



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-1220373
Estimated Dollar Amount:	\$1,050,000- Term: three years with two, one year renewal options.
Type of Procurement:	Request for Proposals
Contract Description:	Generator Maintenance and On Call Services at HJAIA
Requesting Department:	Department of Aviation
All Proponents:	KOR Services LLC. Power and Energy Services Inc. Sudden Services Inc. dba Taylor Sudden Service
DOP Responsive Proponents:	Power and Energy Services Inc. Sudden Services Inc. dba Taylor Sudden Service
Recommended Awardee:	Power and Energy Services Inc. Sudden Services Inc. dba Taylor Sudden Service

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.	One evaluation team member failed to reference the project name or number on evaluator commitment and ethical conduct forms. These omissions could inhibit the ability to enforce ethical standards.	DOP will update the form to incorporate the number.
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. 	This solicitation was previously cancelled due to receipt of one response deemed “non-responsive” by the user agency. The same proponent submitted a proposal for the current solicitation that was also deemed non-responsive.	No response required
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 five addenda for this solicitation, to extend the due date twice, provide responses to seven questions, and replace the cost proposal document with a cost proposal table. No addendum was found to extend the published project deadline beyond August 11, 2022; submissions were accepted after this date.	<p>The addenda provided clarification to the scope of work and to ensure consistency in evaluation of the project.</p> <p>The project’s closing date is system generated and not dictated by an addendum.</p> <p>Proposals cannot be received in the system past the deadline.</p>

Review Area	Risk/Criteria	Results	DOP Response
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).	No findings identified	N/A
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 three proposals for this solicitation and two proponents were deemed responsive. IPro found the following deficiencies in the responsive proposals:</p> <ol style="list-style-type: none"> 1) The Contractor Financial Disclosures (Form 3) are present for both proponents, however no financial information was submitted with either proponent's original submittal. On August 31, 2022, DOP emailed Risk to request alternative recommendations for financial requirements as proof of financial responsibility in lieu of financial form 3 requirements. The newly required documents by Risk were retrieved by the CS after the August 11, 2022, proposal deadline. 2) A member of the procurement team advised DOP would waive the missing financial Form 3 documents as a minor technicality. A signed memo waiving this technicality was not found. 3) One proponent lists a previously cancelled unrelated solicitation number (1220249) on the Contractor Financial Disclosure and the Content of the Proposal form. 	<ol style="list-style-type: none"> 1) DOP considered this requirement to be addressable through clarification as a result of determining that the submission would be authorized through a waiver of a minor technicality. 2) The authorization by the CPO will be documented and added to the project file. 3) The proponent's reference to a previous project number was not determined to be a material error.
Conflict of Interest	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.	One proponent failed to disclose litigations and tax liens.	When DOP is made aware of tax liens or other litigation, from the intended awardee the User Agency is advised and may consider it as a determination of responsibility.

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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). 	<ol style="list-style-type: none"> 1) Each proponent submitted a cost proposal, however, it is unclear how the cost proposal scoring was evaluated. No clarification was provided by the member of the procurement team. 2) Risk advised the CPO to determine if this solicitation was to move forward despite deficiencies of the Contractor Financial Disclosure (Form 3). The scores provided by Risk were based on an alternative review requiring a letter from the officers (President/CEO and CFO) of the entity stating that it is financially capable of performing services and a letter of reference from the financial institution of the entity on the letterhead of the financial institution. One proponent received the highest score of 10 and the other received a score of 5. 	<ol style="list-style-type: none"> 1) Prior to issuance of the cost proposal, the User Agency must describe the evaluation methodology. 2) The evaluation methodology was determined to be appropriate for this purchase since the resulting agreement will provide for on call services.
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)	A member of the procurement team forwarded a confidential document related to the solicitation to an external email.	DOP assessed the finding and determined that this was an error in judgement to use an external account while teleworking.