CITY OF ATLANTA
OFFICE OF THE INSPECTOR GENERAL
SHANNON K. MANIGAULT
INSPECTOR GENERAL

INDEPENDENT PROCUREMENT REVIEW DIVISION

Independent Procurement Review Report

TO: Atlanta City Council

DATE: October 16, 2024

The purpose of this report is to communicate the results of the following procurement.

Background

The Department of Enterprise and Asset Management requested to enter a cooperative agreement for the project and scope shown below. Cooperative agreements join the City with the terms and conditions of agreements conducted by or on behalf of another public procurement unit. This project has not been previously cancelled.

Solicitation #:	CP-PS-DEAM-2406-1240320
Project Name:	Office Furniture
Estimated Dollar Amount:	$2,000,000
Term:	Two years with three one-year renewal options
Recommended Awardees:	Arcadia Chair Company Ditto Sales, Inc. Exemplis, LLC. Kimball International Brands, Inc. Miller Knoll, Inc. OFS Brands, Inc. Rouillard Symphony Tables dba Symphony Tables Teknion, LLC
DOP Responsive Bidders:	Arcadia Chair Company Ditto Sales, Inc. Exemplis, LLC. Kimball International Brands, Inc. Miller Knoll, Inc. OFS Brands, Inc. Rouillard Symphony Tables dba Symphony Tables Teknion, LLC

All Bidders:	Arcadia Chair Company Ditto Sales, Inc. Exemplis, LLC. Kimball International Brands, Inc. Miller Knoll, Inc. OFS Brands, Inc. Rouillard Symphony Tables dba Symphony Tables Teknion, LLC

Observations and Responses

Solicitation

Observation 1: The contract file did not contain a copy of the active cooperative agreement with a corresponding project quote. The CPO's designation memo cites an amount to not exceed $2 million over two years.

> DOP Response: Upon IPro's finding, the Category Lead has obtained and confirmed that all the cooperative agreements are active and will expire October 31, 2025. The project quotes were not obtained up front considering furniture will be purchased on an 'as needed' basis at competitive discounted prices. The CPO's designation memo has been updated to reflect the correct NTE amount of $5,850,000.00, per the manufacturer. The agreements, discount spreadsheet and updated designation memo have been provided to IPro.

Observation 2: The file submitted by DOP for review is missing an approved requisition, which would identify the project's funding.

> DOP Response: It is the intention of the Department of Enterprise Management to purchase furniture from the cooperative agreements on an 'as needed' basis.

Observation 3: The DOP contract file lacked the SAM.gov exclusion search documentation for four of the nine proposed awardees.

> DOP Response: Upon IPro's finding, the SAM.gov documentation was obtained for Arcadia, Miller and OFS; submitted to IPro and filed accordingly.
>
> Les Industries Rouillard is a company in Quebec, Canada and has not received contracts from the federal government. Therefore, a SAM registration is not required. However, if the City were to purchase products from Rouillard, the user agency must ensure that the funds are not from a federal source.
>
> The Code of Federal Regulations § 25.100 Subpart A Universal Identifier and System for Award Management

This part provides guidance to Federal awarding agencies to establish:

(a) The unique entity identifier as a universal identifier for Federal financial assistance applicants, as well as recipients and their direct subrecipients, and;
(b) The System for Award Management (SAM) as the repository for standard information about applicants and recipients.

Observation 4: The contract file did not contain Illegal Immigration Reform and Enforcement Act Forms (IIREA) for three of the nine proposed awardees. One of these vendors stated it was not subject to this requirement due to having no employees in the state.

DOP Response: Upon IPRO's finding, IIREA forms were obtained for Arcadia and OFS; they were submitted to IPro and filed accordingly.

DOP has verified Rouillard is a company in Quebec, Canada that has no plan to establish a physical presence in the United States of America; statement hereto attached and filed accordingly.

E-Verify website states the following:

"U.S. Citizenship and Immigration Services (USCIS) only allows companies located in the United States to enroll in E-Verify. In order to use E-Verify, foreign employers would need to have a presence in the United States."

Observation 5: Additionally, five of the nine proposed awardees did not include the project reference on the Illegal Immigration Reform and Enforcement Act Form (FORM 1), which could hinder the ability to associate the forms with this solicitation.

DOP Response: Upon IPro's finding, updated Illegal Immigration Reform and Enforcement Act Form (Form 1) were obtained from Ditto, Exemplis, Kimball, Miller, and Symphony; they were submitted to IPro and filed accordingly.

Observation 6: The contract file did not contain Conflict of Interest Disclosure Forms for two of the nine proposed awardees.

DOP Response: Upon IPro's finding, Conflicts of Interest Forms were obtained for Arcadia and OFS; they were submitted to IPro and filed accordingly.

Observation 7: The contract file did not contain the Certificate of Authority to Transact Business in Georgia for eight of the nine proposed awardees.

DOP Response: Upon IPRO's finding, DOP has verified the Business Licenses issued by the Corporation's Division with the Georgia Secretary of State for Exemplis, Kimball, Miller Knoll, Symphony and Teknion, submitted as an attachment herein and filed accordingly.

DOP has verified Rouillard is a company in Quebec, Canada that has no plan to establish a physical presence in the United States of America*;* statement hereto attached and filed accordingly with the Vendor's response.

Arcadia, Ditto, and OFS are furniture companies that are not required to a Georgia Business License due to not having a 'local performance' within the state of Georgia.

Official Code of Georgia Annotated (O.C.G.A.) § 14-2-1501(b)(6) is stated as follows:

Soliciting or procuring orders, whether by mail or through employees or agents or otherwise, where the orders require acceptance outside this state before becoming binding contracts and where the contracts do not involve any ***local performance*** *other than delivery and installation;*

Observation 8: One of the proposed awardees submitted documents under another entity name than the under the proposed awardee name.

DOP Response: Upon IPro's finding, DOP confirmed that the State of Georgia corrected the name of the company through a contract amendment number one (1), this was submitted to IPro and filed accordingly.

The review yielded no additional findings.

Methodology

The Independent Procurement Division reviews the following stages of the procurement process:

- Initiation
- Solicitation
- Responsive Review
- Evaluation
- Award

In accordance with Atlanta City Charter Article 8, Section 8-107, and Section 2-1604 of the Atlanta Code of Ordinances, 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; must review all cooperative purchase agreements and piggyback contracts with an aggregate value greater than $1,000,000; and may conduct discretionary reviews of any value.