

**Butte-Silver Bow
TRANSPORTATION PLAN
2015**

REQUEST FOR PROPOSALS

- I. INTRODUCTION
- II. PRELIMINARY SCOPE OF WORK
- III. PROPOSAL REQUIREMENTS
- IV. CONSULTANT SELECTION
- V. ADDITIONAL INFORMATION & CONDITIONS
(4 Attachments)

I. INTRODUCTION

The City/County of Butte-Silver Bow (BSB) and the Montana Department of Transportation (MDT) are proposing to update the Butte-Silver Bow Area Transportation Plan, which was last revised in 2005.

The transportation study is intended to facilitate achieving the community's goals and improve Butte's transportation infrastructure and services by:

- Coordinating transportation planning with existing and future land use and community growth policies.
- Improving mobility and the impact of current and future travel demands.
- Promoting a safe, reliable transportation network for all users.
- Identifying improvement priorities, strategies and policies.
- Identifying funding sources and implementation process.

The consultant should give full consideration to social, economic, and environmental effects. Evaluations shall include, but not be limited to, effectiveness in meeting community transportation circulation and access needs, air quality, energy efficiency, storm water drainage, noise, and aesthetic issues such as trees, community compatibility and landscaping.

The Local Officials and the MDT Statewide & Urban Planning Section have developed a transportation demand model for the Greater Butte area, using TransCAD software.

Most of the information required for the model is already available. However the consultant will be required to generate additional data and develop socioeconomic projections to update model calibration and support modeling of alternatives. As a cost control, the selected consultant will be required to use the available data and model, as well as the services of the Statewide & Urban Planning Section staff to perform the necessary analyses.

The alternatives to be modeled, the calibration base year, and the traffic projections/assignments will be determined through consultation involving the consultant and the MDT Statewide & Urban Planning Section. The consultant will be responsible for initiating the coordination process and for working with the MDT Statewide & Urban Planning Section. This is to insure that all data and socioeconomic projections required for travel demand modeling are obtained and provided to MDT in sufficient time to complete all modeling needs on a schedule consistent with plan completion deadlines.

II. PRELIMINARY SCOPE OF WORK

The Scope of Work involved for this project will be done in no less than the area shown in “attachment A” and further outlined in attachment “B” which lists the minimum work required under this contract. Additional tasks and work elements may be added during contract negotiations. It is also possible that tasks or elements could be deleted through negotiation. The consultant is encouraged to recommend additional tasks or recommend deleting tasks as well. The selected consultant will be required to prepare a final work plan for the Local Officials’ and MDT approval on conclusion of the negotiation process and before proceeding with contract tasks. The consultant will be required to complete all work under this contract within twelve months after notice to proceed.

III. PROPOSAL REQUIREMENTS

Eight (8) copies of the proposal along with one electronic document shall be delivered by 5:00 P.M. on June 29, 2015 to Jon Sesso, Planning Director, 155 W. Granite St, Butte, MT 59701. One additional copy shall be delivered by 5:00 P.M. on June 29, 2015 to the Statewide & Urban Planning Section, Multimodal Planning Bureau, Montana Department of Transportation, 2701 Prospect Avenue, PO BOX 201001, Helena, Montana 59620-1001.

Proposals shall, at a minimum, include the following items:

- A brief statement of consultants’ understanding of the goals of this project and the services required of the consultant.
- A proposed work plan indicating tasks to be accomplished, work schedule, consultant personnel/subcontractors expected to perform each major task element, person/hours required to accomplish each task, and the involvement (and timing of that involvement) anticipated from the Local Officials and MDT staff. The consultant shall identify possible activities to be performed by staff to coordinate public involvement, various meetings, etc.
- The outline of a public participation program detailing consultant’ s plan for obtaining public input and identifying the specific mechanisms to be employed in meeting the requirements identified in the Scope of Work Public Participation section.
- Qualifications of key individuals to be assigned to this project, their availability during the relevant time periods, and their recent experience on similar projects.
- References for whom the consultant and/or key personnel have performed similar work within the last five years, and two examples of work produced under similar contracts (examples produced on projects utilizing the key personnel identified for this proposal are preferred).
- Cost proposal

IV. CONSULTANT SELECTION

BSB will convene a Consultant Selection Committee to evaluate and rank the consultants responding to this RFP. This evaluation will be based on the proposals submitted and (at the discretion of the committee) on interviews with those consultants who appear to be particularly well qualified based on their written proposals. The evaluation and ranking of consultants will be based on the following factors which will be weighted as shown:

- Responsiveness and quality of consultant's work plan. Does the work plan show that the consultant has the ability and will commit sufficient resources, to accomplish the required analyses, coordinate work with local and MDT staff, develop viable recommendations and alternatives, and produce a quality transportation study document? (25%)
- Qualifications and availability of the key personnel and subcontractors identified in the work plan. Availability of adequate support staff and material resources. (20%)
- Consultant's record for fulfilling the requirements of similar projects to the satisfaction of the contracting entity, and for accomplishing such projects on schedule and within budget. (20%)
- Consultant's estimated cost for the work as outlined in the Preliminary Scope of Work (20%). This shall be submitted and will be evaluated as detailed in method Ratio Method, Cost Evaluation Methods for Requests for Proposals, Department of Administration General Services Administration, State Procurement Bureau. http://gsd.mt.gov/Portals/17/procurement/RFP_Process/Cost_Evaluation.pdf.
- Consultant's knowledge/understanding of the goals of this project, the Butte-Silver Bow area, and community socio-economic conditions and trends. (10%)
- Adequacy and feasibility of consultant's public participation plan. Will it inform the community of the study process and issues, provide adequate opportunities for involvement, factor public concerns into the development of the study, and provide documentation of input received and how that input was utilized in the study? (5%)

The consultant rankings assigned by the Consultant Selection Committee will be subject to the approval of the Transportation Coordinating Committee (TCC), BSB Council of Commissioners and MDT. Upon approval, negotiations will commence with the highest ranked consultant. The contract will be awarded upon reaching an agreement on a final work plan and price. If an appropriate agreement cannot be reached with the highest ranked consultant, the second ranked consultant will be approached, and so on.

V. ADDITIONAL INFORMATION & CONDITIONS

A. STATEMENT OF NONCOMMITMENT

Issuance of this RFP does not commit the Local Officials or the State of Montana to award a contract or to pay any costs incurred in preparation of proposals responding to this RFP. The Local Officials and the State of Montana reserve the right to reject any or all proposals and to re-advertise. All proposals will become property of the Local Officials.

B. DBE GOALS:

There are no DBE/WBE goals for this work, but firms are strongly encouraged to utilize DBE firms if applicable. A Montana certified DBE consultant list is available and can be found on the MDT web page, <http://www.mdt.mt.gov/business/contracting/civil/dbe.shtml>

C. NONDISCRIMINATION COMPLIANCE:

Consultants will be subject to Federal, State and BSB nondiscrimination laws and regulations (see Attachments C & D).

D. VENUE

In the event of litigation, venue shall be in the First Judicial District in and for Lewis & Clark County, Montana, and the laws of the State of Montana shall apply.

E. INSURANCE

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

- Comprehensive general liability insurance, including vehicle liability insurance, with limits not less than \$1,500,000 per occurrence, and acceptable to the Local Officials.
- Workers Compensation Insurance coverage valid in the State of Montana or proof of exemption thereof.

In addition to the above insurance coverage, the Consultant shall secure and maintain, until the work is completed and accepted by the Owner, and without naming Owner as an additional insured, professional errors and omissions coverage in the amount of \$1,000,000.00 per claim and aggregate each occurrence.

F. RFP AUTHORITY

This RFP has been issued in accordance with 18-4, Montana Code Annotated and 2.5.602 Administrative Rules of Montana. The RFP process is a procurement option allowing award to be based on stated criteria or evaluation factors. The evaluation factors to be used in this process have been specified in Section IV of this RFP.

G. ADDITIONAL INFORMATION

For more information regarding this RFP or the transportation plan, please contact Jon Sesso, Planning Director, Butte-Silver Bow, (406) 497-6250, fax (406) 497-6298; 155 W. Granite St. Butte, MT 59701

Attachment B

PRELIMINARY SCOPE OF WORK

A. PROJECT MANAGEMENT PLAN

The selected consultant, in conjunction with the BSB, will prepare a detailed scope of work which includes specific work tasks, detailed schedule, project timeline and project milestones. Specific work products and deliverables will also be identified.

B. STUDY AREA BOUNDARY REVIEW

The consultant shall review the attached proposed study area boundary, and submit any resulting proposed area changes to the Local Officials for approval. This review shall take into consideration changes in land use which are anticipated in the 20 year planning period, the area of jurisdiction of local government entities, the areas included in other recent studies prepared for the Local Officials, and any other factors which may have a material effect on the transportation study effort.

C. DATA ACQUISITION

The consultant will identify the information and data needed to accomplish all facets of the study effort, will search out and evaluate the information and data that is already available for use, and will be responsible for collecting or developing any additional information required to accomplish the transportation study tasks and objectives. Any existing data utilized will be adequately referenced in study documents to allow users and reviewers of the study to identify and obtain the referenced material. Any new data and information collected or developed by the consultant shall be appended to the study report and shall become the property of the Local Officials.

Information known to be available which the consultant should review and utilize as appropriate includes:

- Existing documents and studies including but not limited to the Butte-Silver Bow Growth Policy, pertinent facility plans, land use information, sign inventory, number of parking spaces/facilities and overall utilization.
- Special area plans as available
- Existing data and inventory counts from the Local Officials and MDT (traffic count data, accident data, signal warrant analysis, turning movements, aerial photos, major street classifications and function)
- U.S. Census data
- Local Officials' records (Building and septic permit information, utility records, road network, etc.)

- Socio-economic data and projections compiled by State Department of Commerce and/or University System units and Local Officials.

D. TRAVEL DEMAND MODELING

In support of the transportation plan, a travel demand model will be developed to simulate existing travel patterns, forecast future traffic volumes, and allow for analysis of alternative transportation improvements. Travel demand modeling will be performed by the Montana Department of Transportation (MDT), Statewide and Urban Planning Section. Throughout the modeling process, MDT will cooperate with the consultant to ensure their understanding of the data inputs and assumptions that go into the model.

(1) Base Model

MDT will develop a travel demand base model utilizing the most recent data available representing year 2010 conditions. The base model will be developed using TransCAD modeling software. MDT will research and assemble all necessary social, economic, and geographic information for the development of the base year model. The model will consist of a representative road network and traffic analysis zones. The road network will be attributed with characteristics such as speed, capacity, travel time, and functional classification. The traffic analysis zones will represent areas of similar land use and will contain housing and employment data. The model will be calibrated (adjusted) to base year traffic counts from local and state sources. The base model and data used in its development will be available for consultant review. The consultant will have the opportunity to review, comment on and accept the base model.

(2) Future Year Housing and Employment

The consultant will research historic and projected land use patterns in the study area to identify growth rates for housing and employment which MDT will review. This research will be documented and provided to the consultant. The consultant, in consultation with MDT and local planners, will determine final growth rates and develop future year housing and employment totals. Also, the consultant, in consultation with Local Officials, will develop any alternative land use scenarios (locations/growth rates) that are considered appropriate for use in future year modeling.

(3) Land Use Allocation

The consultant will coordinate allocation of the future year housing and employment throughout the study area, utilizing local officials and professionals knowledgeable on community development, for each alternative land use scenario. The product of the land use allocation exercise will be a map of future year housing and employment locations that will be provided to MDT. MDT will translate the distribution map information into the traffic analysis zones in the model. MDT and BSB will also develop a list of committed projects for the study area, which will be incorporated into the model road network. Future year model runs will be completed using the future year housing and employment distributions and a road network containing the existing plus committed road network (E+C). The results of the future year model runs will be provided to the consultant for analysis.

(4) Modeling Alternatives

Once the consultant has analyzed future year model runs they will develop a list of alternative improvements to be modeled by MDT. Modeling alternative scenarios will be completed using future year housing and employment data, the E+C road network and any alternative land use scenarios. The consultant will be responsible for developing the variables required for the model that describe the project alternatives to be analyzed. For example a new route would need these variables:

- Route identification/name
- Begin/end points
- Speed
- Number of lanes
- Access points
- Direction of flow
- Turn prohibitions

The results of alternatives modeling will be provided to the consultant for review and analysis.

(5) Formats/Timelines

An initial model scoping meeting will be held once the consultant contract has been awarded. The format for presentation of all model results and data will be negotiated with the consultant at the scoping meeting. Also, MDT and the consultant will decide on realistic timeframes for the completion of the tasks outlined above at that time. Any other incidental details can be included for discussion at the meeting.

(6) Technical Memorandum

A final report documenting the traffic model development will be prepared by MDT and provided to the consultant.

D. REQUIRED ANALYSES

The consultant shall develop short- and long-range goals and plans for the transportation system within BSB's planning area. The consultant is encouraged to holistically consider how to accomplish the mobility, safety and community goals with an approach that integrates policy, infrastructure improvements and multiple travel modes. At a minimum, the analyses performed by the consultant will explicitly consider the following issues in developing alternatives and recommendations for consideration by the Local Officials:

- ❖ The transportation implications of the local growth policies and other current or ongoing public or private development plans.
- ❖ System wide miles of travel
- ❖ Projected transportation demand for ten and twenty year planning horizons based on model scenarios driven by land use and socio-economic projections for those years.
- ❖ Average travel time between select origins and destinations.
- ❖ Continuity and completeness of the Arterial and Collector network.

- ❖ Potential facilities and services for non-auto modes of transportation including bicycles, pedestrian, and mass transit.
 - This includes number of miles and interconnectedness including existing and currently proposed trails, bike lanes, bike routes, trails, sidewalks, and shared-use paths. Analysis is to be provided by a qualified professional with specialization in bicycle and pedestrian transportation.
- ❖ Capacity analysis for intersections and corridors in relation to existing and projected demand. This will include identifying estimated volumes at which failure is expected to occur.
- ❖ Problems and opportunities associated with special traffic demand generators such as: schools, medical centers, shopping centers, high traffic businesses, landfills, transfer stations, public buildings, airports, etc.
- ❖ Accident analysis for high accident locations.
- ❖ Travel time analysis for peak and off-peak times.
- ❖ Truck traffic analysis and potential truck route identification.
- ❖ Address access management, approach ordinance and permitting issues.
- ❖ Opportunities for utilizing access management to protect or enhance the capacity of arterial and collector routes.
- ❖ Potential transportation system management (TSM) improvements such as signal synchronization, new signals, turning bays, one-way street designation, etc., and updating of traffic calming practices.
- ❖ Identify existing and potential programs for funding transportation system maintenance and improvement. For each program specify at least the source of funding, criteria utilized in distributing funds, anticipated funding available over time, matching requirements, and restrictions on the use of program funds.

E. PUBLIC PARTICIPATION

This project will entail public involvement and public meeting work. The consultant shall include a public participation program in their response to this RFP to maximize public awareness and involvement in the transportation planning process. A minimum of 3 public hearings should be anticipated. In order to gather significant input on local concerns, the consultant shall conduct a meeting or meetings in the community to hear about transportation related concerns. The proposed program shall be approved by the Local Officials during negotiation of the final contract. Consultant's program proposal should include at least the following elements:

- Mechanisms for informing/educating the public about the transportation study process (and the significant issues under consideration) which will motivate participation and encourage meaningful response.
- Mechanisms for public participation to be used in gathering responses to the consultant's recommendations and alternatives. Plans for informing and gathering input from local government boards and commissions are to be specifically identified, and shall include a website.

- Mechanisms for presenting the proposed action and alternatives at the public hearings on the draft final study.
- Mechanisms for documenting participation, recording input, analyzing, and summarizing the responses received during all phases of the process.
- An indication, and/or examples of the materials (media releases, handouts, presentation displays, graphics) that the consultant will use in public communication.

F. OUTPUTS

The consultant shall develop an integrated package of recommendations and alternatives (based on the analyses of the previously-listed issues and factors) for management and improvement of the transportation system. These recommendations shall be prioritized on the basis of (1) significance of system needs met and/or problems resolved, (2) immediacy of targeted needs/problems, and (3) effectiveness/cost efficiency in dealing with targeted needs or problems. Where alternatives are available for resolving issues or problems, these are to be identified. Estimated costs of the recommendations and alternatives and potential funding sources are to be identified, but cost containment (based on the anticipated revenue stream) will not be applied.

The consultant shall prepare a written summary suitable for public distribution of the material described in the previous paragraph. A presentation, together with appropriate visual/graphic displays, for use at the public meetings called for in the public involvement plan will also be prepared. Once the public participation review of consultant's package of recommendations is complete, the results obtained will be summarized in writing and provided to the Local Officials.

Utilizing the guidance received from BSB Local Officials, the consultant shall prepare a draft final study document. Anticipated costs over time associated with the preferred alternative will be compared with projected revenue.

Twenty-five (25) copies of the draft final study plus one unbound, reproducible document will be submitted to the Local Officials for their preliminary approval. In addition, a copy of the plan shall be submitted in a PDF format for ready duplication. This PDF copy shall be ADA compatible and formatted for web presentation/distribution. The Local Officials may require the consultant to make revisions in the draft study prior to releasing it for public hearings. Once any changes required by the Butte-Silver Bow Local Officials are made, the draft study will be subject to public hearings. The consultant will assist in presenting the hearings and will analyze the input received for the Local Officials. The Local Officials may require additional revisions to the draft study before approving it and recommending it to the BTCC and BSB Council of Commissioners. It is possible that the BSB Council of Commissioners may require further modifications before approving the study. Because revisions to the draft study may be required at

several points, it shall be printed and bound in a format that will allow changes without complete reprinting.

Upon approval of the draft final study by the BSB Planning Board and the B-SB Council of Commissioners, the consultant will prepare a final study document incorporating all revisions and comment from the draft. Ten (10) hard copies shall be supplied to the Local Officials for official record and one (1) for MDT. This final study document shall be formatted and bound in a manner that will allow it to be revised or updated without reprinting the entire document. In addition a copy of the plan shall be submitted in an editable digital format, as well as PDF format for ready duplication. All maps, project diagrams, and other location or facility related depictions must be submitted in a digital format compatible with the BSB geographic information systems.

Attachment C

BUTTE-SILVER BOW NON-DISCRIMINATION AFFIRMATION FORM

_____ [name of entity submitting] hereby affirms it will not discriminate on the basis of race, color, religion, creed, sex, age, marital status, national origin, or because of actual or perceived sexual orientation, gender identity or disability in the performance of work performed for Butte-Silver Bow, if a contract is awarded to it, and also recognizes the eventual contract, if awarded, will contain a provision prohibiting discrimination as described above and that this prohibition shall apply to the hiring and treatment of the _____ [name of entity submitting] employees and to all subcontracts it enters into in performance of the agreement with the Butte-Silver Bow

Signature of Bidder: _____
Person authorized to sign on behalf
of the bidder

Attachment D

MDT NONDISCRIMINATION AND DISABILITY ACCOMMODATION NOTICE

Montana Department of Transportation (“MDT”) is committed to conducting all of its business in an environment free of discrimination, harassment, and retaliation. In accordance with State and Federal law MDT prohibits any and all discrimination on the grounds of race, color, national origin, sex, age, physical or mental disability, parental/marital status, pregnancy, religion/creed/culture, political belief, genetic material, veteran status, or social origin/ancestry (hereafter “protected classes”). by its employees or anyone with whom MDT chooses to do business.

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

(1) Compliance with Regulations: The PARTY (hereinafter includes consultant) will comply with all Acts and Regulations of the United States and the State of Montana relative to Non-Discrimination in Federally and State-assisted programs of the U.S. Department of Transportation and the State of Montana, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.

(2) Non-discrimination:

- a. The PARTY, with regard to the work performed by it during the contract, will not discriminate, directly or indirectly, on the grounds of any of the protected classes in the selection and retention of subcontractors, including procurements of materials and leases of equipment, employment, and all other activities being performed under this contract/agreement.
- b. PARTY will provide notice to its employees and the members of the public that it serves that will include the following:
 - i. Statement that PARTY does not discriminate on the grounds of any protected classes.
 - ii. Statement that PARTY will provide employees and members of the public that it serves with reasonable accommodations for any known disability, upon request, pursuant to the Americans with Disabilities Act as Amended (ADA).
 - iii. Contact information for PARTY’s representative tasked with handling non-discrimination complaints and providing reasonable accommodations under the ADA.

- iv. Information on how to request information in alternative accessible formats.
- c. In accordance with Mont. Code Ann. § 49-3-207, PARTY will include a provision, in all of its hiring/subcontracting notices, that all hiring/subcontracting will be on the basis of merit and qualifications and that PARTY does not discriminate on the grounds of any protected class.

(3) Participation by Disadvantaged Business Enterprises (DBEs):

- a. If the PARTY receives federal financial assistance as part of this contract/agreement, the PARTY will make all reasonable efforts to utilize DBE firms certified by MDT for its subcontracting services. The list of all currently certified DBE firms is located on the MDT website at mdt.mt.gov/business/contracting/civil/dbe.shtml
- b. By signing this agreement the PARTY assures that:

The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

- c. PARTY must include the above assurance in each contract/agreement the PARTY enters.

(4) Solicitation for Subcontracts, Including Procurement of Materials and Equipment:

In all solicitations, either by competitive bidding, or negotiation, made by the PARTY for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the PARTY of the PARTY's obligation under this contract/agreement and all Acts and Regulations of the United States and the State of Montana related to Non-Discrimination.

- (5) Information and Reports:** The PARTY will provide all information and reports required by the Acts, Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information and its facilities as may be determined by MDT or relevant US DOT Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to

furnish the information, the PARTY will so certify to MDT or relevant US DOT Administration, as appropriate, and will set forth what efforts it has made to obtain the information.

(6) Sanctions for Noncompliance: In the event of a PARTY's noncompliance with the Non-discrimination provisions of this contract/agreement, MDT will impose such sanctions as it or the relevant US DOT Administration may determine to be appropriate, including, but not limited to:

- a. Withholding payments to the PARTY under the contract/agreement until the PARTY complies; and/or
- b. Cancelling, terminating, or suspending the contract/agreement, in whole or in part.

(7) Pertinent Non-Discrimination Authorities:

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

Federal

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 200d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airways Improvement Act of 1982, (49 U.S.C. § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (broadened the scope, coverage, and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the

programs or activities of the Federal-aid recipients, sub-recipients, and contractors, whether such programs or activities are Federally funded or not);

- Titles II and III of the Americans with Disabilities Act, which prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 CFR parts 37 and 38;
- The Federal Aviation Administration's Non-Discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which prevents discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English Proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. § 1681 *et seq.*).

State

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

(8) Incorporation of Provisions: The PARTY will include the provisions of paragraph one through seven in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The PARTY will take action with respect to any subcontract or procurement as MDT or the relevant US DOT Administration may direct as a means of enforcing such

provisions including sanctions for noncompliance. Provided, that if the PARTY becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the PARTY may request MDT to enter into any litigation to protect the interests of MDT. In addition, the PARTY may request the United States to enter into the litigation to protect the interests of the United States.