

TOWNSHIP OF PIKE
POTTER COUNTY
52-214

LIQUID FUELS TAX FUND
EXAMINATION REPORT

FOR THE TWO YEARS ENDED
DECEMBER 31, 2008

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TOWNSHIP OF PIKE
POTTER COUNTY
LIQUID FUELS TAX FUND
BACKGROUND
FOR THE TWO YEARS ENDED
DECEMBER 31, 2008

Background

The Liquid Fuels Tax Municipal Allocation Law, Title 72 P.S. § 2615.5, provides municipalities other than counties (townships, boroughs, cities, towns, home rule, and optional plan governments) with an annual allocation of liquid fuels taxes from the state's Motor License Fund to be used for the maintenance and repair of streets, roads, and bridges for which the municipality is responsible. The allocation of these funds to municipalities is based: (1) 50 percent on the municipality's proportion of local road mileage to the total local road mileage in the state, and (2) 50 percent on the proportion of a municipality's population to the total population in the state.

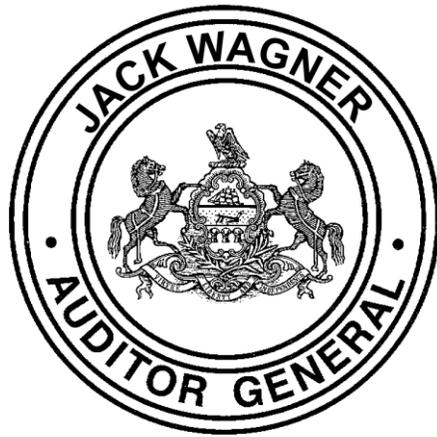
The Vehicle Code, Title 75 P.S. § 9511, provides municipalities with annual maintenance payments to be received from the Motor License Fund for functionally local highways that were transferred to a municipality from the Commonwealth of Pennsylvania.

Each municipality must deposit the Liquid Fuels Tax Fund money and annual maintenance payments that it receives into a special fund called the Municipal Liquid Fuels Tax Fund or State Fund. A municipality may not deposit any other monies into this fund except when the municipality does not have enough money in the special fund to meet the payments called for by its current annual budget for road and bridge purposes. In this case, the municipality may borrow money or transfer money from its General Fund to its Liquid Fuels Tax Fund.

The Department of Transportation has been given the regulatory authority for the administration of these funds. To qualify for its annual allocation, each municipality shall submit the following documents and information to the Department of Transportation:

1. Evidence that the treasurer is bonded in accordance with the law, or that its treasurer is a bank requiring no bond by January 31 of each year.
2. A report indicating the manner in which its liquid fuels tax allocation was expended in the previous year (Form MS-965) by January 31 of each year.
3. A report of elected and appointed officials by January 31 of each year.
4. A Survey of Financial Condition by March 15 of each year.

Department of Transportation *Publication 9* contains the policies and procedures that govern the use of Liquid Fuels Tax Fund money. However, if there is a difference between *Publication 9* and any legislation, the legislation shall govern.



Independent Auditor's Report

The Honorable Allen D. Biehler, P.E.
Secretary
Department of Transportation
Harrisburg, PA 17120

We examined the accompanying Forms MS-965 With Adjustments for the Liquid Fuels Tax Fund of the Township of Pike, Potter County, for the two years ended December 31, 2008. The municipality's management is responsible for the Forms MS-965. Our responsibility is to express an opinion on the Forms MS-965 With Adjustments based on our examination.

Our examination was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants and the standards applicable to attestation engagements contained in *Government Auditing Standards* issued by the Comptroller General of the United States. An examination includes examining, on a test basis, evidence supporting the Township of Pike, Potter County's Forms MS-965 for the two years ended December 31, 2008 and performing such other procedures as we considered necessary in the circumstances. We believe that our examination provides a reasonable basis for our opinion.

We are mandated by Section 403 of *The Fiscal Code*, 72 P.S. § 403, to audit each municipality's Liquid Fuels Tax Fund to ensure that funds received are expended in accordance with applicable laws and regulations. *Government Auditing Standards* issued by the Comptroller General of the United States include attestation engagements as a separate type of audit. An attestation engagement performed pursuant to *Government Auditing Standards* involves additional standards that exceed the standards provided by the American Institute of Certified Public Accountants. Accordingly, this attestation engagement complies with both *Government Auditing Standards* and Section 403 of *The Fiscal Code*.

As described in Note 4, the adjustments included on the Forms MS-965 With Adjustments are made by the Department of the Auditor General.

As discussed in Finding No. 1, the township expended \$8,847.93 for truck payments and \$18,267.14 for road oil from a COSTARS contract. However, the township was not a registered COSTARS member. Additionally, as discussed in Finding No. 2, during 2008 the township expended \$11,147.73 from its Liquid Fuels Tax Fund for the purchase of stone without advertising for bids.

Independent Auditor's Report (Continued)

In our opinion, except for the matters discussed in the preceding paragraph, the Forms MS-965 With Adjustments present, in all material respects, the information required by the Pennsylvania Department of Transportation for the Liquid Fuels Tax Fund of the Township of Pike, Potter County, for the two years ended December 31, 2008, in conformity with the criteria set forth in Note 1.

In accordance with *Government Auditing Standards*, we are required to report findings of significant deficiencies in internal control, violations of provisions of contracts or grant agreements, and abuse that are material to the Forms MS-965 and any fraud and illegal acts that are more than inconsequential that come to our attention during our examination. We are also required to obtain the views of management on those matters. We performed our examination to express an opinion on whether the Forms MS-965 are presented in accordance with the criteria described above and not for the purpose of expressing an opinion on the internal control over reporting on the Forms MS-965 or on compliance and other matters; accordingly, we express no such opinions.

A control deficiency exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect misstatements on a timely basis. A significant deficiency is a control deficiency, or combination of control deficiencies, that adversely affects the Township of Pike, Potter County's ability to initiate, authorize, record, process, or report data reliably in accordance with the applicable criteria such that there is more than a remote likelihood that a misstatement of the Township of Pike, Potter County's Forms MS-965 that is more than inconsequential will not be prevented or detected by the Township of Pike, Potter County's internal control.

A material weakness is a significant deficiency or combination of significant deficiencies that results in more than a remote likelihood that a material misstatement of the Forms MS-965 will not be prevented or detected by the Township of Pike, Potter County's internal control.

Our consideration of internal control over reporting on the Forms MS-965 was for the limited purpose described in the first paragraph of this section and would not necessarily identify all deficiencies in internal control that might be significant deficiencies or material weaknesses. We did not identify any significant deficiencies or material weaknesses, as defined above, in internal control over reporting on the Forms MS-965.

Independent Auditor's Report (Continued)

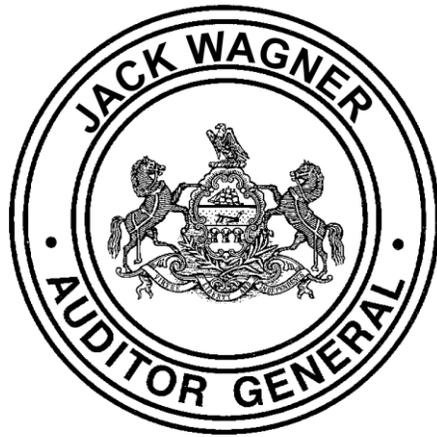
The results of our tests disclosed the following instances of noncompliance that are required to be reported under *Government Auditing Standards*:

- Noncompliance With COSTARS Purchasing Agreement.
- Purchases Over \$10,000.00 In Noncompliance With Advertising And Bidding Requirements.

This report is intended solely for the information and use of the Pennsylvania Department of Transportation and the management of the Township of Pike, Potter County, and is not intended to be and should not be used by anyone other than these specified parties.

March 15, 2010

JACK WAGNER
Auditor General



TOWNSHIP OF PIKE
POTTER COUNTY
LIQUID FUELS TAX FUND
2007 FORM MS-965 – SECTION 1
WITH ADJUSTMENTS

<u>Expenditure Summary</u>	<u>Reported</u>	<u>Adjustments (Note 4)</u>	<u>Adjusted Amount</u>
Major equipment purchases	\$ 5,691.97	\$ (1,900.00)	\$ 3,791.97
Minor equipment purchases	-	1,900.00	1,900.00
Computer/Computer related training	-	-	-
Agility projects	-	-	-
Cleaning streets and gutters	-	-	-
Winter maintenance services	4,054.81	-	4,054.81
Traffic control devices	-	-	-
Street lighting	-	-	-
Storm sewers and drains	-	-	-
Repairs of tools and machinery	492.92	-	492.92
Maintenance and repair of roads and bridges	14,942.47	-	14,942.47
Highway construction and rebuilding projects	-	-	-
Miscellaneous	-	-	-
 Total (To Section 2, Line 5)	 <u>\$ 25,182.17</u>	 <u>\$ -</u>	 <u>\$ 25,182.17</u>

Notes to Forms MS-965 With Adjustments are an integral part of this report.

TOWNSHIP OF PIKE
POTTER COUNTY
LIQUID FUELS TAX FUND
2007 FORM MS-965 – SECTION 2
WITH ADJUSTMENTS

<u>Fund Balance</u>	<u>Reported</u>	<u>Adjustments</u>	<u>Adjusted Amount</u>
1. Balance, January 1, 2007	\$ 942.56	\$ -	\$ 942.56
Receipts:			
2. State allocation	26,533.41	-	26,533.41
2a. Turnback allocation	-	-	-
2b. Interest on investments (Note 3)	609.37	-	609.37
2c. Miscellaneous (Note 5)	33,854.34	-	33,854.34
3. Total receipts	<u>60,997.12</u>	<u>-</u>	<u>60,997.12</u>
4. Total funds available	<u>61,939.68</u>	<u>-</u>	<u>61,939.68</u>
5. Expenditures (Section 1)	<u>25,182.17</u>	<u>-</u>	<u>25,182.17</u>
6. Balance, December 31, 2007	<u><u>\$ 36,757.51</u></u>	<u><u>\$ -</u></u>	<u><u>\$ 36,757.51</u></u>

Notes to Forms MS-965 With Adjustments are an integral part of this report.

TOWNSHIP OF PIKE
POTTER COUNTY
LIQUID FUELS TAX FUND
2007 FORM MS-965 – SECTION 3
WITH ADJUSTMENTS

<u>Equipment Balance</u>	<u>Reported</u>	<u>Adjustments (Note 4)</u>	<u>Adjusted Amount</u>
1. Prior year equipment balance	\$ 942.56	\$ -	\$ 942.56
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	5,306.68	-	5,306.68
3. PENNDOT approved adjustments	<u>-</u>	<u>6,770.87</u>	<u>6,770.87</u>
4. Total funds available for equipment acquisition	6,249.24	6,770.87	13,020.11
5. Less: Major equipment expenditures	<u>5,691.97</u>	<u>(1,900.00)</u>	<u>3,791.97</u>
6. Remainder	<u>557.27</u>	<u>8,670.87</u>	<u>9,228.14</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ 557.27</u>	<u>\$ 8,670.87</u>	<u>\$ 9,228.14</u>

Notes to Forms MS-965 With Adjustments are an integral part of this report.

TOWNSHIP OF PIKE
POTTER COUNTY
LIQUID FUELS TAX FUND
2008 FORM MS-965 – SECTION 1
WITH ADJUSTMENTS

<u>Expenditure Summary</u>	<u>Reported</u>	<u>Adjustments</u>	<u>Adjusted Amount</u>
Major equipment purchases	\$ 5,055.96	\$ -	\$ 5,055.96
Minor equipment purchases	-	-	-
Computer/Computer related training	-	-	-
Agility projects	-	-	-
Cleaning streets and gutters	-	-	-
Winter maintenance services	8,360.47	-	8,360.47
Traffic control devices	-	-	-
Street lighting	-	-	-
Storm sewers and drains	-	-	-
Repairs of tools and machinery	292.87	-	292.87
Maintenance and repair of roads and bridges	47,879.61	-	47,879.61
Highway construction and rebuilding projects	-	-	-
Miscellaneous	-	-	-
 Total (To Section 2, Line 5)	 <u>\$ 61,588.91</u>	 <u>\$ -</u>	 <u>\$ 61,588.91</u>

Notes to Forms MS-965 With Adjustments are an integral part of this report.

TOWNSHIP OF PIKE
POTTER COUNTY
LIQUID FUELS TAX FUND
2008 FORM MS-965 – SECTION 2
WITH ADJUSTMENTS

<u>Fund Balance</u>	<u>Reported</u>	<u>Adjustments (Note 4)</u>	<u>Adjusted Amount</u>
1. Balance, January 1, 2008	\$ 36,757.51	\$ -	\$ 36,757.51
Receipts:			
2. State allocation	28,909.55	-	28,909.55
2a. Turnback allocation	-	-	-
2b. Interest on investments (Note 3)	730.26	(17.92)	712.34
2c. Miscellaneous (Note 5)	-	17.92	17.92
3. Total receipts	<u>29,639.81</u>	<u>-</u>	<u>29,639.81</u>
4. Total funds available	<u>66,397.32</u>	<u>-</u>	<u>66,397.32</u>
5. Expenditures (Section 1)	<u>61,588.91</u>	<u>-</u>	<u>61,588.91</u>
6. Balance, December 31, 2008	<u>\$ 4,808.41</u>	<u>\$ -</u>	<u>\$ 4,808.41</u>

Notes to Forms MS-965 With Adjustments are an integral part of this report.

TOWNSHIP OF PIKE
POTTER COUNTY
LIQUID FUELS TAX FUND
2008 FORM MS-965 – SECTION 3
WITH ADJUSTMENTS

<u>Equipment Balance</u>	<u>Reported</u>	<u>Adjustments (Note 4)</u>	<u>Adjusted Amount</u>
1. Prior year equipment balance	\$ 557.27	\$ 8,670.87	\$ 9,228.14
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	5,781.91	-	5,781.91
3. PENNDOT approved adjustments	-	3.58	3.58
4. Total funds available for equipment acquisition	6,339.18	8,674.45	15,013.63
5. Less: Major equipment expenditures	5,055.96	-	5,055.96
6. Remainder	<u>1,283.22</u>	<u>8,674.45</u>	<u>9,957.67</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ 1,283.22</u>	<u>\$ 3,525.19</u>	<u>\$ 4,808.41</u>

Notes to Forms MS-965 With Adjustments are an integral part of this report.

TOWNSHIP OF PIKE
POTTER COUNTY
LIQUID FUELS TAX FUND
NOTES TO FORMS MS-965 WITH ADJUSTMENTS
FOR THE TWO YEARS ENDED
DECEMBER 31, 2008

1. Criteria

Section 1

This section of Form MS-965 With Adjustments provides a summary of Liquid Fuels Tax Fund expenditures by category. Categories requiring explanation include:

- Major equipment purchases are purchases of road machinery and road equipment that cost in excess of \$4,000.00.
- Minor equipment purchases are purchases of road machinery and road equipment that cost \$4,000.00 or less.
- Agility projects are exchanges of services with the Department of Transportation.

Section 2

This section of Form MS-965 With Adjustments provides information on the fund balance. Categories requiring explanation include:

- The state allocation is generally received from the Department of Transportation during the first week in April of each year. The amount the municipality receives is based half on its population and half on its road mileage.
- The turnback allocation is generally received from the Department of Transportation during the first week in April of each year. A municipality receives a yearly turnback allocation based on road mileage for all roads that were transferred to the municipality from the Commonwealth of Pennsylvania through the Highway Transfer Program.
- Expenditures include the total transferred from Section 1.

Section 3

This section of Form MS-965 With Adjustments determines if the municipality expended Liquid Fuels Tax Fund money in excess of the permissible amount for equipment and the balance that the municipality may carry forward for the purchase of equipment to the subsequent year.

TOWNSHIP OF PIKE
POTTER COUNTY
LIQUID FUELS TAX FUND
NOTES TO FORMS MS-965 WITH ADJUSTMENTS
FOR THE TWO YEARS ENDED
DECEMBER 31, 2008

1. Criteria (Continued)

Section 3 (Continued)

Department of Transportation *Publication 9* requires that the amount expended for equipment purchases in a given year not exceed the sum of the equipment balance carried forward from the previous year and 20 percent of the current year's Liquid Fuels Tax Fund allocation and, if applicable, 20 percent of the turnback allocation plus other Department of Transportation approved adjustments.

If the municipality spent in excess of the amount listed on Line 4, the excess must be reimbursed to the Liquid Fuels Tax Fund.

The equipment balance to be carried forward for the subsequent year is the lesser of the amount on Line 6 or the ending fund balance on Line 6 of Section 2, but not less than zero.

Basis Of Presentation

The financial activities of the municipality are accounted for in separate funds. The Liquid Fuels Tax Fund is used to account for state aid revenues from the Pennsylvania Department of Transportation used primarily for building and improving local roads and bridges. The Forms MS-965 have been prepared in accordance with reporting requirements prescribed by the Pennsylvania Department of Transportation as a result of the Fuels Tax Act 655, dated 1956 and as amended, which does not constitute a complete presentation of the entity's assets, liabilities, expenses, and fund balance. Accordingly, the presentation of Forms MS-965 With Adjustments is restricted to the Liquid Fuels Tax Fund, which represents a segment of the entity.

Basis Of Accounting

The accompanying Forms MS-965 With Adjustments are prepared in accordance with reporting requirements prescribed by the Pennsylvania Department of Transportation. Under this method, revenues are recognized when received and expenditures are recorded when paid.

TOWNSHIP OF PIKE
POTTER COUNTY
LIQUID FUELS TAX FUND
NOTES TO FORMS MS-965 WITH ADJUSTMENTS
FOR THE TWO YEARS ENDED
DECEMBER 31, 2008

1. Criteria (Continued)

General Fixed Assets

General fixed assets are recognized as expenditures at the time of purchase. No depreciation has been provided on the heavy equipment used to maintain and repair roads and bridges.

2. Deposits

The Second Class Township Code, Title 53 P.S. § 68204, authorizes the township to deposit its funds in the following:

- Deposits in savings accounts or time deposits, other than certificates of deposit or share accounts of institutions having their principal place of business in the Commonwealth of Pennsylvania and insured by the Federal Deposit Insurance Corporation (FDIC) or other like insurance. For any amount above the insured maximum, the depository shall pledge approved collateral.
- Certificates of deposit purchased from institutions insured by the FDIC or other like insurance to the extent that such accounts are so insured. For any amounts in excess of the insured maximum, such deposits shall be collateralized by a pledge or assignment of assets. Certificates of deposit may not exceed 20 percent of a bank's total capital surplus or 20 percent of a savings and loan's or savings bank's assets minus liabilities.

Deposits consist of receipts and deposits in a financial institution. Pennsylvania statutes require all deposits to be insured and, for any amount above the insured maximum, to be secured with approved collateral as defined.

There were no deposits exposed to custodial credit risk as of December 31, 2008. Custodial credit risk, as defined by GASB No. 40, includes deposits that are not covered by depository insurance and the deposits are uncollateralized, collateralized with securities held by the pledging financial institution, or collateralized with securities held by the pledging financial institution's trust department or agent but not in the municipality's name.

TOWNSHIP OF PIKE
POTTER COUNTY
LIQUID FUELS TAX FUND
NOTES TO FORMS MS-965 WITH ADJUSTMENTS
FOR THE TWO YEARS ENDED
DECEMBER 31, 2008

2. Deposits (Continued)

Fund Balance

The fund balance as of December 31, 2008 consists of the following:

Cash	<u>\$4,808.41</u>
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3. Interest On Investments

Our examination disclosed that the municipality deposited idle liquid fuels tax money in interest-bearing accounts which earned \$609.37 during 2007, and \$712.34 during 2008, thus providing additional funds for road maintenance and repairs.

4. Adjustments

2007 - Section 1

Adjustments were made to “Major equipment purchases” and “Minor equipment purchases” because expenditures of \$1,900.00 were misclassified.

2007 - Section 3

An adjustment of \$6,770.87 was made to “PENNDOT approved adjustments” because 20 percent of the unexpended balance of a turnback grant of \$33,854.34 was not reported as an approved adjustment.

An adjustment of \$(1,900.00) was made to “Major equipment expenditures” to reflect the adjustment made to major equipment purchases in 2007 - Section 1.

2008 - Section 2

Adjustments were made to “Interest on investments” and “Miscellaneous” because receipts of \$17.92 were misclassified.

TOWNSHIP OF PIKE
 POTTER COUNTY
 LIQUID FUELS TAX FUND
 NOTES TO FORMS MS-965 WITH ADJUSTMENTS
 FOR THE TWO YEARS ENDED
 DECEMBER 31, 2008

4. Adjustments (Continued)

2008 - Section 3

An adjustment of \$8,670.87 was made to “Prior year equipment balance” to reflect the adjustment made to the equipment balance in 2007 - Section 3.

An adjustment of \$3.58 was made to “PENNDOT approved adjustments” because 20 percent of the unexpended balance of a turnback grant of \$17.92 was not reported as an approved adjustment.

5. Miscellaneous Receipts

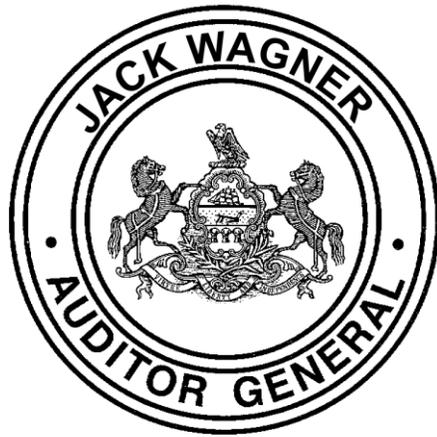
The following miscellaneous receipts were deposited into the Liquid Fuels tax Fund during the examination period:

<u>Source</u>	<u>Description</u>	<u>2007</u>	<u>2008</u>
Turnback Fund	Unexpended balance	<u>\$33,854.34</u>	<u>\$17.92</u>

6. Bank Loan

On May 14, 2006, the municipality purchased a Ford F-550 dump truck for \$49,189.00. The township made a down payment of \$25,189.00 from its General Fund. The remaining \$24,000.00 was borrowed from the Department of Community and Economic Development. The term of the loan was for five years at an interest rate of 2.0 percent. Principal and interest payments of \$1,263.99 are due quarterly. Because the township purchased the truck from a COSTARS contract but was not a COSTARS member, Liquid Fuels Tax Fund money cannot be used to make loan payments (see Finding No. 1). Prior years’ principal and interest payments from the General Fund were \$2,293.70 and \$234.28, respectively.

During the current examination period the municipality paid principal of \$8,234.19 and interest of \$613.74 from the Liquid Fuels Tax Fund. These amounts are reflected in major equipment purchases on the 2007 and 2008 Forms MS-965 - Section 1. Additionally, the municipality paid principal of \$1,172.88 and interest of \$91.11 from the General Fund. The outstanding balance of the loan as of December 31, 2008 was \$12,299.23, plus interest.



TOWNSHIP OF PIKE
POTTER COUNTY
LIQUID FUELS TAX FUND
FINDINGS AND RECOMMENDATIONS
FOR THE TWO YEARS ENDED
DECEMBER 31, 2008

Finding No. 1 - Noncompliance With COSTARS Purchasing Agreement

Our examination disclosed that on March 14, 2006 the township purchased a Ford F-550 dump truck for \$49,189.00. The township made a down payment of \$25,189.00 from its General Fund and borrowed the remaining \$24,000.00 (see Note 6). During 2007 and 2008 the township made loan payments of \$3,791.97 and \$5,055.96, respectively, from its Liquid Fuels Tax Fund. Additionally, during 2008 the township expended \$18,267.14 for the purchase of road oil. Both the truck and road oil were purchased from approved COSTARS suppliers at the COSTARS contracted prices. However, the township was not a member of COSTARS (COSTARS is a program run by the Department of General Services that permits local government entities to obtain lower prices by purchasing from a state contract). Those purchases were as follows:

<u>Invoice Number</u>	<u>Invoice Date</u>	<u>Check Number</u>	<u>Check Date</u>	<u>Amount</u>	<u>Totals</u>
None	None	8001	01/02/07	\$1,263.99	
None	None	8065	04/08/07	1,263.99	
None	None	8131	07/10/07	<u>1,263.99</u>	
2007 truck payments					\$ 3,791.97
None	None	8262	01/07/08	1,263.99	
None	None	8323	04/08/08	1,263.99	
None	None	8413	07/08/08	1,263.99	
None	None	8473	10/14/08	<u>1,263.99</u>	
2008 truck payments					5,055.96
6781100	06/01/08	8391	06/10/08	11,078.53	
6934700	07/08/08	8432	08/19/08	4,696.80	
6934800	07/08/08	8432	08/19/08	<u>2,491.81</u>	
Road oil Total					<u>18,267.14</u>
Two Year Total					<u><u>\$27,115.07</u></u>

Municipalities must register on-line with the Department of General Services to be eligible to make purchases from a COSTARS contract. Additionally, contractors agree to sell items or services under this contract to Department of General Services registered COSTARS members. The contractors are not permitted to use the COSTARS contract to sell to non-COSTARS members.

TOWNSHIP OF PIKE
POTTER COUNTY
LIQUID FUELS TAX FUND
FINDINGS AND RECOMMENDATIONS
FOR THE TWO YEARS ENDED
DECEMBER 31, 2008

Finding No. 1 - Noncompliance With COSTARS Purchasing Agreement (Continued)

Because the township was not a member of COSTARS, the above purchases were not made in compliance with the advertising, bidding, and contract requirements of *The Second Class Township Code*, 53 P.S. § 68102(a), (also found at § 3102(a) of *The Second Class Township Code* as published by the Local Government Commission), which requires that purchases over \$10,000.00 must be advertised, bid, and awarded by contract. *The Second Class Township Code*, 53 P.S. § 68104(a), (also found at § 3104(a) of *The Second Class Township Code* as published by the Local Government Commission) further states that advertising, bidding and contract requirements should not be evaded through piecemeal purchases.

In addition, the above purchases were not made in compliance with the Department of Transportation's *Publication 9*, Appendix D, Section 449.7(d), which states, in part:

Each municipality shall make an annual estimate of its requirements of road construction and maintenance materials, and shall advertise for bids on all items and groups of like items ordinarily supplied by a single supplier . . . which are estimated to exceed \$10,000 for the year If the cost during the year of an unadvertised item or group of like items ordinarily supplied by a single supplier exceeds \$10,000 . . . the entire cost shall be ineligible for payment from the Liquid Fuels Tax Fund unless it can be shown to the satisfaction of the Secretary [of the Department of Transportation] that it was reasonably believed that the cost of the year's requirements of that item or group of like items would not exceed \$10,000 . . .

The failure to comply with *The Second Class Township Code* and the Department of Transportation's *Publication 9* could result in the township having to reimburse \$27,115.07 to its Liquid Fuels Tax Fund.

TOWNSHIP OF PIKE
POTTER COUNTY
LIQUID FUELS TAX FUND
FINDINGS AND RECOMMENDATIONS
FOR THE TWO YEARS ENDED
DECEMBER 31, 2008

Finding No. 1 - Noncompliance With COSTARS Purchasing Agreement (Continued)

Recommendations

We recommend that the township reimburse \$27,115.07 to its Liquid Fuels Tax Fund upon official notification by the Department of Transportation.

We further recommend that the township register with the Department of General Services to become a COSTARS member if it chooses to make purchases from COSTARS contracts.

Additionally, we recommend that, in the future, the township comply with *The Second Class Township Code* and the Department of Transportation's *Publication 9* as noted in this finding.

Management's Response

The chairman of the board of supervisors/secretary/treasurer stated:

We were unaware that the township was to be registered with COSTARS when we purchased the road oil and truck.

Auditor's Conclusion

During our next examination we will determine if the municipality complied with our recommendations.

TOWNSHIP OF PIKE
 POTTER COUNTY
 LIQUID FUELS TAX FUND
 FINDINGS AND RECOMMENDATIONS
 FOR THE TWO YEARS ENDED
 DECEMBER 31, 2008

Finding No. 2 - Purchases Over \$10,000.00 In Noncompliance With Advertising And Bidding Requirements

Our examination disclosed that during 2008 the township expended \$11,147.73 from the Liquid Fuels Tax Fund for the purchase of stone without advertising for bids. These expenditures were as follows:

<u>Invoice Number</u>	<u>Invoice Date</u>	<u>Check Number</u>	<u>Check Date</u>	<u>Amount</u>
None	05/07/08	8366	05/13/08	\$ 1,807.41
None	07/01/08	8401	07/08/08	439.73
None	07/02/08	8401	07/08/08	4,396.75
None	07/03/08	8401	07/08/08	2,743.88
76747	07/10/08	8434	08/19/08	1,759.96
Total				\$11,147.73

The above purchases were not made in compliance with the advertising, bidding, and contract requirements of *The Second Class Township Code*, 53 P.S. § 68102(a), (also found at § 3102(a) of *The Second Class Township Code* as published by the Local Government Commission), which requires that purchases over \$10,000.00 must be advertised, bid, and awarded by contract. *The Second Class Township Code*, 53 P.S. § 68104(a), (also found at § 3104(a) of *The Second Class Township Code* as published by the Local Government Commission) further states that advertising, bidding and contract requirements should not be evaded through piecemeal purchases.

In addition, the above purchases were not made in compliance with the Department of Transportation's *Publication 9*, Appendix D, Section 449.7(d), which states, in part:

Each municipality shall make an annual estimate of its requirements of road construction and maintenance materials, and shall advertise for bids on all items and groups of like items ordinarily supplied by a single supplier . . . which are estimated to exceed \$10,000 for the year If the cost during the year of an unadvertised item or group of like items ordinarily supplied by a single supplier exceeds \$10,000 . . . the entire cost shall be ineligible for payment from the Liquid Fuels Tax Fund unless it can be shown to the satisfaction of the Secretary [of the Department of Transportation] that it was reasonably believed that the cost of the year's requirements of that item or group of like items would not exceed \$10,000 . . .

TOWNSHIP OF PIKE
POTTER COUNTY
LIQUID FUELS TAX FUND
FINDINGS AND RECOMMENDATIONS
FOR THE TWO YEARS ENDED
DECEMBER 31, 2008

Finding No. 2 - Purchases Over \$10,000.00 In Noncompliance With Advertising And Bidding Requirements (Continued)

The failure to comply with *The Second Class Township Code* and the Department of Transportation's *Publication 9* could result in the township having to reimburse \$11,147.73 to its Liquid Fuels Tax Fund.

Recommendations

We recommend that the township reimburse \$11,147.73 to its Liquid Fuels Tax Fund upon official notification by the Department of Transportation.

We further recommend that, in the future, the township comply with *The Second Class Township Code* and the Department of Transportation's *Publication 9* as noted in this finding.

Management's Response

The chairman of the board of supervisors/secretary/treasurer stated:

The township did not realize that different types of stone were considered like items.

Auditor's Conclusion

All types of stone except for stone used for anti-skid (winter maintenance) are considered to be like items. During our next examination we will determine if the township complied with our recommendations.

TOWNSHIP OF PIKE
POTTER COUNTY
LIQUID FUELS TAX FUND
SUMMARY OF EXIT CONFERENCE
FOR THE TWO YEARS ENDED
DECEMBER 31, 2008

An exit conference was held March 15, 2010. Those participating were:

TOWNSHIP OF PIKE

The Honorable George A. Bowen, Jr., Chairman of the Board of Supervisors/Secretary/Treasurer

DEPARTMENT OF THE AUDITOR GENERAL

Mr. Christopher Heglen, Auditor

The results of the examination were presented and discussed in their entirety.

TOWNSHIP OF PIKE
POTTER COUNTY
LIQUID FUELS TAX FUND
REPORT DISTRIBUTION
FOR THE TWO YEARS ENDED
DECEMBER 31, 2008

This report was initially distributed to:

The Honorable Allen D. Biehler, P.E.
Secretary
Department of Transportation

Township of Pike
Potter County
P. O. Box 181
72 Route 6 West
Galeton, PA 16922

The Honorable George A. Bowen, Jr. Chairman of the Board of
Supervisors/Secretary/Treasurer

The Honorable Paul Prichard Vice-Chairman of the Board of Supervisors

This report is a matter of public record. Copies of this report may be obtained from the Pennsylvania Department of the Auditor General, Office of Communications, 318 Finance Building, Harrisburg, PA 17120. To view this report online or to contact the Department of the Auditor General, please access our web site at www.auditorgen.state.pa.us.