



**River to Sea TPO**  
**Joint Certification 2021**  
**2/2/2022**

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## Purpose

Each year, the District and the Metropolitan Planning Organization (MPO) must jointly certify the metropolitan transportation planning process as described in [23 C.F.R. §450.336](#). The joint certification begins in January. This allows time to incorporate recommended changes into the Draft Unified Planning Work Program (UPWP). The District and the MPO create a joint certification package that includes a summary of noteworthy achievements by the MPO and, if applicable, a list of any recommendations and/or corrective actions.

The certification package and statement must be submitted to Central Office, Office of Policy Planning (OPP) no later than June 1.

## Certification Process

Please read and answer each question using the checkboxes to provide a “yes” or “no.” Below each set of checkboxes is a box where an explanation for each answer is to be inserted. The explanation given must be in adequate detail to explain the question.

FDOT's [MPO Joint Certification Statement](#) document must accompany the completed Certification report. Please use the electronic form fields to fill out the document. Once all the appropriate parties sign the MPO Joint Certification Statement, scan it and email it with this completed Certification Document to your District MPO Liaison.

Please note that the District shall report the identification of, and provide status updates of any corrective action or other issues identified during certification directly to the MPO Board. Once the MPO has resolved the corrective action or issue to the satisfaction of the District, the District shall report the resolution of the corrective action or issue to the MPO Board.

## **Part 1**

Part 1 of the Joint Certification is to be completed by the MPO.

## Part 1 Section 1: MPO Overview

1. Does the MPO have up-to-date agreements such as the interlocal agreement that creates the MPO, the intergovernmental coordination and review (ICAR) agreement; and any other applicable agreements? Please list all agreements and dates that they need to be readopted. The ICAR Agreement should be reviewed every five years and updated as necessary. Please note that the ICAR Agreement template was updated in 2020.

**Please Check:** Yes  No

Interlocal Agreement for the Creation of Metropolitan/Transportation Planning Organization (Form 525-010-01), last update 8/19/2014. Intergovernmental Coordination and Review and Public Transportation Coordination (ICAR) (Form 525-010-03), last update 8/19/2014. Two agreements that were updated in recent years are: The Metropolitan Planning Organization Agreement (Form 525-010-02), last executed June 22, 2020; and the Public Transportation Joint Participation Agreement (Form 725-030-06), last executed December 2, 2019.

2. Does the MPO coordinate the planning of projects that cross MPO boundaries with the other MPO(s)?

**Please Check:** Yes  No

The River to Sea TPO participates regularly in regional planning efforts as part of the Central Florida MPO Alliance (CFMPOA) and the MPO Advisory Council (MPOAC). The CFMPOA annually adopts a regional List of Priority Projects and participates in the development of regional transportation plans and studies. In addition, the TPO regularly participates in other planning and partnering activities including participation in the Regional Planning Council Resiliency Action Committee, the St. Johns River to Sea Loop Alliance, the TSMO Consortium, the Regional TSMO Program Working Group, the District 5 SIS Strategic Plan Working Group, etc.

3. How does the MPOs planning process consider the 10 Federal Planning Factors ([23 CFR § 450.306](#))?

**Please Check:** Yes  No

The River to Sea TPO incorporates required Planning Factors into all activities undertaken by the organization including project evaluation, planning and public engagement/outreach. Consideration of the planning factors were used to develop the UPWP as well as the Connect 2045 Long Range Transportation Plan. Both of these documents reference the planning factors and include tables that cross reference the connection between the planning actors and planning activities of the TPO. The UPWP and the Connect 2045 LRTP can be found on the TPO website at: [www.r2ctpo.org](http://www.r2ctpo.org).

4. How are the transportation plans and programs of the MPO based on a continuing, comprehensive, and cooperative process?

**Please Check:** Yes  No

The River to Sea TPO practices a continuing, comprehensive and cooperative planning process. The TPO Board and advisory committees meet monthly in addition to other subcommittees, workshops, partnering meetings and project-specific planning activities. The planning process established by the R2CTPO involves a robust public outreach program in addition to participation from all local governments within our planning area. The UPWP and LRTP clearly outline activities that span all modes of transportation and that address the 10 planning factors identified by FHWA.

5. When was the MPOs Congestion Management Process last updated?

**Please Check:** Yes  No  N/A

The most recent CMP report was adopted October 24, 2018 and the results were used to inform the Connect 2045 Long Range Transportation Plan. A review and update to the CMP process is currently underway to incorporate additional data and performance measures and expand the report. Anticipated completion of the updated report is Spring of 2022.

6. Has the MPO recently reviewed and/or updated its Public Participation Plan (PPPs)? If so, when? For guidance on PPPs, see the Federal Highway Administration (FHWA) checklist in the [Partner Library](#) on the MPO Partner Site.

**Please Check:** Yes  No

An evaluation of the TPO's Public Participation Plan (PPP) is completed each year to ensure it remains current and effective. A comprehensive update was completed and adopted on June 26, 2019. The plan was amended on June 24, 2020 to incorporate changes needed to respond to the COVID-19 pandemic. A comprehensive update is currently underway to incorporate current outreach efforts and is anticipated to be completed in June of 2022.

7. Was the Public Participation Plan made available for public review for at least 45 days before adoption?

**Please Check:** Yes  No

Yes, the PPP was made available for public review and comment on April 25, 2019 and the comment period closed on June 26, 2019 for a total of 63 days. The amendment was

also placed out for public review for 46 days (beginning on May 10, 2020 and extending until June 24, 2020)



## Part 1 Section 2: Finances and Invoicing

1. How does the MPO ensure that Federal-aid funds are expended in conformity with applicable Federal and State laws, the regulations in 23 C.F.R. and 49 C.F.R., and policies and procedures prescribed by FDOT and the Division Administrator of FHWA?

The TPO has recently participated in one on one training with FDOT staff. Currently, the Interim Executive Director is working closely with a temporary financial consultant on all TPO expenditures. Scopes of Services and Task Work Orders for continuing consultant services utilizing federal funds are submitted to the TPO's FHWA liaison for review and approval prior to issuing a notice to proceed. Consultant and project specific expenditures are reviewed by the Project Manager and the Interim Executive Director prior to payment. All invoices and detailed support documentation are reviewed by the Interim Executive Director prior to submittal to FDOT. The TPO also references the FDOT Program Management Handbook.

The River to Sea TPO is in the process of determining future leadership and staffing of the organization, including the Executive Director and Accounting/Office Manager positions and will continue to refine our policies and procedures as they pertain to this process.

2. How often does the MPO submit invoices to the District for review and reimbursement?

The MPO typically submits invoices on a monthly basis. Note: the TPO is currently invoicing quarterly, but will return to monthly invoices in Calendar Year 2022.

3. Is the MPO, as a standalone entity, a direct recipient of federal funds and in turn, subject to an annual single audit?

Yes, the MPO is subject to an annual single audit. The most recent audit was completed in December 2021.

4. How does the MPO ensure their financial management system complies with the requirements set forth in [2 C.F.R. §200.302?](#)

The River to Sea TPO undergoes an annual audit performed by a CPA which reviews and verifies compliance with [2 C.F.R. §200.302](#)

5. How does the MPO ensure records of costs incurred under the terms of the MPO Agreement maintained and readily available upon request by FDOT at all times during the period of the MPO Agreement, and for five years after final payment is made?

Records of costs incurred under terms of the MPO Agreement are maintained in files and readily available upon request by FDOT at the business office of the River to Sea TPO at all times during the period of the MPO agreement and for five years after final payment is made.

6. Is supporting documentation submitted, when required, by the MPO to FDOT in detail sufficient for proper monitoring?

Yes, the River to Sea TPO submits detailed supporting documentation to FDOT when requested/required.

7. How does the MPO comply with, and require its consultants and contractors to comply with applicable Federal law pertaining to the use of Federal-aid funds and applicable State laws?

Compliance with Federal law is a term of the General Consulting Services contract signed by Consultants. Consultant invoices are reviewed for compliance upon receipt. The TPO undergoes an annual audit performed by a CPA which reviews and verifies the compliance with Federal law.

8. Does the MPO have an existing negotiated indirect cost rate from the Federal government or use the de minimis rate (currently set at 10% of modified total direct costs which may be used indefinitely ([2 C.F.R. 200.414\(f\)](#))?)

*In general, only those MPOs that are hosted by agencies that receive direct Federal funding in some form (not necessarily transportation) will have available a Federally approved indirect cost rate. If the MPO has a staffing services agreement or the host agency requires the MPO to pay a monthly fee, the MPO may be reimbursed for indirect costs.*

Please Check: Indirect Rate  De Minimis Rate  N/A

- a. If the MPO has an existing negotiated indirect cost rate, did the MPO submit a cost allocation plan?

The TPO does not have an Indirect Cost Rate

## Part 1 Section 3: Title VI and ADA

1. Has the MPO signed an FDOT Title VI/Nondiscrimination Assurance, identified a person responsible for the Title VI/ADA Program, and posted for public view a nondiscrimination policy and complaint filing procedure?"

**Please Check:** Yes  No

The Title VI/Nondiscrimination Assurance Statement was signed on 03/25/20. The TPO has identified a staff member to manage the responsibilities of the Title VI/ADA Program and posted the nondiscrimination policy and complaint filing procedure under the public involvement section of the TPO's website and in the lobby of the TPO office.

2. Do the MPO's contracts and bids include the appropriate language, as shown in the appendices of the [Nondiscrimination Agreement](#) with the State?

**Please Check:** Yes  No

Yes, the TPO consults with legal counsel to include appropriate language pertaining to Nondiscrimination in contracts.

3. Does the MPO have a procedure in place for the prompt processing and disposition of Title VI and Title VIII complaints, and does this procedure comply with FDOT's procedure?

**Please Check:** Yes  No

The River to Sea TPO has a procedure in place that complies with FDOT's procedure posted on the TPO's website at [www.r2ctpo.org/public-involvement/public-participation-documents](http://www.r2ctpo.org/public-involvement/public-participation-documents).

4. Does the MPO collect demographic data to document nondiscrimination and equity in its plans, programs, services, and activities?

**Please Check:** Yes  No

The River to Sea TPO collects statistical data on a yearly basis for the participants in the TPO's committees through the Public Participation Evaluation Matrix. The TPO also tracks statistical data through the TPO's Limited English Proficiency (LEP) Plan for its constituents (last updated on 05/27/20). The LEP Plan is currently being updated and anticipated to be completed by June of 2022.

5. Has the MPO participated in any recent Title VI training, either offered by the State, organized by the MPO, or some other form of training, in the past three years?

**Please Check:** Yes  No

The River to Sea TPO conducts training for staff annually. The most recent staff training was conducted on 9/13/2021. The Title VI Coordinator conducts research in preparation of the training. The Coordinator has also attended a course through the National Highway Institute for Public Involvement that included Title VI information.

6. Does the MPO keep on file for five years all complaints of ADA noncompliance received, and for five years a record of all complaints in summary form?

**Please Check:** Yes  No

We have not received any complaints. However, we are aware of the requirement and would retain records as needed should a complaint be filed.

## Part 1 Section 4: MPO Procurement and Contract Review and Disadvantaged Business Enterprises

1. Is the MPO using a qualifications based selection process that is consistent with [2 C.F.R. 200.320 \(a-c\)](#), [Appendix II to Part 200 - Contract Provision](#), and [23 C.F.R. 172](#), and Florida statute as applicable?

**Please Check:** Yes  No

The River to Sea TPO follows a procurement process as outlined in the Purchasing Manual adopted on August 27, 2014, which was developed to be consistent with federal requirements. This document can be found on the website at: <https://www.r2ctpo.org/wp-content/uploads/R2CTPO-Purchasing-Manual-Approved-by-TPO-Board-August-27-2014-admin-mod.pdf>. An update to the Purchasing Manual is scheduled to be completed in the next fiscal year.

2. Does the MPO maintain sufficient records to detail the history of procurement, management, and administration of the contract? These records will include but are not limited to: rationale for the method of procurement, selection of contract type, contractor selection or rejection, the basis for the contract price, contract, progress reports, and invoices.

Note: this documentation is required by [2 C.F.R. 200.325](#) to be available upon request by the Federal awarding agency, or pass-through entity when deemed necessary.

**Please Check:** Yes  No

The River to Sea TPO maintains records associated with each procurement efforts as required including the rationale for the method of procurement, selection of contract type and contractor selection/rejection.

3. Does the MPO have any intergovernmental or inter-agency agreements in place for procurement or use of goods or services?

**Please Check:** Yes  No

There are no active agreements in place.

4. What methods or systems does the MPO have in place to maintain oversight to ensure that consultants or contractors are performing work in accordance with the terms, conditions and specifications of their contracts or work orders?

**Please Check:** Yes  No

A Project Manager is assigned to each contract or task work order and product delivery and schedule in accordance with the scope of services and terms of a contract is monitored by the Project Manager. Project tracking also includes review and approval of the consultant invoices by the PM which are submitted to the Financial Officer who checks for accuracy of the dollar amounts, then moves on to the Executive Director for final approval and authorization of payment.

5. Does the MPO's contracts include all required federal and state language from the MPO Agreement?

Please Check: Yes  No

Yes, the TPO consults with legal counsel to ensure required language is included in its contracts.

6. Does the MPO follow the FDOT-approved Disadvantaged Business Enterprise (DBE) plan?

Please Check: Yes  No

The TPO has adopted the FDOT Disadvantaged Business Enterprise Plan and can be found on the TPO's website at: <https://www.r2ctpo.org/events/documents/>. MPO/TPOs are not required to have a separate plan as a recipient of FDOT funds and would follow the guidelines outlined in the FDOT DBE Program Plan.

7. Does the MPO use the Equal Opportunity Compliance (EOC) system to ensure that consultants are entering bidders opportunity list information, as well as accurately and regularly accept DBE commitments and payments?

Please Check: Yes  No

The River to Sea TPO semi-annually submits the Uniform Report of DBE Commitments

8. The MPO must be prepared to use the Grant Application Process (GAP) to record their professional services contract information starting on July 1, 2022. Has the MPO staff been trained on the GAP system? If yes, please provide the date of training. If no, please provide the date by when training will be complete (Recordings are available on the FDOT Local Programs [webpage](#)).

Please Check: Yes  No

The training will be complete by June 30, 2022.

9. Does the MPO include the DBE policy statement in its contract language for consultants and subconsultants?

**Please Check:** Yes  No

The DBE policy statement is included in all new contracts.

10. Are the MPO procurement packages (Project Advertisements, Notices to Bidders, RFP/RFQs, contract templates and related documents) and contracts free from geographical preferences or bidding restrictions based on the physical location of the bidding firm or where it is domiciled?

**Please Check:** Yes  No  N/A

11. Are the MPO procurement packages (Project Advertisements, Notices to Bidders, RFP/RFQs, contract templates and related documents) and contracts free of points or award preferences for using DBEs, MBEs, WBEs, SBEs, VBEs or any other business program not approved for use by FHWA or FDOT?

**Please Check:** Yes  No  N/A

12. Please identify all locally required preference programs applied to contract awards by local ordinance or rule that will need to be removed from Federal-Aid solicitations and contract.

- a)  Minority business
- b)  Local business
- c)  Disadvantaged business
- d)  Small business
- e)  Location (physical location in proximity to the jurisdiction)
- f)  Materials purchasing (physical location or supplier)
- g)  Locally adopted wage rates
- h)  Other: \_\_\_\_\_



13. Do the MPO contracts only permit the use of the approved FDOT race-neutral program?

**Please Check:** Yes  No  N/A

14. Do the MPO contracts specify the race neutral or 'aspirational' goal of 10.65%?

**Please Check:** Yes  No  N/A

15. Are the MPO contracts free of sanctions or other compliance remedies for failing to achieve the race-neutral DBE goal?

**Please Check:** Yes  No  N/A

16. Do the MPO contracts contain required civil rights clauses, including:

- a. Nondiscrimination in contracting statement (49 CFR 26.13)
- b. Title VI nondiscrimination clauses Appendices A and E (DBE Nondiscrimination Assurance & 49 CFR 21)
- c. FDOT DBE specifications

**Please Check:** Yes  No  N/A

## Part 1 Section 5: Noteworthy Practices & Achievements

One purpose of the certification process is to identify improvements in the metropolitan transportation planning process through recognition and sharing of noteworthy practices. Please provide a list of the MPOs noteworthy practices and achievements below.

1. The River to Sea TPO continued its meaningful and inclusive Public Outreach and Engagement Mission to involve and inform the public on TPO planning efforts and seek input on plans and activities that impact the community and the region.
  - Following a year that was dominated by virtual outreach due to the COVID-19 pandemic, the TPO began to again participate in select public and in-person events including attendance at Port Orange Family Days, three community events along SR A1A promoting bicycle and pedestrian safety, “Walk Around Florida Event”, and a pedestrian safety presentation and helmet fitting to the House Next Door.
  - In addition to in person outreach events, the TPO developed and began publishing a monthly electronic newsletter in March on 2021 which covers a variety of transportation topics.
  
2. Adopted in November of 2019, the TPO continued to implement its Community Safety Action Plan as follows:
  - The TPO launched a Speakers Bureau to provide presentations on distracted driving and speeding. The presentations highlight what the TPO is doing to help decrease injuries and fatalities from distracted driving and speeding. These presentations also include individuals describing life changing experiences resulting from their involvement in a collision with distracted and/or speeding drivers, bringing a human factor to the crash statistics and numbers. The Speakers Bureau began in June 2021 with presentations to the Rotary Club of Flagler County, the Rotary Club of DeBary, Deltona and Orange City and the Flagler Beach Rotary Club.
  - The River to Sea TPO continued its partnership with the Volusia and Flagler County Sheriff Offices to distribute 150 bicycle light sets and 250 pedestrian lights donated by the TPO. These lights were distributed throughout Volusia

and Flagler Counties during nighttime hours to cyclists and pedestrians without lights.

3. The River to Sea TPO was recognized and awarded the 2021 Outstanding Planning Study by the Surfcoast Chapter of the Florida Planning and Zoning Association for the recently completed Paratransit Service Analysis. This study examined local area service and the state of practice throughout Florida to identify issues and opportunities that impact efficiencies in paratransit service.

## Part 1 Section 6: MPO Comments

The MPO may use this space to make any additional comments or ask any questions, if they desire. This section is not mandatory, and its use is at the discretion of the MPO.

The River to Sea TPO appreciates the continued support and partnership that we have with FDOT. The dedicated District Five Staff is professional and always willing to help. As the TPO moves into this coming year with new leadership, we look to further develop and strengthen the relationship between our two agencies.



**River to Sea TPO**

**Joint Certification 2021**

**1/20/2022**

Part 2 – FDOT District

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## **Purpose**

Each year, the District and the Metropolitan Planning Organization (MPO) must jointly certify the metropolitan transportation planning process as described in [23 C.F.R. §450.336](#). The joint certification begins in January. This allows time to incorporate recommended changes into the Draft Unified Planning Work Program (UPWP). The District and the MPO create a joint certification package that includes a summary of noteworthy achievements by the MPO and, if applicable, a list of any recommendations and/or corrective actions.

The Certification Package and statement must be submitted to Central Office, Office of Policy Planning (OPP) no later than June 1.

## Certification Process

Please read and answer each question within this document.

Since all of Florida's MPOs adopt a new Transportation Improvement Program (TIP) annually, many of the questions related to the TIP adoption process have been removed from this certification, as these questions have been addressed during review of the draft TIP and after adoption of the final TIP.

As with the TIP, many of the questions related to the Unified Planning Work Program (UPWP) and Long-Range Transportation Plan (LRTP) have been removed from this certification document, as these questions are included in the process of reviewing and adopting the UPWP and LRTP.

Note: This certification has been designed as an entirely electronic document and includes interactive form fields. Part 2 Section 9: Attachments allows you to embed any attachments to the certification, including the [MPO Joint Certification Statement](#) document that must accompany the completed certification report. Once all the appropriate parties sign the MPO Joint Certification Statement, scan it and attach it to the completed certification in Part 2 Section 9: Attachments.

Please note that the District shall report the identification of and provide status updates of any corrective action or other issues identified during certification directly to the MPO Board. Once the MPO has resolved the corrective action or issue to the satisfaction of the District, the District shall report the resolution of the corrective action or issue to the MPO Board.

The final Certification Package should include Part 1, Part 2, and any required attachments and be transmitted to Central Office no later than June 1 of each year.



## Risk Assessment Process

Part 2 Section 1: Risk Assessment evaluates the requirements described in [2 CFR §200.332 \(b\)-\(e\)](#), also expressed below. It is important to note that FDOT is the recipient and the MPOs are the subrecipient, meaning that FDOT, as the recipient of Federal-aid funds for the State, is responsible for ensuring that Federal-aid funds are expended in accordance with applicable laws and regulations.

*(b) Evaluate each subrecipient's risk of noncompliance with Federal statutes, regulations, and the terms and conditions of the subaward for purposes of determining the appropriate subrecipient monitoring described in paragraphs (d) and (e) of this section, which may include consideration of such factors as:*

*(1) The subrecipient's prior experience with the same or similar subawards;*

***(2) The results of previous audits including whether the subrecipient receives a Single Audit in accordance with Subpart F—Audit Requirements of this part, and the extent to which the same or similar subaward has been audited as a major program;***

***(3) Whether the subrecipient has new personnel or new or substantially changed systems; and***

*(4) The extent and results of Federal awarding agency monitoring (e.g., if the subrecipient also receives Federal awards directly from a Federal awarding agency).*

*(c) Consider imposing specific subaward conditions upon a subrecipient if appropriate as described in §200.208.*

*(d) Monitor the activities of the subrecipient as necessary to ensure that the subaward is used for authorized purposes, in compliance with Federal statutes, regulations, and the terms and conditions of the subaward; and that subaward performance goals are achieved. Pass-through entity monitoring of the subrecipient must include:*

*(1) Reviewing financial and performance reports required by the pass-through entity.*

*(2) Following-up and ensuring that the subrecipient takes timely and appropriate action on all deficiencies pertaining to the Federal award provided to the subrecipient from the pass-through entity detected through audits, on-site reviews, and written confirmation from the*

*subrecipient, highlighting the status of actions planned or taken to address Single Audit findings related to the particular subaward.*

*(3) Issuing a management decision for audit findings pertaining to the Federal award provided to the subrecipient from the pass-through entity as required by §200.521.*

*(4) The pass-through entity is responsible for resolving audit findings specifically related to the subaward and not responsible for resolving crosscutting findings. If a subrecipient has a current Single Audit report posted in the Federal Audit Clearinghouse and has not otherwise been excluded from receipt of Federal funding (e.g., has been debarred or suspended), the pass-through entity may rely on the subrecipient's cognizant audit agency or cognizant oversight agency to perform audit follow-up and make management decisions related to cross-cutting findings in accordance with section §200.513(a)(3)(vii). Such reliance does not eliminate the responsibility of the pass-through entity to issue subawards that conform to agency and award-specific requirements, to manage risk through ongoing subaward monitoring, and to monitor the status of the findings that are specifically related to the subaward.*

*(e) Depending upon the pass-through entity's assessment of risk posed by the subrecipient (as described in paragraph (b) of this section), the following monitoring tools may be useful for the pass-through entity to ensure proper accountability and compliance with program requirements and achievement of performance goals:*

*(1) Providing subrecipients with training and technical assistance on program-related matters; and*

*(2) Performing on-site reviews of the subrecipient's program operations;*

*(3) Arranging for agreed-upon-procedures engagements as described in §200.425.*

**If an MPO receives a Management Decision as a result of the Single Audit, the MPO may be assigned the high-risk level.**

**After coordination with the Office of Policy Planning, any of the considerations in 2 CFR §200.331 (b) may result in an MPO being assigned the high-risk level.**

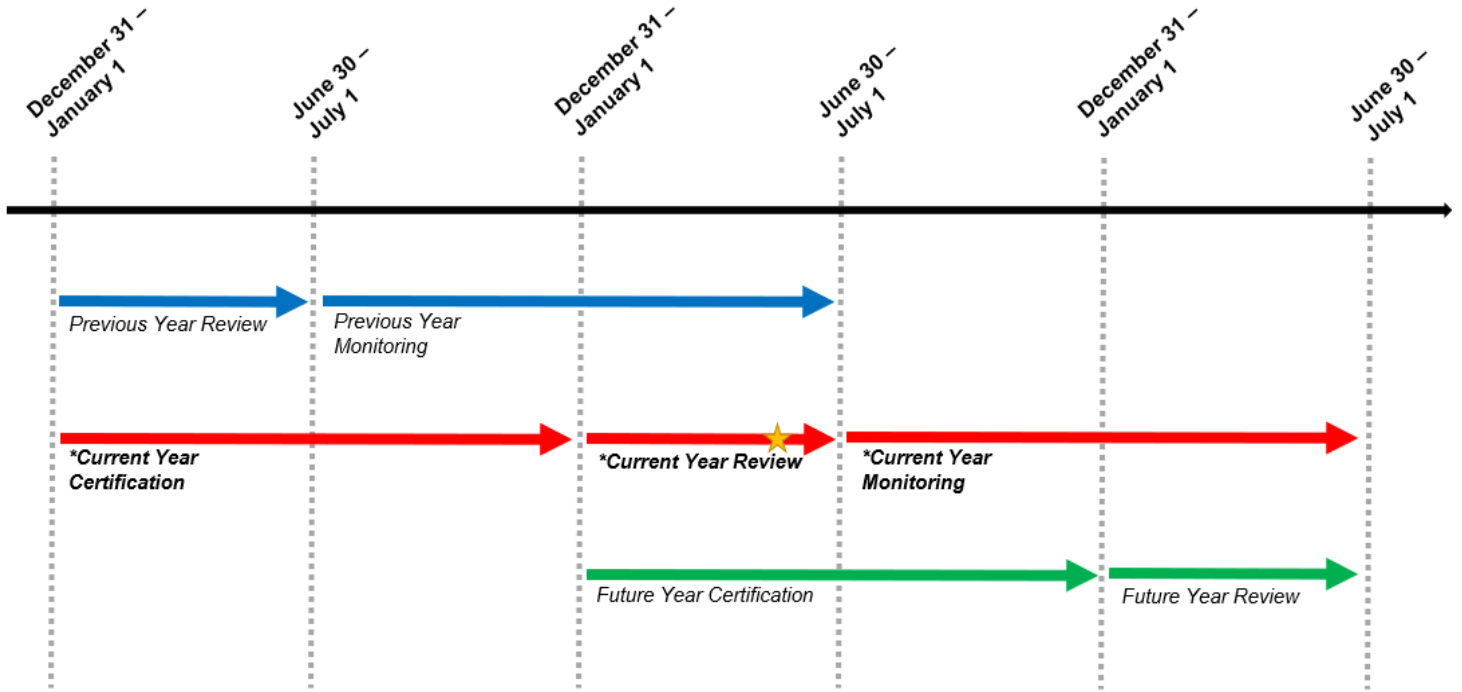
The questions in Part 2 Section 1: Risk Assessment are quantified and scored to assign a level of risk for each MPO, which will be updated annually during the joint certification process. The results of the Risk Assessment determine the minimum frequency by which the MPO’s supporting documentation for their invoices is reviewed by FDOT MPO Liaisons for the upcoming year. The frequency of review is based on the level of risk in **Table 1**.

**Table 1. Risk Assessment Scoring**

Score	Risk Level	Frequency of Monitoring
> 85 percent	Low	Annual
68 to < 84 percent	Moderate	Bi-annual
52 to < 68 percent	Elevated	Tri-annual
< 52 percent	High	Quarterly

The Risk Assessment that is part of this joint certification has two main components – the Certification phase and the Monitoring phase – and involves regular reviewing, checking, and surveillance. The first step is to complete this Risk Assessment during the joint certification for the current year (*The red line in Figure 1*). The current year runs for a 12-month period from January 1 to December 31 of the same year (**Example: January 1, 2018 through December 31, 2018**). There is a 6-month period when the joint certification for the current year is reviewed before the Risk Assessment enters the Monitoring phase. The joint certification review runs from January 1 to June 30 (**Example: January 1, 2019 through June 30, 2019**). After the review has been completed, the Risk Assessment enters the Monitoring phase, where the MPO is monitored for a 12-month period (**Example: July 1, 2019 to June 30, 2020**). The entire Risk Assessment runs for a total of 30-months. However, there will always be an overlapping of previous year, current year, and future year Risk Assessments. **Figure 1** shows the timeline of Risk Assessment phases and how Risk Assessments can overlap from year to year.

Figure 1. Risk Assessment: Certification Year vs. Monitoring



★ June 1<sup>st</sup> - Joint Certifications are due to FDOT

## **Part 2**

Part 2 of the Joint Certification is to be completed by the District MPO Liaison.



<b>Total Number of Invoices that were Submitted on Time</b>	<b>Special Conditions Applied</b>
<b>Total Number of Invoices Submitted</b>	<b>Special Conditions Applied</b>

### MPO Invoice Review Checklist

List all MPO Invoice Review Checklists that were completed in the certification period in **Table 3** and attach the checklists to this risk assessment. Identify the total number of materially significant finding questions that were correct on each MPO Invoice Review Checklist (i.e. checked yes). The MPO Invoice Review Checklist identifies questions that are considered materially significant with a red asterisk. Examples of materially significant findings include:

- Submitting unallowable, unreasonable or unnecessary expenses or corrections that affect the total amounts for paying out.
- Exceeding allocation or task budget.
- Submitting an invoice that is not reflected in the UPWP.
- Submitting an invoice that is out of the project scope.
- Submitting an invoice that is outside of the agreement period.
- Documenting budget status incorrectly.

Corrections or findings that are not considered materially significant do not warrant elevation of MPO risk. Examples of corrections or findings that are not considered materially significant include:

- Typos.
- Incorrect UPWP revision number.
- Incorrect invoice number.

**Table 3. MPO Invoice Review Checklist Summary**

MPO Invoice Review Checklist	Number of Correct Materially Significant Finding Questions
G1L94-11 Review Date: 3/04/2021	

G1L94-12 Review Date: 3/4/2021	
G1L94-13 Review Date: 3/4/2021	
G1L94-14 Review Date: 3/19/2021	
G1L94-15 Review Date: 4/5/2021	
G1L94-16 Review Date: 4/3/2021	
G1L94-17 Review Date: 5/10/2021	
G1L94-18 Review Date: 6/18/2021	
G1L94-19 Review Date: 6/30/2021	
G1L94-20 Review Date: 6/30/2021	
G1L94-21 Review Date: 9/13/2021	
G1L94-22 Review Date: 9/14/2021	
G1L94-23 Review Date: 10/15/2021	
G1L94-24 Review Date: 1/6/2022	
<b>MPO Invoice Review Checklist Total</b>	
<b>Total Number of Materially Significant Finding Questions that were Correct</b>	<b>Special Conditions Applied</b>

\*Note: There are 7 materially significant questions per MPO Invoice Review Checklist.

### MPO Supporting Documentation Review Checklist

List all MPO Supporting Documentation Review Checklists that were completed in the certification period in **Table 4** and attach the checklists and supporting documentation to this risk assessment. Identify the total number of materially significant finding questions that were correct on each MPO Supporting Documentation Review Checklist (i.e. checked yes). The MPO Supporting Documentation Review Checklist identifies questions that are considered materially significant with a red asterisk. Examples of materially significant findings include:



- Submitting an invoice with charges that are not on the Itemized Expenditure Detail Report.
- Submitting an invoice with an expense that is not allowable.
- Failing to submit supporting documentation, such as documentation that shows the invoice was paid.
- Submitting travel charges that do not comply with the MPO’s travel policy.

**Table 4. MPO Supporting Documentation Review Checklist Summary**

MPO Supporting Documentation Review Checklist	Number of Correct Materially Significant Finding Questions
<i>Invoice G1L94-21, Review Date: 1/20/2022, Billing Period: 3/4/2021-5/3/2021</i>	
<b>MPO Supporting Documentation Review Checklist Total</b>	
<b>Total Number of Materially Significant Finding Questions that were Correct</b>	<b>Special Conditions Applied</b>

*\*Note: There are 25 materially significant questions per MPO Supporting Documentation Review Checklist.*

**Technical Memorandum 19-04: Incurred Cost and Invoicing Practices**

Were incurred costs billed appropriately at the end of the contract period?

Please Check: Yes  No  N/A

## Risk Assessment Score

Please use the Risk Assessment worksheet to calculate the MPO's risk score. Use **Table 5** as a guide for the selecting the MPO's risk level.

**Table 5. Risk Assessment Scoring**

Score	Risk Level	Frequency of Monitoring
> 85 percent	Low	Annual
68 to < 84 percent	Moderate	Bi-annual
52 to < 68 percent	Elevated	Tri-annual
< 52 percent	High	Quarterly

Risk Assessment Percentage: 83

Level of Risk: **High**

## Part 2 Section 2: Long-Range Transportation Plan (LRTP)

Did the MPO adopt a new LRTP in the year that this certification is addressing?

Please Check: Yes  No  |

If yes, please ensure any correspondence or comments related to the draft and final LRTP and the LRTP checklist used by Central Office and the District are in the [MPO Document Portal](#) or attach it to Part 2 Section 9: Attachments. List the titles and dates of attachments uploaded to the MPO Document Portal below.

|

Title(s) and Date(s) of Attachment(s) in the MPO Document Portal

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## Part 2 Section 3: Transportation Improvement Program (TIP)

Did the MPO update their TIP in the year that this certification is addressing?

Please Check: Yes  No

If yes, please ensure any correspondence or comments related to the draft and final TIP and the TIP checklist used by Central Office and the District are in the [MPO Document Portal](#) or attach it to Part 2 Section 9: Attachments. List the titles and dates of attachments uploaded to the MPO Document Portal below.

Title(s) and Date(s) of Attachment(s) in the MPO Document Portal

12/17/2020 – **Resolution 2020-21 Amending the FY 2020-21 to 2024-25 TIP package.pdf** – Attached is a memo from the R2CTPO Chair regarding emergency authorization, Resolution 2020-05 Authorizing Emergency authorizations, Resolution 2020-21 amending the TIP and TIP Attachment A. If you have any questions, please contact us.

2/1/2021 – **Executed Resolutin 2021-02 (Amending FY 2020-21 to 2024-25 TIP).pdf** – Executed Resolution and TIP sheets attached

3/26/2021 – **Executed Resolution 2021-06 (Amending FY 2020-21 to 2024-25 TIP).pdf** – Attached is executed Resolution 2021-06 amending the FY 2020/21 to 2024/25 TIP with TIP sheets

4/30/2021 – **Executed Resolution 2021-09 (Amending the FY 2020-21 to 2024-25 TIP).pdf** – Executed Resolution, TIP sheets and FDOT letter attached

5/26/2021 – **Campbell Middle Safe Routes to School - 4433941 - Connect-2045-Goals-Objectives.pdf, Executed Resolution 2021-11 (Amending the FY 2020-21 to 2024-25 TIP).pdf, Fremont Ave Sidewalk - 4399712 - Connect-2045-Goals-Objectives.pdf** – Attached executed Resolution 2021-11, TIP Attachment A, and the pages from the LRTP Goals and Objectives

6/7/2021 – **TIP Review Checklist \_6-9-21.docx, TIP-FY-2021-22-to-FY-2025-26-TPO-Board-May-DRAFT.pdf** – draft TIP as requested

9/15/2021 – **08-25-2021 TPO Board Agenda.pdf, 449401-1\_LRTP.pdf, 449410-1\_LRTP.pdf, Executed Resolution 2021-17 (Amending FY 2021-22 to 2025-26 TIP roll forward).pdf, FY 2021-22 to FY 2024-25 TIP (Amended August 25, 2021)\_UPDATED.pdf**– Executed Resolution 2021-17 and roll forward TIP

11/10/2021 – **10-27-2021 TPO Board Agenda.pdf, 419772-2\_LRTP.pdf, 419772-2\_TIP.pdf, 433311-2\_LRTP.pdf, 433311-2\_TIP.pdf, 436292-1\_LRTP.pdf, 436292-1\_TIP.pdf, 448456-1\_LRTP.pdf, 448456-1\_TIP.pdf** –

## Part 2 Section 4: Unified Planning Work Program (UPWP)

Did the MPO adopt a new UPWP in the year that this certification is addressing?

Please Check: Yes  No  |

If yes, please ensure any correspondence or comments related to the draft and final UPWP and the UPWP checklist used by Central Office and the District are in the [MPO Document Portal](#) or attach it to Part 2 Section 9: Attachments. List the titles and dates of attachments uploaded to the MPO Document Portal below.

Title(s) and Date(s) of Attachment(s) in the MPO Document Portal

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## Part 2 Section 5: Clean Air Act

The requirements of [Sections 174](#) and [176 \(c\) and \(d\)](#) of the Clean Air Act.

The Clean Air Act requirements affecting transportation only applies to areas designated nonattainment and maintenance for the National Ambient Air Quality Standards (NAAQS). Florida currently is attaining all NAAQS. No certification questions are required at this time. In the event the Environmental Protection Agency issues revised NAAQS, this section may require revision.

Title(s) of Attachment(s)

N/A
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## **Part 2 Section 6: Technical Memorandum 19-03REV: Documentation of FHWA PL and Non-PL Funding**

Did the MPO identify all FHWA Planning Funds (PL and non-PL) in the TIP?

**Please Check:** Yes  No  N/A  |

## Part 2 Section 7: MPO Procurement and Contract Review

To evaluate existing DBE reporting requirements, choose one professional services procurement package and contract between the MPO and a third party to answer the following questions. If the answer to any of the questions is no, there is no penalty to the MPO. FDOT is using this information to determine technical support and training for the MPOs. Any new procurements after July 1, 2022 must be compliant with the existing DBE reporting requirements.

1. Are the procurement package (Project Advertisements, Notices to Bidders, RFP/RFQs, contract templates and related documents) and contract free from geographical preferences or bidding restrictions based on the physical location of the bidding firm or where it is domiciled?

**Please Check: Yes**  **No**  **N/A**  |

2. Are the procurement package (Project Advertisements, Notices to Bidders, RFP/RFQs, contract templates and related documents) and contract free of points or award preferences for using DBEs, MBEs, WBEs, SBEs, VBEs or any other business program not approved for use by FHWA or FDOT?

**Please Check: Yes**  **No**  **N/A**  |

3. Does the contract only permit the use of the approved FDOT race-neutral program?

**Please Check: Yes**  **No**  **N/A**  |

4. Does the contract specify the race neutral or 'aspirational' goal of 10.65%?

**Please Check: Yes**  **No**  **N/A**  |

5. Is the contract free of sanctions or other compliance remedies for failing to achieve the race-neutral DBE goal?

**Please Check: Yes**  **No**  **N/A**  |



6. Does the contract contain required civil rights clauses, including:
- a. Nondiscrimination in contracting statement (49 CFR 26.13)
  - b. Title VI nondiscrimination clauses Appendices A and E (DBE Nondiscrimination Assurance & 49 CFR 21)
  - c. FDOT DBE specifications

**Please Check: Yes  No  N/A  |**

## Part 2 Section 8: District Questions

The District may ask up to five questions at their own discretion based on experience interacting with the MPO that were not included in the sections above. Please fill in the question, and the response in the blanks below. This section is optional and may cover any topic area of which the District would like more information.

1. In CY2021, explain how the MPO addressed the goals and objectives outlined in your LRTP and how the required performance measures are supported in your plans and priorities.

The River to Sea TPO recognizes the importance of linking goals, objectives, and investment priorities to stated performance objectives, and implements performance-based planning throughout all planning and programming activities.

The TPO's Long Range Transportation Plan, Connect 2045 defines performance-based goals and objectives, and incorporates a data-driven approach to prioritization and project selection.

The TPO includes specific investment priorities in the Transportation Improvement Program (TIP) that advance federal performance measures like safety, system performance, and system preservation.

The Unified Planning Work Program (UPWP) incorporates a range of activities and programs to improve performance like school safety studies and pedestrian law enforcement training that have a goal of reducing fatalities and serious injuries.

Through funding policies, the TPO sets aside resources to meet specific needs such as replacement of transit capital assets to improve state of good repair, as well as improvements to bicycle and pedestrian and traffic operations focused improvements.

2. Which processes should FDOT consider improving to assist the MPO in carrying out its day-to-day operations?

In addition to the monthly partnering meetings with all District 5 MPOs, scheduling one-on-one meetings with the River to Sea TPO would be helpful during this period of leadership transition.

Additionally, providing templates, best practices or other guidance especially when requirements or processes change would be helpful.

3. In which areas could FDOT consider improving to enhance the relationship between the MPO's and the Department?

The River to Sea TPO appreciates the continued support and partnership that we have with FDOT. Continued communication and dialog between the two agencies are critical to a successful partnership. As the TPO moves into this coming year with new leadership, we look to further develop and strengthen the relationship between our two agencies.

4. What controls will the TPO implement to address the corrective actions set by the Department regarding invoicing and financial practices?

The River to Sea TPO is in the process of determining future leadership and staffing of the organization, including the Executive Director and Accounting/Office Manager positions and will develop/refine policy specific implementation over the coming months. In the immediate term, the current Interim Executive Director is working closely with a temporary financial consultant and FDOT staff to work towards getting caught up on invoicing and setting a solid foundation to develop future policy. Current TPO staff and the consultant have also participated in additional training with FDOT and continue to coordinate with FDOT staff regarding invoicing and financial practices.

## Part 2 Section 9: Recommendations and Corrective Actions

Please note that the District shall report the identification of and provide status updates of any corrective action or other issues identified during certification directly to the MPO Board. Once the MPO has resolved the corrective action or issue to the satisfaction of the District, the District shall report the resolution of the corrective action or issue to the MPO Board. The District may identify recommendations and corrective actions based on the information in this review, any critical comments, or to ensure compliance with federal regulation. The corrective action should include a date by which the problem must be corrected by the MPO.

### Status of Recommendations and/or Corrective Actions from Prior Certifications

All previous certification recommendations have been addressed. The Department and the MPO have made significant progress when it comes to programming TMA funds and the Department remains committed to transparency, partnership, and enhanced communication in these areas.

### Recommendations

As we work towards a new UPWP cycle and the transition to the CPG, the department would like to strongly encourage the MPO to partner with their transit agencies in making sure that all aspects of transit planning are still being prioritized. We would also like to encourage the MPO to spend down their PTGA's in an effort to fully transition to the CPG.

### Corrective Actions

In July of 2021, the River to Sea TPO Executive Director submitted her resignation. The department had noted ongoing invoicing concerns and opted to place the TPO on special conditions. Special condition status was issued in November of 2021 (letter is attached) citing ongoing invoicing concerns, the resignation of the TPO's financial staff, and the placement of an interim director.

At this time the TPO remains on Special Conditions. The district/department remain committed to providing the TPO with technical support in an effort to get the TPO back on track in accordance with state and federal requirements. While special conditions does allow for flexibility; the department encourages the TPO to work toward meeting all deadlines, invoicing in accordance with the MPO agreement, and utilizing its resources to remain in compliance.

The department would like to strongly encourage TPO staff to put a financial plan in place that addresses best practices, policies, and procedures.

## Part 2 Section 10: Attachments

Please attach any documents required from the sections above or other certification related documents here or through the [MPO Document Portal](#). Please also sign and attached the [MPO Joint Certification Statement](#).

Title(s) and Date(s) of Attachment(s) in the MPO Document Portal

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*Florida Department of Transportation*

RON DESANTIS  
GOVERNOR

719 S. Woodland Blvd.  
DeLand, FL 32720

KEVIN J. THIBAUT, P.E.  
SECRETARY

November 1, 2021

Colleen Nicoulin  
Interim Executive Director  
River to Sea Transportation Planning Organization  
2570 W. International Speedway Boulevard, Suite 100  
Daytona Beach, FL 32114

Dear Ms. Nicoulin:

This letter is to inform you of the Florida Department of Transportation's (Department) concerns regarding the River to Sea Transportation Planning Organization (TPO)'s invoicing activities over the last fiscal year.

The Department would like to place the TPO on specific conditions noting the following reasons for the change:

- The Department has been notified that the TPO's Financial Manager has submitted their resignation and is no longer with the organization.
- The Department has been notified that the TPO is currently without a permanent Executive Director and an Interim Director is in place until a new hire is identified.

The Department's decision to place to the TPO on specific conditions will allow for the TPO to submit invoices for review and provide an extra layer of technical support while they work toward a more permanent staff setting.

The following are the specific conditions requirements in accordance with state statutes:

- 2 CFR 200.207(b)(3): Requiring additional, more detailed financial reports.
- The MPO Agreement requires MPOs to submit invoices to FDOT on a quarterly or monthly basis. Invoices are due to the district within 90 days after the end of the reporting period, and final reports are due 90 days after the end of the second year of the two-year UPWP.
- At a minimum, the invoice package shall include:
  - An invoice, using the required format.
  - An itemized expenditure report, with charges reflected in the 90day invoicing period.
  - A progress report.

These conditions will begin with the next invoice period or November 1, 2021, whichever

is earlier. Once the TPO has billed in a timely manner and without rejection for at least four invoice cycles, the Department will revisit these conditions and evaluate removing the additional requirements imposed.

All information set in the specific conditions should be sent to the liaison group at [D5-MPOLiaisons@dot.state.fl.us](mailto:D5-MPOLiaisons@dot.state.fl.us). The Department stands ready to provide any technical assistance to the TPO if requested. Should you have any questions about the specific conditions above or need assistance please contact Anna Taylor at (386) 943-5499.

Sincerely,

DocuSigned by:

*Anna Taylor*

899FB71584EA411...

Anna Taylor

District 5 Government Liaison Administrator