



STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

RICK SNYDER
GOVERNOR

KIRK T. STEUDLE
DIRECTOR

January 10, 2012

TO: Transit Agencies and Certified Public Accountants Performing Public Transportation Audits

SUBJECT: FY 2012 – FY 2011 Audit Information for December 31st Year Ends

Audits completed for transit agencies with a local year end of December 31, 2011, must be submitted to the Office of Passenger Transportation (OPT) by June 30, 2012. It is preferred that the audit is uploaded to Treasury's website at:

http://michigan.gov/treasury/0,1607,7-121-1751_31038---,00.html

A hard copy of the audit (and management letter) may be mailed to: Trish D'Itri, Auditing Specialist, Michigan Department of Transportation, Office of Passenger Transportation/B425, P.O. Box 30050, Lansing, Michigan 48909.

The audit must comply with the Audit Guide for Transportation Authorities (Audit Guide), and the supplemental information provided in this letter. The Audit Guide and this letter can be located at: <http://www.michigan.gov/mdotptd>. Scroll down to the "Resources," and click on the drop down arrow associated with "Select a Resource." Select "Audit/Accounting Information," and click "go."

I. REIMBURSEMENT PERCENTAGES FOR FEDERAL AND STATE OPERATING ASSISTANCE

The calculation of Federal Section 5311 and Act 51 Operating Assistance are explained on page 30 of the Audit Guide. The reimbursement percentages for FY 2012 and FY 2011 are as follows:

A. *Federal Section 5311:*

FY 2012	18.5 percent
FY 2011:	18.5 percent

B. *Act 51 State Formula:*

1. Nonurbanized areas (and urbanized areas under 100,000 population):

FY 2012:	36.2350 percent based on budget
FY 2011:	37.1243 percent based on budget

2. Urbanized areas (population over 100,000):
FY 2012: 30.6498 percent based on budget
FY 2011: 31.4086 percent based on budget

II. FEDERAL FUNDING INFORMATION

- A. Federal Transit Administration (FTA) Apportionments and Allocations can be located at:

FY 2012: Not yet available

FY 2011:

www.fta.dot.gov/funding/apportionments/grants_financing_12655.html

- B. The website for the Catalog of Federal Domestic Assistance (CFDA) is on page 8 of the Audit Guide. This page also includes a summary of common transit CFDA numbers.

III. AUDIT GUIDE REQUIREMENTS

- A. *Assurances:*

1. The annual audit must contain a statement for each of the subject matters listed below:
 - i. Cost Allocation Plans
 - ii. Nonfinancial Methodology
 - iii. Capital Funds Used to Pay for Operating
 - iv. Depreciation
 - v. Expenses associated with PTMS codes 406 & 407

Each of the five statements must either: (1) provide an assurance that the transit agency is in compliance with the requirements of the Local Public Transit Revenue and Expense (R&E) Manual and the Audit Guide, or (2) identify how the transit agency is not in compliance. Enclosed is a checklist that provides various examples as to how the assurances can be worded to accurately report the transit agency's (non)compliance.

2. **NEW MANDATORY ASSURANCE WITH REGARDS TO RETIREMENT BENEFITS:** There are two types of retirement benefits: 50201 Pensions and 50202 Other Post-Employment Benefits (OPEB). **The cost incurred for these two retirement benefits are only eligible for the formula reimbursement if the costs are: (1) actually expensed on the books, and (2) actually paid with out-of-pocket money (e.g. not actuarial gains).**

With regards to 50201 Pensions, accounting standards provide a choice to either book the cost as a liability or to expense it. If the cost is booked as a liability and then *actually paid*, the cost is an eligible expense for formula reimbursement when the appropriate journal entry removes the liability and records the expense.

With regards to 50202 OPEB, accounting standards mandate that the cost be expensed only. Therefore, any OPEB expense that is not paid must be subtracted out as ineligible under 58007 Ineligible Fringe Benefits. PLEASE NOTE: To get formula reimbursement for OPEB costs that were expensed in a prior year, and then actually paid in a subsequent year, the amount actually paid is reported as a negative ineligible under 58007 Ineligible Fringe Benefits.

Due to the: (1) different reporting standards for these two retirement benefits, and (2) the large dollar amount, OPT now requires a written assurance in the annual audit that the 50201/50202 expenses and the associated ineligibles are reported properly.

3. *Optional Assurances that can be given in lieu of detail required by the R&E Manual:*

The R&E Manual requires:

- i. Federal (PTMS code 41313) and State (PTMS code 41113) “Capital Contract Reimbursement for Administrative Expenses” revenue codes to be identified separately by Federal grant(s) and State contract and authorization number(s). In lieu of listing Federal and State grants/contracts separately, a lump sum amount may be reported in the annual audit along with an assurance that any ineligible expenses associated with the Federal and State revenues have been properly subtracted from total expenses as ineligible under PTMS code 57603 Ineligible Administrative Expense Paid by Capital Contract.
- ii. Miscellaneous revenue to be itemized and explained such that ineligible expenses associated with the miscellaneous revenue can be identified. In lieu of itemizing and explaining, a lump sum "miscellaneous revenue" amount may be reported in the annual audit along with an assurance that any ineligible expenses associated with the miscellaneous revenue have been properly subtracted from total expenses as ineligible.

B. *Schedule 2 “Expenditures of Federal and State Awards”:*

The expenditure information on Schedule 2 “Expenditures of Federal and State Awards” is used in MDOT’s review of operating and capital contracts. Both Federal and State funding must be included on this schedule with the information

provided being consistent with both the fixed assets and revenues in the financial statements.

C. *Schedule 3 “Operating and Contract Expenses”:*

1. Expenses associated with operating contracts must be shown separately **by grant/contract and by year** as illustrated below.

	MI-90-x381 02-0049-z5 FY 08 <u>§5307</u>	MI-90-x399 02-0049-z10 FY 09 <u>§5307</u>	MI-90-x481 02-0049-z27 FY 10 <u>§5307</u>	MI-90-x016 02-0049-z20 FY 10 <u>JARC</u>	MI-90-x016 02-0049-z2 FY 10 <u>NF</u>	<u>Total</u>
Expenses:						
Labor		\$77,938	\$29,400	\$23,259	\$39,300	\$Sum
Fringes		47,752	14,036	15,450	23,903	\$Sum
Tires	7,050	3,666				\$Sum
•						
•						
•						
Depreciation						
Total Oper. Exp.	\$ Sum	\$ Sum	\$ Sum	\$ Sum	\$ Sum	\$Sum

2. **Do not lump similar contracts together.** Unfortunately, the example of Schedule 3 provided on page 27 of the revised Audit Guide does not properly label each individual operating contract by its contract and authorization number. This example also does not illustrate operating contracts that are executed yearly with an expiration date of greater than one year (e.g., §5307). This inadequate example may inappropriately indicate that operating contracts may be lumped together by category (e.g., §5307, Job Access Reverse Commute (JARC), and reported as a single amount.

D. *Operating Assistance Report (OAR):*

Revenues and expenses must be properly reported on each of the required OARs.

1. **OARs for the JARC (Section 5316) and New Freedom (NF) (Section 5317) Programs**

i. *OAR Schedule 4R*

The most common revenue codes for JARC and NF include:

- a. 40100 Passenger Fares. If farebox is not collected/recorded separately for each individual operating program (e.g., Formula, JARC, NF, Specialized Services), then the allocation of farebox must be included in the JARC and/or NF OPT approved cost allocation plan.

40100 Passenger Fares earned for the Federal Section 5316 JARC and Federal Section 5317 NF cannot be used as local match but must be subtracted out as ineligible under 57099 Ineligible Federal/State/Local.

- b. 40200 Contract Fares. If MDOT provides local match (which is usually the case with JARC), then all contract fares to provide human service transportation must be subtracted out as ineligible under 57099 Other Ineligible Federal/State/Local.

If MDOT does not provide local match (which is usually the case with NF) *and* an agency receives the full amount of the local match from their county's general fund and/or from a human service agency, then all contract fares to provide human service transportation must be subtracted out as ineligible under 57099 Other Ineligible Federal/State/Local.

If MDOT does not provide local match *and* an agency receives only a portion of the required local match, contract fares up to the amount needed for the local match will not need to be subtracted out as ineligible. In other words, any contract fares collected above the amount needed for the full local match will have to be subtracted out as ineligible.

- c. 41399 Other Federal Transit Contracts.

- (1) JARC and NF funds reimburse 50 percent of JARC and NF net deficit up to the contract maximum.

- (2) Net deficit is defined as total eligible operating expenses less 40100 Passenger fares.

- d. 43000 Contributed Services.

Contributed Services is eligible to be counted towards local match for NF *provided* the source of the contributed service is approved by OPT along with any methodology to allocate the contributed service. Non-cash sources such as donations, volunteered services, or in-kind contributions is eligible to be counted towards the local match as long as: (1) the value of each is documented and supported, (2) the cost represents an otherwise eligible expense under the program, (3) the net project costs are included in the budget, and (4) the source has been approved by OPT along with any allocation methodology.

Other examples of sources of local match include: local appropriations; other non-DOT Federal funds; dedicated tax revenues; private donations; revenue from human service contracts; and net income generated from advertising and concessions.

ii. *OAR Schedule 4E*

JARC and NF expenses (and possibly revenues) must be:

- a. Allocated in accordance with an OPT approved cost allocation plan.
- b. Reported separately, by contract, on Schedule 3 "Operating and Contract Expenses." Refer back to Section III.C.1.

2. **Specialized Services OARs**

i. Each annual audit must contain a Specialized Services OAR if the transit agency:

- a. Is the direct recipient of both Specialized Services and State Operating Assistance funds, and
- b. Actually provides the service or expenses pass-through funds on its books.

ii. *OAR Schedule 4R.* The most common revenue code for Specialized Services is 41199 other MDOT/OPT Transit Contracts.

iii. *OAR Schedule 4E.*

Specialized Services expenses must be:

- a. Allocated in accordance with an OPT approved cost allocation plan if the transit agency provides the service. An OPT approved cost allocation plan is required even if the transit agency only acts in a pass-through capacity. This pass-through cost allocation plan must state:
 - (1) Whether or not the pass-through funds are expenses on the transit agency's books, and
 - (2) That none of the program funds are used to pay for the administrative costs of the organization acting as a pass-through agency.
- b. Reported separately, by contract, on Schedule 3 "Operating and Contract Expenses." Refer back to Section III.C.1.

- iv. When a transit agency is hired by a Specialized Services subrecipient to provide service, a cost allocation plan is not required. The transit agency only has to subtract out the revenue received from the Specialized Services subrecipient as ineligible on both: (1) OAR Schedule 4E (e.g., page 33 of the Audit Guide for an urban agency and page 37 for a nonurban agency), and (2) Schedule 5 “Operating Assistance calculation” (page 40 of the Audit Guide).

3. **Regular Service OARs**

Cost overruns on JARC, NF, and Specialized Services may be reported on the Regular Service OAR. Enough JARC, NF, and Specialized Services expenses should be reported on the appropriate OAR to ensure full reimbursement under the contract. Any additional expenses not reimbursed by contract are eligible for State Operating Assistance, and should be reported on the Regular Service OAR.

IV. INELIGIBLE EXPENSES REPORTED ON OAR SCHEDULE 4E AND SCHEDULE 5 “OPERATING ASSISTANCE CALCULATION”:

Ineligible expenses are explained in the FY 2012 R & E Manual dated October 1, 2011, through September 30, 2012, and the FY 2011 R&E Manual dated October 1, 2010, through September 30, 2011. These R&E Manuals are located at: <http://www.michigan.gov/mdotptd>. Scroll down to “Resources,” and click on the drop down arrow associated with “Select a Resource.” Select “Audit/Accounting Information,” and click “Go.” Specifically note the following with regard to ineligible expenses.

- A. Expenses paid by a Specialized Services subrecipient with funds that originated from OPT (refer back to Section III.D.2.iv) are ineligible, and must be subtracted out as ineligible under 55004 Other Ineligible State Contracts.
- B. Capital money (e.g., Section 5307, Section 5309, Section 5310, and Section 5311) used to pay for operating expenses is ineligible.

Please note: Small Urban transit agencies may use Section 5307 Operating (see code 41302 on page 10 of the FY 2012 R&E Manual) to fund up to 50 percent of a transit agency’s net deficit. These Section 5307 funds do not need to be subtracted out as ineligible. Net deficit is defined as total eligible operating expenses less 40100 Passenger Fares.

- C. Lobbying and Association Dues:
 1. All expenses associated with lobbying are ineligible and should be subtracted out under 58005 Ineligible Lobbying Expense.

2. If a transportation organization incurs lobbying expenses, a percentage of dues paid to that organization are not eligible and should be subtracted out under 55009 Ineligible Percentage of Association Dues. The percentage of association dues ineligible for reimbursement under the State Operating Assistance Program and Section 5311 Operating Assistance Program are:

FY 2011

APTA	12.0 percent
CTAA	4.1 percent
MassTrans	7.5 percent
MPTA	7.8 percent

The percentage of association dues ineligible for FY 2012, are not yet available.

V. AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) FUNDING:

ARRA operating funds do not need to be subtracted out as ineligible. However, ARRA capital funds used to pay operating expenses must be subtracted out as ineligible.

VI. ADDITIONAL REQUIREMENTS AND INFORMATION:

A. After the FY 2012 annual audit has been either submitted to OPT or posted to Treasury's website, the transit agency has up to 30 days in which to notify OPT of any inaccuracies in the FY 2012 annual audit. Thirty days of silence means that the transit agency has reviewed the submitted/posted FY 2012 annual audit and certifies that:

1. The transit portion of the audit: (a) is correct, and (b) complies with the Audit Guide (which means, in part, that the transit manager has verified that all of the required statements in Section III.A.1 and 2. are present and accurately report the transit agency's level of compliance).
2. All ineligible expenses, as defined by the R&E Manual, are properly reported and properly subtracted out as ineligible.

B. Transit agencies that expend more than \$500,000 in Federal funds, must submit a copy of its Single Audit to:

Federal Audit Clearinghouse*
1201 East 10th Street
Jeffersonville, Indiana 47132

*No contact person necessary

If the audit contains an audit finding and/or a status of prior audit findings relating to a Federal award, a copy of the annual audit must be sent to:

Sharletha Johnson, Transportation Program Specialist
Federal Transit Administration
200 W. Adams Street, Suite 320
Chicago, Illinois 60606

- C. OPT reviews and approves all cost allocation plan methodologies. To verify that the transit agency has an approved cost allocation plan, visit our website at: <http://www.michigan.gov/mdotptd>. In the “Resources” box, click on “Audit/Accounting Information.” Then click on “cost allocation listing.” This listing is updated periodically. It is possible that a transit agency’s cost allocation plan was approved since the last listing was posted. If you have any questions about cost allocation plans, please contact Sandy Lovell, Accountant, at (517) 335-2525 or at lovells@michigan.gov.

Please contact Trish D’Itri, Auditing Specialist, at ditrit@michigan.gov or at (517) 335-2535 with questions or if you need information from the website mailed to you.

Sincerely,



Sharon L. Edgar, Administrator
Office of Passenger Transportation

Enclosures

EXAMPLES OF ASSURANCES

SEE PAGE 2 OF THE AUDIT INFORMATION LETTER, SECTION III.A.1

Each annual audit must have a statement similar to the examples given for each checkbox.

COST ALLOCATION ASSURANCE - 2 PART ASSURANCE (IDENTIFY BY NAME & ADHERENCE):

EXAMPLE 1:

The transit agency has two (2) cost allocation plans (gasoline purchase and administrative costs) where the methodology has been approved by OPT. These cost allocation plans were adhered to in the preparation of the financial statements.

EXAMPLE 2:

The transit agency has prepared a JARC cost allocation plan that has yet to be approved by OPT. Although not yet approved by BPT, the JARC cost allocation plan was adhered to in the preparation of the financial statements.

EXAMPLE 3:

No OPT approved cost allocation plans are required, and therefore, none were used in the preparation of the financial statements.

NONFINANCIAL METHODOLOGY:

EXAMPLE 1:

The methodology used for compiling miles for Regular Service and JARC Service has been reviewed and the recording method has been found to be adequate and reliable.

DEPRECIATION:

EXAMPLE 1:

Depreciation expense included as eligible only includes assets purchased with local funds where the useful life of the asset has been approved by OPT

EXAMPLE 2:

Eligible depreciation includes assets purchased with local funds prior to 2007. Since 2007, the transit agency has not purchased any assets with local funds. The depreciation of any future assets purchased with local funds will not be included in eligible depreciation unless the useful life of the asset is approved by OPT.

EXAMPLE 3:

The depreciation expense reported in 51300 equals the ineligible depreciation reported in 55007. Therefore, the depreciation assurance regarding approval of useful life is not required.

EXAMPLES OF ASSURANCES

Page 2

CAPITAL USED TO PAY FOR OPERATING:

EXAMPLE 1:

Operating expenses of \$x,xxx were subtracted out as ineligible under 57604 Other Ineligible Operating Expense Paid by Capital Contract because these expenses were paid for with capital fund. No other operating expenses were paid for with capital funds.

EXAMPLE 2:

No operating expenses are subtracted out as ineligible because no capital money was used to pay for operating expenses.

EXPENSES ASSOCIATED WITH 406 & 407:

EXAMPLE 1:

OAR Schedule 4R reports miscellaneous revenue of \$_,___. None of the miscellaneous revenue is applicable to the other 406/407 codes. All of the ineligible expenses associated with this miscellaneous revenue are subtracted out under 55008 Other Ineligible Expenses.

EXAMPLE 2:

All expenses associated with 406xx Auxiliary Transportation Revenue and/or 407xx Nontransportation are subtracted out as ineligible.

EXAMPLE 3:

There are no expenses associated with 406xx Auxiliary Transportation Revenue and/or 407xx Nontransportation, and therefore, no expenses need to be subtracted out as ineligible. No expenses were incurred because. . . .

RETIREMENT BENEFITS

EXAMPLE 1:

During the fiscal year October 1, 2011 through September 30, 2012, transit agency paid \$YY in 50201 Pension. Of the \$YY, \$XX paid the actuarial required minimum contribution and \$ZZ was paid in excess of the actuarial required minimum contribution. The entire amount of \$YY was expensed on the books and is included in total eligible expenses for the fiscal year ending September 30, 2012. The transit agency did not incur, nor pay, any 50202 Other Post-Employment Benefits (OPEB).