RESOLUTION OF THE BUDGET AND FINANCE COMMITTEE OF THE NAVAJO NATION COUNCIL

24TH NAVAJO NATION COUNCIL - Fourth Year, 2022

AN ACTION

RELATING TO THE HEALTH, EDUCATION, AND HUMAN SERVICES COMMITTEE
AND THE BUDGET AND FINANCE COMMITTEE; ACCEPTING THE AUDITOR
GENERAL'S AUDIT REPORT OF THE FLEET MANAGEMENT DEPARTMENT AND
THE CORRECTIVE ACTION PLAN PROPOSED BY THE FLEET MANAGEMENT
DEPARTMENT

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Health, Education, and Human Services Committee serves as the oversight committee for the Division of General Services. 2 N.N.C. § 401(C)(1). The Navajo Nation's Fleet Management Department ("FMD") is within the Division of General Services.
- B. The Budget and Finance Committee has the authority to review and approve audit reports of the Auditor General, and corrective action plans proposed by audited Navajo Nation programs. 12 N.N.C. § 6(A) and § 7(D).

SECTION TWO. FINDINGS

- A. Pursuant to 12 N.N.C. § 6 the Office of the Auditor General prepared a fiscal review of FMD titled: "Internal Audit of the Navajo Nation Fleet Management Department" Report No. 21-12-dated June 2021 ("Audit Report"). **EXHIBIT 1**.
- B. FMD responded to the Audit Report in a memorandum to the Auditor General dated June 7, 2021. **EXHIBIT 2**.
- C. FMD has also prepared a detailed Corrective Action Plan to address the findings in the Audit Report; in the Plan FMD proposes to cure the Audit findings by a deadline of August 26, 2022. **EXHIBIT 3**.

D. The Budget and Finance Committee has final authority to approve corrective action plans proposed in response to audit findings. 12 N.N.C. § 7(D).

SECTION THREE. APPROVAL OF AUDIT REPORT AND THE FLEET MANAGEMENT DEPARTMENT'S PROPOSED CORRECTIVE ACTION PLAN

- A. The Navajo Nation hereby approves the Auditor General's fiscal review of the Fleet Management Department titled: "Internal Audit of the Navajo Nation Fleet Management Department" Report No. 21-12, dated June 2021, attached hereto as **EXHIBIT 1**.
- B. The Navajo Nation hereby approves the Corrective Action Plan proposed by the Fleet Management Department, attached hereto as **EXHIBIT 3**.

SECTION FOUR. DIRECTIVES

- A. FMD shall prepare and submit a written status report on its progress implementing its Correction Action Plan. FMD shall submit such report to the Auditor General no later than six months after the effective date of this Legislation. 12 N.N.C. § 7(F).
- B. The Auditor General shall receive and review FMD's status report, shall prepare a memorandum explaining the Auditor General's opinion about the success of FMD's corrective efforts, and shall promptly submit such memorandum along with FMD's status report to the Health, Education, and Human Services Committee and the Budget and Finance Committee. 12 N.N.C. § 7(F).
- C. Twelve months after the effective date of this Legislation the Auditor General shall conduct a follow-up review of the FMD to determine whether or not FMD has successfully implemented its Corrective Action Plan. The Auditor General shall then prepare a report on its findings resulting from the follow-up review, and such report shall include the Auditor General's recommended sanctions, if any, to be imposed upon FMD for failure to implement its Corrective Action Plan. 12 N.N.C. § 7(G).

SECTION FIVE. EFFECTIVE DATE

This Legislation shall become effective pursuant to 12 N.N.C. \$ 6(A) and \$ 7(D).

SECTION SIX. SAVINGS CLAUSE

If any provision of this Legislation is determined invalid by the Navajo Nation Supreme Court, or by a Navajo Nation District Court without appeal to the Navajo Nation Supreme Court, those provisions of this Legislation not determined invalid shall remain the law of the Navajo Nation.

CERTIFICATION

I, hereby, certify that the foregoing resolution was duly considered by the Budget and Finance Committee of the Navajo Nation Council at a duly called meeting held by teleconference at which a quorum was present and that the same was passed by a vote of 4 in favor and 0 opposed, this 4th day of January 2022.

Jamie Henio, Chairperson Budget and Finance Committee

Motion: Honorable Elmer P. Begay Second: Honorable Nathaniel Brown





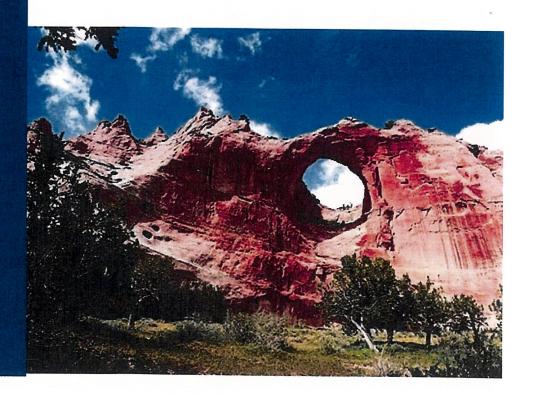
OFFICE OF THE AUDITOR GENERAL

The Navajo Nation

Internal Audit
of the
Navajo Nation
Fleet Management Department

Report No. 21-12 June 2021

Performed by: GREENE FORENSIC ACCOUNTING SOLUTIONS



M-E-M-O-R-A-N-D-U-M

TO

Raymond Holyan, Department Manager II

FLEET MANAGEMENT DEPARTMENT

Down

FROM

Helén Brown, CFE, Principal Auditor

Delegated Auditor General

OFFICE OF THE AUDITOR GENERAL

DATE

June 30, 2021

SUBJECT: Internal Audit of the Navajo Nation Fleet Management Department

The Office of the Auditor General herewith transmits Audit Report No. 21-12, An Internal Audit of the Navajo Nation Fleet Management Department (FMD). The internal audit was conducted, in conjunction with Greene Forensic Accounting Solutions LLP, to determine whether the Department's internal controls are functioning as intended to ensure proper accountability of Navajo Nation fleet assets during October 1, 2018, through March 31, 2020. The auditors reported the following seven (7) findings:

Finding 1: FMD did not maintain supporting documentation for all of the vehicles in our audit sample.

Finding 2: FMD supporting documentation of acquisitions and disposals is inconsistent.

Finding 3: FMD does not verify damaged vehicle recovery efforts.

Finding 4: FMD does not adhere to Navajo Nation Procurement Rules and Regulations when acquiring Navajo Nation Fleet.

Finding 5: FMD did not verify that vehicles being received agreed with the purchase order.

Finding 6: FMD lacks a formal delegation of authority matrix.

Finding 7: FMD takes multiple years to dispose of vehicles.

Detailed explanation of the findings can be found in the body of this report. The report provides recommendations for remediation of the reported findings.

If you have any questions about this report, please contact our office at extension 6303. Thank you for your assistance in completing this audit.

Tom Platero, Division Director XC:

DIVISION OF GENERAL SERVICES

Paulson Chaco, Chief of Staff

OFFICE OF PRESIDENT/VICE-PRESIDENT

Daniel E. Tso, Chairperson

HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE

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REPORT LETTER

Helen Brown Principal Auditor/Delegated Auditor General Office of the Auditor General Navajo Nation

Dear Ms. Brown:

Pursuant to our engagement letter with the Office of the Auditor General, Greene Forensic Accounting Solutions LLP ("GFAS") hereby transmits the internal audit report of the Navajo Nation's Fleet Management Department. GFAS conducted the internal audit to determine whether the Department's internal controls are functioning as intended to ensure proper accountability of Navajo Nation fleet assets.

This audit's scope was the Department's fleet acquisitions/replacements, fleet disposal/resale, and fleet inventory processes for the 18 months from October 1, 2018, through March 31, 2020. The results of our audit include seven (7) findings. These findings are detailed in the enclosed report. In addition to the audit findings, the report provides recommendations for corrective actions.

During our engagement, we identified potential findings outside the scope of this audit that should be addressed in a subsequent audit of the appropriate programs.

Vehicles are routinely assigned to departments/programs during their lifecycle.
 Each department/program is selected for physical fixed asset verification on a 2-year rotational basis leading to certain vehicles not being observed. For example, a vehicle is assigned to the Office of the Controller during the department's non-observation year and then transferred to another department just before the observation takes place.

2. Additional costs related to acquiring a vehicle for specific programs/departments are not included in the vehicle's capitalized costs within the Financial Management Information System. Some files contained the dealer invoice and an additional invoice made out to the Navajo Nation for specialized components. The purchase requisition and related purchase order provided to us was only for the amount of the base vehicle. The invoice for specialized components was close to 25% of the dealer's base vehicle cost.

If you have any questions about this report, please call our office at (702) 430-1779.

Sherre Farencia Accounting So lutino LLP

Greene Forensic Accounting Solutions LLP

Las Vegas, NV June 29, 2021

BACKGROUND

The Navajo Nation is a tribal government with approximately 27,000 square miles extending into Arizona, New Mexico, and Utah. A three-branch government system (executive, legislative, and judicial) governs the Navajo Nation, and a 24-member Navajo Nation Council serves as its legislative body.

The Navajo Nation Fleet Management Department ("FMD") is established within the Division of General Services of the Executive Branch. The Department is overseen by a Department Manager III and the Navajo Nation Motor Vehicle Review Board. The Department's legislative oversight is provided by the Health, Education, and Human Services Committee of the Navajo Nation Council.

The purpose of the Fleet Management Department is to provide motor vehicle transportation services to the Navajo Nation executive offices, departments, and programs through a financially self-sustaining operation. The vehicles assigned to the Navajo Nation departments and programs serve elected officials and employees. The Department is organized into four (4) service centers, one (1) auto body shop, and a central administration with approximately 60 employees.

OBJECTIVES, SCOPE, AND METHODOLOGY

The internal audit was to determine whether the Department's internal controls are functioning as intended to ensure proper accountability of Navajo Nation fleet assets during October 1, 2018, through March 31, 2020. The areas of focus include:

- 1. Fleet Acquisitions and Replacements
- 2. Fleet Disposals and Resale
- 3. Fleet Inventory

To answer our audit objectives, we interviewed FMD and Property Management Department ("PMD") personnel and examined available records. More specifically, we used systematic and judgmental sampling methods to test acquisitions and disposals and examined associated records of testing samples.

VEHICLE LIFECYCLE

The responsibility and authority of the FMD includes: 1) vehicle specifications for standardized procurement and acquisition, 2) vehicle replacement and disposal criteria, 3) vehicle use requests, assignments, and rentals, and 4) other maintenance and related duties. The Property Management Department, part of the Office of the Controller, is responsible for the Navajo Nation's physical inventory process.

We conducted interviews with the FMD, the PMD, and the Office of the Controller to understand the Navajo Nation's vehicle lifecycle process. We documented our understanding of the process in a flow chart with the following sub-processes: Budgeting, Purchasing, Insurance, Assignment/Rental, Inventory, and Disposition. Refer to Exhibit 1 for the detailed flowchart. We focused our audit on the Acquisition, Physical Inventory Observation, and Disposition of vehicles by the FMD, which is described in detail below.

ACQUISITIONS

Acquiring a new vehicle is based on the requesting department's needs and the current vehicle's condition. If a department's needs are approved, the requesting department goes through the acquisition process. The process is outlined in BFD-192-03 entitled "Navajo Nation Procurement Rules and Regulations." The policy for purchases over \$50,000 includes the following significant steps: Purchase Requisition ("PR"), Property and Supply Clearance, Encumbrance, Invitation to Bid, Notice to Business Regulatory Department, Bid Opening, Bid Evaluation, Bid Award (Purchase Order Issued), Receipt and Acceptance of Goods. There is a less involved process for small purchases under \$50,000, but the policy prohibits splitting-up purchases to qualify for the Small Purchases exception. Currently, it appears that individual departments and programs can purchase their vehicles for specific needs if sufficient budgeted funds exist. We understand that many purchases of vehicles by departments and programs are funded, at least in part, by grants and other 3rd party programs which may require additional accountability. It was explained to us that the Navajo Nation Motor Vehicle Review Board ("MVRB") reviews and approves acquisition transactions, regardless of amount.

We obtained the FMD vehicle acquisition listing from the Financial Management Information System for the audit period, and we randomly selected 25 vehicles for testing. We designed our tests to determine if the FMD was acting according to the process described to us and the process as identified in the Navajo Nation's policies and procedures. We requested supporting documentation for each sample to confirm that the process is operating as described to us and to verify that controls are designed and working effectively. Our observations and recommendations are described further below. During our testing, we found that the FMD conducted a significant purchase of 292 vehicles that occurred during 2019 and 2020, and a number of our samples were part of this purchase.

DISPOSALS

Disposing of a vehicle is based on the vehicle's condition and the needs of the requesting department. Based on our interviews and our review of the Property Management Department procedures covering vehicle disposals, the process is: 1) approval for disposal (generally a memo declaring the vehicle excess), 2) a permanent vehicle turn-in form, and 3) a checklist covering the vehicle's condition, the surrender of fuel cards, removal of specialized equipment, and the posting of a sale notice by the PMD. Prospective vehicles are categorized between operational and non-operational. Operational vehicles are then split between vehicles available only to employees and those available to the public. Each bidder is authorized to place only two bid forms in a sealed box, and bids are non-negotiable and non-transferable to other vehicles. Equal bids are awarded to the first bidder, and sole bids below the set minimum value can be accepted. Payment is made at the Cashier's office within 24 hours of the sale. Acceptable forms of payment include cash, cashier's check, and money orders. Failure to pay within the prescribed period allows the next bidder to claim the vehicle. There is also a provision for employees to pay with payroll deductions.

PMD is responsible for processing sale and title documents. PMD electronically notifies the motor vehicle department. Buyers are responsible for fees for registering and titling the vehicle. PMD is responsible for recording the transaction into the Financial Management Information System. Specific vehicles are traded-in, but the criteria for determining when a vehicle should be traded-in rather than sold is not clear.

Vehicles that become non-operational due to accidents or mechanical issues are removed from service and either "Red Tagged" or declared a total loss. The decision to remove a vehicle from permanent service appears to start with a determination from the body or mechanical shop. They document the damage or mechanical issues and recommend a course of action. The next step that we observed in many samples was a request in the form of a memo to remove the vehicle from service. Many of these vehicles are stored and eventually sold as scrap vehicles.

We obtained the PMD policies manual describing the process for retirement and disposals, which states that PMD is responsible for the ultimate disposal of Navajo Nation property that is either no longer needed or found to be unserviceable. Further, it states that programs and departments are responsible for identifying and processing appropriate assets for retirement or disposal through trade-in, transfer to the PMD, scrap, or sale with the Controller's approval. We obtained the vehicle disposal listing from the Financial Management Information System for the audit period, and we randomly selected 29 vehicles for testing. The sample included vehicle disposals occurring between November 6, 2018, and April 22, 2020. Our tests were designed to determine if the FMD was following the process described to us and the process identified in the Navajo Nation policies and procedures. We requested supporting documentation for each sample to confirm that the process is operating as described to us and verified that controls are designed and working effectively. The information provided by FMD varied by individual sample. Our observations and recommendations are described further below.

PHYSICAL INVENTORY

The Property Management Department has the authority to perform a physical inventory of Navajo Nation vehicles. Vehicles are inventoried as part of the Fixed Assets verification process of each program/department. Each program/department is to be inventoried at least every two (2) years. The physical inventory process is as follows: 1) Property Management clerk obtains fixed asset listing from the Financial Management Information System for the department, 2) works with the department to physically observe and verify the vehicle, 3) reconciles observations to the listing from the Financial Management Information System, and 4) determines discrepancies. If discrepancies arise, the clerk will work with the individual department to try and resolve the discrepancy. There are ten (10) days after the physical inventory is completed to find unaccounted

items. For items which are not found or other variances, the PMD will work with the department to determine the root cause and justification. Any remediation actions will be implemented by the department directors to reconcile their inventory to the Financial Management Information System.

FMD manages the location/department of the assigned vehicle and any permanently designated authorized individual(s) throughout the vehicle's lifecycle with the Navajo Nation. Each time a vehicle is assigned or reassigned, there should be an update to the vehicle's record within the Financial Management Information System. PMD performs their physical inventories on a departmental basis for all fixed assets within the department.

Due to the COVID-19 pandemic and Stay at Home Lockdown Orders on the Navajo Nation, we were unable to perform and observe a physical inventory of sampled vehicles, determine the completeness and accuracy of the Navajo Nation's financial records, and the operating effectiveness of the inventory process controls.

SUMMARY OF FINDINGS

FINDING 1 – FMD DID NOT MAINTAIN SUPPORTING DOCUMENTATION FOR ALL OF THE VEHICLES IN OUR AUDIT SAMPLE.

	Condition	FMD was unable to provide support for four (4) buses with a disposal date of April 22, 2020, and two (2) other vehicles that were disposed of during 2020, a total net book value of ~\$140,000. FMD stated that the buses were traded-in, but no supporting documentation was provided. Subsequently, we received copies of Financial Management Information System reports and related notes from the PMD, but no documentation of approvals supporting the disposal as prescribed per policy nor the decision to trade-in the vehicle rather than sell it was provided. If the buses noted above were procured with Federal Funds, additional requirements for disposal of those assets may have applied. In addition, we were unable to obtain documentation for seven vehicles selected for testing acquisitions. Section 1(D) of the Navajo Nation Procurement Rules
Acquisitions & Disposals	Criteria	and Regulations and the Navajo Nation Procurement Rules and Regulations and the Navajo Nation Property Management Policies Manual are among documents discussing a department's requirement to maintain records and adhere to the Rules and Regulations. Requirements for acquiring and disposing of assets acquired with Federal Funds are noted throughout the Navajo Nation Procurement Manual and Property Management Policies Manual.
	Effect	FMD does not have complete records for all vehicles under their purview. Individuals within the Navajo Nation could sell vehicles without appropriate approvals or for possibly unapproved values without potentially receiving the highest value through trade-in, public sale, or employee sale.
	Cause	FMD lacks consistent methodology and processes in the acquisitions and dispositions of vehicles across departments. We were informed that some vehicle records were destroyed prior to those vehicles being disposed.
	Recommendation	Records for acquisitions and disposals should be retained in support of the Navajo Nation's financial statements for a minimum of the current year plus 7 prior years. Vehicle files should be maintained until the vehicle is

disposed of and removed from the appropriate fixed
asset systems. See page 9 of the Navajo Nation Property
Management Policies Manual for detailed guidance.

FINDING 2 – FMD SUPPORTING DOCUMENTATION OF ACQUISITIONS AND DISPOSALS IS INCONSISTENT

Acquisitions & Disposals	Condition	The Fleet Management Department maintains vehicle folders that do not contain all relevant documentation of acquisitions and disposals. We found that the folders did not consistently contain the same type of documentation in support of an acquisition or ultimate disposal. Various vehicles sampled had multiple types of documentation, an assortment of signed and unsigned memos, and various reports. We were unable to determine if various approval memos were reviewed and approved and who had been provided copies of those memos. Further, not all vehicles damaged in accidents appeared to have been reviewed by the Risk Management Department for insurance coverage or recovery from 3 rd parties. There was an inconsistent tracking of the Rusco and WEX fuel cards. When fuel cards were not surrendered with the vehicle, there was no explanation (e.g., cards had not been issued, transferred to another vehicle, etc.)
	Criteria	All significant transactions of the FMD should be supported by adequate and approved documentation in accordance with the Navajo Nation Procurement Rules and Regulations as described in Sections III through XVI and the Navajo Nation Property Management Policies Manual.
	Effect	FMD does not properly support the vehicle acquisition and disposal process, including documenting required approvals, steps taken, and outcomes. FMD does not have complete documentation of the steps taken as part of the disposition process such as equipment removal and returning of fuel cards assigned to authorized users. Unauthorized purchases may be made, and fuel costs may be assigned to the incorrect cost center. Purchasers of vehicles may obtain unauthorized equipment from specialized vehicles, including law enforcement

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		vehicles. Equipment may include radios and lights and sirens not allowed for civilian use.
		FMD does not follow a consistent methodology
	Cause	requiring a specific process to be followed to acquire or dispose of a vehicle. The employees appear to know the process, but it is not followed as prescribed in the Property Management Policies Manual and Procurement Manual (for acquisitions). Documented policies do not provide department employees with clear and concise guidelines. The method of assessing vehicle condition and disposing of vehicles no longer in service is disorganized and incomplete. The files to
		support vehicle decisions were incomplete and
		inconsistent as to the nature of the documentation.
		The FMD should implement a Fleet Acquisition and Disposal policy to specify the steps required and individuals' authority to acquire and dispose of vehicles. The policy should identify the documents required to support each step in the process and the files to be maintained by FMD and PMD. This FMD policy should be coordinated with PMD's policies to ensure that there is a seamless process, with each department's personnel aware of their responsibility.
	Recommendation	FMD and PMD should implement a joint checklist to acquire and dispose of vehicles consistent with the overall procurement policy and FMD Fleet Acquisition and Disposal policy.
		FMD should update the Permanent Assigned Vehicle Returned Form to address missing fuel cards, the disposition of those cards, and include a supplemental checklist for specialized vehicles (such as law enforcement vehicles) to ensure that the vehicles have been properly prepared for disposal.

FINDING 3 - FMD DOES NOT VERIFY DAMAGED VEHICLE RECOVERY EFFORTS

Acquisitions & Disposals	Condition	We observed that the FMD Body Shop provided detailed support for vehicles that were recommended to be declared inoperative due to mechanical issues or accidents. We saw documentation on some vehicles that the Risk Management Department had reviewed the file
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FINDING 4 – FMD DOES NOT ADHERE TO NAVAJO NATION PROCUREMENT RULES AND REGULATIONS WHEN ACQUIRING NAVAJO NATION FLEET

		We observed purchase requisitions issued as close as two days before the Purchase Order, with both documents reflecting the pricing from the successful bidder's quote.
Acquisitions	Condition .	Vehicle files included a summary of the bids received, but only the successful bidder's actual quotation. FMD personnel later indicated that they had additional documentation which was not provided due to the volume of the data. Although the Procurement Rules and Regulations require a formal bid evaluation, the files contained a list of those who attended the bid opening meeting but did not contain notes of the

		deliberations and the bid evaluation sheet used to determine the successful bidder.
	Criteria	Navajo Nation Procurement Rules and Regulations Section III (A) "Purchase Requisition" 1(a) states: "The Procurement process for each procurement of goods shall begin with a purchase requisition form completed by the Procuring Party." The criteria and process for evaluating bids are found
		in Section III (G) Bid Evaluations.
	Effect	Preparing the PR after the purchase is awarded negates the purpose and usefulness of the PR - which is to express a need, estimate the cost, and if the need can be met through a generic equivalent or must meet specific requirements. For many vehicles, a discount from the manufacturer's MSRP provides a starting estimate of the expected cost.
		Without including all supporting documentation in the bid review process, an anticompetitive collusion may occur in which bidders and/or FMD personnel could coordinate in undermining the bidding process.
	Cause	FMD does not adhere to Procurement Rules and Regulations.
		The FMD should follow established Navajo Nation procurement rules and regulations.
	Recommendation	The contract award documentation should include copies of all bids as well as notes evidencing that the purchase was awarded to the most qualified bidder.

FINDING 5 – FMD DID NOT VERIFY THAT VEHICLES BEING RECEIVED AGREED WITH THE PURCHASE ORDER

Acquisitions Condition	The process to approve, bid, and finalize the bulk purchase of 292 vehicles, approximately \$7.2 million, took many months to complete. Although model year 2018 vehicles were ordered, many of the vehicles received were the model year 2019 and 2020. The receiving document appeared to be generated from the purchase order and showed the model year as 2018.
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	The bids from one vendor specified the vehicles as "Next Generation" or "Next Generation available 2020 model year". The individuals checking-in the vehicles did not note the correct model year and the purchase order was not amended to reflect the actual model year of vehicles being received (2019 and 2020 in many cases). The correct year appears to be shown on the vehicle's title and in the Financial Management Information System.
Criteria	Navajo Nation Procurement Rules and Regulations Section III (I) "Receipt and Acceptance of Goods" subsection 6 states: "The procuring party shall immediately inspect the Goods to determine if the goods meet specifications".
Effect	The FMD may receive and authorize payment for merchandise that does not conform to the purchase contract. In this case the vehicles received were a more recent model year than those ordered, but it is possible that items could be received that were of less value than ordered.
Cause	The FMD does not properly document vehicles received and address non-conforming deliveries.
Recommendation	FMD personnel should be trained to follow Section III. (I), (page 15) of the Navajo Nation Procurement Rules and Regulations to ensure that the merchandise being received meets the specifications outlined in the purchase order. There should be a procedure established to address FMD's receipt of non-conforming goods.

FINDING 6 – FMD LACKS A FORMAL DELEGATION OF AUTHORITY MATRIX

Acquisitions & Disposals	dition	FMD does not have a formalized Delegation of Authority matrix for vehicle procurement, disposal of vehicles, and inventory variances based on dollar value. Currently all purchases are required to obtain approval from the Motor Vehicle Review Board ("MVRB"), regardless of dollar value. All physical observation variances are explained and require approval of the Controller for write-off or adjustment.
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Criteria	A formalized Delegation of Authority matrix which defines financial and administrative responsibilities and delegated authorities is considered a best practice.
Effect	The efficiency of the purchasing process and physical observation adjustments may be hindered by excessive approval requests to the MVRB and Office of the Controller. Individuals may not obtain appropriate approvals during the acquisition or disposal process.
Cause	The FMD lacks documented vehicle acquisition and disposal policies and procedures.
Recommendation	The Fleet Management Department should publish a Formal Delegation of Authority Matrix documenting administrative responsibilities and approval levels. This effort should be coordinated with the Office of the Controller, The Risk Management Department, the Property Management Department, and any other stakeholders.

FINDING 7 – FMD TAKES MULTIPLE YEARS TO DISPOSE OF VEHICLES

Disposals	Condition	In several instances, the vehicle designated for disposal had been identified as being excess, destroyed due to an accident or other damage, or had been selected as mechanically unsound years before any action was taken to dispose of the vehicle and convert the remaining value to cash. Several of the vehicles sold for salvage in 2018 were identified and approved for disposal between 2006 to 2011. We understand from the audit close-out meeting that an additional 77 scrap vehicles are residing in a field next to the FMD body shop. We were informed that vehicles in that field were placed there between 1978 and
		One accident report related to the vehicles disposed in 2018 was dated in 2002. From our discussions with FMD and PMD personnel, there are likely many vehicles still in storage waiting for reassignment or disposition. FMD body shop personnel stated that the disposal process for emergency vehicles varies for vehicles sold to scrap

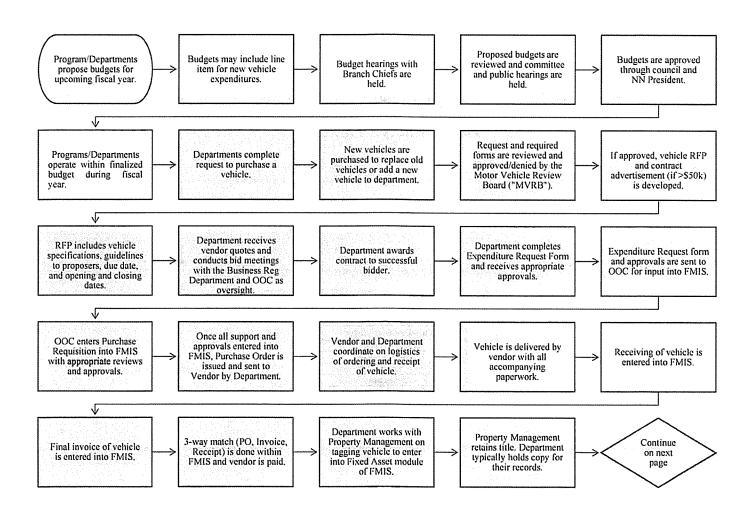
	dealers and vehicles offered to the public directly. Emergency equipment is not removed for vehicles sold to scrap dealers to increase the value of the vehicle but is removed when vehicles are sold directly to the public.
Criteria	The Navajo Nation Property Management Policies Manual provides detailed instructions on the disposal of vehicles (page 42). In addition, vehicles acquired with Federal or Pass-Thru Funds must also comply with appropriate Federal regulations (see Exhibit 2).
Effect	Vehicles can be stripped for parts, removed without authorization, and vehicles will deteriorate over time, reducing their remaining value. The Navajo Nation continues to incur costs for carrying non-operating vehicles on its books and records. Emergency vehicles sold with emergency equipment and decals may compromise the Navajo Nation's public safety programs by potentially allowing third parties access to emergency decals and equipment.
Cause	The lack of a formal systematic and periodic approach to disposing of vehicles that are no longer in service. The lack of coordination between the FMD declaring vehicles either excess or inoperable, placing them in storage for disposal, and the PMD disposing of the vehicles.
Recommendation	FMD and PMD should jointly create a formal process to identify and dispose of vehicles on a timely periodic basis.

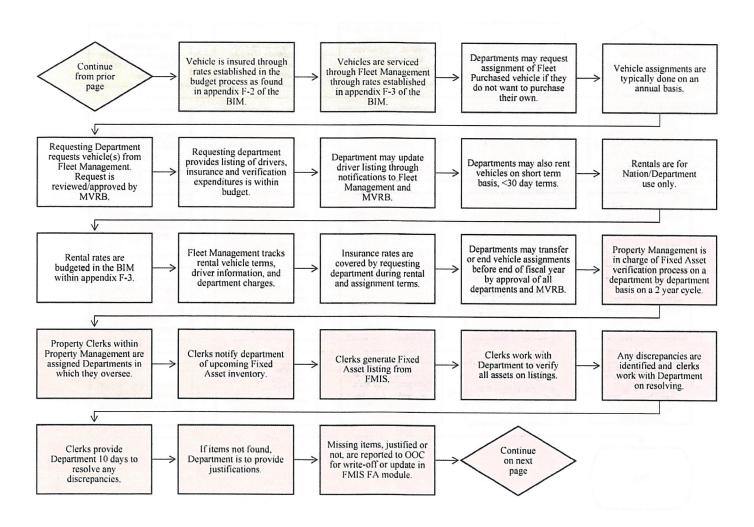
Exhibit 1

Internal Audit of the Navajo Nation Fleet Management Department

Vehicle Lifecyle Flowchart

Sub-Process Notes
Green – Budget
Blue - Purchasing
Yellow - Insurance/Service
Gray - Assignment/Rental
Orange - Inventory
Blue Gray - Disposition





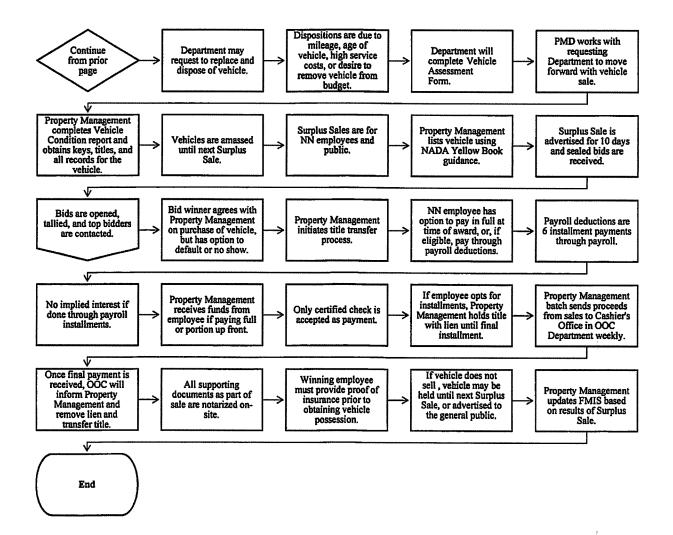


Exhibit 2



THE NAVAJO NATION - Office of the Controller

Accounting Policies Manual

Excess or obsolete property that is no longer required by one department will be transferred to the PMD if another department in need is not immediately identifiable, in accordance with Section 6.9 Relocation.

Sale

The property will be sold whenever reasonable proceeds from such a process are anticipated. Sale and pricing methods will be subject to the approval of the Controller for items equal to and greater than \$1,990 and may include direct negotiation, sealed bid invitation, spot bidding, fixed-price sale, public auction, out-of-cycle sale, employee sale, or sales to the general public. Sales will be conducted by the sole discretion of the PMD Manager for items less than \$1,000. All sales will be final where there will be no exchanges or refunds allowed. Remote location sales will be allowed when it is not economically feasible to move an item to a yard to conduct a sale.

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Property that is traded in or exchanged for a similar asset will be recorded as a sale (original asset) and acquisition through purchase (new asset) by the department in the FMIS

Last or Stolen

Property that has been lost or stolen and that have been properly recorded and deemed unrecoverable will be retired.

Scrap

Property that has been transferred to the PMD and is found to be damaged, destroyed, or in any other way having no recoverable value will be accumulated and disposed of in accordance with existing scrap metal/refuse contracts or as otherwise directed by the Controller.

Disposal of Equipment Acquired with Federal or -Pass-Thru Funds

Disposal of equipment purchased with federal or federal-pass-thru funds must comply with the appropriate federal regulations. Depending upon the fair market value of the equipment (usually at the time the award terminates) and the federal awarding agency's instructions, disposition must occur following specific rules:

- If the equipment has a unit fair market value of \$5,000 or less, it may be retained, sold or otherwise
 disposed of with no further obligation to the federal awarding agency.
- If the equipment has a unit fair market value of more than \$5,000, the Nation must obtain disposition
 instructions from the federal awarding agency. The Nation may be permitted to retain the equipment
 for use under other non-federally sponsored projects, but it may also be instructed to sell or transfer
 the equipment back to the agency or another entity.
 - If the Nation is instructed to sell the equipment, the Nation must remit to the federal awarding agency's pro-rated share of the proceed from the sale of the equipment.

There may be additional requirements that vary by the awarding agency. Please refer to grant and contract agreements for any additional requirements.

Disposal of Property with Hazardous Materials

Econs such as refingerators, freezers, sterilizers, underground tanks, and similar equipment may contain freen, mercury switches, batteries, or other potentially hazardous components. Before disposing of surplus equipment, the PMD must certify that reasonable means have been taken to clean and decontaminate the

THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT

MYRON LIZER | VICE PRESIDENT

June 7, 2021

MEMORANDUM

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Helen Brown, CFE Principal Auditor

Delegated Auditor General

OFFICE OF THE AUDITOR GENERAL

FROM:

Raymond Holyan, Department Manager III

Fleet Management



RE

Internal Audit of Navajo Nation Fleet Management Department

In response to the Final Draft of the Internal Audit of the Fleet Management Department, the Fleet Management Department set forth the formal comments to the report prepared by Office of the Auditor General/Greene Forensic Accounting Solutions LLP dated May 18, 2021. On March 25, 2021, we were able to meet virtually with your auditing team. Office of the Auditor General & Greene Forensic Accounting Solutions and discussed the findings and recommendations. The exit meeting included changes to the initial report, which was completed by the Office of the Auditor General/Greene Forensic Accounting Solutions auditing team on May 21, 2021.

With the respect of the areas of concern, the FMD has prepared the following comments, although the audit identifies other departments within the organization, we will focus primarily on our oversight, but will work with the mentioned departments to streamline a more conducive process/procedures to comply with the recommendations set-forth by the audit:

FINDING 1 – FMD DID NOT MAINTAIN SUPPORTING DOCUMENTATION FOR ALL OF THE VEHICLES IN OUR AUDIT SAMPLE

RESPONSE: We acknowledge this finding as such and will comply with the Records Retention recommendations schedules and comply with the Navajo Nation's Property Management Policy Manual. Furthermore, FMD will put a standard operating procedure in writing.

FINDING 2 – FMD SUPPORTING DOCUMENTATION OF ACQUISITIONS AND DISPOSALS IS INCONSISTENT

RESPONSE: The finding is acknowledged and FMD will develop a specific policy to govern the acquisition and disposal of all vehicles, which will be a step-by-step procedure, forms, relative documents, fuel card terminations, specialty equipment removal/disposal, checklist to regulate the entire process, ultimately, standardize the entire process. Collaborate with other departments, Property Management, Procurement, and MVRB.

Client Response

FINDING 3 - FMD DOES NOT VERIFY DAMAGED VEHICLE RECOVERY EFFORTS

RESPONSE: FMD is aware of the consistencies in verifying and tracking vehicle damage and or recovery claims, therefore, FMD will follow the required recommendation to develop a policy/procedure and standardize the entire process. FMD will collaborate with the Risk Management Department to develop this policy/procedure.

FINDING 4 – FMD DOES NOT ADHERE TO NAVAJO NATION PROCUREMENT RULES AND REGULATIONS WHEN ACQUIRING NAVAJO NATION FLEET

RESPONSE: We acknowledge this finding and will address this inconsistency of not adhering to the Procurement Rules and Regulation. The Division General Service has developed rules, guidelines, checklist to control & sustain total compliance of the Procurement Rules and Regulations.

FINDING 5 – FMD DID NOT VERIFY THAT VEHICLES BEING RECEIVED AGREED WITH THE PURCHASE ORDER

RESPONSE: This finding is acknowledged and we will put in place a protocol to address these types of issues, it was unfortunate that a large purchase was initiated and thus the vehicle models ran into subsequent years. All vehicle acquisitions will follow the findings in number four (4) and limited the volume of acquisition so the vendor will have adequate time to fulfill order.

FINDING 6 - FMD LACKS A FORMAL DELEGATION OF AUTHORITY MATRIX

RESPONSE: The finding is acknowledged and will be addressed in coordination with finding number two (2)'s response to develop policies & procedures.

FINDING 7 - FMD TAKES MULTIPLE YEARS TO DISPOSE OF VEHICLES

RESPONSE: We acknowledge the finding and will address the finding by adhering to the recommendation provide by auditors. FMD will collaborate with the Property Management Department to expedite the disposal process or find alternative solutions.

Conclusion

The FMD acknowledges all the findings in this department audit and will adhere to all the recommendations provided. We understand the importance of adhering to all Rules & Regulations and Policies as it pertains to all functionalities of the department and oversight. The corrective actions on our responses might take a little longer than normal process, due to the pandemic it is harder to collaborate with other departments and oftentimes it may need legislative approvals.

We appreciate The Office of The Auditor General/Green Forensic Accounting Solutions, LLP in conducting this internal audit and we will make every attempt to immediately address these corrective recommendations and establish/standardize internal/external controls in the process.

xc: Tom Platero, Division Director - Division of General Services
Paulson Chaco, Chief of Staff - Office of the President/Vice President
Chrone

EXHIBIT Signal S

CORRECTIVE ACTION PLAN

	Navajo Nation Fleet Assets				
	Finding	Recommendation	Corrective Measures	Responsible Party	Timelines
1	FMD DID NOT MAINTAIN SUPPORTING DOCUMENTATION FOR ALL OF THE VEHICLES IN OUR AUDIT SAMPLE	Records for acquisitions and disposals should be retained in support of the Navajo Nation's financial statements for a minimum of the current year plus 7 prior years. Vehicles files should be maintained until the vehicle is disposed of and removed from the appropriate fixed asset systems.	The Fleet Management Department will establish a Vehicle Acquisition & Disposition Policy that will cover all vehicle acquisitions/disposition of all Navajo Nation vehicles Cover Fleet and Department purchase vehicles Vehicle specification review and approvals, prior to review & approval by the Motor Vehicle Review Board (MVRB) Record retention of all vehicles, Fleet or Department purchase vehicles: 1. Folder generated for all vehicle acquisitions to include purchase order or contracts, registrations, insurance, driver listing, repair history, and any department transfers. 2. Archiving timelines established (7 years). 3. Vehicle file folder will be maintained on a quarterly basis or when a vehicle gets transferred (dept., division, drivers), for vehicles being disposed of and being removed from the fixed asset system, they will be updated as such and remain on file until the archiving timelines (7 years) has elapsed.	Fleet Department Manager Fleet Administrative Assistant Fleet Coordinators Office Specialist	8/26/2022
	DECE	IVEN	 Disposition vehicles removal from the Fixed Asset Systems, collaborate with the Office of the Controller's Office – Property Management Department to develop guidelines to prepare vehicles for disposition and include the required documents: 		
	OFFICE OF THE AU		Documents established at the onset of the vehicle acquisition and along with other pertinent information will accompany vehicle to the Property		

	Navajo Nation Fleet Assets				
			Management Department for		
			disposition.		
			2. Develop a checklist sheet to		
			ensure all pertinent information		
			are completed prior to submitting		
			documents and vehicle to the		
			Property Management		
			Department.		
			·		
2	FMD SUPPORTING	The FMD should	The Fleet Vehicle Acquisition & Disposition Policy	Fleet	8/26/2022
	DOCUMENTATION	implement a	will cover individuals responsible for all vehicle	Department	0,20,2022
	OF ACQUISITIONS	Fleet Acquisition	acquisitions & disposition and the specific roles	Manager	1
	AND DISPOSALS IS	and Disposal	they have in this entire process – collaboration		
	INCONISTENT	policy to specify	with key departments, Property Management	Fleet	
		the steps	Department, Risk Management Department, and	Administrative	
		required and	the Purchasing Department	Assistant	
		individuals'		Assistant	
		authority to	Personnel authorized to request or initiate	Fleet Program	
		acquire and	vehicle acquisitions and dispose of	Supervisor	
		dispose of	vehicles:	oupervisor	
		vehicles.	V 3.1113/33.	Fleet	
			1. Process map guidelines and	Coordinators	
		The policy should	develop procedures to initiate	0001411141013	
		identify the	vehicle acquisitions or disposals –	Fleet Senior	
		documents	step by step procedures for Fleet	Accountant	
		required to	or Department purchase vehicles	Accountant	
		support each	2. Supporting documents for	Fleet Office	
		step in the	acquisition to include, vehicle	Specialist	
		process and the	specifications, FMIS budget	Specialise	
		files to be	allocations for purchase & for		
l		maintained by	vehicle insurance, current vehicle		
		FMS and PMD.	inventory by initiating department,		
		This FMD policy	and vehicle driving listing.		
		should be	3. Supporting documents for		
		coordinated with	disposition of vehicles, vehicle		
		PMD's policies to	folder files, registrations, insurance		
		ensure that there	paperwork, vehicle repair/service		
		is a seamless	history, vehicle user release form,		
		process, with	fuel card return and address		
		each	missing fuel card – for a seamless		
		department's	transition from the Fleet		
		personnel aware	Management Department to the		
		of their	Property Management		
		responsibility.	Department.		
		,.	4. Special provisions for Specialty		
		FMD and PMD	vehicles (law enforcement and		
		should	emergency vehicles), removal of		
			emergency venicies), removal of		

	ı		Navajo Nation Fleet Assets		
		implement a joint	detailing (identifying stickers and		
		checklist to	markings).		
		acquire and	5. Following all Procurement Rules &		
		dispose of	Regulations on all vehicle		
		vehicles	acquisitions, whether they are		
	1	consistent with	Fleet or Department purchase		
		the overall	vehicle.		
		procurement	6. Develop checklist with signing		
		policy and FMD	authority, to ensure each process		
		Fleet Acquisition	steps (steps 1 thru 5) have been		
		and Disposal	accomplished/approved to initiate		
		policy.	either acquisition or disposition of	,	
			vehicle.		
		FMD should			
		update the	Training of Fleet & Property Management		
		Permanent	staff to implement the Fleet Vehicle		
	!	Assigned Vehicle	Acquisition & Disposition Policy:		
		Returned Form			
		to address	1. Periodic training for the entire		
		missing fuel	organization staff, with tutorials on		
		cards, the	the Fleet Management website.		
		disposition of			
		those cards, and			
		include a			
		supplemental			
		checklist for			
		specialized			
		vehicles (such as			
		law enforcement			
		vehicles) to			
		ensure that the			
i		vehicles have			
		been properly			
l		prepared for			
		disposal.			
3	FMD DOES NOT	FMD in	The Fleet Management Department will	Fleet	8/26/2022
	VERIFY DAMAGED	conjunction with	collaborate with the Risk Management	Department	0/20/2022
	VEHICLE	the Risk	Department and develop specific guidelines and	Manager	[
	RECOVERY	Management	procedures in addressing damaged vehicles,	manager	
	EFFORTS	Department	unexplained and reported damages to vehicles	Body Shop	
		should	and the reported delinged to vehicles	Supervisor	
		implement a	 Develop standardize form and procedure 	Juper visur	
		policy requiring a	for the Fleet Management Department to	Fleet	
		formal Risk	follow in reporting accidents or reporting	Coordinators]
		Management	unexplained damage (dents & broken		
		review of	windshields, missing vehicle body parts):		
		vehicles involved			

		in any accidents or exhibiting unexplained body damage (bent frames, etc.). The policy should include a checklist of outstanding items to complete, due dates, and approvals indicating completeness of the process.	1. Reporting and initiating a damage claim with the Risk Management — timelines to report damages. 2. Acceptance with claims — allowable claims on damages, parties involved, and private driver claims. 3. Vehicle inspections and reporting vehicle damages — guideline for drivers and Fleet Management technicians to follow in reporting preexisting damages, options to ground vehicles until a claim has been establish or Risk Management validates damages. 4. Addressing vehicle damages — body shop will work with Risk Management Department and check if claims have been accepted or not accepted, if accepted, body shop will commence with the repairs, if not Body Shop will request for an Inter-department Charge Requisition (ICR) to pay for damage, which to include deductible charge (\$500.00). 5. Checklist to follow up on all accepted or non-accepted vehicle damage claims, and progress of the repairs — check items will identify date/time or accident or reporting of damages, completion of repair claims, claim acceptance or non-acceptance by the Risk Management Department, total loss damages and closeout disposition portion of the New	Fleet Administrative Assistant Office Specialist	
			disposition to revert back vehicle disposition portion of the New Fleet Vehicle Acquisition & Disposition Policy.		
4	FMD DOES NOT ADHERE TO NAVAJO NATION PROCUREMENT RULES AND REGULATIONS	The FMD should follow established Navajo Nation procurement	The Fleet Vehicle Acquisition & Disposition Policy will adhere to the Navajo Procurement Rules and Regulations (collaborate with the Procurement department for guidance)	Fleet Department Manager Fleet Coordinators	8/26/2022

	Navajo Nation Fleet Assets				
	WHEN	rules and	 Invitation for Bids, Request for Proposals 		
	ACQUIRING	regulations.	and Purchase Orders:		
	NAVAJO NATION			Fleet Program	
	FLEET	The contract	1. Detail information on the type of	Supervisor	
		award	acquisition and requirements of		
	1	documentation	that procurement method.	Administrative	
		should include	2. Scope of Work shall detail the	Assistant	
		copies of all bids	vehicle specifications with		
		as well as notes	comparable vehicle models, make,		
		evidencing that	and year.		
		the purchase was			
		awarded to the	evaluation, and bid awards clearly		
		most qualified	identified.		
		bidder.	4. Receipt and acceptance of goods		
			to correspond with the generated		
			checklist.		
			5. Record Retention and archiving of]
			records shall follow the Records		
			Management procedure.		
			Standardizing submissions, tracking, and		
			retention of procuring vehicle acquisition		
			documents for the entire departments		
			under the Division of General Services (we		
			will collaborate with the Deputy Division		
			Director):		
			Directory.		
			Expenditure Authorizations forms		
			to be developed by the Fleet		
			Management Department.		
			2. 6B and Navajo Nation 164 Review		
			to be followed on all vehicle		
			acquisitions.		
			3. Tracking documents and checklist		
			for record retention.		
			4. Copies of all bids and evidence of		
			purchase award shall retained and		
			archived according to Records		
			Management procedures.]
5	FMD DID NOT	FMD personnel	The new Fleet Vehicle Acquisition and Disposition	Fleet	8/26/2022
	VERIFY THAT	should be trained	Policy will cover a section on "Receipt and	Coordinators	-,,
	VEHICLES BEING	to follow Section	Acceptance of Goods" as outlined in the Navajo]
	RECEIVED AGREED	III. (I), (page 15)	Nation Procurement Rules and Regulations	Fleet	
	WITH PURCHASE	of the Navajo	•	Administrative	
	ORDER	Nation	 Point of delivery (new vehicles shipping 	Assistant	
		Procurement	location) shall be the Fleet Management		

			Navajo Nation Fleet Assets		
		Rules and Regulations to ensure that the merchandise being received meets the specifications outlined in the purchase order. There should be a procedure established to address FMD's receipt of non- conforming good.	Department compound in Window Rock AZ. Checklist/Condition Report to ensure all vehicles are in good condition and match items on the purchase order or contract – specification, models, years are all correct, along with pertinent documents to register and to get insurance on the vehicles, and they all correspond with the purchase order or contract Non – Conforming vehicles or damaged vehicles: 1. Copy of defects, damages, and non-compliance issues shall be noted and information forwarded to the Purchasing Department, Accounts Payable, and procuring party. 2. Copies of defects or damages shall be retained and archived for future reference. 3. Provision for the seller to correct defects or damages. Fleet Management Department will have periodic trainings on the new Fleet Vehicle Acquisition and Disposition Policy, along with tutorials on the Fleet Management Department website: 1. Guidance on Fleet or Department purchased vehicles.	Fleet Department Manager	
6	FMD LACKS A FORMAL DELEGATION OF AUTHORITY MATRIX	The Fleet Management Department should publish a Formal Delegation of Authority Matrix documenting administrative responsibilities and approval levels. This effort should be	The new Fleet Vehicle Acquisition and Disposition Policy will develop and include a "Delegation of Authority Matrix" for internal controls in the acquisition and disposition of vehicles • Collaborate with the Office of the Controller (OOC) for all budget and fund management plans • Collaborate with Risk Management Department for vehicle insurances (activate or deactivate) • Collaborate with the Property Management Department for the	Fleet Department Manager Fleet Program Supervisor Fleet Coordinators	8/26/2022

		coordinated with the Office of the Controller, The Risk Management Department, the Property Management Department, and any other stakeholders.	uploading vehicle into the fixed asset modules or removing from the fixed asset modules • Develop a checklist to get signatory approvals at each sequence of the acquisition or disposition: 1. Vehicle acquisition will have a separate form with separate conditions 2. Vehicle disposition will have their own checklist to disposition vehicles		
7	FMD TAKES MULTIPLE YEARS TO DISPOSE OF VEHICLES	FMD and PMD should jointly create a formal process to identify and dispose of vehicles on a timely periodic basis.	The Fleet Management Department will collaborate with the Property Management Department to formulate a vehicle disposition protocol to adequately dispose of Navajo Nation Fleet vehicles on a timely periodic basis — subsection in the new "Fleet Vehicle Acquisition & Disposition Policy" • Clear definition of vehicle useful life and depreciation values • Establish a vehicle replacement plan • Devise checklist for every vehicle being disposition: 1. Will including supporting documents, e.g., copy of contract or purchase order, vehicle repair history, registration, etc. for each vehicle. 2. Condition report forms updated and include vehicle keys, and accessory keys (tool boxed if applicable).	Fleet Department Manager Fleet Service Center Managers Fleet Senior Accountant Fleet Coordinators Fleet Administrative Assistant	8/26/2022

BUDGET AND FINANCE COMMITTEE 4 JANUARY 2022

Regular Meeting

VOTE TALLY SHEET:

Legislation No. 0250-21: An Action Relating to the Health, Education, and Human Services and the Budget and Finance Committee; Accepting the Auditor General's Audit Report of the Fleet Management Department and the Corrective Action Plan Proposed by the Fleet Management Department Sponsored by Pernell Halona and Edison J. Wauneka, Council Delegates

Motion: Elmer P. Begay Second: Nathaniel Brown Vote: 4-0, Chairman not voting

Final Vote Tally:

Jamie Henio	
Raymond Smith Jr.	yea
Elmer P. Begay	yea
Nathaniel Brown	yea
Amber K. Crotty	yea
Jimmy Yellowhair	

Absent: Jimmy Yellowhair

Jamie Henio, Chairman

Budget & Finance Committee

Peggy Nakai, Legislative Advisor Budget & Finance Committee