



Managing Federally Funded Projects

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The objectives of this guide are to help Metropolitan Council Project Managers and Subrecipient Project Managers:

- Understand the requirements for federally funded projects at the Metropolitan Council
- Understand the process to support federal compliance
- Foster coordination between the Council and Subrecipients
- Understand and use Council resources
- Comply with the responsibilities of being a the Metropolitan Council or Subrecipient

Definitions

Direct Recipient

The term Direct Recipient refers to the entity that receives federal assistance directly from the Federal Transit Administration (FTA) or other federal agency. As the Direct Recipient of FTA funds, the Metropolitan Council is responsible for the daily administration and management of the grant in compliance with the Grant Agreement and all applicable FTA circulars and regulations.

The Direct Recipient is also responsible for funds that are "passed-through" to a Subrecipient. The primary responsibility for managing all FTA grant funds lies with the Metropolitan Council as the Direct Recipient of those funds. The FTA annually updates the Master Agreement between the Metropolitan Council and the FTA. The FTA also annually requires renewal of the required Certifications and Assurances document. And, all FTA Program Circulars & Guidelines apply to all projects which have any FTA grant funding whether the project is awarded to the Metropolitan Council or a Subrecipient.

Subrecipient

The term Subrecipient refers to an entity that receives Federal assistance awarded through an FTA Direct Recipient rather than by FTA directly. Although the Metropolitan Council may delegate any or almost all project responsibilities to one or more Subrecipients, the Metropolitan Council agrees that it, rather than the Subrecipient, is ultimately responsible for compliance with all applicable federal laws, regulations, and directives, except to the extent that FTA determines otherwise in writing.

Third Party Contractor

Although the Metropolitan Council or the Subrecipient may enter into a third party contract in which the Third Party Contractor agrees to provide property or services in support of the Project, or even carry out Project activities normally performed by the Metropolitan Council or the Subrecipient (such as in a turnkey contract), both the Metropolitan Council and the Subrecipient agree that they, rather than the Third Party Contractor, is ultimately responsible to FTA for compliance with all applicable federal laws, regulations, and directives, except to the extent that FTA determines otherwise in writing.

Lessee of the Metropolitan Council

Although the Metropolitan Council may lease project property and delegate some or many project responsibilities to one or more lessees, the Metropolitan Council agrees that it, rather than any lessee, is ultimately responsible for compliance with all applicable federal laws, regulations, and directives, except to the extent that FTA determines otherwise in writing.

Using Federal Funds (FTA) at the Council:

Federal Transit Administration (FTA)

The FTA is the predominant source of federal grant funds for transportation programs at the Metropolitan Council. To receive this funding, the Metropolitan Council is subject to an annual FTA Master Agreement and must annually sign a Certifications and Assurances document. FTA grant funds are appropriated annually, based on FTA's Fiscal Year (Oct. 1-Sept. 30). FTA funding includes:

1. 5307 Formula Funds
2. Congestion Mitigation Air Quality (CMAQ)/STP Flexible Funds
3. 5309 Fixed Guideway funds
4. Revenue Vehicle and Passenger Facilities funding
5. New Starts for large Capital Projects
6. Job Access Reverse Commute (JARC) & New Freedom

Use of these funds must comply with all FTA Program Circulars & Regulations.

Other Federal Sources

1. State Department of Public Safety (flow through)
2. Homeland Security
3. National Institutes of Health (NIH)
4. Occupational Safety and Health Administration (OSHA)
5. Federal Highway Administration (FHWA)

Availability of FTA Funds

Apportionments of Formula funds, Capital Discretionary funds, and all other FTA or FHWA funds are received annually and are available for use in an application only after the annual apportionment or award is announced in the Federal Register. Funds are generally announced in December-March of each federal fiscal year.

Projects funded from CMAQ and Surface Transportation Program (STP) funds are approved for FHWA dollars called "flex" funds. These funds are held by FHWA and are intended for use for highway or transit projects. Transit projects that are awarded by the Transportation Advisory Board (TAB) through MnDOT require these funds to be transferred from FHWA to FTA before an

application can be submitted. Funds are generally available at the commencement of the federal fiscal year or in December or March depending on when the FHWA apportionments are made.

Project Requirements for FTA Grant Eligibility

Metropolitan Council Capital Improvement Program (CIP)

Management recommends and the Council annually approves a six year listing of planned capital projects. The CIP is the basis for new capital program authorizations and for projects to be identified for FTA funding.

Transportation Improvement Program (TIP) & State Transportation Improvement Program (STIP)

A list of projects selected from the Capital Improvement Program (CIP) that will use federal funds is included in the Metropolitan Area TIP. The TIP is approved and sent to MnDOT for inclusion in the State Transportation Improvement Program (STIP). The STIP is sent to FTA and the Federal Highway Administration (FHWA) for approval. Approval of the STIP generally occurs in December of the Federal Fiscal Year. A project must be included in the STIP to be eligible for FTA funding. If the project is not in the currently authorized STIP, the STIP must be amended to include the project. The STIP amendment process takes a minimum of two months.

Capital Budget Amendment Authorization

Only those projects from the CIP that have been approved by inclusion in a capital budget amendment are eligible to receive and expend funds. Project funding cannot be used until the Metropolitan Council provides authority for the project.

Local Match

Local match funding requirements and percentages can vary. Regional Transit Capital (RTC), State General Obligation Bonds, Regional Rail Capital or other local funds may all be used alone or in combination to meet federal match requirements. In-Kind contribution of real property may be eligible as match with FTA's prior approval. Other federal funds may rarely be used as match and ONLY with FTA's written approval.

Farebox revenue cannot be used as local match for FTA-funded projects.

Match availability

1. Match funding must be available at the time of the grant award.
2. No federal funds may be drawn without sufficient match being authorized and available.
3. The match funding must be spent to qualify as match.
4. Subrecipients must certify the use of local match with each invoice submitted.
5. Subrecipients are required to provide a quarterly report accounting for the use of local funds as match.

Federal Grant Application and
Award Process for the
Metropolitan Council and Subrecipients

Federal Grant Application and Award Process for the Metropolitan Council and Subrecipient

Both the Metropolitan Council and Subrecipients are required to follow certain rules when using federal grant funding. Subrecipients are required to follow the same rules as the Metropolitan Council. FTA requires that the Metropolitan Council monitor a project when passing through grant funding to a Subrecipient, documenting that the use of federal funding by a Subrecipient follows all federal rules and regulations.

Pre-Grant Application—Budget Authorization

To request federal funds for the Council or a Subrecipient, all Metropolitan Council Project Managers must complete the Project Start-Up Check-List Form. (Appendix E1: Project Start up Checklist) The project must be listed in the CIP as required by the Council as well as in the TIP/STIP as required by FTA. Local match funding must be identified and approved. Federal funds are allocated to projects and approved by Metro Transit's General Manager or the Director of Metropolitan Transportation Services.. Council staff must assure that the Council's Authorized Capital Budget includes, or will be amended to add, authority to use the grant amount.

Internal Grant Application Process

An Internal Grant Application (IGA) must be completed by the Project Manager. (Appendix E1a: Internal Grant Application) Information required on the IGA includes:

- a detailed description of the project,
- a projected budget,
- the Project schedule and Milestone dates,
- a Fleet plan if acquiring buses,

FTA requires all projects to comply with the National Environmental Protection Act (NEPA) regulations regarding impact on the environment including historical preservation, national heritage and DNR requirements. On larger scale projects involving transitways, transit corridors or new modes of transit in a corridor, FTA may also require additional environmental justice analysis and public comment.

Unless the project impacts the environment minimally (eg, bus shelters) or does not impact the environment at all (eg, bus procurement), Metropolitan Council and Subrecipient project managers must provide information for a Documented Categorical Exclusion (DCE). Items included in a DCE request include but may not be limited to:

- a DCE Checklist (Appendix E2 – DCE Checklist)
- a Natural Heritage Information System Data Request Form (Appendix E3: Natural Heritage Information System (NHIS) Data Request Form),
- a State Historic Preservation Office Approval Request Letter (Appendix E4: State Historic Preservation Office (SHPO) Request Letter)

The Grants department is required to submit a one-page description of the project to FTA so FTA can determine what documentation or “NEPA” work will be required for each project. Grants will contact the Metropolitan Council project manager to obtain the information for this document. In general,

FTA will require a DCE be completed prior to most construction projects. In some cases, more complex and detailed NEPA work is required. Extracts from FTA guidance are included in Appendix E5 for information purposes only.

Approval of all NEPA work must be received by FTA prior to the grant application. A DCE may require four (4) months or longer for FTA review and approval, especially if land acquisition is involved. More complex NEPA documents may take up a year or longer.

Once the NEPA work is completed and Grants receives the IGA, the actual grant application can take place. .

FTA Grant Application Process—Transportation Electronic Award Management (TEAM) System

Based on the data included in the Internal Grant Application, Grants management staff will prepare and submit grant applications in FTA's TEAM system.

The FTA requires 60 to 90 days to complete their approval process. During this time FTA staff at the FTA Region V office in Chicago, IL, reviews the application content for accuracy and regulatory compliance, environmental clearances, project scopes and completeness of information. DOL approvals are required on all applications. The Regional V FTA office forwards all applications to DOL who then forwards the grant information to the various union representatives for approval. The Region V FTA office also forwards all applications involving discretionary or earmark funding to the Washington D.C. office for approval by Congress. CMAQ/STP grant applications require transfer of federal funds from FHWA to FTA before the grant can be awarded.

After FTA receives all relevant approvals from DOL, Congress and internal staff, the grant application is approved. Then the Metropolitan Council's Regional Administrator or designee must execute the grant award in TEAM BEFORE the grant is available for disbursement.

Metropolitan Council Policy prohibits the commitment of funding prior to receipt of the federal award, including obligating funds for procurement or for Subrecipient Agreements. Prior written approval is required for advance spending and in some cases is not allowable.

Post Grant Execution – Grant Administration and Oversight

Project Management

The Project Manager is responsible for grant and project oversight. The Metropolitan Council Project Manager may be assigned at any point prior to the award of the grant. Subrecipients must assign one person as a project manager responsible for grant and project oversight. A Metropolitan Council Project Manager will also be assigned to all pass-through grants. The Metropolitan Council Project Manager will work closely with the Subrecipient to monitor grant activity and is the point of contact between the Subrecipient and all other Metropolitan Council departments as well as FTA.

Notice of Grant Award (NOGA)

Once a grant has been executed, a Notice of Grant Award document is the next step. The NOGA is created and published by Grants. Grants will notify the Metropolitan Council Project Manager, Metropolitan Council Finance and other appropriate Council staff of the execution of the grant by setting up a NOGA meeting where the scope and intent of the project and grant are discussed along

with funding sources and limitations. Subrecipient project managers or other Subrecipient staff may be included in this meeting at the Metropolitan Council Project Manager's discretion. The NOGA becomes the control document for the project and the grant and contains the information above as well as the appropriate revenue and expense account strings.

Any project-specific concerns or restrictions are addressed and noted in the document and the NOGA is then published to the Metropolitan Council intranet. A copy may also be provided to the Subrecipient project manager at the Metropolitan Council Project Manager's discretion. When the NOGA is complete and published, Metropolitan Council Finance will activate the specific account strings in the Purchasing, Payroll and Financial systems. Finance will also set up the NOGA budget in the PeopleSoft Grants Ledger to enable the production of variance reports for managing the project and the grant. A blank NOGA is included as Appendix E6: Notice of Grant Award (NOGA). NOGA publication allows Metropolitan Council Project Managers to begin to incur costs and expend funds to meet project goals and timeline as well as begin the process of preparing, negotiating and executing the Subrecipient Grant Agreement which, upon execution, allows the Subrecipient to incur costs and request payments.

The Metropolitan Council Project Manager listed on the NOGA is the Project Manager of Record, and must review and sign all CIM's (Contract Initiation Memos), SCIM's (Subrecipient Contract Initiation Memo), pay requests and invoices.

When management of a project or grant is reassigned, Grants must be notified so that they can make a change to the Project Manager of Record on the NOGA. NOGA meetings are also required when project activity requires a revision to the budget or account information.. The Project Manager of Record is the only person who can request a revision to the NOGA by sending an email to Grants. Grants will set up the NOGA revision meeting once a request has been received.

Charging Expenses to a Grant

Project managers refer to the NOGA line items when anticipating charging expenses to a grant and then set up contracts, agreements and Purchase Orders accordingly.

The Subrecipient Project Manager should review the approved budget and work scope in the Subrecipient Grant Agreement to determine eligibility of project activities and costs.

Any Contract Initiation Memo (CIM) or Subrecipient CIM (SCIM) must be initiated and signed by the Project Manager named on the NOGA and in the Subrecipient Agreement. The CIM or SCIM must also reference the correct grant number and the approved account strings included in the NOGA. Metropolitan Council Project Managers will supply the Metropolitan Council account strings for the SCIM's initiated by a Subrecipient.

Metropolitan Council Project Managers are responsible for monitoring all expenditures and verifying the availability of sufficient funds prior to approving any Subrecipient or Vendor invoice for payment.

Work orders, Purchase Orders, or any form or method used to initiate a charge against a grant should also reference the correct grant number and account strings included in the NOGA. It is the Metropolitan Council Project Manager's responsibility to be certain that funds are available before approving expenditures.

Costs incurred outside the scope of the approved budget are ineligible for reimbursement under FTA regulations. Changes to the existing budget must be approved by Grants in the case of Metropolitan Council projects and grants and by the Metropolitan Council Project Manager and Grants in the case of Subrecipient projects and pass-through grants. Any budget revision may require prior written approval from the FTA. This can take 30-60 days so any requests for budget revisions should be forwarded to the appropriate Metropolitan Council staff as soon as it is known a budget revision needs to be made..

Subrecipient Oversight

In some cases, Metropolitan Council Project Managers be required to fill out forms and checklists that need to be completed periodically as part of the monitoring process that the Council is required to do.

Pay requests must contain all supporting documentation along with certification that the authorized and available match was expended as part of the transaction being invoiced. (Appendix E18: Subrecipient Invoice)

On a quarterly basis, a project progress report is required along with a detailed accounting of the expenditure of the local match.

A list of subrecipient oversight requirement is included as Appendix E8: Subrecipient Requirements and Monitoring. The subrecipient checklist that the Metropolitan Council Project Manager is required to fill out quarterly is included as Appendix E8a: Subrecipient Monitoring Checklist. Grants will send the Subrecipient Monitoring Checklist to the Metropolitan Council Project Manager on a quarterly basis for completion.

Subrecipient Award Process

The Metropolitan Council Project Manager initiates the TEAM application process and sends a form letter to the Subrecipient organization(s). (Appendix E7: Subrecipient Letter)

Subrecipient Agreement

Once the federal grant is executed, the Metropolitan Council Project Manager requests a Subrecipient Grant Agreement (SGA) from the Metropolitan Council's Office of General Counsel and Contracts and Procurement Department using the form included as Appendix E 9: Grant Memorandum Transportation Agreements.. When negotiated terms are complete and agreeable to the Metropolitan Council Project Manager and to the Authorized Subrecipient Representative, the subrecipient grant agreement is signed and fully executed by both the Metropolitan Council and the Subrecipient's governing board.

The Subrecipient must complete the FTA's Annual Certifications and Assurances, provide a copy of an acceptable A-133 audit if received it has received over \$500,000 of Federal funding from all sources or audited financial statements if the \$500,00 threshold has not been met, and provide copies of other documents as the Metropolitan Council and/or FTA requires.

The Subrecipient Grant Agreement specifies all applicable federal requirements, including:

- a. Procurement;
- b. Disadvantaged Business Enterprise (DBE);
- c. Program-specific concerns;
- d. Prior approvals;
- e. Reporting requirements;
- f. Invoicing.
- g. Allowable activities per the work scope and.
- h. Allowable costs for the work scope per the approved budget..

Subrecipient Administration of Award

The Subrecipient is responsible for adhering to the work scope and budget as approved by FTA and as outlined in the Subrecipient Grant Agreement. Prior approvals are required for some activities even if they are included in the work scope and budget. Subrecipient Project Managers should thoroughly read the SGA and any appendices to make sure all federal regulations are being adhered to in order to receive full reimbursement of eligible expenses. All changes to the work scope require prior written approval from the Metropolitan Council Project Manager..

Requests for reimbursement may begin as soon as the Subrecipient Grant Agreement is executed. Invoices must be for the net expense (total expense less match) actually incurred in direct support of the project. No advances or expenditures prior to the execution of the SGA are allowed.

The Subrecipient must certify the use of local match with each invoice submitted. A financial report that includes a completely documented accounting of the use of local funds as match is required each quarter based on the federal fiscal year.

A NOGA meeting is also held at the Metropolitan Council to be used for internal management of the Subrecipient's federal funding.

Budget Revisions

A budget revision is defined as a transfer of funds within an approved grant budget not involving a change in the total dollars, scope, or terms and conditions of that grant. Subrecipients apply to Council staff for prior approval in writing for proposed budget revisions. See Award Activity for more detail on prior approvals.

Budget revisions that are allowed without prior FTA approval:

- Fund transfers within scope and between scopes of the same matching ratio if the amount transferred is under 20% of the most recent FTA-approved budget. Adding activities that are within scope.
- Increasing/decreasing units to be purchased by less than 20% of the total number of units or, if less than 10 units are being purchased, by less than two (2).

Budget Revisions allowed only with prior FTA approval:

- A transfer within approved budget lines that exceeds 20% of the most recent FTA-approved

budget.

- Increasing/decreasing units to be purchased by more than 20% of the total number of units or, if less than 10 units are being purchased, by more than two (2);
- Changing the size or physical characteristics of the project scope items; and/or
- Transfer funds between operating, capital/planning scopes; or scopes with different matching ratios.

Formal amendments to grants – FTA approval required

Administrative amendment:

An amendment normally initiated by FTA that is needed to change or clarify the terms, conditions or provisions of a grant contract but does not change the scope, amount or purpose of the grant. An administrative amendment is used to modify a grant contract for such purposes as to comply with changes required by FTA law, to change the year or type of funds obligated for a grant, to transfer equipment from one grantee to another or to reflect a change in the grantee's name. Administrative amendments are rare..

Grant amendment:

- A change in the scope of a grant or the amount of the federal participation.
- A change to add a project scope, if not previously included as a contingency project in the budget, or to add or delete a project scope which changes the grant scope; and/or
- Any other changes that alter the scope of a grant.

Other expenditures requiring approvals

- Buy America Waiver
- Acquisition of Right of Way (ROW) over \$500,000;
- Disposition of property (real or equipment);
- Incidental use of transit property; and/or
- Other project specific requirements.
- Make no assumptions on any changes.
- Rebudgeting exceeding 20% or project total
- Any Scope changes
- Increase or reductions of the number of units that are purchased or constructed
- Change in end date
- Any land acquisition
- NO construction without environmental (NEPA) approval

WHEN IN DOUBT, ASK.

DON'T SPEND FUNDS YOU AREN'T APPROVED TO SPEND OR DON'T HAVE!

Billing and Invoicing

All draws of funds must be supported by documented expenses that have been certified by the Metropolitan Council Project Manager. Subrecipients must submit at least one invoice each quarter on a cost reimbursement basis.

All invoices for reimbursement must contain the standard certification that all attached invoices are for a reasonable price, based on market prices offered by the vendors to the general public. Additionally, Subrecipients must certify the use of local match for each invoice submitted for reimbursement. Refer to the invoice form sample provided in Appendix E18.

Finance will not process any invoice or pay request for payment that does not have all of the required documentation and signatures. Finance will also re-verify that there is enough money left in a project's funds prior to processing all invoices. If problems are found, Finance staff will contact the Metropolitan Council Project Manager for resolution.

Reporting

Milestone Progress Reports (MPR): The requirement for milestone progress reports applies to all FTA grants. Report forms are sent from Grants to Metropolitan Council Project Managers with instruction and deadline for completion.

Federal Financial Reports (FFR): FTA Grant Recipients must submit financial information through TEAM each quarter. This report should be provided concurrently with the milestone progress reports. Finance will complete and submit all FFR's. Subrecipients are also required to submit a quarterly report on their share of the project cost, including any local match.

Final project reports: Final reports are due within 90 days of project completion and must include a comprehensive list of any property or equipment purchased under the grant, full financial reconciliation and final work scope detail.

Disadvantaged Business Enterprise (DBE) Quarterly Progress Reports: As with financial reports, grantees may submit these reports (required by FTA Circular 4716.1A) with other quarterly reports if grantees are furnishing paper forms.

Project and Grant Close-out

A project is ready to close when all project activities are complete and all project funds fully expended or no longer needed. The close-out of a project may not necessarily close out the grant. The grant must remain active and open until all projects funded by the grant are complete.

Project Close-out Process

1. Project Managers may submit a request for project close out at any time.
2. To close-out a project, a Final Milestone Progress Report (MPR) must be submitted
3. A list of equipment and/or property purchased under the grant must be attached to the Final MPR

4. Subrecipients must also provide a Final Financial Report, detailing any financial contributions, including local match expended on the project.
5. All requests along with the required reports and attachments must be remitted to Council's Grant Staff who will coordinate with Finance to be certain that the project is ready to close out and that no further documentation is required.
6. The Project Manager will be notified when the project is closed.

Grant Close-Out

A grant is ready for close-out when all project activities are complete and grant funds fully expended or no longer needed. The close out of a grant will render the grant inactive and no longer available for any financial draw down or expenditures.

Grant Close-Out Process:

1. The Grant close-out process will be initiated by Grants.
2. The grant will be closed when all project activities are complete and all final Milestone Progress Reports are received for each project, as well as when the final Federal Financial Reports and reconciliations are completed by Finance.
3. Grants will coordinate closeout activity with Finance so that all application financial accounts will be deactivated.
4. Upon close-out of a grant, the Notice of Grant Award (NOGA) will be closed.
5. The Project Manager and Subrecipient will be notified.

Post Grant Close-out: Continuing FTA Interest

By accepting Grant funding, the Metropolitan Council or Subrecipient have agreed that the grant or project closeout does not invalidate any continuing requirements imposed by the Grant Agreement, Master Agreement, or any unmet requirements set forth in the Federal Government's final notification or acknowledgment. Appendix E23 contains a asset tracking log that must be used to accurately track FTA-funded assets.

Use of Real Property, Equipment, and Supplies

Use of Project acquired Property

The Metropolitan Council or Subrecipient has agreed to maintain Continuing Control of the use of grant funded property to the extent satisfactory to FTA. Project property is to be used in the program or project for the purpose it was acquired as long as needed, whether or not the program or project continues to be supported by Federal funds.

The Metropolitan Council or Subrecipient have further agreed to notify FTA immediately when any project property is withdrawn from project use or when any project property is used in a manner substantially different from the representations made in Applications or in the Project Description for the Grant Agreement or Cooperative Agreement for the Project.

Disposal The Metropolitan Council or Subrecipient have also agreed that they will not execute any transfer of title, lease, lien, pledge, mortgage, encumbrance, third party contract, subagreement, grant anticipation note, alienation, innovative finance arrangement, or any other obligation pertaining to

project property, that in any way would affect the continuing Federal interest in that project property, without prior written FTA approval.

Maintenance. The Metropolitan Council agrees to maintain project property in good operating order, in compliance with any applicable Federal laws and regulations in accordance with applicable Federal directives, except to the extent that FTA determines otherwise in writing.

Records. Due to continuing Federal interest in project property, the Metropolitan Council or Subrecipient must keep satisfactory records pertaining to the use of any project property or capital assets, and are required to submit to FTA upon request such information. Subrecipients must also submit these same records to the Metropolitan Council upon request. Records must include:

- a) a description of the asset,
- b) identification number or tag number,
- c) source of property (the grant project number under which it was procured),
- d) acquisition date,
- e) cost,
- f) percentage of Federal participation in the cost,
- g) location,
- h) use and condition,
- i) useful life,
- j) who holds title to the equipment including rolling stock,

For assets that have either reached the end of their useful life or are no longer needed

- k) the net book value of the asset on the date of disposal
- l) written permission received from the FTA to dispose of an asset
- m) any other disposition data, including the date of disposal and sale price
- n) method used to determine its fair market value

A physical inventory of equipment must be taken and the results reconciled with equipment records at least once every two years. Any differences must be investigated to determine the cause of the difference. Records of this inventory must be kept on file.

FTA Approval of Changes in Real Property Ownership

The Metropolitan Council or Subrecipient also has agreed that they will not dispose of, modify the use of, or change the terms of any real property title or any other interest in the site and facilities used without permission and written instructions from FTA.

Useful Life of Project Property

FTA provides a useful life policy for rolling stock, trolleys, ferries, some facilities, and some equipment. Where a useful life policy has not been defined by FTA, the grantee, in consultation with the FTA regional metropolitan office shall “make the case” by identifying a useful life period for all equipment and facilities with an acquisition value greater than \$5,000 to be procured with Federal funds.

Disposition or Replacement at End of Minimum Useful Life

Project property to be disposed of or replaced must have achieved at least the minimum useful life. In some cases, FTA interest may still prevail. The Metropolitan Council Project Manager and the Subrecipient must consult with Grants to ensure that FTA interest is met.

Disposition Before the End of Useful Life

No Metropolitan Council asset can be disposed of without the written approval of the Finance Director and written review of the Asset record by the Asset Management specialist. Any disposition of project property that has a Federal Interest, before the end of its useful life requires prior FTA approval. FTA is entitled to its share of the remaining Federal interest. The Federal interest is determined by calculating the fair market value of the project property immediately before the occurrence prompting the withdrawal of the project property from appropriate use.

Procurement

Procurement

FTA C 4220.1F

FTA has developed Circular 4220.1F “Third Party Contracting Guidance” to assist its recipients and their subrecipients in complying with the various Federal laws and regulations that affect their FTA-assisted procurements. This document is located at http://www.fta.dot.gov/documents/FTA_Circular_4220.1F.pdf. These FTA requirements are incorporated into the Metropolitan Council’s purchasing and contracting policies and procedures and the Council’s standard forms.

FTA C 4220.1F sets forth the requirements a recipient and subrecipient must adhere to in the solicitation, award and administration of its third party contracts. The Circular contains 54 mandatory procurement standards (see Appendix E: FTA Mandatory Procurement Standards) that recipients and subrecipients must meet in their procurement operations. FTA encourages recipients and subrecipients to review their written procurement policies to ensure that they cover each of the 54 mandatory standards.

The Circular applies to third party contracts and subcontracts of all other FTA recipients and their subrecipients, including regional public transportation authorities that are not a State. Even though a recipient or subrecipient is not a State, it may use its own procurement procedures, if those procedures conform to applicable Federal law and regulations, including the applicable Common Grant Rule.

FTA Procurement System Reviews (PSRs)

FTA conducts periodic reviews of its grantee’s procurement systems. These reviews are conducted in accordance with the *Guide for Procurement System Reviews*, which FTA has developed in order to evaluate the grantee’s compliance with the requirements of FTA Circular 4220.1F. Recipients now have access to this *Guide* and can effectively evaluate their own procurement system’s compliance with 4220.1F using the *Guide*. Appendix C provides a link to this site.

Applicability of Federal Requirements

One of the principles of contracting with Federal funds received directly or indirectly from FTA is a recognition that, as a condition of receiving the funds, certain specific Federal requirements must be met not only by the recipient of the funds (the grantee) but also by subrecipients and a grantee’s third party contractors. The Federal requirements to be met by the grantee’s third party contractors will be defined by the clauses included in the grantee’s third party contracts. It should also be noted that third party contractors are not required to follow FTA Circular 4220.1F in their subcontracting activities.

The specific requirements for your particular grant of funds will be found in the Master Agreement incorporated into the Grant Agreement or Cooperative Agreement that was executed by you as a grant recipient. Different rules apply depending upon whether you, as the recipient or subrecipient, are a state, local, or Indian tribal governmental entity or whether you are an institution of higher learning, a hospital, or another non-profit organization. Also, depending upon the type of Federal funds you receive (e.g., operating assistance) or the nature of the capital project you are involved in, the contractual sphere of Federal requirements may include

your procurements regardless of whether Federal funds are actually drawn down to fund payments in a particular procurement.

Project Managers are responsible for procurements within your agency, and you must be aware that compliance with Federal requirements is a condition of receipt of Federal funds. Failure to comply with these provisions may, in accordance with the terms of your Grant or Cooperative Agreement, be grounds for default of that agreement and result in the loss of the funds.

Federal Procurement Basics

The method of procurement used by recipients and subrecipients must meet these FTA minimums.

Micro Purchases Procurements valued at less than \$3,000. Can be made without obtaining competitive quotations or proposals. Only documentation requirement is a determination that the price is fair and reasonable.

Small Purchases Procurements valued between \$2,500 and \$100,000 will be considered *Small Purchases*, and will be made after obtaining an adequate number of quotations, bids, or proposals from qualified sources, in accordance with Council procurement procedures.

Sealed Bids
(Formal Advertising) Sealed bids are publicly solicited for a fixed firm price contract when:

- you have a complete, adequate, and realistic specification or purchase description,
- two or more responsible bidders are willing and able to compete,
- the procurement lends itself to a firm fixed price contract and the selection can be made primarily on the basis of price, and
- no discussion with bidders is needed after receipt of offers

Competitive Proposals (RFPs) Proposals are publicly solicited when the nature of the procurement does not lend itself to sealed bidding and when any of the following circumstances are present:

- the property or services to be acquired are described in a performance or functional specification; or if described in detailed technical specifications, other circumstances such as the need for discussions or the importance of basing contract award on factors other than price alone are present.
- uncertain number of sources
- price alone is not determinative
- discussions expected

Two-Step Procurement Procedures Two-step procurement procedures in both sealed bid and competitively negotiated procurements may be used provided the opportunity for full and open competition is retained. Prospective contractors that demonstrate a technically satisfactory approach and have satisfactory qualifications are invited to submit bids or proposals.

Architectural Engineering Services and Other Services Qualifications-based procurement procedures must be used to acquire A&E services, as well as for program management, construction management, feasibility studies, preliminary engineering, design, architectural, engineering, surveying, mapping and related services.

Design-Bid-Build Requires separate contract for design services (qualifications-based procurement procedures) and for construction (sealed bidding or competitive negotiation).

Design-Build Contracting for design and construction simultaneously with contract award to a single contractor.

Other Than Full and Open Competition Noncompetitive proposals may be used when at least one of the following circumstances are present:

- After soliciting several sources, one offer is submitted. Competition may be determined to be adequate if the specification is determined to be not unduly restrictive and changes cannot be made to encourage greater competition
- The required supplies or services are available from only one source
- Unusual and compelling urgency
- Associated capital maintenance item exception repealed
- Authorized by FTA

Appendix E 10: Method of Procurement Decision Matrix is used for Council procurements to determine the method of procurement most suitable for a specific purchase.

Procurement Documentation

Recipients and subrecipients must maintain and make available to FTA written records detailing the history of each procurement, as follows:

- (a) Procurement Method. A governmental recipient must provide its rationale for the method of procurement it used for each contract, including a sole source justification for any acquisition that does not qualify as competitive, while a non-governmental recipient need only provide a justification for lack of competition when it does not obtain competitive bids or proposals for contracts exceeding the simplified acquisition threshold;
- (b) Contract Type. A governmental recipient must state the reasons for selecting the contract type it used (fixed price, cost reimbursement, and so forth);
- (c) Contractor Selection. A governmental recipient must state its reasons for contractor selection or rejection. For procurements exceeding the small purchase threshold, a non-governmental recipient must state its reasons for contractor selection, but need not state its reasons for contractor rejection. Each recipient should include a written responsibility determination for the successful contractor; and
- (d) Cost or Price. Each recipient must evaluate and state its justification for the contract cost or price.
- (e) Reasonable Documentation. The extent of documentation should be reasonable. Documents included in a procurement history should be commensurate with the size and complexity of the procurement itself. FTA recognizes that these written records will vary greatly for different procurements. For example, a receipt or bill accompanying a \$100 credit card purchase might contain all of the required information to support that procurement. Procurements that are more substantial may require extensive documentation

The Council uses checklists to ensure that the required documents are contained in the procurement file. Eight contract checklists, one for each type of procurement, are found in **Appendix E 23: Contract Logs**.

Subrecipient Purchases of \$50,000 or Greater

Purchases by subrecipients of \$50,000 or more require review and approval by Council's Purchasing and Office of Diversity and Equal Opportunity (ODEO) prior to issuance for review of compliance with FTA requirements.

- Subrecipient forwards Subrecipient Contract Initiation Memo (SCIM) Appendix E 11 b and an Independent Cost Estimate (ICE) to Council Project Manager, who forwards them to Council's Grants, Purchasing, and ODEO for review and approval. SCIMs are also required for purchasing off existing state contracts, where unit price and the level of DBE participation were established in the original solicitation process.
- Subrecipient submits draft solicitation document to Council Project Manager, who forwards to Council's Purchasing and ODEO for review and approval
- Solicitation is issued by subrecipient
- Subrecipient submits all proposals or bids received to the Council Project Manager, who forwards them to ODEO for DBE compliance check
- Prior to contract execution, subrecipient forwards contract to Council Project Manager for approval by Council Purchasing and by ODEO
- Copies of executed contracts are sent to Council Project Manager and Council Purchasing
- All contract changes (financial and non-financial) require prior review and approval by Council Project Manager, Council Purchasing, and ODEO

Key Procurement Issues

Independent Cost Estimate

An independent cost estimate is required for every procurement action, including contract modifications, and the estimate must be done before receiving bids or proposals. The independent estimate is developed based on product knowledge, experience, and market status, and is used in performing price and cost analysis.

Instructions and an example of an ICE are at Appendix E 15 a & b.

Full and Open Competition

Arbitrary action in selecting vendors is prohibited. Consistency in the procurement process is the best method of prohibiting arbitrary action. In addition, concerns regarding arbitrary action can be eliminated with proper file documentation, such bid opening records, bid comparison sheets, award decision documentation, and negotiation memoranda.

Solicitation requirements that contain features that unduly restrict competition are prohibited. Some situations considered to be restrictive of competition include, but are not limited to: excessive qualifications; unnecessary experience; improper prequalification; retainer contracts; excessive bonding; brand name only; in-state or local geographic restrictions; organizational conflicts of interest; restraint of trade; and arbitrary action.

When it is impractical or uneconomical to provide a clear and accurate description of the technical requirements of the property to be acquired, a "brand name or equal" description may be used to define the performance or other salient characteristics of a specific type of property. The salient characteristics of the named brand that offerors are to provide must be identified

In-State or local geographical preferences in the evaluation of bids or proposals will not be established, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference.

Sole source procurement must be used with care *on an exception basis only* and must be justified for each occurrence. Approvals for sole source procurement must be obtained *prior to* ordering the goods or services except in a declared public emergency. Purchases must not be artificially divided so as to represent the cost as below the minimum approval level. It is unacceptable to use the sole source procurement process in a capricious manner or for personal preference. **Sole source document is at Appendix E 16.**

Authorization for sole source procurements must be documented on the agency's sole source form.

Cost or Price Analysis

A cost or price analysis must be performed for every procurement action, including contract modifications.

A cost analysis must be performed when the offeror is required to submit the elements (i.e., Labor Hours, Overhead, Materials, etc.) of the estimated cost, e.g., under professional consulting and architectural and engineering services contracts. A cost analysis will be necessary when adequate price competition is lacking and for sole source procurements, including contract modifications or change orders, unless price reasonableness can be established on the basis of a catalog or market price of a commercial product sold in substantial quantities to the general public or on the basis of prices set by law or regulation. A price analysis may be used in all other instances to determine the reasonableness of the proposed contract price. The cost or price analysis document must be retained in the official contract file.

Written record of Procurement

1. Rationale for procurement method chosen.
2. Rationale for the selected contract type.
3. Why was the contractor selected and why contractors were rejected.
4. What is the basis for the contract price selected.

Intergovernmental agreements

Recipients and subrecipients may enter into State and local intergovernmental agreements for procurements of property or services. If so permitted by State or local authorities, a non-governmental recipient may also use State and local sources of property and services.

All FTA and Federal requirements apply to such intergovernmental agreements for FTA-funded procurements. When obtaining property or services in this manner, the recipient must ensure all Federal requirements, required clauses, and certifications (including Buy America) are properly followed and included, whether in the master intergovernmental contract or in the recipient's purchase document. One way of achieving compliance with FTA requirements is for all parties to agree to append the required Federal clauses in the purchase order or other document that effects the recipient's procurement. When buying from these schedules, the recipient should obtain Buy America certification before entering into the purchase order. If the product to be purchased is Buy America compliant, there is no problem. If the product is not Buy America compliant, the recipient will need to obtain a waiver from FTA before proceeding.

Organizational Conflicts of Interest

An organizational conflict of interest means that because of other activities, relationships, or contracts, a contractor is unable or potentially unable, to render impartial assistance or advice to the grantee; a contractor's objectivity in performing the contract work is or might be otherwise impaired; or a contractor has an unfair competitive advantage.

Brooks Act

Procurements for Architectural and Engineering services must follow the requirements of Circular 4220.1F and the Brooks Act, which requires that the Council shall negotiate a contract with the highest qualified firm for architectural and engineering services at compensation which the Council determines is fair and reasonable to the Government. In making such determination, the agency head shall take into account the estimated value of the services to be rendered, the scope, complexity, and professional nature thereof. Should the Council be unable to negotiate a satisfactory contract with the firm considered to be the most qualified, at a price determined to be fair and reasonable to the Government, negotiations with that firm should be formally terminated. The Council should then undertake negotiations with the second most qualified firm. Failing accord with the second most qualified firm, the agency head should terminate negotiations. The Council should then undertake negotiations with the third most qualified firm. Should the Council be unable to negotiate a satisfactory contract with any of the selected firms, we shall select additional firms in order of their competence and qualification and continue negotiations in accordance with this section until an agreement is reached.

Davis-Bacon Act

Construction contracts over \$2,000 involving FTA funds must contain the appropriate Davis-Bacon wage determinations. This information can be found at <http://davisbacon.fedworld.gov/>

Buy America

1. Except as provided in Sec. 661.7 and Sec. 661.11 of this part, no funds may be obligated by FTA for a grantee project unless all iron, steel, and manufactured products used in the project are produced in the United States.
2. All steel and iron manufacturing processes must take place in the United States, except metallurgical processes involving refinement of steel additives.
3. The steel and iron requirements apply to all construction materials made primarily of steel or iron and used in infrastructure projects such as transit or maintenance facilities, rail lines, and bridges. These items include, but are not limited to, structural steel or iron, steel or iron beams and columns, running rail and contact rail.
4. These requirements do not apply to steel or iron used as components or subcomponents of other manufactured products or rolling stock.
5. For a manufactured product to be considered produced in the United States:
 - All of the manufacturing processes for the product must take
 - place in the United States; and
 - All of the components of the product must be of U.S. origin.
 - A component is considered of U.S. origin if it is manufactured in the United States, regardless of the origin of its subcomponents.

Disadvantaged Business Program

Disadvantaged Business Program

Objectives of the program

In accordance with 49 CFR section 26.1, the objectives of the Metropolitan Council's DBE program are:

1. To ensure nondiscrimination in the award and administration of DOT-assisted contracts in the Metropolitan Council's financial assistance programs.
2. To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts.
3. To ensure that the Department's DBE program is narrowly tailored in accordance with applicable law.
4. To ensure that only firms that fully meet this programs eligibility standards are permitted to participate as DBEs.
5. To remove barriers to the participation of DBEs in DOT-assisted contracts.

Minnesota DBEs

In order for small disadvantaged firms, including those owned by minorities and women, to participate in the DOT-assisted contracts they must apply for and receive certification as a DBE. To be certified as a DBE, a firm must be a small business owned and controlled by socially and economically disadvantaged individuals. The Council gets information about firms through on-site visits, personal interviews, reviews of licenses, stock ownership, equipment, bonding capacity, work completed, resume of principal owners, financial capacity, and type of work preferred.

The Minnesota Unified Certification Program (MnUCP) certifies DBEs in the state of Minnesota. The MnUCP consists of staff from the Metropolitan Airports Commission (MAC), the Metropolitan Council, the City of Minneapolis and the Minnesota Department of Transportation (Mn/DOT). If you are certified with one of these agencies you are certified with all of the agencies. Do not assume that if the company is certified by any other program that they are a DBE. They are not a DBE if they are certified by the Minnesota Department of Administration' Targeted Group Business program, the CERT program or any of the city, county or special business program.

DBE businesses can be found on the Councils website.

DBE Goals

DOT DBE regulations require recipients of DOT Federal financial assistance, namely, the Council, to establish goals for the participation of disadvantaged entrepreneurs. The Council is required to establish narrowly-tailored DBE goals. Then we evaluate DOT-assisted contracts throughout the year and establish contract specific DBE subcontracting goals where these goals are needed to ensure nondiscrimination in federally-assisted procurements. The level of DBE subcontracting goals may vary from the approved DBE goal however, at the end of the year the amount of contract/subcontract awards to DBEs should be consistent with the overall goal. The current DBE goal for the Council is 15%. That means that of all the federal dollars the Council receives that is eligible for a DBE goal 15% of those dollars should go to DBE businesses.

Starting the DBE Process

Project Manager DBE Responsibilities; Council and Sub recipient

The project manager will work hand in hand with the DBE staff to make sure all federal regulations are followed.

1. If possible before the CIM or SCIM is produced the PM should contact the DBE staff and discuss the scope of work for the project. This discussion will help the DBE staff decide on the goal.
2. Once the CIM or SCIM is produced by the PM it will get routed to the DBE office and a goal is assigned.
3. After a project has been approved, the CPU (Central Purchasing Units) or Project Managers will send copies of all procurement advertisements to ODEO at time of release. ODEO will electronically distribute the notices to ALL DBE's in the directory. Interested DBE's will contact the project manager directly.
4. The PM will make sure the DBE staff reviews the procurement documents to ensure all Federal DBE clauses are included.
5. The Project Manager establishes the date, time, and location for the Pre-Proposal Meeting. The Project Manager is responsible for notifying appropriate DBE staff of Pre-Proposal Meeting. Once the bid or proposals are submitted the PM will provide DBE staff with either the three low bids or all of the proposers DBE documentation.
6. When the contractor is chosen the PM is responsible for providing the following to the DBE staff:
 - Monthly reports (no report = no payment)
 - Monthly invoices
 - Any information regarding non compliance
 - Closeout documentation

Appendix E : Council Invoice; 18, Sub recipient Invoice; 19, DBE Progress/Project Report; 20, Council Approval for Sub recipient Invoice; 21, Payment Request for Engineering/Consultant Contracts; 22, Payment Request for Construction Work/Services.
7. Document everything.

DBE Staff

The DBE staff will work hand in hand with the Project Manager to make sure all federal regulations are followed.

1. The will discuss the scope of work with the project manages before the CIM or SCIM is issued to get some idea of the DBEs that can do the work of the project.
2. ODEO staff will review the CIM and all attached documentation to determine if a goal should be assigned. Information contained within the CIM will usually determine if the project should be assigned goals, and the opportunity for subcontract work. A "sole source" award must include supporting documentation. Sole source procurements are not assigned goals.
3. After a project has been approved, the CPU (Central Purchasing Units) or Project Managers will send copies of all procurement advertisements to ODEO at time of release. ODEO will electronically distribute the notices to ALL DBE's in the directory. Interested DBE's will contact the project manager directly.
4. ODEO is invited to the Pre-Proposal Meeting for the purpose of communicating the ODEO related requirements to attendees.
5. ODEO staff will conduct a proposal/bid evaluation. It is the review and determination of the DBE participation commitment and Good Faith Efforts (GFE) proposed by a Prime. The purpose of the proposal/bid evaluation is to verify that bidders and proposers have followed the appropriate guidelines for the inclusion of DBE firms as set forth in the Metropolitan Council's proposal and bid documents.
6. ODEO Staff attends the pre-construction conference for the purpose of explaining the Council's practices and expectations regarding DBE participation and project monitoring.

7. ODEO Staff uses Progress Reports, Site Visits and Payment Verification Forms to monitor Council projects that have been assigned DBE goals. Progress Reports provide ODEO staff an updated monthly status report on the project, specifically DBE involvement.
8. ODEO Staff utilizes DBE Payment Verification at multiple points during the contract monitoring process. ODEO Staff will determine the frequency of DBE Payment Verification.
9. When all DBE progress reports and the final pay claim has been reviewed and approved by ODEO the contract will be closed.
 - Final Payment verification- ODEO will receive a notification from the project manager/CAR approximately 2 weeks in advance of the FPC. ODEO will send the Final Payment Verification form to the DBE to be completed.
 - Final Pay Claim (FPC) - All FPC's are routed through ODEO. When reviewing the FPC, ODEO Staff reviews the supporting documents, DBE Progress Reports and DBE Payment Verification to determine if the Prime has met their DBE commitment. If the DBE goal is met and ODEO Staff determines that the Prime is in good standing with their payments to DBEs, the FPC is approved, signed and routed to the PM.

Appendices

Appendix A: Acronyms, Terms and Definitions

The following is a brief list of terms and definitions important to understanding the federal process.

Acronyms and terms

C&As:	Certifications and Assurances	JARC:	Job Access Reverse Commute Program
CE:	Categorical Exclusion (Environmental document)	MPO:	Metropolitan Planning Organization
CIP:	Capital Improvement Program	NOGA:	Notice of Grant Award
CMAQ:	Congestion Mitigation Air Quality Program	NTD:	National Transit Database
DBE:	Disadvantaged Business Enterprise	SHPO:	State Historic Preservation Office
DOT:	Department of Transportation	STIP:	State Transportation Improvement Program
EA:	Environmental Assessment	TE:	Transit Enhancement
EIS:	Environmental Impact Statement	TEAM:	Transportation Electronic Award Management (incorporates TIP)
FG:	Fixed Guideway	TIP:	Urban Area Transportation Improvement Program
FTA:	Federal Transit Administration		
FWHA:	Federal Highway Administration		

Definitions

Financial award: A grant, contract, or cooperative agreement from external sponsor to conduct a specified project(s). The award carries the sponsor's requirements and expectations that the work conducted will be in accordance with the application and award document. The award can be received from federal, state or local governmental agencies, foundations, non-profit groups, or private enterprises including business and industry.

Metropolitan Council Policy Income/Grants 3-2-2: This policy governs this activity, and states that "the Metropolitan Council may enter into agreements with other governments and organizations which provide income/grants to the Council which are consistent with the Council's mission and priorities. Grant applications must be approved by the Council through the normal budget process or on a case-by-case basis."

Recipient: The entity that receives federal assistance directly from FTA to support the Project. The term "Recipient" includes each FTA "Grantee" that receives federal assistance directly from FTA through a Grant and each FTA Recipient that receives federal assistance directly from FTA through a Cooperative Agreement.

Subrecipient: Any entity that receives federal assistance awarded by an FTA Recipient, rather than by FTA directly. The term "Subrecipient" also includes the term "Subgrantee," but does not include "Third Party Contractor" or "Third Party Subcontractor."

Subagreement: An agreement through which a Recipient awards federal assistance derived from FTA to a Subrecipient as defined below. The term "Subagreement" also includes the term "Subgrant," but does not include the term "Third Party Subcontract."

Third Party Contract: A contract or purchase order awarded by the Recipient or Subrecipient to a vendor or contractor, financed in whole or in part with federal assistance awarded by FTA.

Third Party Subcontract: A subcontract at any tier financed in whole or in part with federal assistance originally derived from FTA that is entered into by the Third Party Contractor or third party subcontractor. See the end of this document for a more detailed list of terms and conditions.

5307 Funds Formula: Annual appropriation of funds based on NTD service levels and sometimes referred to as NTD funds.

5309 Funds: Earmarks or legislative appropriations based on requests by the organization to the federal legislator.

Authorized Budget: Projects from the Capital Improvement Program that have been given spending authority in the capital budget.

Capital Improvement Program (CIP): Five-year plan of projects based on cash flow.

Categorical Exclusion (CE): There are two types:

- CE II(c): If the project as defined under this category indicate no other documentation is required.
- CE II(d)'s require documentation that demonstrates that the specific conditions or criteria for these CE's are satisfied and that significant environmental effects will not results. This documentation must be prepared and submitted with the rest of the grant application.

Certifications and Assurances (C&As): Submitted to FTA annually to self-certify proficiency and compliance in 23 areas. The Council certifies to 19 of the 23 of the areas, with four not being applicable to the urban area program.

Earmarks: Non-formula, based on a legislative request.

Environmental Documentation: Based on the type of program and the amount of construction involved, documentation varies from a Categorical Exclusion to a full Environmental Impact Statement. At the time of application, all projects are reviewed to decide what document is appropriate, if any.

Formula Funds: Based on service, population or some countable statistic that is then used to determine what level of funds are to be received.

Grant Application (FTA): Formal request to FTA for obligation of funds to a named project in the STIP.

Job Access Reverse Commute (JARC): Formula Funds received annually, based on census figures.

Master Agreement: FTA's annual agreement that applies to all transit grants nationwide. It is a blanket agreement that covers all programs administered by FTA and can be found on the website below.

Match: The amount of funding that the recipient must contribute in support of the funded project.

National Transit Database (NTD): Mechanism for reporting service levels and other information regarding transit. Data is collected from all transit agencies across the country and input into a statistical database for use by Congress and others. This data is used in calculating formula grant amounts.

New Freedom: Formula Funds received annually, based on census figures.

New Starts: Earmarks made for major capital investments – over \$75 million.

State Transportation Improvement Plan (STIP): Improvement plan for the entire state; includes TIP.

Total Eligible Cost: The cost of the project including federal dollars and local Match.

Transportation Electronic Award Management (TEAM): FTA’s electronic award processing and management system.

Transportation Improvement Plan for the Metropolitan Area (TIP): Four years’ of projects listed by year, based on state fiscal year.

Appendix B: Disadvantaged Business Enterprise Program Definitions

In accordance with 49 CFR section 26.5, the following definitions apply to the Metropolitan Council's DBE program.

Affiliation: As defined in the Small Business Administration (SBA) regulations, 13 CFR part 121: Except as otherwise provided in 13 CFR part 121, concerns are affiliates of each other when, either directly or indirectly:

- One concerns controls or has the power to control the other;
- A third party or parties controls or has the power to control both;
- An identity of interest between or among parties exists such that affiliation may be found.

In determining whether affiliation exists, it is necessary to consider all appropriate factors, including common ownership, common management, and contractual relationships. Affiliates must be considered together in determining whether a concern meets small business size criteria and the statutory cap on the participation of firms in the DBE program.

Affirmative Action: Septic and positive activities undertaken by the Metropolitan Council and its contractors to eliminate discrimination and its effects, to ensure nondiscriminatory results and practices in the future, and to involve disadvantaged business enterprises fully in contracts and programs funded by the DOT.

Alaska Native: A citizen of the United States who is a person of one-fourth degree or more Alaskan Indian (including Tsimshian Indians not enrolled in the Metlaktla Indian Community), Eskimo, or Aleut blood, or a combination of those bloodlines. The term includes, in the absence of proof of a minimum blood quantum, any citizen whom a Native village or Native group regards as an Alaska Native if their father or mother is regarded as an Alaska Native.

Alaska Native Corporation: Any Regional Corporation, Village Corporation, Urban Corporation, or Group Corporation organized under the laws of the State of Alaska in accordance with the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601, et seq.).

Appeal: A formal filing by a business entity who has been denied certification by the Metropolitan Council as a Disadvantaged Business Enterprise (DBE).

Applicant: One who submits an application, request, or plan to be approved by a departmental official or by a primary recipient as a condition of eligibility for DOT financial assistance; and application means such an application, request, or plan.

Challenge: A formal filing by a third party to rebut the presumption that a particular business meets the definition of DBE.

Commercially useful function: Work performed by a DBE firm in a particular transaction that, in light of industry practices and other relevant considerations, has a necessary and useful role in the transaction, i.e., the firm's role is not a superfluous step added in an attempt to obtain credit toward goals. If, in the Metropolitan Council's judgment, the firm (even though an eligible DBE) does not perform a commercially useful function in the transaction, no credit toward the goal may be awarded.

Compliance: The condition existing when a recipient or contractor has correctly implemented the requirements of the program.

Contract: A legally binding relationship or any modification thereof obligating the seller to furnish supplies or services, including construction, and the buyer to pay for them.

Contracting opportunity: Any decision by the Metropolitan Council or its contractors to institute a procurement action to obtain a product or service commercially (as opposed to intergovernmental actions).

Contractor: One who participates, through a contract or subcontract (at any tier), in a DOT-assisted highway, transit, or airport program covered by this part; and includes lessees.

DBE Directory: The Metropolitan Council's list of Certified and Denied Firms which is used by the Metropolitan Council and its contractors to identify DBE potential prime and subcontractors and suppliers.

DBE Liaison Officer: The official designated by the head of the department element to have overall.

Department of Transportation, or DOT: The U.S. Department of Transportation, including the Office of the Secretary, the Federal Highway Administration (FHA), the Federal Transportation Agency (FTA), and the Federal Aviation Administration (FAA).

Disadvantaged Business Enterprise (DBE): A for-profit small business concern:

- that is at least 51% owned by one or more individuals who are both socially and economically disadvantaged; or
- in the case of a corporation, in which at least 51% of the stock is owned by one or more such individuals; and
- whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

DOT-assisted contract: Any contract or modification of a contract between the Metropolitan Council and a contractor (at any tier) that is funded for in whole or in part with DOT financial assistance, including letters of credit or loan guarantees, except a contract solely for the purchase of land.

Equal Opportunity: The requirements of non-discrimination in employment with regard to race, religion, creed, color, national origin, ancestry, physical handicap, medical condition, age, marital status, or sex, and in accordance with Government Code, Section 12490.

Goal: The annual percentage of DOT-assisted dollars intended to be awarded to DBEs. The annual overall DBE goal is achieved through a combination of race-neutral and race-conscious measures, including contract-specific goals.

Good faith efforts: Efforts to achieve a DBE goal or other requirement of the program, which by their scope, intensity, and appropriateness to the objective, can be expected to fulfill the program requirement.

Immediate family member: Father, mother, husband, wife, son, daughter, brother, sister, grandmother, grandfather, grandson, granddaughter, mother-in-law, or father-in-law.

Indian tribe: Any Indian tribe, band, nation, or other organized group or community of Indians, including any ANC, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, or is recognized as such by the State in which the tribe, band, nation, group, or community resides. See definition of "tribally-owned concern" in these definitions.

Joint development: The planning and implementation of an income producing real estate development which is adjacent to or physically related to an existing or proposed public transportation facility (e.g. transit station, Park and Ride, or bus facility).

Joint venture: An association of a DBE firm and one or more other firms to carry out a single for profit business enterprise, for which the parties contribute their property, capital, efforts, skills, and knowledge, and in which the DBEs responsible for a distinct, clearly defined portion of the work of the contract and whose share in the capital, contribution, control, management, risks, and profits of the joint venture are commensurate with its ownership interest.

Lessee: A business or person that leases, or is negotiating to lease, property from a recipient or the department on the recipient's or department's facility for the purpose of operating a transportation-related activity or for the provision of goods or services to the facility or to the public on the facility.

Level playing field: The objective of the DOT and Metropolitan Council DBE program; wherein an

environment is created to achieve the level of participation by DBEs that would reasonably be expected in the absence of discrimination.

Manufacturer: A business that operates, or maintains a factory or establishment that produces on the premises the materials or supplies obtained by the contractor.

Minority: A person who is a U.S. citizen or lawful permanent resident of the U.S. and who is a:

- “Black American”, which includes persons having origins in any of the black racial groups of Africa.
- “Hispanic American”, which includes persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race.
- “Native American”, which includes persons that are American Indians, Eskimos, Aleuts or Native Hawaiians.
- “Asian-Pacific American”, which includes persons whose origins are from Japan, China, Taiwan, Korea, Vietnam, Laos, Cambodia, the Philippines, Samoa, Guam, the U.S. Trust Territories of the Pacific, and the Northern Marianas; or
- “Asian-Indian American”, which includes persons whose origins are from India, Pakistan, and Bangladesh.

Native Hawaiian: Any individual whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

Native Hawaiian organization: Any community service organization serving Native Hawaiians in the State of Hawaii which is a not-for-profit organization chartered under the State of Hawaii is controlled by Native Hawaiians, and whose business activities will principally benefit such Native Hawaiians.

Noncompliance: The condition existing when a recipient or contractor has not correctly implemented the requirements of the program.

Operating Administration (OA): Any of the following parts of the DOT: the Federal Aviation Administration (FAA), Federal Highway Administration (FHWA), and Federal Transit Administration (FTA). The “Administrator” of an operating administration includes his or her designees.

Personal net worth: The net value of the assets of an individual remaining after total liabilities are deducted. An individual’s personal net worth does not include the individual’s ownership interest in an applicant or participating DBE firm; or the individual’s equity in his or her primary place of residence. An individual’s personal net worth includes only his or her own share of assets held jointly or as community property with the individual’s spouse.

Pre-bid/pre-proposal conference: A meeting held by the Metropolitan Council, prior to the bid/proposal closing date of a particular project, at which prospective bidders/proposers are advised of Metropolitan Council specification requirements, which include DBE provisions.

Pre-bid-pre-construction conference: A meeting held by the Metropolitan Council prior to solicitation at which the prospective prime contractors are advised of its federal compliance obligations and other technical and administrative requirements.

Preponderance of the evidence: The standard of evidence used in DBE eligibility criteria. Pertains to the total context of factual submissions.

Primary Industry Classification: The four-digit Standard Industrial Classification (SIC) code designation which best describes the primary business of a firm. The SIC code designations are described in the Standard Industry Classification Manual.

Primary recipient: A recipient who received DOT financial assistance and passes some or all of this assistance on to another recipient.

Principal place of business: The business location where the individuals who manage the firm's day-to-day operations spend most working hours and where top management's business records are kept. If the Offices from which management is directed and where business records are kept are in different locations, the recipient will determine the principal place of business for DBE program purposes.

Program: Any undertaking by a recipient to use DOT financial assistance, and includes the entire activity any part of which receives DOT financial assistance.

Race-conscious measure or program: One that is focused specifically on assisting only DBEs, including women-owned DBEs.

Race-neutral measure or program: One that is, or can be, used to assist all small businesses. For the purposes of this part, race-neutral includes gender-neutrality.

Rebuttable presumption: A fact related to DBE a eligibility criterion that is held to meet the standards of eligibility unless proven otherwise.

Recipient: Any entity, public or private, to which DOT financial assistance is extended, whether directly or through another recipient, through the programs of the FAA, FHWA, or FTA, or who has applied for such assistance.

Regular dealer: A firm that owns, operates or maintains a store, warehouse or other establishment in which the materials or supplies required for the performance of the contract are bought, kept in stock, and regularly sold to the public in the usual course of business. To be a regular dealer, the firm must engage in, as its principal business, and in its own name, the purchase and sale of the products in question. A regular dealer in such bulk items as steel, cement, gravel, stone, and petroleum products need not keep such products in stock, if it owns or operates distribution equipment. Brokers and packagers shall not be regarded as manufacturers or regular dealers within the meaning of this definition.

Relative availability: The percentage of available DBE firms in light of local circumstances and the number of total available firms.

Secretary: The Secretary of Transportation or his/her designee.

Set-aside: A contracting practice restricting eligibility for the competitive award of a contract solely to DBE firms.

Small Business Administration (SBA): The United States Small Business Administration.

Small business concern: (with respect to firms seeking to participate as DBEs in DOT-assisted contracts) A small business as defined pursuant to Section 3 of the Small Business Act (13 CFR 121), and regulations implementing it, that does not exceed the cap on gross receipts specified in 49 CFR 26.65(6).

Socially and economically disadvantaged individuals: (for purposes of DOT-assisted projects) Any individual who is a citizen (or lawfully admitted permanent resident) of the United States, and who is:

- Any individual who a recipient finds to be a socially and economically disadvantaged individual on a case-by-case basis;
- Women (regardless of race, ethnicity or origin); or
- Individuals found to be socially and economically disadvantaged by the U.S. SBA pursuant to Section 8(a) of the Small Business Act.

The Metropolitan Council will make a rebuttable presumption that individuals in the above groups are socially and economically disadvantaged. The Metropolitan Council may, on a case-by-case basis, determine or accept the determination by another DOT recipient, individuals who are socially and economically disadvantaged in accordance with 49 CFR 23, Subpart D, Appendix C.

Transit vehicle manufacturer: A manufacturer of vehicles used by FTA recipients for the primary program purpose of public mass transportation (e.g. buses, railcars, vans). The term does not apply to firms that

rehabilitate old vehicles or to manufacturers of locomotives or ferryboats. The term refers to distributors of or dealers in transit vehicles with respect to requirements of 49 CFR part 23.67 of the regulations.

Tribally-owned concern: Any concern that at least 51% owned by an Indian tribe as defined in these definitions.

U.S. DOT regulations: (49 CFR part 23 and part 26) Federal rules and regulations published in the Federal Register dated March 31, 1980; amended April 27, 1981; July 21, 1983; October 21, 1987; and March 4, 1999; by the Department of Transportation, Office of the Secretary; entitled “Participation by [Minority Business Enterprise] in Department of Transportation Programs” and codified at Title 49, Code of Federal Regulations, Part 23. Appendix C: Useful Websites

Appendix C: HELPFUL WEBSITES

FTA Main Website

www.fta.dot.gov/

www.fta.dot.gov/funding/grants_financing_263.html

Metropolitan & Statewide Planning (5303, 5304, 5305)

www.fta.dot.gov/funding/grants/grants_financing_3563.html

Large Urban Cities (5307)

www.fta.dot.gov/funding/grants/grants_financing_3561.html

Clean Fuels Formula Program (5308)

www.fta.dot.gov/funding/grants/grants_financing_3560.html

Major Capital Investments

(New Starts & Small Starts) (5309)

www.fta.dot.gov/funding/grants/grants_financing_3559.html

Rail and Fixed Guideway Modernization (5309)

www.fta.dot.gov/funding/grants/grants_financing_3558.html

Bus and Bus Facilities (5309, 5318)

www.fta.dot.gov/funding/grants/grants_financing_3557.html

Transportation for Elderly Persons and Persons with Disabilities (5310)

www.fta.dot.gov/funding/grants/grants_financing_3556.html

Transit Cooperative Research Program (5313)

www.fta.dot.gov/funding/grants/grants_financing_3552.html

National Research & Technology Program (5314)

www.fta.dot.gov/funding/grants/grants_financing_3551.html

Job Access and Reverse Commute Program (5316)

www.fta.dot.gov/funding/grants/grants_financing_3550.html

New Freedom Program (5317)

www.fta.dot.gov/funding/grants/grants_financing_3549.html

Flexible Funding for Highway and Transit

www.fta.dot.gov/funding/grants/grants_financing_3545.html

FTA Agreements

Master Agreement:

www.fta.dot.gov/documents/13-Master.doc

Certifications & Assurances

www.fta.dot.gov/funding/apply/grants_financing_93.html

FTA Circulars

www.fta.dot.gov/laws/leg_reg_circulars_guidance.html

5010.1C Grants Management

www.fta.dot.gov/laws/circulars/leg_reg_4114.html

4220.1E Procurement

www.fta.dot.gov/ftahelpline/fta_c4220_1

9030.1C Formula 5307

www.fta.dot.gov/laws/circulars/leg_reg_4125.html

9300.1A Capital 5309

www.fta.dot.gov/laws/circulars/leg_reg_4128.html

FTA DBE:

www.fta.dot.gov/civilrights/civil_rights_5089.html

FTA Best Practices Procurement Manual:

www.fta.dot.gov/publications/publications_4571.html

Mandatory Procurement Standards Worksheet:

www.fta.dot.gov/fta/library/admin/BPPM/appB19.doc

FTA Procurement System Self-Assessment Guide:

www.fta.dot.gov/ftahelpline/Cover_Self-Assessment_Guide.htm

Metropolitan Council Websites

Internet (available to the public)

Directory of Certified DBE Vendors:

www.dot.state.mn.us/eocm/ucpdirectory.html

Councilinfo Intranet (Council staff only)

Metropolitan Council Procurement Procedures 3-4-3a:

councilinfo/policy/finance3_4_3a_procurement_procedure.doc

Grants

councilinfo/grants/index.asp

Appendix D: Assistance for Project Managers

Grants

Mary Gustafson Grants Manager 612-349-7603
Email: Mary.gustafson@metc.state.mn.us

DBE

Wanda Kirkpatrick Director of Equal Opportunity 651-602-1085
Email: wanda.kirkpatrick@metc.state.mn.us

Pat Calder Lead Equal Opportunity Consultant 612-349-7463
Email: pat.calder@metc.state.mn.us

Aaron Koski Lead Equal Opportunity Consultant 651-602-1425
Email: aaron.koski@metc.state.mn.us

Procurement

Micky Gutzmann Director of Purchasing 612-349-5060
Email: Micky.gutzmann@metc.state.mn.us

Appendix E: Sample Documents

1. Project Startup Checklist
- 1a. Internal Grant Application
2. Documented Categorical Exclusion (DCE) Checklist
3. Natural Heritage Information System (NHIS) Data Request Form
4. State Historic Preservation Office (SHPO) Approval Process
5. Determination of Environmental Documentation Need
6. Notice of Grant Award (NOGA)
7. Subrecipient Letter
8. Subrecipient Requirements and Monitoring
- 8a. Subrecipient Monitoring Checklist
9. Grant Memorandum Transportation Agreements
10. Method of Procurement Decision Matrix
11. Contract Initiation Memo (CIM)
- 11b. Subrecipient Contract Initiation Memo (SCIM)
- 12-14 [RESERVED]
15. Independent Cost Estimate (ICE)
- 15b. FTA ICE forms
16. Authorization for Sole Source Procurement
17. [RESERVED]
18. Subrecipient Invoice
19. DBE Progress/Project Report
20. Council Approval for Subrecipient Invoice
21. Payment Request for Engineering/Consultant Contracts
22. Payment Request for Construction Work/Services
23. Capital Assets log and tracking
24. Contract Logs
25. FTA Mandatory Procurement Standards

Project Startup Checklist

DATE:

FROM: (Project Manager)

SIGNOFF (Departmental approval) _____

ROUTING

Please click here (Finance approval) _____

Mary Gustafson (Grants approval) _____

RE: **Request to Initiate Project:**

Project name:

#	<u>YES</u>	<u>NO</u>	
1	<input type="checkbox"/>	<input type="checkbox"/>	The project funding is identified in the current Metropolitan Council CIP for \$
2	<input type="checkbox"/>	<input type="checkbox"/>	The project is listed in the current year of the STIP for \$ (only required for FTA and FHWA funds). (Check with Grants Manager.)
3	<input type="checkbox"/>	<input type="checkbox"/>	This funding is for a Subrecipient project.
4	<input type="checkbox"/>	<input type="checkbox"/>	Authority for the project is included in the authorized budget (some projects are set up in the operating budget).
5	<input type="checkbox"/>	<input type="checkbox"/>	Authority for the project is scheduled for the next budget amendment on (Some projects may be added to the operating budget.)

Complete and route for concurrence. An application for federal funds can be started through the Grants office if items 1 and 2 (above) are complete. Item 4 can be completed concurrently with the application but authority needs to be in place before the award from the funding agency can be executed.

- An internal grant application form (IGA) must be completed by the Project Manager and submitted to Grants..
- Environmental documentation must be completed as part of the federal application process if the project scope requires..
- The environmental document must be approved by FTA before the grant application can be submitted to FTA in the Transit Electronic Award Management (TEAM) system.
- It may take up to 90 days for the application to be approved depending on the source of funding – 5307, CMAQ, 5309, etc.
- Grant is executed and Project Manager is notified of the availability of funds through completion and publication of a Notice of Grant Award or NOGA which provides the approved budget and the applicable rules.



Grant Application

Project Details

Project Title _____

Project Start Date _____ Project End Date _____

Council Project Manager _____

For Subrecipient projects, complete below

Subrecipient Project Manager _____

Subrecipient Organization _____

Fund Details

Funding sources - *FTA awards require a match of 20% in most cases; Subrecipients usually provide their own match.*

Award Amount _____

Local Match (RTC) _____

Local Match (Other) _____ Source:

Total Funding \$0.00

Project Description - *In the space below, please provide detailed information about the proposed project. Include all project activities, dates and deliverables.*

Budget Item:	Federal Funding	Match	Total Project Funding
--------------	-----------------	-------	-----------------------

All asterisked items require milestone milestone information.

Use only those categories that apply and add any not listed that you need

Personnel (Salary)	_____	_____	_____
Fringe Benefit % of salary) % of salary)	_____	_____	_____
Indirect Cost (% of salary)	_____	_____	_____
Consultant *	_____	_____	_____
Planning	_____	_____	_____
Engineer & Design	_____	_____	_____
Construction Mgmt	_____	_____	_____
Contractor *	_____	_____	_____
Construction - NEW	_____	_____	_____
Construction - Rehab / reno	_____	_____	_____
Lease/Rental Costs *	_____	_____	_____
Bus Purchase* (specify type)	_____	_____	_____
Spare Parts*	_____	_____	_____
3rd Party Bus Inspection*	_____	_____	_____
Staff Travel *	_____	_____	_____
Local	_____	_____	_____
Non-local	_____	_____	_____
Staff Training*: Tuition	_____	_____	_____
Insurance *	_____	_____	_____
Real Estate*	_____	_____	_____
Acquisition	_____	_____	_____
Appraisal	_____	_____	_____
ROW	_____	_____	_____
Equipment(\$5000 or more)	_____	_____	_____
<i>List by type</i>	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Project supplies & Material*	_____	_____	_____
<i>Total of consumable items and/or have a unit cost under \$5,000. List each in Budget Items.</i>	_____	_____	_____
Computer Hardware*	_____	_____	_____
Computer Software*	_____	_____	_____
Other Costs	_____	_____	_____
<i>Itemize other categories</i>	_____	_____	_____

Milestone Information

Provide milestone information for each budget item from the Budget Page.

Use this format for bus purchases. This is the required FTA format for this activity and you should not change Milestone descriptions.

Budget Item -	Item Description or Purpose	Total Budget Amount
Bus Only	<u>Bus Purchase</u>	\$ _____
	<u>Milestone Description</u>	<u>Milestone Dates</u>
1	RFP/IFB Issued	_____
2	Contract Award Date	_____
3	First Bus Delivery	_____
4	All Bus Delivered	_____
5	Contract Complete Date	_____
6		_____
7		_____
8		_____
9		_____
10		_____

Use the Milestone format below for all other budget items that need Milestones. Copy it for each Milestone which you need to identify and change the Milestone descriptions as needed to relate to the progress if different than the standard below.

Budget Item #	_____ Item Description or Purpose	Total Budget Amount
		\$ _____
	<u>Milestone Description</u>	<u>Milestone Dates</u>
1	RFP/IFB Issued	_____
2	Contract Award Date	_____
3	Contract Complete Date	_____
4		_____
5		_____
6		_____
7		_____
8		_____
9		_____
10		_____

Date _____

Grant Applicant Metropolitan Council 1305

**INFORMATION REQUIRED FOR PROBABLE
CATEGORICAL EXCLUSION
(SECTION 771.117(d))**

- _____ A. **DETAILED PROJECT DESCRIPTION:**
- _____ B. **LOCATION (INCLUDING ADDRESS):** Attach a site map or diagram, which identifies the land uses and resources on the site and the adjacent or nearby land uses and resources. This is used to determine the probability of impact on sensitive receptors (such as schools, hospitals, residences) and on protected resources.
- _____ C. **METROPOLITAN PLANNING AND AIR QUALITY CONFORMITY:** Is the proposed project "included" in the current adopted MPO plan, either explicitly or in a grouping of projects or activities? What is the conformity status of that plan? Is the proposed project, or are appropriate phases of the project included in the TIP? What is the conformity status of the TIP?
- _____ D. **ZONING:** Description of zoning, if applicable, and consistency with proposed use.
- _____ E. **TRAFFIC IMPACTS:** Describe potential traffic impacts; including whether the existing roadways have adequate capacity to handle increased bus and other vehicular traffic.
- _____ F. **CO HOT SPOTS:** If there are serious traffic impacts at any affected intersection, and if the area is nonattainment for CO, demonstrate that CO hot spots will not result.
- _____ G. **HISTORIC RESOURCES:** Describe any cultural, historic, or archaeological resource that is located in the immediate vicinity of the proposed project and the impact of the project on the resource. (SEE SHPO PROCESS)
- _____ H. **NOISE:** Compare the distance between the center of the proposed project and the nearest noise receptor to the screening distance for this type of project in FTA's guidelines. If the screening distance is not achieved, attach a "General Noise Assessment" with conclusions.
- _____ I. **VIBRATION:** If the proposed project involves new or relocated steel tracks, compare the distance between the center of the proposed project and the nearest

vibration receptor to the screening distance for this type of project in FTA's guidelines. If the screening distance is not achieved, attach a "General Vibration Assessment" with conclusions.

- ____ J. **ACQUISITIONS & RELOCATIONS REQUIRED:** Describe land acquisitions and displacements of residences and businesses.
- ____ K. **HAZARDOUS MATERIALS:** If real property is to be acquired, has a Phase I site assessment for contaminated soil and groundwater been performed? If a Phase II site assessment is recommended, has it been performed? What steps will be taken to ensure that the community in which the project is located is protected from contamination during construction and operation of the project? State the results of consultation with the cognizant State agency regarding the proposed remediation?
- ____ L. **COMMUNITY DISRUPTION AND ENVIRONMENTAL JUSTICE:** Provide a socio-economic profile of the affected community. Describe the impacts of the proposed project on the community. Identify any community resources that would be affected and the nature of the effect.
- ____ M. **USE OF PUBLIC PARKLAND AND RECREATION AREAS:** Indicate parks and recreational areas on the site map. If the activities and purposes of these resources will be affected by the proposed project, state how.
- ____ N. **IMPACTS ON WETLANDS:** Show potential wetlands on the site map. Describe the project's impact on on-site and adjacent wetlands.
- ____ O. **FLOODPLAIN IMPACTS:** Is the proposed project located within the 100-year floodplain? If so, address possible flooding of the proposed project site and flooding induced by proposed project due to its taking of floodplain capacity.
- ____ P. **IMPACTS ON WATER QUALITY, NAVIGABLE WATERWAYS, & COASTAL ZONES:** If any of these are implicated, provide detailed analysis.
- ____ Q. **IMPACTS ON ECOLOGICALLY-SENSITIVE AREAS AND ENDANGERED SPECIES:** Describe any natural areas (woodlands, prairies, wetlands, rivers, lakes, streams, designated wildlife or waterfowl refuges, and geological formations) on or near the proposed project area. If present, state the results of consultation with the state department of natural resources on the impacts to these natural areas and on threatened and endangered fauna and flora that may be affected. (COMPLETE DNR FORM)
- ____ R. **IMPACTS ON SAFETY AND SECURITY:** Describe the measures that would need to be taken to provide for the safe and secure operation of the project after its construction.
- ____ S. **IMPACTS CAUSED BY CONSTRUCTION:** Describe the construction plan and identify impacts due to construction noise, utility disruption, debris and spoil

disposal, air and water quality, safety and security, and disruptions of traffic and access to property.

The action described above meets the criteria for a NEPA categorical exclusion (CE) in accordance with 23 CFR Part 771.117 _____.

Applicant's Environmental Reviewer

Date

FTA Grant Representative

Date



For Agency Use Only: Received _____ Due _____ RUSH Inv _____ Search Radius _____mi. ER / All Map'd _____ NoR / NoF / NoE / Std / Sub Let _____ Log out _____	#Sec _____ Contact Rqsted? _____ #EOs _____ Survey Rqsted? _____ #Com _____ Related ERDB# _____
--	--

NATURAL HERITAGE INFORMATION SYSTEM (NHIS) DATA REQUEST FORM

Please read the instructions on page 3 before filling out the form. Thank you!

WHO IS REQUESTING THE INFORMATION?

Name and Title _____

Agency/Company _____

Mailing Address _____

(Street) (City) (State) (Zip Code)

Phone _____ e-mail _____ Responses will be sent via email.
 If you prefer US Mail check here:

THIS INFORMATION IS BEING REQUESTED FOR A:

- Federal EA State EAW PUC Site Application Watershed Plan
- Federal EIS State EIS Local Government Permit Research Project
- NEPA Checklist AUAR
- Other (describe) _____

INFORMATION WE NEED FROM YOU:

- 1) **Enclose a map** of the project boundary/area of interest (topographic maps or aerial photos are preferred).
- 2) Please **provide a GIS shapefile*** (NAD 83, UTM Zone 15N) of the project boundary/area of interest.
- 3) List the following locational information* (attach additional sheets if necessary):

For Agency Use: Region / MCBS Status	<table style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 15%; text-align: left;">County</th> <th style="width: 15%; text-align: left;">Township #</th> <th style="width: 15%; text-align: left;">Range #</th> <th style="width: 55%; text-align: left;">Section(s) (please list all sections)</th> </tr> <tr> <td>_____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>_____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>_____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>_____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> </table>	County	Township #	Range #	Section(s) (please list all sections)	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	For Agency Use: TRS Confirmed <input type="checkbox"/>
County	Township #	Range #	Section(s) (please list all sections)																			
_____	_____	_____	_____																			
_____	_____	_____	_____																			
_____	_____	_____	_____																			
_____	_____	_____	_____																			

- 4) Please provide the following information (attach additional sheets if necessary):

Project Name: _____

Project Proposer: _____

Description of Project (including types of disturbance anticipated from the project): _____

Describe the existing land use of the project site. What types of land cover/habitat will be impacted by the proposed project?

List any waterbodies (e.g., rivers, intermittent streams, lakes, wetlands) that may be affected by the proposed project, and how they may be impacted (e.g., dewatering, discharge, riverbed disturbance).

To your knowledge, has the project undergone a previous Natural Heritage review? If so, please list the correspondence #: ERDB # _____. How does this request differ from the previous request (e.g., change in scope, change in boundary, project being revived, project expansion, different phase)?

To your knowledge, have any native plant community or rare species surveys been conducted within the site? If so, please list:

List any DNR Permits or Licenses that you will be applying for or have already applied for as part of this project:

INFORMATION WE PROVIDE TO YOU:

1) The response will include a Natural Heritage letter. If applicable, the letter will discuss potential impacts to rare features.

- Check here if this information is being requested for a formal environmental review document (e.g., EAW, EIS) **and** your company/agency has a staff ecologist who will be making the impact determination **and** you do not want DNR staff to provide any interpretation of impacts.

2) The response will also include an Index Report of known aggregation sites and known occurrences of federally and state-listed plants and animals*within an approximate one-mile radius of the project boundary/area of interest.

- Check here if you would also like geologic features and rare species with no legal status included in the report.

3) If desired, a Detailed Report that contains more information on each occurrence can be obtained. Please note that the Detailed Report may contain specific location information that is protected under *Minnesota Statutes*, section 84.0872, subd. 2, and, as such, the Detailed Report may not be included in any public document (e.g., an EAW). The Index Report and Natural Heritage letter can be included in any public environmental review document.

- Check here if you would also like to receive a Detailed Report.

FEES / TURNAROUND TIME

There is a fee* for this service. Requests generally take **3-4 weeks** from date of receipt to process, and are processed in the order received. Rush requests* are processed in 2 weeks or less if workloads allow, but are not guaranteed.

- Check here to RUSH this request. You will be charged an additional \$50.

I have read the entire form, and the information supplied above is complete and accurate. I understand that material supplied to me from the Minnesota Natural Heritage Information System is copyrighted and that I am not permitted to reproduce or publish any of this copyrighted material without prior written permission from the Minnesota DNR. Further, if permission to publish is given, I understand that I must credit the Minnesota Division of Ecological Resources, Minnesota Department of Natural Resources, as the source of the material.

Signature
(required)

Note: Digital signatures representing the name of a person shall be sufficient to show that such person has signed this document.

Mail or email completed form to:
Lisa Joyal, Natural Heritage Review Coordinator
Division of Ecological Resources
Minnesota Department of Natural Resources
500 Lafayette Road, Box 25
St. Paul, Minnesota 55155
lisa.joyal@state.mn.us

Form is available at
http://files.dnr.state.mn.us/eco/nhnrp/nhis_data_request.pdf

Revised July 2009

Instructions for the Natural Heritage Information System (NHIS) Data Request Form

The Division of Ecological Resources maintains the Natural Heritage Information System (NHIS), a collection of databases that provides information on Minnesota's rare plants and animals, native plant communities, and other rare features. The NHIS is continually updated as new information becomes available, and the Minnesota County Biological Survey (MCBS) is a major source of this information.

- Use this form to request information on rare features within an approximate one-mile radius of an area of interest. You may reproduce this form for your own use or to distribute. An **electronic copy** of the form is available at the DNR's web site at http://files.dnr.state.mn.us/eco/nhnrp/nhis_data_request.pdf
- If you are interested in obtaining the Rare Features Database electronically as a GIS shapefile, do not fill out this form. Please see http://files.dnr.state.mn.us/eco/nhnrp/natural_heritage_data.pdf for more information on this option.

WHO IS REQUESTING THE INFORMATION?

- The person whose name is entered on the form under the "Who is Requesting the Information" section must sign the form as an acknowledgment of the State of Minnesota's copyright on all generated reports. All correspondence and invoices will be sent to this person. Please do not ask us to send this information to a different party.
- Please include a complete mailing address. Responses will be sent via email unless you specify differently.

INFORMATION WE NEED FROM YOU:

- Include a legible map (topographic maps or aerial photographs are preferred) clearly showing:
 - 1) location and boundaries of the project,
 - 2) associated infrastructure, and
 - 3) any waterbodies that may be affected by the proposed project.
- If the project boundary is large **or** complex, please provide a **GIS shapefile** (NAD 83, UTM Zone 15) of the project boundary/area of interest. Do not include any buffers. An additional "digitizing fee" may be charged for projects that require a substantial amount of time to digitize.
- Provide a complete list of sections that the proposed project or area of interest falls within. Do not include any buffer area. Please double-check this information. Incorrect sections can delay the processing of your request, and may result in an invalid review.
- Please provide a detailed **project description**, attaching separate pages to the form if necessary. Identify the type of development (e.g., housing, commercial, utility, ethanol facility, wind farm) being proposed, the size and # of units (if applicable), construction methods, and **any associated infrastructure** such as access roads, utility connections, and water supply and/or discharge pipelines.
- We cannot begin processing data requests until we receive all parts of the request, including a map and a completed, signed form.

INFORMATION WE PROVIDE TO YOU:

- The Natural Heritage review and database reports are valid for environmental review purposes for one year, and they are only valid for the project location and description provided on the form. Please contact Lisa Joyal at lisa.joyal@state.mn.us if project details change or if a data update is needed.
- Please note that the Natural Heritage review and database reports do not address/contain locations of the gray wolf (*Canis lupus*), federally-listed as threatened and state-listed as special concern, or Canada lynx (*Lynx canadensis*), federally-listed as threatened, as these species are not currently tracked in the Natural Heritage Information System.

FEES / TURNAROUND TIME:

- There is a fee for this service. All fees are subject to change. The current fee schedule is available at http://files.dnr.state.mn.us/eco/nhnrp/natural_heritage_data.pdf. The minimum charge is \$90.00, and increases based on the time it takes us to process the request (dependent upon project size and the results of the query). Please do not include payment with your request; an invoice will be sent to you.
- There is generally a **3-4 week turn-around time** to process requests. Rush requests (2 week turn-around) are charged an additional \$50. The two-week turnaround is not guaranteed, and the option of a rush request is not always available depending on current workloads.

PLEASE SEE NEXT PAGE FOR ADDITIONAL SOURCES OF INFORMATION

ADDITIONAL SOURCES OF INFORMATION:

- The DNR Rare Species Guide (<http://www.dnr.state.mn.us/rsg/index.html>) is the state's authoritative reference for Minnesota's endangered, threatened, and special concern species. It is a dynamic, interactive source that can be queried by county, ECS subsection, watershed, or habitat.
- The DNR Data Deli (<http://deli.dnr.state.mn.us/>) allows users to download GIS shapefiles of MCBS Sites of Biodiversity Significance, MCBS Native Plant Communities, MCBS Railroad Rights-of-Way Prairies, and Scientific and Natural Area Boundaries.
- Questions? Please contact Lisa Joyal at 651-259-5109 or lisa.joyal@state.mn.us.

Determination of Environmental Documentation Need

When completing application information for your project, you need to consider what impact the project may have to the surrounding environment. Many of our projects will fall into what is considered a Categorical Exclusion. Categorical Exclusions (CE) are further broken down into two categories defined by FTA as CE II(c) or CE II(d). The state also recognizes categorical exclusions.

CE II(c): If the project is defined under this category indicate which number applies and no other documentation is required:

- (1) Activities which do not involve or lead directly to construction, such as planning and technical studies; grants for training and research programs; research activities as defined in 23 U.S.C. 307; approval of a unified work program and any findings required in the planning process pursuant to 23 U.S.C. 134; approval of statewide programs under 23 CFR part 630; approval of project concepts under 23 CFR part 476; engineering to define the elements of a proposed action or alternatives so that social, economic, and environmental effects can be assessed; and Federal-aid system revisions which establish classes of highways on the Federal-aid highway system.
- (2) Approval of utility installations along or across a transportation facility.
- (3) Construction of bicycle and pedestrian lanes, paths, and facilities.
- (4) Activities included in the State's "highway safety plan" under 23 U.S.C. 402.
- (5) Transfer of Federal lands pursuant to 23 U.S.C. 317 when the subsequent action is not an FHWA action.
- (6) The installation of noise barriers or alterations to existing publicly owned buildings to provide for noise reduction.
- (7) Landscaping.
- (8) Installation of fencing, signs, pavement markings, small passenger shelters, traffic signals, and railroad warning devices where no substantial land acquisition or traffic disruption will occur.
- (9) Emergency repairs under 23 U.S.C. 125.
- (10) Acquisition of scenic easements.
- (11) Determination of payback under 23 CFR part 480 for property previously acquired with Federal-aid participation.
- (12) Improvements to existing rest areas and truck weigh stations.
- (13) Ridesharing activities.
- (14) Bus and rail car rehabilitation.
- (15) Alterations to facilities or vehicles in order to make them accessible for elderly and handicapped persons.
- (16) Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand.
- (17) The purchase of vehicles by the applicant where the use of these vehicles can be accommodated by existing facilities or by new facilities which themselves are within a CE.
- (18) Track and rail bed maintenance and improvements when carried out within the existing right-of-way.
- (19) Purchase and installation of operating or maintenance equipment to be located within the transit facility and with no significant impacts off the site.
- (20) Promulgation of rules, regulations, and directives.

CE II(d)'s require documentation which demonstrates that the specific conditions or criteria for these CEs are satisfied and that significant environmental effects will not result. The FTA CE checklist must be prepared and submitted with the rest of the grant application. Projects that may fall in this category are:

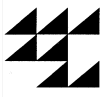
- (1) Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (e.g., parking, weaving, turning, climbing).
- (2) Highway safety or traffic operations improvement projects including the installation of ramp metering control devices and lighting.
- (3) Bridge rehabilitation, reconstruction or replacement or the construction of grade separation to replace existing at-grade railroad crossings.
- (4) Transportation corridor fringe parking facilities.
- (5) Construction of new truck weigh stations or rest areas.
- (6) Approvals for disposal of excess right-of-way or for joint or limited use of right-of-way, where the proposed use does not have significant adverse impacts.
- (7) Approvals for changes in access control.
- (8) Construction of new bus storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and located on or near a street with adequate capacity to handle anticipated bus and support vehicle traffic.
- (9) Rehabilitation or reconstruction of existing rail and bus buildings and ancillary facilities where only minor amounts of additional land are required and there is not a substantial increase in the number of users.
- (10) Construction of bus transfer facilities (an open area consisting of passenger shelters, boarding areas, kiosks and related street improvements) when located in a commercial area or other high activity center in which there is adequate street capacity for projected bus traffic.
- (11) Construction of rail storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and where there is no significant noise impact on the surrounding community.
- (12) Acquisition of land for hardship or protective purposes; advance land acquisition loans under section 3(b) of the UMT Act. Hardship acquisition is early acquisition of property by the applicant at the property owner's request to alleviate particular hardship to the owner, in contrast to others, because of an inability to sell his property. This is justified when the property owner can document on the basis of health, safety or financial reasons that remaining in the property poses an undue hardship compared to others. Hardship and protective buying will be permitted only for a particular parcel or a limited number of parcels. These types of land acquisition qualify for a CE only where the acquisition will not limit the evaluation of alternatives, including shifts in alignment for planned construction projects, which may be required in the NEPA process. No project development on such land may proceed until the NEPA process has been completed.

If your project does not fit into the Class II categories, other prescribed levels of documentation are required in the NEPA process.

Class I (EISs) Environmental Impact Statements: Actions that significantly affect the environment require an EIS (40 CFR 1508.27). Examples of this class of project are (1) A new controlled access freeway. (2) A highway project of four or more lanes on a new location. (3) New construction or extension of fixed rail transit facilities (e.g., rapid rail, light rail, commuter

rail, automated guide way transit). (4) New construction or extension of a separate roadway for buses or high occupancy vehicles not located within an existing highway facility.

Class III (EAs). Environmental Assessments - Actions in which the significance of the environmental impact is not clearly established. All actions that are not Class I or II are Class III. All actions in this class require the preparation of an EA to determine the appropriate environmental document required.



Metropolitan Council

Building communities that work

Notice of Grant Award

Prepared on:

Section 1-Project Information

Project Manager(s)		Award Date	
Grant Title		Council Project #	

Section 2- Fund Information

Funding Source (federal, state, other)		Apportionment Fiscal Year		CFDA #		
Grant #		Match Required		Current Revenue	New Revenue	Total Revenue
Grant Begin Date		Award Amount				
Grant End Date		Local Match Amount				
		Total Eligible Amount				

Section 3-Workscope

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Section 4 - Revisions & Amendments

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Section 5- Revenue & Expense Budget

Project:

Project Manager:

Revenue Description	Acct.	Fund	Org.	Prog.	Sub class	Proj.	Previous Revenue Budget	Budget Change (+ / -)	Current Revenue Budget
FTA									\$ -
Local Match									\$ -
Total Revenue Budget							\$ -	\$ -	\$ -

Expense Line	Acct	Fund	Org.	Prog.	Sub Class	Proj.	Previous Expense Budget	Budget Change (+ / -)	Current Expense Budget
									\$0
									\$ -
Total Expense Line							\$ -	\$ -	\$ -

Project:

Project Manager:

--

Revenue Description	Acct.	Fund	Org.	Prog.	Sub class	Proj.	Previous Revenue Budget	Budget Change (+ / -)	Current Revenue Budget
FTA									\$ -
Local Match									\$ -
Total Revenue Budget							\$ -	\$ -	\$ -

Expense Line	Acct	Fund	Org.	Prog.	Sub Class	Proj.	Previous Expense Budget	Budget Change (+ / -)	Current Expense Budget
									\$0
									\$ -
Total Expense Line							\$ -	\$ -	\$ -

Grant Total Expense:			
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Section 6-Terms and Conditions

FTA Terms and Conditions: This grant is subject to the FTA Master Agreement; 49 CFR Subtitle A, Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Government; FTA Circular C 5010.1C – Grant Management Guidelines; and all other regulations cited or referenced in the previously listed documents. Procurement and Disadvantaged Business Enterprise (DBE) regulations specific to FTA apply. For questions on application process, expense allowability, rebudgeting and general administration of grant funding, contact Susan Stensland at 349-7603. Contact Chris Gran at 349-5060 for procurement questions; Wanda Kirkpatrick at 602-1050 for DBE questions.

COST ELIGIBILITY

The Grant Period reflects a time frame during which costs incurred for this project are eligible to be charged. If the time line on the project changes, an extension of the end date can be requested. Contact grants management staff with any questions.

Project Managers should review all expenditures against this grant to determine if the charges fall under one of the activity lines listed in the approved budget and is within the dollars available. Grants Management staff should be contacted if the cost does not appear to be part of the approved budget and to see if rebudgeting is needed and allowable. Under no circumstances should charges be made in excess of the total grant dollars available.

QUARTERLY REPORTS REQUIREMENT

Project Managers are responsible for completing and submitting quarterly Milestone/Progress Report for this grant or portion of grant under their supervision. Reports are due on the following dates:

- 1st Quarter ---January 15th of current year
- 2nd Quarter --- April 15th of current year
- 3rd Quarter --- July 15th of current year
- 4th Quarter --- October 15th of current year

Grants will notify Project manager of all reports that are due.

FINAL REPORT a final narrative milestone/progress report must be submitted to the Grants Specialist 60 days after completion of all project and related activities. The report must include detailed description of the activities completed, budget modifications and/or balances, and list of any equipment purchased under the grant. Upon receipt of the Final Report, the Grants Specialist will begin project close-out process.

A Milestone/Progress Report is **required even when no activity** has occurred within the quarter. Payments can be withheld by FTA for failure to submit the progress reports in a timely manner. Any delay in submitting the reports should be communicated to the Grants Specialist immediately. Please use the form provided to submit the reports electronically or manually.

Date

Name

Address

City, State Zip

Re: Subrecipient Project X, Federal Transit Administration Apportionment
Metropolitan Council Application for Federal Transit Administration funding

Dear Subrecipient:

The Metropolitan Council, as the designated recipient of Federal Transit Administration (FTA) funds, will make application for FTA to support the above referenced project. By accepting these federal funds, your organization will be recognized as a subrecipient and, as such, is subject to all FTA federal requirements.

I have been assigned as the Metropolitan Council's project manager for project oversight and will coordinate the process with you. The subrecipient agreement will be processed concurrently with the federal application to help shorten the process; however, no agreement can be executed until the federal award is received.

As part of the application process, you will be required to complete the application form that provides the project detail, budget and milestones. You will also be required to submit your current A-133 audit information and sign the FTA Certifications and Assurances. No application for federal funds will be made until this information is received and accepted.

Please send all questions regarding compliance or needs for approval directly to me so I can track the required approvals or changes to your project. I will forward requests to the appropriate Council staff to obtain approvals or interpretations. A list of subrecipient requirements and submissions is attached.

Please note that Certifications and Assurances must be completed annually for the duration of your active grant. All organizations are required to certify compliance with numbers one and three. If other certifications apply to this project and your organization, you should also certify those.

Once the application is processed and awarded, the Metropolitan Council will be able to enter into a subrecipient agreement with your organization. Until the Subrecipient agreement is signed, you do not have funding.

I look forward to working with you throughout the grant process.

Regards,

Project Manager's Name

Project Manager's Title

Subrecipient Requirements and Monitoring

Definition of Subrecipient from FTA Master Agreement:

Subrecipient means any entity that receives Federal assistance awarded by a FTA Recipient, rather than FTA directly. The term "subrecipient" also includes the term "subgrantee," but does not include "third party contractor" or "third party subcontractor."

Subagreement means an agreement through which a Recipient awards financial assistance derived from FTA to the subrecipient as defined in the FTA Master Agreement. The term "subagreement" also includes the term "subgrant," but does not include the term "third party subcontract."

Application Process

- All projects – complete forms for project description/detail and budget and timeline/milestones.
- FTA Certifications and Assurances – should be completed annually for each new federal fiscal year, which begins on October 1. Forms will be provided by the Council. Section numbers one and three must be completed by all subrecipients; other sections to be certified are determined by the nature of the project. Note that these will be held in the Grants administration files.
- Proof of acceptable A-133 audit if over \$500,000 of federal funds are received on an annual basis (includes all federal sources). Note that these will be held in the Grants administration files.
- Construction projects/environmental requirements – Categorical exclusions, State Historic Preservation Office, etc.
- Revenue vehicles – changes to fleet plan.

Award Process

- Federal notice of award is received. Note that this must occur before all subsequent steps.
- Council issues to the Subrecipient the Subrecipient Agreement that flows through FTA requirements, including:
 - Title VI of the Civil Rights Act of 1964
 - Equal Employment Opportunity (EEO)
 - Boilerplate FTA language must be included and flowed through to all levels
 - Disclosure Form to Report Lobbying (FTA Form LLL)

Grant Administration Process (through Council staff)

- Procurement rules and guidance questions to Council
- Prior approvals – Buy America waivers, scope changes, etc.
- Rebudgeting, revision or amendment
- Record keeping
- Reporting – financial and milestone
- Other – DBE reporting
- Closeout
- Audit

Subrecipient Requirements and Monitoring

Definition of Subrecipient from FTA Master Agreement:

Sub recipient means any entity that receives Federal assistance awarded by a FTA Recipient, rather than FTA directly. The term “subrecipient” also includes the term “subgrantee,” but does not include “third party contractor” or “third party subcontractor.”

Subagreement means an agreement through which a Recipient awards financial assistance derived from FTA to the subrecipient as defined in the FTA Master Agreement. The term “subagreement” also includes the term “subgrant,” but does not include the term “third party subcontract.”

Application Process

- All projects – complete forms for project description/detail and budget and timeline/milestones.
- FTA Certifications and Assurances – should be completed annually for each new federal fiscal year, which begins on October 1. Forms will be provided by the Council. Section numbers one and three must be completed by all subrecipients; other sections to be certified are determined by the nature of the project. Note that these will be held in the Grants administration files.
- Proof of acceptable A-133 audit if over \$500,000 of federal funds are received on an annual basis (includes all federal sources). Note that these will be held in the Grants administration files.
- Construction projects/environmental requirements – Categorical exclusions, State Historic Preservation Office, etc.
- Revenue vehicles – changes to fleet plan.

Award Process

- Federal notice of award is received. Note that this must occur before all subsequent steps.
- Council issues to the Sub recipient the Sub recipient Agreement that flows through FTA requirements, including:
 - Title VI of the Civil Rights Act of 1964
 - Equal Employment Opportunity (EEO)
 - Boilerplate FTA language must be included and flowed through to all levels
 - Disclosure Form to Report Lobbying (FTA Form LLL)

Grant Administration Process (through Council staff)

- Procurement rules and guidance questions to Council
- Prior approvals – Buy America waivers, scope changes, etc.
- Rebudgeting, revision or amendment
- Record keeping
- Reporting – financial and milestone
- Other – DBE reporting
- Closeout
- Audit



GRANT MEMORANDUM TRANSPORTATION AGREEMENTS

Project Manager request for a Subrecipient agreement/amendment:

Part 1 A. Agreement/Amendment Initiation

1. This is [Click Here](#) If amendment, SG-
2. Subrecipient's authorized signature, full legal name and address:

Name:	
Title:	
Address:	
Address:	
City, State, Zip:	
Phone Number:	() - extension

Project manager for subrecipient, list name and address below:

Name:	
Address:	
Address:	
City, State, Zip:	
Phone Number:	() - extension

3. Project Name:
Brief summary of project:
4. Source of funding for this agreement is [Click Here](#)
5. Funding source Grant Number #: **(example FTA # MN-90-X123)**
6. PeopleSoft ChartField values

Account	Fund	Org	Program	Sub-Class	Project	Amount

7. Amount of this agreement: Federal _____ Local _____
8. This agreement: Start date: _____ 9. End date: _____

Review and Concurrence

This Agreement/amendment meets award criteria adopted by the Council income grants.

_____	_____	_____	_____
Project Manager	Date	Finance	Date
_____	_____	_____	_____
Grants Manager	Date	Metro Transit GM/MTS Director	Date

Part 1 B. Attach Information Needed to Prepare Agreement/Amendment

Required:

- Approved description of project and/or scope of work
- Approved project budget

Check all that apply and attach as needed

- Copy of Notice of Grant Award (NOGA)
- Council Item (Administrative amendments or agreements for \$250,000 or less do not require)
- Council Item for the agreement
- Copy of original agreement and other amendments
- Other special terms and conditions of the funding

Part 2. Process for Routing

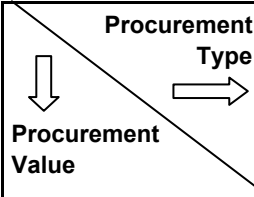
<u>Party</u>	<u>Action</u>	<u>Party Initial and Date</u>
1. RA Finance	Assign Council number (SG__)	_____
2. General Counsel	Agreement finalization	_____
3. Project Manager	Agreement review and distribution to subrecipient for signature (4 Copies)	_____
4. Project Manager	Receives signed copies	_____
5. Project Manager	Request authorized signature with division head Use cover letter templates	_____
6. General Counsel	Approval as to form of the agreement	_____
7. RA/Auth Sign.	Sign and return to project manager	_____
8. Project Manager	Distribution of executed agreements <ul style="list-style-type: none">a) One copy to Subrecipient (original signature)b) One copy to project file (original signature)c) One copy to Grants office (original signature)d) One copy to Finance (contract staff) for agreement encumbrance setup	_____

Method of Procurement Decision Matrix

To best determine which method of procurement is suitable, classify your situation by checking off the appropriate boxes below. In order to use any given method, **all elements in that section must apply** (except for sole source, where only one item must apply).

Micro Purchase (Competitive quotes not required).	Competitive Procurement (Competitive quotes, bids, or proposals required)	Non-Competitive Procurement (Competitive procurement not required).
<input type="checkbox"/> Total cost is <i>below</i> the micro purchase threshold of \$2500.	<p>If <u>all three</u> of these conditions are true, select Procurement Method 1, 2, or 3 (below). See Section 1.6 of the Procurement Procedure for definitions and further guidance.</p> <input type="checkbox"/> Amount is \geq \$2500 <input type="checkbox"/> Multiple sources are available <input type="checkbox"/> Not an emergency service	<p><u>One</u> of the following must apply.</p> <input type="checkbox"/> OEM, custom item <input type="checkbox"/> Only one source available <input type="checkbox"/> Sole source pre-approved by FTA <input type="checkbox"/> Competition is inadequate after public solicitation <input type="checkbox"/> Public emergency
	<p style="text-align: center;"><u>Method 1: Quotes or Sealed Bids</u></p> <p>Note: Minnesota Stats. §471.345 (Uniform Municipal Contracting Law) requires the use of formal, advertised sealed bids for goods or non-professional/technical services \$100,000 and over; below \$100,000, Council policy requires three verbal or written quotes. See the Procurement Procedure for definitions and further guidance.</p> <p>All five of the following must apply:</p> <input type="checkbox"/> Complete an adequate specifications or purchase description <input type="checkbox"/> Three or more responsible bidders <input type="checkbox"/> Selection can be made on basis of price <input type="checkbox"/> Procurement suitable for firm, fixed price <input type="checkbox"/> No discussion is needed with bidders after receipt of offers	<p>Note: An approved Authorization for Sole Source Procurement must be attached.</p>
	<p style="text-align: center;"><u>Method 2: Competitive Proposals</u></p> <p>Note: Council policy requires three verbal proposals for purchases of professional/technical services between \$2500- \$25,000 and three written proposals for these services between \$25,000 - 100,000; formal, advertised RFPs are required for purchases \$100,000 and over. All five of the following must apply:</p> <input type="checkbox"/> Complete specifications are not feasible <input type="checkbox"/> Proposer input is needed for specifications <input type="checkbox"/> Three or more proposers are willing to compete <input type="checkbox"/> Discussion is needed with proposers after receipt of proposals and prior to award <input type="checkbox"/> Fixed price can be set after discussions	
	<p style="text-align: center;"><u>Method 3: Time and Materials (T&M) Contract</u></p> <p>Note: A T&M Contract is a sub-set of a competitive proposal process. Both of the following must apply:</p> <input type="checkbox"/> Fixed price cannot be set for work <input type="checkbox"/> Complete extent of work is unknown (whether time, material use, or both)	

How to Purchase at the Metropolitan Council

		<u>Goods</u>	<u>Non-Construction Services</u>	<u>Professional and Technical Services</u>	<u>Construction Services</u>
		Purchase of materials, supplies, equipment, spare parts, fuel, chemicals, rolling stock.	Services acquired thru bids, such as equipment repairs, building maintenance, janitorial services.	Service acquired thru proposals such as architectural and engineering services, consultation, analysis, evaluation, planning or programming.	Construction, alteration, repair, remodeling, improvement, or demolition of real property.
Micropurchase Up to \$2,500 (excluding tax)		Requestor or Procurement selects a vendor using good business judgment. Requestor initiates a purchase requisition or a blanket PO release, purchases with a P-Card OR Procurement issues a PO.			
Start with a Purchase Requisition OR Contract Initiation Memo (CIM) if a contract is required	\$2,501 - \$25,000	Requestor or Procurement gets at least three documented quotes. Procurement issues a PO to the vendor with the lowest quote.	Requestor or Procurement gets three documented quotes. Procurement issues a PO to vendor with lowest quote. Insurance may be required depending on risk to the Council.	Requestor or Procurement gets at least three documented proposals. Procurement issues a PO to proposer with best proposal based on costs and other factors. Insurance may be required depending on risk to the Council.	Requestor or Procurement gets at least three documented quotes. Procurement issues PO to vendor with lowest quote. Insurance is required per the PO terms and conditions.
	\$25,001 - \$50,000 Consult with Procurement staff to determine if the initiating document is a purchase requisition or a CIM. Three documented quotes are required. Insurance documents may also be required depending on the risk to the Council.				
Start with a Contract Initiation Memo (CIM)	\$50,001 - \$100,000	Procurement gets at least three written quotes. Procurement issues a PO or initiates a contract to the vendor with lowest quote or Procurement advertises a formal Information For bid (IFB) depending on risk to Council and other factors, issues a PO to the lowest responsible bidder.	Procurement gets at least three written quotes. Procurement awards a contract to vendor with lowest quote or Procurement advertises a formal Information For Bid (IFB) depending on risk to Council and other factors, issues a PO or initiates a contract to the lowest responsible bidder.	Requestor or Procurement gets at least three written proposals. Procurement awards a contract to proposer with best proposal based on cost and other factors, or Procurement advertises a formal RFP.	Procurement gets at least three written quotes. Procurement awards contract to vendor with lowest quote or Procurement advertises a formal Information For Bid (IFB), awards a contract to the lowest responsible bidder and obtains any required performance and payment bonds and insurance.
	\$100,001 - \$250,000	Procurement advertises a Information For Bid (IFB), issues a PO to lowest responsive, responsible bidder.	Procurement advertises a formal Information For Bid (IFB) and issues a PO or contract to the lowest responsive, responsible bidder.		Procurement advertises major construction project, awards contract to lowest responsible bidder. General Manager/ Regional Administrator authorizes award.
	\$250,001 - \$1,000,000	As described above but requires Council approval.	As described above but requires Council approval.	As described above but requires Council approval.	Procurement awards contract, obtains required bonds and insurance and issues the notice to proceed.
	More than \$1,000,000				As described above but requires Council approval.

Section 3 – Solicitation and Selection Process – to be completed by the Project Manager

1. Type(s) of contractor and subcontractors involved in this contract: (Please list by specialty, skill or industry)

2. Proposed means of publicizing the availability of the contract

- State Register
- Construction Bulletin
- Trade Publication(s): (Please list) _____, _____, _____
- Community Organization(s): _____, _____, _____
- Other: (Please Explain) _____

3. Proposed process to select contractor

- Sole Source Other: (Please explain) _____
- Sealed bids _____
- Council staff evaluation committee

Section 4 – Diversity – to be completed by Office of Diversity and Equal Opportunity Staff

- I wish to review the solicitation documents prepared for this procurement prior to advertisement and distribution
- I wish to be involved in the selection process for this procurement

The following diversity business subcontracting goal(s) or preference apply to this contract:

- DBE Goal of _____% M/WBE Goal of _____% TGB Goal of _____%
- MBE Goal of _____% SBRA Goal of _____%
- WBE Goal of _____% TGB Preference of _____%

Reviewed by:

Date:

Section 5 – Authorization

CIMs with an estimated value of less than \$50,000 may be authorized by Council staff with sufficient signature authority. CIMs with an estimated value of \$50,000 or more must be authorized by General Managers or Division Directors.

I authorize the initiation of the contracting process for this procurement.

Signature of Authorized Signer

Date: _____

Title of Authorized Signer

Distribution – executed original filed in CPU; copies provided to:

- Project Manager
- Office of Diversity
- Transit Finance
- Grants Manager

Section 1 – Project Information – to be completed by the Subrecipient Project Manager

Subrecipient Project Manager: Phone:		Date:	
Project Title:		MC Project #:	
Proposed Services:		Estimated Cost:	
Period of Performance:	From		To:
Subcontracting:	Indicate whether or not there as a reasonable opportunity for subcontracting of this procurement		Yes <input type="checkbox"/>
			No <input type="checkbox"/>

Subrecipient Project Manager – I have accurately completed the information in Sections 1, 2, and 3 of this SCIM. If this will be a federally funded purchase, I have completed and filed an Independent Cost Estimate.

Date: _____

Signature

Council Project Manager Approval
I have reviewed the information in Sections 1, 2, and 3 and approve the initiation of this contract.

Date: _____

Signature

Title

Section 2 – Funding – to be completed by the Council Project Manager *Check one box only:*

- This contract will be FTA-assisted (complete the *Grant Approval* section, below)
- This contract will be USDOT-assisted by an agency other than FTA (i.e. FAA or FHWA)
- This contract will be Minnesota PFA-eligible
- This contract will NOT be assisted with grant funds from any source
- This contract has special funding:

Subrecipient Project Budget	Project identification within the Subrecipient Accounting system and approved budget					
Met Council Project Budget	Account	Fund	Org	Program	Subclass	Project

Comments:

Council Grant Approval – Federal Grant Number: _____ FTA-assisted contracts

_____ Council Grants Manager Signature	_____ Council Finance Officer Signature
Date	Date

Funding Approval – Subrecipient financial officer.

Signature _____ Date _____

Title _____ (To be signed by appropriate authorized Subrecipient staff)

Section 3 – Solicitation and Selection Process – to be completed by Subrecipient Project Manager

1. Type(s) of contractor and subcontractors involved in this contract: (Please list by specialty, skill or industry)

2. Proposed means of publicizing the availability of the contract

- State Register
- Construction Bulletin
- Trade Publication(s): (Please list) _____, _____, _____
- Community Organization(s): _____, _____, _____
- Other: (Please Explain) _____

3. Proposed process to select contractor

- Sole Source Other: (Please explain) _____
- Sealed bids _____
- Council staff evaluation committee

Section 4 – Diversity – to be completed by Council Office of Diversity and Equal Opportunity Staff

- I wish to review the solicitation documents prepared for this procurement prior to advertisement and distribution
- I wish to be involved in the selection process for this procurement

The following diversity business subcontracting goal(s) or preference apply to this contract:

- DBE Goal of _____% M/WBE Goal of _____% TGB Goal of _____%
- MBE Goal of _____% SBRA Goal of _____%
- WBE Goal of _____% TGB Preference of _____%

Reviewed by:

Date:

Section 5 – Authorization

By **Subrecipient** in accordance with its organizational structure.

I authorize the initiation of the contracting process for this procurement.

Signature of Authorized Signer Date: _____

Title of Authorized Signer

Distribution – executed original filed in Subrecipient records; copies provided to:

- Council Project Manager Council Office of Diversity Council Grants Manager
- Council Procurement Manager

INDEPENDENT COST ESTIMATES

WHAT IS AN INDEPENDENT COST ESTIMATE?

An *Independent Cost Estimate* (I.C.E.) is an estimate prepared by qualified engineering staff, other functional staff, and/or outside consultants who have subject matter expertise and first-hand knowledge of the products or services to be designed, purchased, and/or constructed. The purpose of an I.C.E. is to provide a clear basis for analysis of cost or price and provide essential procurement and financial planning information.

APPLICATION

FTA, through its' Circular guidance, requires the grantee (Metropolitan Council) to make independent cost estimates of project costs before receiving any project bids or proposals. This requirement has been adopted by the Council for all projects irrespective of the source of funding. For Master Contracts, the development of an I.C.E. was **NOT** undertaken at the time of the RFP as there was no scope of work to estimate a cost for. Therefore, an I.C.E. **MUST** be prepared for every work authorization request.

PREPARING AN ICE

Select a method to prepare an independent cost estimate. Any technique of assembly that provides a reasonable estimation of the anticipated costs is acceptable. Thus, for construction projects, using the A/E's probable construction cost as an estimate would be acceptable. The steps that follow are one example of how to prepare an I.C.E.. REMEMBER – any method that produces a reasonable estimate is acceptable.

1. Divide the project level of effort requirements into identifiable tasks, deliverables or other logical steps; e.g., prepare a scope of work with identifiable deliverables and a time frame to accomplish the work.
2. Estimate the labor that will be required to perform each task or prepare each deliverable. If possible, list the categories of labor that will be required to complete each task or deliverable (e.g. clerical, engineer, architect, etc.). The more detail provided the better the opportunity to create a more accurate estimate. If it is not possible to identify the labor categories, then estimate the time required to complete each task or prepare each deliverable.
3. Estimate the labor cost for each labor category. For A/E contracts, use a direct labor cost (DLC) for each labor category. For professional/technical services contracts, use a built-up hourly labor rate. Select a way that best matches with the development of labor estimates. That is, if you use labor categories, then use the different average hourly rates for each labor category. If labor categories were not identified, then use an average rate for all of the work. For A/E contracts, average rates will generally fall in the \$25 to \$50 per hour range; for professional/technical services contracts, the average built-up hourly rates will generally fall in

the \$75 to \$150 per hour range. Summarize to develop a total direct labor cost (TDLC) for A/E contracts or a total hourly labor cost (THLC) for professional/technical services contracts.

4. For A/E contracts, estimate the indirect (overhead) labor cost factor (ILCF) for the Consultant. Overhead rates can vary considerably, from as low as 0.5 to 3.5 and higher. Several factors enter into this variable: the current economic status; how the firm generates its overhead rates, the type of work being performed. Using a value of 1.75 will provide a reasonable estimate for your project cost. It is not necessary to estimate the ILCF for professional/technical services contracts; that component is already included in the built-up hourly rate.
5. For both A/E and professional/technical services contracts, estimate other direct costs (ODC) to the project. Other direct costs are those costs to the project that are not direct labor costs from the Consultant. They can include such items as sub-consultant costs, long distance telephone calls, travel expenses, per diem expenses, printing, computer charges, equipment rentals, local travel, parking, etc. (NOTE: Domestic per diem rates may be found at: www.gsa.gov/Portal/gsa/ep/contentView.do?contentId=17943&contentType=GSA_BASIC)
6. For A/E contracts, estimate the percent profit (P) to be earned by the Consultant for the project. In general, the profit can range from 10% to 15% of the cost of the Consultant's direct labor costs + indirect (overhead) labor costs only. It is not necessary to estimate the P for professional/technical services contracts, that component is already included in the built-up hourly rate.
7. For A/E contracts, calculate the total estimated project cost (TEPC) using the following:

$$TEPC = [(TDLC)(1 + ILCF)][(1 + P)] + ODC$$

where: TEPC = total estimated project costs
TDLC = total direct labor costs
ILCF = indirect labor cost factor
P = percent profit, expressed as a decimal
ODC = other direct costs.

For professional/technical services contracts, calculate the total estimated project cost (TEPC) using the following:

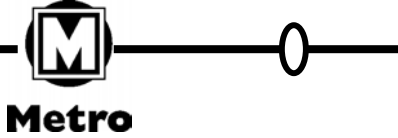
$$TEPC = THLC + ODC$$

where: TEPC = total estimated project costs
THLC = total hourly labor costs
ODC = other direct costs.

8. Compile all information into a memo addressed to the files. Identify all assumptions made to arrive at the estimate.
9. **Be certain you have dated and signed the I.C.E. (dating the I.C.E. is essential to confirm the I.C.E. was developed before the receipt of the offer).**
10. Place the original memo in the project files and attach a copy to the CIM or the WORF.

Note: The Worf will not be approved and you may not secure your cost estimate(s) until the ICE has been prepared.

Note: The ICE should be prepared and attached to the CIM. If, however, it cannot be submitted with the CIM, the ICE must be completed and a copy forwarded to Purchasing before the RFP will be approved for distribution.



INDEPENDENT COST ESTIMATE (ICE) FORM

	SHADED AREA FOR PROCUREMENT USE ONLY
Project Name & Title	
Purchase Requisition (PR)#	Assigned Buyer #
	D/M/WBE %

NEW CONTRACT/PROCUREMENT

<input type="checkbox"/> EXPIRING CONTRACT TO BE MODIFIED	Contract #
	PO#

<input type="checkbox"/> CONTRACT MODIFICATION	Contract #
	PO#

DATE _____

REQUESTOR _____

PHONE NUMBER _____

EMAIL _____

ESTIMATE \$ _____ (include shipping and handling)

Please substantiate the estimate by providing a complete estimate using one of the attached pages.

If the scope of work includes any required computer software, hardware, data transmission or electronic equipment needed to comply with Metro's Information Technology (IT), the IT Manager's acknowledgement is required.

IT MANAGER _____ DATE _____

The budget for this acquisition has been identified and the funds have been allocated.

DIRECTOR OF BUDGET _____ DATE _____

DIRECTOR OF GRANTS _____ DATE _____

FTA FUNDED Yes No
 IDOT FUNDED Yes No

UNBUDGETED MEMO ATTACHED? Yes No

The scope and ICE are complete and conforms with Metro's Policies and Procedures for Procurement.

PROJECT MANAGER _____ DATE _____

Requestor: You are required to provide Procurement with a detailed scope of work and estimate with your Purchase Requisition (PR). Procurement cannot start the acquisition process without the scope, ICE, bid price breakdown form and period of performance. Procurement and Contract Administration will advise you of any deficiencies in writing and will hold the PR and this form for five (5) working days. A scope of Work Checklist, Estimate Guide and Estimate forms are provided as attachments to assist you in completing some of the required information.

Processing Times:

- *Request For Proposals* - \$100,000 or greater: **180 workdays** from the time a complete ICE form is assigned to a Contract Specialist/Buyer to the date of Notice To Proceed is issued.
- *Sealed Bids* - \$100,000 or greater: **90 workdays** from the time the complete ICE form is assigned to a Contract Specialist/Buyer to the date the Notice To Proceed is issued.
- *Request For Quotations* – Under \$100,000: **14 to 30 workdays** from the time the complete ICE form is assigned to a Contract Specialist/Buyer to the date the Notice To Proceed is issued.
- *Fax Quotes* - Under \$100,000: **up to 14 workdays** from the time the complete ICE form is assigned to a Contract Specialist/Buyer to the date a Purchase Order is issued.
- *Change Order/Modification* - 15 workdays from the time the complete ICE form, justification and Proposed Change Request (PCR) are provided to the Contract Administrator (CA) to date the change is executed.

- *GEC Task Order – 10 – 20 workdays from the time the complete ICE form and scope of work is provided to the CA to the date the task order is issued. These times are averages and are provided to allow you sufficient time to plan your delivery dates.*

INDEPENDENT COST ESTIMATE (ICE) GUIDE
PART I (See Part III, Scope OF Services Checklist)
{Enter Project Name}

The attached Scope of Work contains at a minimum the following:

<i>For Materials:</i>	<i>For Consultants:</i>
<input type="checkbox"/> Quantity of items and/or materials required	<input type="checkbox"/> List of responsibilities to be performed by consultant
<input type="checkbox"/> A detailed description of each item required	<input type="checkbox"/> A detailed list of deliverables required from consultant
<input type="checkbox"/> Specifications and/or drawings for materials required	<input type="checkbox"/> Anticipated contract term and start date
<input type="checkbox"/> Date materials are required	<input type="checkbox"/> Location of project
<input type="checkbox"/> Delivery address and Metro's point of contact	<input type="checkbox"/> Project manager's name, phone number, fax number and email address
<i>For Contractors:</i>	
<input type="checkbox"/> A detailed list of tasks to be performed by the Contractor	<input type="checkbox"/> Anticipated Contract Term and Start Date
<input type="checkbox"/> Specifications, drawings and/or pictures of job site or projected results of contractor's tasks	<input type="checkbox"/> Location of project
	<input type="checkbox"/> Project Manager Name, phone number, fax number and email address

Note: The above are applicable if a firm-fixed price (FFP) contract is contemplated.

(Insert Scope of Work here)

Submitted By:

Date:

PR#

Estimate Guide
PART II

Estimate Type	Items to Include	Where to find supporting information
Services (Other than A&E)	<ol style="list-style-type: none"> 1. The tasks you want done 2. The types of people needed (i.e., supervisor, admin assistant other) 3. The positions required (i.e., Project Manager, Deputy PM, Senior Engineer/Planner, other) 4. The estimated hours by position 5. The salary/billing rates applied 6. Prevailing wage rate category applied 7. The profit/applied fee 8. Direct expenses 9. Completion schedule 	<ol style="list-style-type: none"> 1. Current or past contracts for similar services 2. Other properties/departments doing similar work 3. Project Control/Engineering or Contract Administration staff can assist you in obtaining historical price and cost data
Architect, Engineers, Designers	<ol style="list-style-type: none"> 1. The tasks you want done 2. The types of people needed (i.e., engineers, admin assistant, other) 3. The positions: Project Manager, Deputy PM, Senior Engineer/Planner, Other 4. The estimated hours by position 5. The salary/billing rates applied 6. The profit/applied fee 7. Overhead rate % 8. Direct expenses 9. Completion schedule 	<ol style="list-style-type: none"> 1. Current or past contracts for similar services 2. Other properties/departments doing similar work 3. Project Control/Engineering or Contract Administration staff can assist you in obtaining historical price and costs data
Goods/Equipment	<ol style="list-style-type: none"> 1. Product needed 2. Quantity 3. Unit price 4. Markups – overheads – profit 5. Delivery Schedule desired 6. Warranty 	<ol style="list-style-type: none"> 1. Vendor survey/Market survey 2. Current or past contracts for the same or similar product 3. Procurement and Contract Administration staff can assist you in obtaining historical price and costs data

<p>Construction</p>	<ol style="list-style-type: none"> 1. Product needed 2. Labor (at a minimum use Davis Bacon) 3. Materials 4. Bonds 5. Insurance 6. Mobilization 7. Equipment 8. Mark ups; fringes, overheads, profit 9. Completion schedule 	<ol style="list-style-type: none"> 1. "Means Book" 2. "Blue Book" 3. Davis Bacon Wage Rates www.gpo.gov/davisbacon 4. Current or past contracts for the same project 5. Project Control/Engineering or Contract Administration staff can assist you in obtaining historical price and cost data
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Submitted By:	Date:	PR#
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Metro
ARCHITECTURAL AND ENGINEERING (A&E) SERVICES
WORK ESTIMATE SHEET
PART IIa

Project Name (Identify by the Name Under the Grant if applicable):			
Direct Labor	Hours	Rate/Salary	Total Labor Hours/Rate/Salary
Project Manager			\$ 0.00
Senior Engineer			\$ 0.00
Senior Engineer			\$ 0.00
List applicable labor categories:			
Other Staff			\$ 0.00
Other Staff			\$ 0.00
Other Staff			\$ 0.00
Other Staff			\$ 0.00
Other Staff			\$ 0.00
Other Staff			\$ 0.00
Other Staff			\$ 0.00
Other Staff			\$ 0.00
Other Staff			\$ 0.00
Other Staff			\$ 0.00
Other Staff			\$ 0.00
Other Staff			\$ 0.00
Total Direct Labor			\$0.00
	Overhead _____%		Total Overhead Costs Overhead x Total Labor
Overhead/Indirect Costs	%		\$0.00
Fixed Fee (Limited to 10% of the total labor and overhead expense)	%		\$0.00
Direct Expenses			
Travel (Lump Sum)			\$ 0.00
Travel (Per Mile)			\$ 0.00
Meals			\$ 0.00
Lodging			\$ 0.00
Postage			\$ 0.00
Telephones			\$ 0.00
Copies			\$ 0.00
Other Direct Expenses (Describe ODCs)			\$ 0.00
Other Direct Expenses (Describe ODCs)			\$ 0.00
Total Direct Expenses			\$0.00
TOTAL ESTIMATED COST			\$0.00

If federal funds are used cost principles of FAR Part 31 for cost reimbursement type contracts apply. See website <http://www.arnet.gov/far>.



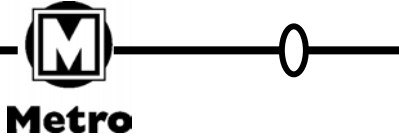
Metro

Submitted By:	Date:	PR#
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**SERVICES WORK ESTMATE SHEET
PART IIb**

Project Name (See previous page):			
Labor Type	# of Hours	Billing Rate*	Total Labor Hours x Billing Rate
Site Supervisor			\$ 0.00
Journeyman 1			\$ 0.00
Journeyman 2			\$ 0.00
Journeyman Assistant			
Provide Specific Labor Category:			\$ 0.00
Other			\$ 0.00
Other			\$ 0.00
Other			\$ 0.00
Other			\$ 0.00
Other			\$ 0.00
		Total Labor:	\$0.00
Other Expenses	Qty	Unit Rate	Total Cost Hours x Unit Rate
Training			\$ 0.00
Insurance			\$ 0.00
Warranty			\$ 0.00
Transportation			\$ 0.00
Equipment (Rental/Lease)			\$ 0.00
Repair Job			\$ 0.00
TOTAL ESTIMATED SERVICES:			\$0.00

* Use current prevailing wage rate



Submitted By:	Date:	PR#
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**EQUIPMENT ESTIMATE SHEET
PART IIc**

Quantity	Item Description	Unit Of Measure (ea, lb., ft., box, gal, crtn., ton.)	Unit Price	Total Price ¹
				\$ 0.00
				\$ 0.00
				\$ 0.00
				\$ 0.00
				\$ 0.00
				\$ 0.00
				\$ 0.00
				\$ 0.00
	Warranty			\$ 0.00
	Training			\$ 0.00
	Handling Fee (If applicable)			\$ 0.00
	Shipping Costs (If applicable)			\$ 0.00
	Total Equipment Estimate (Rental/Lease Equipment)			\$0.00

¹ Multiply the Quantity by the Unit Price to determine the total price



Metro

SCOPE OF SERVICES (SOS) CHECKLIST

PART III

The Scope of Services (SOS) generally consists of a title page and six sections as follows:

- Title Page
- Introduction [Section 1.0]
- Background [Section 2.0]
- Scope [Section 3.0]
- Reference Documents [Section 4.0]
- Technical Requirements [Section 5.0]
- Deliverables/Contract Data Requirements List (CDRL) [Section 6.0]

	Item	Yes	No	N/A
A.	<u>TITLE PAGE</u>			
1.	Does the title page include the following:			
	• Name of project/program			
	• Date prepared (Date changes as SOS is edited)			
	• Name of department preparing SOS			
	• Version number in footer of page (If changes have been made)			
B.	<u>INTRODUCTION (SECTION 1.0):</u> The introduction section should give the contractor just enough information to recognize what you are buying. It is normally one to three sentences long. The introduction should focus on clarity and content rather than length.			
1.	Does the introduction provide a quick reference to what you are buying?			
2.	Is the introductory information readily distinguishable from the background and scope sections?			
3.	Have work requirements or other redundant information that is contained in other sections of the SOS been removed?			
<u>REMARKS:</u>				

	Item	Yes	No	N/A
C.	BACKGROUND (SECTION 2.0): The background section provides historical information which is necessary to understand how and/or why the current requirement evolved and where it is headed, if appropriate. The background section can also provide current information which helps the contractor understand the requirement. If the current requirement is part of a larger program, identify the program and the relationship of this requirement to the overall project.			
1.	Does this section summarize historical information which is necessary to understand the current requirement? Will the contractor understand how and/or why the requirement evolved and where the requirement is headed, if appropriate?			
2.	Is the background information readily distinguishable from the introduction and scope sections?			
3.	Are the facts accurate?			
4.	Have all directions to perform specific tasks, specification requirements and deliverables been eliminated from this section? (They belong in other sections of the SOS)			
REMARKS:				

	Item	Yes	No	N/A
D.	SCOPE (SECTION 3.0): The scope section is an overview of the SOS and should emphasize the most important aspects of the requirement rather than minor details. It should identify the objective or purpose of the requirement; it should help the contractor understand the magnitude of the effort to be performed and it should also define the outside boundaries of the contractor’s performance responsibilities. This becomes important during contract performance in determining whether additional tasks or work is considered within the originally planned responsibilities or is considered new work. The scope section should be clear and consistent with the requirements specified in Section 4.0, Technical Requirements. The scope section should be no more than one to two paragraphs.			
1.	Will the contractor understand the magnitude of the requirement and have a basic understanding of the requirement?			
2.	Is the scope readily distinguishable from the introduction and background sections?			
3.	Is the scope consistent with the tasks or activities specified, and with the end result to be obtained?			
4.	Does the section emphasize the most important aspects (i.e., an overview) of the technical requirements rather than minor details?			
5.	Have all directions to perform specific tasks, specification requirements and deliverables been eliminated from this section? (They belong in other sections of the SOS)			
REMARKS:				

	Item	Yes	No	N/A
E.	REFERENCE DOCUMENTS (SECTION 4.0): This section lists all documents referenced under Section 5.0, technical requirements, that the contractor will have to comply with in the performance of the SOS (e.g., Agency policies, state and federal laws and specifications, state/city codes, etc.). If the technical requirements section describes your requirements in functional or performance terms (i.e., “what is required” versus “how to do it”), then this section should include only a minimum of documents. Generally, this section is prepared after the technical requirements section is completed. The length of this section will depend on the number of documents cited in the technical requirements section.			
1.	Is the applicable document properly cited? (Correct Volume No., date, Revision No. etc.)			
2.	If only portions of the document apply, have you clearly stated which portions apply?			
3.	Are the documents cited really pertinent to the task? (If they are not, they should not be included)			
4.	Do any standard specifications or paragraphs apply in whole or in part? (If so, are they properly cited?)			
5.	Are documents referenced by: <ul style="list-style-type: none"> • Type (e.g., specification, code, etc.) • Number/version • Title • Date 			
6.	Have all directions to perform specific tasks, specification requirements and deliverables been eliminated from this section? (They belong in other sections of the SOS)			
REMARKS: 				

	Item	Yes	No	N/A
F.	TECHNICAL REQUIREMENTS (SECTION 5.0): This section should identify <i>what</i> the contractor is required to do and <i>not how</i> the contractor should accomplish the effort. Technical requirements are generally identified as major tasks and sub-tasks. All major tasks and sub-tasks need to be defined in adequate detail so that the contractor knows what is required and the Agency knows when and if the contractor has complied with the requirement(s). The SOS should identify the task, the desired output and the associated performance standard or acceptance criteria.			
1.	Are the contractor's responsibilities clearly defined/identified from the introduction, scope and background sections?			
2.	Does the SOS identify only minimum requirements? (Have "nice to haves" been eliminated?)			
3.	Are the tasks in the SOW presented in chronological order or some logical order?			
4.	Is the SOS specific enough to permit you to estimate the probable cost and the contractor to determine the levels of expertise, manpower and other resources needed to accomplish the tasks?			
5.	Are sentences written so that there is no question of whether the contractor is obligated to perform specific tasks? (e.g., "the contractor shall do this work," not "this work shall be required")			
6.	Are contractor responsibilities stated in such a way that he/she knows what is required and the Agency can tell whether the contractor has complied?			
7.	Are the performance standards or acceptance criteria: <ul style="list-style-type: none"> • Necessary? • Realistic? • Specific? • Verifiable? • Objective? • Measurable? 			
8.	Have all elements of quality control and assurance been included (inspection, testing and acceptance)?			
9.	Does the SOS identify the title of data or other deliverables in parenthesis after the task which generated the data? [e.g. Contract Data Requirement List (CDRL) 001]			
10.	If the SOS requests data or reports, have all descriptions of that data (e.g., format and content) been eliminated and subsequently included in Section 6.0 (CDRL) of the SOS?			
11.	Have all solicitation instructions, evaluation criteria and references to the bidder/proposer been deleted and included in the appropriate solicitation provisions of the RFP/IFB?			
12.	Does the SOS identify significant contract milestones?			
13.	Have all points of control or decision points, if applicable been included?			
14.	Does the SOS require the contractor to get permission from, coordinate with or provide something to someone in the Agency? (if so, have			

	specific authorizations and instructions been provided to avoid contractual problems)			
15.	If deliver/completion time is used, does it specify either calendar days or work days and is it consistent throughout?			
16.	If Agency furnished property or services will be provided, are the nomenclature, location and availability stated in the SOS?			
17.	Are requirements specified that are within state-of-the-art industry?			
18.	If brand name or equal descriptions are used, are the salient physical and functional characteristics of the brand name included in the SOS with at least two suggested brand name equivalents (brand name justification must accompany the SOS)?			
19.	Are performance-type specifications (e.g., "at least 3 HP") used in preference to design-type specifications, when appropriate?			

REMARKS:

	Item	Yes	No	N/A
G.	<u>DELIVERABLES/CONTRACT DATA REQUIREMENTS LIST – CDRL (SECTION 6.0):</u> This section references the data (e.g., cost/progress reports, drawings, software, etc.) required to be submitted by the contractor and referenced throughout the SOS by a “CDRL” designation.			
1.	Are all contract data items (CDRLs) marked with “CDRL” and a corresponding item number? (e.g., CDRL5-301)			
2.	Are the format and content of data items clearly defined?			
3.	Are the quantities and timelines for data delivery appropriately stated and phased?			
4.	If alternate data deliveries may be proposed by the contractor, does the SOS state this?			
5.	Has the cost of the data required been considered and is it reasonable for the specific work task that requires it?			
6.	If the contractor’s format for data is acceptable, does the SOS mention this fact?			
7.	Does the CDRL section contain a master contract data requirements listing showing all required deliverables as an exhibit?			
<u>REMARKS:</u>				

	Item	Yes	No	N/A
H.	GENERAL COMMENTS (Apply to most sections of the SOS):			
1.	Is the SOS written using the format recommended in this checklist? (If not, provide rationale to the Procurement Department)			
2.	Does the SOS create an organizational conflict of interest? <ul style="list-style-type: none"> Will a specific contractor receive an unfair competitive advantage on this requirement or future requirements based on its performance under past or present contracts? (e.g., Is the SOS drafted whereby the contractor will prepare an SOS which will be subsequently competitively procured?) Will the contractor be placed in a position where it cannot provide impartial advice and assistance? (e.g., does the SOS require the contractor to review its own work?) 			
3.	Is more than one interpretation (throughout the SOS) possible? (See Attachment 1 to this checklist for a list of phrases to be avoided)			
4.	Has the SOW been checked for spelling and grammar?			
5.	Are acronyms and abbreviations spelled out the first time they are used and the abbreviated version put in parentheses?			
6.	Is the word "shall" used whenever a task or sub-task is mandatory?			
7.	Are tasks and sub-tasks written in the active voice rather than the passive voice? (e.g., "The contractor shall establish a program" and not "A program shall be established by the contractor")			
8.	Are paragraphs and subparagraphs numbered consecutively within each SOS section using a period to separate the number representing each sublevel? For Example: Requirement 5 1 st Sublevel 5.1 2 nd Sublevel 5.1.1 3 rd Sublevel 5.1.1.1			
9.	Are words used in the SOS that properly express the degree of contractor involvement? (See Attachment 2 to this checklist for a list of "work words" that might be appropriate for use in describing your requirement))			
10.	Are sentences written in a short, simple and concise form?			
11.	Have you included revisions numbers in the footer of the SOS pages as changes/edits were made to the SOS?			
12.	Have you provided the following information as appropriate to the s & Procurement Department with this checklist and your SOS attached to the Project Management Checklist? <ul style="list-style-type: none"> Independent cost estimate (ICE) Disadvantaged Business Enterprise (DBE) Goal Proposed delivery schedule Proposed bid schedule Warranty information Method of payment(s) Justification for liquidated damages 			

ATTACHMENT 1 - PHRASES HAVING MULTIPLE MEANINGS

This list of phrases having multiple meanings is provided as **an example of those to be avoided**.

- To the satisfaction of the Agency,
- As determined by the Agency,
- In accordance with instructions of the Agency,
- As directed by the Agency,
- In the opinion of the Agency,
- In the judgment of the Agency,
- Unless otherwise directed by the Agency,
- To furnish if requested by the Agency,
- All reasonable requests of the Agency shall be compiled with,
- Photographs shall be taken when and where directed by the Agency.
- In strict accordance with,
- In accordance with best commercial practice,
- In accordance with best modern standard practice,
- In accordance with the best engineering practice,
- Workmanship shall be of the highest quality,
- Workmanship shall be of the highest grade,
- Accurate workmanship,
- Securely mounted,
- Installed in a neat and workmanlike manner,
- Skillfully fitted,

ATTACHMENT 1 (CON'T) - PHRASES HAVING MULTIPLE MEANINGS

- Properly connected,

- Properly assembled,
- Good working order,
- Good materials,
- In accordance with applicable published specifications,
- Products of a recognized reputable manufacturer,
- Tests will be made unless waived,
- Materials shall be of the highest grade, free from defects or imperfections, and of grades approved by the Agency.
- Kinks and bends may be cause for rejection,
- Carefully performed,
- Neatly finished,
- Metal parts shall be cleaned before painting,
- Suitably housed,
- Smooth surfaces,
- Pleasing lines,
- Of an approved type,
- Of standard type,
- Any phrases referring to "The Agency Technical Representative (TR)".

ATTACHMENT 2 – WORK WORDS

The word list below is not complete but is provided to stimulate the thinking of the SOS writer by pointing out the critical differences in the meaning of work words versus the product words identified in connection with deliverable data. When selecting the key work word that properly expresses contractor's involvement, the SOS writer must define explicitly the total nature of the work requirement in terms of what is to be done. In some cases, the "why" or the application of the results of the performed work may be stated if it clarifies the requirement. The following sample list contains words which have the inherent value of work. This list is offered as a reminder of the various shades of meaning conveyed by choice of words.

analyze (solve by analysis)
 annotate (provide with comments)
 ascertain (find out with certainty)
 attend (be present at)
 audit (officially examine)
 build (make by putting together)
 calculate (find out by computation)
 consider (think about, to decide)
 construct (put together; build)
 control (direct; regulate)
 contribute (give along with others)
 compare (find out likeness or differences)
 create (cause to be; make)
 determine (resolve; settle; decide)
 differentiate (make a distinction between)
 develop (bring into being or activity)
 define (make clear; settle the limits)
 design (perform an original act)
 evolve (develop gradually, work out)
 examine (look at closely; test quality of)
 explore (examine for discovery)
 extract (take out; deduce, select)
 erect (put together; set upright)
 establish (set up; settle; prove beyond dispute)
 estimate (approximate an opinion of)
 evaluate (find or fix the value of)
 fabricate (build; manufacture, invent)
 form (give shape to; establish)
 formulate (to put together add express)
 generate (produce, cause to be)
 identify (to show or to find)
 implement (to carry out, put into practice)
 install (place; put into position)
 inspect (examine carefully or officially)

ATTACHMENT 2 (CON'T) – WORK WORDS

institute (set up; establish, begin)
 interpret (explain the meaning of)

inquire	(ask, make a search of)
integrate	(to add parts to make whole)
investigate	(search into; examine closely)
judge	(decide; form an estimate of)
make	(cause to come into being)
maintain	(to keep in an existing state, to continue in, carry on)
manufacture	(fabricate from raw materials)
modify	(to change, alter)
monitor	(to watch or observe)
notice	(comment upon, review)
observe	(inspect, watch)
originate	(initiate, to give rise to)
organize	(integrate, arrange in a coherent unit)
perform	(do, carry out, accomplish)
plan	(devise a scheme for doing, making, arranging activities to achieve objectives)
probe	(investigate thoroughly)
produce	(give birth or rise to)
pursue	(seek, obtain or accomplish)
reason	(think, influence another's actions)
resolve	(reduce by analysis, clear up)
record	(set down in writing or act of electronic reproduction of communications)
recommend	(advise, attract favor of)
review	(inspection, examination or evaluation)
revise	(to correct, improve)
study	(careful examination or analysis)
seek	(try to discover; make an attempt)
search	(examine to find something)
scan	(look through hastily, examine intently)
screen	(to separate, present, or shield)
solve	(find an answer)
test	(evaluate, examine)
trace	(to copy or find by searching)
track	(observe or plot the path of)
update	(modernize, make current)

“A sole source purchase is one in which the product or service is unique, and its uniqueness is substantially related to the intended purpose, use and performance of the goods or service being purchased. Similar goods or services must be shown to be unable to achieve the Metropolitan Council’s desired objectives.”

I REQUEST THAT THE REFERENCED PURCHASE BE DECLARED A SOLE SOURCE PROCUREMENT.

Proposed sole source vendor’s name:	Estimated cost of goods or services:
--	---

Describe the goods or services that you propose to acquire through a sole source procurement:

NOTE -- Sole source purchases must fit ALL THREE of the following criteria:

Why are these goods or services unique?

OEM repairs, parts or maintenance agreements for previously-approved equipment. OEM sole source procurements that are funded by FTA require that the Council must first certify in writing to FTA that the supplier is the only source of the OEM item and that the price is no higher than the price paid for the item by like customers

How is their uniqueness substantially related to their intended use?

OEM repairs, parts or maintenance agreements for previously-approved equipment.

Demonstrate that similar goods or services are unable to meet the required objective:

OEM repairs, parts or maintenance agreements for previously-approved equipment.

Describe your efforts to identify other potential sources

List any other facts supporting the use of a non-competitive process:

Is the anticipated cost to the Council fair and reasonable? Explain at right:

Is this a one-time procurement? If not: 1) explain what actions may be taken to prevent the need for sole source procurement for future purchases of these goods or services; 2) estimate the total annualized expenditure. Approvals for on-going sole source procurements must match the amount of the annualized expenditure, not the amount of a single purchase.

Explanation of possible action to be taken:
 One time purchase Yes No
 If on-going sole source procurement is required, estimate the annual expenditure.

Sole Source Authorization Cost or Price Analysis

Each sole source authorization requires the completion of either a cost or price analysis to determine that the expenditure is fair and reasonable.

<p>Cost Analysis A cost analysis is generally used when purchasing services whose price must be evaluated by examining both the quantity and price of separate cost elements such as hourly rates, overhead, profit factors, and other direct costs. The analysis should include:</p> <ul style="list-style-type: none"> • The necessity for various costs • The reasonableness of amounts estimated for necessary costs 	<p>Price Analysis A price analysis is generally used when purchasing goods or well-defined services whose price can be compared with like items in one of the following ways:</p> <ul style="list-style-type: none"> • Competitive price quotations for similar items • Catalog or market prices • Comparison to past prices • The use of rough estimates such as dollars per pound, per horsepower, or other units
--	---

Cost or Price Analysis:

I hereby certify that this justification for sole source procurement is accurate and complete to the best of my knowledge and belief.

Requisitioner:	Title:	Date:
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Based upon the above, I authorize the sole source acquisition of the goods or services specified.

Authorized Signer:	Title:	Date:
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Signature:	General Manager/Division Director	Date:
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For purchases \$25,000 or over, the Regional Administrator's signature is required.

Signature:	Regional Administrator	Date:
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The approval of the Metropolitan Council is required for purchases over the current policy limits.

DOCUMENT EXECUTION COVER SHEET

DATE:

TO: Thomas H. Weaver, Regional Administrator

FROM:

SUBJECT:

I recommend and request that you execute the attached document on behalf of the Metropolitan Council. Additional information regarding this document is set forth below or attached. Please contact the following person if you require further information:

Name:

Phone/extension:

BACKGROUND

Type of Document (e.g., contract, grant, intergovernmental agreement, amendment, etc.):

Discussion and Purpose for Document (Summarize and attach additional information if desired):

AUTHORIZATION

- Execution has been authorized by Council Board Item # 200 _____. A copy of the item is attached.
- Council Board action for execution is not necessary because:

DOCUMENT PREPARATION

- This document was prepared using standard Master Construction Documents, Contract Templates, or other standard form documents. Other than to provide Drawings and Specifications or Scope of Work, and to fill in the specific project information, no changes in the standard documents have been made without approval of the Office of General Counsel.

Procurement

- This document was prepared specifically for this purpose by the Office of General Counsel which has signed off as to form.

RETURN ROUTING

Please return the executed document to:

Special routing or pick-up instructions:

DBE Progress/Project Report

1. Project #:		9. Original Contract Amount:	
2. Project Title:		10. Contract Change Orders:	
3. Prime Contractor:		11. Total Contract Amount:	
4. Type of Services:		12. Contract Dollars Expended:	
5. Contract #		13. Contract Dollars Remaining:	
6. Contract Award Date:		14. Amount Paid to Date:	
7. Payment Claim #:		15. Percent Paid to Date:	
8. DBE Progress Report #:			

Utilization Goal: _____%

Reporting Period: From _____ to _____

A) DBE Subcontractor	B) Company DBE is Sub-contracting to	C) Amount of Original DBE Contract	D) Amount DBE Subcontracted to Others *	E) Amount in Change Orders to DBE Contract	F) Total DBE Contract Amount [C) - D) + E]	G) Amount DBE Paid This Pay Request	H) Amount DBE Paid To Date
16							
17							
18							
19							
20							
21							
22							
23							
24							
DBE Totals:							
					* Contract DBE % of Total Current Contracted Amount:		
					* Billed DBE % of Total Contract Amount Billed:		
Explanation if DBE Goal Not Being Met or Other Comments:							

Signature:	Date:
Title:	

INSTRUCTIONS:

1. Insert information in all blank spaces. A/E Services contracts **DO NOT** complete Affirmative Action Status/Labor Force Breakdown by Hours.
2. **Amount DBE Subcontracted to Others** (Column D) shall include non-DBE amounts included in Column E.
2. **Contract DBE % of Total Current Contract** = DBE Totals of Column F) / Total Contract Amount (Item 11 above).
3. **Billed DBE % of Total Contract Amount Billed** = DBE Totals of Column H) / Amount Billed To Date (Item 14 above).

Council Approval for Subrecipient Invoice

Subrecipient:

BLPO:

Release PO:

Master PO:

PO Release No:

Insert lines if needed to reflect additional account strings

GRANT	SOURCE	ACCT	FUND	ORG	PROG	SUBCLASS	PROJECT	AMOUNT
TOTAL TO BE REIMBURSED BY THE COUNCIL:								\$0.00

1. Project Manager

(Project manager retains one copy and routes the other two with this form.)

Project Manager approval:

(Sign & Date)

MT Immediate Supervisor approval:

(Sign & Date)

MTS approval (if applicable):

(Sign & Date; Retain one copy)

2. Office of Diversity and Equal Opportunity (ODEO)

(ODEO retains one copy)

ODEO Staff approval:

(Sign & Date)

3. Grants

Grants Staff approval:

(Sign & Date)

4. Purchasing (if applicable)

Assign Release PO Above (if applicable).

5. RA Finance or MT Finance (whichever is applicable)

RA Finance or MT Finance (whichever is applicable) retains one copy, reviews and processes for payment and sends a copy of this completed form to the Project Manager.

METROPOLITAN COUNCIL/METRO TRANSIT

PAYMENT REQUEST NO. _____ FOR ENGINEERING/CONSULTANT CONTRACTS

_____ Interim Payment Request _____ Final Payment Request

(NOTE: DIVERSITY OFFICE SIGN OFF REQUIRED FOR FINAL PAY REQUESTS ON FEDERALLY FUNDED PROJECTS)
 (NOTE: CONTRACTS SIGNOFF REQUIRED FOR FINAL PAY REQUESTS ON CONSTRUCTION CONTRACTS)

PAY TO: _____	DATE: _____
ADDRESS: _____	PERIOD FROM: _____ TO: _____
_____	CONTRACT # _____ WO # _____
_____	INVOICE # _____ DATE _____

PROJECT NAME: _____	PROJ # _____
---------------------	--------------

CONTRACT SUMMARY:	
ORIGINAL CONTRACT AMOUNT	\$ -
AMENDMENT #1	\$ -
AMENDMENT #2	\$ -
AMENDMENT #3	\$ -
NET CHANGES(SUBTOTAL)	\$ -
REVISED CONTRACT AMOUNT	\$ -

AMOUNT OF PAYMENT:	
TOTAL EARNED TO DATE	\$ -
LESS AMOUNT PAID OR BILLED PREVIOUSLY	\$ -
AMOUNT DUE THIS PAYMENT	\$ -

CERTIFICATION BY CONTRACTOR
 I hereby certify that the above services have been performed and that this claim is just and correct and no part of it has been paid

By _____
 Contractor's/Consultant's Authorized Representative Date

METROPOLITAN COUNCIL CERTIFICATION
 I hereby certify that I have prepared or examined this claim for work performed during the period for which this payment claim has been made and that the Contractor is entitled to payment of the claim Under the terms of the contract

By _____
 Project Manager Date

By _____
 Supervisor Date

NOTE: Blanket PO/Release PO required for all payments

COMPLETE THIS SIGNATURE SECTION FOR FINAL PAY REQUESTS ONLY	
_____ Federal Funding Applies METROPOLITAN COUNCIL DIVERSITY/EEO CERTIFICATION (final pay requests for federally-funded projects only) By _____ Diversity Office Representative Date	METRO TRANSIT CONTRACTS (receipt of Form IC 134 and other close-out documents) By _____ Contracts Office Representative Date

ACCOUNT CHART FIELD							PROJECT/FUND CODE APPROVAL:	
Account	Fund	Dept	Prog	Class	Project	Amount	(finance dept use only)	
						\$ -	By _____	
							Grants Analyst Date	
							ECHO DRAW #	

COMMENTS: This section is required to be completed to document any processing delays. Note the Council is legally required to make payment within as specified period or pay interest to the vendor. Documentation of all delays is imperative in determining whether or not the interest charge applies.

METROPOLITAN COUNCIL/METRO TRANSIT

PAYMENT REQUEST NO. _____ FOR CONSTRUCTION WORK/SERVICES

_____ Interim Payment Request _____ Final Payment Request

(NOTE: DIVERSITY OFFICE SIGN OFF REQUIRED FOR FINAL PAY REQUESTS ON FEDERALLY FUNDED PROJECTS)
 (NOTE: CONTRACTS SIGNOFF REQUIRED FOR FINAL PAY REQUESTS ON CONSTRUCTION AND CONTRACTS)

PAY TO: _____	DATE: _____
ADDRESS: _____	PERIOD FROM: _____ TO: _____
_____	CONTRACT # _____ WO # _____
_____	INVOICE # _____ DATE _____

PROJECT NAME: Support Facilities Security and Retaining Wall- FTH	PROJ # 62313
---	--------------

CONTRACT SUMMARY:	
ORIGINAL CONTRACT AMOUNT	\$ -
CHANGE ORDERS TO DATE (CO#1 through _____):	\$ -
REVISED CONTRACT AMOUNT	\$ -

RETAINAGE :	
PREVIOUS RETAINAGE	\$ -
THIS PAYMENT RETAINAGE	\$ -
TOTAL RETAINAGE	\$ -

AMOUNT OF PAYMENT:	
TOTAL EARNED TO DATE	\$ -
AMOUNT RETAINED (_____%)	\$ -
LESS AMOUNT PAID OR BILLED PREVIOUSLY	\$ -
AMOUNT DUE THIS PAYMENT	\$ -

CERTIFICATION BY CONTRACTOR
 I hereby certify that the above services have been performed and that this claim is just and correct and no part of it has been paid

By _____ Date _____
 Contractor's/Consultant's Authorized Representative

METROPOLITAN COUNCIL CERTIFICATION
 I hereby certify that I have prepared or examined this claim for work performed during the period for which this payment claim has been made and that the Contractor is entitled to payment of the claim Under the terms of the contract

By _____ Date _____
 Council's Authorized Representative/ Project Manager

By _____ Date _____
 Project Manager/Supervisor

NOTE: Blanket PO/Release PO required for all payments

COMPLETE THIS SIGNATURE SECTION FOR FINAL PAY REQUESTS ONLY

_____ Federal Funding Applies
METROPOLITAN COUNCIL DIVERSITY/EEO CERTIFICATION (final pay requests for federally-funded projects only)

By _____ Date _____
 Diversity Office Representative

METRO TRANSIT CONTRACTS (receipt of Form IC 134 and other close-out documents)

By _____ Date _____
 Contracts Office Representative

ACCOUNT CHART FIELD							PROJECT/FUND CODE APPROVAL:	
Account	Fund	Dept	Prog	Class	Project	Amount	(finance dept use only)	
							By _____	
							Grants Analyst Date	
							ECHO DRAW #	

COMMENTS: This section is required to be completed to document any processing delays. Note the Council is legally required to make payment within as specified period or pay interest to the vendor. Documentation of all delays is imperative in determining whether or not the interest charge applies.

Goods Procurement Contract Log FTA-Funded Procurement – Formal IFB

Contract Number	PO Number	PO Amount	Contractor

Tab	Item
Authorization	
1	CIM
Solicitation Process	
2	Independent Cost Estimate (to be performed & dated prior to receipt of bids)
3	Method of Procurement Decision Matrix
4	Advertisements
5	List of Document Holders
6	IFB
7	Addenda
Evaluation Process	
8	Bid Tabulation and Bid Documents
9	Evaluation of Responsiveness
10	Evaluation of DBE Good Faith Efforts (if applicable)
11	Correspondence with Bidders (including protests if applicable)
12	Price or Cost Analysis (required for every procurement action)
13	Independent Determination of Adequate Competition (if Single Bid)
14	Report Determination of Adequate Competition to FTA (if applicable)
15	Reasons for Contractor Selection / Rejection
16	Basis for Contract Price
Award	
17	Evaluation of Responsibility (include check from http://epls.arnet.gov/)
18	Authorization to Award (w/Council Action if required)
19	Letter of Award
Contract Documents	
20	Required Certification (AA, Debarment, Lobbying)
21	Purchase Order (w/appropriate Terms and Conditions)
Contract Modifications	

Final Administrative File Review

Conducted By _____ Date _____

Goods Procurement Contract Log FTA-Funded Procurement – Joint Purchasing Agreement

Contract Number	PO Number	PO Amount	Contractor

Tab	Item
Authorization	
1	CIM
Solicitation Process	
2	Independent Cost Estimate (performed & dated prior to receipt of bid/proposal)
3	Method of Procurement Decision Matrix
Evaluation Process	
4	Evaluation of Responsiveness (include check from http://epls.arnet.gov/)
5	Evaluation of DBE Good Faith Efforts (if applicable)
6	Correspondence
7	Cost or Price Analysis (required for every procurement action)
8	Reasons for Contractor Selection / Rejection
9	Basis for Contract Price
Award	
10	Evaluation of Responsibility
11	Authorization to Award (w/Council Action if required)
12	Letter of Award
Contract Documents	
13	Required Certification (AA, Debarment, Lobbying)
14	Purchase Agreement
Contract Modifications	

Final Administrative File Review

Conducted By _____ Date _____

Goods Procurement Contract Log FTA-Funded Procurement – Sole Source

Contract Number	PO Number	PO Amount	Contractor

Tab	Item
Authorization	
1	CIM
Solicitation Process	
2	Method of Procurement Decision Matrix
3	Sole Source Authorization
Evaluation Process	
4	Independent Cost Estimate (performed & dated prior to receipt of bid/proposal)
5	Cost or Price Analysis (required for every procurement action)
6	Check of Excluded Parties Listing (include check from http://epls.arnet.gov/)
7	Correspondence with Vendor
8	Reasons for Contractor Selection / Rejection
9	Basis for Contract Price
Award	
10	Authorization to Award (w/Council Action if required)
11	Letter of Award
Contract Documents	
12	Required Certification (AA, Debarment, Lobbying)
13	Purchase Order (w/appropriate Terms and Conditions)
Contract Modifications	
14	

Final Administrative File Review

Conducted By _____

Date _____

**Non-Construction Services Procurement Contract Log
FTA-Funded Procurement – Sole Source**

Contract Number	Contract Amount	Contractor

Tab	Item
Authorization	
1	CIM
Solicitation Process	
2	Method of Procurement Decision Matrix
3	Sole Source Authorization
Evaluation Process	
4	Independent Cost Estimate (performed & dated prior to receipt of bid/proposal)
5	Cost or Price Analysis (required for every procurement action)
6	Correspondence with Vendor
7	Reasons for Contractor Selection / Rejection
8	Basis for Contract Price
Award	
9	Authorization to Award (w/Council Action if required)
10	Letter of Award
Contract Documents	
11	Required Certification (AA, Debarment, Lobbying, Buy America, etc.)
12	Contract execution transmittal letter
13	Notice to Proceed Letter and Executed Contract
14	Insurance documentation
Contract Modifications	
15	Amendment(s)

Final Administrative File Review

Conducted By _____

Date _____

Professional/Technical Services Contract Log FTA-Funded Procurement – Informal Proposals

Contract Number	Contract Amount	Contractor

Tab	Item
Authorization	
1	CIM or PR
2	Independent Cost Estimate (performed & dated prior to receipt of proposals)
Solicitation Process	
3	Method of Procurement Decision Matrix
4	Proposals
Evaluation and Award Process	
5	Proposal Evaluation and Recommendation, Authorization of Award
6	Evaluation of Responsibility (include check from http://epls.arnet.gov/)
7	Cost or Price Analysis (required for every procurement action)
8	Correspondence with Proposers (including protests if applicable)
9	Reasons for Contractor Selection / Rejection
10	Basis for Contract Price
11	Most Current Overhead Rate Information and Approval (if A&E Contract)
Contract Documents	
12	Contract execution transmittal letter
13	Notice to Proceed Letter and Executed Contract
14	Insurance documentation
Contract Modifications	
15	

Final Administrative File Review

Conducted By _____ Date _____

**Professional/Technical Services Contract Log
FTA-Funded Procurement – Formal RFP**

Contract Number	Contract Amount	Contractor

Tab	Item
Authorization	
1	CIM
2	Independent Cost Estimate (performed & dated prior to receipt of proposals)
Solicitation Process	
3	Method of Procurement Decision Matrix
4	Advertisements
5	List of Document Holders
6	RFP
7	Addenda
8	Pre-proposal Meeting, Proposer Questions
Evaluation Process	
9	List of Proposers and Evaluation of Required Submittals
10	Evaluation Panel Membership and Conflict of Interest Statements
11	Evaluation Results (including evaluation sheets and final recommendation)
12	Evaluation of Responsibility (include check from http://epls.arnet.gov/)
13	Independent Determination of Adequate Competition (if Single Bid)
14	Report Determination of Adequate Competition to FTA (if applicable)
15	Cost or Price Analysis (required for every procurement action)
16	Evaluation of DBE Good Faith Efforts
17	Correspondence with Proposers (including protests if applicable)
18	Reasons for Contractor Selection / Rejection
19	Basis for Contract Price
20	Most Current Overhead Rate Information and Approval (if A&E Contract)
Award	
21	Authorization of Award (w/Council Action if required)
Contract Documents	
22	Required Certification (AA, Debarment, Lobbying)
23	Contract execution transmittal letter
24	Notice to Proceed Letter and Executed Contract
25	Insurance documentation
Contract Modifications	
26	Amendments

Final Administrative File Review

Conducted By _____

Date _____

**Professional/Technical Services Contract Log
FTA-Funded Procurement –Rolling Stock**

Contract Number	Contract Amount	Contractor

Tab	Item
Authorization	
1	CIM
2	Independent Cost Estimate (performed & dated prior to receipt of bid/proposal)
Solicitation Process	
3	Method of Procurement Decision Matrix
4	Advertisements
5	List of Document Holders
6	RFP
7	Addenda
8	Pre-proposal Meeting, Proposer Questions
Evaluation Process	
9	List of Proposers and Evaluation of Required Submittals
10	Evaluation Panel Membership and Conflict of Interest Statements
11	Evaluation Results (including evaluation sheets and final recommendation)
12	Evaluation of Responsibility (include check from http://epls.arnet.gov/)
13	Independent Determination of Adequate Competition (if Single Bid)
14	Report Determination of Adequate Competition to FTA (if applicable)
15	Cost or Price Analysis (required for every procurement action)
16	Evaluation of DBE Good Faith Efforts
17	Correspondence with Proposers (including protests if applicable)
18	Reasons for Contractor Selection / Rejection
19	Basis for Contract Price
Award	
20	Authorization of Award (w/Council Action if required)
21	Pre-Award Buy America Audit Certifications
Contract Documents	
22	Required Certification (AA, Debarment, Lobbying)
23	Contract execution transmittal letter
24	Notice to Proceed Letter and Executed Contract
25	Insurance documentation
26	Post-Delivery Buy America Audit Certifications
Contract Modifications	
27	Amendments

Final Administrative File Review

Conducted By _____

Date _____

Major Construction Contract Log FTA-Funded Procurement

Contract Number	Contract Amount	Contractor

Tab	Item
Authorization	
1	CIM
Solicitation Process	
2	Method of Procurement Decision Matrix
3	Advertisements
4	List of Document Holders
Evaluation Process	
5	Bid Tabulation and Bid Documents
6	Evaluation of Responsiveness
7	Evaluation of Responsibility (include check from http://epls.arnet.gov/)
8	Engineer's Independent Cost Estimate (performed & dated prior to receipt of bids)
9	Price or Cost Analysis (required for every procurement action)
10	Evaluation of DBE Good Faith Efforts
11	Bidder's Lists
12	Correspondence with Bidders (including protests if applicable)
13	Independent Determination of Adequate Competition (if Single Bid)
14	Report Determination of Adequate Competition to FTA (if applicable)
15	Reasons for Contractor Selection / Rejection
16	Basis for Contract Price
Award Process	
17	Authorization to Award (w/Council Action if required)
18	Letter of Award
Contract Modifications	
19	Contract Correspondence/Updates
Solicitation and Contract Documents (filed separately in Contract Documents)	
Notice to Proceed	
Invitation for Bids / Addenda / Contract Agreement	
Required Certifications (AA, Debarment, Lobbying, Buy America, etc.)	
Performance and payment bonds	
Insurance documentation	

Final Administrative File Review

Conducted By _____ Date _____

FTA MANDATORY PROCUREMENT STANDARDS

No.	Element
1)	Written Standards of Conduct
2)	Contract Administration System
3)	Written Protest Procedures
4)	Prequalification System
5)	System for Ensuring Most Efficient and Economic Purchase
6)	Procurement Policies and Procedures
7)	Independent Cost Estimate
8)	A&E Geographic Preference
9)	Unreasonable Qualification Requirements
10)	Unnecessary Experience and Excessive Bonding
11)	Organizational Conflict of Interest
12)	Arbitrary Action
13)	Brand Name Restrictions
14)	Geographic Preferences
15)	Contract Period of Performance Limitation
16)	Written Procurement Selection Procedures
17)	Solicitation Prequalification Criteria
18)	Award to Responsible Contractors
19)	Sound and Complete Agreement
20)	No Splitting [Micro-purchase]
21)	Fair and Reasonable Price Determination [Micro-purchase]
22)	Micro-Purchase Davis Bacon
23)	Price Quotations [Small Purchase]
24)	Clear, Accurate, and Complete Specification
25)	Adequate Competition - Two or More Competitors
26)	Firm Fixed Price [Sealed Bid]
27)	Selection on Price [Sealed Bid]
28)	Discussions Unnecessary [Sealed Bid]
29)	Advertised/Publicized
30)	Adequate Solicitation
31)	Sufficient Bid Time [Sealed Bid]
32)	Bid Opening [Sealed Bid]
33)	Responsiveness [Sealed Bid]
34)	Lowest Price [Sealed Bid]
35)	Rejecting Bids [Sealed Bid]
36)	Evaluation [RFP]
37)	Price and Other Factors [RFP]
38)	Sole Source if Other Award is Infeasible
39)	Cost Analysis Required [Sole Source]
40)	Evaluation of Options
41)	Cost or Price Analysis
42)	Written Record of Procurement History
43)	Exercise of Options
44)	Out of Scope Changes

FTA MANDATORY PROCUREMENT STANDARDS

45)	Advance Payments
46)	Progress Payments
47)	Time and Materials Contracts
48)	Cost Plus Percentage of Cost
49)	Liquidated Damages Provisions
50)	Qualifications Exclude Price [A&E]
51)	Serial Price Negotiations [A&E]
52)	Bid Security [Construction over \$100,000]
53)	Performance Security [Construction over \$100,000]
54)	Payment Security [Construction over \$100,000]

Method of Procurement Decision Matrix

To best determine which method of procurement is suitable, classify your situation by checking off the appropriate boxes below. In order to use any given method, **all elements in that section must apply** (except for sole source, where only one item must apply).

Micro Purchase (Competitive quotes not required).	Competitive Procurement (Competitive quotes, bids, or proposals required)	Non-Competitive Procurement (Competitive procurement not required).
<input type="checkbox"/> Total cost is <i>below</i> the micro purchase threshold of \$2500.	<p>If <u>all three</u> of these conditions are true, select Procurement Method 1, 2, or 3 (below). See Section 1.6 of the Procurement Procedure for definitions and further guidance.</p> <input type="checkbox"/> Amount is \geq \$2500 <input type="checkbox"/> Multiple sources are available <input type="checkbox"/> Not an emergency service	<p><u>One</u> of the following must apply.</p> <input type="checkbox"/> OEM, custom item <input type="checkbox"/> Only one source available <input type="checkbox"/> Sole source pre-approved by FTA <input type="checkbox"/> Competition is inadequate after public solicitation <input type="checkbox"/> Public emergency
	<p style="text-align: center;"><u>Method 1: Quotes or Sealed Bids</u></p> <p>Note: Minnesota Stats. §471.345 (Uniform Municipal Contracting Law) requires the use of formal, advertised sealed bids for goods or non-professional/technical services \$100,000 and over; below \$100,000, Council policy requires three verbal or written quotes. See the Procurement Procedure for definitions and further guidance.</p> <p>All five of the following must apply:</p> <input type="checkbox"/> Complete an adequate specifications or purchase description <input type="checkbox"/> Three or more responsible bidders <input type="checkbox"/> Selection can be made on basis of price <input type="checkbox"/> Procurement suitable for firm, fixed price <input type="checkbox"/> No discussion is needed with bidders after receipt of offers	<p>Note: An approved Authorization for Sole Source Procurement must be attached.</p>
	<p style="text-align: center;"><u>Method 2: Competitive Proposals</u></p> <p>Note: Council policy requires three verbal proposals for purchases of professional/technical services between \$2500- \$25,000 and three written proposals for these services between \$25,000 - 100,000; formal, advertised RFPs are required for purchases \$100,000 and over. All five of the following must apply:</p> <input type="checkbox"/> Complete specifications are not feasible <input type="checkbox"/> Proposer input is needed for specifications <input type="checkbox"/> Three or more proposers are willing to compete <input type="checkbox"/> Discussion is needed with proposers after receipt of proposals and prior to award <input type="checkbox"/> Fixed price can be set after discussions	
	<p style="text-align: center;"><u>Method 3: Time and Materials (T&M) Contract</u></p> <p>Note: A T&M Contract is a sub-set of a competitive proposal process. Both of the following must apply:</p> <input type="checkbox"/> Fixed price cannot be set for work <input type="checkbox"/> Complete extent of work is unknown (whether time, material use, or both)	