

**Request for Proposals (RFP)
Long Range Transportation Plan (LRTP)
Shenango Valley Area Transportation
Study (SVATS) MPO
Mercer County, PA
March 2025**

A. Summary and Goals

The Shenango Valley Area Transportation Study Metropolitan Planning Organization (SVATS MPO) is the agency responsible for the planning and programming of all federal transportation funding within Mercer County, Pennsylvania. The organization is staffed by the Mercer County Regional Planning Commission (MCRPC). The MPO/MCRPC staff, working closely with Pennsylvania Department of Transportation (PennDOT), is seeking a consulting firm to undertake Mercer County's Long-Range Transportation Plan (LRTP). In accordance with federal regulations, SVATS MPO is required to update its LRTP every five years. The current LRTP, last updated in 2021, led to a more successful and integrated approach to long range planning. The LRTP will serve as the transportation component of the ongoing Mercer County Comprehensive Plan.

The following are goals of the LRTP:

1. LRTP that is consistent with current federal and Commonwealth of Pennsylvania regulations, while building upon the successful foundation of the previous Mercer County LRTP.
2. Work closely with the Steering Committee to prioritize implementable transportation projects and to develop an LRTP that is relevant to the SVATS MPO/Mercer County.
3. The LRTP should be an action plan that integrates with SVATS MPO's Transportation Improvement Programs (TIPs), State Transportation Improvement Plan (STIP), and the Unified Planning Work Program (UPWP).

Consultants are recommended to review the following resources:

- [PennDOT Regional Long-Range Plan Guidance \(PUB 575\)](#)
- [Commonwealth of Pennsylvania MPO/RPO Long-Range Plan Resource Guide and Research Work Program.](#)
- [Title 23 of the Code of Federal Regulations, 23 CFR 450.322](#)
- [Current Mercer County Transportation Plans \(Including SVATS MPO Mercer County Long Range Transportation Plan Update - 2021\)](#)

B. Scope of Work

It is essential to follow all PA Commonwealth and Federal regulations. The Scope of Work should effectively balance creativity and meeting the guidelines in this RFP.

1. Public and Stakeholder Engagement

In-person, paper mail, and electronic communications should be used for Public and Stakeholder Engagement. Mercer County has a significant rural population with limited access to online resources, and members of the stakeholder committee will be members of Mercer County's rural population. Recommended outreach tools include: Paper and online

surveys, press releases in local news including in newspapers, social media, focus groups, field review meetings, and, of course, public meetings and workshops (all public meetings and workshops are recommended to have both in-person and online attendance options).

Methods may include but are certainly not limited to the use of (a.) online/cloud-based engagement platforms (such as MetroQuest, MindMixer, PlaceSpeak, WikiMapping, etc.), (b.) online and/or paper surveys, (c.) social media, (d.) text blasts, (e.) press releases, (f.) focus groups, (g.) stakeholder committees, (h.) field review meetings (for projects or areas of focus and (i.) public meetings or workshops. (Note: the last four may be virtual and/or in-person*) While it's inevitable that much of the engagement with some groups will be project-focused (those on the current LRTP as well as new project ideas), there should also be an emphasis on general needs/goals, education on the transportation planning process, and expectation setting in light of projected fiscal realities. At a minimum, an engagement/outreach plan should assume coordination with the following groups:

General Population	Economic Development/Commerce Agencies
Traditionally-Underserved Population Groups**	PennDOT Officials (beyond those on steering comm.)
Municipal Leaders (at least at a regional level)	Mercer County Officials (Commissioners, Bridge Dept.)
County Transit Agencies (SVSS, MCCT)	Recreation and Tourism Groups

Methods will likely vary based on who is contacted and when in the process groups are contacted. Please be specific about how and when you propose to engage the public, agency officials, and other stakeholders. Any additional groups beyond those listed above should be noted in the proposal.

*Any proposed in-person meetings or reviews must adhere to state regulations.

**Traditionally underserved populations, at a minimum, would include lower-income and racial minority populations. See the Environmental Justice section below for more detail.

2. Data Collection

Much of the information to be gathered can be found in existing plans including: numerous corridor studies and transportation planning studies, our *Congestion Management Processes* documentation, the *Mercer County Traffic Signal Improvement Study*, the *Coordinated Public Transit/Human Services Transportation Plan*, and PennDOT District 1's *Regional Operations Plan*. Most of these documents can be found on www.mcrpc.com or through PennDOT's website; any that are not can be provided for the consultant's review. PennDOT has vast amounts of GIS data available through OneMap and other sources. The MCRPC also has access to countywide GIS data.

Inventories should be collected for various components of the existing transportation system. Though much of this data exists within PennDOT, it will be the responsibility of the contractor to obtain this data. Current ACS and decennial Census data will need to be collected, analyzed, and presented in the plan as well. All of this said, we are looking for useful data that can be easily understood through maps, tables, and charts where possible.

Safety data is the highest priority to protect our community. Environmental Justice data is also a priority to ensure a diverse and cohesive community. Other priorities include, but are not limited to: congestion data, road/pavement/bridge condition data, travel patterns, truck

routes, traffic light data, and Highway Performance Monitoring System (HPMS) data. Other possible priorities (if feasible and affordable) are traffic sign inventory, travel destination inventory, and non-identifying cellphone location data. Proposing additional useful data resources is encouraged.

3. Coordination/Required Components

SVATS MPO/MCRPC, Mercer County Regional Council of Governments (MCRCOG), PennDOT, FHWA, FTA, and the chosen firm will regularly coordinate, using both electronic and paper communications. Representatives from these groups will comprise the project's steering committee. Collaboration between the steering committee, other relevant agencies, and the public is a vital component of the planning process. FHWA officials will also participate as requested.

In addition, the chosen firm shall release status reports at least once per month in addition to other regular communications and updates. The steering committee would expect to participate in a reasonable number of project review/development meetings throughout the duration of the project (please specify how many of these meetings you anticipate in your proposal).

The MPO requests that the consultant team present at least twice to the MPO Coordinating Committee. First as public/stakeholder engagement is kicking off and second when the project is within or close to the public comment period near the end. The consultant team may propose additional presentations as necessary. All meetings will be hybrid (both in-person and virtual).

The consultant will be required to attend and prepare a detailed presentation for an Agency Coordination Meeting (ACM) during the project. This presentation will focus on potential environmental effects and mitigation strategies relating to potential transportation projects and programs. Preparation of this meeting will include the gathering and synthesis of environmental data, and creating visual content (particularly maps) for a PowerPoint presentation. Much of the needed data can be gathered through analysis that takes place via the PennDOT Connects process, and PennDOT District 1 staff will be available to assist with these efforts. Note: The ACMs are held monthly and can be attended virtually and MPO staff is available to assist with coordination.

Mandatory Plan Components

Though we are intentionally avoiding a detailed scope that may limit creativity and effectiveness, the following items *must* be addressed in the final LRTP:

Overview of the transportation system and the geographical context of Mercer County: Maps, charts and text will be required to provide a high-level overview of Mercer County's transportation infrastructure (e.g. freight corridors, transit routes, traffic volumes) as well as local geographical attributes affecting transportation (or vice versa) (e.g. existing and future land use, cultural and environmental resources).

Analysis of present issues, needs, future trends their implications: Not only will this include regionalized needs and trends, but also considerations that may affect revenue and sea changes in mobility on a large/national scale. Examples of the former might include population trends, shifts in the workforce/economy, and resilience of the transportation system (e.g. extreme weather events or major infrastructure failures). Notable examples of the latter would include autonomous vehicle technologies, freight patterns relative to the rise in e-commerce, linkages between health and transportation, and post-pandemic changes in mobility (e.g. sharp increases in telecommuting). Any trends that are likely to have significant positive or negative ramifications will need to be identified and considered as an integral part of the overall long-range planning process.

Consideration of Transportation Performance Management (TPM) and utilization of existing data tools: (e.g. PennDOT's Highway Safety Network Screening Tool and Bridge and Pavement Asset Management Systems, the MPO's Congestion Management Processes, etc.) in order to create a more sustainable way of planning for the management of assets (roadway, bridge, transit, etc.), addressing safety deficiencies, managing congestion/system reliability, etc. The TPM narrative from the MPO's most recent Transportation Improvement Program (TIP) provides a foundation for how the MPO envisions Performance Based Planning and Programming (PBPP) fitting into Mercer County's transportation planning process.

Consideration of Environmental Justice (EJ) by ensuring that the transportation planning process, investment decisions, and the scope of projects is equitable to all populations: Efforts to engage traditionally underserved population groups such as minority and low-income populations must be documented. Areas with high minority and low-income populations must be considered as long-range projects are being developed. The Environmental Justice Documentation within the MPO's 2025-2028 TIP provides foundational knowledge about the MPO's Core Elements approach to EJ, including the geographical prevalence of minority and low-income populations. A similar approach is expected.

Synthesis of transportation needs and project ideas through various methods: The existing (2021) LRTP should be used as a primary foundational resource in addition to all of the information gathered during the public, municipal and stakeholder engagement process. Information existing through past and concurrent PennDOT Connects efforts, SVATS MPO TIPs, previous planning studies, and the Statewide Transportation Commission's Twelve-Year Program should be meaningfully considered as well as the list of LRTP projects is developed.

Description of projects: Must to occur after transportation needs and project ideas are developed. Although project descriptions often cannot be fully refined during a long-range planning process, sufficient detail will need to be provided in terms of the likely solution, project location, and approximate cost. For any generalized needs that do not rise to the level of prescriptive projects, a list of recommended planning studies shall be generated, including a description of the purpose and need for the study, approximate cost, and any other pertinent information. In addition to the obvious need for project descriptions, this information will be utilized to run all projects through the Interagency Consultation Group (ICG) conformity analysis process required for air quality conformity regulations.

Prioritization of projects: Must be developed based upon a variety of objective factors. The SVATS MPO previously developed an objective project selection process using PennDOT-approved Decision Lens software and Complete Streets Scorecard. It is anticipated Decision Lens and the Complete Street Policy will be utilized as part of the framework for prioritizing projects, although the MPO is open to the consideration of alternative methods as well.

Improved consistency with the MPO's TIP: This has been a primary goal of SVATS MPO for many years. The 2021 LRTP update allowed the MPO and PennDOT to dramatically narrow the gap between long range planning and the actual programming of projects (via the TIP). Having both agencies closely-involved in the LRTP's development, including development of the project listing/implementation plan, will help move partners closer to the goal of better integration and fewer "surprise" projects. The consultant should be skilled in helping to facilitate this collaboration by engaging various perspectives within PennDOT, including those outside of the steering committee (executive leadership, traffic unit, county maintenance, etc.).

Development of a fiscally constrained plan: Must be based on projected revenues over the next 20+ years is of paramount importance. The consultant will work closely with PennDOT's Planning and Programming staff to develop an implementation plan based on PennDOT's most recent financial guidance (FG) directives. Because accurate revenue forecasting is difficult, if not impossible, the plan must be flexible in its development and prioritization, yet financially conservative (i.e. based on zero revenue growth in the out-years of the LRTP). The plan will need to account for year of expenditure and utilize agreed-upon inflation assumptions for project costs. Alternate project list(s) shall also be developed for any projects unable to be funded based on current FG assumptions, thereby allowing the plan to adapt to any new revenue sources or increases in total funding. The plan should summarize/explain traditional transportation funding sources (e.g. NHPP, HSIP, TA Set-Aside, etc.) as well as some less-typical funding sources (such as public-private partnerships) in addition to lining up projects with these potential funding sources.

Other Priorities

Safety as the top priority: Available safety data will be analyzed and all projects will place the safety of users of Mercer County's transportation system as the top priority.

Incorporation of Multi-Modal Transportation, Active Transportation, and Complete Streets: SVATS MPO/MCRPC prioritizes incorporating Active Transportation and Multi-Modal Transportation in the upcoming Mercer County LRTP. The chosen firm shall have experience incorporating these components as a section of the LRTP that corresponds with the Mercer County Complete Streets Policy. Mercer County does not currently have an Active Transportation Plan, though several municipalities within Mercer County, such as the City of Hermitage, the Town of Greenville, and the Borough of Grove City, have plans that focus on pedestrian and multi-modal transportation. It is recommended to review these plans and incorporate them into the Mercer County LRTP at the county-wide level. These plans can be found at www.mcrpc.com/transportation-plans.

4. Required Proposal Submissions

Proposing additional components is allowed, but the final LRTP *must* meet all PA Commonwealth and federal regulations. All sections of the final LRTP shall be rich with maps, charts, tables, and other graphics. Our desire is to have a readable, easily understandable plan. When drafting proposals, submitting firms *shall* prepare:

- An easily transferable (pdf format) electronic copy sent by email.
- One (1) bound and one (1) unbound color paper copies.

C. Proposal Instructions

Firms shall submit a proposal containing the following sections below:

Section	Title	Instructions	# of Pages
N/A	Cover Page	N/A	1
1.	Cover Letter	Include typical cover letter language. Please include the name, phone number and email address for the project manager/leader as well as the physical address of the main office location and of any subconsultants.	1
2.	General Information	Firms may provide information about their focus, history, and/or core values. Firms may also include information about past projects, staff experience, the qualifications of any subconsultants, or any other pertinent information.	1 to 3
3.	Scope of work	Please provide a scope of work that follows the instructions above.	3 to 6
4.	Project Schedule	Please provide an overview/timeline of the project schedule.	1
5.	Organizational Chart	Please provide names, titles, and project roles for the entire project team including any subconsultants.	1
6.	Staff Resumes	Please include resumes of all project members (maximum one page per project member).	1 page per staff member
7.	Example Projects	Submit portfolio at least six (6) projects—completed within the past eight (8) years—which best illustrate the project team’s qualifications. Please Include project costs and information on where to find any relevant plans/documents. Additionally, please specify	1 page for each project

		which team members participated in which projects.	
8.	Contact Information	Please include a concise summary of contact information. Please specify the phone numbers and email addresses of employees. Please also include the address of firm offices, as well as of the lead branch office (if applicable). Please also complete for any subconsultants.	1

The technical proposal must be received no later than **4:00PM on Monday, May 12, 2025**. Proposals shall be emailed in pdf format and be no larger than 8 MB. Please email to the following points of contact:

Name	Email Address	Position
Chris Conti	cconti@mcrpc.com	Senior Planner, SVATS
Sara Tassone	stassone@pa.gov	Acting Planning and Programming Manager, PennDOT District 1-0

D. Procurement

The review committee will evaluate consulting firms based on the following qualifications:

Max Pts.	Topic	Example Questions for Review Committee
10	Firm Experience-- General	Has the firm demonstrated a wide range of experience with relevant transportation planning projects? Do they have experience with PennDOT projects and MPO-managed projects? How successful have past projects been?
5	Firm Experience— Specific	Has the firm and project team members worked on LRTPs in the past, and/or has they demonstrated experience projects comparable to LRTPs?
5	Staff Experience	Does the project team seem well-suited to take on a project of this nature? Do they have the right skills and experience?
5	Quality of Proposal	Is the proposal well-written and of high quality? Did the submitting firms follow instructions on submitting?
10	Scope of Work-- General	Does the proposed scope of work and timeline seem reasonable, thorough, and demonstrate a comprehensive understanding of the LRTP process and Mercer County's needs? Is the Scope of Work implementable?
5	Scope of Work— Creative/Unique	Are there any aspects of the proposed scope that stand out? Do any creative or unique approaches proposed add value to the project?
40	TOTAL	

Selected firms will be contacted and invited for an interview. Prior to the time of presentation, they will be asked to submit a sealed price proposal.

E. Timeline

The project is scheduled to begin immediately following the selection of the consultant, with an anticipated start in June 2025. Several key deadlines are established throughout the project lifecycle:

- **Proposals due:** 4:00 PM, Monday, May 12, 2025
- **Consultant contract finalized:** MPO meeting, Tuesday, June 10, 2025
- **LRTP Completion:** July 10, 2026
- **Public comment period:** The 30-day period will begin once the PennDOT approves, with a start date no later than August 1, 2026
- **MPO approval of LRTP:** No later than the September 2026 MPO meeting

F. Funding/Payment

Cost proposals must be submitted in a separate sealed envelope. The MPO will use UPWP funds to cover the consultant fees. MCRPC staff will support the selected firm with coordinating committee meetings, public outreach, meeting minutes, and other administrative tasks to help reduce consultant time. Cost proposals should include any potential cost-saving opportunities.

Consultants shall provide payments on a quarterly basis and reimbursement will typically be made within 45 days from the end of each quarter (end of September, December, March, June, September). If alternate arrangements for payment are necessary, the MPO can discuss circumstances on a case-by-case basis.

G. Disadvantaged Business Enterprises (DBE) Goal

There is no established DBE goal for this project, but applicants should note the following:

Federal Disadvantaged Business Enterprise Assurance: Contractors must comply with 49 CFR Part 26, ensuring non-discrimination based on race, color, national origin, or sex in contract performance. Failure to comply constitutes a material breach and may result in contract termination or other remedies, including withholding payments, sanctions, liquidated damages, or disqualification from future bids.

Contractors must include this assurance in all subcontracts and contracts related to Commonwealth-funded projects. Refer to the attached Federal Nondiscrimination and Equal Employment Opportunity Clauses for further details.

DBE, SBE, and Small Business Concern Involvement: The Commonwealth encourages DBE, SBE, and small business participation. DBEs are certified by the PA Unified Certification Program (PA UCP), while SBEs are certified by PennDOT. Small business concerns must meet the definition set by the Small Business Act (13 CFR Part 121). Contractors are encouraged to include these businesses in the work and provide documentation of such involvement in their proposals.

- PA Unified Certification Program Website
- PennDOT Small Business Enterprises (SBE) Website

DBE/SBE certification does not expire, so certification letters or expiration dates should not be requested.

H. Disclosures

1. **Right to Accept or Reject Proposals:** The Mercer County Regional Planning Commission (MCRPC) / Shenango Valley Area Transportation Study (SVATS MPO) reserves the right, at its sole discretion, to accept or reject any or all responses to this Request for Proposals (RFP), to waive any technical defects or formal errors, or to re-advertise the RFP if such actions are deemed to be in the best interest of MCRPC/SVATS MPO. Furthermore, MCRPC/SVATS MPO shall act as the sole and final authority in determining the merit and qualifications of the equipment, supplies, or services offered. Any determination of equivalency shall be final and binding, as decided solely by MCRPC/SVATS MPO.
2. **Conflict of Interest:** The selected firm and MCRPC/SVATS MPO are required to disclose any actual or potential conflicts of interest that may arise in relation to the potential contract. A conflict of interest shall exist if any official(s), employee(s), or their immediate family members possess any direct or indirect financial interest in the potential contract, which could compromise the objectivity, impartiality, or best interests of MCRPC/SVATS MPO.
3. **Non-Liability for Non-Receipt of Proposals:** MCRPC/SVATS MPO shall not be held liable for any failure to receive responses to this RFP if such responses are submitted after the designated submission deadline, whether by mail, electronic submission, or hand delivery. Responses received after **4:00 PM on Monday, May 12, 2025**, will not be considered.
4. **No Liability for Respondent Costs:** MCRPC/SVATS MPO shall not be responsible for any costs incurred by firms, subcontractors, or other vendors in preparing or submitting their responses to this RFP.
5. **Equal Opportunity Employer:** MCRPC/SVATS MPO is committed to fostering a diverse and inclusive work environment and is proud to be an equal opportunity employer. All qualified firms, without regard to race, color, religious creed, ancestry, sex, national origin, disability, sexual orientation, gender identity, or gender expression, will be given equal consideration for selection. For additional information, please refer to the attached Federal Non-Discrimination Clauses.

**FEDERAL NONDISCRIMINATION AND
EQUAL EMPLOYMENT OPPORTUNITY CLAUSES
(All Federal Aid Contracts)* (1-76)**

1. **Selection of Labor:** During the performance of this contract, the contractor shall not discriminate against labor from any other State, possession or territory of the United States.
2. **Employment Practices:** During the performance of this contract, the contractor agrees as follows:
 - a. The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoffs or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notice to be provided by the State highway department setting forth the provisions of this nondiscrimination clause.
 - b. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.
 - c. The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the State highway department advising the said labor union or workers' representative of the contractors commitments under section 2 and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
 - d. The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations (41 CFR, Part 60) and relevant orders of the Secretary of Labor.
 - e. The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records and accounts by the Federal Highway Administration and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders.
 - f. In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations or orders, this contract may be canceled, terminated or suspended in whole or part and the contractor may be declared ineligible for further Government contracts or Federally-assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation or order of the Secretary of Labor, or as otherwise provided by law.
 - g. The contractor will include the provisions of Section 2 in every subcontract or purchase order unless exempted by rules, regulations or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the State highway department or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event a contractor becomes involved in, or is threatened with litigation with a subcontractor or vendor as a result of such direction by the Federal Highway Administration, the contractor may request the United States to enter into such litigation to protect the interests of the United States.
3. **Selection of Subcontractors, Procurement of Materials, and Leasing of Equipment:** During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

- a. **Compliance with Regulations:** The contractor shall comply with the Regulations relative to nondiscrimination in federally-assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations) which are herein incorporated by reference and made a part of this contract.
- b. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in the Regulations.
- c. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontract or supplier shall be notified by the contract of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, sex or national origin.
- d. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by the State highway department or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the State highway department, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.
- e. **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the State highway department shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - (1) withholding of payments to the contractor under the contract until the contractor complies, and/or
 - (2) cancellation, termination or suspension of the contract, in whole or in part.
- f. **Incorporation of Provisions:** The contractor shall include the provisions of this paragraph 3 in every subcontract, including procurements of materials and leases of equipment, unless except by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontractor or procurement as the State highway department or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the State highway department or enter into such litigation to protect the interest of the State, and , in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

Wherever hereinabove the word "contractor" is used, it shall also include the word engineer, consultant, researcher, or other entity (governmental, corporate, or otherwise), its successors and assigns as may be appropriate.

*Not to be used if otherwise included in Construction or Appalachian Contract Provisions.