REQUEST FOR PROPOSALS
For Consultant Services

Connected Freight KC 2050 – A Plan in Action

Kansas City Regional Freight Study

Requested by
The Mid-America Regional Council

August 14, 2023
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REQUEST FOR PROPOSALS

A. PURPOSE AND INTRODUCTION

To conduct a freight planning study (the ‘project’”) that provides the current state and relative future of freight movement for Kansas City region. The study will include a process that develops a **proactive planning process** for planners, particularly at regional planning commissions (RPCs) and metropolitan planning organizations (MPOs). Proactive planning is an attempt to predict a future and then develop plans that may support that predicted future. The planning process will seek to position the region to take advantage of freight related changes that are occurring. The process will integrate local, regional, statewide and national freight planning processes into an overall regional freight planning process. Allowing agencies an opportunity to identify, select and prioritize local, regional, state and national multimodal freight projects. The process shall be developed in a manner that is harmonious with an agency’s planning and project selection processes. Additionally, outcomes of this study are to provide planners and public agencies with abilities to identify, define and communicate the freight transportation system’s:

1. Reliability (Connectivity, travel time and capacity) and Predictability (as it relates to reliability and efficiency)
2. Resiliency,
3. Industry/farm to market and Infrastructure
4. Logistics/economic development support/land use
5. Truck parking,
6. Public Policy considerations/Best use of resources
7. Carbon reduction, alternative fuel, Electric Vehicles (EV) and artificial intelligence (AI)
8. Workforce development

B. STUDY AREA

The Project’s agencies/area of coverage shall include, at a minimum, Lawrence – Douglas County KS, MPO (LDCMPO), Pioneer Trails Regional Planning Commission (PTRPC) planning area, and the Mid - America Regional Planning Council (MARC) (collectively known as the Group) this includes the following counties:

Kansas
1. Douglas,
2. Johnson,
3. Leavenworth,
4. Miami,
5. Wyandotte

Missouri
6. Cass,
7. Clay,
8. Jackson,
9. Johnson,
10. Layfette,
11. Platte,
12. Pettis,
13. Ray
C. STUDY’S OVERALL OBJECTIVE

1) Develop a Freight Planning Action Plan that defines roles and responsibilities of planning agencies in regional, state and national freight planning; 2) integrates proactive freight planning into the planning process, and 3) supports regional, state and federal freight goals and objectives:

National:
The Infrastructure Investment and Jobs Act (IIJA) and prior transportation bills established a National Multimodal Freight Policy that public planning agencies must adhere. These requirements include:
1. National goals to guide decision making.
2. National conditions and performance measures of the freight system
3. Freight project funding through discretionary freight programs
4. National Highway Freight Program
5. Improvements to project delivery process and facilitate innovative finance.
6. Collect performance measures for the Nation’s top 25 ports.

States:
Kansas’s freight/rail long range goals and objectives are:
1. Safety and Security: Enhance the safety and security of the transportation system for all users and workers.
2. Transportation System Management: Maximize the performance of the existing system by investing in transportation choices and intelligent transportation systems.
3. Asset Preservation: Address risks and maintain assets through investments that both provide high value returns and make the best use of limited funds.
4. Freight and Economic Vitality: Improve reliability and increase flexibility for cost-efficient movement of people, goods, and information to strengthen the Kansas economy.
5. Stewardship: Continuously improve the quality of the transportation system and surrounding communities through strong partnerships and focused, lower-cost, and higher-value improvements.
6. Workforce: Get the best from our workforce by attracting and retaining talent, modeling diversity, supporting professional development, and inspiring action.

Missouri outlined 11 focus areas to enhance/support freight movement in Missouri:
1. Maintain/improve Missouri’s Freight Network
2. Using MoDOT’s freight project prioritization process to select and prioritize freight projects.
3. Expand collaboration with other agencies to identify projects that supports targeted industry clusters.
4. Assist in developing practical freight land use policies and guidance.
5. Increase public awareness about economic development and freight.
6. Continued engagement with private and public stakeholders, planning agencies and other interested sectors about information exchange.
7. The role of freight to the State and regional economies.
8. Host annual freight roundtable.
9. Develop public private partnerships that support freight infrastructure.
10. Identify and preserve critical multimodal freight nodes.
11. Partner with others involved in certified site program.
D. SCOPE OF SERVICES

Overall Final Deliverable:
The Study will be an “Action Plan” blending national and Statewide Freight Plans’ objectives into an action plan that gives the Group and other possible stakeholders a strategic planning process that blends these goals and objectives into the Group’s planning processes. The final product must include considerations of seven key stakeholders: (1) shippers; (2) freight carriers; (3) general public (residents); (4) workforce (5) land use/economic develop (6) public agency planners and (7) elected officials. Each entity has its own specific objective, needs and trends that behave in different manners and priorities. A major focus is to develop a planning process that demonstrates how identified entities can blend regional/local project selection and prioritization processes with KDOT’s and MoDOT’s project selection process while working together in achieving local, regional and state transportation and economic goals. Additionally, the Plan should provide a snapshot of the region’s “Freight Condition”. How well does the region support the eight (8) topics identified in Section A Purpose and Introduction and how can the region be more supportive?

Task 1 - Overall Public Engagement
It is an expectation that each task will require significant public engagement to understand the nature of the region’s freight movement picture. The successful submitter will have successful public engagement tools that exemplifies the latest abilities to reach those that provide meaningful input into the process. The Engagement Plan should include sufficient information for MARC to ascertain that the submitter understands the freight community, has an expertise, tool, and experience necessary to encourage meaningful freight community engagement. Anticipated audiences are rural and urban participants.

Deliverable:
Freight engagement plan

Task 2 – A) Regional Freight Picture and Advisory structure: What are primary products shipped to, from and through the region by weight, volume, value and mode? How do they differ by subarea?
A. Using readily available data from federal state, and local resources/agencies define a Freight Regional Picture (FRP) of the study area. Identify industry commodity codes (NACS), analyze, and document freight flow corridors by mode (inbound/outbound and foreign/domestic): the 100 top commodities; top 10 trading partners; freight movement’s regional economic impacts; top 10 freight corridors; and the top 10 pros and cons to freight movement for the Kansas City region. Develop a long-range freight forecast that provides input for regional freight planning. Identify multi-state corridors critical to the region that could encourage Kansas and Missouri freight related partnerships. Corridors are based on national, regional and local freight flows to, from and through the region. Freight Corridors should align with existing regional, state and national identifications.

Deliverables:
- Report demonstrating freight flow corridors, top commodities, and trading partners.
- Direct and indirect economic impacts freight movement have on the region’s economy.
• Twenty year-long range regional freight forecast and what are 10 top pros and cons associated with future freight movements.
• Corridor maps (GIS) that identify trading partners with relational freight flows including written supporting documentation.
• Identified freight corridors that correspond with national, regional, and local significant routes.
• Public policy recommendations to maintain existing and develop new trading partners.

B. Freight Advisory Structure - reorganize MARC’s Goods Movement Committee to better serve as a regional advisory and policy recommendation committee to MPO/RPC Policy and State Advisory Committees:

MARC’s Goods Movement Committee has existed since the mid-1990s. Its purpose “… advise, educate and recommend to the Kansa City Urban Area (MPO) and the Total Transportation Policy Committee (TTPC) on transportation strategies and policy guidance that will aid in the movement of freight... provide a forum for regional freight stakeholders, increase public-private collaboration, and public outreach on freight importance and needs.” Membership is comprised from representation of major freight transportation providers, the private, public sector, economic development and energy agencies involved in freight planning and users of those modes of transportation. It’s time for the Committee to move into a new phase of structure and advisement. Over the years freight planning and stakeholder engagement has become more sophisticated from Governors’ statewide advisory councils, mandatory state freight plans to how planning agencies view regional planning. Kansas City’s regional freight movement is a blend of farm to market, urban freight movement and economic development. As such, MARC’s Goods Movement Committee should be a blend of rural, urban freight movement and economic development members and planning processes. Review and recommend structural and membership changes to MARC’s Goods Movement Committee that builds on strengths and minimizes weaknesses of the Committee. Recommend and develop strategies for a blended rural/urban Committee that provides input and policy guidance into local, regional, state project selection processes and the national freight program. Develop guidance, supported by best practices, that strengthens Committee’s membership, participation and provide input into the region’s transportation planning process. Recommend a structure that includes urban and rural participants, meeting times and the Committee’s overarching goal and objectives.

Deliverables:
• Propose a new MARC Good’s Movement Committee structure and membership.
• Develop a clear description of the Committee’s work/purpose.
• Suggest a solid mix and match between rural/urban interests for membership.
• Suggest skills and experience of individual members.
• Identify needs and requirements of the committee.

Task 3 Freight Scenario Planning
Regional freight planning historically is a “reactive” versus “proactive” process. The study’s final product has an expectation that develops a process that allows the Group to become proactive in freight planning. To be proactive, it is necessary for the Group to have a sense of what the future has
to offer. Scenario planning is a useful tool and/or strategy to help public decision makers predict planning uncertainties in long- and short-term planning. The Consultant shall construct and conduct freight planning scenarios under three possible outcomes (may suggest and/or refine scenarios) that provide indicators (tipping points or triggers) of likely realities:

- **Wild Wild West**
  - What happens when economic development, technology and logistics growth is unchecked by regulations, land use, economics, minimal decarbonization policies, --- everything is possible.

- **Shifting Patterns**
  - Consumer expectations are high, decarbonization policies, logistic patterns change, redefining modal collaborations and partnerships, scale matters (size and area coverage), last mile partnerships, “just in time” is it a thing of the past or part of the future.

- **Show Me**
  - Another Pandemic, rescission returns, shortages in manpower, cost increase, markets decrease, stringent decarbonization policies, supply chain bottlenecks.

**Deliverable**

- Scenario outcomes (3 or 4) demonstrating indicators (i.e., tipping points or triggers) of possibly futures realities.
- Steps to allow planners to act on appropriate tactics such as funding, policy development, data needs and possible implementation (infrastructure projects).

**TASK 4 - Infrastructure:**

**A. What are key trends in US freight transportation that will most impact investments in publicly owned and operated transportation facilities in urban, suburban and rural settings within the region over the next 10 years? How do they differ by subarea (LDCMPO, MARC & PTRPC)?**

Efficient transport infrastructure provides economic and social benefits to both advanced and emerging economies by improving market accessibility and productivity, ensuring balanced regional economic development, reducing negative environmental impacts, creating employment, promoting labor mobility and connecting communities. Identify areas that impede and/or gaps in an efficient movement of freight. Recommend system infrastructure improvements that help relieve congestion, reduce gaps in efficiencies, improve transportation safety, facilitate international trade, and encourage public-private partnerships. Review, analyze and prioritize rail crossings by accidents and efficiency. Provide recommendations and/or triggers that support rail crossing closures. Identify the top 5 locations per county with the most freight safety issues. Prioritizations/projects should be determined based on immediate (1 – 5 years) mid-term (6 – 10yrs.) and long-term (10+) fixes. All locations shall be GIS mapped per MARC requirements.

**Deliverables:**

- Prioritized list/map of recommendations and improvements of locations that are impediments and or gaps to efficient movement of freight.
- Identify the top 5 (per county) high accident locations that involve freight movements with recommendations to improve.
Prioritized list and location map of rail crossing by efficiency and accidents. Include recommended locations for closing.
Identify the top 10 freight movement congested locations and recommendations to alleviate.

B. “Farm to Market” routes (FM routes) What/where are the primary farm to market routes, develop an identification method to identify routes that best support FM routes and are influenced by planting/harvest.
1. Identify routes that are important “farm to market” routes (FM routes).
2. Develop a FM route hierarchy of importance.
   a. Determine the route’s importance to commerce/agriculture coordinated with/to the greater transportation system, develop a hierarchy of routes (i.e. major, secondary, local), and establish associated characteristics/criteria for route designation (i.e. number of truck, acers of farmable land, port facilities, elevators, etc.).
   b. Identify how routes are impacted by agricultural events (i.e., harvest vs non-harvest)
   c. FM system condition report
   d. Identify infrastructure needs that enhance FM connectivity, efficiencies and safety. Based on improved access to agricultural markets and community services as schools and health care.
   e. Routes may also be characterized as routes that are more favorable in reducing the carbon footprint.
3. Poor rural roads cause delay in product deliveries and some routes that best support FM may not exist.
   a. Establish a process that suggest the best possible route at the lowest cost.
   b. Suggest the system condition minimums that best support FM predictability and reliability.
4. Information used to develop the hierarchy designation/criteria shall be readily available from state of federal data bases accessible by RPCs, MPOs and State DOT.
5. Develop a hierarchy/criteria matrix/rubric that supports finding identified in subtasks 1 through 3.
6. Routes identified in subtask 1 through 3 shall also include secondary routes that may be used in case of route closure.

Deliverable:
- Define a process to identify the most cost-effective FM routes.
- Develop a list, matrix/rubric and map of FM and resiliency routes that demonstrates hierarchy, efficiency, predictability, reliability, safety, infrastructure needs and condition.

TASK 5 - Impacts and freight challenges:
A. What are the primary economic, environmental and social impacts of freight transportation within the region/study area? How do they differ by subarea? How should public and private sector stakeholders best organize to identify and address ongoing freight transportation needs and impacts in the region?

The “Amazon Effect” is one of the largest impacts related to freight movement delivery expectation. The Amazon Effect has and/or is creating product delivery expectation, sometimes within 24 hours, from time of ordering. People are expecting the same seamless,
personalized buying experiences whether purchasing for themselves or for their business. This influence has transitioned logistics patterns into supporting a new paradigm. This includes distribution warehouse locations/numbers, service hours, delivery times, last mile delivery decisions, etc. Logistics to support these delivery patterns are similar but also different for large/small metros and rural areas. Additionally, some communities attempt to avoid impacts of freight movement by restricting truck traffic through their communities. The main street in many small and medium-sized communities is a State Highway. These routes may serve local, as well as regional, travel. Freight and through traffic in these communities can contribute to traffic congestion and may have other adverse impacts on quality of life. In some cases, a bypass may improve an efficient movement of people and goods. In other cases, a community may attempt to minimize this congestion by restricting freight movement. What are Public Policy decisions needed to effectively support delivery expectations (predictability/reliability)? What are the pros and cons associated with a bypass? What are ramifications associated to restricting freight movements through a community. Examine and provide best practices and recommendations about how jurisdiction can plan and support delivery expectations and triggers for recommending a bypass and what these effects may look like in the next 10, 20, 30 years.

Deliverables:

- Develop determinations and policy recommendations about what are impacts of the Amazon Effect (real, imaginary) for the next 10, 20, 30 years.
- Develop public policy recommendation that supports transportation system predictability and reliability efficiency.
- Provide complete street best practices that support effective freight movement through a community.
- Develop a policy guide that proved the pros and cons of restricting freight movement through a community.

B. Our location in the country provides us with unparalleled strengths to deliver to 85 - 90% of the country within two days. This strength of location allows the region to be advantageous regarding Just in Time (JIT) delivery concepts. JIT logistics strategies are affecting warehouse construction locations, as well as their use. Supply chains and logistics are moving closer to consumers therefore, having a single major distribution center is no longer enough to satisfy fast delivery times and consumers’ needs. Some Logistics experts predict that companies may seek to localize warehousing constructions to areas with higher order rates. Instead of larger, warehouses will get smaller, and they will become more numerous and regional. What are inherent strengths and weaknesses associated with the region’s location? Are there current or future public policy pressures that may impede the region’s ability to sustain 2-day coverage? What methods/recommendation are available to increase to 90% coverage to one day. Is this in the power of public policy?

Deliverable:

- Provide pro and con policies and recommendations (existing and future) that support freight movement that effectively support 1- and 2-day delivery to 90% or more of the population.
- Recommendations about how to effectively support warehouse development?
- Provide warehouse development trends (current and future TBD) and how does the region support those trends?
C. **How agencies define the “last mile” and “first mile”**. Our region is a combination of farmlands, small and large urban areas. Blessed (to some extent cursed) with very little geographic impediments, large areas of green and brown fields, including low density and minimal congestion. Because of these overall blessing and challenges, this makes our region last and first mile transportation decisions different from other national locations of similar size. Some significant challenges of last and first mile implications include minimizing cost, ensuring transparency, increasing efficiency, making delivery frictionless and improving infrastructure. What are the last and first mile implications for our rural, small and large urban areas? What public policy decisions are required and when? Review last mile implication for the study area and provide near (5 -10 years), mid (10 - 20 years) and long term (20+ year) policy recommendations that will affect “last and first mile” transportation policy decisions. Recommendation will include, at a minimum, land use, transportation efficiencies, and farm to market.

**Deliverables:**
- Develop policy definition of last mile for rural, small and large urban areas.
- Recommend near, mid and long-term policy recommendations that effect last/first mile implications.

**TASK 6 - Land Use**

**A. What key characteristics and data should local governments use to identify potential and/or suitable future industrial development sites within the study area?** Industrial development includes warehousing, trucking, rail and manufacturing (medium (25 -50 employees) and heavy (50+ employees) – may include additional criteria.

How is the industrial sector use of land changing? As the only metropolitan area with five connected class one railroads, a crossroad for major interstates and the large availability of land, how does industrial development impact the competitiveness of the region. Questions we are looking answer include:

1. How much potential industrial land is in study area?
2. How much of it has been developed?
3. How much has been developed but is currently not occupied by an existing concern?
4. What is the near (5-10 years), mid (10-20 years), and long term (20+ years) projections where undeveloped land will be mobilized for industrial use?
5. What is the breakdown between small scale, medium scale, and large-scale industrial use?
6. How has industrial land development changed in the last 15 years?
7. Based on current trends, what are the “prime” locations of future development?
8. How many of the “prime” locations are not located within 5 miles of an identified freight corridor?
9. How much land in the past 15 years, categorized as a use other than industrial, been developed for industrial use?
10. How has the price per acre for industrial land changed over the past 15 years?
11. What is the forecasted change in the cost per acre for industrial land?
12. How does the Kansas City region compare in cost per acre for industrial land to the other top 10 peer regions?
13. How has the monthly lease rate per square foot of industrial space changed over the past 15 years? Characterize by small scale, medium scale and large scale.
14. How does the Kansas City region compare in lease rate per square foot for industrial space to other top 10 peer regions? Characterize by small scale, medium scale, and large scale.

15. Provide developable industrial land pros/cons, if any, and what is the proximity to housing, developable land for housing, how many are on/near transit corridors (Smart Moves)/mobility hubs and located adjacent to the proposed locations.

Deliverables:
- Provide an executive summary detailing findings for the above questions.
- Develop an Excel workbook including data and charts for the above questions.
- ArcGIS map package providing layers detailing “prime” locations of small scale, medium scale, and large-scale industrial land.
- Define criteria and definition to determine “prime location” (small scale, medium scale and large scale)?

B. **Freight movement and Complete Streets**: What are best practices for integrating freight transportation into complete streets in urban, suburban and rural contexts?

The primary purpose of local streets is to allow circulation within a place not high-speed travel between places. To reduce impacts of travel with local streets many planning agencies implement “Complete Streets” policies. These policies are intended to promote street designs that operate to prioritize safety and access to destinations for all persons that use the street, especially those who have experienced systemic underinvestment or whose needs have not been met through a traditional transportation approach. This includes older adults, people with disabilities, people who do not have access to a car, and environmental justice (EJ) populations. Complete Streets make it easy to cross the street, walk to shops, jobs, schools, and bicycle to work. The largest vehicles that local streets are typically expected to accommodate are fire trucks, trash trucks, school buses, and sometimes transit buses. Introducing large trucks onto local streets that were designed for smaller vehicles, and where pedestrians are frequently present, creates numerous problems. Almost all freight moves by some type of truck for at least part of its journey. Due to the shift in the way people shop and an accompanying reconfiguration of goods distribution, that is likely to persist for the foreseeable future, it is important to think about what this means regarding our local street space. If goods are increasingly being shipped directly to people’s homes rather than retail centers to which people drive, then local streets need to be prepared to accommodate delivery vehicles in addition to personal automobiles. Also, complete streets policies tend to be locally focused, while freight plans are regional or statewide in nature. Since these plans typically do not define issues and goals at the same scale. There needs to be methods to reduce the disconnect between complete streets and freight at the state, regional and local level. What nationwide best practices and recommendation that best support integrating freight movement into Complete Street policies focusing on safe street features for pedestrians and other non-motorized users. Additionally, provide recommendations that support minimizing the disconnect between local complete streets and freight at the regional and state level.

Deliverables:
- Provide freight movement integration within the complete street policy recommendation.
- Recommendation minimizing disconnects between regional/state freight plans and complete street policies.
• Analysis of MARC’s Complete Street Policy with recommendations to strengthen and support regional freight movement.

TASK 7 - Freight System Resiliency: What are key risks and vulnerabilities? What should be priorities for public sector funding to improve safety, reliability and resilience?

Public Policy can have major influence on the transportation system efficiency and reliability and this in turn can influence predictability. Efficiency, reliability, and predictability are key to stable freight patterns and controlling shipping cost. In addition to predictability and reliability, the freight transportation system must have built-in contingencies for system vulnerabilities. Local, regional, state planners have a role in developing contingency plans related to natural and manmade disruption in the transportation system. Typically, regional and local public policy transportation system decisions start and stop at the business community’s gate. Develop a process flow chart that demonstrates the public policy makers’ roles and responsibilities for contingency planning. What are the cost benefits to effectively introduce transportation contingency plans? Who should be at the table to develop and cohesive and coordinated plan. Provide a capital assessment of vulnerable infrastructure in the region and strategies to reduce those vulnerabilities. What is the potential regional economic impact based on a disruption in the transportation system?

Deliverables:
- Identify economic impact because of disruption in the transportation system due to manmade and/or natural occurrences
- Develop a Vulnerability Action Plan
  - Capital assessment of vulnerable infrastructure
  - Strategies to reduce vulnerabilities
  - Vulnerability roles and responsibilities for local, regional and state transportation providers

TASK 8 - Future Trends- Carbon reduction, Alternative fuels, Artificial Intelligence (AI), Truck Parking, Workforce -- What complementary strategies related to workforce development, housing, land use, truck parking, carbon reduction, alternative fuels, EV charging infrastructure, intermodal facilities, etc. are needed to support and sustain the regional freight industry? How should these be addressed and prioritized? What role does AI factor in future rural/urban freight planning.

A. Every year, trillions of dollars are invested in infrastructure that helps us—and our goods—get around. What will it take to move the transport infrastructure industry toward carbon zero? According to experts’ freight transportation makes up 8% of global greenhouse gas emissions and as much as 11% when including warehouses and ports. The high cost of energy infrastructure, new vehicles, public sentiment, and some strategies will not work in every part of the region. Are there routes that better support carbon reduction, travel efficiency and predictability. Identify emerging technologies (EV, Alternative fuel and AI) and/or data clearing methods for freight and/or new corridors that may be implemented within the region to support these future trends. What freight recommendations can support the region’s Climate Action Plan in reducing the effects of freight movement. Additionally, how can MARC act as a regional forum to harmonize policies associated to these technologies.

Deliverables:
Selected routes that support carbon reduction, efficiency and predictability
Best practice list of new freight movement and farm to market technologies that support carbon reduction.
Recommendations that help align freight movement with the region’s Climate Action Plan
Recommendations for regional policy forum.

B. Truck Parking
The lack of available truck parking has been consistently ranked as one of the top-five industry concerns among trucking stakeholders. There is currently a shortage of parking for long-haul truck drivers in some of the region’s communities. Due to several factors, including an increase in the number of trucks on the road, limited space for parking, truck drivers’ hours of service requirements and restrictive regulations on where trucks can park overnight. The shortage has led to safety concerns as drivers are often forced to park in unsafe or illegal locations, leading to accidents and fines. Additionally, the lack of parking has led to increased stress and fatigue for drivers, which can negatively impact their performance and safety on the road. In many communities the issue is not available space but an incorrect allocation of available space; but in either case parking on the side of a highway or on city streets simply are not practical or sustainable. Identify truck parking issues that are affecting communities and develop best practices with recommendations guidebook in alleviating truck parking issues.

Deliverables:
- Regional locations with truck parking issues
- Regional truck parking guidebook

C. Workforce
The Kansas City region has historically ranked in the top 10 locations in the country for shipping. In the geographic center of the country, the region enjoys diverse and efficient transportation options, with prime access to and an anchor of the intermodal network of the nation’s freight rail system. One key component of the region’s success is a continual access to a talented workforce. What are the freight and logistics industries occupations that are in high demand and what trends are affecting them? Is there a set of benchmark metros that the region can compare with and address its competitive position in the freight and logistics industry? Is there real-time industry and labor market information to inform strategies for growing the region’s talent pool, strengthening the talent pipeline, and aligning employer and educational stakeholder interests? This analysis may be based on relative employment concentrations, wages, growth rates. The desired outcome is a shared regional understanding of needs and developing a plan to address.

Deliverable:
- Labor market analysis of trends affecting the freight and logistics industries and occupations that are in high demand.
- Steps/recommendations to address these trends.

D. STUDY TIMELINE
October 2023 to December 2024
F. PROPOSAL SUBMITTAL REQUIREMENTS

To be eligible for consideration one electronic PDF copy (15 MB max), consisting of seven (7) pages with a 1-page cover letter (included in the 7 pages), of the response to the RFP must be received by the MARC no later than 3:00 pm CST, on Friday, September 15th. Late submittals will not be considered and will be returned to submitter unopened. The font should not be smaller than 12 point. Covers, table of contents, resumes (2 page max), and attachments are not included in the 7 pages limit.

Further details regarding page counts follow:

<table>
<thead>
<tr>
<th>Item</th>
<th>Page Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Proposed Project Approach</td>
<td>Six single letter sized pages total including 1-2 pages of the six must detail the public engagement process. If you utilize double-sided pages, then there is a total of 3 page with 1- 1½ must detail public engagement.</td>
</tr>
<tr>
<td>2. Proposed Public Engagement Strategies</td>
<td></td>
</tr>
<tr>
<td>3. Qualifications</td>
<td>Not included in proposal page count. Three single sided pages or their equivalent max for narrative. Two additional single pages total for resumes. Listing of relevant work within last 5 years not included in page count.</td>
</tr>
</tbody>
</table>

Due to MARC’s technology security policy **flash drives are not acceptable**. CD/DVD are acceptable, if mailing, please mail to the following addressed:

Mid-America Regional Council  
Attn: Darryl Fields  
600 Broadway, Suite 200  
Kansas City, MO 64105  
Fax: 816-421-7758

If emailing your submission, please email to Darryl Fields at dfields@marc.org. If you email the file it is your responsibility to ensure that the proposal has been received and not blocked by a spam filter or rejected due to file size. To confirm receipt of the file, contact Darryl Fields at dfields@marc.org or 816.701.8353 prior to 4:00 pm CST, on Friday, September 15th.

All questions must be in writing and received by noon CST on Friday, August 21st. All questions will be posted to a “Question and Answer” page on the MARC’s and DemadStar’s website by close of business on August 25th. A link to that page will be posted on the RFP page, http://www.marc.org/Requests-for-Proposals and https://network.demandstar.com/

The following items must be addressed in all proposals:
1. **PROPOSED PROJECT APPROACH:** Responses should include a proposed approach to the project that includes the proposer’s understanding of the project’s objectives and local context, tentative schedule for project completion, a description of your approach to each task, description of all project deliverables and tentative public engagement process. Please provide your staff capacity for meeting the project requirements. Identify key team members who are likely to be assigned to this contract if selected along with a description of their roles and responsibilities. State approximate date your business/firm is available to begin work on the Project. Provide a list of subcontractors to be included on the consultant team, along with a brief description of their qualifications and services they are likely to perform.

**Note to all submitters:**
Tasks are depended upon the other but may not be in the proper sequential order of completion. It is incumbent upon proposers to provide a rational and orderly progression to their proposals. This allows you to reorder the RFP’s scope of work as necessary. **Innovation in your proposal is encouraged (actually expected)** therefore; proposers may amend, change and/or suggest additional tasks but must remain in budget. All proposed Scopes of Work must provide a final project that supports the project’s overall objectives and goals.

2. **PROPOSED PUBLIC ENGAGEMENT STRATEGIES:** Responses should include a proposed approach to public outreach and engagement including process, meetings, tools and techniques to be utilized for engaging the community and key stakeholders in this project. Submittals will include an outline of public engagement techniques that demonstrate how the consultant will engage and inform those who typically do not participate in local or regional freight transportation planning.

3. **QUALIFICATIONS:** Proposals should indicate general and specific qualifications of the proposer in disciplines appropriate to this project and specifically convey the role of the proposer in each case cited. An emphasis and priority in evaluation will be placed on firms with an innovative approach, qualifications and experience that have resulted in successful implementation of comparable projects. A brief narrative (three pages maximum) may also be included regarding the firm’s capabilities to carry out this project, including special assets, areas of expertise, analytical tools, data sources, etc. to which the firm may have access.

Proposals shall also include:

a. A listing and short summary of similar projects (no more than 1 page per project) undertaken within the last five (5) years, by proposing firm and/or its subcontractors, showing contract amounts, description of work performed, client contact persons, phone numbers, and e-mail addresses.

b. Resumes of key professional staff who will be assigned to this project (2 single page max).

c. Description of the existing and anticipated workload of individuals assigned to this project during the period of this study. Any reassignment of designated key staff shall not occur without mutual consultation and the consent of the Mid-America Regional Council.

d. References. (3 – 4 including contact name, phone number and email address)
4. **DISADVANTAGED BUSINESS ENTERPRISE (DBE) GOAL:** Studies funded in part by USDOT are required to follow 49 CFR part 26 Disadvantage Business Enterprise Program (DBE). The proposed study has a minimum **DBE goal of 22%**. Required attachment for consultant acting as DBE.

5. **U.S. Government System of Award Management:** All selected proposer must be registered in the U.S. Government System of Award Management system [https://sam.gov/content/home](https://sam.gov/content/home).

**G. SELECTION PROCEDURE**

The review committee shall adhere, as closely as possible, to the following review schedule. The sponsor reserves the sole right to change this review schedule to meet the needs of the review committee.

<table>
<thead>
<tr>
<th>Milestone</th>
<th>Date</th>
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<tbody>
<tr>
<td>RFP Released</td>
<td>August 14, 2023</td>
</tr>
<tr>
<td>Pre-Bid Workshop</td>
<td>August 30, 2023</td>
</tr>
<tr>
<td>Proposals Due</td>
<td>September 15, 2023</td>
</tr>
<tr>
<td>Interviews</td>
<td>TBD week of September of 24, 2023</td>
</tr>
<tr>
<td>Execute Contract</td>
<td>October/November 2023</td>
</tr>
<tr>
<td>Notice to Proceed</td>
<td>Within two weeks after receipt of signed contract</td>
</tr>
</tbody>
</table>

Review will be conducted by a committee made up of representatives from Mid-America Regional Council and representatives selected by [sponsor]. Interviews will take place with short-listed firms.

**H. PROPOSAL EVALUATION CRITERIA**

The proposals submitted by each Contractor, Firm, or Contractor Team, will be evaluated by the selection committee according to the following criteria:

- Project approach and solutions to critical issues **40%**.
- Approach to community engagement **20%**.
- Innovative approach **15%**
- Project understanding **10%**.
- Experience and availability of key personnel **10%**.
- Experience on similar projects **5%**.

**I. PRE-PROPOSAL MEETING AND QUESTION SUBMITTAL**

MARC will host a pre-proposal meeting for all interested consultant teams to ask questions and gain clarity around any elements or requirements of this RFP.

**When:** August 30, 2023, 1:30 pm

**Where:** MARC office Broadway Room
All questions/requests for clarifications must be submitted in writing to MARC by **August 21, 2023**

Please submit questions in writing to **Darryl Fields** at dfields@marc.org.

MARC will post all questions, answers and clarifications to [http://www.marc.org/Requests-for-Proposals](http://www.marc.org/Requests-for-Proposals).

**J. CONTRACT AWARD**

From the firms expressing interest, a committee will review the submittals and rank the firms. Short listed firms will be notified to schedule an interview.

The remaining firms will be notified by letter after the agreement is approved by the Board.

Awarding of the final contract is subject to the acceptance of the grant by the MARC Board.

**K. PROJECT BUDGET**

The award of this contract will be based on a **qualifications-based selection process** that may include in-person interviews followed by the successful negotiation of costs and fees. The selected firm should be prepared to provide cost and fee information within two days of their notification of selection for negotiation. If the MARC cannot come to an agreement with the first-choice firm on costs and fees then the MARC may choose to terminate those negotiations and begin negotiations with the second firm on the scoring list or terminate all negotiations and issue another RFP for these services at a later date. **Proposed Budget $900,000**

**L. PERIOD OF PERFORMANCE:** End date of December 31, 2024.

Both the project budget and the period of performance are subject to change based on the availability of funds or other unforeseen events or activities.

**M. Attachments**

Attachments – KDOT Special
KANSAS DEPARTMENT OF TRANSPORTATION

Special Attachment
To Contracts or Agreements Entered Into
By the Secretary of Transportation of the State of Kansas

PREAMBLE

The Secretary of Transportation for the State of Kansas, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. § 2000d to 2000d-4) and other nondiscrimination requirements and the Regulations, hereby notifies all contracting parties that it will affirmatively ensure that this contract will be implemented without discrimination on the grounds of race, color, national origin, sex, age, disability, income-level or Limited English Proficiency ("LEP").

CLARIFICATION

Where the term "contractor" appears in the following "Nondiscrimination Clauses", the term "contractor" is understood to include all parties to contracts or agreements with the Secretary of Transportation, Kansas Department of Transportation. This Special Attachment shall govern should this Special Attachment conflict with provisions of the Document to which it is attached.

ASSURANCE APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor"), agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in its Federally-assisted programs of the U.S. Department of Transportation, the Federal Highway Administration (FHWA), the Federal Transit Administration ("FTA") or the Federal Aviation Administration ("FAA") as they may be amended from time to time which are herein incorporated by reference and made a part of this contract.

2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project or program set forth in Appendix B of 49 CFR Part 21.

3. **Solicitations for Subcontractors, Including Procurements of Material and Equipment:** In all solicitations, either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.

4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the 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 the Recipient or the FHWA, Federal Transit Administration ("FTA"), or Federal Aviation Administration ("FAA") 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 contractor will so certify to the Recipient or, the FHWA, FTA, or FAA as appropriate, and shall set forth what efforts it has made to obtain the information.

5. **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the FHWA, FTA, or FAA may determine to be appropriate, including, but not limited to:
   a. withholding payments to the contractor under the contract until the contractor complies; and/or
   b. cancelling, terminating or suspending a contract, in whole or in part.

6. **Incorporation of Provisions:** The contractor will include the provisions of the paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any
subcontract or procurement as the Recipient or the FHWA, FTA, or FAA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

ASSURANCE APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

- 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);
- The Federal Aid Highway Act of 1973 (23 U.S.C. § 324 et. seq.), (prohibits discrimination on the basis of sex);
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et. seq.), prohibits discrimination on the basis of age;
- Airport and Airway 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 No. 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 prohibit 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 C.F.R. 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 ensures nondiscrimination 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 LEP, and resulting agency guidance, national origin discrimination includes discrimination because of 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)
REQUIRED CONTRACT PROVISION

DBE CONTRACT GOAL

The DBE Goal to be subcontracted to KDOT-Certified DBE firms on this contract is ________%.

List all KDOT-Certified DBE subcontractors to be utilized. For each DBE subcontractor, identify the line item(s) of work from the Unit Prices List and the percentage of the work proposed to be subcontracted to the DBE. The DBE subcontractor must be currently certified in Kansas in order to perform work as a DBE on the contract.

IDENTIFICATION OF DBE PARTICIPATION

<table>
<thead>
<tr>
<th>Name of KDOT-Certified DBE Subcontractor</th>
<th>Type of Work</th>
<th>Percentage of work</th>
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</table>

Total KDOT-Certified DBE % ________________

____________________________________________________________________

____________________________________________________________________

____________________________________________________________________

(Prime Bidding Consultant Name and Address)

If the Percentage of Work is zero, please attach the Prime Bidding Consultant’s Good Faith Effort documentation.

A list of KDOT-Certified DBEs can be found in the Directory of Disadvantaged Business Enterprises at KDOT’s website: [http://kdotapp.ksdot.org/dbecontractorlist/](http://kdotapp.ksdot.org/dbecontractorlist/)

Rev. 03/16
REQUIRED CONTRACT PROVISION

FEDERAL AID CONTRACTS
UTILIZATION OF DISADVANTAGED BUSINESSES

I. INTRODUCTION.
The specific requirements for the utilization of Disadvantaged Business Enterprises, hereinafter referred to as DBEs, are set forth in this Required Contract Provision and are imposed pursuant to 49 CFR Part 26, hereinafter referred to as the regulations. This provision meets or exceeds the regulatory requirements. The regulations always take precedence over normal industry practice.

A. ASSURANCE.
The Contractor, subrecipient, or subcontractor shall not discriminate on the basis of race, color, national origin, religion, age, disability, income status, veteran status or gender in the performance of the Contract. The Contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of USDOT 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 Kansas Department of Transportation deems appropriate.

B. DEFINITIONS.
For the purpose of this Required Contract Provision, the following words and phrases shall have the meanings as stated herein:
(1) Disadvantaged Business Enterprise (DBE) means a small business concern which is independently owned and controlled by one or more socially and economically disadvantaged individuals and which KDOT has certified as a DBE.
(2) Small business concern means a small business as defined by Section 3 of the Small Business Act and relevant regulations except that a small business concern shall not include any firms or affiliated firms owned and controlled by the same socially and economically disadvantaged individual or individuals whose average, annual gross receipts in excess of $22,410,000 over the previous three fiscal years.
(3) Owned and controlled means a business:
(a) Which is at least 51 percent unconditionally owned by one or more socially and economically disadvantaged individuals, and
(b) Whose management and daily business operations are controlled by one or more such individuals.
(4) Socially disadvantaged individual means a person who is a citizen or lawful permanent resident of the United States, has suffered social disadvantage in education, employment, or business, and who is a(an):
(a) Black American (a person having origins in any of the black racial groups of Africa);
(b) Hispanic American (includes a person of Mexican, Puerto Rican, Cuban, Central or South American, or any Spanish or Portuguese culture or origin, regardless of race);
(c) Native American (includes a person who is American Indian, Eskimo, Aleut or Native Hawaiian);
(d) Asian-Pacific American (includes a person whose origin is from the original people of the Far East, Southeast Asia, the Indian subcontinent or the Pacific Islands);
(e) Subcontinent Asian American (includes a person whose origin is India, Pakistan, Bangladesh, Bhutan, Nepal, Sri Lanka, or the Maldives Islands);
(f) Member of a group, or any other individual of any race or sex, found to be both economically and socially disadvantaged; or
(g) Women.

(5) Economically disadvantaged means an individual who has a personal net worth of less than $750,000 excluding the value of their ownership share of the applicant firm and personal residence. The individual has had diminished access to capital and credit compared to non-disadvantaged persons.

(6) Commercially useful function means the qualifying DBE owner performs manages and supervises subcontract work.

(7) Race and gender neutral measure means one that is used to assist any small business.

II. DBE CONTRACT GOALS.

A. KDOT strongly encourages all contractors to utilize DBE firms as subcontractors, suppliers, manufacturers, truckers, and brokers whenever possible and feasible. Greater voluntary participation will result in lower and fewer DBE contract goals. KDOT will set DBE contract goals only to meet the portion of its annual goal that is not met by race and gender neutral means and voluntary participation.

B. An eligible DBE is one who KDOT has certified and who is listed in the KDOT DBE directory located on the internet at: http://www.ksdot.org/doingbusiness.asp. KDOT also prints a paper directory quarterly, and Contractors may ask the KDOT Office of Civil Rights for a copy of the printed directory. However, as it is only published quarterly, Contractors should be aware that the printed directory may list DBE’s who were decertified after the directory was printed, and these DBE’s would not be considered eligible DBE’s in a letting that followed decertification or when examining good faith efforts. Also, the printed directory will not list DBE’s who have been certified after the directory was printed, but KDOT will consider these DBE’s in a letting and when examining good faith efforts. Thus, the electronic directory controls as it is the most current information KDOT has available. Any bid proposal listing a firm that is not a KDOT certified DBE at the time of bidding will be considered nonresponsive.

C. Contractors shall, as a minimum, seek DBE firms working in the same geographic area in which they seek subcontractors for a given solicitation.

D. Contractors are required to make good faith efforts to replace a DBE subcontractor that is unable to perform successfully with another DBE firm. In order to ensure compliance with this requirement, any substitution of DBE subcontractors after the Contractor has submitted a bid to KDOT, must be approved by KDOT Office of Civil Rights. Substitutions will only be allowed for good and sufficient reasons. KDOT must receive a letter from the original DBE stating the reason for the DBE’s inability to perform.

E. Contractors are also encouraged to use the services of banks owned and controlled by disadvantaged individuals.

F. When projects are State or Contractor tied, KDOT will construe DBE participation as if the tied projects are one project. To check DBE participation on tied projects the following method will be used:
(1) Add the DBE goal dollar amount for the individual tied projects. This becomes the required minimum dollar amount to be subcontracted to DBEs.

(2) If the total dollar amount actually subcontracted to DBEs on the tied contracts is equal to or greater than the minimum dollar amounts as computed above, it will be determined that the DBE goals have been met.
If a State of Kansas funded project is tied to a federal aid funded project, the DBE contract goals can only be met by DBE subcontractors on the Federal Aid Project.

III. MEETING DBE CONTRACT GOAL CRITERIA.
The award of the Contract will be conditioned upon satisfaction of the requirements herein established. The apparent low bidder must either meet or exceed the DBE goals for the contract or satisfy KDOT that good faith efforts were made to meet the goals prior to the bid letting.

A. REQUIRED DBE PARTICIPATION INFORMATION.
All bidders are required to submit to KDOT with the bid proposal the DBE participation information described below on the form provided in the proposal.

1. The names of KDOT certified DBE firms that will participate in the Contract (if none, so indicate);

2. A description of the work each named DBE firm will perform (if none, so indicate);

3. The actual dollar amount anticipated to be paid to each named DBE firm (if zero dollars, so indicate); except

4. If the named DBE firm is a supplier, enter 60% of the actual dollar amount anticipated to be paid (if zero dollars, so indicate);

5. The actual dollar amount (not to exceed 10 percent of DBE subcontract) to be paid ahead of work as DBE mobilization.

6. For federal aid contracts with a zero DBE goal, list all subcontractors to be utilized, including DBE firms, if any.

B. GOOD FAITH DETERMINATION.
It is the bidder's responsibility to meet the DBE contract goals or to provide information to enable KDOT to determine that, prior to bidding, the bidder made good faith efforts to meet such goals.

1. Good Faith Information Submittal. If the low bidder's required DBE information indicates that the DBE contract goals will be met, the contract will proceed toward award and the low bidder need not submit any further DBE information. Good faith documentation must be submitted within two working days of the bid opening. Example: if bids are opened on Wednesday at 2 p.m., the good faith documentation must be at KDOT Office of Civil Rights before 5 p.m. on Friday.

2. KDOT Review. KDOT will review all information submitted to determine if the low bidder has met the DBE contract goals and, if not, whether the low bidder made sufficient good faith efforts to meet such goals. The determination of good faith efforts is made on a case-by-case basis and depends on the particular circumstances of the procurement. The issue KDOT will consider is whether the bidder took those steps, a reasonable bidder would have taken to actively and aggressively obtain DBE participation sufficient to meet the goal. A KDOT determination that the low bidder's information failed to show sufficient good faith shall be just cause for rejection of the bid. If the low bid is rejected, the above procedure will be applied to the next lowest bidder, and other bidders if necessary, until a bidder is found that meets the DBE contract goals or establishes that good faith efforts were made to meet the goal. KDOT reserves the right to reject all bids and re-advertise the Contract.

3. Establishing Good Faith Efforts. To demonstrate good faith efforts to meet DBE contract goals, submit to KDOT documentation on the factors listed as (a) through (g). KDOT has assigned a percentage to each factor that shows the relative importance of each factor to KDOT and to the other
factors. These percentages are a guide only; the circumstances of a particular procurement may justify different percentages or consideration of factors not mentioned. In evaluating the reasonableness of the low bidder's efforts, KDOT may consider whether other bidders met the goal or failed to meet the goal. In evaluating the reasonableness of the low bidder’s efforts, KDOT will consider all documentation submitted; yet, documentation created during the bidding process is more credible than documentation created after the letting.

(a) The bidder negotiated in good faith with interested DBEs. It is the bidder’s responsibility to consider the available pool of certified DBEs when determining subcontract or supply needs. It is the bidder’s responsibility to furnish DBEs with information about plans or specifications to facilitate the bid. Include names of DBEs considered, information given to the DBE, if any, and an explanation of why agreements could not be reached for DBEs to perform the work. (25%)

(b) The bidder selected portions of work for which KDOT has capable, certified DBE's to perform. This may include breaking out work items or subcontracting items the prime contractor normally performs. (20%)

(c) The bidder used good business judgment in rejecting a DBE quote, considering both price and capabilities. If a DBE quote represents a reasonable price for performing the work, the bidder should use that quote even though the DBE quote is higher than a non-DBE quote. However, bidders do not have to use excessive or unreasonable quotes. Before determining that a DBE quote is excessive, the bidder should inquire as to the reason for the disparity between the DBE and non-DBE quotes. The bidder should also evaluate what impact, if any, using a higher DBE price would have on the bidder’s overall project bid. A higher DBE price may not be excessive or unreasonable if the price differential is a very small part of the project bid. (20%)

(d) The bidder solicited capable, certified DBEs through pre-bid meetings, advertising, telephone, mail, facsimile, e-mail, or a combination of the foregoing. The solicitation must have occurred within sufficient time to allow a DBE to respond. Follow up all initial contacts, whether the contact was solicited or unsolicited. If a DBE expresses an interest in the contract or a desire to quote and fails to submit a quote, follow up that contact, whether the contact was solicited or unsolicited. Receiving substantial unsolicited quotes may not be considered actively and aggressively pursuing DBE participation. (10%)

(e) The bidder assisted interested DBEs in obtaining equipment, supplies, or materials for the project being bid. (10%)

(f) The combinations of DBEs the bidder considered in trying to meet the goal. It is acceptable to use a portion of several DBE bids. (10%)

(g) The bidder assisted interested DBEs in obtaining bonding, credit, or insurance on the project being bid. (5%)

(4) Staff of KDOT's Office of Civil Rights and the Chief of Construction and Maintenance will review the documentation submitted and either accept or reject the good faith effort submittal.

(5) At the bidder’s request, KDOT's Director of Operations will hold an informal hearing to discuss the bidder’s good faith effort submittal. The bidder may have legal counsel present, at the bidder’s expense. After the appeal hearing, the Director of Operations will issue the Agency’s final administrative decision on whether the bidder made a good faith effort. The decision will be in writing and will explain the basis for the Agency’s decision. This will be final agency action and a final order under the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions, K.S.A. 77-601 et. seq. Any petition for judicial review shall be served on the Secretary of Transportation, Kansas Department of Transportation, 700 S.W. Harrison St., Topeka, KS 66603-3754.
C. COUNTING DBE PARTICIPATION TOWARD DBE CONTRACT GOALS.

DBE participation shall be counted toward meeting the DBE contract goals pursuant to this contract as follows:

(1) A contractor may count toward its DBE contract goals the total dollar value of a contract paid to an eligible DBE, including an approved DBE protégé.

   NOTE: At the time the bid is submitted on the DBE goal sheet, list the actual amount intended to be paid to the DBE. On Form 259, submitted after award, list the same amount as in the contract line item. If this amount differs from the DBE subcontract amount, list the latter amount on the bottom of the form with an explanation.

(2) A DBE, bidding as a prime contractor, may count toward its DBE contract goals the total dollar value of the work actually performed by the DBE prime contractor, including the cost of supplies and materials the DBE obtains. Example: A DBE contractor bids as a prime contractor. The contract specifies a $10,000.00 DBE goal. The DBE prime contractor performs $50,000 of the work with its own forces. The DBE prime contractor has met the $10,000 goal.

(3) A contractor may count toward its DBE goals a portion of the total dollar value of a subcontract with an eligible DBE joint venture in proportion to the percentage of ownership and control of the DBE partner in the joint venture. Example: A contract specifies a $5,000.00 DBE contract goal. Prime contractor bids $100,000.00 subcontracting with a joint venture DBE/non-DBE contractor for $20,000.00 of the work. The percentage of ownership and control of the DBE/non-DBE joint venture is 25% DBE and 75% non-DBE. The prime contractor may count $5,000.00 ($20,000.00 x .25; i.e. total dollar value times the percentage of DBE ownership) toward the DBE contract goal, thus fulfilling the DBE requirements of the contract.

(4) If a non-DBE contractor and DBE contractor form a joint venture and bid as a prime contractor, the joint venture contractor shall fully meet the DBE contract goals specified in the project special provision. The joint venture contractor may count toward its DBE contract goals the total dollar value of the work actually performed by the DBE participant in the joint venture. Example: A non-DBE contractor forms a joint venture with a DBE contractor and the joint venture bids the project as a prime contractor. The DBE contract goal is $10,000.00. The DBE participant in the joint venture performs $50,000 of the work with its own forces. The joint venture has met the $10,000 goal. Example: A non-DBE contractor forms a joint venture with a DBE contractor and the joint venture bids the project as a prime contractor. The DBE contract goal is $100,000.00. The DBE participant in the joint venture performs $80,000 of the work with its own forces. The joint venture must obtain the remaining $20,000 in goal through use of another certified DBE firm, or show good faith efforts if the joint venture fails to meet the $100,000 goal.

(5) A contractor may count toward its DBE goals 60 percent of its expenditures for materials and supplies obtained from a DBE regular dealer, and 100 percent from a DBE manufacturer. A letter must be submitted to KDOT, detailing the amount, but the amount does not count as a subcontracted percentage.

   (a) A manufacturer is a firm that operates a facility that produces goods from raw material on the premises.

   (b) A regular dealer is a firm that owns, operates, or maintains a store, or warehouse where materials are stocked and regularly sold to the public. A regular dealer of bulk items (sand, gravel, etc.) need not stock the product if it owns or long-term leases distribution equipment. The supply of structural steel, steel assemblies and petroleum products do not count toward any KDOT DBE goal. A dealer must be responsible for material quality control and must deliver with its own or long term leased equipment to count toward the DBE goal.
(6) A contractor may count toward its DBE goals the following expenditures to DBE firms that are not manufacturers or regular dealers:
   (a) The commission charged for providing a bona fide service in the procurement of essential personnel, facilities, equipment, materials or supplies required for the performance of the contract, provided the commission is reasonable and customary.
   (b) The commissions charged for bonds or insurance provided by a DBE broker for the specific performance of the contract, provided the fee is reasonable and customary. A letter must be submitted detailing the amount, but does not count as a subcontracted percentage.

(7) A contractor may count toward its DBE goals the amount paid to a DBE trucker for transportation or delivery services.
   (a) A DBE trucker who picks up a product at point A and delivers the product to the contractor at point B provides a delivery service. The full amount paid for this service counts toward the DBE goal.
   (b) Some DBE truckers are also a regular dealer (supplier) of a bulk item. In this case, the amount paid for the material delivered will count as 60 percent toward the DBE goal. The DBE trucker is responsible for the quality of the material.
   (c) For DBE truckers or suppliers to be credited toward DBE contract goals, the contractor must submit a letter to KDOT detailing all information formerly found on Form 259, prior to the start of the trucking or supply of material and requesting DBE subcontract credit.

D. COMMERCIALY USEFUL FUNCTION.
The prime contractor is responsible for ensuring that DBE firms under subcontract to meet a DBE goal perform a commercially useful function (CUF). Failure to fulfill this obligation is a breach of contract and KDOT may invoke the sanctions listed in Section IV (Sanctions). The three criteria for a CUF are:
   (1) The DBE firm shall manage the work through personal direct supervision by the DBE owner or a skilled, knowledgeable, full-time superintendent. Management includes scheduling work, ordering equipment and materials, hiring and firing employees, and submitting all required forms and reports. The DBE is not in compliance with this provision if the DBE subcontracts out part or all of the work to another entity.

   (2) The DBE shall own all equipment, long term lease all equipment, or own some equipment and long term lease the remaining equipment except for specialized equipment as noted below.
      (a) If the DBE leases equipment, the DBE shall have a written lease that gives the DBE full control of the equipment during the lease period. The DBE shall use its own workers to operate leased equipment.
      (b) A DBE may enter into long term leases with companies operating as prime contractors. The DBE is not in compliance with this provision if the DBE leases equipment from the prime contractor on the project for that project only.
      (c) Exception for specialized equipment: The DBE may lease short term specialized equipment such as a crane from another contractor or third party if this equipment is necessary for the DBE to perform its work and the equipment is of such a nature that it is not economically feasible or practical for the DBE to lease the equipment long term. The contractor shall bill the DBE for this equipment and the DBE shall pay the contractor for the equipment. The DBE is not in compliance with this provision if the contractor deducts from the DBE’s pay estimate specialized equipment costs rather than submitting an invoice to and receiving payment from the DBE.

   (3) The DBE shall negotiate the cost of, arrange delivery of, and pay for materials, supplies, labor, and equipment. Invoices shall be billed to the DBE and paid by the DBE.

   (4) KDOT will not count towards goal or give DBE contract goal credit for the following:
(a) Monies the prime contractor pays directly for supplies, materials, labor or equipment on the DBE’s behalf except for two-party checks approved under Section III.E below.
(b) Costs deducted from a DBE’s pay estimate for supplies, materials, labor or equipment the prime contractor or its affiliate provided.
(c) Costs incurred for equipment the DBE leases from the contractor on the project if the DBE is using the equipment for that project only and the equipment is not part of a long term lease agreement.
(d) Costs associated with a portion of a bid item that the Agency is unable to measure clearly. (e) Costs incurred for work subcontracted outside normal industry practices, just to meet a goal.

(5) KDOT’s determination that a DBE is not performing or did not perform a CUF is not appealable to the US Department of Transportation. KDOT’s determination will be final agency action and a final order under the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions, K.S.A. 77-601 et. seq. Any petition for judicial review shall be served on the Secretary of Transportation, Kansas Department of Transportation, 700 S.W. Harrison St., Topeka, KS 66603-3754.

E. BUSINESS INTEGRITY
Any person or entity will be found to be out of compliance with this required contract provision if any investigation reveals a commission or omission of any act of such serious or compelling nature that the act indicates a serious lack of business integrity or honesty. Such commission or omissions include, but are not limited to:
(1) Violating any applicable law, regulation, or obligation relating to the performance of obligations incurred pursuant to an agreement with a recipient under a KDOT financial assistance program or;
(2) Making, or procuring to be made, any false statement or using deceit to influence in any way any action of KDOT.

F. TWO PARTY CHECKS.
To comply with the current regulation, KDOT is implementing the following two party check procedures. The prime contractor is responsible for following the procedure and for ensuring that DBE subcontractors follow the procedure.
(1) The DBE owner shall make the request for a two party check to the Office of Civil Rights and shall explain the benefit to the DBE firm.
(2) The prime contractor shall send the check to the DBE owner who will endorse and forward the check to the supplier. This should be done within the 10 day prompt pay timeframe.
(3) The amount of the check should not exceed the amount of material paid by KDOT on the latest estimate. For example if the estimate was taken on 7/23, pay the material bill through 7/23 not through 7/31.
(4) Two party checks shall be issued only long enough to establish credit for the DBE firm.
(5) KDOT will not count towards goal or give DBE contract goal credit for two party checks that have not been pre-approved by KDOT.

IV. SANCTIONS.
If KDOT finds any contractor, sub-contractor, DBE, joint venture, or mentor/protégé to be out of compliance with this required contract provision, KDOT may impose one or more of the following sanctions:
(1) Withhold payment of progress payments until the contractor or DBE contractor complies with the payment requirements of this Special Provision.
(2) Remove the non-complying DBE from the DBE directory until the DBE shows the company is meeting the requirements necessary to perform a CUF, including payment of all bills.

(3) Deny goal credit as previously stated for failure to replace a non-performing DBE with another DBE (unless good faith effort was made), failure to meet the requirements necessary to perform a CUF, or failure to follow two party check procedures.

(4) Assess and deduct as liquidated damages the monetary difference between the DBE goal amount and the amount actually paid to the DBEs for which KDOT has allowed DBE goal credit.

(5) Reject the bidder’s bid if the bidder failed to meet the DBE goal and failed to show good faith effort to meet the goal.

(6) Refer the matter to the Office of the Attorney General, the US Department of Justice, or both for follow-up action.

(7) Enforce all other remedies KDOT has under other contract provisions such as contract termination, contractor suspension, contractor debarment, and sanctions for failing to pay promptly.

01-26-09 OCR (DW/CDB)
Jul-09 Letting
KDOT POLICY FOR
CONSULTANT CONTRACT REIMBURSEMENT
FOR
HOTEL AND PER DIEM

Attention Contract Partners:

The following policy for hotels and per diem rates will be effective January 1, 2023, for contracts with consultants and sub-consultants statewide.

<table>
<thead>
<tr>
<th></th>
<th>Daily Meals (max.)</th>
<th>Per Meal Allowance</th>
<th>Lodging before tax</th>
<th>Max Lodging Addl 50%*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standard rate for all</td>
<td>$59.00</td>
<td>Breakfast $8.85</td>
<td>$98.00</td>
<td>$147.00</td>
</tr>
<tr>
<td>Kansas locations except Wichita &amp; KC/OP</td>
<td>Lunch $20.65</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Dinner $29.50</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wichita (includes Sedgwick County)</td>
<td>$64.00</td>
<td>Breakfast $9.60</td>
<td>$103.00</td>
<td>$154.50</td>
</tr>
<tr>
<td></td>
<td>Lunch $22.40</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Dinner $32.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>KC/Overland Park (includes Johnson, Wyandotte, &amp; Leavenworth counties)</td>
<td>$64.00</td>
<td>Breakfast $9.60</td>
<td>$123.00</td>
<td>$184.50</td>
</tr>
<tr>
<td></td>
<td>Lunch $22.40</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Dinner $32.00</td>
<td></td>
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</tbody>
</table>

*Prior approval required

No out-of-state hotel bills will be reimbursed without advanced written approval (for prime and/or sub-consultant). An amount above these daily rates or un-approved out-of-state stays will not be reimbursed.

Per diem will be allowed only with overnight travel. Per diem reimbursement/invoicing must be submitted with hotel receipt. If the hotel provides breakfast, breakfast per diem reimbursement will not be allowed except for extenuating circumstances. Extenuating circumstance justification must be provided in writing at time of invoice. Submit company’s policy prior to starting work. A summary must be provided with billings recapping costs per day per individual. Please notify your sub-consultants of these rates.

Mileage will be limited to the State of Kansas approved rate of $0.585/mile unless the company has audited vehicle usage rates for their company vehicles. Receipts are required for: Airport parking (limited to $14/day); Tolls, Rental vehicles (economy class only), and Equipment Rentals. Equipment, vehicles, reproduction/printing, CADD, GPS, etc., charged as direct expense must have an audited rate to be used. Direct equipment expenses without an audited rate and "snacks" for meetings will not be allowed.

Reimbursement rates may change as State and/or Federal policies change.

Thank you.

Scott King, P.E., Interim Director
Division of Engineering and Design
Kansas Department of Transportation

C: Pam Anderson, Chief, Bureau of Fiscal Services

01/11/2023

Date