



**Montana Department of Transportation**

2701 Prospect  
PO Box 201001  
Helena MT 59620-1001

*Greg Gianforte, Governor*

*Chris Dorrington, Director*

Date: September 8, 2025

Subject: **Request for Proposals**  
SB536 Off-System Bridges  
Multiple Projects  
UPNs 10655000 / 10509000 / 10647000 / 10503000 / 10504000 / 10508000 / 10638000 / 10640000 /  
10601000 / 10651000 / 10505000 / 10642000 / 10654000 / 10648000 / 10645000 / 10644000 /  
10653000 / 10656000 / 10652000 / 10646000 / 10649000 / 10650000 / 10639000 / 10641000

To Whom It May Concern:

The Montana Department of Transportation (MDT) is accepting proposals from consulting firms interested in the preparation of the construction plans and specifications for the subject projects. MDT's intent is to award multiple contracts each including multiple projects.

MDT may elect to award one firm multiple projects based on the qualifications and capacity listed in their proposal. Firms should propose their preferred projects. The expectation is each firm that proposes has the qualifications and capacity to complete the preferred projects listed in their proposal. It is at MDT's sole discretion which projects are awarded to each firm/team.

Teams may be established as necessary; however, it is expected that the prime consulting firm will be capable of completing most of the work, and the proposal must clearly identify the prime for this contract. As a rule, the prime consultant must complete at least 50% of the work for a specific contract or assignment unless a written exception is given.

Montana professional engineering licensure is required for this work and must be in-hand at the time your proposal is submitted. If this requirement is not met and clearly identified in the proposal, your proposal will be considered non-responsive.

If your firm is interested, please submit a proposal as described herein.

## **SCOPE OF WORK**

Consultant services to perform preliminary and final design of county owned, generally Off-System, bridge replacement projects across the state. There are 24 individual bridge replacement projects. MDT will obtain the appropriate geotechnical engineering for all sites through a separate on-going contract. Preliminary geotechnical recommendations will be provided to the design firms to support preliminary design. The design firms will coordinate with the assigned geotechnical engineer to complete the final design. Environmental engineering through the Scope of Work (SOW) milestone will be completed by MDT through an existing on-going contract and made available to the design firms. The design firms will be expected to complete all subsequent post-SOW environmental activities and permitting, and all other project design activities necessary to complete the work.

The project will be funded by the State of Montana's Local Road and Bridge Account in the state special revenue fund and in accordance with Montana Code Annotated § 15-70-132. MDT's intent is to leverage the state funds toward future federal aid match. Therefore, project delivery will need to fulfill federal aid requirements. Cost effective solutions that fulfill the project goals are expected in order to fund all of the proposed projects.

MDT is utilizing a Program Manager to assist in delivering these projects. The Program Manager will work with the design firms and MDT to coordinate delivery of each project. Collaboration with the counties and MDT's Program Manager will be required. MDT's intent is to bundle either some or all individual bridge projects and award as multiple design contracts depending on all responses to the RFP.

The county owned bridge projects are listed below.

## **LOCATION**

Statewide:

MDT UPN	MDT PROJECT NAME	COUNTY	MDT BrM ID
10655000	YELLOWSTONE CANAL-3M W HYSHAM	TREASURE	04630
10509000	ROSS FORK CREEK-SW MOORE	JUDITH BASIN	03236
10647000	S FK MUSSELSHELL-MARTINSDALE	MEAGHER	03654
10503000	BOX ELDER CR-NE WINNETT	PETROLEUM	03885
10504000	BIG HOLE RIVER-N OF JACKSON	BEAVERHEAD	02152
10508000	THIRTY MILE CR-SE OF HARLEM	BLAINE	02295
10638000	WILLOW CR-5M N RED LODGE	CARBON	02364
10640000	CARBERT RD BR-DANIELS COUNTY	DANIELS	02615
10601000	WHITewater CR-10M NW SACO	PHILLIPS	06456
10651000	LITTLE BLACKFOOT-4.5M SW AVON	POWELL	04056
10505000	SHEEP CREEK-S OF HARDY	CASCADE	02513
10642000	CLARK FORK-2M NE WARM SPRINGS	DEER LODGE	02686
10654000	MUSSELSHELL R-9M NE MELSONE	MUSSELSHELL /ROSEBUD	04281
10648000	MCDONALD CR-WINNETT	PETROLEUM	04952
10645000	POST CR-FISH HATCHERY RD	LAKE	03306
10644000	FISH CR-9.6M SW SHAWMUT	GOLDEN VALLEY	03092
10653000	HARDSCRABBLE CR-S CULBERTSON	RICHLAND	04189
10656000	BEAVER CR-0.5M S BEAVERTON	VALLEY	04709
10652000	BEAR CREEK-2M S VICTOR	RAVALLI	04107
10646000	PINKHAM CR-5M SW EUREKA	LINCOLN	03476
10649000	WILD HORSE CR-17M S DODSON	PHILLIPS	03910
10650000	PUMPKIN CR-CAMP CREEK ROAD	POWDER RIVER	04010
10639000	WILLOW CR-7.8M NW ALZADA	CARTER	02428
10641000	BAD ROUTE CR-6.6M NE FALLON	DAWSON	02640

A Project Location Map is included at the end of the RFP

## **PROJECT SCHEDULE AND DELIVERABLES**

The project schedule will be developed and negotiated prior to executing the contract agreement. A simplified project development flowchart that best fits the characteristics of these off-system projects has been developed and will be used to accelerate project delivery. The flowchart is attached at the end of the RFP. At this time, it is anticipated that deliverables will generally follow those described in MDT's Consultant Activity Descriptions (as applicable):

[http://www.mdt.mt.gov/other/webdata/external/cdb/ACTIVITY\\_DESCRIPTIONS/CONSULTANT\\_DESIGN\\_2500\\_MU.PDF](http://www.mdt.mt.gov/other/webdata/external/cdb/ACTIVITY_DESCRIPTIONS/CONSULTANT_DESIGN_2500_MU.PDF)

## **STANDARDS, SPECIFICATIONS, AND POLICIES**

Work is expected to follow MDT's various Manuals, Guides, and Policies. These items may be found on MDT's Design Consulting web page at: <http://www.mdt.mt.gov/business/consulting/>.

## **PROPOSAL SUBMITTAL**

**Submit one (1) electronic version (Adobe® PDF format) of the proposal. Hard copy proposals will not be accepted.**

Submit the electronic version by uploading to the State of Montana File Transfer Service (FTS) site, which can be accessed at this link: <https://transfer.mt.gov>. To upload to FTS, an account must be created unless the person who is uploading already has an account. Uploading instructions can be accessed at <https://transfer.mt.gov/Home/Instructions>. When your proposal has been uploaded, the FTS system will prompt you for an email address to send to. Please send this email of your uploaded proposal to the following individuals:

Sheryl Tangen: [stangen@mt.gov](mailto:stangen@mt.gov)

Kelly Williams: [kwilliams@mt.gov](mailto:kwilliams@mt.gov)

**The Department must receive the proposals for this RFP no later than 3:00 PM MST, October 3<sup>rd</sup>, 2025.**

Regardless of cause, late proposals will not be accepted and will automatically be disqualified from further consideration. It shall be solely the vendor's responsibility to assure delivery at the specified office by the specified time. Offeror may request the State return late proposals at vendor's expense or the State will dispose of late proposals if requested by the offeror. (See Administrative Rules of Montana (ARM) 2.5.509.). If no request is made, late proposals become the property of the Department. All proposals submitted on time become the property of the Department.

The costs for developing and delivering responses to this solicitation are entirely the responsibility of the offeror. The State is not liable for any expense incurred by the offeror in the preparation and presentation of this submittal.

#### **TENTATIVE REP/SELECTION SCHEDULE**

The anticipated schedule for consultant solicitation and selection for this contract is as follows (subject to change):

September 8, 2025: RFP released  
October 3, 2025: Proposals due to be submitted to MDT Consultant Design  
November 5, 2025: Selection Board meeting to select Consulting firm(s)

There are three (3) members on the evaluation committee for this RFP (subject to change):

1. MDT Consultant Design Engineer
2. MDT Consultant Plans Engineer
3. MDT Consultant Project Engineer

#### **PROPOSAL CONTENTS**

The proposal must contain the information listed in this section. The proposal is **limited to five (5) pages**, not including the required Appendices. A single cover jacket/title page is allowed if desired and will not count in the page limit. Each page is defined as one side of a letter size sheet (no larger than 8 ½" x 11"), minimum font size of 10. Evaluation of information will begin with the first page immediately following the cover jacket/title page, and every page will be counted, in order, from that point forward, including any table of contents or divider pages the firm wishes to include. Once the page limit is reached, any information included thereafter will be removed and not considered or scored. Please organize your proposal in the same order and numbering format as shown below, which will assist in reviewing your proposal:

## Questions

### 1) Team Qualifications

Provide a discussion on how the team you propose to use for this project (including subconsultants, if used) is best qualified to respond to the requirements of this project. Discussion should focus on the requirements for this specific project, particularly your team's expertise and experience, as it relates to the work described in the "Scope of Work" section above. Provide examples of previous related project experience as it relates to these services. Identify professional licensure of staff that satisfy the requirements for this contract. Include an organizational chart of your team for this project. Also briefly discuss your compatibility of systems, software, and equipment (i.e. CADD software, word processing software, etc.), and experience with these systems, software, and equipment. The Department's standard design software is Autodesk® technology included in the Architecture, Engineering & Construction (AEC) Collection. Describe any special equipment or software you intend to use. Resumes may be considered as supplemental information for scoring this question. Please discuss your firm's capacity as it relates to the ability to deliver one or more of these projects.

### 2) Project Approach

Transportation work has many challenging aspects, and the development and delivery of a successful project that addresses and mitigates specific project challenges is of utmost interest to MDT. Discuss the challenges you foresee as they relate to these projects and their requirements, your strategy for addressing these challenges, and your specific experience in implementing the strategies identified. Describe your quality assurance/quality control process. Include a discussion of your ability to successfully deliver one or more of these projects in a timely manner. An innovative project design completed on an expedited schedule that reduces project costs, diminishes right-of-way needs, and fulfills County requirements will be critical. Responses should include a discussion of strategy to address this challenge. Note: project development will follow a simplified flowchart that best fits the characteristics of these off-system projects. The flowchart has been developed and is included at the end of the RFP. Discuss what individual projects and the number of projects you prefer to be selected for. Experience with individual projects included in this RFP will be considered. Your approach and experience with delivering similar projects should be included in the response.

## Appendix A: Resumes

Include brief resumes for the key personnel to be assigned to the contract. **Resumes are limited to one (1) page per person.**

## Appendix B: Cover Page Form

Include a completed version of MDT's standard cover page form, available at the following location:

<http://www.mdt.mt.gov/other/webdata/external/cdb/MDT-CDB-002-Proposal-SOQ-Cover-Sheet.pdf>

Information presented in the cover page form will not be considered in proposal scoring.

## Appendix C: References

Submit references that includes a minimum of five (5) separate contracts from the past three (3) years. If applicable, you may submit multiple contracts for a single client. Each

contract must pertain to work similar to the proposed scope of services. Include client name, a currently employed primary contact person, an alternative contact person, corresponding valid phone numbers and emails for both contacts, a range of contract value, and a brief description of the work performed. If MDT needs to use these references for the Past Performance Score (as described in the “Evaluation of Proposals” section below) and is unable to contact the required number of references after a reasonable effort, the firm will receive a zero for the missing reference(s).

## **EVALUATION OF PROPOSALS**

All proposals will be evaluated in accordance with the following factors:

- 1) Team Qualifications (75 points possible)**
- 2) Project Approach (75 points possible)**
- 3) Record of past performance (30 points possible)**
  - a) If two (2) or more MDT evaluations specific to the discipline for this contract are available for the consulting firm, the average score of these evaluations will be used. Evaluations for Project Management & Overall Performance will also be included.
  - b) If fewer than two (2) MDT evaluations specific to the discipline for this contract are available for the consulting firm, but there are two (2) or more MDT evaluations are available for other work disciplines, the consulting firm’s current overall past performance score from MDT evaluations will be used.
  - c) If there is only one (1) MDT evaluation available for the consulting firm, the record of past performance score will be an average of the MDT evaluation and one (1) reference check from the references provided in the unbound attachment.
  - d) If no MDT evaluations are available, the average score of two (2) reference checks from the references provided in the unbound attachment will be used for this score.

Regardless of partnership/teaming relationships, the past performance of the prime consulting firm will be the past performance scored that will be used for this score.

All Proposals will be evaluated using the following basic scoring methodology:

- Outstanding/Exceptional response: 90-100% of the available points
- Good response: 70-90% of the available points
- Average response: 50-70% of the available points
- Poor response: 30-50% of the available points
- Qualifications not clearly met: 0-30% of the available points

Following the review, evaluation, and rating of all proposals, the final results will be presented to the Consultant Selection Board (Board) at the MDT Headquarters Building. At this time, the Board will select the most qualified firm(s) to perform the work. The Board may consider any proposal scoring within 2% of the highest-scoring proposal as equally qualified and consider its knowledge of the firms’ workload, past performance, and familiarity with the project area and local entities in selecting the most-qualified consulting firm. In the event that a firm cannot be identified as the most qualified through an evaluation of these proposals, MDT reserves the right to narrow down the list of responding firms to an appropriate short list. Short-listed firms will either be asked to provide a supplemental proposal or asked to be interviewed or provide a presentation. Scores from the proposals, supplement project proposals (if used), and interviews

(if used) will be carried forward to determine final consultant score. Consultant selection is finalized by MDT at the Consultant Selection Board meeting.

### **INDIRECT COST RATE REQUIREMENTS**

Proof of the firm's Indirect Cost Rate (overhead rate) is ***not required*** with this proposal submittal. However, an Indirect Cost Rate may be required prior to executing a contract according to MDT's Indirect Cost Rate Requirements:

All submitted indirect cost rates must be calculated in accordance with 23 CFR 172 for the cost principles of 48 CFR part 31 and include the required items identified in the MDT Indirect Cost Rate Policy located in Appendix A of the Consultant Services Manual on the MDT Internet website.

[http://www.mdt.mt.gov/other/webdata/external/cdb/consultant\\_manual/consultant-design-manual\\_combined.pdf](http://www.mdt.mt.gov/other/webdata/external/cdb/consultant_manual/consultant-design-manual_combined.pdf)

***Do not show any actual numerical financial information such as the overhead rate or personnel rates within your proposal. Specific cost information of the firm or team should not be part of the proposal.***

### **AGREEMENT REQUIREMENTS**

Contract agreements will generally be administered on a cost-plus fixed fee basis. The contracts will have negotiated cost ceilings. If a consulting firm is selected for a specific project and a contract agreement is successfully negotiated, certain financial information will be required as part of the contract agreement. As described in the Indirect Cost Rate Requirements section above, all Consultants and subconsultants must provide the Department with an Indirect Cost Rate (as applicable) audited (when applicable) in accordance with 23 CFR 172 for the cost principles of 48 CFR Part 31 and based on the firm's latest completed fiscal year's costs. Personnel rates, profit, and direct expenses must be clearly outlined and provided to the Department. The standard MDT agreement can be found at the following address:

<http://www.mdt.mt.gov/other/webdata/external/cdb/forms/pdf/General-Terms-and-Conditions.pdf>

***Do not submit actual numerical financial information within this proposal.***

### **STATE OPTION TO AWARD**

While the State has every intention to award a contract resulting from this RFP, issuance of the RFP in no way constitutes a commitment by the State to award and execute a contract. Upon a determination such actions would be in its best interest, the State, in its sole discretion, reserves the right to:

- Cancel or terminate this RFP (18-4-307, MCA).
- Reject any or all proposals received in response to this RFP (ARM 2.5.602).
- Waive any undesirable, inconsequential, or inconsistent provisions of this RFP that would not have significant impact on any proposal (ARM 2.5.505).
- Not award a contract, if it is in the State's best interest not to proceed with contract execution (ARM 2.5.602); or
- If awarded, terminate any contract if the State determines adequate funds are not available (18-4-313, MCA).

## **SINGLE POINT OF CONTACT**

From the date this solicitation is issued until the consultant selection is finalized by MDT at the Consultant Selection Board meeting, offerors are not allowed to communicate with any state staff or officials regarding this solicitation, except at the direction of the Consultant Design Engineer. If unauthorized contact is made and the Consultant Design Engineer determines the context of the contact gives the firm an unfair advantage, the firm will be disqualified from the solicitation. Contact information for the single point of contact is as follows:

**Kelly Williams**  
Consultant Design Engineer  
Montana Department of Transportation  
(406) 444-7964 (Direct Line)  
[kwilliams@mt.gov](mailto:kwilliams@mt.gov)

## **DBE GOALS**

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

## **NONDISCRIMINATION COMPLIANCE**

Consultants will be subject to Federal and Montana nondiscrimination laws and regulations (see attached notice titled "MDT NONDISCRIMINATION AND DISABILITY ACCOMMODATION NOTICE").

If you have any questions, please contact me at (406) 444-7964, or by email at [kwilliams@mt.gov](mailto:kwilliams@mt.gov). I look forward to receiving your proposal.

Sincerely,

*Kelly M. Williams*

Kelly Williams, P.E.  
Consultant Design Engineer

Attachment

e-copies:

Mary Erchul, ACEC Executive Director-Montana Chapter	Jason Senn, MDT Consultant Plans Engineer
Dustin Rouse, MDT Chief Engineer	Roy Peterson, MDT TA Engineer
Ryan Dahlke, MDT Preconstruction Engineer	Bob Vosen, Missoula District Administrator
Dave Holien, MDT Highways Engineer	Geno Liva, Butte District Administrator
Andy Cullison, MDT Bridge Engineer	Jim Wingerter, Great Falls District Administrator
Erika Wimmer, MDT Civil Rights Bureau Chief	Shane Mintz, Glendive District Administrator
MDT Consultant Design Bureau file	Mike Taylor, Billings District Administrator



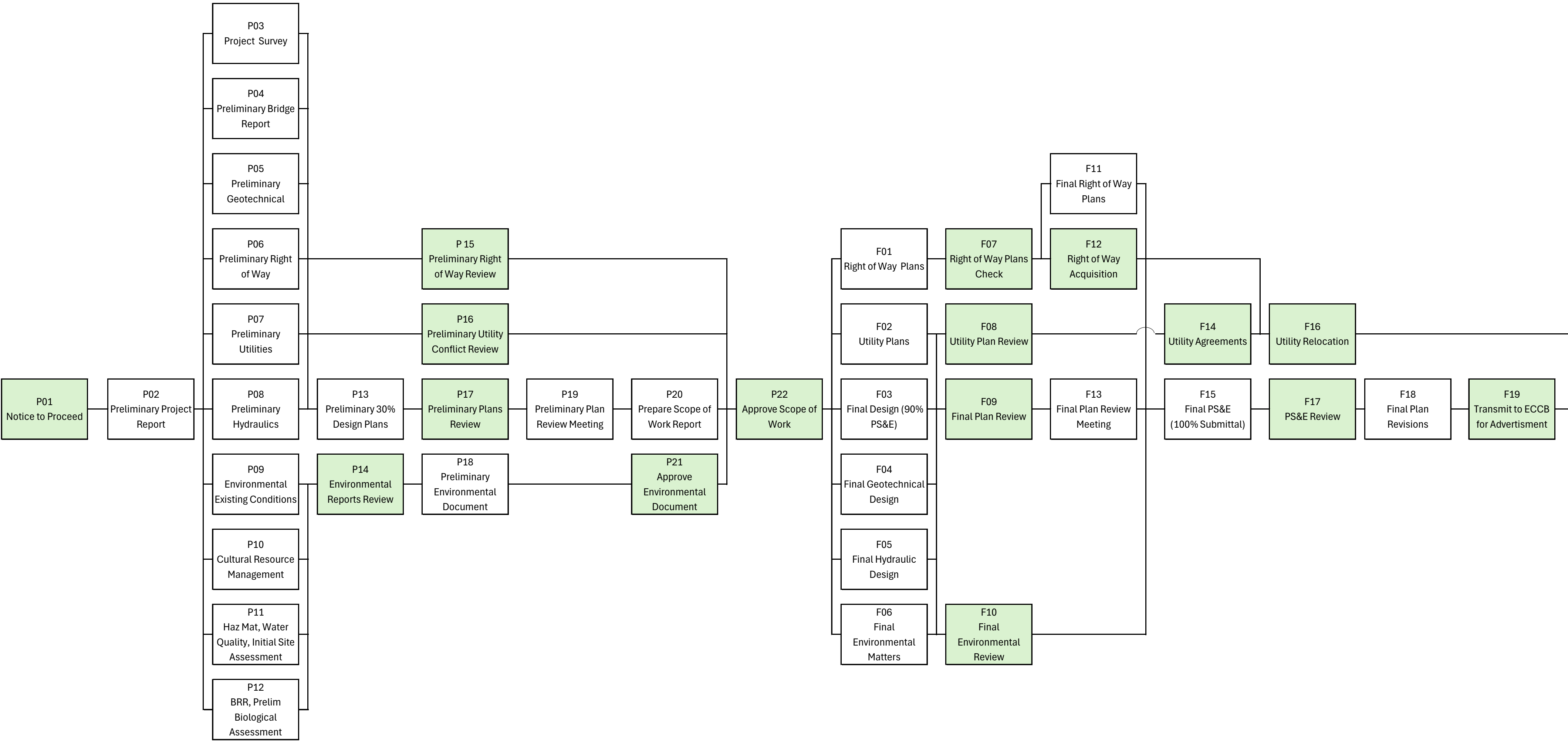




OFF SYSTEM BRIDGE MANAGEMENT PROGRAM

Preliminary Design Phase

Final Design Phase



MDT Activity

P01 – Notice Proceed. MDT programs the project and obtains a fully executed agreement with the County.

P02 – Preliminary Project Report. Prepare a summary report that defines the project scope and criteria similar to the content included in MDT's Preliminary Field Review (PFR) milestone.

P03 – Project Survey. Complete the project control, engineering, and cadastral survey in accordance with MDT's Survey Manual. See Consultant Design Activities 108, 120, and 121 for additional information.

P04 – Preliminary Bridge Report. Determine the preferred bridge Type, Size, and Location (TSL). Provide a brief written summary of the site constraints, bridge geometry, foundation type, bridge alternates considered, and construction costs. Perform preliminary structure design and prepare the bridge layout plans. Refer to Consultant Design Activity 114 for additional information.

P05 – Preliminary Geotechnical. Perform geotechnical subsurface exploration and testing to support the project design. Complete the Geotechnical and Materials Report. Refer to MDT Consultant Design Activities 106 and 130 for additional information.

P06 – Preliminary R/W. Prepare the R/W PE Report. Complete an ownership study, obtain right of entry permissions, identify areas of R/W impacts, and provide a preliminary R/W cost estimate. Begin coordination with landowners to identify possible constraints and to inform design development. Finalize existing R/W and cadastral retracement survey and obtain Certificate of Survey(s). Develop the R/W strip map. Refer to MDT Consultant Design Activities 110 and 127 for additional information.

P07 – Preliminary Utility Conflicts. Conduct a Phase I Subsurface Utility Engineering Survey (SUE), coordinate with utility owners and include a designated MDT Utilities Section representative. Identify possible utility conflicts. Conduct Phase II SUE if necessary. Complete a Utilities Conflict Report identifying conflicts and required actions to mitigate. Refer to Consultant Design Activities 113 and 115 for additional information.

P08 – Preliminary Hydraulics. Perform hydraulic analysis and complete the project Hydraulics Report. Refer to MDT Consultant Design Activities 170 and 172 for additional information.

P09 – Environmental Engineering Existing Conditions Report. Conduct analyses and document findings related to applicable regulations, resources present in the project area, potential impacts, and necessary avoidance, minimization, and mitigation. Refer to MDT Consultant Design Activity 111.

P10 - Cultural Resource Management. Conduct a cultural resource inventory of the project's area of potential environmental impact to identify cultural material, features, or sites. Refer to MDT Consultant Design Activity 177.

P11 – Hazardous Materials, Water Quality, & Initial Site Assessment. Identify potential hazardous materials/substances and water quality contamination issues and determine if Preliminary Site Investigation (PSI) is necessary. Utilize the most current ISA form available on MDT's website (<https://www.mdt.mt.gov/publications/forms.aspx>). Refer to MDT Consultant Design Activity 181.

P12 – Biological Resource Report and Preliminary Biological Assessment. Evaluation and assessment of the baseline condition of and the project's potential effects on general habitat/vegetation communities, noxious weeds/regulated plants, general wildlife species (mammals, birds, reptiles and amphibians), wildlife accommodation needs/opportunities, aquatic resources including waterways, general aquatic species, and wetlands, and species of concern/special status species located in the project specific study area. Utilize the MDT BRR Consultant Short Form. Refer to MDT Consultant Design Activity 182.

If the project results in a “May Affect” determination for threatened or endangered species, consultation with the USFWS must be conducted and a Biological Assessment must be prepared under Activity F06.

P13 – Preliminary Design Plans (30% Design). Advance the project design and complete the project plans, specifications, and estimate to approximately 30% completion. Refer to MDT Consultant Design Activities, 118, 114, and 122 for additional information.

P14 – Environmental Reports Review. Review and finalize reports submitted under P09, P10, P11, and P12. Refer to MDT Consultant Design Review Activities 701, 706, 708, 711, and 781.

P15– Preliminary R/W Review. Review and approve the PE Report and R/W strip map and supporting files. Refer to MDT Consultant Design Activities 870 and 871.

P16 – Utility Conflicts Review. Attend coordination meetings with utilities and review the Utility Conflicts Report. Refer to MDT Consultant Design Review Activity 873.

P17 – Preliminary Plans Review. Review the Preliminary Design phase activity submittals. Refer to MDT Consultant Design Review Activities 586, 432, 440, 262, and 350.

P18 – Preliminary Environmental Document. Complete the MDT Categorical Exclusion Documentation Form (form MDT-ENV-020) and include all supporting documentation. Utilize the most current Categorical Exclusion form available on MDT's website (<https://www.mdt.mt.gov/publications/forms.aspx>). If required, complete the necessary Section 4(f) evaluation. Refer to MDT Consultant Design Activity 116.

P19 – Preliminary Plan Review Meeting. Attend and document the 30% Design Plan Review Meeting. Document all comments and provide responses in a comment/response form. Obtain resolution for all comments received, submit the comment/response document and meeting notes. Refer to MDT Consultant Design Activity 124 for additional information.

P20 – Prepare Scope of Work Report. Prepare the project Scope of Work Report and cost estimate. Prepare Design Exception Request if needed. Provide responses to MDT scope of work comments received and support development of the Scope of Work Approval document. Refer to MDT Consultant Design Activity 128 for additional information.

P21 – Approve Environmental Document. Review and finalize Categorical Exclusion submitted under P18, and if necessary, the Section 4(f) evaluation. Refer to MDT Consultant Design Review Activity 722, 782 and 784.

P22 – Approve Scope of Work Report. Review and approve the project Scope of Work. Refer to MDT Consultant Design Review Activity 266.

F01 – Right of Way Plans. Prepare final R/W plans and revise plans as necessary based on MDT review. Refer to MDT Consultant Design Activity 142 and 144 for additional information.

F02 – Utility Plans. Prepare final utility plans and revise plans as necessary based on MDT review. Refer to Consultant Design Activity 166 and 190 for additional information.

F03 – Final Design (90% PS&E). Complete the project design, Plans, Specifications, and Estimate (PS&E) to approximately 90% level. Submit the 90% PS&E package for review. Refer to MDT Consultant Design Activities 146, 152, and 165 for additional information.

F04 – Final Geotechnical Design. Finalize the geotechnical design. Submit an updated Geotechnical & Materials Report if necessary. Refer to MDT Consultant Design Activity 130 and 158 for additional information.

F05 – Final Hydraulic Design. Finalize the project hydraulic design. Update the Final Hydraulics Report as necessary. Prepare, submit, and coordinate regulatory permits. Refer to MDT Consultant Design Activities 172, and 174 for additional information.

F06 -Final Environmental Matters and Permits. Prepare draft permit applications, the Aquatic Resources Findings Report (AFR), environmental special provisions, list of environmental commitments and mitigation measures, and other final environmental documentation. Coordinate with MDT if cultural mitigation is required. Refer to MDT Consultant Design Activity 148 for additional information.

For project where a “May Affect” determination was determined for threatened or endangered species under Activity P12, prepare a Biological Assessment in accordance with MDT Consultant Design Activity 184.

F07 – R/W Plans Check & Authorization. Review the R/W plans and prepare and distribute the R/W Authorization memo. Refer to MDT Consultant Design Review Activity 874 and 875 for additional information.

F08 – Utility Plans Review. Review Utility Plans for accuracy and usability in negotiations for utility agreements. Refer to MDT Consultant Design Review Activity 882.

F09 – Final Plan Review. Review the 90% PS&E submittal. Refer to MDT Consultant Design Review Activities 590, 366, 438, 272, 444, and 624 for additional information.

F10- Final Environmental Review. Review deliverables from Activity F06, complete the final environmental compliance review and submit permit applications. Refer to applicable MDT Consultant Design Review Activities 718, 720, 728, 729, 730, 732, 733, 740, 750, 774, 775, 778 and 786for additional information.

F11 – R/W Plan Revisions. Revise R/W plans as needed based on R/W negotiations and design revisions if needed. Refer to MDT Consultant Design Activity 156 for additional information.

F12 – R/W Acquisition. Complete the R/W appraisal, acquisition, or condemnation. Refer to MDT Consultant Design Activities 819, 835, 812, 876, 820, 833, 816, 834, 150, 824, 822, 154, 160, 826, and 827.

F13 – Final Plan Review Meeting. Attend and document the Final Plan Review Meeting. Submit the Final Plan Review Report including final Commitment and Resolution Document, Comment/Response Document, and updated cost estimate. Refer to Consultant Design Activity 175 for additional information.

F14 – Utility Agreements. Complete final utility agreements. Refer to MDT Consultant Design Review Activity 814 for additional information.

F15 – Final PS&E (100% Submittal). Resolve and complete final outstanding design issues and prepare the final Plans, Specifications, and Estimate (PS&E). Submit final sealed design calculations package. Refer to Consultant Design Activity 162 for additional information.

F16 – Utility Relocation. Administer utility agreements and provide for adjustment of utilities. Refer to Consultant Design Activity 846.

F17 – PS&E Review. Submit the documents to ECCB for assembly into the PS&E review package. Perform the final review of the contract package. Refer to MDT Consultant Design Review Activity 964 for additional information.

F18 - Final Plan Revisions. Revise the plans, special provisions, and estimate based on the PS&E review comments. Seal the final contract package. Address questions during advertisement. Refer to MDT Consultant Design Activity 163 for additional information.

F19 – Transmit to ECCB for Advertisement. Submit the final contract package materials to the Engineering Construction Contracting Bureau (ECCB). Refer to MDT Consultant Design Activity 965 for additional information.

## **MDT NONDISCRIMINATION AND DISABILITY ACCOMMODATION NOTICE**

Montana Department of Transportation ("MDT") is committed to conducting all of its business in an environment free from discrimination, harassment, and retaliation. In accordance with State and Federal law MDT prohibits any and all discrimination and protections are all inclusive (hereafter "protected classes") by its employees or anyone with whom MDT does business:

### Federal protected classes

Race, color, religion, national origin, sex, age disability, and genetic information.

### State protected classes

Race; color; national origin; familial or marital status; pregnancy, childbirth, or medical conditions related to pregnancy or childbirth; creed, social origin or condition; genetic information; sex, sexual orientation, gender identification or expression; ancestry; age; mental or physical disability; political or religious affiliations or ideas; military service or veteran status; vaccination status or possession of immunity passport.

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](http://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. § 2000d *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);
- 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/or 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.