



**Independent Procurement Review Report**

**Why We Did This Review**

In accordance with Atlanta City Charter Chapter 6, Section 2.603, our office is authorized to 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.

FC#	1190070
Estimated Dollar Amount:	\$1,000,000 or greater
Type of Procurement:	Request for Proposals (RFP)
Contract Description:	Towing Services for Medium & Heavy Equipment/Vehicles
Requesting Department:	Department of Public Works
All Proponents:	S & W Services of Atlanta, Inc.
DOP Responsive Proponents:	S & W Services of Atlanta, Inc.
Responsible Proponents:	S & W Services of Atlanta, Inc.
Anticipated Award:	S & W Services of Atlanta, Inc.
Awardee(s):	S & W Services of Atlanta, Inc.

**TABLE OF FINDINGS**

Review Area	Risk/Criteria	Results	Resolved/ Remaining
<b>Evaluation Team</b>	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	No findings identified
<b>Solicitation</b>	<ul style="list-style-type: none"> <li>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.</li> <li>Evaluation criteria that are too vague or subjective can allow for manipulation of the scores</li> </ul>	No findings identified	No findings identified
<b>Advertisement/Addenda</b>	<ul style="list-style-type: none"> <li>Changing the solicitation criteria to favor a particular proponent is a red flag of potential bid rigging (International Anti-Corruption Resource Center).</li> <li>Too many addenda could indicate unclear specifications or unclear scope of work, which could also favor a particular proponent.</li> </ul>	No findings identified	No findings identified
<b>Submittal</b>	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).	The city received only one proposal - from S & W Services of Atlanta, Inc., which is being recommended for award.	No response required

<p><b>Responsive Review</b></p>	<p>DOP procedures require findings to be recorded on a responsive checklist which identifies specific submittal requirements for the project and identifies a bidder's compliance with those required documents.</p> <p>Unclear or inconsistent responsiveness determinations could be a red flag of bid manipulation.</p>	<ul style="list-style-type: none"> <li>• Form 2, Question 1 (Questionnaire) was left blank.</li> <li>• Form 3, Question 3 (Line of Credit) was not circled.</li> </ul>	<p style="text-align: center;"><b>Resolved</b></p> <ul style="list-style-type: none"> <li>• Acknowledged. Form 2, Question 1 (Questionnaire) states - "Please describe the general development of the Respondent's business during the past ten (10) years, or such shorter period of time that the Respondent has been in business." Although the response to Question 1 was left blank the Proponent was deemed responsive because the information was found in Volume I of the Proponent's proposal.</li> <li>• Acknowledged. Form 3, Question 3 (Line of Credit) was not circled, yet the proposal was deemed responsive. The Proponent did not circle Yes or No; however, they did provide required financial records from the previous three (3) years. Risk Management's review of said financials resulted in a determination of financial viability. Further, Risk Management has determined that Question 3 is no longer relevant. Form 3 has been updated, removing Question 3, for all new procurements.</li> </ul>
<p><b>Conflict of Interest</b></p>	<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>	<p>No findings identified</p>	<p>No findings identified</p>
<p><b>Evaluation</b></p>	<ul style="list-style-type: none"> <li>• DOP's procedures require procurement staff to compile the evaluation scores, including those from risk management and contract compliance.</li> <li>• Public procurement practice states that any arithmetical errors should be corrected, and scores should be recorded in grids/matrices (NIGP).</li> <li>• According to the International Anti-Corruption Resource Center, bids that are too close together (less than 1%) or too far apart (more than 20%) could be indicators of collusive bidding. Not applicable for RFPs.</li> </ul>	<p>No findings identified</p>	<p>No findings identified</p>

<b>Cancellation</b>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Transparency International states that effective record-keeping of decisions and reasons for cancellation promotes accountability and transparency.</li> </ul>	No findings identified	No findings identified
<b>Award</b>	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)	Schedule/project team document is not in files.	<p><b>Resolved</b></p> <p>Acknowledged. Contracting Officer completed a draft schedule on November 5, 2018 prior to the project team meeting (Exhibit A) and updated the schedule later in the procurement process on April 11, 2019 (Exhibit B). The schedule was created electronically but was not printed/shared with the Auditor. (see attached Exhibits)</p>