



Independent Procurement Review Report

Why We Did This Review

In accordance with Atlanta City Charter Article 8, Section 8-107, the Independent Procurement Review Division of the Office of the Inspector General must review all solicitations with an aggregate value of \$1,000,000 or greater, seeking approval by the Atlanta City Council, for file completeness, conflicts of interest, and other areas of perceived deficiency.

Solicitation#	RFP-S-1220031
Estimated Dollar Amount:	\$1,000,000 Annually
Type of Procurement:	Request for Proposals
Contract Description:	CW ELEVATOR SERVICE, REPAIR & MAINTENANCE
Requesting Department:	Department of Enterprise Assets Management
All Proponents:	Otis Elevator Company Thyssen Krupp Elevator Co.
DOP Responsive Proponents:	Thyssen Krupp Elevator Co.
Recommended Awardee:	Thyssen Krupp Elevator Co.

TABLE OF FINDINGS

Review Area	Risk/Criteria	Results	DOP Response
Evaluation Team	DOP procedures require evaluators to possess the necessary and appropriate experience needed to evaluate the proposals or offerors submitted to the city.	No findings identified	N/A
Solicitation	<ul style="list-style-type: none"> Bids shall only be evaluated on requirements and evaluation criteria outlined in the formal solicitation (DOP SOP 4.3.6.(E)(3)). Having selection criteria established in the solicitation can help prevent bid manipulation. Evaluation criteria that are too vague or subjective can allow for manipulation of the scores. 	No findings identified	N/A
Advertisement/ Addenda	<ul style="list-style-type: none"> Changing the solicitation criteria to favor a particular proponent is a red flag of potential bid rigging (International Anti-Corruption Resource Center). Too many addenda could indicate unclear specifications or unclear scope of work, which could also favor a particular proponent. 	DOP issued four addenda for this solicitation to extend the proposal due date and answer the proponents' questions.	No response required
Submittal	The city code provides that the city shall select no less than three submittals solicited from an RFP that it deems as the most responsible and responsive; provided, however, that if three or fewer offerors respond, the requirement shall not apply (City Code Sec. 2-1189).	DOP received two submittals for this solicitation.	No response required

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Responsive Review	<ul style="list-style-type: none"> • DOP procedures require findings to be recorded on a responsive checklist which identifies specific submittal requirements for the project and identifies a proponent's compliance with those required documents. • Unclear or inconsistent responsiveness determinations could be a red flag of bid manipulation. 	<p>DOP received two proposals for this solicitation and deemed one proponent responsive. However, IPro identified several discrepancies in the proponent's submittal:</p> <ol style="list-style-type: none"> (1) The Notary signed the Contractor Financial Disclosure (Form 3) after the authorized representative signed the form. (2) Proponent indicated it provided two bank references with the company's self-audited financial statements; however, it only provided one reference with the proposal. 	<ol style="list-style-type: none"> (1) This error was waived as a minor irregularity as all other notarized forms were dated properly. (2) The financial documents were deemed sufficient per DOP's responsiveness review and additionally reviewed and scored by Risk Management.
Conflict of Interest	<p>The city's standards of conduct prohibit employees from having financial conflicts of interests. Contracts must be awarded and administered free from improper influence or the appearance of impropriety.</p>	<ol style="list-style-type: none"> (1) The recommended awardee indicated that it had no pending or closed litigation. However, the company failed to disclose several breach of contract lawsuits filed between January 2020 and September 2021. (2) The recommended awardee indicated that it had not been delinquent on any local, state or federal taxes within the last five years. However, the proponent failed to disclose a local state tax lien filed in February 2021. 	<ol style="list-style-type: none"> (1) DOP has access to SAM.gov but no information was found for this company. DOP will exercise its due diligence to review the information on SAM.gov to determine conflicts and litigations for future solicitations. (2) DOP has access to SAM.gov but no information was found for this company. The financial documents were deemed sufficient per DOP's responsiveness review and additionally reviewed and scored by Risk Management.
Evaluation	<ul style="list-style-type: none"> • DOP procedures require procurement staff to compile the evaluation scores, including those from risk management and contract compliance. • Public procurement practice states that any arithmetical errors should be corrected, and scores should be recorded in grids/matrices (NIGP). 	<p>No findings identified</p>	<p>N/A</p>

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Cancellation	<ul style="list-style-type: none"> • The Government Accountability Office states that the use of standard language such as “in the best interest of the city” without a specific justification for cancellation could be a fraud indicator. • Transparency International states that effective record-keeping of decisions and reasons for cancellation promotes accountability and transparency. 	No findings identified	N/A
Award	A contract file should include all project items, to confirm that each phase of the procurement was facilitated appropriately and audit-ready (DOP SOP Sec. 3.18)	No findings identified	N/A