

ATTESTATION ENGAGEMENT

Borough of Mansfield
Tioga County, Pennsylvania
58-406
Liquid Fuels Tax Fund
For the Period
January 1, 2014 to December 31, 2015

December 2016



Commonwealth of Pennsylvania
Department of the Auditor General
Eugene A. DePasquale • Auditor General



Commonwealth of Pennsylvania
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EUGENE A. DePASQUALE
AUDITOR GENERAL

Independent Auditor's Report

The Honorable Leslie Richards
Secretary
Department of Transportation
Harrisburg, PA 17120

We examined the accompanying Forms MS-965 With Adjustments for the Liquid Fuels Tax Fund of the Borough of Mansfield, Tioga County, for the period January 1, 2014 to December 31, 2015. 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 Borough of Mansfield, Tioga County's Forms MS-965 for the period January 1, 2014 to December 31, 2015 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 Finding No. 1, the borough expended \$34,835.96 during 2014 and \$32,780.61 during 2015 from its Liquid Fuels Tax Fund for paving material and contracting work without advertising for bids. Additionally, as discussed in Finding No. 2, the borough expended \$23,490.47 during 2014 and \$13,863.22 during 2015 from the Liquid Fuels Tax Fund in excess of the approved amount for road construction projects.

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 Borough of Mansfield, Tioga County, for the period January 1, 2014 to December 31, 2015, in conformity with the criteria set forth in Note 1.

In accordance with *Government Auditing Standards*, we are required to report all deficiencies that are considered to be significant deficiencies or material weaknesses in internal control; fraud and noncompliance with provisions of laws or regulations that have a material effect on the Forms MS-965; and any other instances that warrant the attention of those charged with governance; noncompliance with provisions of contracts or grant agreements, and abuse that has a material effect on the Forms MS-965. We are also required to obtain and report the views of responsible officials concerning the findings, conclusions, and recommendations, as well as any planned corrective actions. 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 internal control over reporting on the Forms MS-965 or on compliance and other matters; accordingly, we express no such opinions.

A deficiency in internal control 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 and correct, misstatements on a timely basis. *A material weakness* is a deficiency, or combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the Forms MS-965 will not be prevented, or detected and corrected, on a timely basis. *A significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over reporting on the Forms MS-965 was for the limited purpose of expressing an opinion on whether the Forms MS-965 are presented in accordance with the criteria described above and would not necessarily identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our engagement we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Independent Auditor's Report (Continued)

As part of obtaining reasonable assurance about whether the Forms MS-965 are free from material misstatement, we performed tests of the Borough of Mansfield, Tioga County's compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of amounts on the Forms MS-965. However, providing an opinion on compliance with those provisions was not an objective of our engagement, and accordingly, we do not express such an opinion. The results of our tests disclosed the following instances of noncompliance are required to be reported under *Government Auditing Standards*:

- Noncompliance With Advertisement And Bidding Requirements.
- Liquid Fuels Money Over Expended On Projects - Recurring.

We are concerned that the municipality failed to correct our prior examination finding for over expending Liquid Fuels Tax Fund money on a project. During our current examination period the municipality failed to advertise for bids and over expended Liquid Fuels Tax Fund money on a project. The failure to comply with *The Borough Code* and the Department of Transportation's Regulations could result in the borough having to reimburse \$67,616.57 to its Liquid Fuels Tax Fund. The municipality should strive to comply with the recommendations and corrective actions noted in this report.

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

We appreciate the courtesy extended by the Borough of Mansfield to us during the course of our examination. If you have any questions, please feel free to contact Michael B. Kashishian, CPA, CGAP, CFE, Director, Bureau of County Audits, at 717-787-1363.



Eugene A. DePasquale
Auditor General

September 20, 2016

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BOROUGH OF MANSFIELD
TIOGA COUNTY
LIQUID FUELS TAX FUND
BACKGROUND
FOR THE PERIOD
JANUARY 1, 2014 TO DECEMBER 31, 2015

Background

The Liquid Fuels Tax Municipal Allocation Law, Act 655 of 1956, as amended, (72 P.S. § 2615.5 et seq.), 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 their allocation of Liquid Fuels Tax funds 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. Department of Transportation's *Publication 9* includes the policies and procedures for the administration of Act 655, as amended, and the Liquid Fuels Tax Fund money. However, if there is a difference between *Publication 9* and any legislation, the legislation shall govern.

To qualify for the annual allocation of Liquid Fuels Tax funds, *Publication 9* indicates that each municipality shall:

1. Submit annual reports (MS-965, Actual Use Report, MS-965P, Project and Miscellaneous Receipts, and MS-965S, Record of Checks).
2. Make deposits and payments or expenditures in compliance with Act 655 of 1956, as amended. Failure to do so may result in not receiving allocations from PennDOT until all discrepancies are resolved. *Publication 9*, Section 2.6, includes information about investing Liquid Fuels Tax monies, using loan or bond proceeds, and types of receipts into the Liquid Fuels Tax Fund.

BOROUGH OF MANSFIELD
TIOGA COUNTY
LIQUID FUELS TAX FUND
BACKGROUND
FOR THE PERIOD
JANUARY 1, 2014 TO DECEMBER 31, 2015

Background (Continued)

3. Submit the Pennsylvania Department of Community and Economic Development's (DCED) Report of Elected and Appointed Officials by January 31st and the Survey of Financial Condition By March 15th.
4. Insure resolution of all Contractor Responsibility Program (CRP) holds and blocks imposed by the Department of Revenue and the Department of Labor and Industry.
5. Insure resolution of all reimbursements required as a result of audits performed by the Department of the Auditor General or monitoring reviews performed by the Department of Transportation's Financial Consultants.

BOROUGH OF MANSFIELD
TIOGA COUNTY
LIQUID FUELS TAX FUND
2014 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	\$ -	\$ -	\$ -
Minor equipment purchases	3,494.65	(3,494.65)	-
Computer/Computer related training	-	-	-
Agility projects	-	-	-
Cleaning streets and gutters	1,415.57	(1,415.57)	-
Winter maintenance services	12,271.15	-	12,271.15
Traffic control devices	813.90	-	813.90
Street lighting	10,383.96	-	10,383.96
Storm sewers and drains	-	-	-
Repairs of tools and machinery	106.80	4,910.22	5,017.02
Maintenance and repair of roads and bridges	38,471.43	(23,490.46)	14,980.97
Highway construction and rebuilding projects	11,345.50	23,490.46	34,835.96
Miscellaneous	-	-	-
 Total (To Section 2, Line 5)	 <u>\$ 78,302.96</u>	 <u>\$ -</u>	 <u>\$ 78,302.96</u>

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

BOROUGH OF MANSFIELD
TIOGA COUNTY
LIQUID FUELS TAX FUND
2014 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, 2014	\$ 65,678.55	\$ -	\$ 65,678.55
Receipts:			
2. State allocation	72,494.60	-	72,494.60
2a. Turnback allocation	-	-	-
2b. Interest on investments (Note 3)	106.13	-	106.13
2c. Miscellaneous (Note 5)	10,329.44	-	10,329.44
3. Total receipts	<u>82,930.17</u>	<u>-</u>	<u>82,930.17</u>
4. Total funds available	<u>148,608.72</u>	<u>-</u>	<u>148,608.72</u>
5. Expenditures (Section 1)	<u>78,302.96</u>	<u>-</u>	<u>78,302.96</u>
6. Balance, December 31, 2014	<u>\$ 70,305.76</u>	<u>\$ -</u>	<u>\$ 70,305.76</u>

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

BOROUGH OF MANSFIELD
TIOGA COUNTY
LIQUID FUELS TAX FUND
2014 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	\$ 35,659.09	\$ -	\$ 35,659.09
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	14,498.92	-	14,498.92
3. PENNDOT approved adjustments	<u>-</u>	<u>-</u>	<u>-</u>
4. Total funds available for equipment acquisition	50,158.01	-	50,158.01
5. Less: Major equipment expenditures	<u>-</u>	<u>-</u>	<u>-</u>
6. Remainder	<u>50,158.01</u>	<u>-</u>	<u>50,158.01</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ 50,158.01</u>	<u>\$ -</u>	<u>\$ 50,158.01</u>

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

BOROUGH OF MANSFIELD
TIOGA COUNTY
LIQUID FUELS TAX FUND
2015 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	\$ -	\$ -	\$ -
Minor equipment purchases	-	-	-
Computer/Computer related training	-	-	-
Agility projects	-	-	-
Cleaning streets and gutters	858.78	(858.78)	-
Winter maintenance services	12,507.26	-	12,507.26
Traffic control devices	1,831.86	-	1,831.86
Street lighting	10,497.11	-	10,497.11
Storm sewers and drains	-	-	-
Repairs of tools and machinery	-	858.78	858.78
Maintenance and repair of roads and bridges	16,394.02	(13,863.22)	2,530.80
Highway construction and rebuilding projects	18,917.39	13,863.22	32,780.61
Miscellaneous	-	-	-
 Total (To Section 2, Line 5)	 <u>\$ 61,006.42</u>	 <u>\$ -</u>	 <u>\$ 61,006.42</u>

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

BOROUGH OF MANSFIELD
TIOGA COUNTY
LIQUID FUELS TAX FUND
2015 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, 2015	\$ 70,305.76	\$ -	\$ 70,305.76
Receipts:			
2. State allocation	79,861.92	-	79,861.92
2a. Turnback allocation	-	-	-
2b. Interest on investments (Note 3)	127.72	-	127.72
2c. Miscellaneous (Note 5)	19,650.49	-	19,650.49
3. Total receipts	<u>99,640.13</u>	<u>-</u>	<u>99,640.13</u>
4. Total funds available	<u>169,945.89</u>	<u>-</u>	<u>169,945.89</u>
5. Expenditures (Section 1)	<u>61,006.42</u>	<u>-</u>	<u>61,006.42</u>
6. Balance, December 31, 2015	<u>\$ 108,939.47</u>	<u>\$ -</u>	<u>\$ 108,939.47</u>

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

BOROUGH OF MANSFIELD
TIOGA COUNTY
LIQUID FUELS TAX FUND
2015 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	\$ 50,158.01	\$ -	\$ 50,158.01
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	15,972.38	-	15,972.38
3. PENNDOT approved adjustments	<u>-</u>	<u>-</u>	<u>-</u>
4. Total funds available for equipment acquisition	66,130.39	-	66,130.39
5. Less: Major equipment expenditures	<u>-</u>	<u>-</u>	<u>-</u>
6. Remainder	<u>66,130.39</u>	<u>-</u>	<u>66,130.39</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ 66,130.39</u>	<u>\$ -</u>	<u>\$ 66,130.39</u>

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

BOROUGH OF MANSFIELD
TIOGA COUNTY
LIQUID FUELS TAX FUND
NOTES TO FORMS MS-965 WITH ADJUSTMENTS
FOR THE PERIOD
JANUARY 1, 2014 TO DECEMBER 31, 2015

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 with varying yearly costs in excess of the amounts indicated below:

2012	2013	2014	2015/2016
\$10,000.00	\$10,200.00	\$10,300.00	\$10,500.00

- Minor equipment purchases are purchases of road machinery and road equipment with varying yearly costs, or less, than the amounts indicated below:

2012	2013	2014	2015/2016
\$10,000.00	\$10,200.00	\$10,300.00	\$10,500.00

- 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 was received from the Department of Transportation in March of each year beginning in 2014. The amount the municipality receives is based half on its population and half on its road mileage.
- The turnback allocation was received from the Department of Transportation in March of each year beginning in 2014. 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.

BOROUGH OF MANSFIELD
TIOGA COUNTY
LIQUID FUELS TAX FUND
NOTES TO FORMS MS-965 WITH ADJUSTMENTS
FOR THE PERIOD
JANUARY 1, 2014 TO DECEMBER 31, 2015

1. Criteria (Continued)

Section 2 (Continued)

- 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.

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.

BOROUGH OF MANSFIELD
TIOGA COUNTY
LIQUID FUELS TAX FUND
NOTES TO FORMS MS-965 WITH ADJUSTMENTS
FOR THE PERIOD
JANUARY 1, 2014 TO DECEMBER 31, 2015

1. Criteria (Continued)

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.

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 Borough Code, Title 53 P.S. § 46316, authorizes the borough 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 total capital surplus or 20 percent of a savings and loan 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.

BOROUGH OF MANSFIELD
TIOGA COUNTY
LIQUID FUELS TAX FUND
NOTES TO FORMS MS-965 WITH ADJUSTMENTS
FOR THE PERIOD
JANUARY 1, 2014 TO DECEMBER 31, 2015

2. Deposits (Continued)

There were no deposits exposed to custodial credit risk as of December 31, 2015. 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.

Fund Balance

The fund balance as of December 31, 2015, consists of the following:

Cash	<u>\$108,939.47</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 \$106.13 during 2014, and \$127.72 during 2015, thus providing additional funds for road maintenance and repairs.

4. Adjustments

2014 - Section 1

Adjustments were made to "Minor equipment purchases," "Cleaning streets and gutters," and "Repairs of tools and machinery" because expenditures of \$4,910.22 were misclassified.

Adjustments were made to "Maintenance and repair of roads and bridges" and "Highway construction and rebuilding projects" because expenditures of \$23,490.46 were misclassified.

BOROUGH OF MANSFIELD
TIOGA COUNTY
LIQUID FUELS TAX FUND
NOTES TO FORMS MS-965 WITH ADJUSTMENTS
FOR THE PERIOD
JANUARY 1, 2014 TO DECEMBER 31, 2015

4. Adjustments (Continued)

2015 - Section 1

Adjustments were made to “Cleaning streets and gutters” and “Repairs of tools and machinery” because expenditures of \$858.78 were misclassified.

Adjustments were made to “Maintenance and repair of roads and bridges” and “Highway construction and rebuilding projects” because expenditures of \$13,863.22 were misclassified.

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>2014</u>	<u>2015</u>
Department of Transportation	Reimbursement for street lighting	\$ 1,272.56	\$ 1,282.01
Insurance company	Street light repairs	6,628.93	6,522.48
Tioga County	County Aid	2,427.95	5,923.00
General Fund	Reimbursement (Summary Of Prior Examination Recommendations)	-	5,923.00
		<u>-</u>	<u>5,923.00</u>
Total		<u>\$10,329.44</u>	<u>\$19,650.49</u>

BOROUGH OF MANSFIELD
TIOGA COUNTY
LIQUID FUELS TAX FUND
FINDINGS AND RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2014 TO DECEMBER 31, 2015

Finding No. 1 - Noncompliance With Advertising And Bidding Requirements

Our examination disclosed that the borough expended \$34,835.96 during 2014 and \$32,780.61 during 2015 from the Liquid Fuels Tax Fund for paving material and contracting work on various borough streets 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>	<u>Totals</u>
339388RI	08/23/14	471	09/26/14	8,636.89	
346980RI	08/30/14	471	09/26/14	2,708.61	
603839	09/04/14	472	09/26/14	5,538.46	
511	09/02/14	473	09/26/14	\$17,952.00	
2014 Total					\$34,835.96
986	10/06/15	506	10/27/15	18,917.39	
578879	09/26/15	507	10/27/15	1,622.48	
582776	09/30/15	507	10/27/15	5,547.05	
584229	10/03/15	507	10/27/15	6,927.52	
589328	10/10/15	507	10/27/15	(233.83)	
2015 Total					\$32,780.61
Two Year Total					\$67,616.57

The above expenditures were not made in compliance with the advertising, bidding, and contract requirements of *The Borough Code*, 53 P.S. § 46402(a), (also found at § 1402(a) of *The Borough Code* as published by the Local Government Commission), which requires that purchases made over \$18,500.00 during 2012 must be advertised, bid, and awarded by contract. The bidding threshold increased to purchases over \$19,100.00 for 2014 and \$19,400.00 for 2015 and 2016. *The Borough Code*, 53 P.S. § 46403(a), (also found at § 1403(a) of *The Borough 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 Borough Code* could result in the borough having to reimburse \$67,616.57 to its Liquid Fuels Tax Fund.

These expenditures were also included in Finding No. 2.

BOROUGH OF MANSFIELD
TIOGA COUNTY
LIQUID FUELS TAX FUND
FINDINGS AND RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2014 TO DECEMBER 31, 2015

Finding No. 1 - Noncompliance With Advertising And Bidding Requirements (Continued)

Recommendations

We recommend that the borough reimburse \$67,616.57 to its Liquid Fuels Tax Fund upon official notification by the Department of Transportation.

We further recommend that, in the future, the borough complies with *The Borough Code* as noted in this finding.

Management's Response

The municipal officials stated:

We understand the finding this should have been put out to bid as one project, not separate. We had asked our municipal representative and we were told/approved to do it the way we did.

Auditor's Conclusion

Because the cost of the street repairs was over the bidding threshold both years, the work done each year should have been bid. The Department of Transportation will determine if the municipality is required to reimburse \$67,616.57 to its Liquid Fuels Tax Fund. During our next examination we will determine if the municipality complied with our recommendations.

BOROUGH OF MANSFIELD
TIOGA COUNTY
LIQUID FUELS TAX FUND
FINDINGS AND RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2014 TO DECEMBER 31, 2015

Finding No. 2 - Liquid Fuels Money Over Expended On Projects - Recurring

In our prior report we cited the municipality for over expending Liquid Fuels Tax Fund money on a project. Our current examination disclosed that the municipality expended \$34,835.96 of Liquid Fuels Tax Fund money on construction project No.14-58406-001 and \$32,780.61 for project No. 15-58406-003. These expenditures were also included in Finding No. 1. However, the amount of Liquid Fuels Tax Fund money approved by the Department of Transportation to be expended from the Liquid Fuels Tax Fund for these projects was \$11,345.49 and \$18,917.39, respectively. The differences of \$23,490.47 and \$13,863.22, respectively, should have been paid directly from the General Fund.

The Department of Transportation's Regulations do not permit a municipality to expend Liquid Fuels Tax Fund money in excess of the amount approved on Municipal Services Completion Report Form MS-999.

The failure to comply with the Department of Transportation's Regulations could result in the municipality having to reimburse \$37,353.69 to its Liquid Fuels Tax Fund.

This condition occurred because the municipality failed to comply with our prior examination to expend only the approved amount of Liquid Fuels Tax Fund money on road construction projects.

Recommendations

If the Department of Transportation does not require reimbursement for Finding No. 1, we recommend that the municipality reimburse \$37,353.69 to its Liquid Fuels Tax Fund upon official notification by the Department of Transportation.

We again recommend that, in the future, the municipality expend only the approved amount of Liquid Fuels Tax Fund money on road construction projects.

Management's Response

The municipal officials stated:

We didn't realize that we needed a project for 2014 and a project for 2015 for all the work that was done with Liquid Fuels Funds.

BOROUGH OF MANSFIELD
TIOGA COUNTY
LIQUID FUELS TAX FUND
FINDINGS AND RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2014 TO DECEMBER 31, 2015

Finding No. 2 - Liquid Fuels Money Over Expended On Projects - Recurring (Continued)

Auditor's Conclusion

The municipality should not expend Liquid Fuels Tax Fund money in excess of the approved amount for road projects. The Department of Transportation will determine if the municipality is required to reimburse \$67,616.57 to its Liquid Fuels Tax Fund. During our next examination we will determine if the municipality complied with our recommendations.

BOROUGH OF MANSFIELD
TIOGA COUNTY
LIQUID FUELS TAX FUND
SUMMARY OF PRIOR EXAMINATION RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2014 TO DECEMBER 31, 2015

Summary Of Prior Examination Recommendations

In our prior report we recommended that the Department of Transportation review our examination finding to determine if the municipality should reimburse \$5,923.00 to its Liquid Fuels Tax Fund for Liquid Fuels Money being over expended on a construction project.

During our current examination we reviewed a letter dated May 6, 2015, from the Department of Transportation informing the municipality to reimburse \$5,923.00 to its Liquid Fuels Tax Fund. We noted that the municipality reimbursed this amount to its Liquid Fuels Tax Fund on May 8, 2015.

In our prior report we also recommended that the municipality expend only the approved amount of Liquid Fuels Tax Fund money on road construction projects.

During our current examination, we noted that the municipality did not comply with our recommendation (See Finding No. 2).

BOROUGH OF MANSFIELD
TIOGA COUNTY
LIQUID FUELS TAX FUND
SUMMARY OF EXIT CONFERENCE
FOR THE PERIOD
JANUARY 1, 2014 TO DECEMBER 31, 2015

An exit conference was held August 23, 2016. Those participating were:

BOROUGH OF MANSFIELD

Ms. Lynnette M. Hoyt, Secretary/Treasurer/Director of Finance

DEPARTMENT OF THE AUDITOR GENERAL

Ms. Vicki Baker, Auditor

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

BOROUGH OF MANSFIELD
TIOGA COUNTY
LIQUID FUELS TAX FUND
REPORT DISTRIBUTION
FOR THE PERIOD
JANUARY 1, 2014 TO DECEMBER 31, 2015

This report was initially distributed to:

The Honorable Leslie Richards
Secretary
Department of Transportation

Borough of Mansfield
Tioga County
14 South Main Street
Mansfield, PA 16933

The Honorable Heather Morgan
President of Council

Ms. Lynnette M. Hoyt
Secretary/Treasurer/Director of Finance

This report is a matter of public record and is available online at www.PaAuditor.gov. Media questions about the report can be directed to the Pennsylvania Department of the Auditor General, Office of Communications, 229 Finance Building, Harrisburg, PA 17120; via email to: news@PaAuditor.gov.