

# Brooke Hancock Jefferson

## Metropolitan Planning Commission

### Title VI Program

#### Policy & Procedure

*2018 Title VI Program*

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# Brooke Hancock Jefferson Metropolitan Planning Commission

## Title VI Program

### Policy Statement

BHJ MPC assures the Ohio Department of Transportation (ODOT) that no person shall, on the basis of race, color, national origin, sex, age, disability, or low-income status, as provided by the Title VI of the Civil Rights Act of 1964 be excluded from the participation in, be denied the benefits of, or be otherwise subjected to the discrimination or the retaliation under any program or activity.

The Ohio Department of Transportation (ODOT) has required BHJ MPC, as a recipient of Federal funds, to establish a Title VI Program. BHJ MPC hereby agrees to the follow these responsibilities with respect to its programs and activities:

1. Designates a Title VI Program Coordinator that maintains a position within the organization and has access to the Transportation Director and/or the Executive Committee.
2. Issue a Title VI Program approved by the BHJ MPC Board and Signed by the Board Chairman which expresses its commitment to the nondiscrimination provisions of Title VI. This Policy Statement shall be circulated throughout the organization and the general public. Such information shall be published, where appropriate, in languages other than English.
3. Develop a complaint process and attempt to resolve complaints of discrimination. Complaints shall be handled in accordance with the Title VI Complaint Procedure.
4. Participate in Title VI training opportunities offered by ODOT, Federal Transit Administration (FTA), and/or Federal Highway Administration (FHWA)

This assurance is given in consideration of and for the purpose of obtaining any and all federal funds, grants, loans, contracts or other federal financial assistance under all programs and activities.



Michael Paprocki  
Executive Director



Date

# **Section 1 - Introduction**

## **Purpose of this Document**

Chartered in 1968, the Brooke Hancock Jefferson Metropolitan Planning Commission (BHJ MPC) is made up of two sub-agencies, the Brooke-Hancock-Jefferson Metropolitan Planning Organization (BHJ MPO) and the Brooke-Hancock Regional Planning and Development Council (BH-Region XI). Federally mandated and funded through the U.S. Department of Transportation, the BHJ MPO is a policy-making organization made up of representatives from local governments and transportation authorities. Region XI is a Local Development District designated in West Virginia, whose role through the Appalachian Regional Commission (ARC) and the US Economic Development Administration (EDA) is to identify and prioritize the community infrastructure needs in Brooke and Hancock counties.

The Ohio Department of Transportation (ODOT) has required BHJ MPO, as a recipient of Federal funds, to establish a Title VI Program.

Title VI of the Civil Rights Act of 1964 states that no person in the United States of America shall, on the basis of race, color, religion, national origin, sex, disability, or low-income status be excluded from participation in, be denied the benefits of, or subject to discrimination under any program or activity receiving Federal financial assistance. The law also makes it illegal to retaliate against a person because he or she complained about discrimination, filed a charge of discrimination or participated in a discrimination investigation or lawsuit. Title VI prohibits intentional discrimination as well as disparate impact on protected groups.

BHJ MPC staff are responsible for ensuring that the organization's programs, policies and services, are developed, conducted and implemented without regard to a person's race, color, national origin, sex, disability, age, low-income status. Staff must ensure that ethnic minorities and low-income populations are not adversely impacted and strive to achieve full participation by these groups in BHJ MPC programs, policies and activities.

Any person who declares a denial of benefits or exclusion from participation in the services of any program or activity administered by BHJ MPC or its sub-recipients, consultants or contractors may file a complaint pursuant to Title VI or related statutes.

## **Document Background**

Federal law requires that the metropolitan planning process provide, for consideration of projects and strategies, that:

- Support the economic vitality of the metropolitan area;
- Increase the safety and security of the transportation system for motorized and

- non-motorized users;
- Increase the accessibility and mobility;
- Protect and enhance the environment, promote energy conservation, improve quality; of life and promote consistency between transportation improvements and state and local planned growth and economic development patterns;
- Enhance the integration and connectivity of the transportation system, across and between modes:
- Promote efficient system management and operation; and
- Emphasize the preservation of the existing transportation system.

## **Section 2 - Title VI Assurances**

### **BHJ MPC Non-discrimination Policy Statement**

It is the policy of BHJ MPC to provide an environment of non-discrimination and equal opportunity in employment as well as in the development of Weirton-Steubenville Metropolitan Statistical Area (MSA) transportation policies, plans and programs included in the Long-Range Transportation Plan, Transportation Improvement Program, Overall Work Program and all plans, policies and programs contained within.

Annually, BHJ MPC assures the planning process is carried out in accordance with Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d1) and 49 CFR, part 21. Self-certification will be achieved with Policy Board acceptance of the Title VI Plan and each subsequent Plan update.

### **Title VI Complaint Process**

Complaints filed must be in regard to a BHJ MPC Transportation Study Committee decision; a planning process currently followed by BHJ MPC; or the current version of a BHJ MPC work product, procurement or document.

Additionally, the procedure proper handling of Title VI complaints shall be:

- Any person(s), or legally authorized representative, claiming to be aggrieved by an alleged discriminatory act or practice may complete and sign a Title VI Complaint form.
- The BHJ MPC Executive Director, acting also as Title VI Coordinator, will review the complaint to determine its applicability to Policy Board decisions, planning process, or work products of BHJ MPC.
- If the complaint is determined applicable, copies of the complaint, will be forwarded to the appropriate State and/or Federal agencies within ten (10) business days. These agencies may include, Ohio Department of Transportation (ODOT), Federal Highway



Administration (FHWA), and Federal Transit Administration (FTA). The complainant shall be notified in writing that the complaint is being processed. Complainant notification shall include copies of correspondence with ODOT, FHWA, and/or FTA.

- The BHJ MPC Transportation Study Committee will be notified of the complaint at the next regularly scheduled meeting. During the meeting the BHJ MPC Title VI Coordinator discuss the complaint, facts, and findings with the Policy Board.
- The BHJ MPC staff will provide assistance to ODOT, FHWA, and FTA in resolving the complaint. Every attempt will be made to resolve the complaint at the state level prior to involving federal agencies.
- Within five (5) business days of receiving a response from ODOT, FHWA, or FTA, the complainant will be notified in writing regarding the resolution of the complaint.
- The BHJ MPC Transportation Study Committee will be notified of the complaint resolution at the next regularly scheduled meeting after the response is received.
- FHWA Office of Civil Rights will be the final decision-making agency as it pertains to complaint issues and compliance in all civil rights related areas.
- The complaint procedure and form are located in Section 6, Attachment A of this document.

### **Disadvantaged Business Enterprises (DBE) Goals**

Based on guidance provided in 49CFR26.21, it is the United States Department of Transportation's (USDOT) position that only State Transportation Agencies, such as ODOT, and WVDOT can set program goals, sub-recipients will be required to implement the established goal. Based on this decision, BHJ MPC, a sub-recipient, does not set DBE goals and is currently awaiting further guidance from Ohio and West Virginia Department of Transportation regarding DBE Policy.

### **Consultant Contracts**

Occasionally, projects arise that may require the services of independent consultants and/or consulting firms. Depending on the location of projects within the dual-state MSA, BHJ MPC selects consultants according to the Ohio Department of Transportation's Quality Based Selection and/or the West Virginia Code Chapter 5G Procurement process. All consultant contracts include Title VI Non-Discrimination provisions. Compliance with Title VI contracts provisions are monitored by the Executive Director, designated Title VI Program Coordinator.

## Section 3 - Title VI / DBE Program Responsibilities and Coordination

### General Title VI Program Responsibilities

Listed in this subsection are general Title VI responsibilities of the BHJ MPC applicable to all five (5) Title VI Program Areas. The Title VI Program Coordinator, with involvement and assistance from other members of the BHJ MPC staff, is responsible for ensuring these elements of the Plan are appropriately implemented and maintained.

**1. Data Collection** - Statistical data on race, color, national origin, income level, language spoken, disability, and sex of participants in, and beneficiaries of, federally funded programs are to be gathered and maintained. The data gathering process will be reviewed regularly to ensure sufficiency of the data in meeting the requirements of the Title VI Program.

**2. Baseline Assessment Report and Updates** - An annual assessment and update will be submitted to ODOT. The Title VI Coordinator is responsible for gathering information from appropriate staff members and consolidating this information into the final document. The final document will:

- A. Report the previous year's Title VI related activities and efforts, including accomplishments and program changes; and
- B. Update on Title VI related goals and objectives for the upcoming year.

**3. Annual Review of the Title VI Program** - In preparing for the Annual Report and Update, the Title VI Coordinator will review BHJ MPC's Title VI Program to assure compliance with Title VI. In addition, the Coordinator will review operational guidelines and publications, including those established for contractors, to ensure that Title VI language and provisions are incorporated, as appropriate.

**4. Dissemination of Information Related to the Title VI Program** - Information on BHJ MPC's Title VI Program is to be disseminated to BHJ MPC staff, contractors, and beneficiaries, as well as the general public, and in other languages when applicable.

**5. Resolution of Complaints** - Any individual may exercise his or her right to file a complaint with BHJ MPC, if that person believes he or she or any other program beneficiaries have been subjected to unequal treatment or discrimination, in their receipt of benefits/services or on the grounds of race, color, sex, national origin, sex, disability or low-income status. BHJ MPC will make a concerted effort to resolve complaints as put forth in the title VI Complaint Procedure, located in Attachment A.

### **Responsibilities of the Title VI Program Coordinator**

The Title VI Program Coordinator is responsible for supervising staff activities pertaining to Title VI regulations and procedures set forth in federal and state guidance and according to BHJ MPC's Title VI Plan. In support of this, the Title VI Program Coordinator will:

1. Identify, investigate, and work to eliminate discrimination when found to exist;
2. Process Title VI complaints received by BHJ MPC, as described in *Attachment A*.
3. Meet with appropriate BHJ MPC staff members to monitor and discuss progress, implementation, and compliance issues related to BHJ MPC's Title VI Program.
4. Periodically review BHJ MPC's Title VI Program to assess if administrative procedures are effective, staffing is appropriate, and adequate resources are available to ensure proper compliance.
5. If a contractor/consultant is found to not be in compliance with the BHJ MPC Title VI Program, work with BHJ MPC staff involved with the contractor/consultant to resolve the deficiency status and construct a remedial action if necessary.
6. Review important Title VI-related issues with the Transportation Director. If the Transportation Director is also acting as Title VI Program Coordinator, important Title VI related issues will be addressed with the BHJ MPC Executive Committee.
7. Assess communications and public involvement strategies to ensure adequate participation of impacted Title VI protected groups and address additional language needs when necessary.

### **Responsibilities of BHJ MPC Staff**

Other BHJ MPC staff members, under guidance of the Title VI Program Coordinator, will at times be asked to accept or share responsibility for day-to-day administration of the Title VI Program, including implementation of the Plan and Title VI compliance, program monitoring, reporting, and education within an applicable program area as described in Section 4 "Program Area Responsibilities" of this document. In addition, some staff members may be asked to accept responsibility for drafting text for an assigned section of the Annual Title VI Report and Update, and maintaining the data and documentation necessary for the report. These responsibilities may include reviewing guidelines and procedures for the assigned Title VI Program Area, and incorporating Title VI-related language and provisions into BHJ MPC Documents, as appropriate.

### **BHJ MPC Title VI / DBE Program Coordinator**

Staff Contact: Michael Paprocki

Brook Hancock Jefferson Metropolitan Planning Commission

124 North Fourth Street

Second Floor

Steubenville, OH 43952

Phone: 740-282-3685

Fax: 740-282-1821

email: [mikepap@bhjmpc.org](mailto:mikepap@bhjmpc.org)

## **Section 4 - Incorporating Title VI into the Planning Process**

### **Planning Area Demographic Profile**

The BHJ MPC Planning area is made up of three counties with 27 municipalities. Demographic data is utilized in identifying areas by concentrations of population and for the purpose of measuring accessibility and gauging the most appropriate locations for public outreach. The map and charts in the appendices of this document demonstrate locations and population concentrations of protected classes throughout Brooke, Hancock, and Jefferson counties.

### **Demographics and Environmental Justice Assessment**

Demographic data from US Census are utilized in identifying concentrations of minority and low-income populations. Through review of BHJ MPC's Environmental Justice document, areas of population concentration in individual categories are considered in the transportation planning process. Environmental Justice Analysis is utilized throughout the entire planning process. Additionally, Section 5 of this document defines and addresses Limited English Proficiency populations.

Census data, special surveys, public meetings, and transportation surveillance all provide valuable information that is ultimately used in BHJ MPC's planning process. The BHJ MPC Environmental Justice Analysis identifies protected populations in our planning area. The current plan was updated in 2016, with a plan update planned for SFY2021. The data is used to determine the impact of alternative routes, multimodal transportation opportunities, facilities, and improvements in all neighborhoods. The planning program is oriented to providing equal mobility options to all residents of the planning area. Physical and socio-economic factors are placed on a base map and various alternative routes, facilities, and improvements are imposed on existing characteristics.

### **Public Participation Procedures**

Federal regulation requires BHJ MPC to develop and follow a Public Participation Plan (PPP). The PPP serves as a guide for the participation process to ensure ongoing public involvement in the development and review of transportation plans, programs, and projects. The Plan should be developed in consultation with interested parties and provide reasonable opportunities for all citizens to comment.

Public meetings are planned in areas that ensure accessibility to individuals who may normally have difficulty due to disability, economic challenges, etc. Public meeting times are established to meet the needs of the population(s) affected by the project or plan being reviewed. Public meetings are held during evening hours in multiple locations within the planning area. Transit access and ADA mobility access are also considered when making location selections for public meetings. Daytime meetings are also offered in a central location, along the public transit service line.

For greater detail on BHJ MPC's public participation process please refer to the current Public Participation Plan.

## **Section 5 - Limited English Proficiency**

### **Identified Populations**

Based on demographics data obtained by the ACS 5-year estimates, Table S1601 "Language Spoken at Home", it has been determined that, secondary to English, Spanish is the language

most likely to be encountered by BHJ MPC staff in the course of daily operations and in public meetings. Most recent US Census data reflects 0.58% of Brooke Hancock, and Jefferson residents speak Spanish as their primary language in their home.

### **BHJ MPC Language Interpretation Plan**

BHJ MPC has or will implement the following LEP procedures. The creation of these steps is based on the very low percentage of persons speaking other languages or not speaking English at least “well” and the lack of resources available in the Brooke, Hancock, and Jefferson counties.

- BHJ MPC staff will refer any inquiries to the Executive Manager.
- Census Bureau’s “I Speak Cards” are to be localized at the BHJ office at 124 North Fourth Street 2<sup>nd</sup> floor at all times.
- Strategic BHJ staff, including the Executive Director, will be made aware of the Yahoo Babel Fish and suggest the addition of this to the favorites listing on their computer for easy access via Explorer for the translations of blocks of text. This will aid the BHJ staff in the interpretation of services on a one on one basis for LEP individuals.
- When an interpreter is needed, in person or on the telephone, and the attempt to determine what language is required. Staff shall use the telephone interpreter service – Language Line Services at <http://www.language.com>. On the Language Line home page, the staff will select the Need an Interpreter Now link and follow the directions to receive an access code.

BHJ MPC staff training – All staff will be provided with the LEP Plan and will be educated on procedures to follow. This information will also be part of the BHJ MPC staff orientation process for new hires. Training topics are listed below:

- Understanding the Title VI policy and LEP responsibilities;
- What language assistance services the Brooke, Hancock, Jefferson counties offer;
- Use the LEP “I Speak Cards”;
- Designated staff members who are trained to handle LEP related issues;
- Documentation for language assistance request;
- Has there been a change in the types of languages where translation services are needed?
- Is there still a need for continued language assistance for previously identified BHJ MPC programs? Are there other programs that should be included?
- Has BHJ MPC’s available resources, such as technology, staff, and financial cost changed?
- Has BHJ MPC fulfilled the goals of the LEP Plan? And;
- Were any complaints received?

# ATTACHMENT A

## **Title VI Complaint Procedure**

Complaints filed must be in regard to a BHJ MPC Policy Board decision; a planning process currently followed by BHJ MPC; or the current version of a BHJ MPC work product, procurement or document. Additionally, the procedure proper handling of Title VI complaints shall be:

- Any person(s), or legally authorized representative claiming to be aggrieved by an alleged discriminatory act or practice may complete and sign a Title VI Complaint form.
- The BHJ MPC Executive Director, acting also as Title VI Coordinator, will review the complaint to determine its applicability to Policy Board decisions, planning process, or work products of BHJ MPC.
- If the complaint is determined applicable, copies of the complaint, will be forwarded to the appropriate State and/or Federal agencies within ten (10) business days. These agencies may include, Ohio Department of Transportation (ODOT), West Virginia Department of Transportation (WVDOT), Federal Highway Administration (FHWA), and Federal Transit Administration (FTA). The complainant shall be notified in writing that the complaint is being processed. Complainant notification shall include copies of correspondence with ODOT, WVDOT, FHWA, and/or FTA.
- The BHJ MPC Policy Board will be notified of the complaint at the next scheduled Policy Board meeting. During the meeting the BHJ MPC Title VI Coordinator discuss the complaint, facts, and findings with the Policy Board.
- The BHJ MPC staff will provide assistance to ODOT, WVDOT, FHWA, and FTA in resolving the complaint. Every attempt will be made to resolve the complaint at the State level prior to involving Federal agencies.
- Within Five (5) business days of receiving a response from ODOT, WVDOT, FHWA, or FTA, the complainant will be notified in writing regarding the resolution of the complaint.
- The BHJ MPC Policy Board will be notified of the complaint resolution at their next scheduled meeting after the response is received.
- FHWA, Office of Civil Rights will be the final decision-making agency as it pertains to complaint issues and compliance in all civil rights related areas.

<b>Section I</b>				
<b>Name:</b>				
<b>Address:</b>				
<b>Telephone (Home):</b>			<b>Telephone (Work):</b>	
<b>Electronic Mail (E-Mail) Address:</b>				
<b>Accessible Format Requirements?</b>	<b>Large Print</b>		<b>Audio Tape</b>	
	<b>TDD</b>		<b>Other</b>	
<b>Section II</b>				
<b>Are you filing this complaint on your own behalf?</b>			<b>Yes*</b>	<b>No</b>
<b>*If you answered "yes" to this question, go to Section III.</b>				
<b>If not, please supply the name and relationship of the person for whom you are complaining:</b>				
<b>Please explain why you have filed for a third party:</b>				
<b>Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.</b>			<b>Yes</b>	<b>No</b>
<b>Section III</b>				
<b>I believe the discrimination I experienced was based on (check all that apply):</b>				
<input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin				
<b>Date of Alleged Discrimination (Month, Day, Year):</b> _____				
<b>Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please use the back of this form.</b>				
_____				
_____				
_____				
_____				
_____				
<b>Section IV</b>				
<b>Have you previously filed a Title VI complaint with this agency?</b>			<b>Yes</b>	<b>No</b>
<b>Section V</b>				



**Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?**

☐ Yes ☐ No

*If yes, check all that apply:*

☐ Federal Agency: \_\_\_\_\_

☐ Federal Court \_\_\_\_\_

☐ State Agency \_\_\_\_\_

☐ State Court \_\_\_\_\_

☐ Local Agency \_\_\_\_\_

**Please provide information about a contact person at the agency/court where the complaint was filed:**

**Name:**

**Title:**

**Agency:**

**Address:**

**Telephone:**

**Section VI**

**Name of agency complaint is against:**

**Contact person:**

**Title:**

**Telephone number:**

**You may attach any written materials or other information that you think is relevant to your complaint.**

**Signature and date required:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Please submit this form in person at the address below, or mail this form to:**

Michael Paprocki

Executive Director

Brooke Hancock Jefferson Metropolitan Planning Commission

124 North Fourth Street Second Floor

Steubenville, OH 43952-4498

# ATTACHMENT B

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## INTRODUCTION AND PURPOSE

The Procurement Policy and Procedure Manual is an officially adopted document by the Board of Commissioners of the Brooke-Hancock-Jefferson Metropolitan Planning Commission. It guides BHI employees and advisors in the day-to-day operations of the organization. As such, it is the reference for the conduct of business and the accounting and administration for grants with the U.S. Government and other funding sources. This Procurement Policy (Policy) complies with the Federal Regulations at 2 CFR 200, the FHWA Transportation Acquisition Register, the procurement standards of the Ohio Code 713.23, the WV Code 22-15A-21 and applicable Local laws.



**BROOKE-HANCOCK-JEFFERSON METROPOLITAN PLANNING COMMISSION**  
**Procurement Policy    Revised: May 31, 2017**

**I.        GENERAL PROVISIONS**

**A.        General. BHJ MPC shall:**

1.        Provide for a procurement system of quality and integrity;
2.        Provide for the fair and equitable treatment of all persons or firms involved in purchasing by BHJ MPC;
3.        Ensure that supplies and services (including construction) are procured efficiently, effectively, and at the most favorable and valuable prices available to BHJ MPC;
4.        Promote competition in contracting; and
5.        Assure that BHJ MPC's purchasing actions are in full compliance with applicable Federal standards, State and local laws.

**B.        Definition.** The term "procurement," as used in this Policy, includes the procuring, purchasing, leasing, or renting of: (1) goods, supplies, equipment, and materials, (2) construction and maintenance; consultant services, (3) Architectural and Engineering services, (4) Social Services, and (5) other services.

**C.        Procurement information** shall be a matter of public record to the extent provided in the Ohio Public Records access law; and, shall be available to the public as provided in that statute and other applicable laws.

1.        The following items are exempt from public records access law and shall be treated as confidential:

*a)        All cost and pricing data received by BHJ MPC in negotiated procurements with exception of formally advertised RFP/IFP.*

*b)        Proprietary information, trade secrets and technical data received in response to procurements, except for data contained in the awarded contract.*

*c)        Individually identifiable private information that can be used for identity fraud, such as social security numbers, tax identification numbers, tax returns, etc.*

**D.        Changes in Laws and Regulations.** In the event an applicable law or regulation is modified or eliminated, or a new law or regulation is adopted, the revised law or regulation shall, to the extent inconsistent with these Policies, automatically supersede these Policies.



**BROOKE-HANCOCK-JEFFERSON METROPOLITAN PLANNING COMMISSION**  
**Procurement Policy    Revised: May 31, 2017**

- E.     **Cost and Price Analysis.** BHJMPC shall require assurance that, before entering into a contract that the price is reasonable. A Price Analysis is a comparison of prices of multiple bids or information from other sources, such as established catalog or market prices, or prices for similar past purchases. A Cost Analysis is the evaluation of the separate elements that make up a contractor's total cost proposal or price to determine if they are allowable, directly related to the requirement and reasonable for the value received. Some form of cost or price analysis must be made and documented in the procurement files, in connection with every procurement action.
- F.     **Funding.** Before initiating any contract, BHJMPC shall ensure that there are sufficient funds available to cover the anticipated cost of the contract or modification.
- G.     **Need.** For all procurement methods below, BHJMPC employees must first determine if the purchase is necessary to the agency and/or program. There must be a need for the items being purchased.
- H.     **Suppliers.** BHJMPC employees are to use local suppliers when they are able. They are also expected to "Spread the Wealth Around" and distribute those costs equitably among qualified suppliers.
- I.     **Purchase Requisition.** A purchase requisition will be filled out for all items needed. This requisition is given to the Executive Director for his authorization. Any purchase requisitions for items costing over \$750 are to be taken to the Executive Board for authorization.
- J.     **Recyclables.** BHJMPC may purchase recycled products when available and when they meet the performance specifications of the agency; as long as the cost does not exceed 10% of the cost of a comparable non-recycled product. A priority should be given to paper products with the highest post-consumer content. (Ohio Code 125.082 and West Virginia Code 22-15A-21)
- K.     **Oversight.** BHJMPC must maintain oversight to ensure that contractors perform in accordance with the terms, conditions and specifications of their contracts or purchase orders.
- L.     **Federal Awards.** BHJMPC employees must review the federal award to ensure that the goods and services to be purchased or contracted are allowable. The award should also be examined for additional procurement conditions.



M. Disadvantaged Business Enterprises. Positive efforts should be made to utilize small businesses, veteran-owned businesses, women-owned businesses and/or minority-owned businesses.

## II. ETHICS IN PUBLIC CONTRACTING

A. General. BHJMPC hereby establishes this code of conduct regarding procurement issues and actions and shall implement a system of sanctions for violations. This code of conduct, etc., is consistent with applicable Federal, State, or local law.

B. Employees of BHJMPC are expected to be principled in their business interactions and act in good faith with individuals both inside and outside the agency.

C. Conflicts of Interest. To ensure that the public's interest is protected, BHJMPC must demonstrate that its business relationships are free from improper influence and bias that might otherwise result from external interests and relationships. Therefore, no employee, officer, Board member, or agent of BHJMPC shall participate directly or indirectly in the selection, award, or administration of any contract if a conflict of interest, either real or apparent, would be involved. This type of conflict would be when one of the persons listed below has a financial or any other type of interest in any company competing for the award:

1. An employee, officer, Board member, or agent involved in making the award;
2. His/her relative (including father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister);
3. His/her partner;
4. His/her professional partner; or
5. An organization which employs or is negotiating to employ, or has an arrangement concerning prospective employment of any of the above.

**BROOKE-HANCOCK-JEFFERSON METROPOLITAN PLANNING COMMISSION**  
**Procurement Policy    Revised: May 31, 2017**

D.     Gratuities, Kickbacks, and Use of Confidential Information. No officer, employee, Board member, or agent of BHJMPC shall ask for or accept gratuities, favors, or items of more than nominal value (i.e. \$100 or more) from any contractor, potential contractor, or party to any subcontract, and shall not knowingly use confidential information for actual or anticipated personal gain.

E.     Prohibition Against Contingent Fees. Contractors wanting to do business with BHJMPC must not hire a person to solicit or secure a contract for a commission, percentage, brokerage, or contingent fee, except for bona fide established commercial selling agencies.

F.     Delivery of Material Goods and Equipment. No BHJMPC officer, employee, Board Member, or agent of BHJMPC shall purchase material goods or equipment on behalf of the Agency and have them delivered to anywhere but a BHJMPC owned property, regardless of efficiency and/or cost savings.

**III.    PROCUREMENT PLANNING**

A.     General. Planning is essential to managing the procurement function properly. Hence, BHJMPC will periodically review its record of prior purchases, as well as future needs, to:

1.     Find patterns of procurement actions that could be performed more efficiently or economically;
2.     Maximize competition and competitive pricing among contracts and decrease BHJMPC's procurement costs;
3.     Reduce BHJMPC administrative costs;
4.     Ensure that supplies and services are obtained without any need for re-procurement (i.e., resolving bid protests) and
5.     Minimize errors that occur when there is inadequate lead time.
6.     Consideration shall be given to storage, security, and handling requirements when planning the most appropriate purchasing actions.
7.     Avoid acquisition of unnecessary or duplicative items.

B.     BHJMPC is encouraged to enter into state and local intergovernmental agreements or inter-agency agreements where appropriate for procurement or use of common or shared goods and services.



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C. Authority. The Board appoints and delegates procurement authority to the Executive Director in the amount not to exceed \$750 and is responsible for ensuring that any procurement policies and procedures adopted are appropriate for BHJ MPC. All procurements that exceed \$750 must have approval from the Board prior to purchase, award and/or contract execution.

D. Change Orders. Any change order, or the cumulative thereof, as a result of necessary additions or changes to a previously approved purchase order amount over \$750 that is 20% or higher of the original amount (regardless of cost) must receive Board Approval.

**IV. PROCUREMENT METHODS**

A. Petty Cash Purchases. A minimal amount of purchases may be handled through the use of a petty cash account. The Petty Cash Account is established in an amount of \$100, a sufficient amount to cover small purchases:

1. For all Petty Cash Accounts, BHJ MPC shall ensure that security is maintained and only authorized individuals have access to the account. The account shall be reconciled and replenished at the end of each month.
2. For Petty Cash No formal cost or price analysis (comparing quality and price) is required. Rather, the Finance Staff and/or the Executive Director's determination that the price obtained is reasonable, which may be based on their prior experience or other factors.

B. Credit Cards. Credit card usage should follow the rules for all other purchases and BHJ MPC shall ensure that security is maintained and only authorized individuals and/or their designees have access to the use of the Credit Cards. These accounts shall be reconciled periodically to ensure timely payment to the Provider. When using credit cards, BHJ MPC shall adopt reasonable safeguards to ensure that they are used only for intended purposes.

C. Micro Purchases. Purchases for supplies and/or services involving an expenditure of \$3,500 or less may be made after obtaining one price quotation, if the price is considered reasonable. Vendor catalogs, as well as previous purchases, where applicable, of the same or similar item should be considered in determining price reasonableness. To the extent practicable, such micro-purchases must be distributed equitably among qualified sources and if practical, a quotation shall be solicited from other than the previous source before placing a repeat order. (CFR 200.67)



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1. For Micro Purchases No formal cost or price analysis is required. Rather, the execution of a contract by the Executive Director (through a Purchase Order or other means) shall serve as the Executive Director's determination that the price obtained is reasonable, which may be based on the Executive Director's prior experience or other factors.

D. Small Purchase Procedures. \$3,501 to \$50,000 - For simple and informal purchases of services, supplies and other property that cost more than amounts above the Micro Purchase threshold, but not exceeding \$50,000, BHJMPD may use small purchase procedures. For all purchases BHJMPD shall prepare an "Independent Cost Estimate" prior to solicitation. The level of detail shall be commensurate with the cost and complexity of the item to be purchased.

1. Under small purchase procedures, BHJMPD should solicit a minimum of three written quotes from qualified sources. Written documentation shall include, at a minimum, the company name, phone number or e-mail address and amount of quote. To the greatest extent feasible, and to promote competition, small purchases should be distributed among qualified sources. Quotations for Small Purchases (QSP), or quotes, may be obtained orally (either in person or by phone), by fax, in writing, or through e-procurement. Web price listings or catalog listings can be considered an acceptable form of bid. Award shall be made to the responsive and responsible vendor that submits the best value to BHJMPD.

2. Small Purchases. A comparison with other offers shall generally be sufficient determination of the reasonableness of price and no further analysis is required. If a reasonable number of quotes are not obtained to establish reasonableness through price competition, the Executive Director shall document price reasonableness through other means, such as prior purchases of this nature, catalog prices, the Executive Director's personal knowledge at the time of purchase, comparison to the Independent Cost Estimate, or any other reasonable basis.

3. If award is to be made for reasons other than lowest price, documentation shall be included with the other documentation. BHJMPD shall not break down requirements aggregating more than the small purchase threshold (or the Micro Purchase threshold) into several purchases that are less than the applicable threshold merely to: (1) permit use of the small purchase procedures or (2) avoid any requirements that applies to purchases that exceed the Micro Purchase threshold.



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4. BHJ MPC must actively attempt to verify that a vendor is not debarred, suspended or otherwise excluded from or ineligible for participation in Federal assistance programs or activities. Before any contract is made, BHJ MPC must verify the contractors' eligibility to receive federal funds through SAM.GOV and through the Ohio and West Virginia websites listed below:

a)

<http://www.dot.state.oh.us/Divisions/ContractAdmin/Contracts/Pages/Prequalification.aspx>

b)

<http://www.transportation.wv.gov/highways/contractadmin/prequalifications/Pages/PrequalifiedContractorsList.aspx>

E. Small Purchases \$50,001 to \$150,000. In addition to the Small Purchase Procedures listed in previous section, the following Ohio Revised Codes apply. Pursuant to Ohio Revised Code 713.23, Section D, "A regional planning commission, when entering into a purchase contract on behalf of a political subdivision as provided in this division, shall follow the competitive bidding procedures specified in sections 307.86 to 307.92 of the Revised Code."

1. Ohio Revised Code Section **307.86 [Effective 7/1/2017] Competitive bidding required - exceptions**, states that "Anything to be purchased, leased, leased with an option or agreement to purchase, or constructed, including, but not limited to, any product, structure, construction, reconstruction, improvement, maintenance, repair, or service, except the services of an accountant, architect, attorney at law, physician, professional engineer, construction project manager, consultant, surveyor, or appraiser, by or on behalf of the county or contracting authority, as defined in section 307.92 of the Revised Code, at a cost in excess of fifty thousand dollars, except as otherwise provided in division (D) of section 713.23 and in sections 9.48, 125.04, 125.60 to 125.6012, 307.022, 307.041, 307.861, 339.05, 340.036, 4115.31 to 4115.35, 5119.44, 5513.01, 5543.19, 5713.01, and 6137.05 of the Revised Code, **shall be obtained through competitive bidding**. However, competitive bidding is not required when any of the following applies:..." To see exceptions and complete codes refer to Appendix A.

2. Ohio Rev. Code: 153.50, 153.51 and 153.52 requires that any contracts for work on buildings, institutions, bridges, culverts or improvements with a cost greater than \$50,000, shall have separate and distinct bids made for each branch or class of work to be performed. A review of the Code should be made for specifics.



F.     Sealed Bids; A formal advertisement to a publically solicited firm for a fixed price contract. Sealed bidding, also known as an Invitation For Bid (IFB) or Request for Proposal (RFP) shall be used for all contracts that exceed the small purchase threshold and that are not competitive proposals or non-competitive proposals, as these terms are defined in this Policy. For all purchases BHJMPC shall prepare an “Independent Cost Estimate” prior to solicitation Under sealed bids, BHJMPC publicly solicits bids and awards a firm fixed-price contract (lump sum or unit price) to the responsive and responsible bidder whose bid, conforming with all the material terms and conditions of the IFB, is the lowest in price. Sealed bidding is the preferred method for procuring construction, supply, and non-complex service contracts that are expected to exceed \$150,000.

1.     Sealed Bids. The presence of adequate competition should generally be sufficient to establish price reasonableness. Where sufficient bids are not received, and when the bid received is substantially more than the Independent Cost Estimate, and where BHJMPC cannot reasonably determine price reasonableness, BHJMPC must conduct a cost analysis, consistent with federal guidelines, to ensure that the price paid is reasonable.

2.     Conditions for Using Sealed Bids. BHJMPC shall use the sealed bid method when the following conditions are present: a complete, adequate, and realistic statement of work, specification, or purchase description is available; two or more responsible bidders are willing and able to compete effectively for the work; the contract can be awarded based on a firm fixed price; and the selection of the successful bidder can be made principally on the lowest price.

3.     Solicitation and Receipt of Bids. An IFB is issued which includes the specifications and all contractual terms and conditions applicable to the procurement, and a statement that award will be made to the lowest responsible and responsive bidder whose bid meets the requirements of the solicitation. The IFB must state the time and place for both receiving the bids and the public bid opening. All bids received will be date and time-stamped and stored unopened in a secure place until the public bid opening. A bidder may withdraw the bid at any time prior to the bid opening.

4.     Bid Opening and Award. Bids shall be opened publicly. A minimum of three written bids is required. All bids received shall be recorded on an abstract (tabulation) of bids, which shall then be made available for public inspection. If equal low bids are received from responsible bidders,



selection shall be made by drawing lots or other similar random method. The method for doing this shall be stated in the IFB/RFP. If only one responsive bid is received from a responsible bidder, award shall not be made unless the price can be determined to be reasonable, based on a cost or price analysis.

5. Mistakes in Bids. Correction or withdrawal of bids may be permitted, where appropriate, before bid opening by written or telegraphic notice received in the office designated in the IFB prior to the time set for bid opening. After bid opening, corrections in bids may be permitted only if the bidder can show by clear and convincing evidence that a mistake of a nonjudgmental character was made, the nature of the mistake, and the bid price actually intended.

*a) A low bidder alleging a nonjudgmental mistake may be permitted to withdraw its bid if the mistake is clearly evident on the face of the bid document but the intended bid is unclear or the bidder submits convincing evidence that a mistake was made. All decisions to allow correction or withdrawal of a bid shall be supported by a written determination signed by the Executive Director. After bid opening, changes in bid prices or other provisions of bids prejudicial to the interest of BHJMPC or fair competition shall not be permitted.*

G. Competitive Proposals. Unlike sealed bidding, the competitive proposal method, also known as Request For Proposals (RFP), permits: consideration of technical factors other than price; discussion with vendors concerning offers submitted; negotiation of contract price or estimated cost and other contract terms and conditions; revision of proposals before the final contractor selection; and the withdrawal of an offer at any time up until the point of award. For all purchases BHJMPC shall prepare an "Independent Cost Estimate" prior to solicitation. Award is normally made on the basis of the proposal that represents the best overall value to BHJMPC, considering price and other factors, e.g., technical expertise, past experience, quality of proposed staffing, etc., set forth in the solicitation and not solely the lowest price.

1. Competitive Proposals. The presence of adequate competition should generally be sufficient to establish price reasonableness. Where sufficient proposals are not received, BHJMPC must compare the price with the Independent Cost Estimate. For competitive proposals where prices cannot be easily compared among vendors, where there is not adequate competition, or where the price is substantially greater than the



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Independent Cost Estimate, BHJ MPC must conduct a cost analysis, consistent with Federal guidelines, to ensure that the price paid is reasonable.

2.     Conditions for Use. Where conditions are not appropriate for the use of sealed bidding, competitive proposals may be used. Competitive proposals are the preferred method for procuring professional services that will exceed the small purchase threshold.

3.     Form of Solicitation. Other than Architectural and Engineering services, developer-related services and energy performance contracting, competitive proposals shall be solicited through the issuance of an RFP. The RFP shall clearly identify the importance and relative value of each of the evaluation factors as well as any sub factors and price. A mechanism for fairly and thoroughly evaluating the technical and price proposals shall be established before the solicitation is issued. Proposals shall be handled so as to prevent disclosure of the number of vendors, identity of the vendors, and the contents of their proposals until after award. BHJ MPC may assign a specific weight in the evaluation factors for price or BHJ MPC may consider price in conjunction with technical factors; in either case, the method for evaluating price shall be established in the RFP.

4.     Evaluation. The proposals shall be evaluated only on the factors stated in the RFP. Where not apparent from the evaluation factors, BHJ MPC shall establish an Evaluation Plan for each RFP. Generally, all RFPs shall be evaluated by an appropriately appointed Evaluation Committee. The Evaluation Committee shall be required to disclose any potential conflicts of interest and to sign a Non-Disclosure statement. An Evaluation Report, summarizing the results of the evaluation, shall be prepared prior to award of a contract.

5.     Negotiations shall be conducted with all vendors who submit a proposal determined to have a reasonable chance of being selected for award, unless it is determined that negotiations are not needed with any of the vendors. For all purchases BHJ MPC shall prepare an "Independent Cost Estimate" prior to solicitation. This determination is based on the relative score of the proposals as they are evaluated and rated in accordance with the technical and price factors specified in the RFP.

*a)     These vendors shall be treated fairly and equally with respect to any opportunity for negotiation and revision of their proposals. No vendor shall be given any information about any other*



*vendor's proposal, and no vendor shall be assisted in bringing its proposal up to the level of any other proposal. A common deadline shall be established for receipt of proposal revisions based on negotiations. Negotiations are exchanges (in either competitive or sole source environment) between BHJ MPC and vendors that are undertaken with the intent of allowing the vendor to revise its proposal.*

*b)     These negotiations may include bargaining. Bargaining includes persuasion, alteration of assumptions and positions, give-and-take, and may apply to price, schedule, technical requirements, type of contract or other terms of a proposed contract. When negotiations are conducted in a competitive acquisition, they take place after establishment of the competitive range and are called discussions.*

*c)     Discussions are tailored to each vendor's proposal, and shall be conducted by the contracting officer with each vendor within the competitive range. The primary object of discussions is to maximize BHJ MPC's ability to obtain best value, based on the requirements and the evaluation factors set forth in the solicitation.*

*d)     The Executive Director shall indicate to, or discuss with, each vendor still being considered for award, significant weaknesses, deficiencies, and other aspects of its proposal (such as technical approach, past performance, and terms and conditions) that could, in the opinion of the Executive Director, be altered or explained to enhance materially the proposer's potential for award. The scope and extent of discussions are a matter of the Executive Director's judgment. The Executive Director may inform a vendor that its price is considered by BHJ MPC to be too high, or too low, and reveal the results of the analysis supporting that conclusion. It is also permissible to indicate to all vendors the cost or price that BHJ MPC's price analysis, market research, and other reviews have identified as reasonable. "Auctioning" (revealing one vendor's price in an attempt to get another vendor to lower their price) is prohibited.*

6.     Award. After evaluation of the revised proposals, if any, and Board Approval of contracts more than \$150,000, the contract shall be awarded to the responsible firm whose technical approach to the project, qualifications, price and/or any other factors considered, are most



advantageous to BHJ MPC. For all purchases BHJ MPC shall prepare an "Independent Cost Estimate" prior to solicitation. The determining dollar threshold for the contract award shall be based on the total amount of the contract period inclusive of any option years. The contract price must be within the maximum total project budgeted amount established for the specific property or activity.

7. Architectural and Engineering Services. BHJ MPC shall contract for Architectural and Engineering Services using Qualifications- Based Selection (QBS) procedures, utilizing a Request For Qualifications (RFQ). For all purchases BHJ MPC shall prepare an "Independent Cost Estimate" prior to solicitation. Sealed bidding shall not be used for Architectural and Engineering solicitations. Under QBS procedures, competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. Price is not used as a selection factor under this method. QBS procedures shall not be used to purchase other types of services, other than Developer services, though architectural/engineering firms are potential sources.

H. Noncompetitive Proposals. (Sole Source)

1. Conditions for Use. Procurement by noncompetitive proposals (sole- or single-source) may be used only when the award of a contract is not feasible using small purchase procedures, sealed bids, cooperative purchasing, or competitive proposals, and if one of the following applies:

- a) *The item is available only from a single source, based on a good faith review of available sources. For all purchases BHJ MPC shall prepare an "Independent Cost Estimate" prior to solicitation*
- b) *An emergency exists that seriously threatens the public health, welfare, or safety, or endangers property, or would otherwise cause serious injury to BHJ MPC, as may arise by reason of a flood, earthquake, epidemic, riot, equipment failure, or similar event. In such cases, there must be an immediate and serious need for supplies, services, or construction such that the need cannot be met through any of the other procurement methods, and the emergency procurement shall be limited to those supplies, services, or construction necessary simply to meet the emergency;*
- c) *After solicitation of a number of sources, competition is determined inadequate.*



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2. Justification. Each procurement, based on noncompetitive proposals, shall be supported by a written justification for the selection of this method. The justification shall be approved in writing by the responsible Executive Director. Poor planning or lack of planning is not justification for emergency or sole-source procurements. The justification, to be included in the procurement file, should include the following information:

- a) *Description of the requirement;*
- b) *History of prior purchases and their nature (competitive vs. noncompetitive);*
- c) *The specific exception in “2 CFR 200 (§200.320) (f) 1 through 4 which applies”;*
- d) *Statement as to the unique circumstances that require award by noncompetitive proposals;*
- e) *Description of the efforts made to find competitive sources (advertisement in trade journals or local publications, phone calls to local suppliers, issuance of a written solicitation, etc.);*
- f) *Statement as to efforts that will be taken in the future to promote competition for the requirement;*
- g) *Price Reasonableness. The reasonableness of the price for all procurements based on noncompetitive proposals shall be determined by performing an analysis, as described in this Policy.*

I. Cooperative Purchasing/Intergovernmental Agreements. BHJMPC may enter into State and/or local cooperative or intergovernmental agreements to purchase or use common supplies, equipment, or services. The decision to use an interagency agreement instead of conducting a direct procurement shall be based on economy and efficiency. If used, the interagency agreement shall stipulate who is authorized to purchase on behalf of the participating parties and shall specify inspection, acceptance, termination, payment, and other relevant terms and conditions. BHJMPC may use Federal or State excess and surplus property instead of purchasing new equipment and property if feasible and if it will result in a reduction of project costs. The goods and services obtained under a cooperative purchasing agreement must have been procured in accordance with 2 CFR.



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1. Contract Modifications. A cost analysis, consistent with federal guidelines, shall be conducted for all contract modifications for projects that were procured through Sealed Bids, Competitive Proposals, or Non-Competitive Proposals, or for projects originally procured through Small Purchase procedures and the amount of the contract modification will result in a total contract price in excess of \$150,000.

**V. SOLICITATION AND ADVERTISING**

**A. Method of Solicitation.**

1. Petty Cash and Micro Purchases. BHJMPC may contact only one source if the price is considered reasonable.
2. Small Purchases. Quotes may be solicited orally, through fax, E-Procurement, or by any other reasonable method.
3. Sealed Bids and Competitive Proposals. Solicitation must be done publicly.
  - a) *BHJMPC must use one or more following solicitation methods, provided that the method employed provides for meaningful competition.*
  - b) *Advertising in newspapers or other print mediums of local or general circulations.*
  - c) *Advertising in various trade journals or publications.*
  - d) *BHJMPC may conduct its public procurements through the Internet using e-procurement systems. However, all e-procurements must otherwise be in compliance with 2 CFR 200, State and local requirements, and BHJMPC's procurement policy.*

**B. Time Frame.** For purchases of more than \$150,000, the public notice should run not less than once each week for two consecutive weeks.

**C. Form.** Notices/advertisements should state, at a minimum, the place, date, and time that the bids or proposals are due, the solicitation number, a contact that can provide a copy of, and information about, the solicitation, and a brief description of the needed item(s).

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D.     Time Period for Submission of Bids. A minimum of 30 days shall generally be provided for preparation and submission of sealed bids and 15 days for competitive proposals after the first advertised date. However, the Executive Director may allow for a shorter period under extraordinary circumstances.

E.     Cancellation of Solicitations.

1.     An IFB, RFP, or other solicitation may be cancelled before bids/offers are due if:
2.     The supplies, services or construction is no longer required;
3.     The funds are no longer available;
4.     Proposed amendments to the solicitation are of such magnitude that a new solicitation would be best; or
5.     Other similar reasons.
6.     A solicitation may be cancelled and all bids or proposals that have already been received may be rejected if:
  - a)     *The supplies or services (including construction) are no longer required;*
  - b)     *Ambiguous or otherwise inadequate specifications were part of the solicitation;*
  - c)     *All factors of significance to BHJ MPC were not considered;*
  - d)     *Prices exceed available funds and it would not be appropriate to adjust quantities to come within available funds;*
  - e)     *There is reason to believe that bids or proposals may not have been independently determined in open competition, may have been collusive, or may have been submitted in bad faith; or*
  - f)     *For good cause of a similar nature when it is in the best interest of BHJ MPC.*
7.     The reasons for cancellation shall be documented in the paperwork and the reasons for cancellation and/or rejection shall be provided upon request.



8. A notice of cancellation shall be sent to all bidders/vendors solicited and, if appropriate, shall explain that they will be given an opportunity to compete on any re-solicitation or future procurement of similar items.
9. If all otherwise acceptable bids received in response to an IFB are at unreasonable prices an analysis should be conducted to see if there is a problem in either the specifications or BHJ MPC's cost estimate. If both are determined adequate and if only one bid is received and the price is unreasonable, the Contracting Officer may cancel the solicitation and either:
  - a) *Re-solicit using an RFP; or*
  - b) *Complete the procurement by using the competitive proposal method. The Executive Director must determine, in writing, that such action is appropriate, must inform all bidders of BHJ MPC's intent to negotiate, and must give each bidder a reasonable opportunity to negotiate.*
10. If problems are found with the specifications, BHJ MPC should cancel the solicitation, revise the specifications and re-solicit using an IFB.

## VI. BONDING REQUIREMENTS

- A. General. The standards under this section apply to construction contracts that exceed
  1. \$150,000. There are no bonding requirements for small purchases or for competitive proposals. BHJ MPC may require bonds in these latter circumstances when deemed appropriate; however, non-construction contracts should generally not require bid bonds.
  2. Bid Guarantee. For construction contracts exceeding \$150,000, vendors shall be required to submit a bid guarantee from each bidder equivalent to 10% of the bid price.
  3. Payment Bonds. For construction contracts exceeding \$150,000, the successful bidder shall furnish an assurance of completion. This assurance may be any one of the following four:
    - a) *A performance and payment bond in a penal sum of 100% of the contract price; or*

- b) Separate performance and payment bonds, each for 50% or more of the contract price; or*
- c) A 20 % cash escrow; or*
- d) A 25% irrevocable letter of credit.*

4. These bonds must be obtained from guarantee or surety companies acceptable to the U. S. Government and authorized to do business in the State of Ohio and/or West Virginia. Individual sureties shall not be considered. U. S. Treasury Circular Number 570 lists companies approved to act as sureties on bonds securing Government contracts, the maximum underwriting limits on each contract bonded, and the States in which the company is licensed to do business. Use of companies on this circular is mandatory.

## VII. CONTRACTOR QUALIFICATIONS

### A. Contractor Qualifications

1. BHJMPC shall not award any contract until the prospective contractor, i.e., low responsive bidder, or successful vendor, has been determined to be responsible. A responsible bidder/vendor must:

- a) Have adequate financial resources to perform the contract, or the ability to obtain them;*
- b) Be able to comply with the required or proposed delivery or performance schedule, taking into consideration all of the bidder's/vendor's existing commercial and governmental business commitments;*
- c) Have a satisfactory performance record;*
- d) Have a satisfactory record of integrity and business ethics;*
- e) Have the necessary organization, experience, accounting and operational controls, and technical skills, or the ability to obtain them;*
- f) Have the necessary production, construction, and technical equipment and facilities, or the ability to obtain them; and,*



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*g) Be otherwise qualified and eligible to receive an award under applicable laws and regulations, including not be suspended, and/or debarred.*

2. If a prospective contractor is found to be non-responsible, a written determination of non-responsibility shall be prepared and included in the official contract file, and the prospective contractor shall be advised of the reasons for the determination.

B. Suspension and Debarment. Contracts shall not be awarded to debarred, suspended, or ineligible contractors.

C. Vendor Lists. All interested businesses shall be given the opportunity to be included on vendor mailing lists. Any lists of persons, firms, or products which are used in the purchase of supplies and services (including construction) shall be kept current and include enough sources to ensure competition.

#### VIII. CONTRACT ADMINISTRATION

A. General. BHJMPC shall maintain a system of contract administration designed to ensure that Contractors perform in accordance with their contracts. These systems shall provide for inspection of supplies, services, or construction, as well as monitoring contractor performance, status reporting on major projects including construction contracts, and similar matters.

#### IX. DIVERSITY & ECONOMIC INCLUSION IN CONTRACTING

A. Required Efforts. Consistent with Presidential Executive Orders 11625, 12138, and minority-owned business enterprises, women-owned business enterprises, to locate approved DBE companies; go to the following websites:

1. <http://www.transportation.wv.gov/eeo/DBE/Pages/default.aspx>

2. <http://www.dot.state.oh.us/Divisions/ODI/SDBE/Pages/default.aspx>

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B.     Goals. Shall be established periodically for participation by minority-owned business enterprises, women-owned business enterprises, BHJMPC's economic inclusion goal is to meet and/or surpass using 15.6% of "Disadvantaged Business Enterprises for contracts for the period of 2017-2019. The agency should ensure that the rates are current by going to the following websites:

1. <http://www.dot.state.oh.us/divisions/odi/dbegoals/Pages/default.aspx>
2. <http://www.transportation.wv.gov/eeo/DBE/Documents/DBE-Goal-Overall-2015.pdf>

C.     Diversity and Economic Inclusion Non-Compliance Sanctions

X.     DOCUMENTATION

A.     Required Records. BHJMPC must maintain records sufficient to detail the significant history of each procurement action. All procurement documents and contracts, including documents that are incorporated into the terms thereof, will be maintained in the Finance Department, in accordance with the BHJMPC's Records Retention Policy These records shall include, but shall not necessarily be limited to, the following:

1.     Purchase order
2.     Cost and Analysis Work papers
3.     Need for the items
4.     Reason for Vendor Selection
5.     All correspondence with vendors and/or contractors
6.     Rationale for the method of procurement (if not self-evident);
7.     Rationale of contract pricing arrangement (also if not self-evident);
8.     Reason for accepting or rejecting the bids or offers;
9.     Basis for the contract price (as prescribed in this handbook);
10.    A copy of the contract documents awarded or issued and signed by the Executive Director;
11.    Basis for contract modifications; and



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12. Related contract administration actions;
  13. Along with any other documentation listed below with the procurement method used
- B. Level of Documentation. The level of documentation should be commensurate with the value of the procurement.
- C. Record Retention Records are to be retained for a period as is defined by the BHJMPC Record Retention Policy.

**XI. DISPOSITION OF SURPLUS PROPERTY**

- A. General. Property no longer necessary for BHJMPC's purposes (non-real property) shall be transferred, sold, or disposed of in accordance with applicable Federal, state, and local laws and regulations.

**XII. ADDITIONAL ITEMS OF NOTE**

- A. Buy America Act CFR › Title 49 › Subtitle B › Chapter VI › Part 661 › Section 661.5

1. § 661.5 General requirements.

a) *Except as provided in § 661.7 and § 661.11 of this part, no funds may be obligated by FTA for a grantee project unless all iron, steel, and manufactured products used in the project are produced in the United States.*

b) *All steel and iron manufacturing processes must take place in the United States, except metallurgical processes involving refinement of steel additives.*

c) *The steel and iron requirements apply to all construction materials made primarily of steel or iron and used in infrastructure projects such as transit or maintenance facilities, rail lines, and bridges. These items include, but are not limited to, structural steel or iron, steel or iron beams and columns, running rail and contact rail. These requirements do not apply to steel or iron used as components or sub components of other manufactured products*

*or rolling stock, or to bimetallic power rail incorporating steel or iron components.*

*d)        For a manufactured product to be considered produced in the United States:*

*e)        All of the manufacturing processes for the product must take place in the United States; and*

*f)        All of the components of the product must be of U.S. origin. A component is considered of U.S. origin if it is manufactured in the United States, regardless of the origin of its subcomponents.*



# ***APPENDIX A***

## **713.23 Regional or county planning commission - powers and duties.**

(A) The regional or county planning commission may make studies, maps, plans, recommendations and reports concerning the physical, environmental, social, economic, and governmental characteristics, functions, services, and other aspects of the region or county, respectively. The commission may make such studies, maps, plans, recommendations, and other reports as to areas outside the region or county concerning the physical, environmental, social, economic, and governmental characteristics, functions, services, and other aspects which affect the development and welfare of the region or county respectively, as a whole or as more than one political unit within the region or county.

(B) The duties of the planning commission include, but are not limited to:

(1) Preparing the plans, including studies, maps, recommendations, and reports on:

(a) Regional goals, objectives, opportunities, and needs, and standards, priorities, and policies to realize such goals and objectives;

(b) Economic and social conditions;

(c) The general pattern and intensity of land use and open space;

(d) The general land, water, and air transportation systems, and utility and communication systems;

(e) General locations and extent of public and private works, facilities, and services;

(f) General locations and extent of areas for conservation and development of natural resources and the control of the environment;

(g) Long-range programming and financing of capital projects and facilities.

(2) Promoting understanding of and recommending administrative and regulatory measures to implement the plans of the region;

(3) Collecting, processing, and analyzing social and economic data, undertaking continuing studies of natural and human resources, coordinating such research with other government agencies, educational institutions, and private organizations;

(4) Contracting with and providing planning assistance to other units of local government, councils of governments, planning commissions, and joint planning councils; coordinating the planning with neighboring planning areas; cooperating with the state and federal governments in coordinating planning activities and programs in the region;

(5) Reviewing, evaluating, and making comments and recommendations on proposed and amended comprehensive land use, open space, transportation, and public facilities plans, projects, and implementing measures of local units of government; and making recommendations to achieve compatibility in the region;

(6) Reviewing, evaluating, and making comments and recommendations on the planning, programming, location, financing, and scheduling of public facility projects within the region and affecting the development of the area;

(7) Undertaking other studies, planning, programming, conducting experimental or demonstration projects found necessary in the development of plans for the region or county, and coordinating work and exercising all other powers necessary and proper for discharging its duties;

(8) Carrying out all of the functions and duties of a director of economic development under division (B) of section 307.07 of the Revised Code pursuant to any agreement with a county under division (A)(1) of that section.

(C) Wherever a regional planning commission has been established within the area of the jurisdiction of a county planning commission, the regional planning commission or the county planning commission may, by mutual agreement, transfer or delegate to the other, all, or part, of the functions, powers, and duties which either may perform.



(D) A regional planning commission may perform, by contract, the purchasing of supplies, services, materials, and equipment on behalf of any political subdivision participating in the commission or on behalf of any other political subdivision. For purposes of this division, the purchase of services includes, among other things, the purchase of insurance coverage for a political subdivision and its officials and employees against the legal liability of the insured in a civil action for injury, death, or loss to persons or property caused by or claimed to be caused by the negligence of the political subdivision or its officials or employees. Any political subdivision desiring to participate in a purchase contract with a regional planning commission shall file with the commission a certified copy of an ordinance or resolution of the political subdivision. The ordinance or resolution shall request that the political subdivision be authorized to participate in such a contract and shall agree that the political subdivision will be bound by such terms and conditions as the commission prescribes and that it will directly pay the vendor under each purchase contract. The commission may charge a political subdivision a reasonable fee to cover the administrative costs the commission incurs as a result of the political subdivision's participation in the purchase contract. Purchases made by a political subdivision participating with a regional planning commission under this division are exempt from any competitive bidding required by law for the purchase of supplies, services, materials, and equipment. No political subdivision shall make any purchase under this division when bids have been received for such purchase by the political subdivision, unless such purchase can be made upon the same terms, conditions, and specifications at a lower price under this division.

A regional planning commission, when entering into a purchase contract on behalf of a political subdivision as provided in this division, shall follow the competitive bidding procedures specified in sections 307.86 to 307.92 of the Revised Code.

Effective Date: 04-13-1990 .



### **307.86 [Effective 7/1/2017] Competitive bidding required - exceptions.**

Anything to be purchased, leased, leased with an option or agreement to purchase, or constructed, including, but not limited to, any product, structure, construction, reconstruction, improvement, maintenance, repair, or service, except the services of an accountant, architect, attorney at law, physician, professional engineer, construction project manager, consultant, surveyor, or appraiser, by or on behalf of the county or contracting authority, as defined in section 307.92 of the Revised Code, at a cost in excess of fifty thousand dollars, except as otherwise provided in division (D) of section 713.23 and in sections 9.48, 125.04, 125.60 to 125.6012, 307.022, 307.041, 307.861, 339.05, 340.036, 4115.31 to 4115.35, 5119.44, 5513.01, 5543.19, 5713.01, and 6137.05 of the Revised Code, shall be obtained through competitive bidding. However, competitive bidding is not required when any of the following applies:

(A) The board of county commissioners, by a unanimous vote of its members, makes a determination that a real and present emergency exists, and that determination and the reasons for it are entered in the minutes of the proceedings of the board, when either of the following applies:

- (1) The estimated cost is less than one hundred thousand dollars.
- (2) There is actual physical disaster to structures, radio communications equipment, or computers.

For purposes of this division, "unanimous vote" means all three members of a board of county commissioners when all three members are present, or two members of the board if only two members, constituting a quorum, are present.

Whenever a contract of purchase, lease, or construction is exempted from competitive bidding under division (A)(1) of this section because the estimated cost is less than one hundred thousand dollars, but the estimated cost is fifty thousand dollars or more, the county or contracting authority shall solicit informal estimates from no fewer than three persons who could perform the contract, before awarding the contract. With regard to each such contract, the county or contracting authority shall maintain a record of such estimates, including the name of each person from whom an estimate is solicited. The county or contracting authority shall maintain the record for the longer of at least one year after the contract is awarded or the amount of time the federal government requires.

(B)

(1) The purchase consists of supplies or a replacement or supplemental part or parts for a product or equipment owned or leased by the county, and the only source of supply for the supplies, part, or parts is limited to a single supplier.

(2) The purchase consists of services related to information technology, such as programming services, that are proprietary or limited to a single source.

(C) The purchase is from the federal government, the state, another county or contracting authority of another county, or a board of education, educational service center, township, or municipal corporation.

(D) The purchase is made by a county department of job and family services under section 329.04 of the Revised Code and consists of family services duties or workforce development activities or is made by a county board of developmental disabilities under section 5126.05 of the Revised Code and consists of program services, such as direct and ancillary client services, child care, case management services, residential services, and family resource services.

(E) The purchase consists of criminal justice services, social services programs, family services, or workforce development activities by the board of county commissioners from nonprofit corporations or associations under programs funded by the federal government or by state grants.

(F) The purchase consists of any form of an insurance policy or contract authorized to be issued under Title XXXIX of the Revised Code or any form of health care plan authorized to be issued under Chapter 1751. of the Revised Code, or any combination of such policies, contracts, plans, or services that the contracting authority is authorized to purchase, and the contracting authority does all of the following:



- (1) Determines that compliance with the requirements of this section would increase, rather than decrease, the cost of the purchase;
- (2) Requests issuers of the policies, contracts, plans, or services to submit proposals to the contracting authority, in a form prescribed by the contracting authority, setting forth the coverage and cost of the policies, contracts, plans, or services as the contracting authority desires to purchase;
- (3) Negotiates with the issuers for the purpose of purchasing the policies, contracts, plans, or services at the best and lowest price reasonably possible.
- (G) The purchase consists of computer hardware, software, or consulting services that are necessary to implement a computerized case management automation project administered by the Ohio prosecuting attorneys association and funded by a grant from the federal government.
- (H) Child care services are purchased for provision to county employees.
- (I)
  - (1) Property, including land, buildings, and other real property, is leased for offices, storage, parking, or other purposes, and all of the following apply:
    - (a) The contracting authority is authorized by the Revised Code to lease the property.
    - (b) The contracting authority develops requests for proposals for leasing the property, specifying the criteria that will be considered prior to leasing the property, including the desired size and geographic location of the property.
    - (c) The contracting authority receives responses from prospective lessors with property meeting the criteria specified in the requests for proposals by giving notice in a manner substantially similar to the procedures established for giving notice under section 307.87 of the Revised Code.
    - (d) The contracting authority negotiates with the prospective lessors to obtain a lease at the best and lowest price reasonably possible considering the fair market value of the property and any relocation and operational costs that may be incurred during the period the lease is in effect.
  - (2) The contracting authority may use the services of a real estate appraiser to obtain advice, consultations, or other recommendations regarding the lease of property under this division.
- (J) The purchase is made pursuant to section 5139.34 or sections 5139.41 to 5139.46 of the Revised Code and is of programs or services that provide case management, treatment, or prevention services to any felony or misdemeanor delinquent, unruly youth, or status offender under the supervision of the juvenile court, including, but not limited to, community residential care, day treatment, services to children in their home, or electronic monitoring.
- (K) The purchase is made by a public children services agency pursuant to section 307.92 or 5153.16 of the Revised Code and consists of family services, programs, or ancillary services that provide case management, prevention, or treatment services for children at risk of being or alleged to be abused, neglected, or dependent children.
- (L) The purchase is to obtain the services of emergency medical service organizations under a contract made by the board of county commissioners pursuant to section 307.05 of the Revised Code with a joint emergency medical services district.
- (M) The county contracting authority determines that the use of competitive sealed proposals would be advantageous to the county and the contracting authority complies with section 307.862 of the Revised Code.

Any issuer of policies, contracts, plans, or services listed in division (F) of this section and any prospective lessor under division (I) of this section may have the issuer's or prospective lessor's name and address, or the name and address of an agent, placed on a special notification list to be kept by the contracting authority, by sending the contracting authority that name and address. The contracting authority shall send notice to all persons listed on the special notification list. Notices shall state the deadline and place for submitting proposals. The contracting authority shall mail the notices at least six weeks prior to the deadline set by the contracting authority for submitting

proposals. Every five years the contracting authority may review this list and remove any person from the list after mailing the person notification of that action.

Any contracting authority that negotiates a contract under division (F) of this section shall request proposals and negotiate with issuers in accordance with that division at least every three years from the date of the signing of such a contract, unless the parties agree upon terms for extensions or renewals of the contract. Such extension or renewal periods shall not exceed six years from the date the initial contract is signed.

Any real estate appraiser employed pursuant to division (I) of this section shall disclose any fees or compensation received from any source in connection with that employment.

Amended by 131st General Assembly File No. TBD, SB 319, §1, eff. 7/1/2017.

Amended by 130th General Assembly File No. 25, HB 59, §101.01, eff. 9/29/2013.

Amended by 129th General Assembly File No. 141, HB 509, §1, eff. 9/28/2012.

Amended by 129th General Assembly File No. 28, HB 153, §101.01, eff. 9/29/2011.

Amended by 128th General Assembly ch. 28, SB 79, §1, eff. 10/6/2009.

Effective Date: 09-26-2003; 09-16-2004; 05-18-2005; 06-30-2005; 2008 SB268 09-12-2008.

**Note:** *This section is set out twice. See also § 307.86, effective until 7/1/2017.*

## **307.92 Contracting authority defined.**

As used in sections 307.86 to 307.91, inclusive, of the Revised Code, "contracting authority" means any board, department, commission, authority, trustee, official, administrator, agent, or individual which has authority to contract for or on behalf of the county or any agency, department, authority, commission, office, or board thereof.

Effective Date: 12-09-1967.



# ATTACHMENT C



Figure 5-1

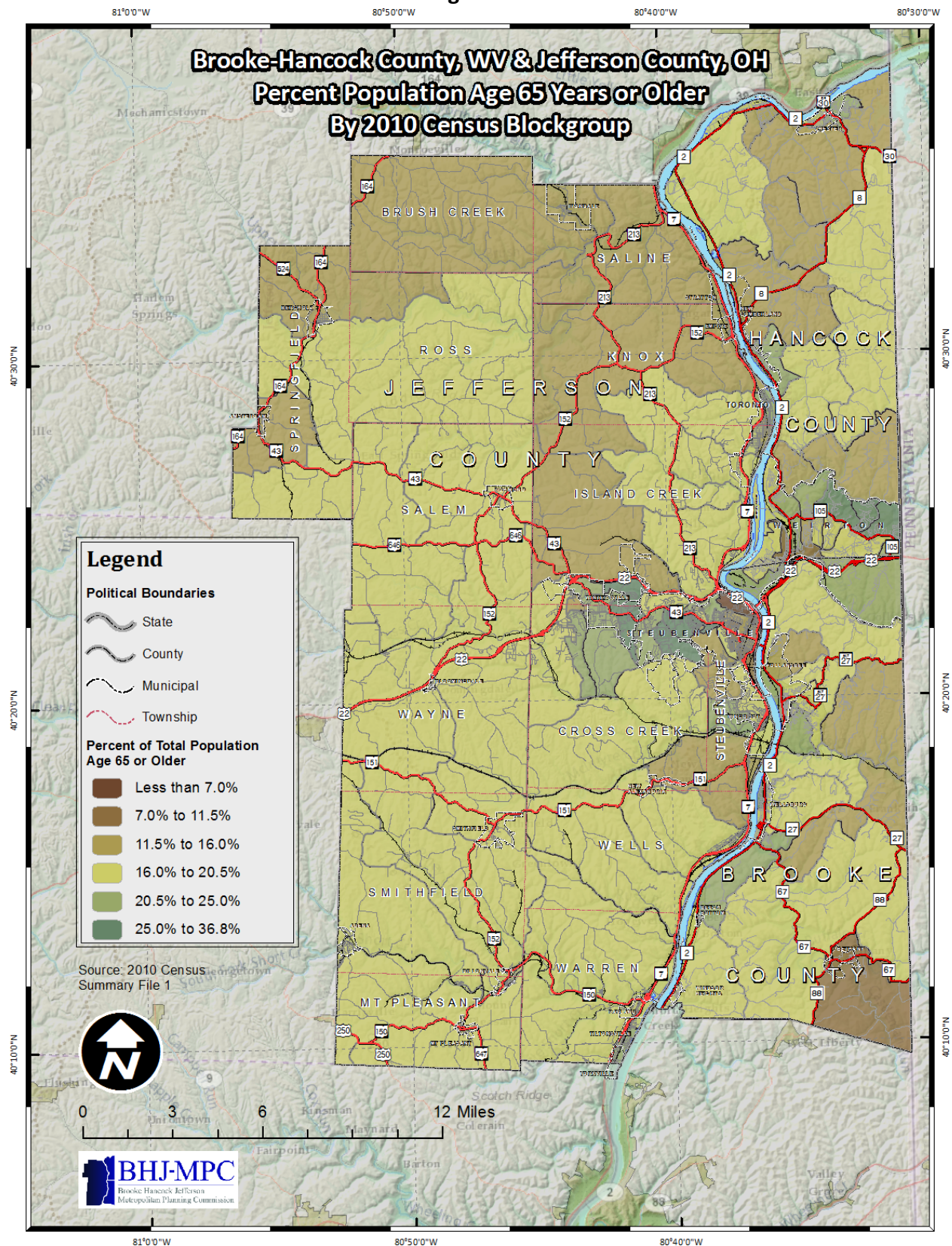




Figure 5-2

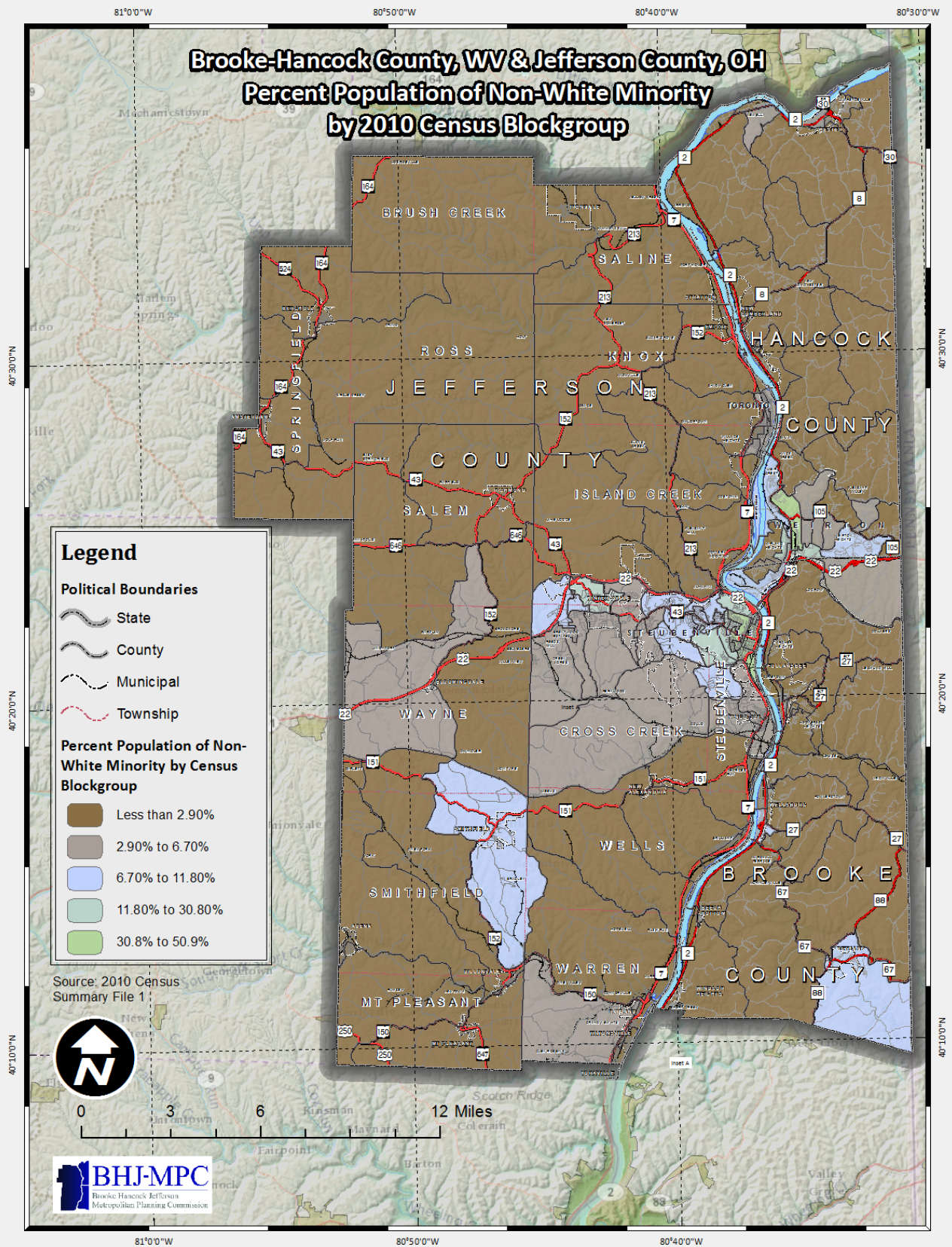




Figure 5-3

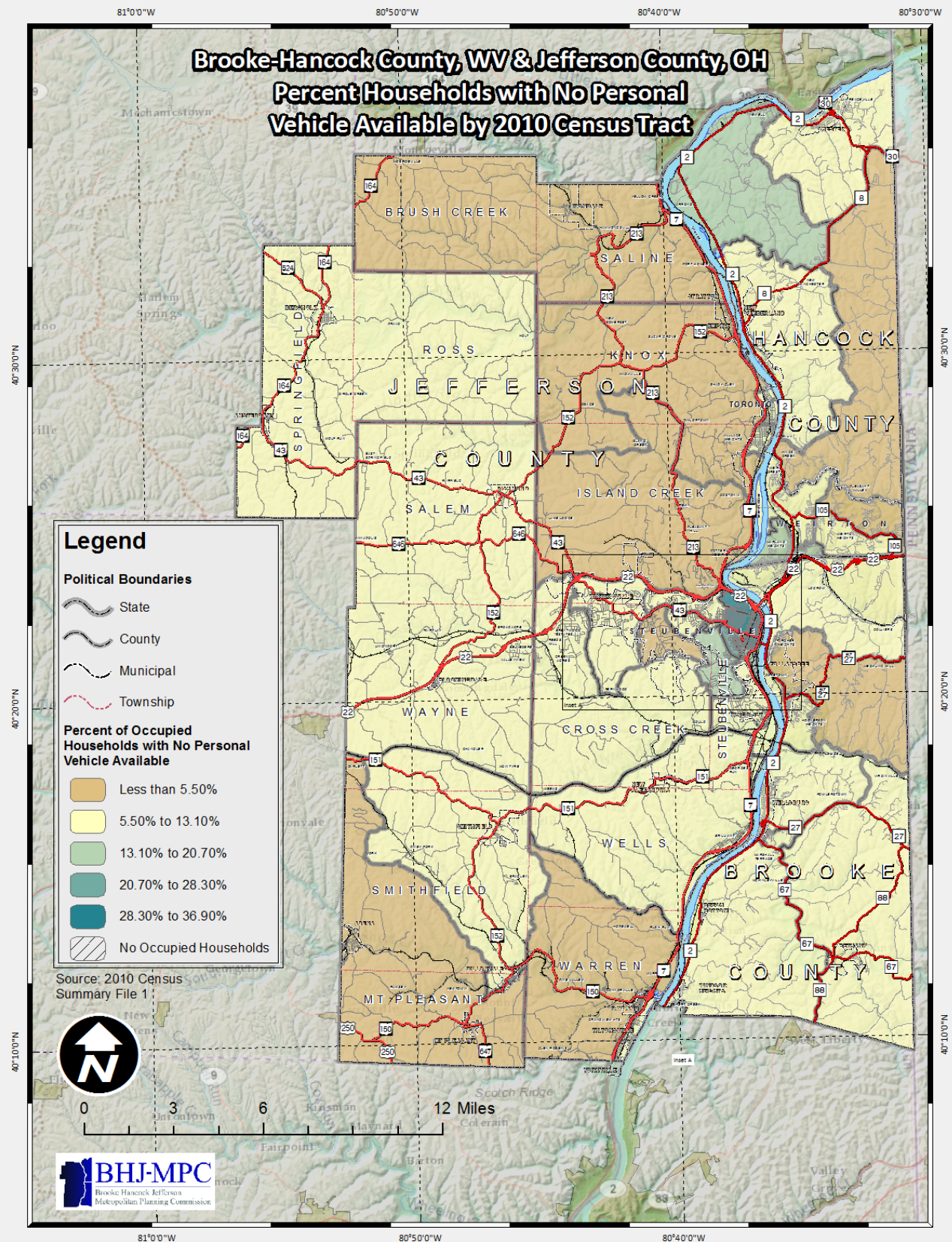
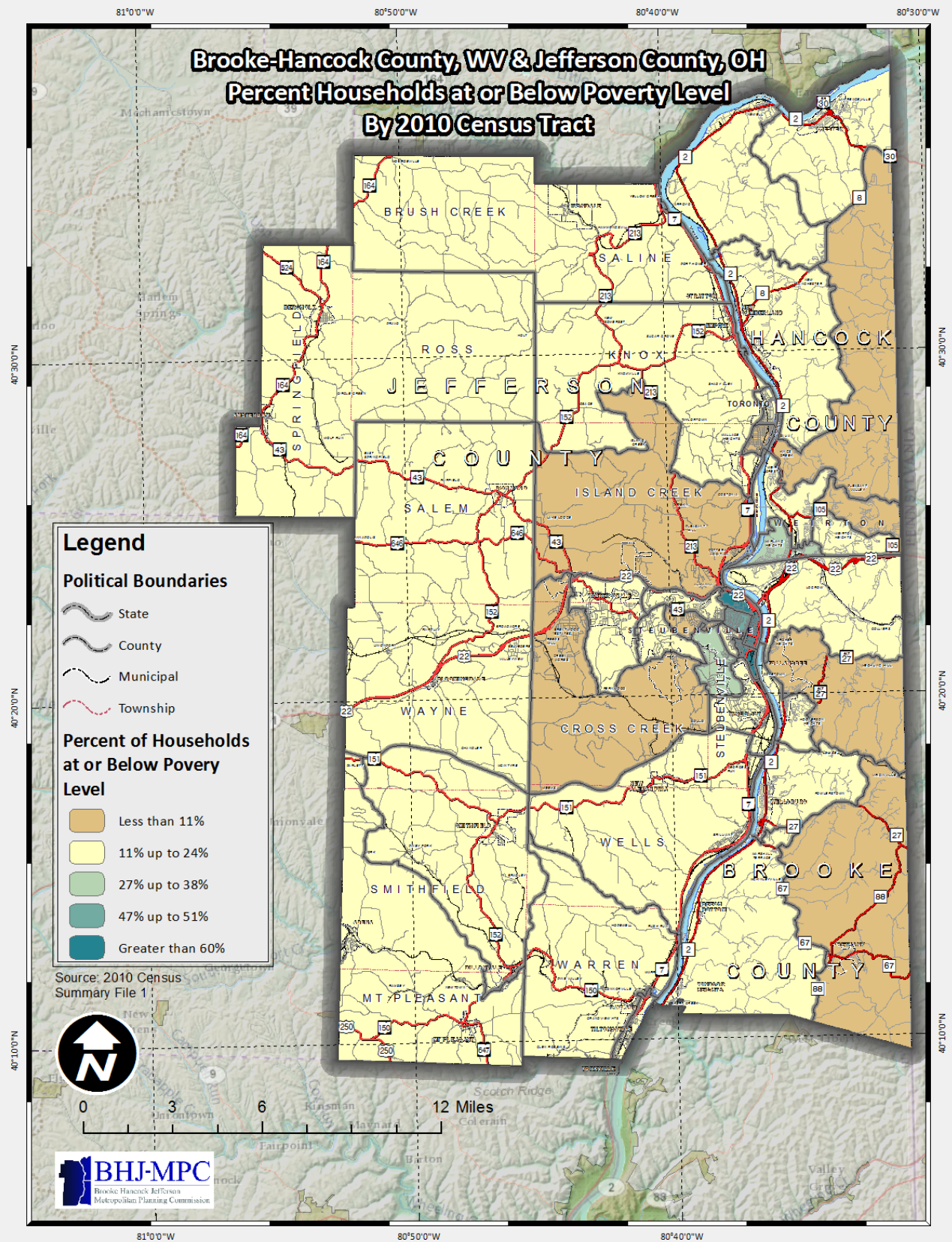




Figure 5-4



# ATTACHMENT D



# **BROOKE-HANCOCK-JEFFERSON TRANSPORTATION STUDY**

*TECHNICAL MEMORANDUM 2007-1*

## **PUBLIC PARTICIPATION PLAN**

**Effective January 2007**

Production of this Document paid for by funds from the U.S. Federal Highway Administration, Federal Transit Administration, Ohio Department of Transportation, West Virginia Department of Transportation and dues from BHJ member governments.

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# **PUBLIC PARTICIPATION PLAN**

## **INTRODUCTION**

The Brooke-Hancock-Jefferson Metropolitan Planning Commission is an association of governmental units in Brooke and Hancock counties, West Virginia and Jefferson County, Ohio. The BHJ fosters intergovernmental cooperation by providing a public forum in which local elected officials and interested citizens may coordinate planning and decision making on issues that cross local jurisdictional boundaries. Since 1969, by joint agreement of the governors in Ohio and West Virginia, the BHJ has been the designated Metropolitan Planning Organization (BHJMPO) for the Greater Steubenville, OH – Weirton, WV Metropolitan Area.

*The Public Participation Plan (PPP) is also a representative document for public involvement procedures for the metropolitan area's two designated Federal Transit Administration §5307 recipients, the Steel Valley Regional Transit Authority (SVRTA - Ohio recipient) and the City of Weirton (West Virginia recipient) and its contracted sub-recipient the Weirton Transit Corporation (WTC). In particular, the PPP entails activities and techniques each public transportation service advertises their respective Program of Projects through the BHJMPO four-year Transportation Improvement Program (TIP) and twenty-year Long Range Transportation Plan.<sup>1</sup>*

Over past years, the BHJMPO has directed past public participation efforts towards the development of the four-year Transportation Improvement Program (TIP) and the twenty-year Long Range Transportation Plan (LRTP) with varying levels of success. With reauthorize of federal transportation bill SAFETEA-LU, an MPO such as BHJ is encouraged to improve public outreach. The new legislation now includes addition language that directs an MPO to publish its transportation plans and activities in electronic format (e.g., on a website), employ visualization techniques to depict plans and studies, and confirm consultation with land use management, natural resource, historic, and other local and state agencies while developing transportation plans. These additions in the metropolitan planning process reaffirm and strengthen continuing consultation with local, state, and federal partners. Public participation techniques should give stakeholders and interested citizens, adequate opportunity to comment on transportation plan activities.

## **POLICY PROCEDURES**

### *PUBLIC PARTICIPATION PLAN*

The Public Participation Plan outlines strategies and techniques to engage local constituency. The plan not only provides a format to provide information, but also receive comment from the public regarding transportation planning and programming activities.

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<sup>1</sup> Proposed revision requiring a 45-day Public Involvement Comment period



<b><u>Activity</u></b>	<b><u>Technique</u></b>
Draft or Revised Document	<ul style="list-style-type: none"> <li>• Make available at the BHJ Offices and World Wide Web site at <a href="http://www.bhjmpc.org">www.bhjmpc.org</a></li> </ul>
Comment Opportunity	<ul style="list-style-type: none"> <li>• Written comments accepted by way of e-mail, fax, or mail; Transportation Study Policy and Technical Advisory Committee meetings</li> </ul>
Public Meeting	<ul style="list-style-type: none"> <li>• Held concurrent with Transportation Study Policy meetings</li> </ul>
Public Notification	<ul style="list-style-type: none"> <li>• Publish a Public Notice in no less than the two (2) local newspapers at least one (1) week before the public comment period is scheduled to begin, and then republished approximately every two (2) weeks thereafter</li> <li>• Post Public Notice at <a href="http://www.bhjmpc.org">www.bhjmpc.org</a></li> <li>• Alert constituency by e-mail announcement</li> <li>• Added techniques may include any of the following: announcement posters/letters, press release, newsletter article/announcement, or public service announcement</li> </ul>
Public Comment Period	<ul style="list-style-type: none"> <li>• No less than forty-five (45) days before adoption or revision</li> </ul>
Summary of Comments Received	<ul style="list-style-type: none"> <li>• Make available a summary of written comments prior to adoption by the Transportation Study Policy</li> <li>• Acknowledge receipt of written comments only by no less than five (5) working days</li> <li>• All written comments and responses summarized and incorporated into adopted document</li> </ul>
Final, Adopted Document	<ul style="list-style-type: none"> <li>• Accessible in electronic format at <a href="http://www.bhjmpc.org">www.bhjmpc.org</a></li> <li>• Upon completion of final document, available by request at BHJMPO office</li> </ul>
Evaluation Techniques	<ul style="list-style-type: none"> <li>• Update e-mail notification list quarterly</li> <li>• Survey number and source of comments received</li> <li>• Review coverage or exposure from various media sources</li> <li>• Establish a committee comprised of various media representatives</li> </ul>

#### *TRANSPORTATION IMPROVEMENT PROGRAM*

The TIP is a four-year listing of transportation projects (i.e., highway, bridge, pedestrian, and transit projects) scheduled for implementation in a metropolitan area funded by some combination of federal, state, and/or local resources. A fiscally balanced program, the TIP also identifies all funding mechanisms for completing each programmed project and/or strategy. The BHJMPO periodically revises the TIP during the year by adding and/or deleting specific projects from the program or amending a project's specific scope or funding source. Typically, either a state or local transportation stakeholder (ODOT, WVDOT, county or municipal government, or public authority) requests the BHJMPO to consider adopting a TIP amendment by resolution of the Transportation Study Policy Committee. After adoption, the BHJMPO forwards the request to the appropriate state agency (typically ODOT or WVDOT) for inclusion in the State TIP (STIP). The appropriate federal agency (i.e. FHWA, FTA, or FAA) then reviews the amendment for adequacy to public law, and then issues authorization to proceed with constructing or implementing the project.

<b><u>Activity</u></b>	<b><u>Technique</u></b>
Draft Document	<ul style="list-style-type: none"> <li>• Make available at the BHJ Offices and World Wide Web site at <a href="http://www.bhjmpc.org">www.bhjmpc.org</a></li> </ul>

Comment Opportunity	<ul style="list-style-type: none"> <li>Written comments are accepted by way of e-mail, fax, or mail; Verbal comments are accepted at the Transportation Study Policy and Technical Advisory Committee meetings</li> </ul>
Public Meeting	<ul style="list-style-type: none"> <li>Public meeting for draft and final document as well as amendments are held concurrent with the Transportation Study Policy meeting at the end of the public comment period</li> <li>Public meeting for draft document is organized and scheduled with the ODOT District 11 Office during the public comment period</li> <li>Visualization techniques for public meetings may include maps, aerial photography, pictures, or simplified plans depicting a program of projects or a specific project of regional interest</li> </ul>
Public Notification	<ul style="list-style-type: none"> <li>Publish a Public Notice in no less than the two (2) local newspapers at least twice, once at the beginning of the public comment period and then republished approximately one (1) week thereafter</li> <li>Post Public Notice at <a href="http://www.bhjmpc.org">www.bhjmpc.org</a></li> <li>Alert constituency by e-mail announcement</li> <li>Added techniques may include any of the following: announcement posters/letters, press release, newsletter article/announcement, or public service announcement</li> </ul>
Public Comment Period	<ul style="list-style-type: none"> <li>No less than fifteen (15) days before adoption or revision</li> </ul>
Summary of Comments Received	<ul style="list-style-type: none"> <li>Make available a summary of written comments prior to adoption by the Transportation Study Policy</li> <li>Acknowledge receipt of written comments only by no less than five (5) working days</li> <li>All written comments and responses summarized and incorporated into adopted document</li> </ul>
Final, Adopted Document	<ul style="list-style-type: none"> <li>Accessible in electronic format at <a href="http://www.bhjmpc.org">www.bhjmpc.org</a></li> <li>Upon completion of final document, available by request at BHJMPO office</li> <li>Reproduced copies of final document are available at a standard fee no greater than the schedule found at <a href="#">CFR 49 CFR 7.43</a></li> </ul>
Document Amendments	<ul style="list-style-type: none"> <li>Publish a Public Notice in no less than the two (2) local newspapers (if possible with a circulation in the vicinity of the added project) at least twice, once at the beginning of the public comment period and then republished approximately one (1) week thereafter</li> <li>Added techniques may include any of the following: announcement posters/letters, press release, newsletter article/announcement, or public service announcement</li> <li>Those requesting amendments are encouraged to apply for requests no less than fifteen (15) days before the public comment period begins</li> <li>Public comment period begins fifteen days prior to scheduled Transportation Study Policy meetings</li> <li>Publish a schedule for revision notifications and submissions at the beginning of the calendar year concurrent with organization of the Transportation Study Policy Committee</li> <li>A special meeting to consider revisions may be considered in emergency circumstances</li> </ul>
Annual Listing of Projects	<ul style="list-style-type: none"> <li>Consult with ODOT, WVDOT, and Public Transit Agencies six (6) weeks before end of State Fiscal Year (June 30) and request list of obligated projects (July 1 – June 30) of Sate Fiscal Year</li> </ul>

	<ul style="list-style-type: none"> <li>• Accessible in electronic format at <a href="http://www.bhjmpc.org">www.bhjmpc.org</a></li> <li>• Alert constituency by e-mail announcement and publish listing in agency newsletter</li> </ul>
Evaluation Techniques	<ul style="list-style-type: none"> <li>• Update e-mail notification list quarterly</li> <li>• Survey number and source of comments received</li> <li>• Review coverage or exposure from various media sources</li> <li>• Establish a committee comprised of various media representatives</li> </ul>

### *LONG RANGE TRANSPORTATION PLAN*

The LRTP is both a long-range (no less than 20 years) and short-range listing of multimodal strategies, actions, and/or projects that facilitates the efficient movement of people and goods. The SAFETEA-LU requires an MPO to review and update its LRTP every four (4) years to confirm its validity, consistency with current and forecasted transportation and land use conditions and trends, and conform to applicable air quality standards. This includes a financial plan that reasonably demonstrates how each project or program is constructed or implemented over the lifetime of the LRTP. Therefore, the LRTP should not contain any “wish list” projects. The MPO may amend its LRTP as a result updated investment strategies in projected federal, state, and local funding sources; completion of pertinent transportation studies; or changes in relevant federal, state or local laws.

The purpose of the LRTP is to guide regional long-range transportation goals and objectives for orderly social and economic growth, and identify adequate resources to accomplish the needs. In the past, the LRTP metropolitan planning process required a public involvement period for consultation and cooperation with not only local planners, engineers, and public officials, but also interested citizens and civic organizations. The public involvement period should allow opportunity for all citizens and groups to provide input and subsequent comments into the development of the LRTP. The SAFETEA-LU legislation expanded the consultation and cooperation requirement to include non-metropolitan local officials and Tribal governments, as well as other local and state land-use management, natural resource, and historic planning agencies. In this way, all affected agencies including the MPO can compare the LRTP with available conservation plans and maps including available inventories of historic and natural resources.



<b><u>Activity</u></b>	<b><u>Technique</u></b>
Draft Document	<ul style="list-style-type: none"> <li>• Make available at the BHJ Offices and World Wide Web site at <a href="http://www.bhjmpc.org">www.bhjmpc.org</a></li> </ul>
Comment Opportunity	<ul style="list-style-type: none"> <li>• Written comments are accepted by way of e-mail, fax, or mail; Verbal comments are accepted at the Transportation Study Policy and Technical Advisory Committee meetings</li> </ul>
Public Meeting	<ul style="list-style-type: none"> <li>• Public meeting for draft and final document as well as amendments are held concurrent with the Transportation Study Policy meeting at the end of the public comment period</li> <li>• Visualization techniques for public meetings may include maps, aerial photography, pictures, or simplified plans depicting a program of projects or a specific project of regional interest</li> </ul>
Public Notification	<ul style="list-style-type: none"> <li>• Publish a Public Notice in no less than the two (2) local newspapers at least twice, once at the beginning of the public comment period and then republished approximately one (1) week thereafter</li> <li>• Post Public Notice at <a href="http://www.bhjmpc.org">www.bhjmpc.org</a></li> <li>• Alert constituency by e-mail announcement</li> <li>• Consult with local and state land-use management, natural resource, and historic planning agencies by direct mailing of draft and final documents or by e-mail notification of documents available in electronic format for download or e-mail attachment</li> <li>• Added techniques may include any of the following: announcement posters/letters, press release, newsletter article/announcement, or public service announcement</li> </ul>
Public Comment Period	<ul style="list-style-type: none"> <li>• No less than fifteen (15) days before adoption or revision</li> </ul>
Summary of Comments Received	<ul style="list-style-type: none"> <li>• Make available a summary of written comments prior to adoption by the Transportation Study Policy</li> <li>• Acknowledge receipt of written comments only by no less than five (5) working days</li> <li>• All written comments and responses summarized and incorporated into adopted document</li> </ul>
Final, Adopted Document	<ul style="list-style-type: none"> <li>• Accessible in electronic format at <a href="http://www.bhjmpc.org">www.bhjmpc.org</a></li> <li>• Upon completion of final document, available upon request at BHJMPO office</li> <li>• Reproduced copies of final document are available at a standard fee no greater than the schedule found at <a href="#">CFR 49 CFR 7.43</a></li> </ul>
Document Amendments	<ul style="list-style-type: none"> <li>• Those requesting amendments are encouraged to submit amendments fifteen (15) days before the public comment period begins</li> <li>• Public comment period begins fifteen days prior to scheduled Transportation Study Policy meetings</li> <li>• Publish a schedule for revision notifications and submissions at the beginning of the calendar year concurrent with organization of the Transportation Study Policy Committee</li> <li>• A special meeting to consider revisions may be considered in emergency circumstances</li> </ul>
Evaluation Techniques	<ul style="list-style-type: none"> <li>• Update e-mail notification and planning agency consultation lists quarterly</li> <li>• Survey number and source of comments received</li> <li>• Review media coverage or exposure from various media sources</li> <li>• Establish a committee comprised of various media representatives</li> </ul>

## *OTHER TRANSPORTATION ACTIVITIES, PUBLIC SERVICE, MEETINGS, NEWSLETTER*

In addition to the development and preparation of the annual TIP and periodic update of the LRTP, BHJ may be involved in various activities and programs for which public involvement efforts may be appropriate. Such activities may include studies such as, safety reports and project recommendations, major corridor studies and their alternatives, public transportation development plans, annual public transit program of projects, and other non-specific transportation projects (as determined on a case-by-case basis). As deemed whichever is appropriate, BHJ will use the general public involvement process described for the preparation of the TIP or LRTP. However, in lieu of public notices, BHJ may substitute announcement posters/letters, press release, newsletter article/announcement, or public service announcement if the approach appears to be the most effective public notification approach.

BHJ will continue its transportation related public service activities that generally respond to requests for information and data. Historically, such requests have been associated with traffic count data, miscellaneous social and economic demographics (typically available from the US Census Bureau), mapping and aerial photography generated by the Geographic Information System (GIS), and project status information. The BHJ will strive to fulfill all reasonable requests for service or information in a timely manner, and include this provision of such service in the annual work program. In addition, the BHJ will evaluate its fee schedule for generating information and data product requests on a case-by-case basis. A fee schedule for producing maps and aerial photography is available for public inspection. Typically, BHJ does not charge Participating member governments (whose paid dues are up to date) a fee for minimal requests.

Transportation related meetings are open to the public and held at accessible locations. BHJ will provide meeting notices and agenda packages to local newspapers, radio stations, and television stations. In addition, when warranted, BHJ may send public notices and service announcements to social service and community-oriented organizations (i.e. Jefferson County Department of Job and Family Services, Community Action Agencies serving Jefferson, Brooke and Hancock counties, senior citizen group homes and local colleges and universities).

As noted on the first page of this document, BHJ periodically reviews its public involvement procedures. Revising basic procedures contained herein requires a public comment period before the Brooke-Hancock-Jefferson Transportation Study Policy Committee adopts such revisions. Examples include, but are not limited to, the conduct of any meeting, formal or informal, which enhances the opportunity for public comment, and the creation of any transportation related ad-hoc committees that may provide input for planning and programming activities. On the other hand, adding and deleting individuals and organizations from the contact list or e-mail notification list does not trigger a public comment period nor require Policy Committee adoption.

# ATTACHMENT E



Language Identification Flashcard ✓

☐

Arabic

أنا أتحدث اللغة العربية

☐

Armenian

Ես խոսում եմ հայերեն

☐

Bengali

আমি বাংলা কথা বলতে পারি।

☐

Cambodian

ខ្ញុំនិយាយភាសាខ្មែរ

☐

Chamorro

Motka i kahhon ya yangin ûntûngnu' manaitai pat  
ûntûngnu' kumentos Chamorro

☐

Dinka

Rinṗ êkēnē yic tē yījam nē thunjäy ye tök, ku kor raan  
Bī yī geer thok.

☐

Simplified Chinese

如果你能读中文或讲中文，请选择此框。

☐

Traditional Chinese

如果你能讀中文或講中文，請選擇此框。

☐

Croatian

Govorim hrvatski

☐

Czech

Mluvím česky

☐

Dutch

Ik spreek het Nederlands

☐

English

I speak English

Language Identification Flashcard ✓

☐

Farsi

من فارسی صحبت می کنم

☐

French

Je parle français|

☐

German

Ich spreche Deutsch|

☐

Greek

Μιλώ τα ελληνικά

☐

Haitian Creole

M pale kreyòl ayisyen

☐

Hindi

मैं हिंदी बोलता हूँ ।

☐

Hmong

Kuv has lug Moob

☐

Hungarian

Beszélek magyarul|

☐

Ilocano

Agsaonak ti Ilokano

☐

Italian

Parlo italiano|

☐

Japanese

私は日本語を話す

☐

Korean

한국어 합니다

Language Identification Flashcard ✓

☐

Laotian

ຂ້ອຍປາກພາສາລາວ

☐

Polish

Mówię po polsku

☐

Portuguese

Eu falo português do Brasil  
(for Brazil)

☐

Portuguese

Eu falo português de Portugal  
(for Portugal)

☐

Romanian

Vorbesc românește

☐

Russian

Я говорю по-русски

☐

Serbian

Ja говорим српски

☐

Slovak

Hovorím po slovensky

☐

Spanish

Yo hablo español

☐

Somali

Waxaan ku hadlaa af-Soomaali

☐

Tagalog

Marunong akong mag-Tagalog

☐

Thai

พูดภาษาไทย



Language Identification Flashcard ✓



Tongan

Maaka 'i he puha ni kapau 'oku ke lau  
pe lea fakatonga



Ukrainian

Я розмовляю українською мовою



Urdu

میں اردو بولتا ہوں



Vietnamese

Tôi nói tiếng Việt



Yiddish

איד רעד יידיש



American Sign Language



# ATTACHMENT F

## RESOLUTION 2018-10

### THE BROOKE-HANCOCK-JEFFERSON METROPOLITAN PLANNING COMMISSION AND THE BROOKE-HANCOCK-JEFFERSON TRANSPORTATION STUDY POLICY COMMITTEE IN THE MATTER OF SELF-CERTIFICATION OF THE METROPOLITAN TRANSPORTATION PLANNING PROCESS

**WHEREAS,** the Brooke-Hancock-Jefferson Transportation Study (BHJTS), as the designated Metropolitan Planning Organization (MPO) for the Weirton, WV-Steubenville, OH-PA urbanized area, has entered into a three-party agreement with the West Virginia Department of Transportation (WVDOT) and the Ohio Department of Transportation (ODOT), to carry out the urban transportation planning process consistent with 23 CFR Part 450.310(d); and

**WHEREAS,** the federal regulations pertaining to the purpose of the transportation planning process complies with Metropolitan Transportation Planning requirements of Fixing America's Surface Transportation Act (FAST Act; Pub. L. No. 114-94 December 4, 2015); and

**WHEREAS,** the federal rules and regulations require that the MPO shall annually certify to the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) that the transportation planning process is in conformance with regulations; in accordance with 23 CFR 450.220 is addresses the major issues facing the Brooke-Hancock-Jefferson Metropolitan Planning Area and is conducted in accordance with all applicable requirements of:

- I. 23 U.S.C. 134 and 135, 49 U.S.C. 5303 and 5304, and this subpart;
- II. In nonattainment and maintenance areas, sections 174 and 176 (c) and (d) of the Clean Air Act, as amended (42 U.S.C. 7504, 7506 (c) and (d)) and 40 CFR part 93;
- III. Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d-1) and 49 CFR part 21;
- IV. 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity;
- V. Section 1101(b) of the FAST Act (Pub. L. 114-357) and 49 CFR part 26 regarding the involvement of disadvantaged business enterprises in USDOT funded projects;
- VI. 23 CFR part 230, regarding the implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts;
- VII. The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.*) and 49 CFR parts 27, 37, and 38;
- VIII. The Older Americans Act, as amended (42 U.S.C. 6101), prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance;



- IX. Section 324 of title 23 U.S.C. regarding the prohibition of discrimination based on gender; and
- X. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR part 27 regarding discrimination against individuals with disabilities.

**WHEREAS,** the Metropolitan Planning Process for a Metropolitan Planning Area shall provide for consideration of projects and strategies that will:

- a. Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency,
- b. increase the safety of the transportation system for motorized and nonmotorized users,
- c. increase the security of the transportation system for motorized and nonmotorized users,
- d. increase the accessibility and mobility options available to people and for freight,
- e. protect and enhance the environment, promote energy conservation, improve quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns,
- f. enhance the integration and connectivity of the transportation system, across and between modes, for people and freight,
- g. promote efficient system management and operation,
- h. emphasize the preservation of the existing transportation system,
- i. improve the resiliency and reliability of the transportation system and reduce or mitigate storm water impacts of surface transportation; and
- j. enhance travel and tourism.

**NOW THEREFORE BE IT RESOLVED:** that the Brooke-Hancock-Jefferson Transportation Study Policy Committee certifies, in consideration of the requirements listed herein, and to the degree appropriate for the size of the BHJ planning area and the complexity of its transportation problems that the MPO carries out the Urban Transportation Planning Process in conformance with all the applicable federal requirements.

**ADOPTED,** this 16<sup>th</sup> day of May, 2018, at the regularly scheduled meeting of the Brooke-Hancock-Jefferson Transportation Study Policy Committee.

  
Sue Simonetti Chairman

ATTEST:



Michael Paprocki  
Executive Director