



Saint Cloud  
**Area Planning Organization**

1040 County Road 4, St. Cloud, MN 56303-0643  
(320) 252-7568 • (320) 252-6557 (FAX) • Email: [admin@stcloudapo.org](mailto:admin@stcloudapo.org) • [www.stcloudapo.org](http://www.stcloudapo.org)

**APO Executive Board Meeting**  
**Thursday, February 9, 2017 - 5:00 p.m.**  
**St. Cloud APO Office, 1040 County Rd. 4, St. Cloud**

1. Approval of Agenda
2. Consideration of Minutes of January 12, 2017 Meeting (*Attachment A*)
3. Consideration of Bills (*Attachment B*)
  - a. Requested Action: Approval
4. Consideration of League of Minnesota Cities Insurance Trust Liability Coverage Waiver Form (*Attachment C*)
  - a. Requested Action: Approval
5. Consideration of Transportation Planner Job Description (*Attachment D*)
  - a. Requested Action: Approval
6. Consideration of Procurement Policies Update (*Attachment E*)
  - a. Requested Action: Recommend Approval to the Policy Board
7. Consideration of February 23, 2017 Policy Board Agenda (*Attachment F*)
  - a. Requested Action: Approval
8. Consideration of Priorities for 2017 (*Attachment G*)
  - a. Requested Action: Approval
  - b. Begin discussion on Washington D.C. trip logistics
9. Presentation of Performance Measures Requirements for MPOs (*Attachment H*)
  - a. Requested Action: Discussion Only
10. Other Business & Announcements
  - a. APO staff will begin holding a series of public input open-house events in March & April to collect comments on existing conditions and issue identification
  - b. Minnesota Transportation Conference is March 1 and 2 at the Saint Paul RiverCenter
    - i. For more info: <http://mntransportationconference.org/>
11. Adjournment

*St. Cloud APO meeting facilities will be accessible to mobility impaired individuals. If translation or interpretative services are required, the St. Cloud APO will make a good faith effort to accommodate these requests if time and resources permit. Please contact Dorothy Sweet at the St. Cloud APO 320-252-7568 at least three days in advance of the meeting if these special accommodations are required.*

**ST. CLOUD AREA PLANNING ORGANIZATION  
EXECUTIVE BOARD MINUTES  
January 12, 2017**

The St. Cloud Area Planning Organization's Executive Board was held on Thursday, January 12, 2017, at 5:00 p.m. at the St. Cloud APO. Vice-Chair Councilmember Jeff Goerger presided with the following Members present:

Councilmember Jeff Goerger	City of St. Cloud
Councilmember John Libert	City of St. Cloud
Mayor Rick Schultz	City of St. Joseph
Councilmember Pat Lynch (Alt)	City of Sartell
Mayor Bob Kroll	City of St. Augusta
Commissioner Joe Perske	Stearns County
Commissioner Ewald Petersen	Sherburne County
Township Supervisor Jeff Westerlund	LeSauk Township

Also Present:

Brian Gibson	Exec Director, St. Cloud APO
Joseph Mueller	St. Cloud APO
Dorothy Sweet	St. Cloud APO
Stacy Morse	Congressman Emmer's Office

**APPROVAL OF AGENDA:**

Commissioner E. Petersen motioned to approve the agenda, and Councilmember Libert seconded the motion. Motion carried.

**CONSIDERATION OF MINUTES OF NOVEMBER 10, 2016 MEETING:**

Councilmember Libert motioned to approve the November 10, 2016 meeting minutes, and Mayor Kroll seconded the motion. Motion carried.

**CONSIDERTION OF BILLS:**

Mayor Kroll motioned to approve the bills, and Commissioner Petersen seconded the motion. Motion carried.

**ELECTION OF OFFICERS TO SERVE REMAINDER OF TERM (UNTIL MAY 2017):**

Mr. Gibson noted that two board officers were not re-elected in their communities which created two openings on the Executive Board. Mayor Kroll suggested the remaining two officers advance to the Chair and Vice-Chair positions and nominating two new officers for the remaining two offices.

**Mayor Kroll motioned and Councilmember Libert seconded to move Councilmember Goerger to the Chair position. Motion carried. Councilmember Libert motioned and Mayor Schultz seconded to move Mayor Kroll to the Vice-Chair position. Motion carried. Mayor Kroll motioned and Supervisor Westerlund seconded to nominate Councilmember Libert to the Secretary position. Motion carried. Mayor Kroll motioned and Commissioner Perske seconded to nominate Mayor Miller to the Treasurer position. Motion carried.**

**CONSIDER ANNUAL RESOLUTIONS:**

Mr. Gibson announced that three resolutions need to be renewed and reapproved on a yearly basis.

*Resolution 2017-01: Establishment of CY 2017 Investment Procedures:* This resolution establishes investment procedures and preferred financial institutions and brokerage firms and remains unchanged from 2016.

**Commissioner Petersen motioned to approve Resolution 2017-01, and Mayor Kroll seconded the motion. Motion carried.**

*Resolution 2017-02: Delegation of Authority for Paying Certain Claims:* This resolution delegates the authority for certain claims to be paid via autopay. Stearns Electric was added to the previous list.

**Mayor Schultz motioned to approve Resolution 2017-02, and Councilmember Libert seconded the motion. Motion carried.**

*Resolution 2017-03: Designation of Official Newspaper:* The St. Cloud Times is the only legal newspaper meeting the circulation qualification for the APO planning area.

**Mayor Schultz motioned and Commissioner Petersen seconded to approve Resolution 2017-03 designating the St. Cloud Times as the Official Newspaper. Motion carried.**

### **CONSIDERATION OF PRIORITIES FOR 2017:**

Mr. Gibson presented that 2015 list of regional priorities for review and possible updating in anticipation of the APO's annual trip to Washington DC in the Spring. Board members were encouraged to consider the priorities and other unmet regional transportation needs.

The 2015 priorities included:

- Expand I-94 Corridor to six-lanes from Rogers to Saint Cloud;
- Restore Federal transportation funding for the central Minnesota to reduce inequities;
- Connect the Northstar Commuter Rail to Saint Cloud from Big Lake
- Position the Saint Cloud Regional Airport as a regional air hub

During the development of the current Long-Range Transportation Plan (LRTP), the following issues were raised as needs, but were not addressed in the LRTP:

- Continuing the Lake Wobegon Trail eastward through the metro region
- Installing electronic parking meters
- Developing a bike share program for downtown, SCSU, and trailheads
- Building an additional Mississippi River crossing
- Building a Sauk River Bridge to connect Industrial Park West to Division Street
- Improving truck movement on TH15 through 2nd Street, Division Street, and 3rd Street intersections
- Any of the Illustrative projects shown on the last page of this memo

The TAC committee discussed these priorities and issues last week but did not take any official action. The TAC members generally felt the airport issue was premature. They felt strongly about restoring funding equity, expanding I-94, Northstar and connecting the Lake Wobegon Trail. In addition, Roberts Road alignment, expansion of CR 134 to four lanes and CSAH 133 new alignment were also important.

The Executive Board raised questions about and discussed several priorities including electronic parking meters, BSNF, ridership between St. Cloud and big Lake, President Elect Trump's support of infrastructure, expanding I-94, airport study, Highway 10, beltway and river crossing/bridge connecting

Industrial Park West to Division Street. The general consensus was to keep four issues on the list of priorities.

**Because very few engineers were present at the TAC meeting, Councilmember Libert motioned and Mayor Schultz seconded to wait until next month to finalize the priority list so that more TAC committee members and engineers could be involved in discussing and creating the priorities list.**

**Ms. Morse from Congressman Emmer's office stressed the importance of having two top priorities emphasized and highlighted on the priorities list.**

**PRESENTATION OF DRAFT ADA SELF-EVALUATION:**

Mr. Gibson reviewed the Federal Highway Administration's recent request for all Minnesota MPOs to identify ADA barriers and opportunities for improvement within the organization and its processes. The goal is to have all MPOs self-certify for ADA compliance for the 2019-2022 Transportation Improvement Program submittal. Mr. Gibson recently reviewed the ADA requirements, completed a physical premises check of the APO building and summarized the process and results for the board. Possible changes to be considered may include expanding the Personnel policy, making reference to or append information to the Public Participation Plan, requiring an auxiliary services request statement on all public meeting notices, identifying specifics to provide auxiliary services, establishing procedures for investigation and resolving complaints alleging disability discrimination by members of the public, holding public input meetings near a fixed route bus stop, upgrading garage space, lowering urinal and flush control, ensuring office supplies and other storage are accessible, and implementing short and long range improvements to the APO website. Mr. Gibson requested the board's approval to release the draft document for public review and comment. Funding is available to implement the upgrades for ADA compliance

**Mayor Schultz motioned and Councilmember Libert seconded to approve the release of the draft ADA document for public review. Motion carried.**

**PRESENTATION OF PROCUREMENT POLICIES UPDATE:**

Mr. Gibson stated that four Requests for Proposals (RFPs) were sent out in 2016. He noted that the federal requirements were recently updated and that the APO's policies did not reflect all of the new requirements, but the updated version will contain the required Federal clauses. In the event of an inconsistency in policy between state and federal requirements, the more restrictive version will be followed. In the event of a direct conflict in policy between state and federal requirements, the federal requirements would be followed. Changes to the policy will also include that the Executive Director may authorize up to \$1500 in expenditures, the Chair can authorize up to \$10,000, board approval required over \$10,000 and APO personnel may accept gifts up to \$25 in value per year. Mr. Gibson requested review and feedback. The policy will be finalized and approval will be sought at the February Executive and Policy Board meetings.

**PRESENTATION OF CHANGES IN FEDERAL RULES FOR MPOs:**

Mr. Gibson announced that the US Department of Transportation finalized a rule change for MPOs in mid-December 2016. The goal of this is to better align the planning regulations with statutory provisions concerning the establishment of metropolitan planning area (MPA) boundaries and the designation of MPOs.

The rule does two main things:

1. The rule clarifies that an MPA must include an entire urbanized area (UZA) and the contiguous area expected to become urbanized within a 20-year forecast period for the metropolitan transportation plan. The MPOs may need to adjust their boundaries, consider mergers, or, if there

- are multiple MPOs designated within a single MPA, coordinate with the other MPOs to create unified planning products for the MPA. Specifically, the rule requires MPOs within the same MPA to develop a single metropolitan transportation plan (MTP), a single transportation improvement program (TIP), and a jointly established set of performance targets for the MPA.
2. The rule requires MPOs to work with State DOTs to develop a dispute resolution process.

Because the St. Cloud APO has a good working relationship with MnDOT, no problems are anticipated meeting the requirements of Rule #2. In the long term, if there is an urbanized area (UZA) being served by multiple MPOs, the MPOs must either merge or defend the continued separation to the USDOT.

No MPOs in Minnesota are directly affected by the first point, but the APO planning boundary and the Met Council planning boundary are currently separated by approximately 25 miles. The Met Council's current planning boundary includes Albertville. By 2020, it may include Monticello, which would narrow the separation to only about 16 miles. At some point, it seems likely that the APO's planning boundary and the Met Council's planning boundary will touch, at which point, the MPOs will need to begin merger discussions or prepare to defend continued separation.

**OTHER:**

Mr. Gibson announced the Stearns County Open House to Discuss Roadway System and their ADA Transition Plan on January 24 from 5-7 p.m. at the Stearns County West Side Service Center, Room 121 B/C/D.

Councilmember Libert announced that he is co-chair of the Governor's Fishing Opener, a three day event on the Mississippi River. Contact Mr. Libert if you would like access. Hosts with boats are needed.

**ADJOURNMENT:**

The meeting was adjourned at 5:50 p.m.

PROPOSED FEBRUARY DISBURSEMENTS

Executive Board Authorization	Confirmation #/ Disbursement	Method Of Payment	To Whom Paid	What Check is for	Amount Paid
	1478-1482	Direct Dep.	Net Payroll (including insurance reimbursement)	02/10/2017 Payroll Paid	\$ 6,055.31
		Electronic	Social Security, Medicare & Federal Tax PAID	02/10/2017 Payroll Paid	\$ 2,699.76
		Electronic	MN Department of Revenue-Withholding PAID	02/10/2017 Payroll Paid	\$ 487.62
		Electronic	PERA	02/10/2017 Payroll Paid	\$ 1,359.57
		Electronic	Great West Annuity	02/10/2017 Payroll Paid	\$ 219.23
		Electronic	Minnesota State Retirement System	02/10/2017 Payroll Paid	\$ 127.47
		Electronic	Select Account (H.S.A.)	02/10/2017 Payroll Paid	\$ 115.38
		Direct Dep.	Net Payroll (including insurance reimbursement)	02/24/2017 Payroll Paid	\$ 6,055.31
		Electronic	Social Security, Medicare & Federal Tax PAID	02/24/2017 Payroll Paid	\$ 2,699.76
		Electronic	MN Department of Revenue-Withholding PAID	02/24/2017 Payroll Paid	\$ 487.62
		Electronic	PERA	02/24/2017 Payroll Paid	\$ 1,359.57
		Electronic	Great West Annuity	02/24/2017 Payroll Paid	\$ 219.23
		Electronic	Minnesota State Retirement System	02/24/2017 Payroll Paid	\$ 127.47
		Electronic	Select Account (H.S.A.)	02/24/2017 Payroll Paid	\$ 115.38
		Expense Reimb	Brian Gibson	1/5/17 conference	\$ 97.74
		Electronic	Canon Business Solution	Office Supplies - toner	\$ 191.14
		Electronic	Cloudnet	Internet Service	\$ 25.00
		Electronic	Dorothy Sweet	Mileage Reimbursement	\$ 27.87
		Electronic	Glass Doctor	Repair Window and Screen	\$ 305.00
		Electronic	Neopost USA Inc	Postage Meter Rental	\$ 55.50
		Electronic	Premium Waters Inc	Office Drinking Water	\$ 23.23
		Electronic	Schlenner Wenner & Co	December 2016 accounting services	\$ 1,245.00
		Electronic	Schroden's Inc	snow removal	\$ 310.48
		Electronic	Spectrum Business (Charter)	Internet Service	\$ 272.57
		Electronic	SRF Consulting Group Inc	Sartell LeSauk Dr. Corridor Study	\$ 5,276.47
		Electronic	Stonebrooke Engineering	Stearns - ADA Transition Plan	\$ 2,958.97
		Electronic	St Cloud Area Chamber of Commerce	1/11 Lunch Learn - Workplace violence	\$ 15.00
		Electronic	St Cloud Public Utilites	Utility - water / sewer / street lights	\$ 35.62
		Electronic	St Cloud Times	Annual Paper Subscription	\$ 424.04
		Electronic	Stearns Electric Association	Utility - Electric	\$ 181.17
		Electronic	WACOSA	Office Cleaning Services	\$ 111.50
		Electronic	West Central Sanitation Inc	Utility - garbage	\$ 29.83
		Electronic	Xcel Energy	Utility - gas	\$ 190.15
		Electronic	Your CFO Inc	January 2017 accounting services	\$ 1,450.00
		Electronic	BlueCross BlueShield	February Premiums	\$ 2,620.09
		Electronic	Delta Dental	February Premiums	\$ 165.05
		Electronic	Marco	Copier	\$ 581.82
		Electronic	Liberty Savings Bank Credit Card	Office Supplies, Internet,	\$ 205.76
		Electronic	Principal Financial	Insurance	\$ 310.48
			TOTAL		<u>\$ 39,238.16</u>

Deposit Date

LIBERTY BANK DEPOSITS



*Saint Cloud*  
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**TO:** Saint Cloud APO Executive Board  
**FROM:** Brian Gibson, PTP, Executive Director  
**RE:** Liability Coverage Waiver Form  
**DATE:** January 30, 2017

The APO obtains its property insurance through the League of Minnesota Cities. Every year, the Executive Board must decide if it wants to waive the statutory tort liability limits.

If the APO does not waive the limits, an individual claimant could recover no more than \$500,000 on any claim to which the limit applies, and the total that all claimants could recover from any single incident would be limited to \$1,500,000.

If the APO does waive the limits, a claimant or claimants could recover up to \$2,000,000 for an incident, but that limit would apply no matter how many claimants were involved.

In 2016, the Board did not waive the limits.



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## LIABILITY COVERAGE – WAIVER FORM

**LMCIT members purchasing coverage must complete and return this form to LMCIT before the effective date of the coverage. Please return the completed form to your underwriter or email to [pstech@lmc.org](mailto:pstech@lmc.org)**

This decision must be made by the member's governing body every year. You may also wish to discuss these issues with your attorney.

League of Minnesota Cities Insurance Trust (LMCIT) members that obtain liability coverage from LMCIT must decide whether to waive the statutory tort liability limits to the extent of the coverage purchased. The decision has the following effects:

- o *If the member does not waive the statutory tort limits*, an individual claimant would be able to recover no more than \$500,000 on any claim to which the statutory tort limits apply. The total all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would be limited to \$1,500,000. These statutory tort limits apply regardless of whether the city purchases the optional excess liability coverage.
- o *If the member waives the statutory tort limits and does not purchase excess liability coverage*, a single claimant could potentially recover up to \$2,000,000 for a single occurrence. (Under this option, the tort cap liability limits are waived to the extent of the member's liability coverage limits, and the LMCIT per occurrence limit is \$2 million.) The total all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would also be limited to \$2,000,000, regardless of the number of claimants.
- o *If the member waives the statutory tort limits and purchases excess liability coverage*, a single claimant could potentially recover an amount up to the limit of the coverage purchased. The total all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would also be limited to the amount of coverage purchased, regardless of the number of claimants.

Claims to which the statutory municipal tort limits do not apply are not affected by this decision.

\_\_\_\_\_  
LMCIT Member Name

Check one:

- The member **DOES NOT WAIVE** the monetary limits on municipal tort liability established by Minnesota Statutes, Section 466.04.
- The member **WAIVES** the monetary limits on municipal tort liability established by Minnesota Statutes, Section 466.04 to the extent of the limits of the liability coverage obtained from LMCIT.

Date of city council/governing body meeting \_\_\_\_\_

Signature \_\_\_\_\_ Position \_\_\_\_\_



# *Saint Cloud* Area Planning Organization

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**TO:** Saint Cloud APO Executive Board  
**FROM:** Brian Gibson, PTP, Executive Director  
**RE:** Transportation Planner Job Description  
**DATE:** January 30, 2017

The attached job description is for the new Transportation Planner position that will report to the Senior Transportation Planner. The funding for the position was contained in the 2017 Unified Planning Work Program (UPWP) approved by the Executive Board late last year. Before advertising the vacancy, I wanted to get your overall approval on the position description and pay range.

In terms of duties, the following assumptions were part of the UPWP development and budgeting process:

Work Element	Hours
Administration	192
Performance Measure Integration	100
Long-Range Transportation Plan	200
Transit Planning	450
Meeting Coordination	400
Transportation Data	220
<b>Total</b>	<b>1,562</b>

In general, the new staff member would be charged with assisting in the development of the new LRTP, transit planning (this was a request of Metro Bus) and further developing the APO's required performance-based planning efforts and integrating them into our existing processes. The total of 1,562 hours equates approximately to an April 1 start date.

As stated previously, the funding for the position was approved as part of the 2017 UPWP. No additional funds are required. Essentially, the funding will come from those monies the APO would normally spend on consultants. In general, about two-thirds of the APO's annual budget has gone to staff and operations, while the remaining third has gone to consultants. By adding this position, the APO will be able to do more work with staff (which costs an average of \$53/hour) and less with consultants (which costs an average of \$115/hour).

The full job description is attached for your information.

## Job Description

### **Job Title:** Transportation Planner

**Department:** St. Cloud Area Planning Organization

**Supervisor:** Senior Transportation Planner

**FLSA Status:** Exempt

**Salary Range:** \$40,943 to \$58,490

**Prepared:** January 18, 2017

### **Summary**

Provide both general and project specific transportation planning and technical services to local units of government within the metropolitan area. Working under the direction and guidance of the Senior Transportation Planner, complete assigned tasks related to the APO's long range transportation planning process and Transportation Improvement Program (TIP) development. Working with the Planning Technician, collect and analyze transportation system performance data and develop an annual performance monitoring document. Working with Metro Bus, identify and complete transit-related planning tasks. Serve as the APO Title VI Coordinator. Maintain the APO's Public Participation Plan, identify opportunities to improve the plan, and suggest changes to the Senior Transportation Planner.

**Essential Duties and Responsibilities** include, but are not necessarily limited to, the following. Other duties may be assigned.

1. Serve as support staff for development of the APO's Long Range Transportation Plan (LRTP); accurately and efficiently complete tasks assigned by the Senior Transportation Planner.
2. Collect, maintain, and analyze transportation systems performance data as necessary to report on adopted performance measures and target achievement; work with the Planning Technician to develop an annual transportation system performance report.
3. Working with representatives of Metro Bus, identify appropriate and valuable regional transit-planning tasks in support of regional goals and objectives that are common to both the APO and Metro Bus, and execute those tasks accurately and efficiently.
4. Serve as the APO Title VI Coordinator, which includes collecting statistical data of participants in and beneficiaries of APO programs, conducting annual Title VI reviews to determine effectiveness of program activities, conducting Title VI reviews of contractors and other recipients of Federal-aid highway funds administered by the APO, identifying any Title VI deficiencies and bringing them to the attention of the Executive Director, and preparing a yearly report of Title VI accomplishments and goals.
5. Maintain the APO's Public Participation Plan, identify opportunities to improve the plan and/or required changes based upon changes in Federal or State law, draft amendments and make change recommendations to the Senior Transportation Planner.
6. Attend meetings of the Technical Advisory Committee (TAC), prepare and give presentations to the group as necessary, respond to direction provided by the TAC with the concurrence of the Senior Transportation Planner.
7. Substitute for Senior Transportation Planner in times of absence and at requested meetings.

## **Qualifications**

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

## **Education and/or Experience**

Minimum Qualifications: Bachelor's degree or equivalent from an accredited college or university in civil engineering, urban and regional planning, geography, transportation planning, or a related field.

- Knowledge of the urban planning process.
- Ability to prepare clear and definitive reports and to effectively present such reports orally to various groups.
- Skill in the use of state-of-the-art computer programs necessary for transportation planning activities. Excellent research and analytical skills.
- Ability to establish and maintain effective working relationships with supervisors, other staff, staff of local jurisdictions, staff of state and federal agencies, and the general public.
- Must be capable of functioning with limited supervision, and making independent decisions based on sound transportation planning principles.

## **Language Skills**

Must be able to read, write, hear, and speak English sufficiently to understand and carry out oral and written instruction; to understand various State and federal regulations related to transportation planning and civil engineering; to communicate effectively orally and in writing; to prepare written documents and reports required for local, State-Aid and Federal-Aid projects; and to supervise subordinates through written and oral directives. Must have the ability to understand and carry out complex oral and written instructions.

Ability to read, analyze, and interpret common scientific and technical journals, financial reports, and legal documents. Ability to respond to common inquiries or complaints from APO member agencies, citizens, regulatory agencies, or members of the business community. Ability to write reports and documents that conform to prescribed style and format. Ability to effectively present information to public groups and/or APO Board.

## **Mathematical Skills**

Ability to calculate figures and amounts such as proportions, percentages, and area. Ability to apply concepts of basic algebra and geometry to transportation planning.

## **Reasoning Ability**

Ability to define problems, collect data, establish facts, and draw valid conclusions. Ability to interpret an extensive variety of technical instructions in mathematical or diagram form and deal with several abstract and concrete variables. Must possess sound problem solving skills. Must be capable of reasonable judgment and possess sound reasoning skills due to the independent nature of a considerable amount of work involved.

## **Computer Skills**

To perform this job successfully, an individual should have knowledge of internet browsers; Microsoft Excel; Microsoft Word, Microsoft Outlook, and Microsoft PowerPoint. Must have the ability to learn proper techniques and use of office equipment.

### **Certificates, Licenses, Registrations**

Current driver's license required.

### **Physical Demands**

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job the employee is frequently required to sit for prolonged periods of time. The employee is regularly required to talk or hear. Must have a range of hearing, with or without correction, to be able to hear and respond to telephone communications. The employee is occasionally required to stand; walk; use hands to finger, handle, or feel; reach with hands and arms and stoop or kneel. Hand-eye coordination is required to operate office equipment and computer software. The employee must occasionally lift and/or move up to 25 pounds. The employee must have sufficient strength, mobility and agility to perform field survey work including: use of hands to handle equipment and ability to traverse areas of uneven or excavated ground and steep embankments. Specific vision abilities required by this job include close vision and ability to adjust focus. Must have vision, with or without correction that will afford the ability to adjust focus in order to operate computer software.

### **Work Environment**

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Work is performed in both office and occasionally in field settings. The noise level in the office work environment is usually quiet. Fieldwork is performed with exposure to weather conditions, dust, dirt, loud noise, traffic, exhaust fumes, and moving equipment.

### **Salary and Benefits**

Salary will be negotiated and is dependent upon qualifications and experience. The salary range for this position is \$40,943 to \$58,490. Additional benefits include 12 paid holidays per year, paid vacation, paid sick leave (accrued at 8 hours per month), health insurance, health savings account (with employer matching), \$50,000 life insurance policy, dental insurance, long-term disability insurance, a deferred compensation plan, and participation in the Minnesota Public Employee Retirement Association.

### **To Apply**

The Saint Cloud APO will be accepting resumes and cover letters from interested individuals until noon (Central Standard Time) on March 15, 2017. Interested persons are encouraged to tailor their submissions to the job requirements and qualifications shown above.

Resumes and Cover Letters should to be mailed to:

Brian Gibson  
Saint Cloud Area Planning Organization  
1040 County Road 4  
St. Cloud, MN 56303

Or they may be submitted by email to:

[Gibson@stcloudapo.org](mailto:Gibson@stcloudapo.org)

All resumes received as of noon on March 24, 2017 will be evaluated and prioritized and the top ranked candidates will be contacted to schedule an interview. Interviews may be done by electronic means (e.g., Skype, telephone, etc.) for candidates if they cannot attend the interview in person.



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**TO:** Saint Cloud APO Executive Board  
**FROM:** Brian Gibson, PTP, Executive Director  
**RE:** Procurement Policies Update  
**DATE:** January 30, 2017

Last month, I provided a draft copy of the updated Procurement Policies for your review. Since that time, MnDOT has provided some feedback on the draft document, which are reflected as tracked changes in the attached document.

The current Procurement Policies, last amended in 2014, do not fully reflect our Federal requirements, as found in 2 CFR Part 200, nor the requirements of our State grant agreement.

The Executive Board cannot approve policy changes; only the Policy Board may do that. But, I am seeking a recommendation to the Policy Board to approve these new policies, including the changes recommended by MnDOT, as shown in the attachment.

# Saint Cloud Area Planning Organization

## Procurement Procedures

Effective XXXX, 2017

### 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 create the maximum feasible, free and open competition in all procurements.
2. To prevent potential waste, fraud, abuse, and conflicts of interest in the procurement process.
3. To insure fair and equal treatment of all potential vendors and contractors.
4. To establish standard procedures to be followed in making purchases.
5. 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. 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 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 gifts or favors valued at \$25 or less per calendar year may be accepted without consequence, but shall be reported to the Executive Board.

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 other potential contractors.
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 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. 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. 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. 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. 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. 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. 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 \$10,000, APO employees shall develop and publicize either a formal written RFP, Request for Quotes (RFQ), or Invitation for Bids (IFB).
11. 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. 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 take these steps as well.

Evaluations and Awards

13. 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. 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

15. Before entering into any contract, APO employees shall check the Federal System for Award Management website ([www.sam.gov](http://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, -shall review and 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. The APO will ~~make awards~~engage only ~~to~~-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. 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. The APO shall NOT use a cost-plus-percentage method of contracting.
20. Contract terms for services shall not exceed five (5) years.
21. 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.

Project Development and Completion

22. The APO shall comply with MnDOT's DBE reporting requirements.
23. All contracted services shall be performed to the satisfaction of the MnDOT Planning Program Coordinator and District Planner.
24. 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. 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. 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. 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. 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 \$3,000.

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 Executive Board, the Executive Director has authority to approve Micro Purchases up to \$1,500.
4. For Micro Purchases between \$1,501 and \$3,000, the Executive Board Chair shall give pre-approval for the purchase.

5. Receipts will be retained, and all Micro Purchases will be documented on the Executive 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 \$3,001 and \$10,000.

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 Executive 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 Executive 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).

#### **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".)

1. The Executive Board shall pre-approve all Small Purchases prior to the RFQ being publicized.
2. 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.
  - a. 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.
3. 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.
4. Vendors shall submit an invoice prior to payment, and a receiving slip must be signed for all items received (if applicable).
5. Invoices and receipts will be retained, and will be documented on the Executive Board's monthly bills list.
6. 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.

7. 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.
  - a. 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.
  - b. APO staff shall check the EPA website for other minimums as the need arises.
8. 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.
9. 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 \$10,000, 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 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 ~~in excess of \$100,000~~, the APO shall develop an independent cost estimate prior to developing the RFP.
3. 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. 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.
5. 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. The contract shall be awarded by the Executive 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. Contracts shall NOT be awarded to parties listed on the government-wide exclusions at the [www.sam.gov](http://www.sam.gov) website; APO staff shall document that the SAM website has been checked.
8. 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. 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. 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. All Competitive Proposal 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. Contracts in excess of \$25,000 shall include a signed Certification of Primary Participant Regarding Debarment, Suspension, and Other Responsibility Matters.
13. Contracts in excess of \$100,000 shall include a signed Standard Form LLL Certification Regarding Lobbying.
14. For contracts in excess of \$100,000, 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 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 \$100,000 related to the construction, alteration, repair, or maintenance of real property or the supplies, materials, or equipment for such activities. (For procurements less than \$100,000, Small Purchase, Simplified Purchase, or Micro-Purchase processes can be used).

1. All Sealed Bid projects shall be identified in the approved UPWP. Executive 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. 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/bids shall be solicited from at least three 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 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 opened.
4. 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. 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. 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. 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.
8. A firm fixed price contract (lump sum or unit price) shall be awarded by the 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.

### **SOLE-SOURCE PURCHASE**

Sole-Source Purchases are procurements of goods or services for a dollar in excess of \$3,000 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:

1. For Sole-Source Purchases from \$3,001 to \$10,000:
  - a. The Executive Board Chair shall preapprove the purchase; and
  - b. A verbal or written quote will be obtained by APO staff
  - c. 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.
2. For Sole-Source purchases in excess of \$10,000:
  - a. The Executive Board shall preapprove the purchase.
  - b. For purchases in excess of \$100,000, APO staff shall develop an independent cost estimate prior to requesting quotes.
  - c. APO staff shall prepare an RFQ to describe in sufficient detail the technical specifications or requirements of the good or service being sought.
  - d. For non-contractual goods or services, the vendor shall submit an invoice for payment and the purchase shall be included on the Executive Board's monthly bills list.
3. The Executive Board shall award any Sole-Source contract.
4. Contracts shall NOT be awarded to parties listed on the government-wide exclusions at the [www.sam.gov](http://www.sam.gov) website; APO staff shall document that the SAM website has been checked.
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.

6. All 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.”*
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.”*
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.
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. Sole-Source Contracts in excess of \$25,000 shall include a signed Certification of Primary Participant Regarding Debarment, Suspension, and Other Responsibility Matters.
11. Contracts in excess of \$100,000 shall include a signed Standard Form LLL Certification Regarding Lobbying.
12. 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.
13. 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.
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 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](http://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. 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.

e.a. If the Evaluation Committee decides to increase the project budget and/or 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.

10.11. 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 meeting, and shall do so in such a way as to minimize costs for the offerors.

After the Meeting(s)

- ~~11-12.~~ APO staff shall notify all offerors of the outcome of the meeting(s), and shall begin negotiations with the top-ranked offeror.
- ~~12-13.~~ 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.
- ~~13-14.~~ APO staff will develop a draft contract based on the final negotiated scope-of-work and budget.
- ~~14-15.~~ The APO Executive Board must approve all contracts before they are executed.
- ~~15-16.~~ A copy of the fully executed contract shall be provided to the MnDOT Planning Program Coordinator.

**7. SAMPLE WORKFLOWS**

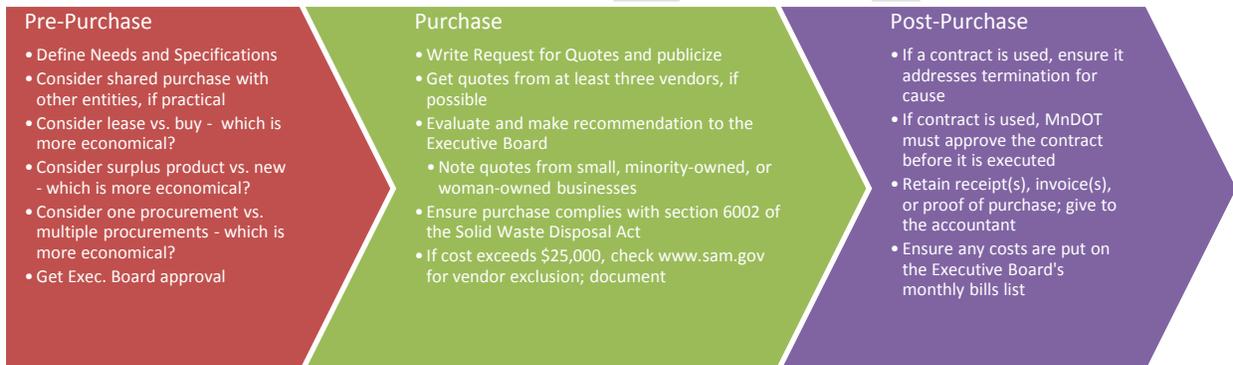
Micro Purchase: \$0 - \$3,000 (goods or service; non-construction)



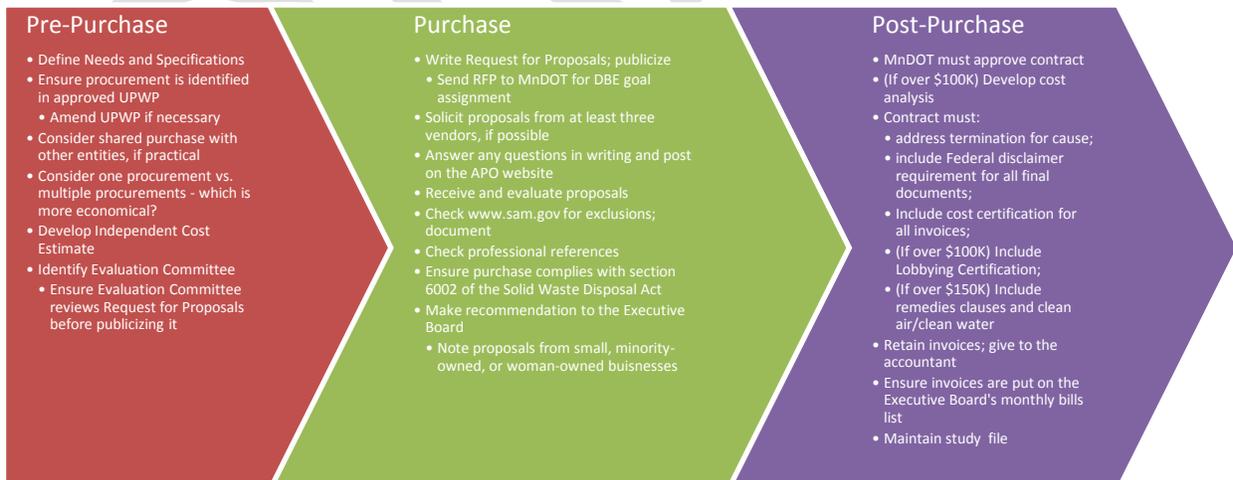
Simplified Purchase: \$3,001 to \$10,000 (goods or service; non-construction)



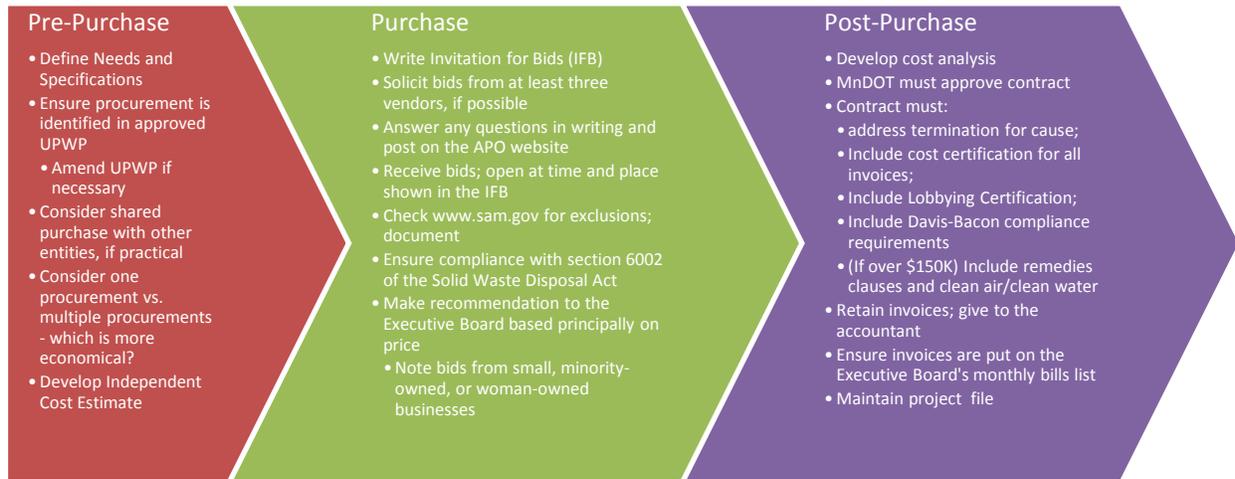
**Small Purchase: \$10,000 to \$100,000 (relatively simple goods or service; non-construction; non-consultant services)**



**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





Saint Cloud

# Area Planning Organization

1040 County Road 4, St. Cloud, MN 56303-0643  
(320) 252-7568 • (320) 252-6557 (FAX) • Email: admin@stcloudapo.org • www.stcloudapo.org

**APO Policy Board Meeting**  
**Thursday, February 23, 2017 - 7:00 p.m.**  
**Waite Park City Hall**  
**19 13<sup>th</sup> Avenue North, Waite Park**

## AGENDA

1. Pledge of Allegiance
2. Rollcall of Members
3. Consideration of Agenda
  - a. Requested Action: Approval
4. Consideration of Meeting Minutes from October 27, 2016 (*Attachment A*)
5. Consideration of 2016 Year End Financial Statement (*Attachment B*)
  - a. Requested Action: Approval
6. Consideration of Transportation Alternatives Priorities for FY 2017 (*Attachment C*)
  - a. Requested Action: Approval
7. Consideration of Procurement Policies (*Attachment D*)
  - a. Requested Action: Approval
8. Consideration of ADA Self-Evaluation (*Attachment E*)
  - a. Requested Action: Approval
9. Consideration of Regional Priorities for 2017 (*Attachment F*)
  - a. Requested Action: Approval
10. Other Business & Announcements
  - a. APO staff will begin holding a series of public input open-house events in March & April to collect comments on existing conditions and issue identification
  - b. Minnesota Transportation Conference is March 1 and 2 at the Saint Paul RiverCenter
    - i. For more info: <http://mntransportationconference.org/>
  - c. Annual Meeting is scheduled for May 25. Elections for all officers will be held.
11. Adjournment

*St. Cloud APO meeting facilities will be accessible to mobility impaired individuals. If translation or interpretative services are required, the St. Cloud APO will make a good faith effort to accommodate these requests if time and resources permit. Please contact Dorothy Sweet at the St. Cloud APO 320-252-7568 at least three days in advance of the meeting if these special accommodations are required.*



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**TO:** Saint Cloud APO Executive Board  
**FROM:** Brian Gibson, PTP, Executive Director  
**RE:** Consideration of Regional Transportation Priorities for 2017  
**DATE:** January 30, 2017

Last month the Executive Board discussed several possible projects to be included in the legislative briefing booklet of regional transportation priorities. By the end of the meeting, the list looked largely unchanged from 2015:

1. Expanding I-94 to six lanes from Saint Michael to Saint Cloud
2. Address the funding equity issue for Central Minnesota
3. Connect the Northstar Rail corridor to Saint Cloud
4. Positioning the Saint Cloud airport as a regional air hub

In addition, the Board requested that we approach Metro Bus for any needs they may have. I met with Director Daniel, but Metro Bus has no regional needs this year. The Board also requested that staff meet again with the Technical Advisory Committee (TAC) to get their input. That meeting is scheduled for February 2<sup>nd</sup>.

A few other possible projects were brought up, such as the need for another I-94 interchange and expanding rail freight (i.e., BNSF) service to the region. We will discuss these with the TAC at their meeting.

One final thought is that instead of presenting the legislators with only the final vision, it may be useful to also clarify the next step in the process and the financial need to complete that step. For example, we could say that our vision is to ultimately construct a 6-lane I-94 to Saint Cloud, but the next step in that process would be to complete a planning and feasibility study for \$X. Having a specific task and cost may give them some confidence that we have a plan and are serious about the effort. I would like to include these next steps in the briefing booklet for each project.

Board members should also begin thinking about the timing of the Washington D.C. trip and some of the logistics. I will consult with Kodiak Hill-Davis of David Turch and Associates in this regard as well.



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**TO:** Saint Cloud APO Executive Board  
**FROM:** Brian Gibson, PTP, Executive Director  
**RE:** Performance Measures Requirements for MPOs  
**DATE:** January 30, 2017

President Obama signed the Moving Ahead for Progress in the Twenty-First Century (MAP-21) Act into law on July 6, 2012. A key feature of MAP-21 is the establishment of a performance- and outcome-based program. The objective of this performance- and outcome-based program is for States and Metropolitan Planning Organizations (MPOs) to invest resources in projects that collectively will make progress toward the achievement of the national goals.

MAP-21 also requires the USDOT to work with States and MPOs to establish performance measures by which achievement of these goals will be evaluated. All of the Federal performance measures were recently finalized. They are:

Goal Area & National Goal	Federal Performance Measures
<u>Safety</u> : To achieve a significant reduction in traffic fatalities and serious injuries on all public roads	Number of fatalities (five year rolling average)
	Rate of fatalities per 100 million vehicle miles traveled (VMT) (five year rolling average)
	Number of serious injuries (five year rolling average)
	Rate of serious injuries per 100 VMT (five year rolling average)
	Number of non-motorized fatalities and non-motorized serious injuries
<u>Infrastructure Condition</u> : To maintain the highway infrastructure asset system in a state of good repair	Percentage of pavements on the Interstate System in Good condition
	Percentage of pavements on the Interstate System in Poor condition
	Percentage of pavements on the National Highway System (NHS) (excluding the Interstate System) in Good condition
	Percentage of pavements on the NHS (excluding the Interstate System) in Poor condition
	Percentage of NHS bridges classified as in Good condition
	Percentage of NHS bridges classified as in Poor condition
<u>Freight movement and economic vitality</u> : To improve the national freight network, strengthen the ability of rural communities to access national and international trade markets, and support regional economic development	Percentage of the Interstate System Mileage providing for Reliable Truck Travel Times, or Truck Travel Time Reliability (TTTR) Index
<u>Environmental sustainability</u> : To enhance the performance of the transportation system while protecting and enhancing the natural environment	Percent Change in Tailpipe CO2 Emissions on the NHS from the Calendar Year 2017

<Table continues on next page>

Goal Area & National Goal	Federal Performance Measures
<u>System reliability</u> : To improve the efficiency of the surface transportation system	Percent of Person-Miles Traveled on the Interstate System That Are Reliable (the Interstate Travel Time Reliability measure)
	Percent of Person-Miles Traveled on the Non-Interstate NHS That Are Reliable (the Non-Interstate NHS Travel Time Reliability measure)
<u>Congestion reduction</u> : To achieve a significant reduction in congestion on the National Highway System	Annual Hours of Peak-Hour Excessive Delay Per Capita (the PHED measure)
	Percent of Non-SOV Travel where SOV stands for single-occupancy vehicle

States must now establish performance targets for each of the performance measures. For example, for the performance measure *Number of Fatalities*, a state may decide that their target will be a 10% reduction over the previous year’s number, or they may set their target as a number such as “no more than 400 fatalities”. Within 180 days of the State of Minnesota setting their targets, all MPOs in the State will have the option to either adopt their own individual targets, or in most cases, the MPOs can choose to “support the state” in achieving the state’s target. In addition to the performance measures above, the Federal Transit Agency has also required all transit providers to adopt an asset management (sometimes called “the state of good repair”) target.

I am bringing this to your attention for a few reasons:

1. As the State of Minnesota and the local transit providers establish their performance targets, I will be bringing them to you. The Board will have the option of either supporting the state in the achievement of their target, or, if the target does not seem to be a good fit for the region, you can establish your own regional target. But, we must act within 180 days of the State’s decision.
2. Establishing performance measures and performance targets means that the APO will need to increase its capacity to collect transportation performance data, manage and analyze that data accurately, and report it to the State annually. In some cases, we may receive the raw data from the State, but we will still need to manage, analyze, and report it in terms of our regional targets. (This will be the responsibility of the new Transportation Planner position – see attachment earlier in this agenda packet.)
3. The Federal performance measures are the minimum required performance measures, but there may be other performance measures you wish to use in order to fully assess the operations of the regional transportation system. Some examples might be, “annual number of transit boardings”, or “number of non-fatal crashes per 100 million VMT”, or “change in number of bicyclists” at specific locations. Taken as a whole, the performance measures should provide you with a clear picture of how the system is operating and where the trouble spots are.
4. As the APO identifies performance measures and sets targets, it is anticipated that these will help guide decisions about where transportation funding is expended. Congress is requiring performance-based planning and programming to provide some assurance that Federal money is being expended on worthwhile projects and not just frittered away. This may mean, for example, that all of the available TIP funding for a particular year is programmed for a single jurisdiction (because that is where the evidence-based problems are) rather than spreading the funding around the region. Going forward, the goal will be to improve the performance data and meet or exceed targets.