

**INDEPENDENT OFFICE OF
AUDITS AND INVESTIGATIONS**

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October 20, 2021

Transmitted via email

Brian Mayhew
Chief Financial Officer
Metropolitan Transportation Commission
375 Beale Street, Suite 800
San Francisco, CA 94105

**Indirect Cost Allocation Plan Acceptance – Metropolitan Transportation
Commission**

The Independent Office of Audits and Investigations (IOAI) received the Metropolitan Transportation Commission's (Commission) Indirect Cost Allocation Plan (ICAP) for fiscal year (FY) 2021/22 on August 16, 2021.

The Commission is authorized to use the fixed rate of 47.70 percent of direct labor and fringe benefits for billing FY 2021/22 indirect costs to the California Department of Transportation.

Acceptance of the rate is based on the understanding a carry forward provision applies, and no adjustment will be made to previously approved rates. IOAI did not perform an audit of the ICAP. The ICAP may be audited in the future.

Acceptance of the rate is also based on the understanding the Commission agrees to provide subsequent reimbursement if the ICAP is later found to have included costs that are unallowable as specified by law, regulation, or the terms and conditions of state or federal awards.

Brian Mayhew
October 20, 2021
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Please retain a copy of this letter for your files. If you have any questions, please contact Jonathan Cox, Audit Manager, at ICAP-ICRP@dot.ca.gov.

Sincerely,

Handwritten signature of Jonathan Cox in cursive script.

Fabiola Torres, Audit Chief

Enclosure:

Submission Certification

c: Suzanne Bode, Assistant Director, Finance and Accounting, Metropolitan
Transportation Commission
DLA.Audits@dot.ca.gov
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Ephrem Meharena, District Local Assistance Engineer, District 4, California
Department of Transportation
Gilbert Petrissans, Chief, Division of Accounting, California Department of
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Rodney Whitfield, Director, Financial Services, Federal Highway Administration
Grace Regidor, Transportation Finance Specialist, Federal Highway
Administration
Jonathan Cox, Audit Manager, Planning and Modal, Independent Office of
Audits and Investigations

P1590-1229



FIXED WITH CARRYFORWARD ICAP/ICRP SUBMISSION CERTIFICATION

LOCAL GOVERNMENT AGENCY: Metropolitan Transportation Commission

Indirect Cost Rate
FISCAL YEAR 21-22

The indirect cost rate plan contained herein is for use on grants, contracts and other agreements with the Federal Government and the California Department of Transportation (Department), subject to the provisions in Section II. This rate(s) was prepared by the Metropolitan Transportation Commission and accepted by the Independent Office of Audits and Investigations (IOAI).

Note: For entities with multiple tier rates, please include a worksheet with the information below as an attachment to this certification.

SECTION 1: Rates:

Rate Type	Effective Period	Rate	Applicable To	Identify Base
Fixed with Carryforward*	7/1/21-6/30/22	47.70%	MTC, BATA, BAHA, BAIFA, SAFE, ABAG	Direct Labor and Benefits

Rate Type	Effective Period	Rate	Applicable To	Identify Base
Fringe Benefit (if applicable)*				

***A Fringe Benefit Rate is only required if you intend to use an additional rate, a separate fringe benefit rate.**

[A proposed fringe benefit rate computation should accompany the ICAP/ICRP if it is not approved as part of the LGA's central service cost allocation plan. A fringe benefit rate is not required for Agencies that specifically identify fringe benefit costs to individual employees.]

SECTION 2: General Provisions:

A. Limitations:

The rate(s) in this Agreement is subject to any statutory or administrative limitations and applies to a given grant, contract, or other agreement only to the extent that funds are available. Acceptance of the rate(s) is subject to the following conditions: (1) Only costs incurred by the LGA were included in its indirect cost pool as finally accepted; such costs are legal obligations of the LGA and are allowable under the governing cost principles; (2) The same costs that have been treated as indirect costs are not claimed as direct costs; (3) Similar types of costs have been accorded consistent accounting treatment; (4) The information provided by the LGA which was used to establish the rate(s) is not later found to be materially incomplete or inaccurate by the Federal Government or the IOAI. In such situations the rate(s) would be subject to renegotiation at the discretion of the Federal Government or the IOAI; (5) Prior actual costs used in the calculation of the approved rate(s) are contained in the LGA's Single Audit which was prepared in accordance with 2 CFR 200. If a Single Audit is not required to be performed, then audited financial statements should be used to support the prior actual costs; and, (6) The rate(s) is based on an estimate of the costs to be incurred during the period.

B. Accounting Changes:

This Agreement is based on the accounting system purported by the LGA to be in effect during the Agreement period. Changes to the method of accounting for costs which affect the amount of reimbursement resulting from the use of this Agreement require prior approval of the authorized representative of the cognizant agency. Such changes include, but are not limited to, changes in the charging of a particular type of cost from indirect to direct. Failure to obtain approval may result in cost disallowances.

C. Fixed Rate with CarryForward:

The fixed rate(s) used in this Agreement is based on an estimate of the costs for the period(s) covered by the rate(s).

For fixed rates, when the actual costs for the period is determined by the LGA's audited financial statements – any differences between the application of the fixed rate(s) and actual costs will result in an over or under recovery of costs. The over or under recovery will be carried forward, as an adjustment to the calculation of the indirect cost rate(s), to the second fiscal year subsequent to the fiscal year covered by this plan

D. Audit Adjustments:

Immaterial adjustments resulting from the audit of information contained in this plan shall be compensated for in the subsequent indirect cost plans approved after the date of the audit adjustment. Material audit adjustments will require reimbursement from the LGA. For rates covering a future fiscal year, unallowable costs will be removed from the indirect cost pool(s) and the rate(s) appropriately adjusted.

E. Record Retention:

The proposal and all related documentation must be retained for audit in accordance with the record retention requirements of the State or Federal agreements for which the indirect rate(s) will be billed or for three years after the fiscal year for which the rate(s) is calculated, whichever is longer.

F. Use by Other Federal Agencies:

Authority to accept this agreement by the IOAI has been delegated by the Federal Highway Administration, California Division. The purpose of this acceptance is to permit the LGA to bill indirect costs to Title 23 funded projects administered by the Federal Department of Transportation (DOT).

The acceptance will also be used by the Department in state-only funded projects.

G. Other:

If any Federal contract, grant, or other agreement is reimbursing indirect costs by a means other than the accepted rate(s) in this Agreement, the LGA should (1) credit such costs to the affected programs, and (2) apply the accepted rate(s) to the appropriate base to identify the proper amount of indirect costs allocable to these programs.

H. Rate Calculation for Fixed Rate with Carryforward:

Note: For entities with multiple tier rates, please include a worksheet with all your rate calculations as an attachment to this certification.

INDIRECT

FY <u>21-22</u> Budgeted/Estimated Indirect Costs	\$ <u>26,849,325</u>
Carryforward from FY <u>19-20</u>	\$ <u>(135,172)</u>
Budgeted FY <u>21-22</u> Indirect Costs	\$ <u>26,714,153</u>
FY <u>21-22</u> Budgeted Direct Salaries & Wages (or applicable base) <u>Direct Labor and Benefits</u>	\$ <u>56,003,828</u>
FY <u>21-22</u> Indirect Cost Rate	<u>47.70</u> %

FRINGE BENEFIT

FY _____ Budgeted/Estimated Costs	\$ _____
Carryforward from FY _____	\$ _____
Budgeted FY _____ Costs	\$ _____
FY _____ Budgeted Direct Salaries & Wages (or applicable base) _____	\$ _____
FY _____ Fringe Benefit Rate	_____ %

CERTIFICATION OF INDIRECT COSTS

This is to certify that I, Brian Mayhew, have reviewed the indirect cost rate proposal submitted herewith and to the best of my knowledge and belief:

- All costs included in the proposal to establish billing of an indirect cost rate(s) for fiscal year 21-22 (July 1, 2021 to June 30, 2022) are allowable in accordance with the requirements of the Federal and State award(s) to which they apply and 2 Code of Federal Regulations (CFR), Part 200, "Cost Principles", Subpart E, and Appendices V & VII for State, Local, and Indian Tribal Governments. Unallowable costs have been adjusted for in allocating costs as indicated in the cost allocation plan.
- All costs included in this proposal are properly allocable to Federal and State awards on the basis of a beneficial or causal relationship between the expenses incurred and the agreements to which they are allocated in accordance with applicable requirements. Further, the same costs that have been treated as indirect costs have not been claimed as direct costs. Similar types of costs have been accounted for consistently and the Federal Government and the IOAI will be notified of any accounting changes that would affect the fixed, final, or predetermined rate(s).
- I understand that during the predetermined (or extension) period, there will be no changes to the ICAP/ICRP calculation methodology used, no changes to our financial management system (i.e. change in processes, or in accounting software), and no substantial changes to our organizational structure and program(s).
- I understand that if a rate extension is granted, I may not request a rate review until the extension period ends and that at the end of the extension period, I must re-apply to develop and negotiate a rate(s).

proposed rates are developed must be retained for audit in accordance with the record retention requirements of the State or Federal agreements for which the indirect rate(s) will be billed or for three years after the fiscal year for which the rate(s) is calculated, whichever is longer.

- Additionally, I understand that in accordance with 2 CFR, Part 200, Appendix VII, refunds shall be made if proposals are later found to have included costs that are unallowable as specified by law or regulation, as identified in Subsection 200.420 to this part, or by the terms and conditions of Federal and State award, or are unallowable because they are clearly not allocable to Federal or State awards. These adjustments or refunds will be made regardless of the type of rate(s) negotiated (predetermined, final, fixed or provisional). For rates covering a future fiscal year (i.e. extended rates), the unallowable costs will be removed from the indirect cost pool(s) and the rate(s) appropriately adjusted for all fiscal years covered by the extension.

I acknowledge as a representative of Metropolitan Transportation Commission that the proper use and application of the indirect rate contained in this indirect cost rate proposal is the responsibility of the Metropolitan Transportation Commission and such use may be subject to audit by the IOAI or Federal Highway Administration. Failure to cooperate with an audit can result in the withdrawal of IOAI acceptance and require immediate reimbursement of previously reimbursed indirect costs.

I declare that the foregoing is true and correct.

Government Unit: Metropolitan Transportation Commission

Signature: Brian Mayhew
(Sign in blue ink only)

Reviewed, Approved, and Submitted by:

Name of Official: Brian Mayhew

Title: Chief Financial Officer

Date of Execution: 8/15/2021

Email: bmayhew@bayareametro.gov

DocuSigned by:
Signature: Suzanne Bode
(Sign in blue ink only)

Prepared By:

Name of Official: Suzanne Bode

Title: Assistant Director, Finance and Accounting

Telephone No.: 415-778-5256

Email: sbode@bayareametro.gov

INDIRECT COST RATE(S) SUBMISSION ACCEPTANCE

The IOAI has received this ICAP/ICRP and accepts the plan for billing and reimbursement purposes.

Jonathan Cox for
Signature

Date: October 20, 2021

Accepted by:
Fabiola Torres
Chief
Planning and Modal Office
Independent Office of Audits and Investigations
(916) 704-3628