain a provision that requires compliance with all applicable standards, orders, or regulations issued under the Clean Air Act and the Federal Water Pollution Control Act.~~

6. EVALUATING PROPOSALS

When using the Competitive Proposal procurement process, APO staff shall use the following process for evaluating the proposals received:

Development of the RFP

1. Prior to publicizing the RFP, APO staff shall identify at least three members of a project Evaluation Committee.
 - a. One member of the Evaluation Committee shall be the APO project manager or contract manager.
 - b. At least one Evaluation Committee member shall be an employee of the jurisdiction in which the study will occur.
 - c. In the event the study concerns a public facility that is not maintained by the jurisdiction in which it exists, at least one Evaluation Committee member shall be an employee of the jurisdiction responsible for the maintenance of the facility.

Example – an RFP is released for a portion of a County Road in the City of Smallville. The RFP Evaluation Committee would, at minimum, be composed of the APO project manager, a staff member from the City of Smallville, and a staff member of the County which is responsible for the roadway.

Additional members of the Evaluation Committee can include any jurisdiction or entity that has a significant stake in the project. For instance, in the example above, the study limits of County Road in question may include a major intersection with a State highway. In that case, the Evaluation Committee may include a staff member from the State Department of Transportation.

2. The members of the Evaluation Committee shall be given adequate opportunity to review and comment on the draft RFP before it is publicized with particular attention paid to the proposed schedule to review and evaluate the proposals.
3. Every RFP shall include:
 - a. A clear and accurate description of the service to be procured;
 - b. All requirements which the offerors must fulfill;
 - i. Requirements that restrict competition shall NOT be used (see General Procurement Policy #8 for more details).
 - c. A clear and accurate description of the evaluation factors and their relative weight or importance in the evaluation
 - i. Common evaluation factors that may be used include:
 1. Technical competence of the offeror, understanding of the service to be provided, study approach and methodology, and proposed study schedule.
 2. Background and expertise of the offeror as demonstrated by their experience and familiarity with similar studies, and the qualifications and relevant experience of key staff members.
 3. The offeror's past performance, including the quality of their work and their demonstrated ability to meet project budgets and schedules.
 4. The availability of personnel and other resources to complete the study within the specified timeframe.
 5. Price and labor-hours proposed for the study.
 - ii. Geographic location within the United States shall **NOT** be an evaluation factor except in cases where Federal statutes expressly mandate or encourage geographic preference.

Upon Receipt of Proposals

4. When the proposals are received, ~~printed~~ copies of each proposal shall be distributed to each Evaluation Committee member at least one week in advance of the meeting date to review and rank proposals. Along with the proposals, APO staff shall also provide:
 - a. An evaluation scoring sheet for each proposal that lists the evaluation factors
 - b. A cover memo specifying the date, time, and place of the Evaluation Committee meeting
5. Evaluation Committee members should review the proposals and develop an initial score prior to the meeting.

6. APO staff shall contact the professional references listed in each proposal and provide them an opportunity to complete a professional reference form for each offeror who listed them as a reference.
 - a. APO staff will provide completed professional reference forms to the members of the Evaluation Committee in advance of the meeting date.
 - b. The completed professional reference forms may be used by the Evaluation Committee members to score the offeror's past performance.
7. APO staff shall check the www.sam.gov website for each offeror to determine if the offeror has been excluded from being awarded government contracts.
 - a. APO staff shall document that the website has been checked by downloading a PDF version of the search results screen and printing them out for the project file.
 - i. Any offeror who is excluded from receiving government contracts will be disqualified from further evaluation by the Evaluation Committee.

At the Evaluation Committee Meeting

8. The goal of the Evaluation Committee is to use the identified evaluation factors to rank all proposals in order of preference.
9. Using the evaluation factors and their relative importance or weight, the initial scores should be tallied and the results should be discussed.
 - a. During this discussion, facts or thoughts may be expressed that cause one or more committee member to re-evaluate their initial score. This is encouraged. One person may see or understand things within a proposal that are missed by others. Initial scores may be changed until each member is comfortable with their final scores.
 - b. Final scores should be tallied and used to rank the proposals in descending order.
10. Before adjourning the meeting, APO staff shall develop a list of issues to be discussed during the negotiation phase of procurement. These issues may include such things as adjustments to the proposed scope-of-work and possible budget adjustments.
 - a. If the Evaluation Committee decides to increase the project budget and/or significantly expand of the scope-of-work as a result of a suggestion from one or more of the proposals, all firms that submitted proposals will be given the opportunity to revise their budget and/or scope-of-work before the Committee finalizes the rankings of the proposals.
11. The evaluation committee may rank the proposals based upon the information in the proposal, or, if necessary, may request additional clarifying information from one or more offerors. If additional information is needed, the Evaluation Committee may need to meet more than once.
 - a. If additional, clarifying information is needed, it shall be the responsibility of the APO project manager or contract manager to contact the offeror and request the information.
 - b. If two or more proposals are tied or if members cannot decide on a final ranking, it may be necessary to schedule a meeting with the top-ranked offerors to discuss their proposals in more depth.

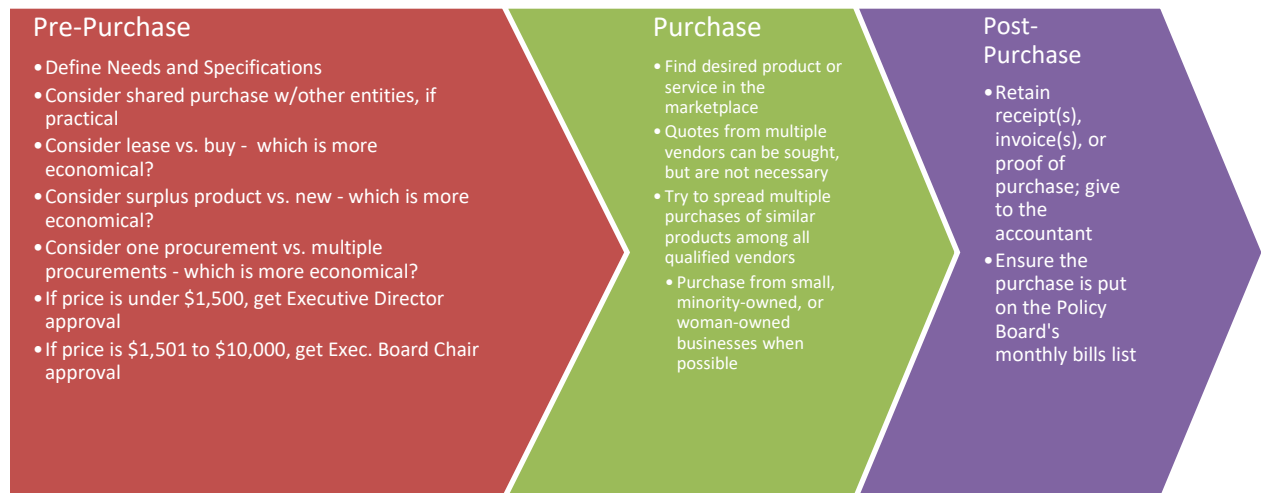
- i. APO staff shall coordinate such a meeting⁷ and shall do so in such a way as to minimize costs for the offerors.

After the Meeting(s)

- 12. APO staff shall notify all offerors of the outcome of the meeting(s)⁷ and shall begin negotiations with the top-ranked offeror.
- 13. If negotiations with the top-ranked offeror cannot be successfully completed, negotiations with that offeror shall be discontinued and negotiations with the next ranked offeror shall begin. Once negotiations with an offeror have been discontinued, that offeror shall be disqualified from further negotiations and shall no longer be eligible to be awarded the study contract. This negotiation process shall continue until negotiations are successfully completed or until all offerors have been disqualified.
- 14. APO staff will develop a draft contract based on the final negotiated scope-of-work and budget.
- 15. The APO ~~Policy~~Executive Board must approve all contracts before they are executed.
- 16. A copy of the fully executed contract shall be provided to the MnDOT Planning Program Coordinator.

EXAMPLE WORKFLOWS

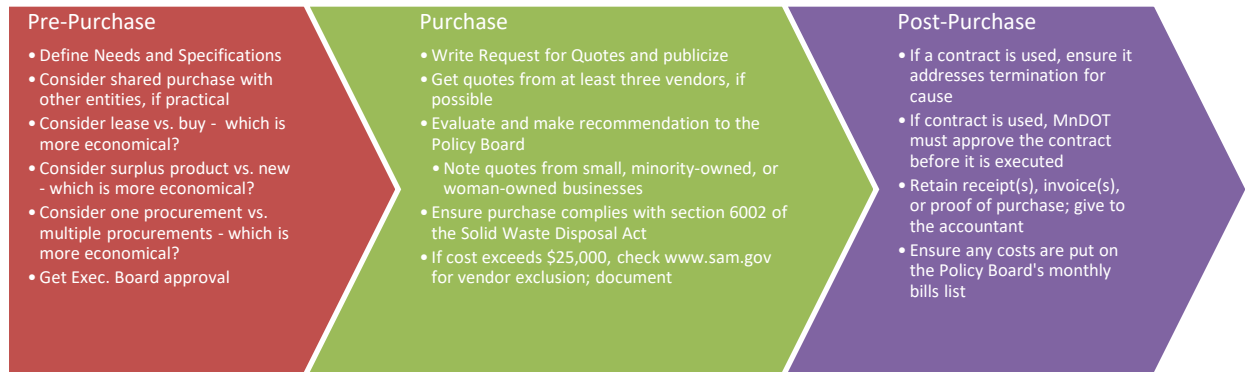
Micro Purchase: \$0 – \$3,000 (goods or service; non-construction)



Simplified Purchase: \$3,001 to \$10,000 (goods or service; non-construction)



Small Purchase: \$10,000 to \$100,000 (relatively simple goods or service; non-construction; non-consultant services)



Competitive Proposals: \$10,000 and up (not valid for procurement of construction services)



Sealed Bids: \$100,000 and up (construction only)



Sole-Source: any dollar amount; must meet one or more Sole-Source Purchase requirements



Origin of MPOs

- General Eisenhower & the autobahn



1



1

Origin of MPOs

- 1952
 - Eisenhower elected President
- 1956
 - The Eisenhower Interstate network is born



2



2

Origin of MPOs

- Poor planning (or sometimes no planning) leads to bad decisions
 - No local consultation
- Poor neighborhoods more impacted than wealthy ones
- Activists and jurisdictions began suing to stop progress



I-10 construction in Los Angeles, 1961

3



3

Origin of MPOs

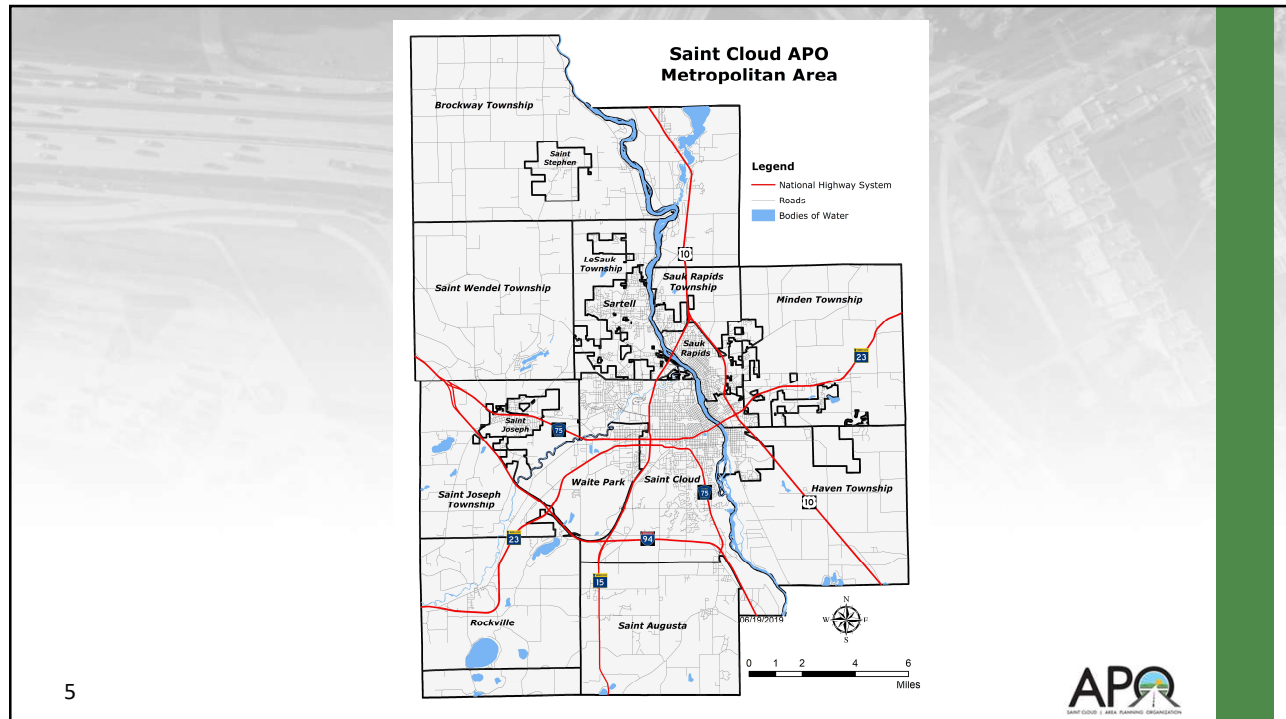
- 1962 Federal Highway Act:
 - Continuing, cooperative, and comprehensive (3-C) planning in urban areas > 50,000



4



4



5

What is the APO?

- A Federally-required, regional, cooperative, decision-making body for the wise investment of Federal surface transportation funding.
- Created by joint-powers agreement between the State and local jurisdictions
- The Policy Board is the APO.
- The TAC is an advisory committee
- APO staff is the staff of the Policy Board
 - Not beholden to any single member
- Federal requirement: Needs-based decision-making

6



6

Who is the APO?

- A Board of mostly elected officials
 - Saint Cloud – 3 seats
 - Sauk Rapids – 1 seat
 - Sartell – 1 seat
 - Waite Park – 1 seat
 - Saint Joseph – 1 seat
 - Stearns County – 1 seat
 - Benton County – 1 seat
 - Sherburne County – 1 seat
 - Metro Bus – 1 seat
 - Le Sauk Township – 1 seat



7

7

Products of the APO

- Metropolitan Transportation Plan (MTP)
 - Long-range (min 20 years) regional transportation plan
 - A list of projects and needs
- Transportation Improvement Program (TIP)
 - Programs funds for MTP projects
- Unified Planning Work Program (UPWP)
 - Addresses planning needs for MTP projects

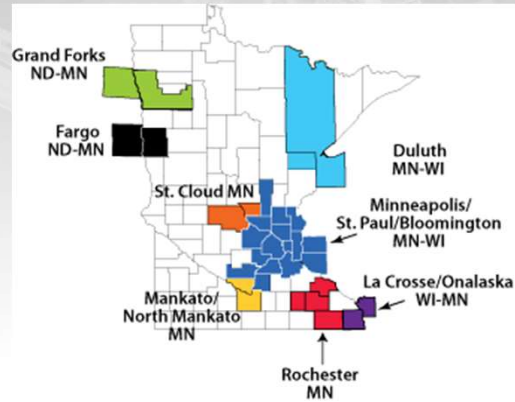


8

8

Regional Perspective

- The metro area functions as one “body”
- If we are identifying and addressing our biggest transportation issues, then everyone should benefit to some degree
- Don’t think of it as City A vs. City B; it’s us vs. Rochester, Mankato, Duluth, Fargo-Moorhead, etc.



9



9