



U.S. DEPARTMENT OF TRANSPORTATION
OFFICE OF INSPECTOR GENERAL

**Initial Audit of Florida International
University Pedestrian Bridge Project—
Assessment of DOT’s TIGER Grant
Review and Selection Processes**

OST

Report No.: ST2019002

October 29, 2018





Initial Audit of Florida International University Pedestrian Bridge Project—Assessment of DOT’s TIGER Grant Review and Selection Processes

Requested by the Secretary of Transportation and the Ranking Member of the Senate Committee on Commerce, Science, and Transportation

Office of the Secretary of Transportation | ST2019002 | October 29, 2018

What We Looked At

On March 15, 2018, a pedestrian bridge under construction at Florida International University (FIU) in Miami, FL, collapsed onto the highway below, resulting in six fatalities and eight injuries. As the FIU project was partially funded by a Transportation Investment Generating Economic Recovery (TIGER) discretionary grant, the Secretary of Transportation asked us to evaluate whether the grant complied with Federal requirements and specifications. In addition, Senator Bill Nelson, Ranking Member of the Senate Committee on Commerce, Science, and Transportation, asked us to review the implementation and oversight roles of the parties to the TIGER agreement. Accordingly, we announced an initial audit to assess whether the FIU project met Federal and Department of Transportation requirements for the TIGER application, selection, and grant agreement processes in place when the project began. As we continue our work, we will address post-award oversight roles and responsibilities.

What We Found

We did not find any evidence connecting the Office of the Secretary of Transportation’s (OST) review and selection of the FIU project grant application in 2013 to the pedestrian bridge collapse in 2018. Decisions on the bridge’s design and construction were made after the grant was selected. However, we did observe documentation shortfalls in the review and selection processes. Many of these observations mirror earlier recommendations issued by the Office of Inspector General and the Government Accountability Office, and OST has addressed them. Specifically, OST’s documentation of its decisions did not address all the factors included in the guidelines. In addition, OST did not document its justification for changing the FIU project’s technical evaluation rating from *recommended* to *highly recommended*. Finally, while OST guidelines permit partial funding if the funded components maintain independent utility, OST made changes and reduced funding for the FIU project but did not document how it determined the completed project would be ready for its intended use.

Our Recommendations

This initial report responds to the Secretary’s and Senator Nelson’s requests and is intended for informational purposes only. We are not making recommendations at this time.

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Memorandum

Date: October 29, 2018

Subject: Initial Audit on Florida International University Pedestrian Bridge Project—
Assessment of DOT’s TIGER Grant Review and Selection Processes |
Report No. ST2019002

From: Calvin L. Scovel III 
Inspector General

To: Under Secretary of Transportation for Policy

On March 15, 2018, a pedestrian bridge under construction at Florida International University (FIU) in Miami, FL, collapsed onto the highway below, resulting in six fatalities and eight injuries. Building the bridge was part of the FIU University City Prosperity Project funded in part by a Transportation Investment Generating Economic Recovery (TIGER) discretionary grant.¹ The Department of Transportation (DOT) selected the project for a grant in August 2013 and signed the grant agreement in June 2014.

On March 19, 2018, the Secretary of Transportation asked the Office of Inspector General (OIG) to evaluate whether the FIU project complied with Federal requirements and specifications. On March 20, 2018, Senator Bill Nelson, Ranking Member of the Senate Committee on Commerce, Science, and Transportation, requested that OIG review the actions of the parties to the TIGER agreement, addressing their implementation and oversight roles.

In response to these requests, we announced an initial audit to assess whether the FIU project met Federal and DOT requirements for the TIGER application, selection, and grant agreement processes. This report covers our assessment of the requirements in place at the beginning of the project—DOT’s receipt of FIU’s grant application in June 2013 through the project’s selection in August 2013. We updated the Secretary and Senator Bill Nelson’s staff on August 1, 2018, and August 14, 2018, respectively, regarding our initial results and next steps. As we

¹ The American Recovery and Reinvestment Act, Public Law No. 111–5 (2009), established the TIGER grant program to support surface transportation infrastructure improvements and economic development. Congress has appropriated \$5.6 billion for the program since 2009.

continue our work, we intend to address post-award oversight roles and responsibilities.

We conducted our work according to generally accepted Government auditing standards. We evaluated the processes that DOT's Office of the Secretary (OST) followed for all phases of the 2013 TIGER application review cycle. We reviewed supporting documentation and, to the extent possible, given employee turnover since 2013, conducted interviews with DOT officials who were directly involved in the review and selection of the FIU grant application. Exhibit A details our scope and methodology. Exhibit B lists the entities we visited or contacted, including the Federal Highway Administration (FHWA). While we conducted our work, the National Transportation Safety Board (NTSB) had an investigation underway into the probable cause of the collapse and is evaluating the bridge design, the construction process, and the construction materials.²

We appreciate the courtesies and cooperation of DOT representatives during this audit. If you have any questions concerning this report, please contact me at (202) 366-1959 or Barry J. DeWeese, Assistant Inspector General for Surface Transportation Audits, at (202) 366-5630.

cc: The Secretary
DOT Audit Liaison, M-1
FHWA Audit Liaison, HCFB-32

² While the investigation into the cause of the collapse is ongoing, NTSB issued preliminary reports on May 23, 2018, and August 9, 2018. The most recent update noted results from initial tests of construction materials.

Initial Audit—Results Overview

Our initial audit work did not find any evidence that connects OST’s review and selection of the FIU project grant application in 2013 to the pedestrian bridge collapse in 2018. Decisions on the bridge’s design and construction were made after the grant was selected.

However, we offer the following observations on shortfalls in the 2013 documentation supporting the review and selection processes. These observations, in large part, mirror those from past OIG and Government Accountability Office (GAO) audits and recommendations related to documenting key TIGER decisions. OST has addressed these previous recommendations, and they are closed.

OST’s documentation of results for the review and project selection processes did not fully address required criteria.

In reviewing the FIU project grant application, OST followed its processes described in its 2013 evaluation guidelines,³ but we found limitations in the supporting documentation prepared by OST’s TIGER Evaluation Teams.⁴ Specifically, the documentation did not address all factors included in the guidelines. For example, the documentation for the Intake Processing Team did not address FIU’s eligibility, account for matching funds from non-Federal entities, or include input from FHWA officials on project readiness, contrary to the OST guidelines. Without complete documentation, we could not determine whether OST met all requirements for the TIGER grant award to FIU.

OST did not document its justification for changes to the FIU project’s technical evaluation rating.

The Senior Review and Control and Calibration teams did not document why the FIU project rating was changed from *recommended* to *highly recommended*. According to OST officials, the project rating was changed, but they could not recall why a member of the Senior Review Team requested that the Control and Calibration team reevaluate the FIU project application. As a result, we were unable to determine the Department’s rationale for changing the project rating to *highly recommended*. In 2014, following OST’s review of the FIU grant application and in response to GAO recommendations, the Agency noted that

³ OST, *Fiscal Year 2013 TIGER Discretionary Grants Program: Guidelines for Evaluation of Applications*.

⁴ There are six teams involved in the TIGER grant application review process. These teams and their roles are fully described in the Background section of this report.

the rationale for advancing lower-rated projects would be documented in future TIGER grant rounds.⁵

OST changed the grant’s project components and reduced funding but did not document its assessment of independent utility.

OST selected four project components under the grant and funded three of them, including the pedestrian bridge. The 2013 TIGER Notice of Funding Availability (NOFA) allows partial funding as long as the funded components maintain independent utility. This includes determining that the project is ready for its intended use when the construction is completed and satisfies the selection criteria in place at the time. According to OST officials, they assessed the FIU project’s independent utility but did not document the review. Without this supporting documentation, it is difficult to determine the extent to which the assessment occurred.

This initial report is intended for informational purposes only in response to the Secretary’s and Senator Nelson’s requests. We are not making recommendations at this time.

Background

The TIGER grant program⁶ has long-term goals that include improvement of the national transportation system’s state of good repair, economic competitiveness, livability, environmental sustainability, and safety. These goals also inform the selection criteria OST uses to review grant proposals.⁷ According to the Office of Management and Budget’s Uniform Requirements⁸ for Federal investments, the grant program selection processes should be fair and transparent so that applicants can make informed decisions. Consistent with the Uniform Requirements, OST publishes a NOFA in the Federal Register that describes the TIGER application process and selection criteria.

⁵ GAO, *Surface Transportation: Actions Needed to Improve Documentation of Key Decisions in the TIGER Discretionary Grant Program* (GAO-14-628R), May 28, 2014.

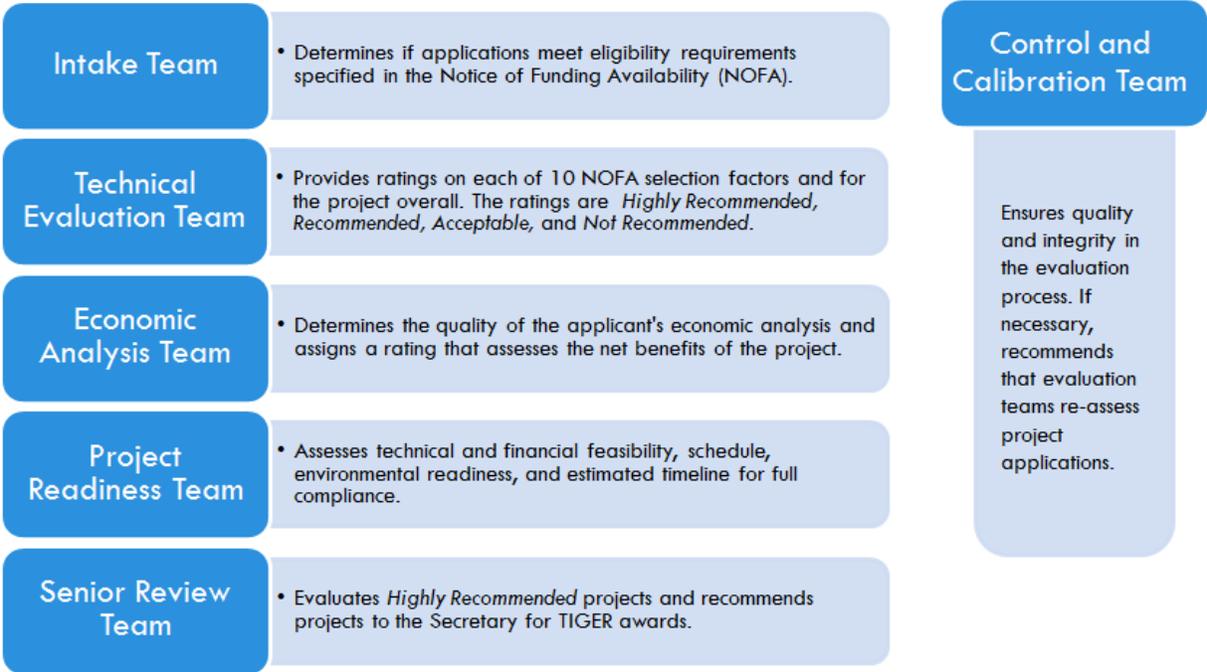
⁶ In 2018, under the Consolidated Appropriations Act of 2018 (Pub. L. No. 115-141), \$1.5 billion was appropriated for discretionary grant funding through the Better Utilizing Investments to Leverage Development (BUILD) Transportation Discretionary Grants program—which replaced the TIGER grant program.

⁷ In 2013, reviewers of TIGER grant applications considered 10 criteria when evaluating proposals: improvements that will place infrastructure in a state of good repair, economic competitiveness, livability, environmental sustainability, safety, job creation and economic stimulus, overall assessment of readiness to start, innovation, jurisdictional and stakeholder collaboration, and disciplinary integration.

⁸ Codified at 2 CFR § 200.203 and Part 200, Appendix I.

TIGER grants are awarded annually through a merit-based, competitive process. OST's Office of the Under Secretary for Policy oversees the application evaluation, and selection processes. OST established six teams to evaluate TIGER grant applications (see figure).

Figure. OST's TIGER Evaluation Teams and Process for the Review of Grant Applications



Source: OST, *Fiscal Year 2013 TIGER Discretionary Grants Program: Guidelines for Evaluation of Applications*

OST's Documentation of Results for Steps in the Review and Selection Processes Did Not Fully Address Required Criteria

When assessing the FIU project application, OST generally followed the process described in its 2013 evaluation guidelines for TIGER grant application reviews. However, available documentation did not address all of the factors included in the guidelines, such as project eligibility, project selection, and technical and financial feasibility.

Project Eligibility

The Intake Processing Team’s summary documentation did not address FIU’s eligibility, account for matching funds from non-Federal entities, or include input from FHWA on project readiness, contrary to the OST guidelines. In addition, OST could not identify which team members reviewed the FIU application, and the two Intake Processing Team reviewers we interviewed did not recall any involvement with the FIU application. OST officials stated that the Intake Processing Team assessed these criteria but did not provide supporting documentation. As a result, we could not fully determine how the eligibility criteria were assessed.

Technical Evaluation of Selection Criteria

Based on its analysis, the Technical Evaluation Team reached an overall rating of *recommended*. OST’s 2013 evaluation guidelines specify that the Technical Evaluation Team is to rate⁹ each of the 10 selection criteria and then use those ratings to rate the overall project. While the individual reviewers on the Technical Evaluation Team rated each of the 10 criteria, the official team lead summary addressed only 4 of the 10 criteria (see table).

Table. Summary of Technical Evaluation Selection Criteria Addressed and Not Addressed for the FIU Project

Addressed	Not Addressed
<ul style="list-style-type: none">• Economic Competitiveness• Livability• Innovation• Partnership	<ul style="list-style-type: none">• State of Good Repair• Environmental Sustainability• Safety• Job Creation and Stimulus• Readiness to Start• Disciplinary Integration

Source: OIG analysis

⁹ The ratings, from highest to lowest, are *highly recommended*, *recommended*, *acceptable*, and *not recommended*.

Technical and Financial Feasibility

The Project Readiness Team's summary provided a statement that the project was likely to qualify for a categorical exclusion,¹⁰ but that to obligate funding, OST would need further information to make a full assessment of the risk. Additionally, the team assessed the project's likelihood of obtaining National Environmental Policy Act (NEPA)¹¹ clearance as *moderate* because it was not certain whether the applicant would complete NEPA and other required environmental approvals by OST's deadline of June 30, 2014.

While the summary provided this information, it did not meet OST's guidelines to include documentation of its assessment of the project's technical and financial feasibility or its estimated timeline for achieving full compliance with NEPA requirements. Without complete documentation for the various evaluation teams' reviews, we could not determine whether OST met all Federal and DOT requirements for the TIGER grant award to FIU.

OST Did Not Document Its Justification for Changes to the FIU Project's Technical Evaluation Rating

After a member of the Senior Review Team requested a reevaluation of the FIU project, the Control and Calibration Team changed the FIU project's technical evaluation rating from *recommended* to *highly recommended* without documenting its justification for doing so. Further, according to OST officials, FIU's project rating was changed, but they did not recall why the Senior Review Team member requested the reevaluation. Because the 2013 Senior Review Team members were political appointees who have left the Department, and OST did not preserve the summaries of their deliberations, we were unable to determine the Department's rationale for modifying the FIU project rating.

In 2014, GAO reviewed OST's TIGER evaluation process and found that the lack of documentation for changes to project ratings prevents DOT from demonstrating that it has sufficient internal controls to provide accountability for its TIGER funding decisions. GAO concluded that an absence of documentation can give

¹⁰ Categorical exclusions are actions that do not individually or cumulatively have a significant effect on the environment.

¹¹ NEPA, signed into law on January 1, 1970, requires Federal agencies to assess environmental effects before making decisions about proposed projects.

rise to challenges to the integrity of the evaluation process, and leave DOT vulnerable to criticism concerning the rationale for the decisions made.

OST agreed to change its procedures to include not changing an application's technical evaluation rating after it has been established by a Technical Evaluation Team; and better documenting agency decisions, including reasons why lower-rated projects are advanced and subsequently funded. GAO's recommendation has been closed as "implemented."

OST Made Changes in Project Components and Reduced Funding Without Documenting Independent Utility

In approving the grant, DOT funded only a portion of the amount requested in the original FIU grant application, an action that is allowable under certain conditions. Specifically, OST selected four project components and funded three of them, including the pedestrian bridge.¹² Such partial funding of requests was acceptable under the 2013 NOFA as long as the funded components had independent utility, standing alone, which includes determining that the project is ready for its intended use when the construction is completed and satisfies the selection criteria in place at the time. OST officials said such changes between original submission and selection are common with TIGER grants, and the differences may reflect the Secretary's funding decisions and changes in circumstances between the time of the application and the time of award.

According to OST officials, they assessed the FIU project's independent utility but did not document the process. Without this supporting documentation, it is difficult for us to determine the extent to which the independent utility assessment occurred. The importance of the independent utility assessment is further demonstrated by the fact that the original project's benefit-cost analysis, conducted by the Economic Analysis Team, indicated that FIU did not provide information on the individual subcomponent benefits and costs in its application.

¹² The three project components funded by the TIGER grant awarded to FIU included (1) the pedestrian bridge, (2) informed traveler program and applications, and (3) design and engineering services and construction management. A fourth component, community transit service development enhancements, was not funded by the TIGER grant.

Our prior audit work recommended that OST establish and implement a systematic process for documenting significant management decisions,¹³ and OST took actions to address that recommendation. However, neither our prior work nor GAO's have specifically addressed the issue of documenting independent utility assessments. Current OST procedures do not address the circumstances, if any, under which such assessments should be documented. OST officials stated that they prioritize documenting major decisions, and expressed concerns that levying a documentation requirement was not feasible under the short timeframes for TIGER grant awards.

Conclusion

While we did not find any connection between the FIU TIGER grant review and selection processes and the bridge collapse, our observations reinforce the importance of supporting documentation for key decisions. Documentation becomes even more important after tragic events, such as the collapse of the FIU pedestrian bridge. This is especially true when there is an immediate need to better understand the rationale for decisions made about the project, and those with institutional knowledge have left the Agency. Additionally, failing to fully document key decisions may erode public and congressional confidence in the TIGER program and in its stewardship of funds. However, we are encouraged by DOT's ongoing efforts to improve its documentation of key decisions—such as changes in evaluation scores and Senior Review Team meetings.

Agency Comments and OIG Response

We provided OST with our draft report on September 4, 2018, and received its formal response, which is included as an appendix to this report, on October 5, 2018. We reviewed OST's formal response, and its technical comments, and we revised our report as appropriate.

In its response, OST commented on our finding that the work performed by the Intake Processing Team lacked documentation, stating that our report suggests a level of documentation that does not reflect the nature and magnitude of the underlying decision. The scope of our audit included a review of whether OST evaluated the eligibility criteria when the application was received and we did not

¹³ DOT Established Timely Controls for the TIGER Discretionary Grants Program, but Opportunities Exist To Strengthen Oversight, OIG Report Number MH2012188, September 20, 2012. OIG audit reports are available on our website at www.oig.dot.gov.

find evidence of this in the Intake Processing Team's files. While the grant application documentation records the information the applicant provided to OST, it does not describe the decisions OST made about the application. Therefore, we were unable to conclude that OST evaluated these factors. Nevertheless, we would agree that unless required to do so, it is within the agency's discretion to prioritize documenting major decisions throughout the evaluation process and to establish documentation requirements considered feasible and practical based on resource and time constraints.

Exhibit A. Scope and Methodology

We conducted this performance audit between March 2018 and September 2018 in accordance with generally accepted Government auditing standards as prescribed by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Our audit objective was to assess whether the FIU project met Federal and DOT requirements for the TIGER application, selection, and grant agreement processes. To conduct our audit, we (1) examined Federal and DOT requirements and OST's internal guidelines for reviewing the FIU TIGER grant application and for selecting and approving the grant; (2) analyzed OST documentation for the FIU grant application review, including reviews by the Intake Processing Team, Technical Evaluation Team, Economic Analysis Team, Project Readiness Team, Control and Calibration Team, and the Senior Review Team (which rates projects suitable for review and selection by the Secretary); (3) analyzed available OST documents relating to the FIU Grant selection process; and (4) assessed whether appropriate steps were taken throughout the review and grant selection processes by comparing actions taken for the FIU grant to requirements of Federal law, DOT requirements, and OST's internal guidelines.

We interviewed individuals involved in the grant application review and selection processes to obtain an understanding of each process and how it was implemented. However, our ability to conduct these interviews was limited as many of the individuals involved in the review and selection of the FIU grant have left the Department, such as the Senior Review Team, which included political appointees from the prior administration. In addition, OST was unable to identify who participated in the FIU reviews for the Project Intake, Project Readiness, and Economic Assessment teams. Ultimately, we interviewed five DOT employees involved in the grant application intake and technical evaluation process during the 2013 TIGER round.

Exhibit B. Organizations Visited or Contacted

Department of Transportation

Office of the Secretary, Washington, DC

FHWA Headquarters, Washington, DC

FHWA Florida Division Office, Tallahassee, FL

Exhibit C. List of Acronyms

BUILD	Better Utilizing Investments to Leverage Development
DOT	Department of Transportation
FHWA	Federal Highway Administration
FIU	Florida International University
GAO	Government Accountability Office
NEPA	National Environmental Policy Act
NOFA	Notice of Funding Availability
NTSB	National Transportation Safety Board
OIG	Office of Inspector General
OST	Office of the Secretary
TIGER	Transportation Investment Generating Economic Recovery

Exhibit D. Major Contributors to This Report

KERRY R. BARRAS	PROGRAM DIRECTOR
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Appendix. Agency Comments



**U.S. Department
of Transportation**

Office of the Secretary
of Transportation

October 5, 2018

Under Secretary for Policy

1200 New Jersey Avenue, SE
Washington, DC 20590

Subject: INFORMATION: Management Response to the Office of Inspector General (OIG) Draft Report: Initial Audit of Florida International University Pedestrian Bridge Project—Assessment of DOT’s TIGER Grant Review and Approval Process

From: Derek Kan 
Under Secretary of Transportation for Policy

To: Calvin L. Scovel III
Inspector General

Safety is the top priority of the Department, and we were deeply saddened by the fatalities resulting from the collapse of the pedestrian bridge intended to serve the campus of Florida International University (FIU) and the neighboring community of Sweetwater, Florida. The Department agrees with the Office of Inspector General (OIG) draft report finding that there is no evidence connecting the Office of the Secretary (OST) review and selection of the FIU project in 2013 to the pedestrian bridge collapse in 2018.

Over the past five years, the Department has significantly improved the TIGER program’s evaluation and administration procedures. This draft report provides evidence of that improvement. The OIG noted in its draft report that the Department did not fully document some decisions during the grant review process in 2013. In contrast, the U.S. Government Accountability Office (GAO) recently determined that the Department sufficiently memorialized the process and documentation improvements in our Fiscal Year 2018 TIGER application evaluation guidance. GAO stated: “As a result, DOT is in a better position to ensure a consistent and transparent process for approving major decisions in the TIGER program during future funding rounds.”

The OST remains committed to documenting major decisions in the application evaluation and project selection process. However, OST is concerned that OIG’s report suggests a level of documentation that reflects neither the nature and magnitude of a decision nor the existence of other documentation, and the report does not consider the resources necessary to complete that documentation. For example, the report states that OST’s documentation did not account for matching funds from non-Federal entities when determining eligibility. But often the application itself is adequate documentation. FIU’s application included express statements describing the sources and availability of matching funds. Those statements are enough documentation for the intake processing team’s determination. Moreover, the intake processing team’s determination was an initial step, not a major decision, and not the final consideration of matching funds. Like it does for each selected application, the Department made the contribution of required matching funds an enforceable term of the FIU grant agreement.

The documentation practice is different for ineligible applications: If the Department determines that an application is ineligible, it creates additional documentation because, for that application, the determination is dispositive. The documentation practice is different because determining an application is ineligible is a major decision.

The OIG suggests that the intake processing team's matching fund determination for the FIU project should have generated additional documentation; OST disagrees because the application itself was sufficient documentation and the determination was not a major decision. Additional documentation is redundant if it would do nothing other than restate application materials or other documentation. Additional documentation is unnecessary if there is not a major decision. Given the importance of timely delivering on statutory directives to invest in surface transportation infrastructure by funding projects that provide significant regional impact, OST must consider the proper balance between costs and benefits when administering the program. With limited resources and time-constrained review periods, OST prioritizes documenting major decisions that could meaningfully affect project outcomes. It deprioritizes documenting decisions that are not major, and it avoids creating redundant documentation.

The Department remains committed to implementing best practices into our discretionary grant programs and will continue to pursue process improvements. We appreciate the opportunity to respond to the OIG draft report. Please contact with any questions or if you would like to obtain additional details.

U.S. DOT IG Fraud & Safety Hotline

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Our Mission

OIG conducts audits and investigations on behalf of the American public to improve the performance and integrity of DOT's programs to ensure a safe, efficient, and effective national transportation system.

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