

REPUBLIC OF THE MARSHALL ISLANDS
EBEYE WATER SUPPLY AND SANITATION PROJECT
(JOINTLY FINANCED BY THE ASIAN DEVELOPMENT BANK'S SPECIAL
FUND (GRANT NO. 0438-RMI (SF))
AND THE GOVERNMENT OF AUSTRALIA
(GRANT NO. 0439-RMI (EF)))

FINANCIAL STATEMENT,
ADDITIONAL INFORMATION AND
INDEPENDENT AUDITORS' REPORT

YEAR ENDED SEPTEMBER 30, 2020

REPUBLIC OF THE MARSHALL ISLANDS
EBEYE WATER SUPPLY AND SANITATION PROJECT
(JOINTLY FINANCED BY THE ASIAN DEVELOPMENT BANK'S
SPECIAL FUND (GRANT NO. 0438-RMI (SF)) AND
THE GOVERNMENT OF AUSTRALIA (GRANT NO. 0439-RMI (EF)))

Year Ended September 30, 2020

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INDEPENDENT AUDITORS' REPORT

His Excellency David Kabua
President
Republic of the Marshall Islands

Report on the Financial Statement

We have audited the accompanying financial statement of the Republic of the Marshall Islands (RMI) Ebeye Water Supply and Sanitation Project (the "Project") jointly financed by the Asian Development Bank's Special Fund (Grant Number 0438-RMI (SF)) and the Government of Australia (Grant Number 0439-RMI (EF)), which comprises the statement of revenues, expenditures, and changes in fund balance for the year ended September 30, 2020, and the related notes to the financial statement.

Management's Responsibility for the Financial Statement

Management is responsible for the preparation and fair presentation of this financial statement in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditors' Responsibility

Our responsibility is to express an opinion on the financial statement based on our audit. We conducted our audit in accordance with 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. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statement is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statement. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statement, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statement in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statement.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the financial statement referred to above presents fairly, in all material respects, the results of operations of the Project for the year ended September 30, 2020, in conformity with accounting principles generally accepted in the United States of America.

Emphasis of Matter

As discussed in Note 1 to the financial statement, the financial statement referred to above presents only the activities of the Project administered by the RMI Ministry of Finance, Banking and Postal Services and implemented by Kwajalein Atoll Joint Utilities Resources, Inc. and is not intended to present fairly the results of other non-Project related operations of the RMI Ministry of Finance, Banking and Postal Services in conformity with accounting principles generally accepted in the United States of America. Our opinion is not modified with respect to this matter.

Other Matters

Use of Proceeds of the Grant and Particular Covenants

In connection with our audit, nothing came to our attention that caused us to believe that the Project failed to comply with the terms, covenants, provisions, or conditions of Articles III and IV of the grant agreements dated October 13, 2015 insofar as they relate to accounting matters. However, our audit was not directed primarily toward obtaining knowledge of such noncompliance. Accordingly, had we performed additional procedures, other matters may have come to our attention regarding the Project's noncompliance with the above-referenced terms, covenants, provisions, or conditions of the grant agreement, insofar as they relate to accounting matters.

Required Supplementary Information

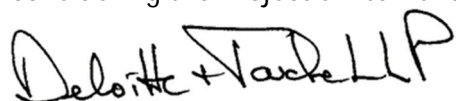
Management has omitted the Management's Discussion and Analysis that accounting principles generally accepted in the United States of America requires to be presented to supplement the basic financial statements. Such missing information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. Our opinion on the basic financial statements is not affected by this missing information.

Other Information

Our audit was conducted for the purpose of forming an opinion on the financial statement as a whole. The other supplementary information on pages 7 and 8 is presented for purposes of additional analysis and is not a required part of the financial statement. Such information is the responsibility of the RMI Ministry of Finance, Banking and Postal Services' management and was derived from and relates directly to the underlying accounting and other records used to prepare the financial statement. Such information has been subjected to the auditing procedures applied in the audit of the financial statement and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statement or to the financial statement itself, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the other supplementary information is fairly stated, in all material respects, in relation to the financial statement as a whole.

Other Reporting Required by Government Auditing Standards

In accordance with Government Auditing Standards, we have also issued our report dated November March 25, 2022, on our consideration of the Project's internal control over financial reporting and our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Project's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with Government Auditing Standards in considering the Project's internal control over financial reporting and compliance.



March 25, 2022

**REPUBLIC OF THE MARSHALL ISLANDS
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 SPECIAL FUND (GRANT NO. 0438-RMI (SF)) AND
 THE GOVERNMENT OF AUSTRALIA (GRANT NO. 0439-RMI (EF)))**

Statement of Revenues, Expenditures, and Changes in Fund Balance
 Year Ended September 30, 2020

| | |
|-----------------------------------|--------------------|
| Revenues: | |
| RMI contributions | \$ 2,393,061 |
| ADB grant contributions | 236,445 |
| GOA grant contributions | <u>166,779</u> |
| Total revenues | <u>2,796,285</u> |
| Expenditures: | |
| Works | 1,822,505 |
| Equipment | 287,545 |
| Consulting | <u>686,235</u> |
| Total expenditures | <u>2,796,285</u> |
| Changes in fund balance | - |
| Fund balance at beginning of year | <u>-</u> |
| Fund balance at end of year | <u><u>\$ -</u></u> |

See accompanying notes to financial statement.

REPUBLIC OF THE MARSHALL ISLANDS
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Notes to Financial Statement
Year Ended September 30, 2020

(1) Organization

On September 28, 2015, the Asian Development Bank (ADB) approved to partially fund the Republic of the Marshall Islands (RMI) Ebeye Water Supply and Sanitation Project (the "Project"), estimated to cost \$19,020,000. The objective of the Project is to improve access to safe water and to improve sanitation on Ebeye, Kwajalein Atoll in the RMI.

On October 13, 2015, ADB executed two grant agreements with the RMI for the Project as follows:

- Grant Number 0438-RMI (SF) in the amount of \$5,000,000 to be financed by the ADB's Asian Development Fund (ADF), which was established in 1973 and provides grants to ADB's lower-income developing member countries. Activities supported by the ADF promote poverty reduction and improvements in the quality of life in the poorer countries of the Asia and Pacific region.
- Grant Number 0439-RMI (EF) in the amount of \$4,000,000 to be financed by the Government of Australia (GOA). ADB administers this grant in accordance with a Cofinancing Agreement with GOA.

The remaining estimated costs of the Project of \$10,020,000 are to be funded by the RMI.

The RMI Minister of Finance, Banking and Postal Services is designated as the representative of the RMI for the purposes of the grant regulations. The Project is overseen by a Project Steering Committee, and the RMI Office of the Chief Secretary is the Project Executing Agency. The ADB entered into a project agreement with Kwajalein Atoll Joint Utilities Resources, Inc. (KAJUR) for the purpose of implementing the Project.

The accompanying financial statement is prepared for the year ended September 30, 2020 and relates solely to those accounting records maintained by the RMI Ministry of Finance, Banking and Postal Services associated with the Project and does not incorporate any accounts related to any other departments or agencies of the RMI Ministry of Finance, Banking and Postal Services.

(2) Summary of Significant Accounting Principles

The financial statement of the Project has been prepared in accordance with accounting principles generally accepted in the United States of America (GAAP), as applied to government units. The Governmental Accounting Standards Board (GASB) is the accepted standard-setting body for establishing governmental accounting and financial reporting principles. The more significant of the Project's accounting policies are described below.

A. Measurement Focus and Basis of Accounting

The Project reports the results of its operations in one governmental fund. A fund is a separate accounting entity with a self-balancing set of accounts. They are concerned only with the measurement of financial position and are not involved with measurement of results of operations. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities.

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Notes to Financial Statement
Year Ended September 30, 2020

(2) Summary of Significant Accounting Principles, Continued

A. Measurement Focus and Basis of Accounting, Continued

Governmental funds are used to account for all or most of a government's general activities, including the collection and disbursement of earmarked monies (special revenue funds).

B. Basis of Presentation

The accounting and financial reporting treatment applied to a fund is determined by its measurement focus. All governmental funds are accounted for using a current financial resources measurement focus. Operating statements of these funds present increases (i.e., revenues and other financing sources) and decreases (i.e., expenditures and other financing uses) in net current assets.

The modified accrual basis of accounting is used by all governmental fund types. Under the modified accrual basis of accounting, revenues are recognized when susceptible to accrual (i.e., when they become both measurable and available). "Measurable" means the amount of the transaction can be determined and "available" means collectible within the current period or soon enough thereafter to be used to pay liabilities of the current period. Expenditures are recorded when the related liability is incurred.

C. Estimates

The preparation of financial statements in accordance with GAAP requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenditures during the reporting period. Actual results could differ from those estimates.

(3) Description of the Project

The Project's key outputs are:

- (i) Secure and safe freshwater supplies – Ebeye's public water supply system will be improved and safe freshwater supplied continuously to all households
- (ii) Effective and efficient sewerage services – The sewerage system on Ebeye will be upgraded to minimize the frequency and severity of uncontrolled sewage overflows and to reduce the environmental and health impacts of effluent disposal
- (iii) Enhanced hygiene awareness and improved hygiene behaviors – A hygiene awareness and promotion program focusing on women and children, and building upon hygiene awareness and promotion activities undertaken during project preparation, will be implemented over the duration of the Project
- (iv) Secure electricity supply for water and sewerage operations – The power generation and electrical distribution system on Ebeye will be improved to reduce risks to Ebeye's water supply and sewerage systems

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Notes to Financial Statement
 Year Ended September 30, 2020

(3) Description of the Project, Continued

- (v) Financial and technical sustainability of KAJUR – A Program will be implemented to help KAJUR implement its reform strategy to build its financial, technical, and operational sustainability.

Project expenditures are funded in accordance with the following allocations:

| <u>Category</u> | <u>Grant No. 0438-RMI (SF)</u> | <u>Grant No. 0439-RMI (EF)</u> | <u>RMI Grants</u> | <u>Total</u> |
|-------------------------|--|--|-----------------------|--------------|
| Civil Works | 37.2% | 24.8% | 38.0% | 100.0% |
| Equipment and Materials | 32.3% | 25.8% | 41.9% | 100.0% |
| Consulting Services | 39.0% | 31.2% | 29.8% | 100.0% |

Project expenditures are paid using the Direct Payments method following ADB's withdrawal application method.

The expected closing date of the Project is December 31, 2023.

(4) RMI Government Contributions

Under the provisions of the grant agreements, the RMI is required to provide counterpart funding for the Project aggregating \$10,020,000, inclusive of \$1,860,000 in taxes and duties exemptions. The RMI's cash contribution is financed by certain U.S. Department of the Interior federal grants, awarded and made available to the RMI as the Project progresses. For the year ended September 30, 2020, the RMI made available \$2,393,061 in counterpart funding.

(5) Capital Contributions to KAJUR

In accordance with the ADB grant agreements, grant proceeds are made available by the RMI to KAJUR for the purpose of financing Project expenditures, although no grant funds are actually passed through to KAJUR. During the year ended September 30, 2020, KAJUR recorded capital contributions of \$1,759,808 representing construction work-in-progress for the Ebeye Water Supply and Sanitation Project as follows:

| | |
|-------------------------|---------------------|
| Grant No. 0439-RMI (EF) | \$ 36,979 |
| RMI grants | <u>1,722,829</u> |
| | <u>\$ 1,759,808</u> |

(6) Subsequent Event

On December 11, 2020, ADB executed Grant Number 0749-RMI(SF) with the RMI in the amount of \$3,000,000 for the purpose of financing additional activities under the Project.

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Combining Statement of Revenues, Expenditures, and Changes in Fund Balance
Year Ended September 30, 2020

| | ADB Grant 0438 | GOA Grant 0439 | RMI | Total |
|-----------------------------------|-------------------|-------------------|------------------|------------------|
| Revenues: | | | | |
| RMI contributions | \$ - | \$ - | \$ 2,393,061 | \$ 2,393,061 |
| ADB grant contributions | 236,445 | - | - | 236,445 |
| GOA grant contributions | - | 166,779 | - | 166,779 |
| Total revenues | 236,445 | 166,779 | 2,393,061 | 2,796,285 |
| Expenditures: | | | | |
| Works | - | 36,979 | 1,785,526 | 1,822,505 |
| Equipment | 74,196 | - | 213,349 | 287,545 |
| Consulting | 162,249 | 129,800 | 394,186 | 686,235 |
| Total expenditures | 236,445 | 166,779 | 2,393,061 | 2,796,285 |
| Changes in fund balance | - | - | - | - |
| Fund balance at beginning of year | - | - | - | - |
| Fund balance at end of year | <u>\$ -</u> | <u>\$ -</u> | <u>\$ -</u> | <u>\$ -</u> |

See accompanying independent auditors' report.

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THE GOVERNMENT OF AUSTRALIA (GRANT NO. 0439-RMI (EF)))

Schedule of Budgeted v Actual Revenues and Expenditures
From Inception (October 13, 2015) through September 30, 2020

| | Budget | | | | Actual | | | | Variance | | | |
|---|---------------------|---------------------|----------------------|----------------------|---------------------|---------------------|---------------------|----------------------|-------------------|-------------------|---------------------|---------------------|
| | ADB Grant 0438 | GOA Grant 0439 | RMI | Total | ADB Grant 0438 | GOA Grant 0439 | RMI | Total | ADB Grant 0438 | GOA Grant 0439 | RMI | Total |
| Revenues: | | | | | | | | | | | | |
| RMI contributions | \$ - | \$ - | \$ 10,020,000 | \$ 10,020,000 | \$ - | \$ - | \$ 8,441,380 | \$ 8,441,380 | \$ - | \$ - | \$ 1,578,620 | \$ 1,578,620 |
| ADB grant contributions | 5,000,000 | - | - | 5,000,000 | 4,799,354 | - | - | 4,799,354 | 200,646 | - | - | 200,646 |
| GOA grant contributions | - | 4,000,000 | - | 4,000,000 | - | 3,793,187 | - | 3,793,187 | - | 206,813 | - | 206,813 |
| Total revenues | 5,000,000 | 4,000,000 | 10,020,000 | 19,020,000 | 4,799,354 | 3,793,187 | 8,441,380 | 17,033,921 | 200,646 | 206,813 | 1,578,620 | 1,986,079 |
| Expenditures: | | | | | | | | | | | | |
| Water supply and sewer network rehabilitation and expansion program | 2,036,301 | 1,659,740 | 4,523,809 | 8,219,850 | 2,036,301 | 1,659,740 | 4,623,292 | 8,319,333 | - | - | (99,483) | (99,483) |
| Salt water reverse osmosis plant | 1,730,241 | 1,153,493 | 2,144,838 | 5,028,572 | 1,538,111 | 1,153,493 | 2,128,185 | 4,819,789 | 192,130 | - | 16,653 | 208,783 |
| Project implementation assistance consultants | 1,069,044 | 855,236 | 998,662 | 2,922,942 | 1,064,616 | 851,693 | 1,120,780 | 3,037,089 | 4,428 | 3,543 | (122,118) | (114,147) |
| Electricity distribution system upgrading program | - | - | 1,545,000 | 1,545,000 | - | - | - | - | - | - | 1,545,000 | 1,545,000 |
| Financial management advisor | 140,400 | 112,320 | 154,006 | 406,726 | 135,649 | 108,520 | 104,219 | 348,388 | 4,751 | 3,800 | 49,787 | 58,338 |
| School sanitation upgrade program | - | - | 201,829 | 201,829 | - | - | 201,829 | 201,829 | - | - | - | - |
| ADB GOA grant management fee | - | 200,000 | - | 200,000 | - | - | - | - | - | 200,000 | - | 200,000 |
| Independent technical advisors | - | - | 167,522 | 167,522 | - | - | 167,522 | 167,522 | - | - | - | - |
| Fixtures program | - | - | 150,000 | 150,000 | - | - | 57,197 | 57,197 | - | - | 92,803 | 92,803 |
| Water and sewer operations specialist | 24,014 | 19,211 | 18,856 | 62,081 | 24,677 | 19,741 | 18,856 | 63,274 | (663) | (530) | - | (1,193) |
| Audit fees | - | - | 28,000 | 28,000 | - | - | 19,500 | 19,500 | - | - | 8,500 | 8,500 |
| Miscellaneous | - | - | 87,478 | 87,478 | - | - | - | - | - | - | 87,478 | 87,478 |
| Total expenditures | \$ 5,000,000 | \$ 4,000,000 | \$ 10,020,000 | \$ 19,020,000 | \$ 4,799,354 | \$ 3,793,187 | \$ 8,441,380 | \$ 17,033,921 | \$ 200,646 | \$ 206,813 | \$ 1,578,620 | \$ 1,986,079 |

See accompanying independent auditors' report.

INDEPENDENT AUDITORS' REPORT ON INTERNAL CONTROL OVER FINANCIAL
REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT
OF FINANCIAL STATEMENT PERFORMED IN ACCORDANCE WITH
GOVERNMENT AUDITING STANDARDS

His Excellency David Kabua
President
Republic of the Marshall Islands:

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 statement of the Republic of the Marshall Islands (RMI) Ebeye Water Supply and Sanitation Project (the "Project") jointly financed by the Asian Development Bank's Special Fund (Grant Number 0438-RMI (SF)) and the Government of Australia (Grant Number 0439-RMI (EF)), which comprises the statement of revenues, expenditures, and changes in fund balance for the year ended September 30, 2020, and the related notes to the financial statement, and have issued our report thereon dated March 25, 2022.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statement, we considered the Project'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 statement, but not for the purpose of expressing an opinion on the effectiveness of the Project's internal control. Accordingly, we do not express an opinion on the effectiveness of the Project'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.

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 and therefore, material weaknesses or significant deficiencies may exist that have not been identified. We did identify certain deficiencies in internal control, described in the accompanying Schedule of Findings and Responses as item 2020-001 that we consider to be material weaknesses.

Compliance and Other Matters

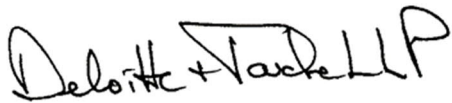
As part of obtaining reasonable assurance about whether the Project's financial statement is free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect 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 instances of noncompliance or other matters that are required to be reported under Government Auditing Standards and which are described in the accompanying Schedule of Findings and Responses as item 2020-002.

The Project's Response to Findings

The Project's response to the findings identified in our audit is described in the accompanying Schedule of Findings and Responses. The Project's response was not subjected to the auditing procedures applied in the audit of the financial statements and, accordingly, we express no opinion on it.

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.

A handwritten signature in black ink that reads "Deloitte + Tatchell LLP". The signature is written in a cursive, slightly stylized font.

March 25, 2022

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 THE GOVERNMENT OF AUSTRALIA (GRANT NUMBER 0439-RMI (EF)))

Schedule of Findings and Responses
 Year Ended September 30, 2020

Finding No.: 2020-001
 Area: Timely Financial Reporting and Project Agreement Noncompliance

Criteria: Proper financial reporting should be facilitated by an internal control structure conducive to the preparation and independent review of reconciliations of all expenditures.

Condition: Section 2.09 of the Project Grant Agreement requires that Kwajalein Atoll Joint Utilities Resources, Inc. (KAJUR) shall maintain records of the Project, prepare annual financial statements of the Project and submit audited financial statements of the Project to the Asian Development Bank six months after the fiscal year ended September 30, 2020. KAJUR did not finalize fiscal year financial information (schedule of expenditures) until September 14, 2021. Furthermore, the following expenditures were not recorded in the correct accounting period:

| Invoice | Check/Withdrawal Application | Check Date | Amount |
|-----------|------------------------------|------------|-------------------|
| 204099-18 | 193275 | 04/20/2020 | \$ 117,757 |
| 204099-20 | 193897 | 05/07/2020 | 266,161 |
| 204099-99 | 190042, 189979 | 01/24/2020 | 316,164 |
| 204099-99 | SW118 | 11/27/2019 | 98,945 |
| | | | <u>\$ 700,082</u> |

In addition, cumulative actual expenditures compared to the budgeted amount, which is disclosed in the financial statements, was not prepared until November 26, 2021.

Cause: The cause of the above condition is the lack of established internal control policies and procedures requiring review and reconciliation of the Project's schedule of expenditures and the timely closing of the Project's financial records.

Effect: The cause of the above condition is material misstatements requiring the correction of the Project's financial records.

Recommendation: We recommend management establish internal control policies and procedures to facilitate timely and accurate reconciliation and reporting processes. In addition, management should examine personnel staffing requirements and qualifications associated with KAJUR's Accounting Office. KAJUR employees responsible for maintaining and updating Project financial records should have adequate training to facilitate timely general ledger and subsidiary ledger reconciliation processes.

Auditee Response and Corrective Action Plan: Non-compliance with timely financial reporting and project agreement was driven by a number of unprecedented factors. Timely financial reporting was impacted by key management and staff changes. As a way forward, quarterly reporting and financial statement updates shall be made in coordination with MOF and KAJUR. In addition, ADB-Technical Assistance is currently in the process of recruiting a financial management specialist as part of the MOF Reformed Coordination Unit under the ADB-Public Financial Management grant project to provide dedicated support to ADB project audits.

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Schedule of Findings and Responses, Continued
Year Ended September 30, 2020

Finding No.: 2020-002
Area: Contract Agreements

Criteria: Section 55 (Retention) of EWSSP Contract Award (contract) between KAJUR and CCB Envico Pty. Ltd. (contractor) states the following:

- (a) Section 55.1 – The employer shall retain from each payment due to the contractor the proportion stated in the Particular Conditions of Contract (PCC) until completion of the whole of the works.
- (b) Section 55.2 – Upon the issue of a certification of completion of the works by the Project Manager, in accordance with General Conditions of Contract (GCC) 69.1 [completion], half of the total amount retained shall be repaid to the contractor and half when the Defects Liability Period has passed and the Project Manager to the contractor before the end of this period has been corrected. The contractor may substitute retention money with an “on demand” bank guarantee.

GCC 69.1 states that the contractor shall request the Project Manager to issue a certificate of completion of the works, and the Project Manager shall do so upon deciding that the work is completed.

Section 1.5 of the Execution Requirements (017000-3) states the condition of the restoration works, which as a minimum, retention shall be done to replace, repair or reconstruct to a good condition at least as good or as better than the condition prior to commencement of the works.

Condition: Retention money of \$415,110 was substituted by two bank guarantees of \$207,555 on January 24, 2020 in accordance with Section 55.2 of the contract which have expired April 18, 2020 and April 18, 2021, respectively. Currently, the contractor is not on island and Ebeye roads have not been restored to original condition due to COVID-19 travel restrictions. As of October 2021, certificate of completion was not yet provided to the contractor. As of November 2021, KAJUR has not notified the bank guarantor and is yet to negotiate to the contractor on the conditions regarding the completion of works.

Cause: The cause of the above condition is the lack of planning and adequate internal control policies and procedures over monitoring of bank instruments and contract agreements.

Effect: The effect of the above condition is deemed full payment of the uncompleted contract works.

Recommendation: We recommend that management establish adequate internal control policies and procedures over monitoring of bank instrument and contract agreement.

Auditee Response and Corrective Action Plan: KAJUR acknowledges the finding on the expiration of the two bank guarantees. KAJUR management is coordinating with the vendor for its reinstatement. Moving forward, the management will ensure compliance with the existing rules and regulations relative to retention requirements or bank guarantee.

REPUBLIC OF THE MARSHALL ISLANDS
EBEYE WATER SUPPLY AND SANITATION PROJECT
(JOINTLY FINANCED BY THE ASIAN DEVELOPMENT BANK'S
ASIAN DEVELOPMENT FUND (GRANT NUMBER 0438-RMI (SF)) AND
THE GOVERNMENT OF AUSTRALIA (GRANT NUMBER 0439-RMI (EF)))

Unresolved Prior Year Findings
Year Ended September 30, 2020

There are no unresolved prior year findings.