

**State of Delaware
Lake Forest School District**

Capital Projects Funds
Agreed-Upon Procedures Engagement

Fiscal Year Ended June 30, 2010

State of Delaware
Lake Forest School District

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Independent Accountants' Report

To the Specified Users of the Report:

Daniel D. Curry, Ed.D.
Superintendent
Lake Forest School District
5423 Killens Pond Road
Felton, DE 19943-9801

The Honorable Lillian Lowery, Ed.D.
Secretary, Department of Education
State of Delaware
Townsend Building, Suite 2
401 Federal Street
Dover, DE 19901

We have performed the procedures enumerated below, which were agreed to by the Office of Auditor of Accounts (AOA) and the specified users of the report, as identified above, and as defined within the applicable laws of the State of Delaware. The agreed upon procedures were conducted solely to assist the specified parties in evaluating the Lake Forest School District's (the School District) compliance with criteria from the *State of Delaware Capital Asset Policy Manual*, the *State of Delaware Department of Education School Construction Technical Assistance Manual*, the *Delaware Code*, and the *State of Delaware Budget and Accounting Policy Manual* relative to the school construction projects recorded under Capital Projects funds (fund 300 series) and administered by the School District for the year ended June 30, 2010 (See Appendix A). Management is responsible for the School District's compliance with the requirements.

These agreed-upon procedures were conducted in accordance with *Government Auditing Standards*, issued by the Comptroller General of the United States and the attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of these procedures is solely the responsibility of the specified users of the report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

Our procedures and results were as follows:

Procedure 1: In order to determine if the School District's policies and procedures in place to identify, track and record capital assets, are adequate, we documented our understanding of the School District's internal controls relating to construction, including the identification of the personnel responsible for financial transactions and management functions. We then compared the documented internal controls to the relevant provisions of the *State of Delaware Budget and Accounting Manual*, *Department of Education School Construction Manual*, *State of Delaware Fixed Asset Policy Manual*, and the *Delaware Code*.

Results: We found no exceptions as a result of the procedures.

Procedure 2: In order to evaluate that the School District's construction project records and files were complete, we used the Construction Project Checklist (which is a detailed listing of the documentation required for construction projects) provided by the Office of Auditor of Accounts for new and existing construction projects. We also obtained a list of bid files from the Business & Finance Director which consisted of two files for two active construction projects and tested for 23 attributes (See Appendix B). We also obtained a list of change-orders from the Supervisor of Facilities Management which consisted of nine items totaling \$318,584.51 and examined 100% of the change orders for seven attributes (See Appendix B). We also obtained a list of purchase orders from Delaware Financial Management System (DFMS) report #F25RF605, *Cumulative Year to Date Statement of Budgetary Activity and Account Balances*, which identified 26 purchase orders totaling \$5,436,032.44. We tested all purchase orders greater than \$2,500 (22 purchase orders totaling \$5,432,363.80) for three attributes (See Appendix B).

Results: Our procedures resulted in Findings 10-1 and 10-2.

Finding: 10-1: In two cases, verbal notifications of the award of a contract were given to a general contractor rather than written letters of award. Title 29, §6962(d)(13)a of the Delaware Code requires that letters of award be sent to successful bidders within 60 days after opening of sealed bids.

Cause: Lake Forest School District's procedures do not include a requirement to notify successful bidders in writing. The School District policy is to notify verbally and not in writing.

Effect: This oversight could result in miscommunication between successful bidders and the School District which could result in contract disputes or failure to execute the contract in the time allowed.

Recommendation: The School District should change their policy to conform with the *Delaware Code*.

School District Response: The District will change our policy to conform with *Delaware Code* requirements to include notifying the successful bidder in writing.

Finding: 10-2: One change order (dated 5/20/10 for the High School Renovation project) had not been approved by the local board of education as required by the *School Construction Technical Assistance Manual*, Section 2.0, Paragraph 7.2.1.

Cause: The School District failed to seek Board approval.

Effect: Failure to approve and document the change orders could result in executing change orders without the knowledge and approval of the Architect, School District, Contractor, and/or local Board of Education.

Recommendation: The School District should develop a policy and procedure that ensures all Change Orders are identifiable, obtain all needed approvals and are adequately documented.

School District Response: All change orders requiring additional funds are approved by the Board of Education. This particular change order was a decrease to the original change order and was not approved by the board of education because additional funds did not need to be obligated. The District actually was able to decrease its obligation to the vendor. The District will ensure that all change orders increases or decreases will be approved by the board of education.

Procedure 3: In order to determine if expenditures were accurately stated in accordance with the *State of Delaware Capital Asset Policy Manual* and are appropriate with the intent of the project scope mandated by the General Assembly, the Department of Education, and the local Board of Education, we tested a sample of expenditures for six attributes (See Appendix B). A random sample of 30 expenditures totaling \$2,654,289.51 was selected for testing from a population of 114 transactions totaling \$5,712,750.87. We also obtained Form H-3A, *Construction Work-in-Progress*, from the School District, verified beginning balances (by comparing them to the 2009 Schedule of Construction Projects Examined), and reconciled additions and deletions to DFMS report F25F4105_95, *Fixed Asset Purchases*, and F25F1505_95, *Fixed Assets Subsidiary Ledger* by comparing them to the detailed listings of capital expenditures and the detail listing of projects closed during the year. See the Schedule of Construction Projects located at Appendix A of this report.

Results: We found no exceptions as a result of the procedures.

Procedure 4: We obtained from the School District a detail of all construction projects closed during the year and reconciled it to DFMS report # F254105, *Fixed Asset Purchases*, to ensure that the completed projects were added to the State's Fixed Asset Accounting System (FAAS). We also obtained the detail listing of construction projects in process at June 30, 2010 from the School District. For all of the projects on the listing, we selected aged projects (i.e. projects that have been on-going for numerous years), projects near completion (greater than 90% complete) and projects with little or no spending in the current fiscal year. Through interviews with School District personnel and examination of supporting documentation (the contents of the School District's major capital renovation files), we determined whether projects on the listing were substantially complete (and should be closed out to the fixed asset ledger) or were still in process at June 30 (and appropriately included in the construction balance).

Results: We found no exceptions as a result of the procedures.

We were not engaged to, and did not conduct an examination, the objective of which would be the expression of an opinion on compliance with the requirements. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of the State of Delaware, Lake Forest School District, the Office of Auditor of Accounts, and the State of Delaware Department of Education and is not intended to be, and should not be, used by anyone other than these specified parties. This report, as required by statute, shall be provided to the Office of the Governor, Office of the Controller General, Office of the Attorney General, Office of Management and Budget, the Department of Finance, and the Office of the State Treasurer. However, we understand that State law requires this report to be made available to the public and that the State plans to post this report on the Office of Auditor of Accounts' website and may distribute the report to requesting parties.

BDO USA, LLP

Certified Public Accountants
January 25, 2011

**State of Delaware
Lake Forest School District**

Appendix A: Schedule of Construction Projects

Project Name	Fiscal Year	Original Funding Amount	De-Auth/ Funding Amount	Total Project Funding to Date	Expended Current FY	Expended Prior FY's	Total Project Expended to Date	Total Unspent as of 6/30/10
W. T. Chipman Middle School	2007	7,241,000		7,241,000	24,248	7,216,752	7,241,000	-
W. T. Chipman Middle School	2008	861,500	100,000	961,500	10,555	950,945	961,500	-
W. T. Chipman Middle School	2008	450,900		450,900	195,801	27,279	223,080	227,820
W. T. Chipman Middle School	2010	1,578,100		1,578,100	16,331	-	16,331	1,561,769
HS Performing Arts & Athletics	2008	2,165,300		2,165,300	944,643	1,220,656	2,165,299	1
HS Performing Arts & Athletics	2009	5,413,300	(278,500)	5,134,800	3,661,923	72,192	3,734,115	1,400,685
Renovations - LFHS	2008	591,800	370,000	961,800	745,402	58,598	804,000	157,800
Renovations - LFHS	2010	4,532,600		4,532,600	101,352	-	101,352	4,431,248
Renovations - N Elem Sch	2008	460,800	(100,000)	360,800	503	360,297	360,800	-
Renovations - S Elem Sch	2008	302,700	(120,000)	182,700	-	178,208	178,208	4,492
Renovations - E Elem Sch	2008	88,300		88,300	11,993	76,307	88,300	-
TOTAL		23,686,300	(28,500)	23,657,800	5,712,751	10,161,234	15,873,985	7,783,815

State of Delaware Lake Forest School District

Appendix B: List of Attributes

As part of Independent Accountant's Report, Procedure 2, we examined the **Change Orders** for the following attributes:

1. Approval by Design Architect.
2. Approval of School District.
3. Approval of Contractor.
4. Completed Purchase Order form.
5. Local Board of Education Approval.
6. Completed AIA Document 701 (contract amendment) or Similar Form.
7. Appropriate Supporting Documents.

As part of Independent Accountant's Report, Procedure 2, we examined the **Purchase Orders** for the following attributes (see the attached report for results):

1. Approval from Department of Education.
2. Approval from the Director of Capital Budget and Special Projects.
3. Approval from the Division of Accounting.

As part of Independent Accountant's Report, Procedure 2, we examined the **Bid Files** for the following attributes:

1. Evidence of advertisement for specific bids.
2. Copy of instructions to bidders and job specifications.
3. Evidence of tabulation of bids for General Construction, Subsidiary Construction and/or Equipment and Materials.
4. Copy of each bidder's proposal.
5. Evidence of letter of award to the successful bidder.
6. Copy of the general construction contract.
7. Copy of Performance Bid.
8. Copy of Labor and Material Bond.
9. Copy of Contractor's Insurance Certificates.
10. Evidence on file of bid security deposits being returned to unsuccessful bidders.
11. Copy of a working budget after the award of contract.
12. Evidence of advertisement for sealed bids published at least once a week for two consecutive weeks in a newspaper published or circulated in each county of the state.
13. Evidence that bids for construction projects were accompanied by a deposit/bond of at least 10% of the bid.
14. Copy of letter of award sent to successful bidder within 60 days after opening of sealed bids
15. Evidence of whether the lowest responsible bid was accepted, or if lowest bid was not accepted, evidence of a valid reason.
16. Copies of all local school board minutes containing evidence that all contracts were approved by the board prior to the negotiation of the contracts.
17. Evidence that the security of the unsuccessful bidders was returned within 30 days after the opening of the bids.

18. Evidence that formal contracts were executed within 20 days of the award of the contract; or if not executed by the contractor, evidence that the bid bond forfeited and deposited with the Secretary of Finance.
19. Evidence of justifiable reason to fail to forfeit the bond if when formal contract not executed within 20 days.
20. Evidence that the contract meets environmental provisions and county ordinances.
21. Evidence that the contract contains a provision stating the minimum wages to be paid various classes of laborers and mechanics based upon the wages determined by the Dept. of Labor, Division of Industrial Affairs (required in cases where the contract is in excess of \$100,000 for new construction or \$15,000 for other work).
22. Evidence that the contract contains a prohibition against contingent fees (required in cases where the contract is in excess of \$100,000 for new construction or \$15,000 for other work).
23. Evidence that the performance bond was 100% of contract price. If performance bond is not 100% of contract price, evidence that a waiver has been granted and the successful bidder has posted a letter of credit or other suitable or readily collectible financial security for the project.

As part of Independent Accountant's Report, Procedure 3, we examined the **Expenditures** for the following attributes (see the attached report for results):

1. Verified that the transaction information (vendor name, appropriation code, transaction amount) agrees to supporting documentation (i.e. Invoice, PO, etc.).
2. Verified that the expenditure was related to a capital project and was properly capitalizable.
3. Determined that the details of the transaction are mathematically accurate.
4. Determined that the transaction was appropriately coded in DFMS, based on the information included on the transaction.
5. Agreed the individual transaction amount into the School District expenditure detail for the related project.
6. The transaction is properly authorized (as evidenced by signature of appropriate individuals on the transaction form).