PORT OF LOS ANGELES (Harbor Department of the City of Los Angeles)

SINGLE AUDIT REPORTS

FOR THE YEAR ENDED JUNE 30, 2014

PORT OF LOS ANGELES (Harbor Department of the City of Los Angeles)

Single Audit Reports For the Year Ended June 30, 2014

TABLE OF CONTENTS

	Page
Independent Auditor's Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of the Financial Statements Performed in Accordance with <i>Government Auditing Standards</i>	1
Independent Auditor's Report on Compliance for Each Major Program; Report on Internal Control over Compliance; and Report on Schedule of Expenditures of Federal Awards Required by OMB Circular A-133	3
Schedule of Expenditures of Federal Awards	6
Notes to Schedules of Expenditures of Federal Award	7
Schedule of Findings and Questioned Costs	9
Status of Prior Year's Findings	17



MELBA W. SIMPSON, CPA

Independent Auditor's Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards

The Board of Commissioners Port of Los Angeles (Harbor Department of the City of Los Angeles):

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States, the financial statements of the Port of Los Angeles (Harbor Department of the City of Los Angeles) (the Port), an enterprise fund of the City of Los Angeles, California, as of and for the year ended June 30, 2014, and the related notes to the financial statements, and have issued our report thereon dated October 24, 2014.

Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered the Port's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Port's internal control. Accordingly, we do not express an opinion on the effectiveness of the Port's internal control.

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 a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements 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 was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit 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.





Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Port's financial statements are free from material misstatement, we performed tests of its 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 financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Los Angeles, California October 24, 2014



FOUNDING PARTNERS BRAINARD C. SIMPSON, CPA MELBA W. SIMPSON, CPA

Independent Auditor's Report on Compliance for Each Major Program; Report on Internal Control over Compliance; and Report on Schedule of Expenditures of Federal Awards Required by OMB Circular A-133

The Board of Commissioners
Port of Los Angeles (Harbor Department of the City of Los Angeles):

Report on Compliance for Each Major Federal Program

We have audited the compliance of the Port of Los Angeles (Harbor Department of the City of Los Angeles) (the Port) with the types of compliance requirements described in the *U. S. Office of Management and Budget (OMB) Circular A-133 Compliance Supplement* that could have a direct and material effect on each of the Port's major federal programs for the year ended June 30, 2014. The Port's major federal programs are identified in the summary of auditor's results section of the accompanying schedule of findings and questioned costs.

Management's Responsibility

Management is responsible for compliance with the requirements of laws, regulations, contracts, and grants applicable to its federal programs.

Auditor's Responsibility

Our responsibility is to express an opinion on compliance for each of the Port's major federal programs based on our audit of the types of compliance requirements referred to above. We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States; and OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations. Those standards and OMB Circular A-133 require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on a major federal program occurred. An audit includes examining, on a test basis, evidence about the Port's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances.

We believe that our audit provides a reasonable basis for our opinion on compliance of each major federal program. However, our audit does not provide a legal determination of the Port's compliance.





Opinion on Each Major Federal Program

In our opinion, the Port of Los Angeles complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on each of its major federal programs for the year ended June 30, 2014.

Other Matters

The results of our auditing procedures disclosed instances of noncompliance, which are required to be reported in accordance with OMB Circular A-133 and which are described in the accompanying schedule of findings and questioned costs as items 2014-001 and 2014-002. Our opinion on each major federal program is not modified with respect to these matters.

The Port's responses to the noncompliance findings identified in our audit are described in the accompanying schedule of findings and questioned costs. The Port's responses were not subjected to the auditing procedures applied in the audit of compliance and, accordingly, we express no opinion on these responses.

Report on Internal Control over Compliance

Management of the Port is responsible for establishing and maintaining effective internal control over compliance with the types of compliance requirements referred to above. In planning and performing our audit of compliance, we considered the Port's internal control over compliance with the types of requirements that could have a direct and material effect on each major federal program to determine the auditing procedures that are appropriate in the circumstances for the purpose of expressing an opinion on compliance for each major federal program and to test and report on internal control over compliance in accordance with OMB Circular A-133, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of the Port's internal control over compliance.

A deficiency in internal control over compliance exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis. A material weakness in internal control over compliance is a deficiency, or combination of deficiencies, in internal control over compliance, such that there is reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis. A significant deficiency in internal control over compliance is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a federal program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.



The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of OMB Circular A-133. Accordingly, this report is not suitable for any other purpose.

Report on Schedules of Expenditures of Federal Awards Required by OMB Circular A-133

We have audited the financial statements of the Port as of and for the year ended June 30, 2014, and have issued our report thereon dated October 24, 2014, which contained an unmodified opinion on those financial statements. Our audit was conducted for the purpose of forming an opinion on the financial statements as a whole. The accompanying schedule of expenditures of federal awards is presented for purposes of additional analysis as required by OMB Circular A-133 and is not a required part of the financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the financial statements. The information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the schedule of expenditures of federal awards is fairly stated in all material respects in relation to the financial statements as a whole.

Los Angeles, California

purpson (Sumpson

November 19, 2014, except for our Report on Schedule of Expenditures of Federal Awards, for which the date is October 24, 2014

(Harbor Department of the City of Los Angeles)

Schedule of Expenditures of Federal Awards For the Year Ended June 30, 2014

Federal Grantor/Pass-through Grantor/ Program or Cluster Title			Federal Grant Expenditures
U.S. Department of Transportation:			
Passed through State of California, Department of Transportation:			
Highway Planning and Construction – Harry Bridges Boulevard Improvement Project – ISTEA Bill 2000-2004	20,205	LA07-5006R-396-N	\$ 2,125,840
Highway Planning and Construction – Phase I-SAFETEA-LU	20.203	E/107-3000IC-370-11	Ψ 2,123,040
Bill 2005-2009	20.205	HPLUL-5006(757)	12,935
Highway Planning and Construction - I-110 Freeway and			
C Street Interchange Improvements	20.205	STPL-5006(761)	66,750
CFDA No. 20.205 Total			2,205,525
Direct program:			
National Infrastructure Investments – TIGER II - West Basin			
Railyard Project	20.933	DTMA1G11003	6,824,994
Passed through State of California, Department of Transportation:			
Regional Surface Transportation Program (RSTP) – Port Truck	20.933	CML-5006(724)	5,316,676
Traffic Reduction Program – West Basin Railyard Project Congestion Mitigation and Air Quality (CMAQ) – Port Truck	20.933	CIVIL-3000(724)	3,310,070
Traffic Reduction Program – West Basin Railyard Project	20.933	CML-5006(724)	7,673,067
CFDA No. 20.993 Total			19,814,737
Total U.S. Department of Transportation			22,020,262
Total C.S. Department of Transportation			
U.S. Department of Homeland Security:			
Direct program: Port Security Grant Program Round 8 Supplemental Projects	97.056	2008-GB-T8-K014	6,739,836
Port Security Grant Program Round 9 Supplemental Projects	97.056	2009-PU-T9-K020	4,000,000
Port Security Grant Program Round 12 Supplemental Projects	97.056	EMW-2012-PU-00151	1,692,422
Total U.S. Department of Homeland Security			12,432,258
Total Expenditures of Federal Awards			\$ 34,452,520

See accompanying notes to schedule of expenditures of federal awards and independent auditor's report on compliance for each major program; report on internal control over compliance; and report on schedule of expenditures of federal awards required by OMB Circular A-133.

(Harbor Department of the City of Los Angeles)

Notes to Schedule of Expenditures of Federal Awards For the Year Ended June 30, 2014

1. Basis of Presentation

The accompanying Schedule of Expenditures of Federal Awards (the Schedule) presents the activity of all federal award programs of the Port of Los Angeles (Harbor Department of the City of Los Angeles) (the Port) for the year ended June 30, 2014. The information in the Schedule is presented in accordance with requirements of U.S. Office of Management and Budget (OMB) Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*. Because the Schedule presents only a selected portion of the operations of the Port, it is not intended to and does not present the financial position, changes in net position, or cash flows of the Port.

For the purposes of the Schedule, federal awards include all grants and contracts entered into directly between the Port and agencies and departments of the federal government and pass-through agencies.

2. Summary of Significant Accounting Policies

The accompanying Schedule is prepared based on the accrual basis of accounting. Expenditures are recognized following the cost principles contained in OMB Circular A-87, Cost Principles for State, Local and Indian Tribal Governments, wherein certain type of expenditures are not allowed or are limited as to reimbursements. Pass-through entity identifying numbers are presented where applicable.

Expenditures reported for the National Infrastructure Investments – TIGER II – West Basin Railyard Project (CFDA No. 20.933) and Port Security Grant Program (CFDA No. 97.056) include expenditures incurred in prior fiscal years that became eligible under the grant in the current fiscal year.

3. Subrecipients

Of the federal expenditures presented in the Schedule, the Port provided federal awards to subrecipients as follows:

		Amount
	CFDA	Provided to
Program Title	Number	Subrecipients
Port Security Grant Program	97.056	\$ 6,245,086

(Harbor Department of the City of Los Angeles)

Notes to Schedule of Expenditures of Federal Awards For the Year Ended June 30, 2014

4. Expenditures from Previous Fiscal Year

Included in the schedule of expenditures of federal awards for the year ended June 30, 2014 are the following eligible expenditures that were incurred in previous fiscal years but not reported in the prior years' schedule of expenditures of federal awards.

Program Title	CFDA Number		Amount	
National Infrastructure Investments – TIGER II – West Basin Railyard Project	20.933	\$	3,270,179	
Port Security Grant Program	97.056	\$	426,340	

5. Federal Financial Assistance

Pursuant to the Single Audit Act and the OMB Circular A-133 Compliance Supplement, federal financial assistance is defined as assistance provided by a federal agency, either directly or indirectly, in the form of grants, contracts, cooperative agreements, loans, loan guarantees, property, interest subsidies, insurance, or direct appropriations. Accordingly, nonmonetary federal assistance is included in federal financial assistance and, therefore, is reported on the Schedule, if applicable. Federal financial assistance does not include direct federal cash assistance to individuals. Solicited contracts between the state and federal government for which the federal government procures tangible goods or services are not considered to be federal financial assistance.

6. Major Federal Programs

The Single Audit Act and OMB Circular A-133 establish criteria to be used in defining major federal financial assistance programs. Major programs for the Port are those programs selected for testing by the auditor using risk assessment model, as well as certain minimum expenditure requirements, as outlined in OMB Circular A-133. Programs with similar requirements may be grouped into a cluster for testing purposes.

(Harbor Department of the City of Los Angeles)

Schedule of Findings and Questioned Costs For the Year Ended June 30, 2014

A. Summary of Auditor's Results:

Financial Statements:

 Type of report issued on the financial statements of the Port of Los Angeles (Port): 	Unmodified		
2. Internal control over financial reporting:			
Material weakness(es) identified?Significant deficiency(ies) identified that is (are) not	No		
considered to be material weaknesses?	No		
3. Noncompliance material to financial statements noted?	No		
Federal Awards:			
4. Internal control over major program:			
 Material weakness(es) identified? 	No		
 Significant deficiency(ies) identified that is (are) not considered to be material weaknesses? 	No		

5. Identification of major programs and type of report issued on compliance for major programs:

	CFDA Number	Federal Agency/Program Title	Type of Report
	20.933	U.S. Department of Transportation – National Infrastructure Investments	Unmodified
	97.056	U.S. Department of Homeland Security – Port Security Grant Program	Unmodified
6.		ndings disclosed that are required to be reported in with Section 510(a) of Circular A-133?	Yes
7.	The dollar threshold used to distinguish between Type A and Type B programs:		\$1,033,576
8.	The Port qua	lifies as a low-risk auditee?	Yes

(Harbor Department of the City of Los Angeles)

Schedule of Findings and Questioned Costs For the Year Ended June 30, 2014

B. Findings Relating to the Financial Statements Reported in Accordance with Government Auditing Standards:

None noted.

C. Findings and Questioned Costs relating to Federal Awards:

Two findings are reported in the "Independent Auditor's Report on Compliance for Each Major Program and Report on Internal Control Over Compliance required by OMB Circular A-133." See Finding Nos. 2014-001 and 2014-002.

(Harbor Department of the City of Los Angeles)

Schedule of Findings and Questioned Costs For the Year Ended June 30, 2014

Finding No. 2014-001 Noncompliance with Reporting

Federal Program Information

Federal Catalog Number:

20.933

Federal Program Name:

National Infrastructure Investments – TIGER II – West Basin Railyard Project, Regional Surface Transportation Program (RSTP), and Congestion

Mitigation and Air Quality (CMAQ)

Federal Agency:

U.S. Department of Transportation (DOT)

Pass-Through Entity:

Federal Award Number and Award Year:

California Department of Transportation (CalTrans)

DTMA1G11003 (2011-2015) and CML-5006(724)

(2011-2015)

Criteria or Requirement

Under the grant agreement with DOT for the TIGER II project:

According to Section 3 – Report Requirement of the grant agreement, several types of reports are required of the Port in order to be in compliance with DOT funding. Consistent with the purposes of the TIGER II Discretionary Grant Program, to ensure accountability and transparency in Government spending, the Port is required to submit quarterly progress reports and the Federal Financial Report (SF-425), Quarterly Progress Reports to the Government on a quarterly basis, beginning on the 20th of the first month of the calendar year quarter following the execution of the Agreement, and on the 20th of the first month of each calendar year quarter thereafter until completion of the Project (April 20, July 20, October 20, January 20). The initial report shall include a detailed description, and, where appropriate, drawings, of the items funded.

Under the pass-through grant agreement with CalTrans:

In accordance with Subsection 4.3 of Reporting and Audit Requirements of the grant agreement, the Port shall submit the Quarterly Progress Report with 60 days after the close of each quarter on the last day of the months November, February, May, and August. Under Attachment D – Reporting & Expenditure Guidelines of the grant agreement, the Quarterly Progress/Expenditure Report is due to the Los Angeles County Metropolitan Transportation Authority (LACMTA) as the Programing Agency, as soon as possible after the close of each quarter, but no later than the following dates for each fiscal year:

Quarter	Report Due Date		
July – September	November 30		
October – December	February 28		
January – March	May 31		
April – June	August 31		

(Harbor Department of the City of Los Angeles)

Schedule of Findings and Questioned Costs For the Year Ended June 30, 2014

Finding No. 2014-001 Noncompliance with Reporting (Continued)

Condition

During our procedures performed over the reporting requirements of the program, we noted several reports were submitted late as listed below:

			Reporting	Report	Date
No.	Name of Program	Type of Report	Period	Due Date	Submitted
1	TIGER II, West Basin	Quarterly	7/1/2013-	10/20/2013	11/7/2013
	Railyard	Progress Report	9/30/2013		
2	TIGER II, West Basin	Quarterly	1/1/2014-	4/20/2014	5/23/2014
_	Railyard	Progress Report	3/31/2014	4/20/2014	3/23/2014
	Tanyara	Trogress report	3/31/2014		
3	TIGER II, West Basin	SF-425	7/1/2013-	10/20/2013	11/7/2013
	Railyard		9/30/2013		
	•				
4	TIGER II, West Basin	SF-425	1/1/2014-	4/20/2014	5/23/2014
	Railyard		3/31/2014		
	·				
5	RSTP/CMAQ	Quarterly	10/1/2013-	2/28/2014	10/22/2014
		Progress Report	12/31/2013		
		_			
6	RSTP/CMAQ	Quarterly	4/1/2014-	8/31/2014	10/22/2014
797	W. W. S. W.	Progress Report	6/31/2014		

Questioned Costs

None noted.

Cause and Effect

The reporting responsibility was transferred to a new hire who was not familiar with the reporting requirement. As a result, the reports were prepared and submitted late. The Port is not in compliance with the reporting requirement. Noncompliance could result in retraction of federal funds by the awarding agency.

Recommendation

We recommend that the Port provide training and supervision to the new hire responsible for grant administration to ensure compliance with grant requirements.

(Harbor Department of the City of Los Angeles)

Schedule of Findings and Questioned Costs For the Year Ended June 30, 2014

Finding No. 2014-001 Noncompliance with Reporting (Continued)

Management Response and Planned Corrective Action

The Engineering Division recognizes that certain TIGER II and RSTP/CMAQ grant progress reports were submitted to the grant agency past the due dates. However, the Engineering Division was in contact with the grant agency representatives regarding the late submittal of the reports, and provided updates on finalizing the reports along with revised submittal dates. The grant agencies were understanding of the Port's delay in submitting the reports, and did not indicate that the Port would be penalized in any way for missing the deadlines.

Going forward, advanced notices of all grant reporting submittal deadlines will be provided to the report preparers in order to allow sufficient time to complete and submit the reports prior to the required deadlines. The division will take steps to train new hires assigned to prepare and submit the reports to ensure timely submission of required reports.

Responsible Person: Ron Groves, Senior Civil Engineer

Anticipated completion date: June 30, 2015

(Harbor Department of the City of Los Angeles)

Schedule of Findings and Questioned Costs For the Year Ended June 30, 2014

Finding No. 2014-002 Noncompliance with Subrecipient Monitoring

Federal Program Information

Federal Catalog Number: 97.056

Federal Program Name: Port Security Grant Program

Federal Agency: U.S. Department of Homeland Security

Pass-Through Entity: N/A

Federal Award Number and Award Year: 2008-GB-T8-K014 (2008-2013)

Criteria or Requirement

According to the OMB A-133, Subpart D, Section .400(d), a pass-through entity shall perform the following for the federal awards it makes:

- (1) Identify federal awards made by informing each subrecipient of CFDA title and number, award name and number, award year, if the award is R&D, and name of federal agency. When some of this information is not available, the pass-through entity shall provide the best information available to describe the federal award.
- (2) Advise subrecipients of requirements imposed on them by federal laws, regulations, and the provisions of contracts or grant agreements as well as any supplemental requirements imposed by the pass-through entity.
- (3) Monitor the activities of subrecipients as necessary to ensure that federal awards are used for authorized purposes in compliance with laws, regulations, and the provisions of contracts or grant agreements and that performance goals are achieved.
- (4) Ensure that subrecipients expending \$500,000 or more in federal awards during the subrecipient's fiscal year have met the audit requirements of this part for that fiscal year.

(Harbor Department of the City of Los Angeles)

Schedule of Findings and Questioned Costs For the Year Ended June 30, 2014

Finding No. 2014-002 Noncompliance with Subrecipient Monitoring (Continued)

- (5) Issue a management decision on audit findings within six months after receipt of the subrecipient's audit report and ensure that the subrecipient takes appropriate and timely corrective action.
- (6) Consider whether subrecipient audits necessitate adjustment of the pass-through entity's own records.
- (7) Require each subrecipient to permit the pass-through entity and auditors to have access to the records and financial statements as necessary for the pass-through entity to comply with this part.

Condition

During our testing of the compliance over subrecipient monitoring requirement, we noted that the Port did not obtain the OMB Circular A-133 report from one subrecipient under the Port Security Grant Program. The OMB Circular A-133 report was requested and received subsequent to our request and has not been reviewed by the Port's staff. However, we noted that other periodical financial and performance reports were submitted by the subrecipient and reviewed by the Port's staff.

Questioned Costs

None noted.

Cause and Effect

The Port's management performed site visits and desk reviews for all subrecipients of the round 8 grant agreement. However, obtaining and reviewing the subrecipient's OMB Circular A-133 report is not part of the monitoring process. As a result, the Port is not fully in compliance with the subrecipient monitoring requirement. Noncompliance could result in retraction of federal funds by the awarding agency.

Recommendation

We recommend that the Port obtain and review the subrecipient's OMB Circular A-133 report.

(Harbor Department of the City of Los Angeles)

Schedule of Findings and Questioned Costs For the Year Ended June 30, 2014

Finding No. 2014-002 Noncompliance with Subrecipient Monitoring (Continued)

Management Response and Planned Corrective Action

At the time of the Site Visit in May 2013, the Port was able to obtain a copy of the subrecipient's OMB Circular A-133 report for FY 2010-11, and that was the only one available on file. It was an oversight that copies of FY 2011-12 and FY 2012-13 were not obtained in a timely manner. Port Security Grant Round 8 has expired on May 31, 2013. The subrecipient's OMB Circular A-133 report for FY 2011-12 and FY 2012-13 are now on file.

In the future, the Port will closely monitor subrecipients for OMB Circular compliance.

Responsible Person: Christine Furusawa, Grants Manager

Anticipated completion date: June 30, 2015

(Harbor Department of the City of Los Angeles)

Status of Prior Year's Findings For the Year Ended June 30, 2014

Finding No. 2013-1 Noncompliance with Period of Availability

Federal Program Information

Federal Catalog Number:

Federal Program Name:

Federal Agency:

Pass-Through Entity:

Federal Award Number and Award Year:

66.039

National Clean Diesel Emissions

Reduction Program - Ecocrane Project

National Clean Diesel Emissions Reduction Program - DERA Flex Grid

U.S. Environmental Protection Agency

DE-

N/A

DE-83467301-0 (2010)and

00T36801-0 (2010)

Criteria or Requirement

Title 40 - Protection of Environment, Part 31 - Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, Subpart C - Post-Award Requirements, Section 31.23 – Period of Availability of Funds.

(b) Liquidation of obligations. A grantee must liquidate all obligations incurred under the award not later than 90 days after the end of the funding period (or as specified in a program regulation) to coincide with the submission of the annual Financial Status Report (SF-269). The Federal agency may extend this deadline at the request of the grantee.

Condition

During our procedures performed over the period of availability requirements of the program for one vendor and one subrecipient that had expenditures incurred totaling \$1,347,196 during the fiscal year ended June 30, 2013, we noted that the obligation to the subrecipient in the amount of \$134,358 was paid on December 12, 2012; thus, not within 90 days after end of the grant period on August 31, 2012. We noted that the Port did not obtain an extension of the liquidation deadline from the sederal agency.

Ouestioned Costs

None noted.

(Harbor Department of the City of Los Angeles)

Status of Prior Year's Findings For the Year Ended June 30, 2014

Finding No. 2013-1 Noncompliance with Period of Availability (Continued)

Cause and Effect

Due to the close-out of the project, the Port performed a comprehensive close-out review prior to the payment of the final invoice submitted by the subrecipient. As a result, the Port is not in compliance with the period of availability requirement. Noncompliance could result in retraction of federal funds by the awarding agency.

Recommendation

We recommend that the Port adhere to the period of availability requirement. If additional time is required for the close-out review process, the Port should request for an extension of the liquidation deadline from the federal agency.

Management Response and Planned Corrective Action

The Port understands the importance of adhering to the period of availability requirement. It is the Port's policy to process all invoices within the 90 day close out period. The Port will closely monitor all invoices to ensure that they are processed within the required timeframe.

The Port's Grants Administration Office (GAO) will be implementing a grants policy manual to include a compliance section. The GAO will also work closely with the respective divisions to ensure that all obligations incurred under the award must be liquidated within 90 days after the end of the funding period or an extension can be requested if the obligations cannot be met.

Responsible Person: Christine Furusawa, Grants Manager

Anticipated completion date: June 30, 2014

Current Year Status

The Port has initiated the close-out process which is pending for the grantor's final acceptance. The Port has included a section in its Grants Administration Manual regarding the close out timeline and the compliance requirement for period of availability. The planned corrective action has been implemented.

(Harbor Department of the City of Los Angeles)

Status of Prior Year's Findings For the Year Ended June 30, 2014

Finding No. 2013-2 Noncompliance with Suspension and Debarment

Federal Program Information

Federal Catalog Number:

66.039

Federal Program Name:

National Clean Diesel Emissions

Reduction Program - Ecocrane Project National Clean Diesel Emissions

Reduction Program - DERA Flex Grid

Federal Agency:

U.S. Environmental Protection Agency

Pass-Through Entity:

N/A

Federal Award Number and Award Year:

DE-83467301-0 (2010)

00T36801-0 (2010)

and

DE-

Criteria or Requirement

Title 40 - Protection of Environment, Part 31 - Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, Subpart C - Post-Award Requirements, Section 31.35 – Subawards to Debarred and Suspended Parties.

Grantees and subgrantees must not make any award or permit any award (subgrant or contract) at any tier to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in federal assistance programs under Executive Order 12549, "Debarment and Suspension."

Condition

During our testing of one vendor and one subrecipient that had expenditures incurred totaling \$1,347,196 during the fiscal year ended June 30, 2013, we noted that both did not have certification of nonsuspension and debarment or Excluded Parties List System (EPLS) verification within its documentation. However, subsequent verification did not reveal that these vendor and subrecipient were suspended or debarred.

Total expenditures associated with contracts for which nonsuspension and debarment was not verified prior to disbursement of federal funds amounted to \$1,347,196 of the \$1,437,828 of total federal program expenditures for the National Clean Diesel Emissions Reduction Program - Ecocrane Project and DERA Flex Grid grants.

Questioned Costs

None noted.

(Harbor Department of the City of Los Angeles)

Status of Prior Year's Findings For the Year Ended June 30, 2014

Finding No. 2013-2 Noncompliance with Suspension and Debarment (Continued)

Cause and Effect

The Port has implemented a Suspension and Debarment review process for all new vendors and contractors and is in the process of extending the review process to existing vendors by conducting a review to ensure that the compliance with the suspension and debarment requirement is met for the existing contracts. Both vendor and contractor tested are existing vendor and contractor, and a review of the compliance has not been performed. As a result, the Port is not in compliance with the suspension and debarment requirement. Noncompliance could result in retraction of federal funds by the awarding agency.

Recommendation

We recommend that the Port expedite the implementation of the Suspension and Debarment review process to existing vendors and conduct a review to ensure that all compliance requirements are met for the duration of the contract.

Management Response and Planned Corrective Action

The Port understands the importance of adequate procedures and internal controls to ensure federal funds are not released to vendors that are suspended or debarred. The Port exerts efforts to check existing vendors or contractors for suspension and debarment before a payment is made.

The Port's Grants Administration Office (GAO) is expediting our implementation by adding a new procedure in the grants policy manual to include a periodic review process. The GAO will also revise the Suspension and Debarment Process flow chart to ensure that compliance requirements are met for the duration of the contract. Once the new procedure is vetted with management, it will be circulated to all division managers at the Grants Oversight Committee meeting to ensure that our process is consistent.

Responsible Person: Christine Furusawa, Grants Manager

Anticipated completion date: June 30, 2014

Current Year Status

The Port has initiated the close-out process which is pending for the grantor's final acceptance. The Port has included a section in its Grants Administration Manual regarding the compliance requirement for suspension and debarment. The planned corrective action has been implemented.

(Harbor Department of the City of Los Angeles)

Status of Prior Year's Findings For the Year Ended June 30, 2014

Finding No. 2013-3 Noncompliance with Reporting

Federal Program Information

Federal Catalog Number: 66.039

Federal Program Name: National Clean Diesel Emissions

Reduction Program - DERA Flex Grid

Federal Agency: U.S. Environmental Protection Agency

Pass-Through Entity: N/A

Federal Award Number and Award Year: DE-00T36801-0 (2010)

Criteria or Requirement

Title 40 – Protection of Environment, Part 31 – Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, Subpart C – Post-Award Requirements, Section 31.20 – Standards for Financial Management Systems.

- (b) The financial management systems of the other grantees and subgrantees must meet the following standards: (1) *Financial reporting*. Accurate, current, and complete disclosure of the financial results of financially assisted activities must be made in accordance with the financial reporting requirements of the grant or subgrant.
- Title 40 Protection of Environment, Part 31 Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, Subpart C Post-Award Requirements, Section 31.40 Monitoring and reporting program performance.
- (b)(1) Grantees shall submit annual performance reports unless the awarding agency requires quarterly or semi-annual reports. However, performance reports will not be required more frequently than quarterly. Annual reports shall be due 90 days after the grant year, quarterly or semi-annual reports shall be due 30 days after the reporting period. The final performance report will be due 90 days after the expiration or termination of grant support. If a justified request is submitted by a grantee, the federal agency may extend the due date for any performance report. Additionally, requirements for unnecessary performance reports may be waived by the federal agency.
- Title 40 Protection of Environment, Part 31 Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, Subpart C Post-Award Requirements, Section 31.41 Financial reporting.
- (b) Financial Status Report (4) Due date. When reports are required on a quarterly or semi-annual basis, they will be due 30 days after the reporting period. When required on an annual basis, they will be due 90 days after the grant year. Final reports will be due 90 days after the expiration or termination of grant support.

(Harbor Department of the City of Los Angeles)

Status of Prior Year's Findings For the Year Ended June 30, 2014

Finding No. 2013-3 Noncompliance with Reporting (Continued)

Condition

During our procedures performed over the reporting requirements of the program, we were not provided with the 2012 Federal Financial Report (SF425), that is required to be submitted annually and the Progress Reports that are required to be submitted quarterly to U.S. Environmental Protection Agency during the fiscal year 2012-2013.

Questioned Costs

None noted.

Cause and Effect

The Port was unable to provide copies of the required reports and supporting documentation. As a result, we were unable to determine whether the Port is in compliance with the reporting requirement. Noncompliance could result in retraction of federal funds by the awarding agency.

Recommendation

We recommend that the Port enhance its procedures over record retention and maintain a copy of the required reports, supporting documentation, and evidence of submission for the program.

Management Response and Planned Corrective Action

The Port understands the importance of submitting required reports and maintaining supporting documentation. The Port will be maintaining the records of required reports and supporting documentation to demonstrate the Port's compliance with the reporting requirement.

The Port's Grants Administration Office (GAO) will be implementing a grants policy manual to include a compliance section. The GAO will also work closely with the respective divisions to ensure that the reporting compliance is met through the duration of the grant. Once the new procedure is vetted with management, it will be circulated to all division managers at the Grants Oversight Committee meeting to ensure that our process is consistent.

Responsible Person: Christine Furusawa, Grants Manager

Anticipated completion date: June 30, 2014

(Harbor Department of the City of Los Angeles)

Status of Prior Year's Findings For the Year Ended June 30, 2014

Finding No. 2013-3 Noncompliance with Reporting (Continued)

Current Year Status

The Port has initiated the close-out process which is pending for the grantor's final acceptance. The Port has included a section in its Grants Administration Manual regarding the compliance requirement for reporting. The planned corrective action has been implemented.

(Harbor Department of the City of Los Angeles)

Status of Prior Year's Findings For the Year Ended June 30, 2014

Finding No. 2013-4 Noncompliance with Subrecipient Monitoring

Federal Program Information

Federal Catalog Number:

66.039

Federal Program Name:

National Clean Diesel Emissions

Reduction Program - Ecocrane Project

Federal Agency:

U.S. Environmental Protection Agency

N/A

Pass-Through Entity:

DE-83467301-0 (2010)

Federal Award Number and Award Year.

Criteria or Requirement

Title 40 – Protection of Environment, Part 31 – Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, Subpart C – Post-Award Requirements, Section 31.40 – Monitoring and Reporting Program Performance.

(a) Monitoring by grantees. Grantees are responsible for managing the day-to-day operations of grant and subgrant supported activities. Grantees must monitor grant and subgrant supported activities to assure compliance with applicable federal requirements and that performance goals are being achieved. Grantee monitoring must cover each program, function or activity.

According to the OMB A-133, Subpart D, Section .400(d), a pass-through entity shall perform the following for the federal awards it makes:

- (1) Identify federal awards made by informing each subrecipient of CFDA title and number, award name and number, award year, if the award is R&D, and name of federal agency. When some of this information is not available, the pass-through entity shall provide the best information available to describe the federal award.
- (2) Advise subrecipients of requirements imposed on them by federal laws, regulations, and the provisions of contracts or grant agreements as well as any supplemental requirements imposed by the pass-through entity.
- (3) Monitor the activities of subrecipients as necessary to ensure that federal awards are used for authorized purposes in compliance with laws, regulations, and the provisions of contracts or grant agreements and that performance goals are achieved.
- (4) Ensure that subrecipients expending \$300,000 (\$500,000 for fiscal years ending after December 31, 2003) or more in federal awards during the subrecipient's fiscal year have met the audit requirements of this part for that fiscal year.

(Harbor Department of the City of Los Angeles)

Status of Prior Year's Findings For the Year Ended June 30, 2014

Finding No. 2013-4 Noncompliance with Subrecipient Monitoring (Continued)

- (5) Issue a management decision on audit findings within six months after receipt of the subrecipient's audit report and ensure that the subrecipient takes appropriate and timely corrective action.
- (6) Consider whether subrecipient audits necessitate adjustment of the pass-through entity's own records.
- (7) Require each subrecipient to permit the pass-through entity and auditors to have access to the records and financial statements as necessary for the pass-through entity to comply with this part.

Condition

During our procedures performed over the subrecipient monitoring requirements of the program, we noted that documentations for demonstrating the compliance with subrecipient monitoring are not available for examination. According to the Port's personnel, the subrecipient is required to submit Quarterly Reports in the same format required by the U.S. Environmental Protection Agency, but the Port was unable to provide us with the copies of the Quarterly Reports received and evidence of review of those reports.

Questioned Costs

None noted.

Cause and Effect

The Port was unable to provide documentation demonstrating that subrecipients are monitored on a periodic basis through site visits and desk review. As a result, the Port is not in compliance with the subrecipient monitoring requirement. Noncompliance could result in retraction of federal funds by the awarding agency.

Recommendation

We recommend that the Port enhance its subrecipient monitoring process and conduct periodic review to ensure that federal awards are used for authorized purposes in compliance with laws, regulations, and the provisions of contracts or grant agreements; and that performance goals are achieved. Also, we recommend that the Port enhance its controls over record retention and maintain a copy of the required reports, supporting documentation, and evidence of review.

(Harbor Department of the City of Los Angeles)

Status of Prior Year's Findings For the Year Ended June 30, 2014

Finding No. 2013-4 Noncompliance with Subrecipient Monitoring (Continued)

Management Response and Planned Corrective Action

The Port will be implementing a program wide process, to monitor subrecipient grant awards on a periodic basis through site visits and desk reviews to ensure that the reporting requirements are met.

The Port's Grants Administration Office (GAO) will be implementing a grants policy manual to include a Subrecipients section. The GAO will also work closely with the respective divisions to ensure that the reporting compliance is met through the duration of the grant. Once the new procedure is vetted with management, it will be circulated to all division managers at the Grants Oversight Committee meeting to ensure that our process is consistent.

Responsible Person: Christine Furusawa, Grants Manager

Anticipated completion date: June 30, 2014

Current Year Status

The Port has initiated the close-out process which is pending for the grantor's final acceptance. The Port has included a section in its Grants Administration Manual regarding the compliance requirement for subrecipients management. The planned corrective action has been implemented.

(Harbor Department of the City of Los Angeles)

Status of Prior Year's Findings For the Year Ended June 30, 2014

Finding No. 2013-5 Noncompliance with Equipment Management

Federal Program Information

Federal Catalog Number: 97.056

Federal Program Name: Port Security Grant Program (PSGP)
Federal Agency: U.S. Department of Homeland Security

Pass-Through Entity: N/A

Federal Award Number and Award Year: 2008-GB-T8-K014 (2008)

Criteria or Requirement

Title 44 – Emergency Management and Assistance, Part 31 – Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, Subpart C – Post-Award Requirements, Section 13.32 – Equipment.

- (d) Management requirements. Procedures for managing equipment (including replacement equipment), whether acquired in whole or in part with grant funds, until disposition takes place will, as a minimum, meet the following requirements:
 - (1) Property records must be maintained that include a description of the property, a serial number or other identification number, the source of property, who holds title, the acquisition date, and cost of the property, percentage of federal participation in the cost of the property, the location, use and condition of the property, and any ultimate disposition data including the date of disposal and sale price of the property.
 - (2) A physical inventory of the property must be taken and the results reconciled with the property records at least once every two years.
 - (3) A control system must be developed to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft shall be investigated.
 - (4) Adequate maintenance procedures must be developed to keep the property in good condition.
 - (5) If the grantee or subgrantee is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return.

Condition

During our procedures performed over the equipment management requirements of the program, we were provided with a list of equipment acquired using federal grants (List) extracted from the fixed asset ledger. We noted that the List does not include the required information such as acquisition dates, serial numbers, funding source of the property, etc. Also, the most recent physical inventory of the property was not provided to us for examination.

(Harbor Department of the City of Los Angeles)

Status of Prior Year's Findings For the Year Ended June 30, 2014

Finding No. 2013-5 Noncompliance with Equipment Management (Continued)

Questioned Costs

None noted.

Cause and Effect

According to the Port's personnel, the aforementioned condition is due to software constraints in producing a comprehensive and accurate inventory list. Management is currently working with an IT consultant to mitigate the aforementioned condition.

Also according to the Port's personnel, an equipment physical inventory was performed during fiscal year 2013. However, supporting documentation of the inventory count and reconciliation with the equipment inventory record cannot be located.

As a result, the Port is not in compliance with the equipment management requirement. Noncompliance could result in retraction of federal funds by the awarding agency.

Recommendation

We recommend that the Port's management expedites the resolution of the software constraints and maintain a comprehensive inventory list of equipment acquired using federal grants which include a description of the property, a serial number or other identification number, the source of property, who holds title, the acquisition date, and cost of the property, percentage of federal participation in the cost of the property, the location, use and condition of the property, and any ultimate disposition data including the date of disposal and sale price of the property. We also recommend that the Port enhance its procedures over record retention and maintain a copy of the inventory count and reconciliation with the equipment inventory record.

Management Response and Planned Correction Plan

The Port transitioned to a new automated fixed assets ledger system which accounts for the inventory of capital assets including grant-funded assets. In the data conversion process and the automated capitalization of expenditures involving acquisition of assets, certain data are not flowing to the fixed assets modules appropriately. The Port engaged the services of an expert consultant who is currently working to resolve this problem. It is expected that this problem will be resolved within the current fiscal year.

The Port's automated fixed assets ledger system also serves as the inventory record of all capital assets, and provides information about each asset such as acquisition date, location, funding source, etc. Other monitoring process is used to keep track of asset conditions

(Harbor Department of the City of Los Angeles)

Status of Prior Year's Findings For the Year Ended June 30, 2014

Finding No. 2013-5 Noncompliance with Equipment Management (Continued)

including those disposed, sold or salvaged. Sale of any asset requires Board Resolution and is made in compliance with grant requirements. Also, data in this system are reconciled with the general ledger monthly. The Port will continue to reconcile data in this new system with the inventory record of various Port divisions handling grant-funded asset acquisitions as well.

Responsible Person: Abe Rashid, Principal Accountant

Anticipated completion date: June 30, 2014

Current Year Status

The planned corrective action has been implemented. The federal grantor has reviewed the corrective actions taken by the Port and determined that the finding is resolved and closed.

(Harbor Department of the City of Los Angeles)

Status of Prior Year's Findings For the Year Ended June 30, 2014

Finding No. 2013-6 Noncompliance with Subrecipient Monitoring

Federal Program Information

Federal Catalog Number: 97.056

Federal Program Name: Port Security Grant Program

Federal Agency: U.S. Department of Homeland Security

Pass-Through Entity: N/A

Federal Award Number and Award Year: 2008-GB-T8-K014 (2008)

Criteria or Requirement

Title 44 – Emergency Management and Assistance, Part 31 – Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, Subpart C – Post-Award Requirements, Section 13.40 – Monitoring and Reporting Program Performance.

(a) Monitoring by grantees. Grantees are responsible for managing the day-to-day operations of grant and subgrant supported activities. Grantees must monitor grant and subgrant supported activities to assure compliance with applicable federal requirements and that performance goals are being achieved. Grantee monitoring must cover each program, function or activity.

According to the OMB A-133, Subpart D, Section .400(d), a pass-through entity shall perform the following for the federal awards it makes:

- (8) Identify federal awards made by informing each subrecipient of CFDA title and number, award name and number, award year, if the award is R&D, and name of federal agency. When some of this information is not available, the pass-through entity shall provide the best information available to describe the federal award.
- (9) Advise subrecipients of requirements imposed on them by federal laws, regulations, and the provisions of contracts or grant agreements as well as any supplemental requirements imposed by the pass-through entity.
- (10) Monitor the activities of subrecipients as necessary to ensure that federal awards are used for authorized purposes in compliance with laws, regulations, and the provisions of contracts or grant agreements and that performance goals are achieved.
- (11) Ensure that subrecipients expending \$300,000 (\$500,000 for fiscal years ending after December 31, 2003) or more in federal awards during the subrecipient's fiscal year have met the audit requirements of this part for that fiscal year.

(Harbor Department of the City of Los Angeles)

Status of Prior Year's Findings For the Year Ended June 30, 2014

Finding No. 2013-6 Noncompliance with Subrecipient Monitoring (Continued)

- (12) Issue a management decision on audit findings within six months after receipt of the subrecipient's audit report and ensure that the subrecipient takes appropriate and timely corrective action.
- (13) Consider whether subrecipient audits necessitate adjustment of the pass-through entity's own records.
- (14) Require each subrecipient to permit the pass-through entity and auditors to have access to the records and financial statements as necessary for the pass-through entity to comply with this part.

Condition

During our procedures performed over the subrecipient monitoring of the program, we noted that there was no evidence of monitoring for one out of the four subrecipients selected for testing. Funds passed through to this subrecipient amounted to \$4,547,961.

Questioned Costs

None noted.

Cause and Effect

Management performed site visits and desk reviews for all except one subrecipient of the round 8 grant agreement. Management was unable to schedule a site visit for the one subrecipient due to no response from the subrecipient. As a result, the Port is not in compliance with the subrecipient monitoring requirement. Noncompliance could result in retraction of federal funds by the awarding agency.

Recommendation

We recommend that the Port notify the non-responsive subrecipient in writing of the subrecipient's responsibility to comply with the federal requirements and consequence of noncompliance.

(Harbor Department of the City of Los Angeles)

Status of Prior Year's Findings For the Year Ended June 30, 2014

Finding No. 2013-6 Noncompliance with Subrecipient Monitoring (Continued)

Management Response and Planned Corrective Action

The Port will notify the non-responsive subrecipient in writing of the subrecipient's responsibility to comply with federal requirements; and schedule the monitoring visit and desk review.

The Port's Grants Administration Office (GAO) will be implementing a grants policy manual to include a Subrecipients section. The GAO will also work closely with the respective divisions to ensure that the reporting compliance is met through the duration of the grant. Once the new procedure is vetted with management, it will be circulated to all division managers at the Grants Oversight Committee meeting to ensure that our process is consistent.

Responsible Person: Christine Furusawa, Grants Manager

Anticipated completion date: June 30, 2014

Current Year Status

The planned corrective action has been implemented. The federal grantor has reviewed the corrective actions taken by the Port and determined that the finding is resolved and closed.