



TRI-COUNTY REGIONAL
PLANNING COMMISSION
M I D - M I C H I G A N

TRI-COUNTY REGIONAL PLANNING COMMISSION

(serving Clinton, Eaton, and
Ingham Counties, Michigan)

2017 (draft for adoption 2/2017) **OPERATING POLICIES AND PROCEDURES**

This Document is part of a set of Policies and Procedures that guide the operations of the Tri-County Regional Planning Commission. Together with the Commission's Employee Manual, and its Financial Policies and Procedures, these operating procedures and policies guide the activities and practices of the Tri-County Regional Planning Commission and its staff. The Commission reviews, amends as needed, and re-adopts these policies and procedures every year.

TABLE OF CONTENTS

	Page
INTRODUCTION	2
ESTABLISHMENT, PURPOSE, AND FUNCTION OF THE COMMISSION	2
Membership of the Commission	3
Compensation	3
Meetings	3
TRI-COUNTY REGIONAL PLANNING COMMISSION COMMITTEES	
General Information.....	4
Executive/Personnel Committee.....	4
Finance Committee	6
Program & Grant Review Committee.....	7
Regional Growth and Sustainable Communities Steering Committee.....	7
Transportation Review Committee.....	8
Capital Area Regional Transportation Study(CARTS)Technical Committee	9
Transportation Project Selection Committee.....	9
GENERAL OPERATIONS	
News Media and Communications	11
Use of Commission Resources, Supplies, Services	11
Meetings	12
Meeting Notices and Agendas	12
Minutes	12
Other Functions	13
FREEDOM OF INFORMATION ACT PROCEDURES	13
STATEMENT OF NONDISCRIMINATION POLICY	14
TCRPC CONSULTATION POLICY.....	15
Regulatory Basis	15
Roles and Responsibilities.....	15
FINANCE POLICIES AND PROCEDURES	
Commission Funding.....	18
Grant Applications, Work Programs, and Funding Agreements	18
Budget and Appropriations	18
Annual Operating Budget	19
Travel by Commission Members	19
Record(s) Retention	20
Purchase of Materials, Supplies, and Services (other than consultant contractual) ..	20
Consultant Contracts Selection	21
Minority Business Enterprise Procedures	21
How Consultant and Contract Selection Decisions are Made	22
Sole, Best Source or Emergency Procurement.....	22
Protest Procedures for Consultant/Contract Selection	23
CONFLICT OF INTEREST POLICY STATEMENT	24

INTRODUCTION

This is a general summary and guide to the Tri-County Regional Planning Commission's operating policies and procedures. The information contained herein is from the bylaws (as amended and re-adopted July 25, 2012) and Articles of Incorporation of the Commission (originally filed 1956), from the Annual Policies and Procedures adopted by the Commission in previous years, from guidelines developed through the Commission's standing Committees, as well from individual resolutions passed by the Commission. The Commission reviews and adopts the Policies and Procedures annually. The Tri-County Regional Planning Commission (TCRPC) is also referred to as the "Commission" throughout this document. Its directors are Commissioners and its executive director and employees are referred to as the Commission or TCRPC's "staff".

ESTABLISHMENT, PURPOSE, AND FUNCTION OF THE TRI-COUNTY REGIONAL PLANNING COMMISSION

ESTABLISHMENT

This Commission was created under the authority of Act 281 of Michigan Public Acts of 1945, as amended. It was established pursuant to resolutions adopted by the Boards of Supervisors of Clinton, Eaton and Ingham Counties on July 18, 1956. Membership was expanded to include the City of Lansing after 1968.

The official title of this Commission is the Tri-County Regional Planning Commission, hereinafter referred to as the Commission or TCRPC.

PURPOSE AND FUNCTION

The Commission is a voluntary organization of local governments and agencies organized to foster a cooperative effort in resolving problems, policies, and plans that are common and regional with the greatest benefit to citizens of the mid-Michigan tri-county area while maximizing the efficient use of its resources.

The purpose of the Commission shall be to prepare and/or coordinate the development of plans and aid in the implementation of agreed upon plans and services within the mid-Michigan tri-county region.

The Commission shall have such additional purposes as may be provided by law and shall have the following functions:

- A. To provide a mutual forum to identify, study, discuss and define regional issues and opportunities by utilizing the democratic processes and encouraging citizen participation.
- B. To assure a continuing practical vehicle to promote communication and cooperation for the exchange of information among area governmental units and agencies.
- C. To foster, develop and review plans for growth, development, and conservation of the environment in the region.
- D. To encourage and assist in the development of region-wide policies and proposals for coordinating human services, land use, transportation, and other related physical planning programs among area local governments.
- E. To furnish general and technical aid to member governments and groups or organizations relative to regional issues and opportunities as they request and direct.

- F. To review and coordinate federal, state and local programs of regional importance as defined and approved by the Commission.
- G. To provide necessary assistance to local governments, agencies and individuals in securing federal and state funding programs that would have regional significance as defined by the Commission.
- H. To undertake such other activities consistent with the purposes as set forth under the authority of the State of Michigan's Regional Planning Act 281 of 1945, as amended, which provides for regional planning; the creation, organization, powers and duties of regional planning commissions; the provision of funds for the use of regional planning commissions; and the supervision of the activities of regional planning commissions under the provisions of this act.
- I. To consider other matters that may benefit and be of value in promoting and accomplishing the purposes of the Commission.
- J. To encourage region-wide cooperation to enhance economic opportunity between the public and private sectors in development, expansion, attraction, and retention of business and industry.

MEMBERSHIP OF THE COMMISSION

The Commission shall be composed of nineteen (19) members representing the region's major governmental member units: three (3) from Clinton County, five (5) from Eaton County, five (5) from Ingham County and five (5) from the City of Lansing and one (1) from the Michigan Department of Transportation.

All governmental entities within a major unit are provided membership through the major member unit.

Each county shall allocate one or more of its membership positions on the Commission to those cities and townships having a population of more than 20% of the county's population (excluding the City of Lansing from the county population), whichever is greater, and who desire membership on the Commission.

Additional groups of cities, villages or townships desiring membership and having a combined population of 20% of the county population (excluding the City of Lansing from the counties' population), may also be allocated a membership by the county member unit.

Major transportation and transit agencies, commissions, departments, or providers are entitled to a membership allocated through the major governmental members.

COMPENSATION

The TCRPC shall not pay compensation to members of the Tri-County Regional Planning Commission for their services as members of the Commission; provided that this shall not affect in any way remuneration received by any state or local official who, in addition to his/her responsibilities and duties as a state or local official, serves also as a member of the Commission. All members may be reimbursed for actual expenses incurred as representatives of the Commission outside the region if authorized by the Commission.

MEETINGS

The regular meetings of the Commission shall be held as prescribed by the Commissioners and an annual schedule adopted at the TCRPC Annual Meeting or as recorded and posted publicly. Special meetings may be held as required, subject to call of the Chairperson, or in the absence of the Chairperson by the Vice Chairperson, or by the call of no less than six (6) voting members. The Executive Director may call attention to the necessity for a meeting to the Chairperson or Vice Chairperson.

A majority of the current members, which is usually ten (10) members of the Commission, shall constitute a quorum. The TCRPC will not consider any business without the presence of a quorum, except to adjourn or recess. Any formal action must be by a majority of the Commission members present with a quorum unless otherwise designated in these bylaws.

The Chairperson in cooperation with the Executive Director/staff shall notify the Commission members of the date and location of each meeting no less than five (5) days prior to the date set for the meeting.

In accordance with the Open Meetings Act, Public Act 267 of 1976, as amended, and other applicable statutes, members of the public are encouraged to attend all open public meetings and to address the public body at that meeting.

All regular meetings are open to the public and meeting notices are available through TCRPC's website or office. Special meetings may be public or closed in accordance with the Open Meetings Act, Public Act 267 of 1976, as amended. At any closed meeting, the Commission may designate or invite any member of its technical staff or county/city official to be present.

The Annual Meeting shall be the January meeting.

All regular and special meetings of the Commission and its Committees shall be conducted in accordance with procedures as set forth in the Mariam-Webster *New Roberts Rules of Order*.

TRI COUNTY REGIONAL PLANNING COMMISSION COMMITTEES

GENERAL INFORMATION

Committees, as deemed necessary by the Commission, shall be appointed by the Commission Chairperson who shall also select the committee chairpersons from the membership of the Commission, except for those committees where the chairperson is provided for in these Bylaws.

Advisory Committees: The Commission may appoint advisory committees or councils to offer advice, ideas, and guidance to the Commission on specific topics or issues. Members may consist of individuals whose experience, training, or interest in the program(s) may qualify them to lend valuable assistance to the Commission on technical and special topics or issues. Except as otherwise noted, the Chairperson of an Advisory Committee shall be appointed by the TCRPC Chairperson and may be from the Commission members. Members of such advisory committees shall receive no compensation for their services.

EXECUTIVE AND PERSONNEL COMMITTEE

The Executive and Personnel Committee shall consist of the four (4) officers of the Commission. The Chairperson of the Commission shall serve as the Chairperson of the Executive/Personnel Committee. The term of office of the Executive and Personnel Committee shall be for one (1) year effective from the date of the annual election.

The officers of the Commission shall be:

A Chairperson

who shall preside at meetings and shall have special duties as prescribed by the Bylaws, and shall have the further authority to preside at any recessed meeting, or call and preside at any special meeting and who shall also chair the Executive and Personnel Committee.

A Vice Chairperson

who shall function in the same capacity as the Chairperson in the case of the Chairperson's absence or inability to act.

A Treasurer

whose duties shall be to function in the same capacity as Chairperson in case of the Chairperson's and Vice Chairperson's absence or inability to act, and such other duties as are usual to the office, and who shall chair the Finance Committee. The Treasurer, other officers and TCRPC staff are responsible for the handling of funds and may be bonded in an amount as determined by the Commission.

A Secretary

whose duties shall be to function in the same capacity as Chairperson in the case of absence or inability to act by the Chairperson, Vice Chairperson and Treasurer. The Secretary's duties shall also be to recommend to the Commission a correct copy of minutes of meetings at which TCRPC business was transacted. The Secretary shall chair the Program and Grant Review Committee and perform such other duties as are usual to the office.

The Commission members from TCRPC's four major regional geographies, Clinton County, Eaton County, Ingham County and City of Lansing shall choose their own nominee for the respective office. Prior to or at the Annual Meeting, all member units shall caucus with others of their major membership area to nominate a delegate. Each office shall be rotated yearly amongst those areas. The rotation will be Secretary to Treasurer to Vice Chairperson to Chairperson, and then back to Secretary. In the event a unit is unable to secure a nominee to serve in the respective office, the next unit of government, in turn, will be eligible to nominate a person for that office.

During the election of officers at the annual meeting, the Executive Director shall assume the chair until such time as the elected person shall assume the chair having been duly elected as prescribed by these Bylaws.

FUNCTIONS AND RESPONSIBILITIES

The Executive-Personnel Committee reviews contracts, consultant selections, and various committee and Commission policy positions. They may review work programs as proposed by the TCRPC staff and/or committees. In accord with established Commission policies, some matters are referred to the full body with recommendations for action, others are referred for information only.

The Executive and Personnel Committee recommendations and/or actions shall be submitted to the Commission for its review and action at the next Commission meeting following the Executive/Personnel Committee meeting. The majority shall constitute a quorum, which is (3) officers of the Committee. Formal action must be by a majority of the officers present with a quorum.

The preparation, review, and recommendation to Commission on matters pertaining to revisions or amendments to TCRPC bylaws are the responsibility of this Committee. The Committee

reviews proposed changes to the TCRPC's bylaws and guidelines or bylaws for all TCRPC committees. The Committee may review and make recommendations regarding communications materials and information designed by TCRPC staff for distribution.

The Executive/Personnel Committee supervises preparation of the Commission-adopted Employee Policies and Equal Employment Opportunity procedures and is responsible for oversight and carrying out the terms of those policies and procedures.

The Committee may review and make recommendations to the full Commission regarding job evaluations, general salary base adjustments, fringe and other benefits for staff, addition, or deletion of staff positions in accord with budgets and funding, and other related personnel items.

Pursuant to the performance criteria established, the Executive/Personnel Committee performs an annual evaluation of the Executive Director and makes recommendations to the full Commission regarding contracts with and compensation of the Executive Director.

The named officers of the Executive/Personnel Committee along with the Executive Director and the Finance Coordinator will also be responsible for administering TCRPC's Retirement benefits program. They will, if needed, establish guidelines for prudent investment of employees' self-directed pension accounts in cooperation with an investment counselor. Under the Pension Reform Act, the Trustees must guarantee a fully vested plan for each participating employee and the Plan Administrator is to be bonded in accord. TCRPC currently offers retirement benefits through the Municipal Employees Retirement System (MERS).

The Committee also reviews contracts, consultant selections, various committee and Commission policy positions, etcetera. In accord with established Commission procedures, some matters are referred to the full body with recommendation for action, others are referred for information only.

In order to carry out the responsibilities of the Executive/Personnel Committee, \$5,000.00 shall be set aside, annually, as a discretionary fund. These funds are intended to be used for legal fees, research, and other Commission related activities. Any funds needed in excess of the discretionary fund must be approved by the Finance Committee.

Chairperson: The Commission Chairperson

Committee Membership: The four(4) officers of the TCRPC.

Staff Liaison: Executive Director

FINANCE COMMITTEE

The Finance Committee is responsible for general supervision of the Commission's budget and finances. The Committee receives and reviews monthly and annual finance status reports from the staff and Executive Director. With staff, the Committee develops the annual proposed budget for recommendation to the Commission.

The Committee reviews and may make recommendations to the Commission regarding the annual budget development and adoption as well as transfers of funds and expenditures in accord with the Commission's Financial Policies and Procedures. With support and analysis provided by staff and the Executive Director, the committee determines if funding is available for proposed projects and programs, and reports its findings to the Commission. The Committee receives and reviews the annual audit of Commission finances and makes a recommendation to the full Commission. In accord with the Commission's Financial Policies and Procedures, some financial decisions are made within the committee and are referred to the Commission for information only.

Chairperson: The Commission Treasurer is Chairperson of the Finance committee.

Committee Membership: A minimum of six and maximum of 10 members are appointed by the Commission Chairperson.

Staff Liaison: Finance Coordinator

PROGRAM & GRANT REVIEW COMMITTEE

The 'Program and Grant' Committee oversees TCRPC programs or 'departments' including Economic Development Planning and Environmental Protection Planning including their projects and work plans. The Committee reviews work programs as proposed by the TCRPC staff and/or advisory committees, and works with other parallel committees in plan review, coordination and implementation. The committee reviews and monitors all of the grant-funded programs of TCRPC as well as considers new or revised program initiatives.

TCRPC serves as a regional Single Point of Contact (SPOC). The Southeast Michigan Council of Governments (SEMCOG) fills that role for the state and refers applicants from this region to the TCRPC. The Program and Grant Review Committee is responsible for the review of grant proposals requested under specific federal and State programs as outlined in Executive Order 12372 and the State of Michigan's Federal project review system.

Proposed projects requesting federal funds and subject to State Review requirements are reviewed for program content; duplication with other programs in the region; consistency with regional objectives, plans and policies; and the extent to which there might be revision to increase effectiveness and efficiency. In making its recommendations, the Committee considers comments received from local agencies and units of government contacted regarding the project, staff recommendations, and comments from advisory committees where applicable.

The Program and Grant Review Committee either may make recommendations to the entire Commission for final determination or may submit them directly. Commission/Committee comments are transmitted to the applicant, the State Clearinghouse and the federal agency when appropriate.

Committee Chairperson: The TCRPC Secretary chairs the Program and Grant Review Committee and a maximum of ten members are appointed by the Commission Chairperson.

Staff Liaison: Executive Director

REGIONAL GROWTH AND SUSTAINABLE COMMUNITIES STEERING COMMITTEE

The 'Steering Committee' oversees and guides the work of TCRPC's Land Use Planning Program. The Committee focuses on continued implementation of the **Regional Growth: Choices for our Futures** regional planning vision and its newer sustainable planning counterpart, the Mid-Michigan Program for Greater Sustainability (MMPGS).

The TCRPC established the Steering Committee to guide the implementation of regional planning themes and principles in the **Regional Growth: Choices for our Future** regional plan. That mission statement was to "actively engage the citizens of the region to examine implications of regional land use and other growth trends on the region's future and to formulate consensus on a shared vision of regional growth to assure improved future regional quality of life and economic competitiveness for our citizens and businesses." Then, with support from federal grants in 2012-2015, TCRPC undertook several sustainability planning initiatives to carry forth implementation of the regional vision. The Committee continues to monitor and guide TCRPC's Land Use

Planning programs and initiatives that support those plans. It should be noted that agency-wide, the TCRPC carries out those adopted regional goals through all of its plans and activities including the Long-Range Transportation Plan, the Transportation Improvement Program (TIP), the Comprehensive Economic Development Strategy, and others as may be created.

The Steering Committee guides the new Land Use Committee as well as the ongoing Urban and Rural Services Management committee. The Committee may also issue recommendations to the full Commission to pursue or create or join other regional work groups or committees that would carry out or implement the Regional Growth Choices vision. Per this committee's guidance currently, the TCRPC is an active leader-member in the Land Use Health Resource Team (LUHRT), facilitated by the Ingham County Public Health Department.

Committee Chairperson: The Committee chairperson is appointed by the TCRPC Chairperson.

Committee Membership: The Committee members are appointed by the Commission and may include representatives of all four member areas, representatives from urban, rural, and suburban areas within the region as well as representatives of traditionally underserved or marginalized populations and stakeholder interest groups.

Staff Liaison: The TCRPC Land Use Planner

TRANSPORTATION REVIEW COMMITTEE

The Transportation Review Committee (TRC) is the policy advisory committee to the Commission on all transportation planning matters. The Committee's main function is to provide an opportunity for input from all involved parties into the transportation planning process.

Some of the Committee's responsibilities include, but are not limited to:

- 1) The Regional Long Range Transportation Plan and Transportation Improvement Program (TIP) project reviews and amendments;
- 2) The Transportation Planning Unified Work Program and Regional Work Program;
- 3) Transportation problems, issues, and opportunities;
- 4) Urban boundary and system review and designation;
- 5) Special transportation projects/studies.

This Committee consists of a minimum of 10 voting members of the Commission who represent the urbanized area jurisdictions. The Capital Area Regional Transportation Study (CARTS) Technical Committee (see below), Federal, State and local transportation related agencies, individuals, and others may offer information and recommendations to the Committee.

Transportation implementing agencies within the region may contribute dues to the Commission, become voting members, and be appointed to TRC. Current members include representatives of Clinton and Eaton County Road Commissions, the Ingham County Transportation Department, the Capital Area Transportation Authority, the Eaton County Transportation Authority, and the Michigan Department of Transportation.

The TRC is made up of TCRPC Commissioners so that voting representatives on TRC are appointed by and shall be members of, the governing policy-making Board of the transportation provider agencies, except in the case of the Michigan Department of Transportation (MDOT). The Director of MDOT may designate a voting representative and may designate a participating non-voting member as an alternate. Non-dues paying agencies may participate as non-voting members of the Committee. The following are non-voting agencies currently on the Committee.

Capital Region Airport Authority
Federal Highway Administration (FHWA)
Federal Transit Administration (FTA)
Michigan Department of Natural Resources (MDNR) Air Quality Division
Private Sector Transportation Providers (Transit, cab, intercity bus)
Chairperson, Capital Area Regional Transportation Study Technical Committee (CARTS)

Committee Chairperson: The Transportation Review Committee Chairperson is appointed by the Commission Chairperson.

Staff Liaison: Chief Transportation Planner

CAPITAL AREA REGIONAL TRANSPORTATION STUDY (CARTS) TECHNICAL COMMITTEE

This Committee provides a region-wide forum of technical and implementation staff for the coordination of transportation-related programs. CARTS make recommendations to the Commission for action. Its responsibilities are as follows:

- 1) Develop, update, and amend regional transportation plans and programs.
- 2) Review and comment on transportation projects that have significant social, economic or environmental impact.
- 3) Review and comment on the transportation impact of land use plans and programs.
- 4) Develop and update regional transportation capital improvement programs.
- 5) Recommend design standards for transportation facilities.
- 6) Provide technical assistance and advice to the Commission's Transportation Review Committee.

Membership: The CARTS Committee membership consists of representatives with expertise in transportation from area local and state governmental units, agencies, transportation providers, and transit properties. Local municipal transportation providers are assigned to this committee by their municipality in accord with the CARTS committee bylaws. Representation from federal transportation agencies is ex-officio on the CARTS program. There is no direct representation from the Commission on the CARTS Committee.

Staff Liaison: Chief Transportation Planner

TRANSPORTATION PROJECT SELECTION COMMITTEE

Transportation project selections include matters such as schedule changes to projects already contained in an approved Transportation Improvement Program (TIP). These decisions do not require an amendment of the TIP. The Commission chooses to establish a Project Selection Committee rather than delegate to staff responsibility for making transportation project selections.

Membership: The Project Selection Committee is composed of the TCRPC Executive Committee, the Chair of the Transportation Review Committee, the Commissioner from the Michigan Department of Transportation, and the following representatives (or their alternates) from the Capital Area Regional Transportation Study (CARTS) Technical Committee:

TCRPC Chairperson
Clinton County Road Commission delegate
Eaton County Road Commission delegate
Ingham County Department of Transportation & Roads delegate
City of Lansing Public Works Department delegate
City of East Lansing Engineering Department delegate
Capital Area Transportation Authority delegate

A quorum for this Committee is a majority of the Committee participating. Action shall be by a majority of those participating and voting.

Committee Chairperson: TCRPC Chairperson

The Committee may be convened by staff as needed to make project selection decisions as defined by the Federal Highway Administration that involve matters pertaining to projects already within an approved TIP. The creation of this Committee does not preclude nor prevent the use of a regular committee review and Commission approval process for transportation project decisions.

A Committee meeting may be held by conference call provided that the call provides a means by which all members have opportunity to discuss the issues, that proper notice is given, and that the public has opportunity to participate.

The Commission delegates final approval of all project selection decisions to this Committee. However, a record of Committee actions taken shall be provided in the form of minutes to all CARTS members and the Commission at their next regularly scheduled meetings.

Committee Functions

The Commission has total responsibility to the community concerning regional planning matters developed by the Tri-County Regional Planning Commission. This pertains to:

- (1) All policy matters of the Commission.
- (2) Final determination of alternative recommendations
- (3) Commission stated policies, whether verbal or written, on legislative or policy matters of other state or federal agencies whose decisions will affect Tri-County residents.

The staff/employees are supervised by the Executive Director and their senior program planners. They have an important role to serve the Commission and have a direct responsibility to the TCRPC.

- (1) Each Committee has an assigned staff member(s) to assist, support and help facilitate. That staff liaison is responsible for working with the chair and committee to prepare agendas and other materials for its use. Communications of the committee programs or projects as well as matters for committee review (grants, reports, requests by other agencies for Commission action, etc.) shall be sent to the staff liaison for that committee. Staff may conduct research and technical reviews and offer a staff recommendation to the committee based on those results. The Committee makes recommendations to the full Commission for final action and/or may refer concerns that do not require commission action for information only.
- (2) The Staff have primary technical input to the Commission through the Commission's committee structure. The staff members' role is to provide professional technical assistance, and help the committee understand, evaluate, and find solutions to complex

planning problems and issues. In fulfilling its responsibilities to the Commission, the staff will:

- Provide information and present alternatives and analyses of alternatives that aide the Commission and its Committees in decision making.
- Make recommendations to the committee based on study results and/or professional, technical judgment.
- Serve as a resource to the Commission committees by providing information to assist their deliberations and to facilitate their recommendations to the Commission.
- Assist the committee chairperson in presenting committee reports and recommendations to the Commission if specifically requested to do so.
- Staff members are not all required to attend all Commission meetings. But may, if requested, be required to provide presentations of technical information, to summarize or share reports or studies, or to serve as a technical resource to the Commission during their meeting(s). All staff are expected to participate in the Commission Annual Dinner Meeting, usually held in late January. The TCRPC Chairperson, its Executive Director, and/or a Commissioner/Committee chairperson may request the specific participation of a staff member or others at the Commission meetings or meetings of the committees.

Committee Procedures

Each committee is responsible for preparation of its own operating procedures. Commission Committee procedures are referred to the Commission for discussion, recommendation, and/or acceptance. Changes to Committee procedures should be prepared in writing and referred to the full Commission for consideration.

GENERAL OPERATIONS

The operation of the Commission is conducted pursuant to its adopted bylaws, which were last amended July 25, 2012. The procedures established assure an adequate and timely communication to Commissioners in order that they may make knowledgeable decisions in carrying out the purposes and functions of TCRPC. All meetings of the Commission and its committees are conducted in accord with procedures as set forth in Roberts Rules of Order.

News Media and Communications

- (1) All news media contacts regarding the Commission, its projects or programs, policies or decisions will be forwarded to the Executive Director or, for routine items, such as technical data, information, meeting dates, status of technical studies, or other subjects may be referred to the appropriate staff person.
- (2) The TCRPC Chairperson or the Executive Director will handle all media releases dealing with Commission policy positions or decisions. Policy questions concerning issues before the Commission, or plans soon to be brought to it for review and action will be forwarded to the Executive Director, the TCRPC Chairperson, or an appropriate Commissioner/Committee chairperson.
- (3) At public meetings or events, TCRPC staff is encouraged to respond directly to any questions from the news media or participants about the staff members' presentation, the meeting, or technical matters. However, they should refer questions concerning policy matters or requests for opinions to the Executive Director or the appropriate Commissioner.
- (4) The Executive Director approves all final determinations of a study and subsequent release of information pertaining to that study.

- (5) The Commission is responsible for final decisions on recommendations concerning the regional approach for plans and programs.
- (6) Recommendations and/or staff opinions resulting from contracted services with a local unit of government (such as zoning analysis, local plans, etc.) must contain a clarifying statement that the recommendation and/or staff opinion does not represent an endorsement by the Commission.

Use of Commission Resources, Supplies, Services

Expenses may be reimbursable only if the primary purpose is official. The Commission funds, or products and services developed and created with those funds or the support and services of the Commission, its members, staff, or contractors, may not be used for any political or campaign related expenses nor for any personal expenses of the staff, members, or participants of Commission activities, programs and services.

The regulations governing Commissioners, staff and committee expenditures are guided in large part by 31 U.S.C Section 1301 (a) which provides that official funds are to be used only for the purposes for which appropriated and the statutory authorizations for allowances.

Note that it is permissible for Commissioners and staff to do campaign work on their own time outside of the office and events of the Commission, but all must ensure that their work, including telephone conversations or other communications concerning campaign business, is performed strictly in compliance with these limitations.

The offices, equipment and supplies of the Commission are supported with public funds and hence are considered official resources of the Commission. Accordingly, they may not be used for the conduct of any campaign or political activities nor for the private or personal use of Commission members, staff, or community partners.

Meetings

All meetings of the Commission and its Committees shall be open to the public in accord with the "Open Meetings Act," Act 267 of 1976 as amended, except closed session meetings as provided for in the Act.

Public notice of meetings shall be given in accord with the Act.

Specific requests of and/or presentations to the Commission or its Committees must be arranged at least more than one week prior to the meeting to allow for its placement on the agenda and proper notice to members and the public.

Persons wishing to address the Commission may do so under the "Public Comments" portion of the agenda.

- (1) **Commission**

The regular meetings of the Commission shall be held as prescribed by the Commission and adopted at the annual meeting as recorded and posted. Special meetings may be set by the Commission as needed in accord with the bylaws.

- (2) **Committees**

Meeting dates are established by the Committee and responsible staff to ensure participation and effectively timed flow of information to the full Commission at its regular meetings.

Meeting Notices and Agendas

Commission, Committees and Designated Advisory Committees: Meeting notices and agendas are sent to members at least five days prior to scheduled meetings, listing all matters to be considered and with special notation on items requiring action. Opportunity is provided at the beginning of the meeting to add or delete items on the proposed agenda, and upon adoption by the Commission or its Committee, it becomes the official agenda.

Minutes

(1) **Commission and Commission Committees**

Where possible, notes of all meetings are drafted and provided with the agenda and other materials for the next meeting. Committee notes are designated a "report" and may be made available at any time. However, the reports are not deemed complete, official, or approved until the Commission or its Committee(s) reviews and adopts them, typically at their next meeting. Commission meetings are open to the public and minutes, photography, recordings, and recounting of meetings or any part of it are open and available in accord with the open meetings acts but, if not approved, may not represent a final or complete record of the meeting described.

(2) **Distribution and sharing of meeting contents and materials**

The Commission distributes and electronically posts minutes with the meeting notice and agenda for the next meeting, along with Committee reports and necessary backup information material (Executive Summaries of reports for action, etc.) This is typically distributed via email or US Post about 7 to 10 days prior to the next scheduled meeting. Materials can also be made available at the meeting. Commissioners and others who are unable to attend a meeting in-person may receive the materials upon request.

Major plans or policies requiring Commission action may be provided to the members further in advance, typically 28 days prior to the meeting at which the action is proposed.

(3) **Color Coding of Reports and Materials**

When possible, Commission staff will print on colored paper to distinguish between the different Committee reports in meeting packets. Agendas will list the color of accompanying Committee reports and other backup materials for each item.

Other Functions

- 1) The Commission serves as the Comprehensive Economic Development Strategy (CEDS) Committee in accord with the U.S. Department of Commerce Economic Development Administration.
- 2) The Commission serves as the designated area-wide agency responsible for oversight of the water quality management process.
- 3) As established by the Commission on June 23, 2010, the Commission shall provide orientation regarding the purposes, activities, and functions of the TCRPC for new Commissioners. TCRPC staff, with the Commission, will develop an orientation program that will be provided to all new Commissioners in order to orient them to the policies, procedures, and committee structures of the TCRPC.

FREEDOM OF INFORMATION ACT PROCEDURES

The Tri-County Regional Planning Commission is committed to full and open sharing of all public information and with complete compliance with the Freedom of Information Act (FOIA) Act 442 of 1976, as amended, which provides the public with the right of access to certain public documents.

A procedure with guide on calculating costs and responding to requests for public information under FOIA were updated and adopted by resolution on March 27, 2002 in public meeting. The detailed resolution is available through our website or by request. A summary is included here with reference to that policy.

TCRPC has established and published guidelines for calculating the costs and procedures for search, examination, review, and copying/sharing of public records. The Executive Director is also the TCRPC FOIA Coordinator and will respond to any requests in accordance with FOIA. In response to a written request under FOIA, fees may be charged for the cost of search, examination, review and the separation of exempt from non-exempt materials. TCRPC will charge the actual cost of duplication and mailing and actual labor charges, based on hourly wage of the lowest paid employee capable of retrieving the requested information. This procedure does apply to regular documents, as well as maps, video or audio tapes, and digital files requested under FOIA. The requestor will be notified of the estimated cost prior to retrieving the information and materials will be released the requested information upon payment.

STATEMENT OF NONDISCRIMINATION POLICY

The Tri-County Regional Planning Commission reaffirms its nondiscrimination policy, its Title VI Civil Rights Plan and Limited English Proficiency Plan (LEP) that were reviewed and re-adopted by the Commission in 2013. The Tri-County Regional Planning Commission will not discriminate against any employee or applicant for employment, or firm or service provider because of race, color, national origin, religion, sex, gender, handicap or age, and will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, national origin, religion, sex, gender orientation, gender identity, handicap or age. This requirement shall apply to and not be limited to the following: employment, upgrade or demotion; recruitment; temporary and permanent layoff or termination; rates of pay or other forms of compensation; selection for any training or apprenticeship and participation in recreational and educational activities.

The Tri-County Regional Planning Commission complies with all applicable statutes on equal employment opportunity and shall be governed by the provisions of such statutes including enforcement provisions. The Commission shall comply with the regulations pursuant to the provisions of Title VI of the Civil Rights Act of 1964. An employee or volunteer of the Tri-County Regional Planning Commission whose job or participation requires direct involvement in its projects must be willing to follow those operational procedures established as policy by the Governing Body and administrative direction.

Further, the Tri-County Regional Planning Commission shall provide as part of its formulation of housing policy plans and any other plans that it will address the elimination of the effects of discrimination in housing and planning based on race, color, national origin, religion, sexual orientation, gender, handicap or age as well as the real relationship between housing problems and the location of racial minorities. They shall also provide safeguards for the future pursuant to Title VIII of the Civil Rights Act of 1968.

Further, it is the policy that the Tri-County Regional Planning Commission will not, on the basis of handicap, directly or indirectly through contractual licensing or other arrangements:

- a) Deny a qualified handicapped person the opportunity to participate or benefit from any aid, benefit, or service that is not equal to that afforded persons who are not handicapped.

- b) Deny or limit a qualified handicapped person the opportunity to participate in conferences or planning or in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving an aid, benefit or service.
- c) Does not require that handicapped and non-handicapped persons produce the identical result or level of achievement, but does afford equal opportunity to obtain the same result, benefit, and/or level of achievement.
- d) Deny a qualified handicapped person the opportunity to participate in programs that are not separate or different.

TCRPC CONSULTATION POLICY

Regulatory Basis

Tri-County Regional Planning Commission is the Metropolitan Planning Organization (MPO) for the tri-county region. Metropolitan planning regulations in 23 CFR 450, 316 (b-e) establish requirements for consultation with agencies and officials affected by transportation policies in developing the Metropolitan Transportation Plan (MTP) and Transportation Improvement Program (TIP). Consultation is also addressed in relation to the MTP in 23 CFR 450, 322 (g) (1-2) and in 23 CFR 450, 322 (f) (7) in relation to environmental mitigation. The regulations require that in developing the MTP and TIP, the MPO shall, to the extent practicable, develop a documented process that outlines roles, responsibilities, and key decision points for consulting with other governments and agencies in their Metropolitan Planning Area. The TCRPC and its Policies and Procedures provide for this as described below:

- The TCRPC does, to the maximum extent practicable, consult with agencies and officials responsible for other planning activities that are affected by transportation or coordinate its planning process with such planning activities;
- The TCRPC considers other transportation services that are provided to recipients under 49 U.S.C. 53, 23 U.S.C. 204 and non-profit organizations that provide non-emergency transportation services with assistance from Federal agencies other than US DOT;
- And insomuch as the tri-county region includes Federal Tribal Lands and/or Federal Public Lands, the TCRPC appropriately involves the Indian Tribal Government(s) and/or land management agencies in development of TCRPC's MTP, also called the Long Range Transportation Plan(LRTP), the TIP, and other plans development.

The consultation provisions require TCRPC's planning partners to actively engage and consult with specific agencies to compare plans and data in developing the TIP and LRTP. Effective consultation requires early engagement, direct outreach, information sharing, plan comparison and evaluations to meet the Federal regulations.

Roles and Responsibilities

Under this policy, staff, local agencies, and various committees are responsible for the minimum actions described below. Key decision points are noted with an asterisk in brackets [*]. Nothing in this policy precludes staff from taking actions which are above and beyond the minimum actions outlined below. In adopting this policy, the Commission notes that there are no Indian tribal lands or governments or any land controlled by federal public land management agencies in the metropolitan area, which mitigates consultation requirements for those agencies.

Staff shall develop and maintain an active and current mailing list which specifically addresses all known agencies and organizations covered by the consultation requirements specified under 23 CFR 450 as it is or becomes amended, and, to the maximum extent practical, will consult with agencies and individuals in preparing the MTP and the TIP. [*]

Metropolitan Transportation Plan (MTP) and Transportation Improvement Program (TIP)

- 1) Consider all available future land use and economic development plans, maps and zoning maps for the municipalities/jurisdictions in the region in development of social-economic forecasts and travel models for the region using a geographic information system or other tools as may be appropriate. TCRPC will maintain a log documenting the dates of these most current plans, maps and ordinances as adopted by the other agencies and the date of the most recent contact made.
- 2) Provide copies of all draft base year and future population and employment forecast data to those on the mailing list (specified above) with a minimum of 28 days notice of the opportunity to comment.
- 3) Document comments considered and received in preparing final forecasts and final base year allocations prior to presenting these final figures to CARTS and the Commission for action. [*]
- 4) In addition to public notices, all agencies or individuals in our mail list will be sent the consultation mail with a minimum 28-day advance notice and opportunity to submit proposed projects and/or plans for consideration in developing the Draft Metropolitan Transportation Plan and notifying them they will have additional opportunities for further consultation (formally or informally) throughout the plan update process.
- 5) Document and consider any materials submitted in response to the request under item 6 in the plan development process, including completing a documented active comparison to all plans submitted or collected.
- 6) At the point in development of the MTP when a draft project list has been developed for alternatives testing, and well in advance of (or prior) to the formal 28-day Commission public comment period on the Draft MTP, mail each agency and individual on that mailing list a copy of the proposed project list no less than 14 days in advance of a plan consultation meeting.
- 7) No less than 14 days after mailing said project lists, staff shall hold one consultation meeting with interested parties to review the proposed projects, the plan development process and the comparison to collected plans. Minutes and attendance records for this meeting shall be published in the Draft MTP along with identification of any concerns and any responses to any concerns raised.
- 8) When the Draft MTP is completed, a copy shall be posted on the TCRPC website and Notice of Availability shall be transmitted to each agency and individual on the mail list. This notice should generally correspond with the Commission's 28-day public availability period prior to Commission action, while recognizing reasonable time for mail or electronic distribution may reduce this period slightly. [*]
- 9) Any comments or responses received prior to Commission action shall be made available or summarized for the Commission's consideration prior to their action on the Draft Plan. [*]
- 10) Copies of all comments and communications received shall be published in the Final Adopted Plan along with a staff summary of the disposition and any staff or Commission responses to these comments if provided. [*]

- 11) Staff will also document any additional consultation efforts conducted as part of the plan development and present those in the draft and final MTP, or in materials accompanying the draft, which are submitted to the Commission at plan adoption. [*]

Local Governments and Transportation Agencies shall be responsible for conducting and documenting their own consultation processes relative to their proposed uses of federal funds and for specifically consulting with land use and economic development, resource agencies and other organizations as specified under 23 CFR 450. This is because the obligation for consultation through the MPO process extends to its members and other participants, including recipients of federal transportation funds. Since it is the responsibility of the MPO to assure that consultation occurs, any local government or transportation agency submissions of project proposals [*] shall accompany their submittal with a certification signed by their authorized representative affirming that they conducted the local consultation process with land use planning, economic development, resource agencies and other appropriate agencies or officials. Such certification shall be in a form acceptable to the Commission and may identify dates and organizations contacted, official's names, and an estimated schedule for further consultation during the plan and project development process.

The Capital Area Regional Transportation Study Technical Advisory Committee (CARTS) and their subcommittees and Task Forces are responsible for broad education of their own boards, policy officials and committees about MPO consultation requirements as they apply to their individual jurisdictions.

CARTS members are further charged to review each proposed project or program proposed/submitted to assure that certification is in place and is in substantial compliance with this local consultation requirement, or that an appropriate schedule for further consultation is identified. [*]

The TCRPC (Commission) will certify its compliance with this consultation requirement at the time of MTP adoption [*] and will conduct periodic review and evaluation of the effectiveness of its consultation policy, typically after each plan or TIP adoption. [*]

Transportation Improvement Program (TIP):

For the Transportation Improvement Program, the staff and committees of the TCRPC will consult with, consider and document consultation, engagement, outreach and information sharing as described above.

Other Roles, Responsibilities, Schedules:

Consultation complements and implements the TCRPC's public involvement procedures in accord with the Tri-County Regional Planning Commission's Public Participation Plan as revised, amended, and adopted by the Commission most recently (July 2014). All those on the consultation mail list will also receive mailings or announcements of any additional opportunities for input under the Public Participation Plan.

To the extent feasible, maps and GIS files of various resources, plans, ordinances and other attributes will be compiled by staff in relation to MTP projects to further facilitate consultation by the stakeholder agencies and may be either (or both) published in the MTP, the MTP Supplement or on the Commission's website.

MTP and TIP projects shall be mapped in relation to GIS composites of the plans and zoning ordinances referred to in item 3 as to both facilitate and further document this active comparison of plans. Since these maps may not be conducive to publication because of their complexity and detail, copies will be made available via electronic means on the Commission's website.

During preparation of both the MTP and TIP, staff may conduct specific targeted outreach with representatives of resource agencies and other stakeholders to better inform them and involve them. Such outreach may include telephone calls, discussion at meetings (both formal and informal) or electronic communications. These types of outreach efforts should be documented and published in the MTP and TIP with a summary of any comments, conclusions of actions and responses.

Staff may develop an interactive web-based or other electronic media to facilitate an active consultation process. Such a system might provide opportunities to review and comment and mark up materials which could further facilitate and document this active consultation process.

To the extent feasible, staff should coordinate internally concerning projects that may be in the MTP and TIP or the regional Comprehensive Economic Development Strategy (CEDs). Local agencies pursuing transportation economic development projects should consult with both TCRPC transportation staff and economic development staff before any such projects are included in the CEDs document, and such consultation should be documented.

The Commission will review and evaluate the effectiveness of this consultation policy as part of their annual action to adopt the TCRPC Operating Policies and Procedures and refer results or recommendations to staff, CARTS and the Executive Committee members for consideration.

FINANCE POLICIES AND PROCEDURES

In 2015 TCRPC developed and adopted a full set of Finance Policies and Procedures that meet and spell out finance related policies and procedures which meet federal, state, and local standards for financial management. This section of the Commission Policies provides a summary and restatement of information that is in the formal Finance Policies and Procedures. As such, the following offers an overview only and, if it conflicts with the TCRPC Finance Policies and Procedures, those take precedence over the following.

Commission Funding

Funding for the Commission is comprised of allocated monies from the four major member units of government and the Michigan Department of Transportation, based on the formula outlined in the TCRPC Bylaws, as well as additional grants from state, federal, and private sources. The TCRPC may charge for special projects or services or to recompense the Commission for staff time, materials, and service. Member units of Tri-County Regional Planning Commission shall be charged a per hour rate for special projects.

The County Boards of Commissioners and the Lansing City Council shall assume all financial responsibility for the budget of the Tri-County Regional Planning Commission. Each major member unit shall pay a one nineteenth (1/19) share of the total annual allocation budget for each voting membership on the Commission. Any governmental unit, group of governmental units or transportation provider having membership on the Commission through another member shall reimburse that that other member for its share of financial responsibility. The Michigan Department of Transportation will pay a one nineteenth (1/19) share of the total annual allocation budget directly to the Commission. Each major governmental member shall be responsible for the dues for all its allocated memberships whether delegates are appointed to fill the memberships or they are left vacant.

Grant Applications, Work Programs, and Funding Agreements

The Commission authorizes the Executive Director to execute and file applications to funding agencies in accord with the adopted work projects by the Commission. The Executive Director is further authorized to negotiate and execute the grant contracts in accord with the adopted work programs. The Commission authorizes the Executive Director to execute all contracts, leases, purchase agreements, and/or amendments thereto in accord with established procedures.

The TCRPC Commission's Financial Policies and Procedures document provides a full description of the TCRPC's financial procedures and policies. The information in this section complements but does not supersede or override those adopted policies and procedures.

Budget and Appropriations

The Commission's fiscal year is October 1 through September 30.

The Executive Director, with the Finance Coordinator, shall prepare the **proposed preliminary line item budget** for the next fiscal year and submit it to the Commission for adoption at its March meeting each year. The Commission may amend any budgetary recommendations of the Executive Director. The preliminary budget will then be submitted to the member units with a request for allocation of funds for the next fiscal year (October 1 through September 30). This budget then becomes the basis for preparation of the annual operating budget. Upon adoption of the preliminary budget, the Commission authorizes the Executive Director to request the allocation of funds from the members of the Commission, the County Boards of Commissioners, the City Councils, and others as appropriate.

The Executive Director shall prepare a **proposed final budget for the next fiscal year** and submit it to the Commission for adoption in September of each year. Upon adoption, the Commission authorizes the Executive Director to implement the budget and related work programs.

Annual Operating Budget

The budget contains project, management, and Commission activity budgets. Project budgets are based on person-hour needs and fringe benefits employees to accomplish the approved work programs. The management budget covers overhead expenditures which are not applicable to a specific project or program, such as rent, telephone, insurance, etc. The Commission activity budget covers support to commissioner functions.

The Operating Budget is based on known funding from state and federal agencies and from the member unit allocations, and on amounts anticipated from regular funding agencies. Since there are various fiscal years for the state and federal agencies involved, budget adjustments are required during the year when firm funding amounts become known. As they occur, these adjustments are reported to the Commission, through the normal procedures, for approval.

Travel by Commission Members

1) Out of Region Travel

- a) The TCRPC may reimburse Commission members for actual expenses incurred as representatives of the Commission outside the region upon approval by the Commission.
- b) All trips must be approved by the Commission EXCEPT that in the event of an emergency the Executive/Personnel Committee may give approval and report its action at the next Commission meeting.
- c) The TCRPC office will make travel and accommodation arrangements.
- d) TCRPC travel forms are used for all travel and travel advances may be given upon completion of the proper forms.

- e) Payment of minimal travel expenses may be authorized by the Executive Director without detailed documentation from Commissioners.
 - f) Executive/Personnel Committee members are authorized to attend National Association of Regional Councils (NARC) and Michigan Association of Regions (MAR) sponsored events depending on availability of funds.
 - g) Required attendances at meetings where meals are served are reimbursed in accordance with TCRPC travel procedures.
- 2) In Region Travel
- a) Commissioners may be reimbursed for actual mileage incurred to attend meetings in representation of the Commission with Commission approval.

Record(s) Retention

Only the minimum amount of records required (work program papers, financial records and general correspondence) will be retained, as follows:

- 1) HUD records on a three-year plus current operating year basis.
- 2) All other records on a four-year plus current operating year basis.
- 3) Minutes of the Commission meetings, with the Executive/Personnel and Finance Committee reports, are hard-bound each year and become permanent records.
- 4) Minutes of CARTS Technical Committee and the Transportation Review Committee are hard bound each year and become permanent records.
- 5) Publications and documents generated by Tri-County Regional Planning Commission are evaluated by staff for their relevant value every five years. At that time, two copies may be retained for permanent reference if deemed appropriate.

Purchase of Materials, Supplies, and Services (other than consultant contractual services)

Specific line item dollar amounts are included in the departmental and administrative budgets, and purchases should remain within those amounts. The Commission Financial Policies and Procedures address procedures, approvals and limits regarding spending and purchasing with and for Commission business.

Unless otherwise noted in the adopted **TCRPC Financial Policies and Procedures**, the following general rules and limits apply to purchase of materials, supplies, and services.

- 1) Items costing up to \$100 are approved for purchase by the project coordinator with final approval by the Financial Coordinator.
- 2) Any single item costing \$100 up to \$1000 must also have the approval of the Executive Director. It must be contained in the project's line item budget.
- 3) Items costing \$1000 or more which were not previously approved in adopted Annual Budget are approved by the Finance Committee with a recommendation from the Executive Director.
- 4) Services required in a specific area of specialization, i.e. legal, meeting facilitators, training, marketing, etc. are approved by the Finance Committee upon recommendation of the Executive Director, when it is estimated that the cost for such services would amount to \$1000.00 or more.
- 5) Employees, with the supervision and approval of the project coordinator, must requisition each desired item or service. They should obtain a price and other needed information. If a like item of similar quality can be purchased at lower cost elsewhere, then the actual purchase may or may not be in accord with the requisition.

- 6) Request for payment must be submitted with the purchase requisition, the purchase order, and the invoice for approval.
- 7) In order to carry out the responsibilities of the Executive/Personnel Committee, \$5,000.00 shall be set aside, annually, as a discretionary fund. These funds are intended to be used for legal fees, research, etc.
- 8) Finance Committee must approve any funds needed in excess of the discretionary fund.

Consultant Contracts Selection

- 1) Contracts of \$5,000 or less
 - a) Do not require solicitation of three or more Requests for Proposals (RFPs).
 - b) Final selection is made by the Executive Director
 - c) Consecutive contracts totaling more than \$5,000 to the same consultant in a six-month period are not allowed under this Section.
 - 2) Contracts of more than \$5,000.
 - a) Contact funding agency in writing to determine if any special bid requirements apply. If no other requirements apply, follow the steps below.
 - b) Furnish copies of RFPs for bid purposes to three or more consulting firms with expertise in the specific technical area(s) needed. If less than three firms are known, publish notice of the RFP in an applicable publication.
 - c) Firms are initially selected by staff based upon the written proposals and may be invited to make presentations and be interviewed by TCRPC staff and/or committees and advisory groups. Staff and/or the Committee members rank or rate each of the three interviewed firms according to the following criteria.
 - Qualifications - A numerical score will be used to record how well the applicant(s) met the criteria outlined in the RFP. The following qualifications will be considered as outlined in the Request for Proposals:
 - Ability to meet the terms of the Request for Proposal (RFP)
 - Experience and education of professional personnel assigned to the project, with particular reference to the specific contract needs
 - Relevant prior experience or favorable work for TCRPC may be considered.
 - Time Schedule - Time scheduled for completion of the scope of work as outlined in the RFP.
 - Local Involvement - Consultant's past experience and demonstrated willingness to work with the involved local units of government and TCRPC.
 - Time to be Spent in Region - Consultants must indicate the number of person-days to be spent in the Tri-County region to successfully complete the project.
- Price - Consultants are required to present proposed costs per the RFP request. If, however, the contract is required by funding or other to be "qualifications based", then the proposed cost must be submitted in a sealed envelope that will not be opened until a consultant is selected and the cost may be negotiated to match the funds available. If negotiation is unsuccessful, the TCRPC may select the second-place firm and negotiate or reopen the process.

Minority Business Enterprise Procedures

The Tri-County Regional Planning Commission shall take affirmative action to assure that small business enterprises owned and operated by minorities and women have an equal opportunity to

provide contractual services. Banks owned by minorities or women shall be used for deposit of funds when such banks are located in the area.

How Consultant and Contract Selection Decisions are made:

- 1) Staff Review- TCRPC staff review and report/summarize and present to the appropriate Committee or Task Force/workgroup
- 2) Technical Review- particularly for Transportation related contracts, the CARTS committee may review a contract for technical considerations and make recommendations to the Transportation Review Committee who in turn can make the recommendation to the full Commission.
- 3) Special Consultant Committee - The TCRPC may authorize the formation of a special consultant selection committee and give the committee the authority to do one or more of the following activities:
 - a) Draft the RFP,
 - b) establish selection criteria,
 - c) publish the RFP,
 - d) interview consultants, or
 - e) Recommend a consultant to the TCRPC

A special consultant committee, such as the Transportation Demand Model Calibration Committee, may also be authorized to oversee some parts of contract performance, particularly technical aspects, and recommend or authorize TCRPC to pay an invoice for completion of some contracted tasks or approving the consultants work and products. However, the TCRPC retains final contracting authority and fiscal control, to assure compliance with federal or state requirements. Whenever possible, the TCRPC shall seek an indemnification agreement from the special consultant committee.

- 4) Recommendation The appropriate subcommittee or task force presents final choices and recommendations to the Executive Director, who presents it to the Executive/Personnel Committee for consideration. The Committee makes recommendation to the Commission for final selection.

Sole, Best Source or Emergency Procurement

- 1) Sole, best source or emergency procurement may be used when the award is not feasible under normal competitive bidding procedures. It is limited to the following:
 - a) where the service or expertise is available from only a single source;
 - b) if, after soliciting a number of sources, competition is deemed inadequate: because of emergency or existent circumstances, sufficient time is not available to utilize the RFP process; or
 - c) is authorized by the grantor agency.
- 2) Amendments to Contracts
 - a) An amendment shall be drawn up by the Financial Coordinator in accord with terms deemed advisable by the Project Coordinator if it is determined necessary to change the terms of a contract.

b) Substantive or unbudgeted amendments to contracts must be formalized through the Executive/Personnel Committee who makes a recommendation to the Commission for final action.

3) Payment of Invoices

a) All invoices must pass through the TCRPC financial office for recording of obligations and processing.

b) The Project Coordinator or the special oversight committee, will review and make recommendations to the Financial Coordinator approving or disapproving payment on the basis of performance on the contract terms. Approvals will be in writing, signed by the project manager and the TCRPC Executive Director to authorize payment.

c) In the event of a question of adequate contract performance, the Executive Director will make final decision regarding payment.

d) TCRPC reserves the right to audit contractors' and subcontractors' billings beyond the verification of the submitted invoices.

Protest Procedures for Consultant/Contract Selection

1. Filing a Protest- A protest shall be filed in writing at any time during the procurement cycle as follows:

- a. Protests about the pre-bid or solicitation phase must be filed prior to the bid opening or proposal due date.
- b. A protest regarding the initial selection or interview process must be filed before award of a contract.
- c. A protest regarding the final selection process must be filled within 10 (ten) days following the final selection of a consultant.
- d. A protest can only be filed by a consultant who has officially filed a proposal in response to an RFP.

And, all protests shall be in writing and submitted to TCRPC as identified in the RFP. Protest shall contain the following:

- a. The name, address, email and telephone numbers of the protester;
- b. The signature of the protester or its representative;
- c. Identification of the specific grounds for the protest with detailed
- d. supporting facts and documentation;
- e. The form of relief requested.

2. Review of the Protest

- a) The TCRPC Executive Director will conduct an initial review of the protest to determine if it meets the filing requirements then determine if the protest has merits.
- b) The TCRPC Executive Committee will review the written protest and the Executive Director's findings. In reaching a decision on the merits of the protest, the Executive Committee may consider any documentation submitted by the protester or may request additional information be submitted.
- c) The Executive Committee may also elect to provide the protester an opportunity to make an oral presentation pertaining to the protest.
- d) The Executive Committee will make a recommendation to the TCRPC concerning the disposition of the protest.

3. Final Decision on Protest

- a) The TCRPC, at a regular or special meeting, will review the written protest and the findings and recommendations of the Executive Committee and make a final decision. The Commission will direct the Executive Director to prepare a written response to communicate their decision.
- b) The TCRPC reserves the right to reject all bids, or to suspend any bid awards during or as a result of the protest process.

CONFLICT OF INTEREST POLICY STATEMENT

Whenever a Commissioner, director or officer has a personal financial interest in any matter coming before the Commission, the affected person shall a) fully disclose the nature of the interest and/or b) withdraw from discussion, lobbying, and voting on the matter. Once disclosed a recusal vote may be called for. Any vote involving a potential conflict of interest shall be approved only when a majority of disinterested Commissioners determines that it is in the best interest of the Commission to do so. The minutes of meetings at which such votes are taken shall record such disclosure, abstention and rationale for approval.

For purposes of this provision, the term "interest" shall include personal interest, interest as director, officer, member, stockholder, shareholder, partner, manager, trustee or beneficiary of any concern and having an immediate family member who holds such an interest in any concern. The term "concern" shall mean any project, program, grant, corporation or business, association, partnership, firm, person, or other entity other than the Commission and its committees.