



TOWNSHIP OF BRISTOL
BUCKS COUNTY
09-101

LIQUID FUELS TAX FUND
EXAMINATION REPORT

FOR THE PERIOD
JANUARY 1, 2008 TO DECEMBER 31, 2011

COMMONWEALTH OF PENNSYLVANIA

EUGENE A. DEPASQUALE - AUDITOR GENERAL

DEPARTMENT OF THE AUDITOR GENERAL



Commonwealth of Pennsylvania
Department of the Auditor General
Harrisburg, PA 17120-0018
Facebook: Pennsylvania Auditor General
Twitter: @PAAuditorGen

EUGENE A. DePASQUALE
AUDITOR GENERAL

Independent Auditor's Report

The Honorable Barry J. Schoch, 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 Bristol, Bucks County, for the period January 1, 2008 to December 31, 2011. 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 Bristol, Bucks County's Forms MS-965 for the period January 1, 2008 to December 31, 2011 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.

Independent Auditor's Report (Continued)

As discussed in the Finding and Recommendations section of this report, the municipality expended \$67,925.26 from the Liquid Fuels Tax Fund on May 11, 2011 for a lease-purchase payment on a 2008 Johnson model VT650 street sweeper that was used as a demo. The street sweeper was purchased from the COSTARS contract. However, only new or remanufactured equipment is eligible to be purchased from COSTARS contracts.

In our opinion, except for the matter 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 Bristol, Bucks County, for the period January 1, 2008 to December 31, 2011, 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 Bristol, Bucks 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 Bristol, Bucks County's Forms MS-965 that is more than inconsequential will not be prevented or detected by the Township of Bristol, Bucks 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 Bristol, Bucks County's internal control.

Independent Auditor's Report (Continued)

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.

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

- Purchase Of Used Equipment From COSTARS Contract.

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



EUGENE A. DEPASQUALE
Auditor General

February 7, 2013

CONTENTS

	<u>Page</u>
Background.....	1
Financial Section:	
2008 Form MS-965 With Adjustments	2
2009 Form MS-965 With Adjustments	5
2010 Form MS-965 With Adjustments	8
2011 Form MS-965 With Adjustments	11
Notes To Forms MS-965 With Adjustments.....	14
Finding And Recommendations:	
Finding - Purchase Of Used Equipment From COSTARS Contract	21
Summary Of Exit Conference.....	23
Report Distribution	24

TOWNSHIP OF BRISTOL
BUCKS COUNTY
LIQUID FUELS TAX FUND
BACKGROUND
FOR THE PERIOD
JANUARY 1, 2008 TO DECEMBER 31, 2011

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.

TOWNSHIP OF BRISTOL
BUCKS COUNTY
LIQUID FUELS TAX FUND
2008 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	\$ 144,308.37	\$ -	\$ 144,308.37
Minor equipment purchases	270.35	-	270.35
Computer/Computer related training	-	-	-
Agility projects	-	-	-
Cleaning streets and gutters	-	-	-
Winter maintenance services	-	-	-
Traffic control devices	-	-	-
Street lighting	-	-	-
Storm sewers and drains	-	-	-
Repairs of tools and machinery	-	-	-
Maintenance and repair of roads and bridges	-	-	-
Highway construction and rebuilding projects	1,196,005.56	-	1,196,005.56
Miscellaneous (Note 6)	-	1,659.46	1,659.46
	<hr/>	<hr/>	<hr/>
Total (To Section 2, Line 5)	<u>\$ 1,340,584.28</u>	<u>\$ 1,659.46</u>	<u>\$ 1,342,243.74</u>

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

TOWNSHIP OF BRISTOL
BUCKS 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	\$ 228,438.39	\$ -	\$ 228,438.39
Receipts:			
2. State allocation	1,150,183.25	-	1,150,183.25
2a. Turnback allocation	-	-	-
2b. Interest on investments (Note 3)	15,939.22	-	15,939.22
2c. Miscellaneous (Note 6)	-	1,659.44	1,659.44
3. Total receipts	<u>1,166,122.47</u>	<u>1,659.44</u>	<u>1,167,781.91</u>
4. Total funds available	<u>1,394,560.86</u>	<u>1,659.44</u>	<u>1,396,220.30</u>
5. Expenditures (Section 1)	<u>1,340,584.28</u>	<u>1,659.46</u>	<u>1,342,243.74</u>
6. Balance, December 31, 2008	<u><u>\$ 53,976.58</u></u>	<u><u>\$ (.02)</u></u>	<u><u>\$ 53,976.56</u></u>

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

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

<u>Equipment Balance</u>	<u>Reported</u>	<u>Adjustments</u>	<u>Adjusted Amount</u>
1. Prior year equipment balance	\$ 228,438.39	\$ -	\$ 228,438.39
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	230,036.65	-	230,036.65
3. PENNDOT approved adjustments	<u>-</u>	<u>-</u>	<u>-</u>
4. Total funds available for equipment acquisition	458,475.04	-	458,475.04
5. Less: Major equipment expenditures	<u>144,308.37</u>	<u>-</u>	<u>144,308.37</u>
6. Remainder	<u>314,166.67</u>	<u>-</u>	<u>314,166.67</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ 53,976.56</u>	<u>\$ -</u>	<u>\$ 53,976.56</u>

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

TOWNSHIP OF BRISTOL
BUCKS COUNTY
LIQUID FUELS TAX FUND
2009 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	\$ 109,195.28	\$ -	\$ 109,195.28
Minor equipment purchases	-	-	-
Computer/Computer related training	-	-	-
Agility projects	-	-	-
Cleaning streets and gutters	-	-	-
Winter maintenance services	-	-	-
Traffic control devices	-	-	-
Street lighting	-	-	-
Storm sewers and drains	-	-	-
Repairs of tools and machinery	-	-	-
Maintenance and repair of roads and bridges	-	-	-
Highway construction and rebuilding projects	884,882.55	1,224.80	886,107.35
Miscellaneous	-	-	-
	<hr/>	<hr/>	<hr/>
Total (To Section 2, Line 5)	<u>\$ 994,077.83</u>	<u>\$ 1,224.80</u>	<u>\$ 995,302.63</u>

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

TOWNSHIP OF BRISTOL
BUCKS COUNTY
LIQUID FUELS TAX FUND
2009 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, 2009	\$ 53,976.56	\$ -	\$ 53,976.56
Receipts:			
2. State allocation	1,107,207.51	-	1,107,207.51
2a. Turnback allocation	-	-	-
2b. Interest on investments (Note 3)	2,408.66	-	2,408.66
2c. Miscellaneous (Note 5)	-	1,224.80	1,224.80
3. Total receipts	<u>1,109,616.17</u>	<u>1,224.80</u>	<u>1,110,840.97</u>
4. Total funds available	<u>1,163,592.73</u>	<u>1,224.80</u>	<u>1,164,817.53</u>
5. Expenditures (Section 1)	<u>994,077.83</u>	<u>1,224.80</u>	<u>995,302.63</u>
6. Balance, December 31, 2009	<u><u>\$ 169,514.90</u></u>	<u><u>\$ -</u></u>	<u><u>\$ 169,514.90</u></u>

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

TOWNSHIP OF BRISTOL
BUCKS COUNTY
LIQUID FUELS TAX FUND
2009 FORM MS-965 – SECTION 3
WITH ADJUSTMENTS

<u>Equipment Balance</u>	<u>Reported</u>	<u>Adjustments</u>	<u>Adjusted Amount</u>
1. Prior year equipment balance	\$ 53,976.56	\$ -	\$ 53,976.56
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	221,441.50	-	221,441.50
3. PENNDOT approved adjustments	-	-	-
4. Total funds available for equipment acquisition	275,418.06	-	275,418.06
5. Less: Major equipment expenditures	109,195.28	-	109,195.28
6. Remainder	<u>166,222.78</u>	<u>-</u>	<u>166,222.78</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ 166,222.78</u>	<u>\$ -</u>	<u>\$ 166,222.78</u>

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

TOWNSHIP OF BRISTOL
BUCKS COUNTY
LIQUID FUELS TAX FUND
2010 FORM MS-965 – SECTION 1
WITH ADJUSTMENTS

<u>Expenditure Summary</u>	<u>Reported</u>	<u>Adjustments</u>	<u>Adjusted Amount</u>
Major equipment purchases	\$ 135,164.08	\$ -	\$ 135,164.08
Minor equipment purchases	-	-	-
Computer/Computer related training	-	-	-
Agility projects	-	-	-
Cleaning streets and gutters	-	-	-
Winter maintenance services	-	-	-
Traffic control devices	-	-	-
Street lighting	-	-	-
Storm sewers and drains	-	-	-
Repairs of tools and machinery	-	-	-
Maintenance and repair of roads and bridges	91,231.75	-	91,231.75
Highway construction and rebuilding projects	897,451.05	-	897,451.05
Miscellaneous	-	-	-
	<hr/>	<hr/>	<hr/>
Total (To Section 2, Line 5)	<u>\$ 1,123,846.88</u>	<u>\$ -</u>	<u>\$ 1,123,846.88</u>

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

TOWNSHIP OF BRISTOL
BUCKS COUNTY
LIQUID FUELS TAX FUND
2010 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, 2010	\$ 169,514.90	\$ -	\$ 169,514.90
Receipts:			
2. State allocation	1,064,816.04	-	1,064,816.04
2a. Turnback allocation	-	-	-
2b. Interest on investments (Note 3)	2,040.10	-	2,040.10
2c. Miscellaneous	-	-	-
3. Total receipts	<u>1,066,856.14</u>	<u>-</u>	<u>1,066,856.14</u>
4. Total funds available	<u>1,236,371.04</u>	<u>-</u>	<u>1,236,371.04</u>
5. Expenditures (Section 1)	<u>1,123,846.88</u>	<u>-</u>	<u>1,123,846.88</u>
6. Balance, December 31, 2010	<u><u>\$ 112,524.16</u></u>	<u><u>\$ -</u></u>	<u><u>\$ 112,524.16</u></u>

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

TOWNSHIP OF BRISTOL
BUCKS COUNTY
LIQUID FUELS TAX FUND
2010 FORM MS-965 – SECTION 3
WITH ADJUSTMENTS

<u>Equipment Balance</u>	<u>Reported</u>	<u>Adjustments</u>	<u>Adjusted Amount</u>
1. Prior year equipment balance	\$ 166,222.78	\$ -	\$ 166,222.78
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	212,963.21	-	212,963.21
3. PENNDOT approved adjustments	-	-	-
4. Total funds available for equipment acquisition	379,185.99	-	379,185.99
5. Less: Major equipment expenditures	135,164.08	-	135,164.08
6. Remainder	<u>244,021.91</u>	<u>-</u>	<u>244,021.91</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ 112,524.16</u>	<u>\$ -</u>	<u>\$ 112,524.16</u>

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

TOWNSHIP OF BRISTOL
BUCKS COUNTY
LIQUID FUELS TAX FUND
2011 FORM MS-965 – SECTION 1
WITH ADJUSTMENTS

<u>Expenditure Summary</u>	<u>Reported</u>	<u>Adjustments</u>	<u>Adjusted Amount</u>
Major equipment purchases	\$ 106,221.38	\$ -	\$ 106,221.38
Minor equipment purchases	-	-	-
Computer/Computer related training	-	-	-
Agility projects	-	-	-
Cleaning streets and gutters	-	-	-
Winter maintenance services	-	-	-
Traffic control devices	-	-	-
Street lighting	-	-	-
Storm sewers and drains	-	-	-
Repairs of tools and machinery	-	-	-
Maintenance and repair of roads and bridges	-	-	-
Highway construction and rebuilding projects	955,789.76	-	955,789.76
Miscellaneous	-	-	-
	<hr/>	<hr/>	<hr/>
Total (To Section 2, Line 5)	<u>\$ 1,062,011.14</u>	<u>\$ -</u>	<u>\$ 1,062,011.14</u>

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

TOWNSHIP OF BRISTOL
BUCKS COUNTY
LIQUID FUELS TAX FUND
2011 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, 2011	\$ 112,524.16	\$ -	\$ 112,524.16
Receipts:			
2. State allocation	1,089,231.15	-	1,089,231.15
2a. Turnback allocation	-	-	-
2b. Interest on investments (Note 3)	924.41	-	924.41
2c. Miscellaneous	-	-	-
3. Total receipts	<u>1,090,155.56</u>	<u>-</u>	<u>1,090,155.56</u>
4. Total funds available	<u>1,202,679.72</u>	<u>-</u>	<u>1,202,679.72</u>
5. Expenditures (Section 1)	<u>1,062,011.14</u>	<u>-</u>	<u>1,062,011.14</u>
6. Balance, December 31, 2011	<u><u>\$ 140,668.58</u></u>	<u><u>\$ -</u></u>	<u><u>\$ 140,668.58</u></u>

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

TOWNSHIP OF BRISTOL
BUCKS COUNTY
LIQUID FUELS TAX FUND
2011 FORM MS-965 – SECTION 3
WITH ADJUSTMENTS

<u>Equipment Balance</u>	<u>Reported</u>	<u>Adjustments</u>	<u>Adjusted Amount</u>
1. Prior year equipment balance	\$ 112,524.16	\$ -	\$ 112,524.16
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	217,846.23	-	217,846.23
3. PENNDOT approved adjustments	<u>-</u>	<u>-</u>	<u>-</u>
4. Total funds available for equipment acquisition	330,370.39	-	330,370.39
5. Less: Major equipment expenditures	<u>106,221.38</u>	<u>-</u>	<u>106,221.38</u>
6. Remainder	<u>224,149.01</u>	<u>-</u>	<u>224,149.01</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ 140,668.58</u>	<u>\$ -</u>	<u>\$ 140,668.58</u>

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

TOWNSHIP OF BRISTOL
BUCKS COUNTY
LIQUID FUELS TAX FUND
NOTES TO FORMS MS-965 WITH ADJUSTMENTS
FOR THE PERIOD
JANUARY 1, 2008 TO DECEMBER 31, 2011

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 prior to 2012 and in excess of \$10,000.00 during 2012 and subsequent years.
- Minor equipment purchases are purchases of road machinery and road equipment that cost \$4,000.00 or less prior to 2012 and \$10,000.00 or less during 2012 and subsequent years.
- 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.

TOWNSHIP OF BRISTOL
BUCKS COUNTY
LIQUID FUELS TAX FUND
NOTES TO FORMS MS-965 WITH ADJUSTMENTS
FOR THE PERIOD
JANUARY 1, 2008 TO DECEMBER 31, 2011

1. Criteria (Continued)

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.

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 BRISTOL
BUCKS COUNTY
LIQUID FUELS TAX FUND
NOTES TO FORMS MS-965 WITH ADJUSTMENTS
FOR THE PERIOD
JANUARY 1, 2008 TO DECEMBER 31, 2011

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 First Class Township Code, Title 53 P.S § 56705.1, 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, 2011. 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 BRISTOL
BUCKS COUNTY
LIQUID FUELS TAX FUND
NOTES TO FORMS MS-965 WITH ADJUSTMENTS
FOR THE PERIOD
JANUARY 1, 2008 TO DECEMBER 31, 2011

2. Deposits (Continued)

Fund Balance

The fund balance as of December 31, 2011 consists of the following:

Cash	\$140,668.58
------	--------------

3. Interest On Investments

Our examination disclosed that the municipality deposited idle liquid fuels tax money in an interest-bearing account which earned \$15,939.22 during 2008, \$2,408.66 during 2009, \$2,040.10 during 2010, and \$924.41 during 2011, thus providing additional funds for road maintenance and repairs.

4. Adjustments

2008 - Section 1

An adjustment of \$1,659.46 was made to “Miscellaneous” because a bank error was not reported.

2008 - Section 2

An adjustment of \$1,659.44 was made to “Miscellaneous” because the correction of a bank error was not reported.

2009 - Section 1

An adjustment of \$1,224.80 was made to “Highway construction and rebuilding projects” because these expenditures were understated.

2009 - Section 2

An adjustment of \$1,224.80 was made to “Miscellaneous” because these receipts were not reported.

TOWNSHIP OF BRISTOL
 BUCKS COUNTY
 LIQUID FUELS TAX FUND
 NOTES TO FORMS MS-965 WITH ADJUSTMENTS
 FOR THE PERIOD
 JANUARY 1, 2008 TO DECEMBER 31, 2011

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>2009</u>
Vendor	Refund for road materials	\$1,222.80
General Fund	Grant from General Fund	<u>2.00</u>
Total		<u>\$1,224.80</u>

6. Bank Error

On December 24, 2008, the municipality's financial institution deducted \$1,659.46 from the Liquid Fuels Tax Fund in error. On December 29, 2008, the financial institution reimbursed \$1,659.44 to the Liquid Fuels Tax Fund to correct the error, which is \$.02 less than the amount deducted.

7. Lease-Purchase Agreement

On May 22, 2006, the municipality entered into a lease-purchase agreement with General Electric Capital Corporation to purchase a 2006 Ingersoll Rand paver for \$247,645.00. The agreement was for a term of five years at an interest rate of 4.90 percent. Principal and interest payments of \$4,662.03 are due monthly. Prior years' principal and interest payments from the Liquid Fuels Tax Fund were \$64,133.22 and \$14,421.99, respectively. Additionally, the municipality paid principal of \$3,912.69 and interest of \$739.34 from the General Fund.

During the current examination period the municipality paid principal of \$179,599.09 and interest of \$16,150.49 from the Liquid Fuels Tax Fund. These amounts are reflected in major equipment purchases on the 2008, 2009, 2010, and 2011 Forms MS-965 - Section 1. The lease-purchase agreement was paid-in-full on June 1, 2011.

TOWNSHIP OF BRISTOL
BUCKS COUNTY
LIQUID FUELS TAX FUND
NOTES TO FORMS MS-965 WITH ADJUSTMENTS
FOR THE PERIOD
JANUARY 1, 2008 TO DECEMBER 31, 2011

8. Lease-Purchase Agreement

On May 16, 2006, the municipality entered into a lease-purchase agreement with General Electric Capital Corporation to purchase a 2006 Ingersoll Rand compactor for \$35,800.00. The agreement was for a term of five years at an interest rate of 4.90 percent. Principal and interest payments of \$673.95 are due monthly. Prior years' principal and interest payments from the Liquid Fuels Tax Fund were \$8,161.22 and \$1,848.64, respectively. Additionally, prior years' principal and interest payments from the General Fund were \$1,644.65 and \$377.20, respectively.

During the current examination period the municipality paid principal of \$25,994.13 and interest of \$2,311.77 from the Liquid Fuels Tax Fund. These amounts are reflected in major equipment purchases on the 2008, 2009, 2010, and 2011 Forms MS-965 - Section 1. The lease-purchase agreement was paid-in-full on July 1, 2011.

9. Lease-Purchase Agreement

On May 16, 2006, the municipality entered into a lease-purchase agreement with General Electric Capital Corporation to purchase a 2006 Ingersoll Rand roller for \$88,150.00. The agreement was for a term of five years at an interest rate of 4.90 percent. Principal and interest payments of \$1,659.46 are due monthly. Prior years' principal and interest payments from the Liquid Fuels Tax Fund were \$17,494.94 and \$4,078.04, respectively. Additionally, prior years' principal and interest payments from the General Fund were \$4,034.22 and \$944.16, respectively.

During the current examination period the municipality paid principal of \$66,620.84 and interest of \$6,198.47 from the Liquid Fuels Tax Fund. These amounts are reflected in major equipment purchases on the 2008, 2009, 2010, and 2011 Forms MS-965 - Section 1. The lease-purchase agreement was paid-in-full on July 26, 2011.

TOWNSHIP OF BRISTOL
BUCKS COUNTY
LIQUID FUELS TAX FUND
NOTES TO FORMS MS-965 WITH ADJUSTMENTS
FOR THE PERIOD
JANUARY 1, 2008 TO DECEMBER 31, 2011

10. Lease-Purchase Agreement

On May 19, 2010, the municipality entered into a lease-purchase agreement with TD Equipment Finance to purchase a Johnson model VT650 street sweeper for \$203,500.00. The agreement was for a term of three years at an interest rate of 3.70 percent. Principal and interest payments of \$67,925.26 are due annually.

During the current examination period the municipality paid principal of \$63,055.11 and interest of \$4,870.15 from the Liquid Fuels Tax Fund (see Finding). These amounts are reflected in major equipment purchases on the 2011 Form MS-965 - Section 1. Additionally, the municipality paid principal of \$75,000.00 and interest of \$50.00 from the General Fund. The outstanding balance of the lease-purchase agreement as of December 31, 2011 was \$65,444.89, plus interest.

TOWNSHIP OF BRISTOL
BUCKS COUNTY
LIQUID FUELS TAX FUND
FINDING AND RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2008 TO DECEMBER 31, 2011

Finding - Purchase Of Used Equipment From COSTARS Contract

Our examination disclosed that on May 19, 2010 the municipality purchased a 2008 Johnson model VT650 street sweeper for \$203,500.00. The municipality entered into lease-purchase agreement with TD Equipment Finance to purchase the sweeper. The municipality made one payment of \$67,925.26 from the Liquid Fuels Tax Fund on May 11, 2011 (see Note 10). The sweeper was purchased through a COSTARS contract. COSTARS is a program run by the Department of General Services that permits municipalities to purchase from state contracts. The sweeper was used as a demo, which defines the equipment as used. However, only new and/or remanufactured equipment is eligible to be purchased from COSTARS contracts. Therefore, the lease-purchase payments for the street sweeper were not eligible to be paid from the Liquid Fuels Tax Fund.

The above expenditure was not made in compliance with the contractor's terms and conditions of COSTARS section I.13 IFB.1 New Equipment (Nov 2006), which states:

Unless otherwise specified in this invitation for bids, all products offered by bidders must be new or remanufactured. A "new" product is one that will be used first by the Commonwealth after it is manufactured or produced. A "remanufactured" product is one which: 1) has been rebuilt, using new or used parts, to a condition which meets the original manufacturer's most recent specifications for the item: 2) does not, in the opinion of the issuing Office, differ in appearance from a new item: and 3) has the same warranty as a new item. Unless otherwise specified in this invitation for bids, used or reconditioned products are not acceptable. This clause shall not be construed to prohibit bidders from offering products with recycled content, provided the product is new or remanufactured.

Because the municipality did not purchase a new product the above purchase was 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.

The failure to comply with the terms and conditions of COSTARS contract and *The Second Class Township Code* could result in the township having to reimburse \$67,925.26 to its Liquid Fuels Tax Fund.

TOWNSHIP OF BRISTOL
BUCKS COUNTY
LIQUID FUELS TAX FUND
FINDING AND RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2008 TO DECEMBER 31, 2011

Finding - Purchase Of Used Equipment From COSTARS Contract (Continued)

Recommendations

We recommend that the township reimburse \$67,925.26 to its Liquid Fuels Tax Fund upon official notification by the Department of Transportation.

We also recommend that the township comply with the terms and conditions of COSTARS contracts and *The Second Class Township Code* as stated above.

Management's Response

The interim finance officer stated:

We do not agree with the finding as promulgated. Our position is that the vehicle in question was never titled to anyone and thus meets the definition of new equipment under the law. Its "use" by the dealer was purely of a promotional nature and not within the construct of using the equipment in the traditional sense that this equipment would be used.

Auditor's Conclusion

The township purchased a 2008 Allianz Johnston street sweeper on May 19, 2010. The vendor used the street sweeper as a demo, which defines the equipment as used. Used equipment cannot be purchased from the COSTARS contract. The Department of Transportation will determine if the municipality should reimburse \$67,925.26 to its Liquid Fuels Tax Fund. During our next examination we will determine if the municipality complied with our recommendations.

TOWNSHIP OF BRISTOL
BUCKS COUNTY
LIQUID FUELS TAX FUND
SUMMARY OF EXIT CONFERENCE
FOR THE PERIOD
JANUARY 1, 2008 TO DECEMBER 31, 2011

An exit conference was held February 7, 2013. Those participating were:

TOWNSHIP OF BRISTOL

Ms. Lisa Strong, Administrative Assistant Public Works

Ms. Gail Gordon, Former Finance Director

DEPARTMENT OF THE AUDITOR GENERAL

Mr. Matthew R. Hotchkiss, Auditor

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

TOWNSHIP OF BRISTOL
BUCKS COUNTY
LIQUID FUELS TAX FUND
REPORT DISTRIBUTION
FOR THE PERIOD
JANUARY 1, 2008 TO DECEMBER 31, 2011

This report was initially distributed to:

The Honorable Barry J. Schoch, P.E.
Secretary
Department of Transportation

Township of Bristol
Bucks County
2501 Bath Road
Bristol, PA 19007

The Honorable Bob Lewis

President of Council

Mr. Francis Phillips

Finance Director

Ms. Lisa Strong

Administrative Assistant Public Works

This report is a matter of public record and is available online at <http://www.auditorgen.state.pa.us>. Media questions about the report can be directed to the Pennsylvania Department of the Auditor General, Office of Communications, 231 Finance Building, Harrisburg, PA 17120; via email to: news@auditorgen.state.pa.us.