STAFF REPORT

MEETING DATE:	**December 18, 2018**
SUBJECT:	**Correspondence**
AGENDA ITEM:	**5-5**
STAFF CONTACT:	**Amy Lindsey, Executive Assistant**

Attached and summarized below is correspondence determined to be of interest to the board of directors.

INCOMING CORRESPONDENCE

Date	From	Subject
10/29/18	Kathy Grah, Chief, Office of Community and Regional Planning, Department of Transportation	Letter of approval for SRTA's FY 2018/2019 Overall Work Program (OWP) Administrative Amendment No. 3

OUTGOING CORRESPONDENCE

Date	To	Subject
11/8/18	Marilee Mortenson, Acting Chief, Office of Regional Planning, Division of Transportation Planning	Response letter regarding the SRTA Single Audit Report (SAR) for FY 2016/17 and Caltrans letter dated 7/2/18 noting a partially resolved finding
11/15/18	Chris Schmidt, Chief, Department of Transportation, Division of Transportation Planning	Response letter regarding the Corrective Action Plan for the Indirect Cost Allocation Plan (ICAP) Audit for Fiscal Year (FY) 2014/15

Daniel S. Little, AICP, Executive Director

Attachment: SRTA Correspondence Letters

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY EDMUND G. BROWN Jr. Governor

DEPARTMENT OF TRANSPORTATION

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REDDING, CA 96001
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Making Conservation a California Way of Life.

October 29, 2018

Mr. Dan Little
Executive Director
Shasta Regional Transportation Agency
1255 East Street, Suite 202
Redding, CA 96001

Dear Mr. Little:

Caltrans District 2 is pleased to advise you of its recommendation for approval of the Shasta Regional Transportation Agency's (SRTA) FY 2018/2019 Overall Work Program (OWP) Amendment #3.

We look forward to working with SRTA and continuing the great working relationship between your agency and Caltrans. This approval will ensure that SRTA has their OWP finalized and in place so we can properly reimburse SRTA for all planning work associated with the OWP and its Work Elements.

If you have any questions or comments regarding this matter, please feel free to contact your Regional Planner Aaron Casas, at (530) 225-4732.

Sincerely,

Kathy Grah

KATHY GRAH
CHIEF, Office of Community and Regional Planning

c: Aaron Casas, Associate Transportation Planner, Caltrans District 2
Tom Balkow, District Deputy Director Planning and Local Assistance
Gilbert Valencia, Associate Transportation planner, Office of Regional Planning
Jackie Karhs, Branch Chief, Office of Regional Planning

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Daniel S. Little, Executive Director

November 8, 2018

Marilee Mortenson
Acting Chief
Office of Regional Planning
Division of Transportation Planning
PO Box 942874
Sacramento, CA 94274

Dear Ms. Mortenson:

In response to your letter in regard to the Shasta Regional Transportation Agency (SRTA) Single Audit Report (SAR) for fiscal year 2016/17 and the Caltrans letter dated July 2nd, 2018 noting a partially resolved finding – SA2017-00. Shasta Regional Transportation Agency (SRTA) respectively submits the following corrective action plan to fully resolve the finding:

FINDING 1 – SA2017-00

Corrective Actions:

Caltrans A&I recommended that SRTA ensure compliance with the recommendations within the SAR and requested that SRTA implement the following corrective actions:

- SRTA must adopt more stringent policies and procedures requiring their local jurisdictions to submit the required information timely.
- SRTA must improve the control environment over the reporting requirement and sub-recipient monitoring.
- SRTA must improve their monitoring activities to ensure quarterly progress reports are submitted timely.
- SRTA must impose necessary sanctions on local jurisdictions for not following SRTA's policies.

Corrective Action Plan Response

SRTA will adopt updated sub-recipient policies in December of 2018. The policy update will include that SRTA will withhold payments on invoices until the local jurisdiction submits the required progress report information.

SRTA has improved the control environment over the reporting requirement and improved sub-recipient monitoring activities to ensure quarterly reports are submitted timely. SRTA has implemented a series of reminders in FY 2017-18 for each quarterly invoicing period to request quarterly narratives and invoices from sub-recipients. This has resulted in more timely responses from sub-recipients.

Please contact us should to have any questions.

Sincerely,

Daniel S. Little, AICP, Executive Director
Shasta Regional Transportation Agency (MPO)

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DIVISION OF TRANSPORTATION PLANNING
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Making Conservation a California Way of Life.

October 3, 2018

Ms. Monika Long, CPA
Chief Financial Officer
Shasta Regional Transportation Agency
1255 East Street, Suite 202
Redding, CA 96001

Dear Ms. Long:

This letter is in regard to the Shasta Regional Transportation Agency (SRTA) Single Audit Report (SAR) for fiscal year 2016/17. The California Department of Transportation (Caltrans) Independent Office of Audits and Investigation (A&I) determined in a letter dated July 2, 2018 that SRTA has a partially resolved finding – SA2017-00. In the finding, SRTA's independent certified public accountant (CPA) indicated quarterly progress reports were submitted after the due dates and the reason for the delay was SRTA's difficulty in collecting quarterly progress reports from local jurisdictions.

Caltrans agrees with the CPA's recommendations for the Single Audit Report Finding and requests that SRTA implement the following corrective actions:

- SRTA must adopt more stringent policies and procedures requiring their local jurisdictions to submit the required financial information timely.
- SRTA must improve the control environment over the reporting requirement and sub recipient monitoring.
- SRTA must improve their monitoring activities to ensure quarterly progress reports are submitted timely.
- SRTA must impose necessary sanctions on local jurisdictions for not following SRTA's policies.

Caltrans requests that SRTA provide a corrective action plan outlining how and when the above corrective actions will be implemented. Failure by SRTA to submit the corrective action plan to Caltrans within 60 days of this letter will result in Caltrans not approving SRTA's FY 2019–20 Overall Work Program. Caltrans has consulted with FHWA and FTA regarding the above course of action.

SRTA's progress with regards to the corrective actions and final resolutions will be closely monitored by Caltrans staff, including any follow-up audit work that may be performed. Additionally, all support documentation and corrective actions provided by SRTA will be reviewed by Caltrans staff.

We appreciate SRTA's cooperation and coordination during this process. If you have any questions, please contact Jacqueline Kahrs, Senior Transportation Planner, Office of Regional Planning, Division of Transportation Planning, at (916) 653-9255.

Sincerely,

MARILEE MORTENSON
Acting Chief
Office of Regional Planning

bcc: Tashia Clemons, Director of Program Development, Federal Highway Administration
Rodney Whitfield, Director of Financial Services, Federal Highway Administration
Veneshia Smith, Financial Manager, Financial Services, Federal Highway Administration
Marsue Morrill, Chief, External Audits, Independent office of Audits and Investigations
Chris Schmidt, Chief, Division of Transportation Planning, Caltrans
Tom Balkow, Deputy Director, Planning and Local Assistance, District 2, Caltrans
Kathy Grah, Senior Transportation Planner, Planning and Local Assistance, District 2, Caltrans

November 15, 2018

Chris Schmidt
Chief
Division of Transportation Planning
PO Box 942874
Sacramento, CA 94274

and

Rihui Zhang
Chief
Division of Local Assistance

Dear Messrs. Schmidt and Zhang:

SRTA submitted the Corrective Action Plan for the Indirect Cost Allocation Plan (ICAP) Audit for Fiscal Year (FY) 2014-15 to the California Department of Transportation (Caltrans) on July 31, 2018 and received a response from Caltrans on November 14, 2018. In response to the Caltrans Division of Transportation Planning (DOTP) and Division of Local Assistance (DLA) inquiries, please see the below:

Finding #1 -Improper Procurement Practices

Caltrans Audits and Investigations (A&I) recommended that SRTA ensure compliance with Caltrans' agreements and State and federal regulations regarding proper procurement procedures and documentation. In addition, Caltrans A&I recommended SRT A revise their purchasing policies and procedures, and train staff accordingly, to ensure compliance with State and federal regulations, and Caltrans Local Assistance Procedures Manual (LAPM), as well as SRTA's procurement policy. SRTA stated they have included the following in their Policies and Procedures updated in September 2016:

- Ensuring a request for proposal (RFP) is utilized when required per state and federal regulations.
- Documenting the basis for consultant selection.

- Including the evaluation criteria (i.e. cost proposal and/or interviews) in the RFP and ensuring the score sheets match the RFP.
- Ensuring the evaluation criteria specifies the weighted values and these values match the evaluation criteria listed on the RFP.
- Performing an independent cost estimate or cost analysis consistent with the method of procurement.
- Ensuring the RFP includes a full and detailed scope of work and associated budget.
- Ensuring the correct type of contract (i.e. project-specific or on-call) and appropriate use.

We were not able to locate the following references in the 2016 update. Cal trans requests page numbers and sections for the following:

- Ensuring a RFP is utilized when required per state and federal regulations.
- Performing an independent cost estimate or cost analysis consistent with the method of procurement.
- Ensuring the correct type of contract (i.e. project-specific or on-call) and appropriate use.

We acknowledge that SRTA will include the following in the December 2018 update:

- Ensuring profit is negotiated as a separate element of price.

SRTA has coordinated with DOTP to submit a plan to overmatch a total of $212,049 using non-federal/State fund sources in the Overall Work Program (OWP) due to procurement deficiencies.

Response:

SRTA's September 2016 Procurement Policies and Procedures address the above findings per each of the residual bullets. Please note that ensuring whether a project-specific or on-call contract is appropriate represents a combination of procurement sections. For example, Section 235.040 J. below indicates what type of uses constitute an on-call contract. For those uses, a Request for Qualifications is issued; thus, the reference to Section 235.040 J.

- Section 2.35.040 H., pages 90-92: Ensuring an RFP is utilized when required per state and federal regulations.
- Section 2.35.020 L.1. and 2., page 79: Performing an independent cost estimate or cost analysis consistent with the method of procurement.
- Section 235.040 J., page 99: Ensuring the correct type of contract (i.e. project-specific or on-call) and appropriate use.

Finding #2 -Inadequate Contract Management

Caltrans A&I recommended that SRTA revise their policies and procedures and ensure staff are trained and follow the procedures, to ensure compliance with state and federal requirements over the administration if consultant contracts. SRTA stated they have included the following in their Policies and Procedures updated in September 2016:

- Execution, administration, and approvals of contract and amendments.
- Proper scope development.
- Required contract language and provisions.
- The correct methods of payment and appropriate use.
- Specify and verify cost data and elements; including loaded labor rates, before entering into contracts.
- Billing of eligible and allowable costs in accordance with contracts/cost proposals and agreements.
- Sub-recipients, contractors and subcontractors invoicing requirements, that include identifying tasks per the cost proposal and contract work elements and tasks numbers.
- Unique contract numbers.

We were not able to locate the following references in the 2016 update. Cal trans requests page numbers and sections for the following:

- Required contract language and provisions.
- The correct methods of payment and appropriate use.
- Billing of eligible and allowable costs in accordance with contracts/cost proposals and agreements.
- Sub-recipients, contractors and subcontractors invoicing requirements, that include identifying tasks per the cost proposal and contract work elements and tasks numbers,
- Unique contract numbers.

We acknowledge that SRT A will include prohibition of contingencies in the December 2018 update, but please desist from accepting proposals with contingencies in current cost proposals.

SRTA will also provide documentation to show that staff has been trained on the revisions to their policies and procedures.

Response:

- SRTA found that it was more appropriate to address the contract language and provisions in our Technical Services Agreement (TSA) template which incorporates requisite contract language and provisions. This TSA template is appended to procurements issued.

- Correct methods of payment and appropriate use are outlined in the General Procurement (Section 2.35.20) of SRTA's policy manual or "Big Book" (available here: https://www.srta.ca.gov/DocumentCenter/View/3791/SRTA-Big-Book-FINAL-ALL-POLICIES-011718?bidId).
- SRTA has addressed billing of eligible and allowable costs in accordance with contracts/cost proposals and agreements in our TSA Template (Section 3 and Attachment B) in the TSAs executed with contractors.
- SRTA has addressed invoicing requirements, including identifying tasks per the cost proposal and contract work elements and tasks numbers in the SRTA TSA Template Attachment B.
- SRTA has addressed unique contract numbers. Unique contract numbers are included on the SRTA Technical Services Agreement (TSA) template and recorded on the continually-updated SRTA TSA tracking spreadsheet.

Finding #3 - Regional Surface Transportation Program Not Adequately Administered

Caltrans recommended that SRTA must establish written agreements with Regional Surface Transportation Program (RSTP) Exchange fund recipients to ensure compliance with the RSTP Exchange fund requirements, conditions, and specifications; and provide evidence to substantiate fund recipient project costs as authorized under Section 2 in Article XIX of the California Constitution (CC). SRTA was to provide RSTP Exchange policies and procedures for DLA review.

In their response on July 31, 2018, SRTA stated they would revise their policies in Chapter 18 of the LAPM [sic] once this section is updated since A&I and Caltrans Local Assistance does not agree on the applicability of certain federal project eligibility requirements on exchanged funds. In January 2018, Chapter 18 of the Local Assistance Program Guidelines (LAPG) was updated and removed all reference to the code of federal regulations. Chapter 18 of the LAPG now only references the Streets & Highways Code and the CC.

Caltrans requests for SRTA to continue with their corrective action plan to update their RSTP Exchange procedures and refer to Chapter 18 of the LAPG for guidance.

Response:

In April 2018, the SRTA Board of Directors revised its RSTP policies and procedures for consistency with Chapter 18 of the LAPG and approved using a Sub-Recipient Cooperative Agreement (SCA) for RSTP Exchange Projects selected and awarded by the SRTA Board of Directors. The draft RSTP policies and procedures were provided to Caltrans HQ Local Assistance for input prior to the board of directors meeting. In June 2018, the SRTA Board of Directors awarded projects for FY 2016-17 and FY 2017-18 RSTP Exchange Funds. RSTP SCAs for these funds were subsequently executed between SRTA and each of the local jurisdictions for their funding share and selected projects. Per the LAPG, jurisdictional expenditures will not be reimbursed in arrears.

Finding #4 - Costs Billed Were not in Agreement with the Planning Programming and Monitoring Agreement

Caltrans recommended that SRTA must develop and implement Planning Programming and Monitoring (PPM) fund policies and procedures, ensure future subconsultants would substantiate project costs in compliance with the PPM agreement and comply with Caltrans' PPM agreement. Caltrans also required that billings submitted to Caltrans were consistent with the OWP and in accordance to PPM fund policies and procedures.

In their response on July 31, 2018, SRTA stated they have developed an internal policy to address the recommendations provided by Caltrans. In addition, SRTA will implement a PPM plan to the Fund Transfer Agreement prior to June 30, 2019.

Cal trans requests a copy of the internal PPM policy and the PPM plan prior to creating the Fund Transfer Agreements in 2019. Specifically, the internal PPM policy and plan must comply with California Transportation Commission guidelines and the DLA's PPM agreement.

Response:

- SRTA prepared and submitted a PPM Plan and allocation request for FY 2018/19 PPM funds. That request was submitted to Caltrans D2 on November 8, 2018.
- SRTA prepared Section 2.40.030 – Entering Into and Managing Agreements with Sub-Recipients of Federal (State) Grant Funds (pages 134-138 of SRTA's "Big Book" of policies; available online at: https://www.srta.ca.gov/DocumentCenter/View/3791/SRTA-Big-Book-FINAL-ALL-POLICIES-011718?bidId=). This section addresses not just PPM funds passed through to subconsultants, but all funds passed through to subconsultants.

Finding #5 - Unallowable Indirect Costs Billed to Caltrans

Caltrans recommended that SRTA must reimburse $31,098 in disallowed indirect costs.

In their response on July 31, 2018, SRTA stated they will develop and implement PPM fund policies and use overmatch from previous years to offset the $31,098 in disallowed costs.

In Caltrans' March 27, 2018 letter to SRTA, Caltrans required reimbursement of the $31,098 in disallowed indirect costs for work charged to the Department of Conservation. Disallowed indirect costs are not eligible to be overmatched and were reimbursed to SRTA in good faith as costs billed for performance on Caltrans projects.

As stated in Caltrans' March 27, 2018 letter, the DLA will coordinate with SRTA on repayment.

Response:
SRTA has coordinated repayment with DLA.

If you have any questions, please contact Monika Long, Chief Financial Officer at SRTA, at (530) 262-6193.

Sincerely,

Daniel S. Little, AICP, Executive Director
Shasta Regional Transportation Agency (MPO)

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Making Conservation a California Way of Life.

November 14, 2018

Ms. Monika Long, CPA
Chief Financial Officer
Shasta Regional Transportation Agency
1255 East Street, Suite 202
Redding, CA 96001

Dear Ms. Long:

This letter is in regard to the Shasta Regional Transportation Agency (SRTA) Corrective Action Plan for the Indirect Cost Allocation Plan (ICAP) Audit for Fiscal Year (FY) 2014-15. SRTA submitted the Corrective Action Plan to the California Department of Transportation (Caltrans) on July 31, 2018. In response to SRTA's submittal, the Caltrans Division of Transportation Planning (DOTP) and Division of Local Assistance (DLA) have reviewed the corrective action plan and request responses to outstanding items below:

Finding #1 – Improper Procurement Practices

Caltrans Audits and Investigations (A&I) recommended that SRTA ensure compliance with Caltrans' agreements and State and federal regulations regarding proper procurement procedures and documentation. In addition, Caltrans A&I recommended SRTA revise their purchasing policies and procedures, and train staff accordingly, to ensure compliance with State and federal regulations, and Caltrans Local Assistance Procedures Manual (LAPM), as well as SRTA's procurement policy. SRTA stated they have included the following in their Policies and Procedures updated in September 2016:

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- Including the evaluation criteria (i.e. cost proposal and/or interviews) in the RFP and ensuring the score sheets match the RFP.
- Ensuring the evaluation criteria specifies the weighted values and these values match the evaluation criteria listed on the RFP.
- Performing an independent cost estimate or cost analysis consistent with the method of procurement.
- Ensuring the RFP includes a full and detailed scope of work and associated budget.

- Ensuring the correct type of contract (i.e. project-specific or on-call) and appropriate use.

We were not able to locate the following references in the 2016 update. Caltrans requests page numbers and sections for the following:

- Ensuring a RFP is utilized when required per state and federal regulations.
- Performing an independent cost estimate or cost analysis consistent with the method of procurement.
- Ensuring the correct type of contract (i.e. project-specific or on-call) and appropriate use.

We acknowledge that SRTA will include the following in the December 2018 update:

- Ensuring profit is negotiated as a separate element of price.

SRTA has coordinated with DOTP to submit a plan to overmatch a total of $212,049 using non-federal/State fund sources in the Overall Work Program (OWP) due to procurement deficiencies.

Finding #2 – Inadequate Contract Management

Caltrans A&I recommended that SRTA revise their policies and procedures and ensure staff are trained and follow the procedures, to ensure compliance with state and federal requirements over the administration of consultant contracts. SRTA stated they have included the following in their Policies and Procedures updated in September 2016:

- Execution, administration, and approvals of contract and amendments.
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We acknowledge that SRTA will include prohibition of contingencies in the December 2018 update, but please desist from accepting proposals with contingencies in current cost proposals.

SRTA will also provide documentation to show that staff has been trained on the revisions to their policies and procedures.

Finding #3 – Regional Surface Transportation Program Not Adequately Administered

Caltrans recommended that SRTA must establish written agreements with Regional Surface Transportation Program (RSTP) Exchange fund recipients to ensure compliance with the RSTP Exchange fund requirements, conditions, and specifications; and provide evidence to substantiate fund recipient project costs as authorized under Section 2 in Article XIX of the California Constitution (CC). SRTA was to provide RSTP Exchange policies and procedures for DLA review.

In their response on July 31, 2018, SRTA stated they would revise their policies in Chapter 18 of the LAPM [sic] once this section is updated since A&I and Caltrans Local Assistance does not agree on the applicability of certain federal project eligibility requirements on exchanged funds. In January 2018, Chapter 18 of the Local Assistance Program Guidelines (LAPG) was updated and removed all reference to the code of federal regulations. Chapter 18 of the LAPG now only references the Streets & Highways Code and the CC.

Caltrans requests for SRTA to continue with their corrective action plan to update their RSTP Exchange procedures and refer to Chapter 18 of the LAPG for guidance.

Finding #4 – Costs Billed Were not in Agreement with the Planning Programming and Monitoring Agreement

Caltrans recommended that SRTA must develop and implement Planning Programming and Monitoring (PPM) fund policies and procedures, ensure future subconsultants would substantiate project costs in compliance with the PPM agreement and comply with Caltrans' PPM agreement. Caltrans also required that billings submitted to Caltrans were consistent with the OWP and in accordance to PPM fund policies and procedures.

In their response on July 31, 2018, SRTA stated they have developed an internal policy to address the recommendations provided by Caltrans. In addition, SRTA will implement a PPM plan to the Fund Transfer Agreement prior to June 30, 2019.

Caltrans requests a copy of the internal PPM policy and the PPM plan prior to creating the Fund Transfer Agreements in 2019. Specifically, the internal PPM policy and plan must comply with California Transportation Commission guidelines and the DLA's PPM agreement.

Finding #5 – Unallowable Indirect Costs Billed to Caltrans

Caltrans recommended that SRTA must reimburse $31,098 in disallowed indirect costs.

In their response on July 31, 2018, SRTA stated they will develop and implement PPM fund policies and use overmatch from previous years to offset the $31,098 in disallowed costs.

In Caltrans' March 27, 2018 letter to SRTA, Caltrans required reimbursement of the $31,098 in disallowed indirect costs for work charged to the Department of Conservation. Disallowed indirect costs are not eligible to be overmatched and were reimbursed to SRTA in good faith as costs billed for performance on Caltrans projects.

As stated in Caltrans' March 27, 2018 letter, the DLA will coordinate with SRTA on repayment.

Conclusion:

A response to address all the questions and comments outlined in this letter must be forwarded to Caltrans within 60 days. Failure by SRTA to submit the additional follow up to Caltrans within 60 days will result in Caltrans not approving SRTA's FY 2019-20 OWP and may increase the potential liability for future disallowed costs. No future federal and state expenditures will be approved by Caltrans, Federal Highway Administration (FHWA), or Federal Transit Administration (FTA) unless a satisfactory plan to address all findings have been made. A final report detailing how and when all corrective actions were resolved will be due to Caltrans upon the satisfactory fulfillment of all corrective actions. Caltrans has consulted with FHWA and FTA regarding the above course of action.

Caltrans A&I may perform a follow-up audit after all corrective actions have been made to determine if SRTA has implemented the adequate corrective measure for the audit finding and to ensure compliance with Caltrans agreements and federal and state rules and regulations. SRTA's progress with regards to the corrective actions and final resolutions will be closely monitored by Caltrans staff, including any follow-up audit work that may be performed. Additionally, all

support documentation and corrective actions provided by SRTA will be reviewed by Caltrans staff.

We appreciate SRTA's cooperation and coordination during this process. If you have any questions, please contact Jacqueline Kahrs, in DOTP, at (916) 653-9255 or Daniel Burke, in DLA, at (916) 654-5854.

Sincerely,

CHRIS SCHMIDT
Chief
Division of Transportation Planning

RIHUI ZHANG
Chief
Division of Local Assistance

cc: Tashia Clemons, Director of Program Development, FHWA
Rodney Whitfield, Director of Financial Services, FHWA
Veneshia Smith, Financial Manager, Financial Services, FHWA
Marilee Mortenson, Acting Chief, Office of Regional Planning, DOTP, Caltrans
Jacqueline Kahrs, Senior Transportation Planner, DOTP, Caltrans
Tom Balkow, Deputy Director, Planning and Local Assistance, District 2, Caltrans
Ian Howat, District Local Assistance Engineer, DLA, District 2, Caltrans
Kathy Grah, Senior Transportation Planner, Planning and Local Assistance, District 2
Kamal Sah, Chief, Office of Guidance and Oversight, DLA, Caltrans
Daniel Burke, Civil Rights Program Manager, Program Review and Outreach, Office of Guidance and Oversight, DLA, Caltrans