

# Key Chapter Changes

Key chapter changes highlighted **yellow** are new changes.

- No changes have been made since November 15, 2022.

# 8 MPO Compliance

## Chapter Contents (last updated on November 15, 2022)

8	MPO Compliance .....	8-2
8.1	Purpose .....	8-4
8.2	Authority .....	8-4
8.3	Steps and Actions to Achieve / Maintain Compliance .....	8-5
8.4	When Deficiencies are not Addressed .....	8-7
8.5	References .....	8-9

# List of Tables

Table 8.1 Federal and State Statutes and Codes ..... 8-4

Table 8.2 References..... 8-9

## 8.1 Purpose

This chapter provides guidance to the Districts to assess and review the administration and management of Metropolitan Planning Organizations (MPOs) related to compliance with progress reporting and invoice submittals. MPOs have 90 days after the close of the reporting period to submit invoices as FDOT has extended the submittal period beyond the federally mandated 30-day window.

In addition to all of the planning requirements, MPOs are also expected to comply with federal and state laws and regulations pertaining to the successful administrative operation of the MPO (i.e., the development and timely submittal of progress reports and invoices). Districts will work with their MPOs to establish a process that will result in full compliance with federal and state laws and regulations. To achieve this goal, each District and MPO will follow a series of steps and actions that are clearly understood and adhered to by each MPO and District. As stipulated in [2 CFR 200.208](#), FDOT has the authority to impose additional monitoring requirements.

## 8.2 Authority

**Table 8.1** presents the Federal and State statutes, regulations, and rules related to compliance.

**Table 8.1 Federal and State Statutes and Codes**

Citation	Description
<b>Federal</b>	
<a href="#">18 USC 1001</a>	Falsifying, concealing, or covering-up, making materially false, fictitious, or fraudulent statements or representations; or making use of false writing or documents knowing that they are materially false, fictitious, or fraudulent information related to federal grants shall be fined or imprisoned.

Citation	Description
<a href="#">23 USC 104(d)(2)(B)</a>	Not later than 15 business days after the date of receipt by FDOT of a request for reimbursement of expenditures made by an MPO, FDOT shall reimburse the MPO.
<a href="#">31 USC 3729-3730</a> <a href="#">31 USC 3801-3812</a>	Falsifying, concealing, or covering-up, making materially false, fictitious, or fraudulent statements or representations; or making use of false writing or documents knowing that they are materially false, fictitious, or fraudulent information related to federal grants shall be fined or imprisoned.
<a href="#">2 CFR 200.208</a>	Allows FDOT to imposed additional reporting and monitoring requirements.
<a href="#">2 CFR 200.415</a>	Assurance that expenditures are proper and in accordance with the terms and conditions of an approved budget.
<a href="#">23 CFR 420.117</a>	Monitoring and reporting requirements of recipients of FHWA planning funds.
<a href="#">FTA Circular C 8100.1C</a>	Program guidance and application instructions for applying for grants under the Metropolitan Planning Program (MPP) and the State Planning and Research Program (SPRP) authorized at 49 U.S.C. 5305.
<b>State</b>	
<a href="#">Section 339.175(5) and (6), Florida Statutes</a>	MPO authorities, powers, duties, and responsibilities.

### 8.3 Steps and Actions to Achieve / Maintain Compliance

Districts will follow the steps below to assist MPOs in maintaining their administrative compliance:

- The District will work with each MPO to establish an ongoing dialogue to discuss issues related to the administrative operations of the MPO. Such dialogue should occur regularly via scheduled meetings, conference calls, and/or through other mutually agreed upon methods of communication.
- Upon receipt of an invoice/progress report from an MPO, the District MPO Liaison will review the invoice and progress report for completeness and adherence to established submittal guidelines. The District MPO Liaison serves as the primary point of contact between the Department and MPO.
- If there is a deficiency with an invoice or progress report, the District MPO Liaison shall notify the MPO so the MPO can address and correct the issue.
- If the re-submittal is still deficient, or if the invoice or progress report are not re-submitted in a timely manner, the District shall notify the MPO, through a letter to the Staff Director, of an *Administrative Corrective Action*. An *Administrative Corrective Action* means that the MPO must undergo a process to correct its actions or practices related to the administrative operations of the MPO.
- Administrative Corrective Actions should be identified by the District for deficiencies found in MPO invoice/progress reports that do not meet requirements. The District will apply the following graduated scale to address and remedy any identified deficiencies:
  1. **Limited Deficiency:** Verbal communications between the District and MPO / consultative meetings between the District MPO Liaison and MPO staff. Deficiencies at this level are limited in nature and should be easily correctable. At this level the *Administrative Corrective Action* does not require formal documentation, since the intent is to avert a formalized process for minor issues.
  2. **Minor Deficiency:** If the issue(s) become slightly more critical than a limited issue but doesn't rise to the level of needing MPO Board involvement, the District will formalize the process by submitting a letter to the MPO Staff Director to address its minor deficiency.
  3. **Moderate Deficiency:** If the deficiency rises to the level of MPO Board involvement, the District will submit a letter to the MPO Staff Director and

MPO Board Chair. The District will then make a formal presentation to the MPO Board at its next regularly scheduled meeting. At this level the MPO must prepare an *MPO Administrative Compliance Plan* (see the section below for details).

4. **Major Deficiency:** The District will start a consultative process that will involve Central Office Management, the District, and the MPO Board to assist in rectifying any/all identified deficiencies. At this level the MPO must prepare an *MPO Administrative Compliance Plan* (see the section below for details).
  5. **Critical Deficiency:** FDOT (Central Office and the District) will contact FHWA to intervene. Additional outside parties may also be contacted and/or consulted, such as the Executive Office of the Governor, individual county and municipal elected officials, and other local representatives. At this level the MPO must prepare an *MPO Administrative Compliance Plan* (see the section below for details).
- The District shall report the findings of, and provide status updates, of the *Administrative Corrective Action(s)* to the MPO Staff Director and MPO Board for Minor, Moderate, Major or Critical Deficiencies.
  - Once the MPO has resolved any *Administrative Corrective Action(s)* to the satisfaction of the District, the District shall report the resolution of the *Administrative Corrective Action(s)* to the MPO Staff Director and MPO Board.

## 8.4 When Deficiencies are not Addressed

In instances where the District determines there has not been sufficient action taken by the MPO to address and resolve its *Administrative Corrective Action(s)*, the following steps will be initiated:

- District staff will hold a meeting with the MPO Staff Director to discuss the District's findings regarding the unresolved *Administrative Corrective Action(s)*.
  - District shall transmit their findings in writing to the MPO Staff Director and to the Chairperson of the MPO.

- The MPO shall coordinate with the District so a meeting can be scheduled to discuss and review the District's findings.
- A copy of the District's findings shall also be transmitted to the FDOT Office of Policy Planning, Statewide Metropolitan Planning Coordinator and Metropolitan Planning Administrator.
- Immediately following the meeting between the MPO and the District, the MPO must prepare a detailed summary of the meeting that includes the meeting's key discussion points as well as the outcomes, expectations and timelines that were agreed upon by the District and MPO to resolve any deficiencies and necessary corrections.
- Continuing or incomplete *Administrative Corrective Action(s)*:
  - The District will notify the MPO Board and the FDOT Secretary of Transportation of any failure by an MPO to meet the outcomes, expectations or timelines as detailed within the summary of the above meeting.
  - At this point, the MPO must develop an *MPO Administrative Compliance Plan* to bring the MPO into compliance with the requirements of the transportation planning process. The District must approve the *MPO Administrative Compliance Plan*. Elements of the *MPO Administrative Compliance Plan* may include, but are not limited, to the following:
    - Technical assistance, training, and workshops by FDOT and FHWA staff and their consultant teams.
    - Peer-to-Peer exchanges and meetings with other MPOs and other FDOT District office representatives.
    - Staffing and organizational evaluations and recommendations for such areas as human resource management, budgeting and financial operations, and employee development and performance.
  - The MPO Staff Director, in cooperation with the District MPO Liaison, will present the MPO Administrative Compliance Plan (which must be approved by the District) to the MPO Board at a regularly scheduled MPO Board meeting. Included will be a presentation on the outcomes, expectations, and



timelines that must be adhered to by the MPO to achieve and maintain compliance with the metropolitan transportation planning process.

## 8.5 References

This section provides a list of references and definitions from Federal and State laws, rules, and regulations, including key procedures and forms related to compliance.

**Table 8.2**    **References**

Reference	Description
<b>Federal Office of Management and Budget</b>	
<a href="#">2 CFR 200</a>	Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.
<b>Metropolitan Transportation Planning</b>	
<a href="#">23 USC 134</a>	Describes the transportation planning process for metropolitan planning organizations (MPOs).
<b>Metropolitan Transportation Planning</b>	
<a href="#">49 USC 5303</a>	Describes the transportation planning process for metropolitan planning organizations (MPOs) – companion to 23 U.S.C. 134.