

BALTIMORE METROPOLITAN PLANNING ORGANIZATION

**BALTIMORE REGIONAL TRANSPORTATION BOARD
RESOLUTION #09-25**

**ENDORISING THE PROCESS FOR THE BALTIMORE METROPOLITAN COUNCIL AND
BALTIMORE REGIONAL TRANSPORTATION BOARD MEMBERS FOR USE IN SUBCONTRACT
AGREEMENTS AS APPROVED THROUGH THE UNIFIED PLANNING WORK PROGRAM**

WHEREAS, the Baltimore Regional Transportation Board is the designated Metropolitan Planning Organization for the Baltimore region, encompassing the Baltimore Urbanized Area, and includes official representatives of the cities of Annapolis and Baltimore, the counties of Anne Arundel, Baltimore, Carroll, Harford, and Howard, and the Maryland Department of Transportation, the Maryland Department of the Environment, and the Maryland Department of Planning; and

WHEREAS, the Baltimore Regional Transportation Board was established to manage and provide direction to the Unified Planning Work Program; and

WHEREAS, Title 23 of the U.S. Code, as amended by the 1973 Federal Aid Highway Act, and Section 8 of the Urban Mass Transportation Act of 1964, as amended, provide funds to assist in the financing of studies and other transportation planning activities; and

WHEREAS, the Baltimore Regional Transportation Board tasked the Budget Subcommittee of the Baltimore Regional Transportation Board to prepare a process for which the Baltimore Metropolitan Council and Baltimore Regional Transportation Board members will follow in subcontract agreements as approved and funded through the Unified Planning Work Program; and

WHEREAS, the approved process for subcontract agreements conforms with all applicable federal programs and regulations; and

NOW, THEREFORE, BE IT RESOLVED that the Baltimore Regional Transportation Board endorses the subcontract agreement outlined in Attachment 1 as the process for use by the Baltimore Metropolitan Council and Baltimore Regional Transportation Board members when using federal funds to implement certain transportation activities in the Unified Planning Work Program.

I HEREBY CERTIFY that the Baltimore Regional Transportation Board as the Metropolitan Planning Organization for the Baltimore region approved the aforementioned resolution at its May 26, 2009 meeting.

Date

Carl Balsler, Chairman
Baltimore Regional Transportation Board

GUIDELINES FOR UPWP CONSULTANT SELECTION

The selection and hiring of consultants to carry out work activities outlined in the Unified Planning Work Program (UPWP) approved by the Baltimore Regional Transportation Board (BRTB) is accomplished consistent with the 2004 Memorandum of Agreement (MOA) between the Maryland Department of Transportation (MDOT) and the Baltimore Metropolitan Council (BMC). Article IV. of the agreement, SUBCONTRACTS, allows the BMC to contract with consultants or other subcontractors to provide services under the UPWP. Additionally, Article III, E. of a separate agreement by and between the BMC and individual BRTB members, allows BRTB members to contract with consultants or other subcontractors to provide services under the UPWP.

Issue: What is the contractual arrangement between BMC and other BRTB member state agencies?

In accordance with the aforementioned agreements and responsibilities, the following process shall be followed in regard to all BMC and BRTB member consultant contracts funded through the UPWP. **Italicized points were added to the existing process and take effect for the FY 2010 UPWP.**

1. BMC Consultant Selection Process

- 1.1 The Baltimore Regional Transportation Board (BRTB) Budget Subcommittee shall approve all BMC proposed Unified Planning Work Program (UPWP) work tasks including consultant project(s). The Subcommittee shall report its' recommendations to the Technical Committee (TC) and the BRTB.
- 1.2 The BRTB Budget Subcommittee shall establish criteria to review and recommend proposed consultant tasks, including preliminary work scopes, project objectives, budget and parameters, for BRTB endorsement.
- 1.3 The BMC may sole source Request for Proposals (RFP) to a qualified vendor if the UPWP work activity is budgeted under \$25,000. RFPs over \$25,000 shall follow a competitive bid process.
- 1.4 BMC staff (Project Manager), shall scope project activities and coordinate project initiation with various state/local agencies and/or BRTB subcommittees.
 - a. The BMC Project Manager shall develop, with in-house review of detailed work scope, project objectives and parameters, the RFP/Request for Qualifications (RFQ) and submit these documents to the Transportation Planning Director.
 - b. *The Transportation Planning Director shall distribute, prior to distribution to vendors, all RFPs/RFQs to the Technical Committee for review and report to the BRTB.*

Issues:

- Is a quorum needed to approve and/or express concerns on any given RFP/RFQ?
If the TC is ok with an RFP, can the BMC release for consideration, or wait for BRTB review?
Is approval by the TC or BRTB by means of a formal action?
If circumstances make timing an issue will the BRTB expedite review?*

Will copies of RFPs/RFQs be provided to consultants in attendance at TC meetings, can/should the TC close for Executive Session during discussions?

- c. The BMC shall encourage all respondents to RFPs to comply with BMC established, federally compliant Title VI and Disadvantaged Business Enterprise (DBE) guidelines.
- 1.5 The BMC shall advertise all RFPs on the BMC web site for a minimum of two weeks. Additionally, the BMC will notify by e-mail all "interested parties" of all available RFP/RFQ opportunities.
- 1.6 The BMC shall establish a committee of 2 or more people (that could include state or local agency representatives) to review RFP/RFQ technical and cost proposals.
- 1.7 The BMC Project Manager shall submit the recommendations of the above mentioned committee to the Transportation Planning Director.
- 1.8 The Transportation Planning Director shall submit the BMC consultant recommendation to the Maryland Department of Transportation (MDOT) for written comment and/or approval, consistent with the 2004 MOA between BMC and MDOT.
- 1.9 The BMC Project Manager shall prepare consultant contracts for approval by the BMC Executive Director.
- 1.9 BMC staff and/or the consultant shall present consultant contract products to the Technical Committee and BRTB upon contract completion.

2. BRTB Member Consultant Selection Process

- 2.1 The Baltimore Regional Transportation Board (BRTB) Budget Subcommittee shall approve all local jurisdiction proposed Unified Planning Work Program (UPWP) work tasks including consultant project(s). The Subcommittee shall report their recommendations to the Technical Committee (TC) and the BRTB.
- 2.2 The BRTB Budget Subcommittee shall establish criteria to review and recommend locally proposed consultant tasks including preliminary work scopes, project objectives and parameters.
- 2.3 The BRTB member deemed responsible for consultant activity must follow all applicable rules and regulations set forth by their respective jurisdiction/agency regarding the consultant selection process.
- 2.4 *The BRTB member shall present RFPs/RFQs for consultant services to the Technical Committee for review and report to the BRTB prior to distribution to vendors.*

Issues:

*Is a quorum sufficient to approve and/or express concerns on any given RFP/RFQ?
If the TC is ok with an RFP, can the BRTB member release for consideration, or wait for BRTB review?*

Is approval by the TC or BRTB by means of a formal action?

If circumstances make timing an issue will the BRTB expedite review?

Will copies of RFPs/RFQs be provided to consultants in attendance at TC meetings, can/should the TC close for Executive Session during discussions?

- 2.5 *BRTB members shall provide all executed consultant contracts, with work products identified to the BMC.*
- 2.6 BRTB members are responsible for project oversight and work completion and shall provide quarterly progress reports to the BMC.

- 2.7 BRTB members must arrange with MDOT for “reservation” of project funding for all projects completed beyond the fiscal year for which funding was allocated.
- 2.8 The Transportation Planning Director shall request MDOT to disburse UPWP funds for BRTB member consultant activity when all work tasks and contract products, as outlined in the consultant contract, are completed and submitted.

Issues:

*How are contract modifications to be handled? By whom?
Cost over-runs are the responsibility of the Project Sponsor.*

3. Annual Reporting and Review

3.1 The Transportation Planning Director shall, at the close of each fiscal year, report to the BRTB all UPWP consultant contracts completed and/or active during the preceding fiscal year.

3.2 The Transportation Planning Director shall, at the close of each fiscal year, report to the BRTB the UPWP funding disbursed to Disadvantaged Business Enterprises (DBE) for consultant services.

3.3 The Transportation Planning Director shall, at the close of each fiscal year, review DBE participation in BMC contracts to form the basis of future BMC DBE goals.