



VISION ZERO
zero deaths
zero serious injuries

Montana Department of Transportation

2701 Prospect
PO Box 201001
Helena MT 59620-1001

Greg Gianforte, Governor
Malcolm "Mack" Long, Director

Date: March 22, 2023

Subject: **Request for Qualifications**
2023 Prequalification Roster (Update to the 2022 Rosters)

To Whom It May Concern:

The Montana Department of Transportation (MDT) is accepting Statements of Qualifications (SOQs) from consulting firms interested in participating in MDT's pre-qualification roster. SOQs are being accepted from firms not currently on the 2022 Pre-qualification Roster, or firms that have had significant changes since submitting their 2022 SOQ.

The Department uses a 2-year consultant pre-qualification process, which starts over every even year. Since the current process started in 2022, we are entering the second year of that 2-year process right now. We are accepting SOQs at this time to allow new firms to be ranked and to allow currently ranked firms with significant changes to update their qualifications. It is important to note that only firms not currently on the 2022 Pre-qualification Roster, or firms that experienced significant changes since submitting their 2022 SOQ are allowed to submit. Firms currently on the 2022 Pre-qualification Roster are shown on the following website:

https://www.mdt.mt.gov/other/webdata/external/cdb/General-Documents/prequal_roster.pdf

Significant changes are defined as changes in the way the firm will develop transportation projects for the Department as a result of the following:

- Firm mergers or other major changes in facilities.
- Several personnel changes in principals, division managers, client managers, or multiple project managers.

Please do not re-submit SOQs if your firm has not experienced significant changes over the last year. Those SOQs that are resubmitted from last year that do not meet the criteria listed above will be discarded. Firms submitting SOQs that are not on the 2022 Pre-qualification Roster will automatically be rated without the need to meet this criterion.

The Department will rate and rank the SOQs according to various highway related design categories (described herein). The Department may then use the resulting lists of pre-qualified consulting firms to short-list consultants for future project-specific or term contract-specific Requests for Proposals (RFPs) in accordance with federal regulations (23 CFR 172). There are instances where MDT solicits services for a specific project or term contract via open solicitation, without consideration of the pre-qualification roster. Participation in MDT's pre-qualification roster is not a prerequisite to respond to these open solicitations.

Professional Engineering (P.E.) licensure is required for the work defined in each category of service and must be in-hand at the time your SOQ is submitted. If this requirement is not met and clearly identified in the SOQ, your SOQ will be considered non-responsive.

P.E. licensure in another state is acceptable for the purposes of this solicitation. However, Montana P.E. licensure is typically required for a project or contract for which this roster is utilized. Pursuing Montana licensure prior to submitting your SOQ is encouraged. Specific licensure requirements will be identified in the project/contract-specific request for proposal.

Teams may be established as necessary; however, it is expected that the prime consultant will be capable of completing the vast majority of the work required for that category. As a rule, the prime consultant must complete at least 50% of the work for a specific project or assignment unless written exception is given. If your firm is interested, please submit a SOQ as described.

SCOPE OF WORK

There are five (5) specific categories of service that make up the pre-qualification roster. Firms may submit SOQs for any or all of the categories.

Consulting services will generally involve engineering design and analysis resulting in preparation of plans, specifications, and cost estimates for the construction of various highway facilities.

1) Comprehensive Roadway Design

Professional engineering license required.

Work includes:

Firms interested in this category must establish a team of experts capable of performing all of the work required to complete a road design project. This typically includes engineering, design, surveys, investigations, studies, and calculations necessary for preparation of plans, specifications, and construction estimate (PS&E package) for construction bid letting. Projects vary in size from multi-million-dollar, complex, full facility reconstructions to small projects with minor complexity. The work required to accomplish this may include, but is certainly not limited to: cost benefit analysis on alternatives; topographic and cadastral surveying; engineering of roadway alignment and grade and cross-section features; analysis and design of hydraulic, geotechnical, materials, traffic, and environmental features; right-of-way design; determination of quantities; development of construction traffic control plans; estimating; public, regulatory, and local agency coordination; development of environmental documents in compliance with National Environmental Policy Act (NEPA); and overall advanced project management. Services may also include right-of-way acquisition; and reviewing and checking of submitted shop drawings and design related to construction support.

2) Bridges & Structures

Professional engineering license required.

Work includes:

Firms interested in this category must establish a team of experts capable of performing all of the work required to complete a highway bridge replacement or rehabilitation project. This typically includes engineering, design, surveys, investigations, studies, and calculations necessary for preparation of plans, specifications, and construction estimate (PS&E package) for construction bid letting. Projects vary in size from multi-million-dollar, complex new structures to small bridge rehabilitation projects with minor complexity. The work required to accomplish this generally includes, but is certainly not limited to: engineering, analysis, and design of steel and concrete superstructures, pile bents, drilled shafts, solid piers, and abutments; seismic design; cost benefit analysis on alternatives; topographic and cadastral surveying; engineering of roadway alignment and grade and cross-section features; analysis and design of hydraulic, geotechnical, materials, traffic, and environmental features; right-of-way design; determination of quantities; development of construction traffic control plans; estimating; public, regulatory, and local agency coordination; development of environmental documents in compliance with National Environmental Policy Act (NEPA); and overall advanced project management. Structures are to be designed in accordance with the current AASHTO Specifications for Highways and Bridges and the procedures outlined in the Department's Design Manual(s). Services to include all detailing (except shop drawings), the determination of all quantities and plans & specifications, and may include right-of-way acquisition; and reviewing and checking of submitted shop drawings and design related to construction support.

3) Traffic & Safety

Professional engineering license required.

Work includes:

This category of service consists of comprehensive design of stand-alone Traffic Engineering projects. This typically includes engineering, design, surveys, investigations, studies, and calculations necessary for preparation of plans, specifications, and construction estimate (PS&E package) for construction bid letting. Projects vary in size and typically include signals, roundabouts, intelligent transportation systems, roadway lighting, and roadway signing. Depending on the size of the project, the work required to accomplish this may include: cost benefit analysis on alternatives; topographic and cadastral surveying; engineering of roadway alignment and grade and cross-section features; analysis and design of hydraulic, geotechnical, materials, traffic, and environmental features; right-of-way design; determination of quantities; development of construction traffic control plans; estimating; public, regulatory, and local agency coordination; development of environmental documents in compliance with National Environmental Policy Act (NEPA); overall advanced project management; and may include right-of-way acquisition. The design must conform to the Manual on Uniform Traffic Control Devices, AASHTO guidelines, and be performed in accordance with the procedures

outlined in the Department's Traffic Engineering Manual, Road Design Manual and other manuals.

This category of service also consists of the comprehensive review of traffic crashes, identification of crash trends, development of countermeasures to reduce the number and/or the severity of crashes, benefit/cost evaluations and the design of safety improvements.

Additionally, work may also include general traffic engineering studies and project-specific, minor traffic signal operations. The general traffic engineering studies may include highway capacity analysis for signalized intersections, unsignalized intersections, two-lane highways, and freeway operations, as well as traffic signal warrant studies, auxiliary turn lane analysis, speed zone investigations, pedestrian studies, etc.

4) Facilities Layout and Development

Professional engineering license required.

Work includes:

This work category is typically used for MDT rest areas, waysides, and facilities projects. This typically includes conceptual site layout of new rest areas or rehabilitation of existing rest areas, as well as the design of public water supply and wastewater treatment systems in order for the Department to obtain necessary permits. The work required to accomplish this may include, but is certainly not limited to: cost benefit analysis on alternatives; topographic and cadastral surveying; preliminary engineering of roadways, approaches, and parking areas; analysis and preliminary design of hydraulic, geotechnical, materials, traffic, and environmental features; right-of-way design; analysis of traffic movements within the site; estimating; public, regulatory, and local agency coordination; development of environmental documents in compliance with National Environmental Policy Act (NEPA); overall advanced project management; and may include right-of-way acquisition and architectural services. The design may include well installation (depth, screened interval, pump size), water distribution, and wastewater treatment. The wastewater at rest areas is considered a high-strength source and may require additional evaluation and treatment. The consultant must be familiar with DEQ's design requirements and review/approval process. The consultant may also be required to provide engineering support for Operation and Maintenance (O&M) of existing public water supply and wastewater treatment systems; troubleshoot water supply contamination issues; design collection and distribution systems at groundwater springs; and prepare source water delineation and assessment reports for public water supplies.

5) Transportation Alternatives (TA)

Professional engineering license required.

Work includes:

Firms interested in this category must establish a team of experts capable of performing all of the work required to complete a Transportation Alternatives project. This typically includes engineering, design, surveys, investigations, studies, and calculations necessary for preparation of plans, specifications, and construction estimate (PS&E package) for construction bid letting. Projects vary in scope, but typically are small projects with minor complexity. The scope, for example, may include multi-use paths, sidewalks, curb ramps, pre-fabricated pedestrian bridges, rehabilitation of historic transportation facilities, bike lane design, etc. TA projects are typically administered by MDT. The work required to accomplish this may generally include, but is certainly not limited to: topographic surveying; engineering of path alignment and grade and cross-section features; layout of sidewalk curb ramps; analysis and design of hydraulic, geotechnical, materials, traffic, and environmental features; right-of-way research, design, and may include acquisition; determination of quantities; estimating; public, regulatory, and local agency coordination; development of environmental documents in compliance with National Environmental Policy Act (NEPA); and overall advanced project management.

LOCATION

Projects or Term Contracts for which this prequalification roster will be used may be located anywhere in the State of Montana.

PROJECT SCHEDULE AND DELIVERABLES

Projects will be developed on specific schedules. Each individual schedule will be negotiated prior to developing the contract agreement for services. In general, projects, and the associated deliverables, will generally follow MDT's Consultant Activity Descriptions (as applicable): http://www.mdt.mt.gov/other/webdata/external/cdb/ACTIVITY_DESCRIPTIONS/CONSULTANT_DESIGN_2500_MU.PDF

STANDARDS, SPECIFICATIONS, AND POLICIES

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

PROPOSAL SUBMITTAL

Separate SOQs are required for each Work Category. Do not combine different Work Categories in the same SOQ.

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

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

Sheryl Tangen: stangen@mt.gov
Kelly Williams: kwilliams@mt.gov

The Department must receive the proposals for this RFP no later than 3:00 PM MST, May 3rd, 2021.

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

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

SOLICITATION SCHEDULE

The anticipated schedule for consultant solicitation and finalization of the Rosters is as follows (subject to change):

March 22, 2023: RFQ released
May 3, 2023: SOQs due to be submitted to MDT Consultant Design
June 5, 2023: SOQs reviewed, rated, and ranked by the evaluation committees
June 7, 2023: Consultant Selection Board meeting to approve roster updates

SOQ CONTENTS

Each SOQ must contain the information listed in this section. Each SOQ is **limited to fourteen (14) pages**, not including Appendix A or Appendix B. A single cover jacket/title page is allowed if desired and will not count in the page limit. Each page is defined as one side of a letter size sheet (no larger than 8 ½" x 11"), minimum font size of 10. Evaluation of information will begin with the first page immediately following the cover jacket/title page, and every page will be counted, in order, from that point forward, including any table of contents or divider pages the firm wishes to include. Once the page limit is reached, any information included thereafter will be removed and not considered or scored. Please organize your proposal in the same order and numbering format as shown below, which will assist MDT in reviewing your proposal:

Questions

- 1) **Qualifications of Firm:** Provide a discussion of how your firm is best qualified to respond to the requirements of the services requested, as described in the Scope of Work Section. Discussion should focus on:
 - Ability, Strategy, and Approach to meet the requirements of the MDT and FHWA-funded projects/contract work. Provide examples of previous related project experience as it relates to these services.
 - Ability and Strategy to meet project schedules, including fast-tracked or emergency projects, and changing priorities.

- Compatibility of systems, software, and equipment (i.e. CADD software, word processing software, etc.), and experience with these systems, software, and equipment. The Department’s standard design software is Microstation GEOPAK SS4 with OpenRoads Technology. Please note that MDT is not currently prepared to allow use of Bentley OpenRoads Designer CONNECT edition. Describe any additional support equipment or software you intend to use.
- Quality assurance/quality control procedures.

2) **Qualifications of Personnel:** Provide a discussion of the qualifications of the key personnel to be assigned to the work. Discussion should focus on:

- Expertise and experience as it relates to the work category described in the “Scope of Work” section above, including subconsultants (if used). Provide examples of previous related project experience as it relates to these services.
- Training of key personnel to be assigned to the work, as it relates to the work category described in the “Scope of Work” section.
- Clearly state any professional licensing requirements applicable to this contract.
- Include an organization chart that indicates the project staff, their area of expertise, registration, and office location(s).

Resumes may be considered as supplemental information for scoring this question.

Appendix A: Resumes

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

Appendix B: Cover Page Form

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

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

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

EVALUATION OF SOQs

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

- 1) **Qualifications of Firm (50 points possible)**
- 2) **Qualifications of Personnel (100 points possible)**

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

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

Following the review, evaluation, and rating of all SOQs, the final results will be presented to the Consultant Selection Board at the MDT Headquarters Building. At this time, the Consultant

Selection Board will take action to approve the roster of the individual firms in the order of their relative scores. The Consultant Selection Board may then short-list firms from this roster for future project-specific, brief Requests for Proposals (RFPs) on an as-needed basis. The rosters will be made available for viewing upon adoption by the Consultant Selection Board.

The members on the evaluation committees for each Category of Service are as follows (subject to change as necessary):

Comprehensive Roadway Design

1. MDT Consultant Design Bureau Project Manager
2. MDT Missoula District Projects Engineer
3. MDT Glendive District Projects Engineer

Bridges & Structures

1. MDT Bridge Bureau Engineering Manager
2. MDT Bridge Bureau Engineering Manager
3. MDT Bridge Bureau Engineering Manager

Traffic & Safety

1. MDT Traffic Bureau Manager
2. MDT Traffic Bureau Engineering Manager
3. MDT Traffic Bureau Operations Engineer

Facilities Layout and Development

1. MDT Facilities Reviewer/Supervisor
2. MDT Transportation Planner
3. MDT Project Analysis Manager

Transportation Alternatives

1. MDT Transportation Alternatives Engineer
2. MDT Consultant Design Bureau Project Manager
3. MDT Consultant Design Bureau Checker

INDIRECT COST RATE REQUIREMENTS

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

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

http://www.mdt.mt.gov/other/webdata/external/cdb/consultant_manual/consultant-design-manual_combined.pdf

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

AGREEMENT REQUIREMENTS

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

Do not submit actual numerical financial information within this proposal.

STATE OPTION TO AWARD

Issuance of this RFQ in no way constitutes a commitment by the State to award and execute a contract. Upon a determination such actions would be in its best interest, the State, in its sole discretion, reserves the right to:

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

SINGLE POINT OF CONTACT

From the date this solicitation is issued until the Rosters are finalized by MDT at the Consultant Selection Board meeting, offerors are not allowed to communicate with any state staff or

officials regarding this solicitation, except at the direction of the Consultant Design Engineer. If unauthorized contact is made and the Consultant Design Engineer determines the context of the contact gives the firm an unfair advantage, the firm will be disqualified from the solicitation. Contact information for the single point of contact is as follows:

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

DBE GOALS

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

NONDISCRIMINATION COMPLIANCE

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

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

Sincerely,

Kelly M. Williams

Kelly Williams, P.E.
Consultant Design Engineer

Attachment

e-copies:

MDT Consultant Design Bureau file
Jay Skoog, ACEC Executive Director-Montana Chapter
Dwane Kailey, MDT Chief Engineer
Dustin Rouse, MDT Preconstruction Engineer
Damian Krings, MDT Highways Engineer

Rob Stapley, MDT Planning Division Administrator
Megan Handl, MDT Civil Rights Bureau Chief
Jason Senn, MDT Consultant Plans Engineer
Dave Holien, MDT TA Engineer

MDT NONDISCRIMINATION AND DISABILITY ACCOMMODATION NOTICE

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

Federal protected classes

Race, color, national origin,
sex, sexual orientation, gender identity,
age, disability, income-level & Limited
English Proficiency

State protected classes

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

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

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

(2) Non-discrimination:

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

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

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

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

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

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

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

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

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

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

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

Federal

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airways Improvement Act of 1982, (49 U.S.C. § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (broadened the scope, coverage, and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients, and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 CFR parts 37 and 38;
- The Federal Aviation Administration’s Non-Discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which prevents discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English Proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);

- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. § 1681 *et seq.*).
- Executive Order 13672 prohibits discrimination in the civilian federal workforce on the basis of gender identity and in hiring by federal contractors on the basis of both sexual orientation and gender identity.

State

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

(8) Incorporation of Provisions: The PARTY will include the provisions of paragraph one through seven in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and/or directives issued pursuant thereto. The PARTY will take action with respect to any subcontract or procurement as MDT or the relevant US DOT Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the PARTY becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the PARTY may request MDT to enter into any litigation to protect the interests of MDT. In addition, the PARTY may request the United States to enter into the litigation to protect the interests of the United States.