

**NOTICE OF GRANT OPPORTUNITY  
Minnesota Department of Transportation (MnDOT)  
Active Transportation Infrastructure Program Grant Solicitation  
2022/2023 Solicitation Guide**

Note: This document is available in alternative formats for persons with disabilities by calling the Minnesota Relay Service at 1-800-627-3529 or for persons who are hearing or speech impaired by e-mailing [ADArequest.dot@state.mn.us](mailto:ADArequest.dot@state.mn.us)

This grant announcement does not obligate MnDOT to award a grant, and MnDOT reserves the right to cancel the solicitation if it is considered to be in its best interest.

Responses to this grant announcement will be public information under the Minnesota Data Practices Act, Minnesota Statutes Chapter 13.

### **Project Overview**

MnDOT requests applications for the Active Transportation (AT) Infrastructure Program solicitation. The Minnesota AT Infrastructure Program provides grant funding for the construction of pedestrian and bicycle infrastructure projects. The program was established by the Minnesota Legislature in 2017 and is defined in Minnesota Statute 174.38. Currently, the legislature appropriated a total of \$3.5 million for infrastructure projects across the state.

### **Project Goal**

The Minnesota Department of Transportation (MnDOT) office of State Aid for Local Transportation (SALT) administers the state AT infrastructure program with guidance from the AT Infrastructure Advisory Committee. The process, criteria, and prioritization for the solicitation are required by statute to establish a geographic equity-based project evaluation and selection process that is competitive, criteria-based, and objective. Projects are approved by the Active Transportation Infrastructure Advisory Committee to provide financial assistance to eligible recipients to construct pedestrian and bicycle infrastructure improvements.

### **Solicitation Timeline**

The solicitation schedule for funding is provided below.

- **Monday, September 12th, 2022** – Active Transportation Infrastructure Program solicitation kick-off. Open letter of intent period
- **Friday, October 14th, 2022** – Deadline for applicants to submit letters of intent
- **Friday, October 28th, 2022** – MnDOT recommendation letters distributed to applicants to proceed with full application
- **Monday, October 31st, 2022** – Opening date for full application submittals
- **Friday, December 30th, 2022** – Deadline for applicants to submit full applications
- **Friday, March 24th, 2023** – Project selection finalized, and award letters distributed to selected projects

### **Funding Availability**

Active Transportation funding does not require any local match, and grants are paid on a reimbursable basis (the local agency finances 100% of the project cost up front and submits state aid pay requests for reimbursement). Grant requests must be between \$50,000 and \$500,000. The grant funds are intended to fund standalone AT projects or provide the local match for a federally funded active transportation project. Applicants may also submit multiple applications for different AT projects in and around their community. Note that potential grant funds may not be used for public staff time, including construction and installation. All construction and installation work must be bid out and awarded to a contractor.

### *Funding Types*

Two project types are available for applicants to select from: (1) funding for construction of standalone project that uses no federal funding, and (2) local match for a project that has already been selected for a federal grant.

#### *1. Construction of Standalone Project (No federal funding)*

This option is available for communities that have a project identified in their AT plan or other planning document and only need funds to implement the improvements. This option may be used to fund up to 100% of eligible AT construction costs.

#### *2. Local Match for Federally Funded Project*

Funds may be used for the local share on AT federally funded projects already programmed in the Statewide Transportation Improvement Program (STIP). To be considered for a local match, the project must already be awarded federal funding, have a federal MnDOT project number, and be listed in an approved STIP for construction in 2023 or 2024.

Federal *Transportation Alternative* or *Safe Streets for All* funding may also be eligible for use on these types of infrastructure projects. Applicants may want to consider which program best fits the needs of their project.

### *Multiple Applications*

Applicants may submit multiple project applications but only one for each project location.

### **Minimum Requirements/Eligibility**

Applicants must meet the minimum requirements in order to be considered for this grant opportunity. Proposed projects must follow the listed requirements to be considered for grant funding:

- All improvements constructed with AT funding must have a minimum useful life of 10 years.
- The project must be able to enter construction in either the 2023 or 2024 calendar years.
- The applicant must have a **full resolution** (not just a letter of support) from their council or governing board supporting the project and application for AT grant funds. Resolutions of support are required from all agencies with right-of-way impacted by the proposed project.
- If a project sponsor is required, the applicant must have a **full resolution** (not just a letter of support) from the sponsoring agency's council supporting the project, agreeing to act as the project sponsor, and perform the lead agency sponsor tasks described above.
- Active Transportation infrastructure grant funds can only be used on impacts to trunk highways or trunk highway right-of-way with an explicit letter of support from the MnDOT district

engineer. If a funding source other than AT infrastructure funds are being use on trunk highway impacts, then the letter of support from the MnDOT district engineer is not required.

#### *Eligible Agencies*

Both public and non-profit entities may submit applications for infrastructure funding with a lead agency sponsor. Note that a resolution of support is required from the applicant agency's governing council and from the lead agency sponsor's governing council or board. Additionally, resolutions of support must be submitted from all public agencies that will have property or right-of-way impacted by this project.

Eligible applicants include:

- Non-profits or tax-exempt organizations (registered as a 501(c)(3))
- Townships
- State Aid and non-State Aid Cities
- Counties

Note that while federally recognized tribes are not eligible to receive a grant, tribes may provide a letter of support for projects that would be constructed in a county, city, or township located within a federally recognized reservation. This type of project would be categorized under "Federally recognized tribe" in the Selection Criteria section of this guide.

#### *Lead Agency Sponsor*

Township, small city, and non-profit applicants require a county to sponsor their application and project. The sponsor's tasks could include, but are not limited to:

- Be the fiscal agent on behalf of the applicant and have funds flow from MnDOT to the state aid city or county to the contractor.
- Request SAP/SP number for the project.
- Ensure the project meets milestones and dates.
- Assist local agency in execution of a grant agreement.
- Develop, review and/or approve the plan.
- Submit plan, engineers estimate, and proposal to the District State Aid Engineer (DSAE).
- Advertise, let, and award the project.
- Submit pay requests to State Aid.
- Communicate progress and updates with the DSAEs and State Aid State Programs Engineer or Active Transportation Engineer.
- Ensure that the project receives adequate supervision and inspection.
- Assist with project close out.

### Scoring Criteria

Projects from similar types of communities will be scored among each other. Applications will be categorized into five selection pools. These pools are not based on the agency submitting the application, but rather are based on the community in which the project will be constructed. The selection pools are listed below:

- MN Cities of the First Class (Minneapolis, Saint Paul, Rochester, & Duluth)
- Metro District Communities (excluding Minneapolis & Saint Paul)
- Greater MN State Aid Cities (excluding Duluth & Rochester)
- Greater MN non-State Aid Cities & Townships
- Federally Recognized Tribes (grant recipient must be township, city, or county within a reservation)\*

\*Note that a tribe must submit a letter of support for the project located within its respective reservation for it to be considered in the “Federally recognized tribes” selection pool.

Each project will be reviewed with the following criteria. The application criteria include (but are not limited to):

1. **Eligibility:** Applicant must follow all criteria identified in the *Application Eligibility* section of this document, including the criteria outlined the *Funding Eligibility* and *Lead Agency Sponsor* subsections.
2. **Safety Concerns:** Identified risks to safety for citizens walking or biking throughout the community and potential pedestrian and bicycle counts of those who may continue to make these trips on foot or bicycle even though these risks are present.
3. **Full Project Description:** All improvements are identified including the improvement location, destinations connected, and any project maps or design exhibits.
4. **Risk Mitigation:** Project improvements address the safety risks and hazards identified, mitigate safety concerns, and boosts health benefits.
5. **Community engagement & transportation policies:** Adoption of pedestrian or bicycle plans or full complete streets policies as well as development of activities or policies that encourage or promote walking and biking.
6. **Equity Score:** Description on how this project will advance equity in the community. Also using the AT equity score, modified for the AT program, which was developed by MnDOT to identify priority locations for people walking. The scoring map can be found here: [Active Transportation Equity Score Tool](#).

### Eligible Improvements

AT funds may be used for projects that serve a transportation purpose to connect communities and/or connect key destinations within a community. Eligible items include, but are not limited to, one or more of the following improvements:

- Pedestrian and bicycle crossing improvements: pedestrian curb ramps, intersections or midblock crossings, median refuges, raised crossings, raised intersections, speed humps and curb extensions, pedestrian-scaled lighting.
- Off-street bicycle and pedestrian facilities: exclusive multi-use bicycle and pedestrian trails, sidewalks, and pathways that are separated from a roadway.
- On-road facilities: bicycle lanes, bicycle boulevards, and cycle tracks
- Traffic control devices: signs, bicycle and pedestrian activated signals, flexible bollards, and pavement markings *Note: Electronic devices must be permanent - **not** mobile.*
- Basic curb, roadway, or turf replacement due to removals required to install the improvements listed above

### Ineligible Improvements

AT funds may **not** be used for projects that serve purely a recreational or leisure purpose. Additionally, items that are **ineligible** for AT funds include, but are not limited to, the following:

- Landscaping planters, benches, and decorative fences
- Ornamental lighting beyond the standard
- Bike racks
- Aesthetic treatments above the standard
- Costs associated with engineering, construction administration and inspection, right of way acquisition, and water main, sanitary sewer, or private utility work
- **Work on trunk highways or on trunk highway right-of-way without a letter of support from the MnDOT district engineer. Work on trunk highways is only allowed if this letter is included with the application.**

### Questions

Applicants who have any questions regarding this grant announcement may submit questions by e-mail to:

Mitch Kiecker  
[mitchell.kiecker@state.mn.us](mailto:mitchell.kiecker@state.mn.us)

Questions must be submitted by the solicitation closing at 5:00pm on December 30, 2022.

## Application Contents

The following will be considered contents and questions asked in the application:

### I. Project Information

#### A. Applicant Information

1. Name (First & Last): Provide the name of the contact person at the local agency applying for the funds. This person should be the person to contact with questions about the applications and representing the agency submitting the project.
2. Preferred title: The title by which the applicant would like to be addressed (Mrs., Ms., Mr., Dr., etc.).
3. E-mail: The work e-mail address of the person at the agency applying for the funds.
4. Phone Number: The work phone number of the person at the agency applying for the funds.
5. Agency Name: The name of the agency submitting the application.
6. Agency type: Select the appropriate agency type from the drop down that is submitting the application: township, small city (population < 5,000), state aid city, county, registered non-profit.
7. Street Address: The number and street name of agency.
8. City: The city where the agency is located.
9. State: This will always be Minnesota.
10. Zip Code: The zip code where the agency is located.
11. MnDOT District: The MnDOT district in which the proposed project would be constructed.

#### B. Lead Agency Sponsor Information

Any applicant that is a township, small city (population <5,000), or registered non-profit must have a lead agency sponsor. Lead agency sponsors may be a county or a state aid city. The project must be constructed at least partially within the jurisdiction of the sponsoring agency.

1. Sponsoring City/County: City or county that will act as the lead agency sponsor
2. City/County Engineer name: Provide the name of the city or county engineer of the lead agency sponsor
3. Preferred title: The title by which the sponsoring agency engineer would like to be addressed (Mrs., Ms., Mr., Dr., etc.).
4. E-mail: The work e-mail address of the sponsoring agency engineer.
5. Phone Number: The work phone number of the sponsoring agency engineer.
6. Street Address: The number and street name of the lead agency sponsor .

7. City: The city where the lead agency sponsor is located.
8. State: This will always be Minnesota.
9. Zip Code: The zip code where the lead agency sponsor is located.

### **C. Project Funding**

1. AT Program Request: list the total grant request for the proposed project. The request must be between \$50,000 and \$500,000.
2. Other funding sources: list the funding sources for the project other than AT infrastructure grant funds. This could include any of the following:
  - Federal funds and grants.
  - Other state or state aid funds.
  - Local funds including city, county, or any other municipal funding.
3. Other funding amounts: list the total funding allocated to the proposed project from each of the funding sources that were listed above.
4. Total project costs: The total costs for the project will automatically total from the amounts entered into the sources listed above. Applicants should verify that the displayed total project cost matches the total cost from their project estimates.

### **D. Brief Project Description**

Enter a brief description or title of your project. Maximum 300 characters. Example: “Shared use path along CSAH 12 and curb extensions at intersection of CSAH 12 and Main St.”

### **E. Project Location**

1. List all municipalities that are a part of this project. A municipality should be listed if it is partnering on this project or if this project will be constructed at any point within its city/township/county limits.
2. Provide a latitude and longitude for the project location. This may be approximated as the most central or critical location of the project

### **F. Type of Work**

Select the type of work that would be funded with an awarded AT infrastructure grant:

1. Construction of non-federally funded project.
2. Used as a local match for previously awarded federally funded project.
  - List the project number for which additional funds are requested.
  - Applicants must ensure they have local funds available for the local share of this project.

### **G. Eligibility Check**

Proposed projects must verify their project qualify for the listed requirements:

1. The applicant must have a **full resolution** (not just a letter of support) from their council or governing board supporting the project and application for AT grant funds, including a commitment to provide matching funds if required.

2. If a lead agency sponsor is required, the applicant must have a **full resolution** (not just a letter of support) from the sponsoring agency's council supporting the project and agreeing to act as the project sponsor.
3. If the proposed project will impact public property or right-of-way or any public agency other than the applicant or lead agency sponsor, a **full resolution** of support from that impacted public agency must be attached to the application.
4. All improvements constructed with AT funding must have a minimum useful life of 10 years.
5. The project must be able to enter construction in either the 2023 or 2024 calendar years.
6. Active Transportation infrastructure grant funds can only be used on impacts to trunk highways or trunk highway right-of-way if the applicant has an explicit letter of support from the MnDOT district engineer. A project with trunk highway impacts may be also considered if the applicant plans to use funding sources other than AT infrastructure grant funds on any trunk highway impacts.
7. Only construction costs are eligible for the program. Development of engineering and construction plans are not eligible nor are right of way acquisition costs. All awarded projects must follow the State Aid process, which includes developing a construction plan set signed by a licensed engineer. The applicant must have the ability to develop this plan set or the funds to pay a consultant to develop this plan set. Exhibits from engineering studies do not qualify as a construction plan set.
8. Active Transportation funds cannot be used to pay public works staff time to construct or install any improvements. Public works staff time is not an eligible cost for the program. All awarded projects must be put out to bid and awarded to a contractor. The applicant understands this program requirement and plans to bid the project out to a contractor.

#### **H. Project Evaluation**

Enter the contact information for follow up project evaluations. This contact should be a role or title with whom MnDOT staff can contact in the case of applicant staff turnover. The post-construction evaluations will be to gauge effectiveness and use of the eligible infrastructure improvements.

1. Title / Role: the staff of the staff member who should be contacted to conduct project evaluations.
2. Email: the work email address that can be best used to contact the local agency for follow-up evaluations.
3. Phone number: the phone number that can be best used to contact the local agency for follow-up evaluations.



## II. Project Improvements & Safety

### I. Safety Concerns

1. At any location in the project area, do pedestrians or bicyclists travel where safe infrastructure is not provided?

Yes/No

Check any that apply below:

- Walking along the grass or ditch.
- Walking or biking within a vehicle travel lane or roadway.
- Crossing a roadway where pedestrian or bicyclist crossings are explicitly prohibited by signage.
- Crossing at any point other than an intersection or marked crossing.
- Other (please describe in the following prompt).

2. Have safety risks or hazards related to vehicles been identified within the project area that prevent people from safely walking or biking in or near the project area?

Yes/No

Check any that apply below:

- High vehicle speeds.
- High levels of traffic.
- Low stop or yield compliance for pedestrians or cyclists.
- Low visibility of pedestrians or cyclists / Drivers unable to see pedestrians or cyclists.
- Other (please describe in the following prompt).

3. List and describe the safety risks, hazards, or uncomfortable walking or biking conditions that have been identified above, including the locations of these risks and conditions. If “other” was selected for either prompt above, describe the specific safety risk or hazard. Applicants may also reference any survey data, crash data, pedestrian or bicycle plan, or other relevant sources. Upload any referenced sources when submitting this application. Each attachment must be referenced in the application, otherwise the attachment will not be considered in the scoring of the application.

### J. Types of Improvements

List each of the active transportation infrastructure improvements that will be constructed as a part of this project. Include the specific locations of each improvement identified. (Example: New sidewalk on west side of Elm St from 1<sup>st</sup> Ave to 4<sup>th</sup> Ave. New RRFB crossing Elm St at 4<sup>th</sup> Ave.) Include any project maps or design exhibits, which may be uploaded with your application. If the applicant includes exhibits, these exhibits should be referenced in the description. Exhibits added without context in the description may not earn the applicant any additional points.

### **K. Project Improvements**

**Destinations:** Explain how listed improvements would connect communities or connect destinations within your community. Note that since schools have a dedicated funding source through the Safe Routes to School program, this application is looking for how projects will connect destinations other than schools within the applicant's community. (Example: New sidewalks on Elm Street would allow for safer walking to the library one block to the east)

**Safety Risk Mitigation:** Explain how each of the listed improvements would mitigate the safety risks and hazards described above. (Example: New RRFB at 4<sup>th</sup> Ave may improve visibility of pedestrians crossing Elm Street.)

## **III. Community Engagement and Transportation Policies**

### **L. Plans, Policies, & Studies**

1. Does the applicant agency or sponsor have any pedestrian or bicycle plan?
  - If yes, in which year did the local governing agency adopt the plans?
  - If yes, provide link to the most recent plan.
2. Has the adopted plan received any updates, addendums, surveys, public engagement sessions, or any other changes since it was adopted?
  - If yes, briefly describe the updates.
  - If yes, when submitting your application, upload any updates, addendums, surveys, public engagement sessions, or any other changes or community feedback that have occurred since the plan was adopted.
3. Are the improvements in this project identified in the listed plan?
  - If yes, provide the page number(s) on which the project is identified.
  - If no, have the improvements been identified in any other planning document or study?
    - If yes, provide a link to this document or study.
    - If yes, provide the page number(s) on which the project is identified.
4. Explain how the proposed improvements in this project were identified, planned, and prioritized. This includes any community engagement or public outreach activities.
5. Has the applicant agency or sponsor adopted a complete streets policy?
  - If yes, in which year did the local governing agency adopt the policy?
  - If yes, provide link to the adopted policy.
  - If no, list any adopted transportation policies that promote safe walking and biking.

#### **IV. Equity Score**

##### **M. Advancing Equity**

Describe how this project will advance equity in your community. This should be specific to how this project will benefit the people living and working in your community.

##### **N. Active Transportation Equity Score**

The Active Transportation equity scoring tool was developed to support equitable planning and scoring processes for bicycle and pedestrian improvements throughout Minnesota. Multiple different pieces of information are used to create a composite score. The AT equity scores used in the project evaluation process for this solicitation can be found through the online map: [Active Transportation Equity Score Map](#)

#### **V. Attachments**

Ensure to upload and submit all requested materials with your application. Ensure to include:

- a) Required attachments that do not affect the final application score:
  - Submitting agency resolution of support, including resolutions from any agency that owns or manages right-of-way that will be impacted with AT-eligible infrastructure improvements
  - A sponsor resolution (if applicable)
  - Letter of support from federally recognized tribe if the project is located on a reservation
  - Engineering or planning based cost estimate with itemized breakdown
  - A timeline indicating major milestones of the project and their anticipated completion dates
  - Awarded federal application and award letter (if requesting local match for federal project)
  
- b) Required attachments that may affect the final application score:
  - Pedestrian, bicycle, or other transportation plan or study that identifies the proposed project or improvements or a link to these documents
  - Any updates, addendums, surveys, etc. that show updates to the above listed documents
  - At least one project location map with project routes or improvements identified
  
- c) Additional project attachments (if applicable or available) that may affect the final application score:
  - Planning documents that identify the proposed project
  - Project design exhibits or sections
  - Community survey or crash data (related to safety concerns)
  - Baseline pedestrian and cyclist traffic counts
  - Additional letters of support

### Application Submittal

This application is submitted as an online form, which can be accessed on the [AT infrastructure grant webpage](#). The online form may not be available until the call for full applications on October 31, 2022. All prompts and questions on the online form will be the same as in this solicitation guide. A link may be generated to save responses until the whole form is submitted. The final date to submit the full application form is December 30, 2022.

### Proposal Evaluation

Representatives of MnDOT will evaluate all responses received by the deadline. A 100-point scale will be used to create the final evaluation recommendation. The factors and weighting on which proposals will be judged are broken down in the following table:

Rating Factor	Weighting Percentage
Project Improvements & Safety	40%
Community Engagement & Transportation Policies	20%
Equity Evaluation	40%

MnDOT anticipates that the evaluation and selection will be completed by March 24, 2023.

### General Information

**Applicants must adhere to all terms of this grant announcement. All costs incurred in responding to this grant announcement will be borne by the applicant.**

### MnDOT Not Obligated To Complete Project

This grant announcement does not obligate MnDOT to award a grant, and MnDOT reserves the right to cancel the solicitation if it is considered to be in its best interest.

### Application Certifications

By submitting an application, applicants warrant that the information provided is true, correct and reliable for purposes of evaluation for potential grant award. The submission of inaccurate or misleading information may be grounds for disqualification from a grant award and may subject the applicant to suspension or debarment proceedings, as well as other remedies available to MnDOT, by law.

### Public Data

Per [Minn. Stat. § 13.599](#)

- Names and addresses of grant applicants will be public data once proposal responses are opened.
- All remaining data in proposal responses (except trade secret data as defined and classified in §13.37) will be public data after the evaluation process is completed (for the purposes of this grant, when all grant agreements have been fully executed).
- All data created or maintained by MnDOT as part of the evaluation process (except trade secret data as defined and classified in § 13.37) will be public data after the evaluation process is completed (for the purposes of this grant, when all grant agreements have been fully executed).

### **Affidavit of Noncollusion**

Applicants must affirm the affidavit of noncollusion when submitting an application. The statements the applicant must affirm are appended to this guide.

### **Conflicts of Interest**

Applicants must provide a list of all entities with which it has relationships that create, or appear to create, a conflict of interest with the work that is contemplated in this grant announcement. This list should indicate the name of the entity, the relationship and a discussion of the conflict. Applicants must complete the “Conflict of Interest Checklist and Disclosure” section of the application in order to successfully submit the application.

### **Organizational Conflicts of Interest**

The applicant warrants that, to the best of its knowledge and belief, and except as otherwise disclosed, there are no relevant facts or circumstances, which could give rise to organizational conflicts of interest. An organizational conflict of interest exists when, because of existing or planned activities or because of relationships with other persons, a vendor is unable or potentially unable to render impartial assistance or advice to MnDOT, or the successful responder’s objectivity in performing the Contract work is or might be otherwise impaired, or the successful applicant has an unfair competitive advantage. The applicant agrees that, if awarded, an organizational conflict of interest is discovered, an immediate and full disclosure in writing must be made to MnDOT, which must include a description of the action, which the successful applicant has taken or proposes to take to avoid or mitigate such conflicts. If an organizational conflict of interest is determined to exist, MnDOT may, at its discretion, cancel the awarded grant. In the event the applicant was aware of an organizational conflict of interest prior to the award of the grant and did not disclose the conflict to MnDOT, MnDOT may terminate the grant for default.

### **Financial Review Process**

All Non-Governmental Organizations (NGO’s), including registered non-profits, applying for grants in the state of Minnesota must undergo a financial review prior to a grant award made of \$25,000 and higher. In order to comply with [Policy on the Financial Review of Nongovernmental Organizations](#)

Please submit one of the following documents with your application, based on the following criteria:

- Grant applicants with annual income of under \$50,000, or who have not been in existence long enough to have a completed IRS Form 990 or audit should submit their most recent board-reviewed financial statements.
- Grant applicants with total annual revenue of \$50,000 or more and less than \$750,000 should submit their most recent IRS Form 990.
- Grant applicants with total annual revenue of over \$750,000 should submit their most recent certified financial audit.

### **Title VI Notice**

MnDOT, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) other nondiscrimination requirements and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement will be awarded without discrimination on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP.

**Sample Contract**

You should be aware of the Office of State Aid Grant Contract terms and conditions in preparing your response. A sample State Aid Active Transportation Contract is available at [https://edocs-public.dot.state.mn.us/edocs\\_public/DMResultSet/download?docId=15555765](https://edocs-public.dot.state.mn.us/edocs_public/DMResultSet/download?docId=15555765) for your reference.

Much of the language reflected in the Contract is required by statute. If you take exception to any of the terms, conditions or language in the Contract, you must indicate those exceptions in your response to this grant announcement; certain exceptions may result in your response being disqualified from further review and evaluation. Only those exceptions indicated in your response to this grant announcement will be available for discussion or negotiation.

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## CONFLICT OF INTEREST CHECKLIST AND DISCLOSURE FORM

**Purpose of this Checklist** This checklist is provided to assist applicants in screening for potential organizational conflicts of interest. The checklist is for the internal use of applicants.

**Definition of “Applicant”** As used herein, the word “Applicant” includes both the potential Grantee and any sub grantees.

**Checklist is Not Exclusive** Please note that this checklist serves as a guide only, and that there may be additional potential conflict situations not covered by this checklist. If an applicant determines a potential conflict of interest exists that is not covered by this checklist, that potential conflict must still be disclosed.

**Use of the Disclosure Form** An applicant must complete the “Conflict of Interest Disclosure” section of the application before submitting. If an applicant determines a potential conflict of interest exists, it must disclose the potential conflict to MnDOT; however, such a disclosure will not necessarily disqualify an applicant from being awarded a grant. To avoid any unfair “taint” of the selection process, the disclosure form will not be provided to selection committee members. MnDOT’s Contract Management personnel will review the disclosure and the appropriateness of the proposed mitigation measures to determine if the applicant may be awarded the grant notwithstanding the potential conflict. MnDOT’s Contract Management personnel may consult with MnDOT’s Project Manager and Department of Administration personnel. By statute, resolution of conflict of interest issues is ultimately at the sole discretion of the Commissioner of Administration.

**Material Representation** The applicant is required to complete the “Conflict of Interest Disclosure” section of the application either declaring, to the best of its knowledge and belief, either that no potential conflict exists, or identifying potential conflicts and proposing remedial measures to ameliorate such conflict. The applicant must also update conflict information if such information changes after the submission of the proposal. Information provided in the application will constitute a material representation as to the award of this grant. MnDOT reserves the right to cancel or amend the resulting grant if the successful applicant failed to disclose a potential conflict, which it knew or should have known about, or if the applicant provided information on the disclosure form that is materially false or misleading.

**Approach to Reviewing Potential Conflicts** MnDOT recognizes that applicants must maintain business relations with other public and private sector entities in order to successfully operate. MnDOT will take this reality into account as it evaluates the appropriateness of proposed measures to mitigate potential conflicts. It is not MnDOT’s intent to disqualify applicants based merely on the existence of a business relationship with another entity, but rather only when such relationship causes a conflict that potentially limits fair and open competition. MnDOT would seek to disqualify applicants only in those cases where a potential conflict cannot be adequately mitigated. Nevertheless, MnDOT must follow statutory guidance on Organizational Conflicts of Interest.

**Statutory Guidance** Minnesota Statutes §16C.02, Subdivision 10 (a) places limits on state agencies ability to award grants to entities having an “Organizational Conflict of Interest”. For purposes of this checklist and disclosure requirement, the term “Vendor” includes “Applicant” as defined above. Pursuant to such statute, “Organizational Conflict of Interest” means that because of existing or planned activities or because of relationships with other persons: (1) the vendor is unable or potentially unable

to render impartial assistance or advice to the state; (2) the vendor's objectivity in performing the contract work is or might otherwise be impaired; or (3) the vendor has an unfair advantage.

**Additional Guidance for Professionals Licensed by the Minnesota Board of Engineering** The Minnesota Board of Engineering has established conflict of interest rules applicable to those professionals licensed by the Board (see Minnesota Rules Part 1805.0300) Subpart 1 of the rule provides "A licensee shall avoid accepting a commission where duty to the client or the public would conflict with the personal interest of the licensee or the interest of another client. Prior to accepting such employment the licensee shall disclose to a prospective client such facts as may give rise to a conflict of interest".

**An organizational conflict of interest may exist in any of the following cases:**

- The applicant is providing services to another governmental or private entity and the applicant knows or has reason to believe, that entity's interests are, or may be, adverse to the state's interests with respect to the specific project covered by this contract. **Comment:** the mere existence of a business relationship with another entity would not ordinarily need to be disclosed. Rather, this focuses on the nature of services commissioned by the other entity. For example, it would not be appropriate to propose on a MnDOT project if a local government has also retained the applicant for the purpose of persuading MnDOT to stop or alter the project plans.
- The applicant is providing real estate information services to a private entity, including but not limited to developers, whom the applicant knows or has good reason to believe, own or are planning to purchase property affected by the project covered by this grant, when the value or potential uses of such property may be affected by the applicant's performance of work pursuant to this grant award. "Property affected by the project" includes property that is in, adjacent to, or in reasonable proximity to current or potential right-of-way for the project. The value or potential uses of the private entity's property may be affected by the applicant's work pursuant to the grant when such work involves providing recommendations for right-of-way acquisition, access control, and the design or location of frontage roads and interchanges. **Comment:** this provision does not presume applicants know or have a duty to inquire as to all of the business objectives of businesses in applicant's community. Rather, it seeks the disclosure of information regarding cases where the applicant has reason to believe that its performance of work under this grant award may materially affect the value or viability of a project it is performing for the other entity.
- The applicant has a business arrangement with a current MnDOT employee or immediate family member of such employee, including promised future employment of such person, or a subcontracting arrangement with such person, when such arrangement is contingent on the applicant being awarded this grant. This item does not apply to pre-existing employment of current or former MnDOT employees, or their immediate family members. **Comment:** this provision is not intended to supersede any MnDOT policies applicable to its own employees accepting outside employment. This provision is intended to focus on identifying situations where promises of employment have been made contingent on the outcome of this particular procurement. It is intended to avoid a situation where an applicant may have unfair access to "inside" information.
- The applicant has, in previous work for the state, been given access to "data" relevant to this procurement or this grant announcement that is classified as "private" or "nonpublic" under the



Minnesota Government Data Practices Act, and such data potentially provides the applicant with an unfair advantage in preparing the application. **Comment:** this provision attempts to avoid an “unfair advantage” when such information cannot be provided to other potential applicants. This provision includes private or non-public government data obtained from the state. MnDOT understands that public agency applicants may have access to county-specific or city-specific data, which is not included in this provision. Definitions of “government data”, “public data”, “non-public data” and “private data” can be found in Minnesota Statutes Chapter 13.

- The applicant has, in previous work for the state, helped create the “ground rules” for this solicitation by performing work such as: writing this solicitation, or preparing evaluation criteria or evaluation guides for this solicitation.

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**DISCLOSURE OF POTENTIAL CONFLICT OF INTEREST**

Having had the opportunity to review the Organizational Conflict of Interest Checklist, the applicant hereby indicates that it has, to the best of its knowledge and belief:

Determined that no potential organization conflict of interest exists; or

Determined a potential organization conflict of interest as follows:

- Description of potential conflict
- Description of measures proposed to mitigate the potential conflict

STATE OF MINNESOTA  
**AFFIDAVIT OF NONCOLLUSION**

I affirm:

1. That I am the Applicant or representative of the applicant agency (if the applicant is a county, city, township, or registered non-profit 501(c)3);
2. That the grant application in response to the Active Transportation infrastructure program solicitation has been arrived at by the Applicant independently or in coordination with a consultant, partner agency, or lead agency sponsor and has been submitted without collusion with and without any agreement, understanding or planned common course of action with any other solicitation Applicant designed to limit fair and open competition;
3. That I am fully informed regarding the accuracy of the statements made in this affidavit.