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THIRDANNUAL PROGRESS REPORT ON THE PROCUREMENT REFORM TASK FORCE

JOSEPHM FFRCUSON INSPEC I'01-2 CENTRAL

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JUNE 4, 2019

TO THE MAYOR, MEMBERS OF THE CHICAGO PROCUREMENT REFORM TASK FORCE, MEMBERS OF CITY COUNCIL, CITY CLERK, CITY TREASURER, AND RESIDENTS OF THE CITY OF CHICAGO:

On May 27, 2015, Mayor Rahm Emanuel convened the Chicago Procurement Reform Task Force (PRTF). The Chief Procurement Officer (CPO) and the Inspector General (OIG) for the City of the Chicago co-chaired PRTF, which included the CEO, Executive Director, or Chancellor of six of the City's sister agencies: the Chicago Public Schools (CPS), the Chicago Transit Authority (CTA), the Chicago Housing Authority (CHA), the City Colleges of Chicago (CCC), the Chicago Park District (Parks), and the Public Building Commission (PBC).

PRTF undertook a six-month project to identify opportunities for these entities (collectively, the Participating Members) to implement, in a uniform manner, best practices for awarding, managing, and overseeing public contracts. The Task Force's mission was to maximize operational efficiency, increase accountability, and economize public funds.

On November 17, 2015, PRTF reported its findings, grouped into five categories representing the essential principles of government procurement: competition, efficiency, transparency, integrity, and uniformity. The Task Force also made recommendations designed to advance these principles, a 31-point blueprint for refining and standardizing the

Participating Members' procurement operations. The recommendations in the 2015 Report of the Chicago Procurement Reform Task Force (2015 PRTF Report) fall into three categories: the first 15 were proposed for "immediate" implementation (i.e., by March 30, 2016), the next 12 for "mid-term" implementation (by December 31, 2016), and last 4 for "long-term" implementation (in "2017 and beyond").

Pursuant to an intergovernmental agreement executed under the authority of an ordinance passed by City Council and approved by Mayor Emanuel in January 2016, the Participating Members fulfilled PRTF's Recommendation #1 by creating a

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committee of CPOs (CPO Committee), and charging it with addressing the Task Force's recommendations, tracking their implementation, and issuing quarterly and annual reports. The ordinance also directed the Members to begin work on Recommendation #5 by establishing a committee of Chief Information Officers (the Chicago Government IT Coordination Committee, or ITCC) to manage the technical aspects of the implementation process, and directed OIG to prepare and publish, within 90 days following the issuance of each Annual Report, an independent evaluation of the Members' progress toward implementing the recommendations.

On March 1, 2017, the CPO Committee issued the 2016 Annual Report of the Chicago Procurement Reform Task Force (Annual Report), indicating that the Participating Members had addressed, in whole or part, 27 of the 31 recommendations. On May 30, 2017, OIG issued its First Annual Progress Report on the Chicago Procurement Reform Task Force (Annual Progress Report). Our review concluded that the Members had fully implemented 7 of the PRTF recommendations, formulated policies and processes for implementing 7 others, partially implemented an additional 13, and not yet begun to address the remaining 4. OIG suggested that the CPO Committee set target completion deadlines for the 24 open recommendations.

On March 1, 2018, the CPO Committee issued the 2017 Annual Report, indicating that the Participating Members had fully implemented 18 recommendations and partially implemented the remaining 13. On May 30, 2018, OIG issued its Second Annual Progress Report. Our review concluded that the Members had fully implemented 14 of the recommendations and partially implemented 15 others, and that 2 of the recommendations remained in the "process completed; implementation ongoing" category. The Second Annual Progress Report announced OIG's intention to request the assistance of the inspectors general for the other Participating Members to assess whether the implemented recommendations have been fully and consistently integrated into the Members' day-to-day operations.

On March 6, 2019, the CPO Committee issued the 2018 Annual Report, indicating that the Participating Members had fully addressed 23 recommendations and partially addressed the remaining 8. Prior Annual Progress Reports were based upon a comparison of representations from the Participating Members with the PRTF recommendations required to be implemented pursuant to the IGA approved by the City Council. In preparing this Third Annual Progress Report, OIG solicited the assistance of and worked in coordination with the IGs of the Participating Members to more closely assess whether represented actions have, in fact, been undertaken. Based on that joint-IG undertaking, we conclude that the Participating Members have fully implemented 13 of the recommendations and partially implemented 9 others, and that the remaining 9 recommendations, which are designated as completed, have not yet been fully and consistently operationah.7ed <<http://operationah.7ed>> across the board

Tins report closes the final reporting cycle for actions undertaken by and during t ho Emanuel Administration Mayor Emanuel is Lo be credited for the creation of the PRTF and his leadership in driving its recommendations to action. Substantial progress has been and continues to be made. I however, this report reflects areas of slippage in follow-through and pace that can be addressed only through renewed and express impetus, emphasis, and commitment of resources from the new Administration, most particularly with respect to Stage Throe recommendations around data technology and organizationally based information, compliance, and enforcement systems. Notwithstanding the distinct and separate statutory foundations of the Participating Members, the public rightfully regards the constellation of Sister Agencies as constituting the government of the City of Chicago. Ultimately, realization of the core values animating the creation of the PATF-the promotion of uniformity as embodied in standardization of systems where possible, the creation of efficiencies through simplification and joint or unified administration of procurement and contract compliance and enforcement systems, and the resulting mitigation of vulnerabilities for fraud and abuse, as well as the removal of barriers to entry to new and smaller businesses-rests upon the leadership and refreshed priority on the part of the Mayor, who exercises significant influence, if not outright authority, over these systems as a whole.

OIG hopes this report serves as a useful tool for the new Administration in renewing the PRTF's charge and prioritizing the completion of the good work done to date. We also hope the report serves the new City Council well at the next annual PRTF hearing through its efforts to drill down into the areas where implementation is lagging and the recommendations remain works-in-progress. Finally, we thank the Participating Members' Inspectors General and their staff for their invaluable assistance in this year's assessment and for moving forward on the important goals of the PRTF.

Joseph M. Ferguson Inspector General City of Chicago

Respectfully,

Third Annual Progress Report on the Procurement Reform Task Force

I. PROGRESS ON TASK FORCE RECOMMENDATIONS

The following table illustrates the Participating Members' progress in implementing PRTF's 31 recommendations, from the outset of the reform process to date.¹ According to the 2018 Annual Report, as supplemented by subsequent conversations with the CPO Committee, the Members have completed 23 recommendations, and work is ongoing or partially completed for the remaining 8. OIG undertook independent review of all recommendations. Further, regarding the 23 ostensibly completed recommendations, OIG and the other Members' inspectors general made inquiries into a sample of 15 (those marked with asterisks in the table). These inquiries discovered inconsistencies in operational

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Third Annual Progress Report on the Procurement Reform for force

June A. 2019

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As we discuss below, in addition to continuing to work collaboratively to complete the recommendations reported as "partially completed" or "ongoing," each Participating Member needs to ensure that it fully and consistently meets its commitments and obligations under all of the recommendations-reported as completed. In 2020, when OIG prepares its Fourth Annual Progress Report, we anticipate working again with the other Members' IGs; we trust that our follow-up inquiries will find full and consistent implementation of all completed recommendations at the operational level.

A. THE IMMEDIATE RECOMMENDATIONS

• RECOMMENDATION #?

- o Lead agency: City

Create a Committee of the Participating Members' CPOs to rule on certain administrative decisions, address obstacles to coordination, and ensure best practices across the City and its sister agencies.

Status Assessment in 2018 Completed
Annual Report

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June 2019

• R E C O M M E N D A T I O N #2

- o Lead agency: City

Charge the CPO Committee with addressing the Task Force recommendations, tracking their implementation, and issuing quarterly progress reports.

Status Assessment in 2018 Completed
Annual Report

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• RECOMMENDATION #3 o Lead agency: CTA "Implementation reviewed by Participating Members' Inspectors

General*

Establish minimum standards by which all Participating Members will publish their anticipated sole source awards, receive public and vendor feedback, and make decisions about whether a solicitation is necessary.

Status Assessment in 2018 Completed
Annual Report

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- RECOMMENDATION #4

- o Lead agency: City

Hire or secure pro bono services from a law firm to. (a) Identify contract provisions that could be subject to standardization across Participating Members' templates, and draft, uniform contract templates incorporating the required terms of the Participating Members, including contract duration and number of renewals and

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Thud Annual Progress Report: on the Procurement Reform Task Force

June 4, 2019

(b) Where appropriate, standardize solicitation documents issued by Participating Members and the documents required in response

**Status Assessment in
2018 Annual-Report
.20.19 OIG Evaluation**

Ongoing (Target; date. Wy¹/2GW 6/30/2019)

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- RECOMMENDATION #5

- o Lead agency ITCC

Charge the Chicago Government IT Coordination Committee [ITCC], which consists of the CIOs, of the Participating Members, with identifying the procurement-related

Status Assessment in 2018 Completed Annual Report

- **RECOMMENDATION #6** o Lead agency CCC implementation reviewed by Participating Members' Inspectors

Post all contracts, vendors, and subcontractors on agency websites in a user-friendly and searchable format.

Status Assessment in 2018 Completed Annual Report

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OIG stresses; the importance of ready;ip^ubiic/;^: access to this
information; full transparency on this front ;■ ■■ lies at the center
of the PRTE mission

- RECOMMENDATION #7
 - o Lead agency: ITCC

Create an easily accessible website for vendors and the public that provides a single location for: all of the Participating Members' current procurement opportunity listings and other procurement related information such as the buying plan, notices

Inspectors General*

Establish minimum disclosure requirements for subcontractors and require posting subcontractor information online

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Third Annual Progress Report on the Procurement Reform Task Force

June A, 2019

Status Assessment in 2010 Completed

Annual Report

2019 OIG Evaluation

Inconsistent implementation. The Participating Members agreed to "include uniform minimum language in- ,; :- solicitation documents and flow down contract provisions.: requiring contractors to certify that neither they.Kave.i. •;[violated,...nor do-they have any knowledge of.their//^SVv; • subcoritractors.haying violated, any state,-..federal.-.Pf. lpe.ai. ,' laws,-rules or regulations or.any City-or Sister-Agency.ebd.e^ ■iofrpoliey-'a'd^ ■ govenn rjerntage^ ;'§bm;eyofi^ j^Jn^p; &j i^p^po^te^^ i&^M ^doeia&elfliS^ ;:lamg&ad^i^Its^ •discip.^ "i'tFll 'anothe^ jbid:':©.rjii:4r^^ Tepqim:n?i^gy ib p.lgtei:4^M]^0-|^Mi%ra4^ : 'Jh^s^pl\$e^

General*

Establish minimum standards for conducting due diligence of vendors before entering into a contract.

Status Assessment in 2018 Completed

Annual Report

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• RECOMMENDATION #10 o Lead agency: CIA "Implementation reviewed by Participating Members' Inspectors

General*

Establish uniform rules governing resolicitation of contracts due to significant changes in scope or value.

Status Assessment in 2018 Completed

Annual Report

2019 OIG Evaluation

Inconsistent implementation. The Participating Members committed to
adopt specific policies "prohibiting : -significant modification of a
contract, limiting the amount of time a contract can be extended, and/or
increasing the value of a contract." IG review, however, discovered
that ; not all Members have formally adopted the full set of . agre.edTto
policies,. 'o.--Tyy^{1"};Ty'^yy;:-,;yT Ty/y . ■

• RECOMMENDATION #11 o Lead agency: PBC "Implementation reviewed by Participating Members' Inspectors

General*

Evaluate the consistency of MBE/WBE/DBE certifications accepted by Participating Members.

Status Assessment in 2018 Completed

Annual Report

2019 OIG Evaluation

Completed, While the Participating 'Members: continue to. accept
certifications from a variety of agencies, IG review confirmed that they
generally rely on certification by the • •City of Chicago, Cook County, or
the Illinois Unified ■,;-;:"-:-> Certification Program, and that the
standards under ■ which each Member operates are essentially
consistent.-'

• RECOMMENDATION #12 o Lead agency PBC "Implementation reviewed by Participating Members' Inspectors

General*

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Third Annual Progress Repon. on the Procurement Rei'oirn Task Force

Implement: the uniform criteria and processes for evaluating Good Faith Efforts regarding requests for waivers of MBE/WBE/DBE goals that are currently being developed and will be recommended by the Government Procurement Compliance Forum.

Status Assessment in 2018 Annual Report

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- RECOMMENDATION #13 o Lead agency: CCC "Implementation reviewed by Participating Members' Inspectors"

General*

Require a written, publicly posted protest process for each Participating Member.

Status Assessment in 2018 Annual Report	Completed
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- RECOMMENDATION #14
 - o Lead agency: Parks

Examine whether Participating Members should support, a change in state law to eliminate the newspaper notice requirement for contract solicitations

Status Assessment in 2018 Annual Report Completed

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Third Annual Progress Report on the Procurement Reform Task Force

June A. 2019

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• RECOMMENDATION #15 o Lead agency: CPS "Implementation reviewed by Participating Members' Inspectors

General*

Establish a process for information-sharing and collaboration among Participating Members on personnel matters such as professional development efforts and recruitment.

Status Assessment in 2018 Completed
Annual Report

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B. THE MID-TERM RECOMMENDATIONS

• RECOMMENDATION #16 o Lead agency: CTA "Implementation reviewed by Participating Members' Inspectors

General*

Establish uniform standards based on best practices for approval of noncompetitive awards, including small purchase, emergency, and sole source.

Status Assessment in 2018 Completed
Annual Report
2019 OIG Evaluation-

• Inconsistent implementation. This recommendation ■coriternplates
"uniform standards." And in the annual report, the Participating
Members commit to the : "incorporation" of specific policies and
procedures related to small and emergency purchases. (The issue of
sole-source purchases is addressed above under Recommendation
#3.) However, IG review discovered that not all Members' relevant
policies and procedures match those required under this
recommendation Indeed,

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third Annual Pi ogress Report on the Procurement Reform I ask Force

some Members operations bear little resemblance to

these standards.

• **RECOMMENDATION #17**

o Lead agency: ITCC

Develop a common electronic Economic Disclosure Statement system that: allows for the submission of uniform information for all Participating Members' vendors and subcontractors; integrates disclosures and certifications into Participating Members' procurement databases; automates conflict checks and due diligence; and can be updated in real time.

Status Assessment in 2018 Ongoing (Target date: 3/31/2019 3/31/2020)
Annual Report

- Establish a process for the use of joint pre-qualified vendor pools that recognizes the different statutory requirements applicable to Participating Members.*

2Q19 ^ -" ' Partially- completed. The CPO .Committee tipped- in .the : -
2017 Annual Report thattl^ .-;.^ ■Recdr/YM^ "
5Recp;mmra^ . ppjle'tfeja'te') and .set a June 36/20^ to ... :
complete this recpmmendat^ the City
'<p'rp7pPs^ .; .deyej'pp'"Contraa
based on ; '••pxistH^ those .

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- .:T.: •:/';' 'gbqds/seryje^ Report, the'
- yyl■■■■ r^^'^i>M:>foy'PaVticHp.a^ proposal. ., 7 ..

- Develop best practices for routine audits of procurement functions and contract awards, and evaluate use of shared services to perform this function.*

'2019 |6*IG Evaluation'7^ ;
 •'''■ 7 'vi: ^.|^ :'_|_ ■
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 ■^> fjN} ^

- ### Inspectors General*

Require each Participating Member to create a comprehensive procurement, manual for its staff that is user-friendly and available to the public.

Status Assessment in 2018 Partially completed (Target, date' 9/30/2-Q18 3/31/7019)
Annual Report
2019;^ 'Partial^ H7 " • '■'iPa&leij^ /nbt all pf
the;^a.n . :i("i"e;MP;?^ .

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Tune 2019

; target date for the Members.to meet this final aspect of
■ r-::}-"the recommendation.

• **RECOMMENDATION #21 o Lead agency: City "Implementation reviewed by Participating Members'**
Inspectors General*

Codify and provide training to Participating Members' employees on procurement rules and regulations, including appropriate authority, prohibited communications, and reporting obligations.

Status Assessment in Completed
2018 Annual Report
2019 OIG Evaluationn'^^ *C6mpleted. DPS has bequix.and.will continue, tohosO.^-
traihing \$essions,desig'ned to educate the Participating. ' •
^ .Mernbiers' personnel.bn their responsibilitiesunder
Z;'■%' . ' , p roc u rejtie n t - re 1 a ted la ws a n d
regulations. IG review. -'b'Qnfi.riTTS.that Members avail
therhseivesbf these sessions ■aQd7bf.;prbvide"traihing to
their.own personnel: ^;^v ? . ;

• **RECOMMENDATION #22 o Lead agency: City Develop universal programming for vendor outreach and training.**

Status Assessment in Completed
2018 Annual Report
,2019 OIG Evaluation 'Completed. DPS includes the other. Participating ' V;:,¹
'•Members in .the City's extensive'vendor training and t.:
' ;putreach program:.The City has also/'begun . , , ."
spearheading joint dutreach efforts, such as the annua! Vendor
Fair, which ideludes a 11 ;pf the Sister Agencies, the State, and
the County." ..'

• **RECOM MI EN DATION #23 o Lead agency: PBC "Implementation reviewed by Participating Members'**
Inspectors General*

Develop uniform), minimum contract close-out procedures for use by all Participating Members

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Status Assessment in 2018 Completed

Annual Report

2019 OIG Evaluation

Inconsistent implementation IG review confirms that , each
Partieipating-Member follows a close-out process.
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checklistdeylpped uider this recommendation "is being /used-by
jail ;PXrticipating, Members" is not accurate. Some. : Members
use.the'!chec.klist, but others omit certain e 1 e m e n ts, -o reyen,fql 1
by/-^substantially different process, ■■a'ltpgethety'i"?'.^^.v^yW^y"l= '9-■

- RECOMMENDATION #24 o Lead agency: PBC "Implementation reviewed by Participating Members' Inspectors
General*

Develop minimum standards for project managers and other on-site review personnel to ensure vendor compliance.

Status Assessment in 2018 Completed

Annual Report

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confirm^that'Mt^ ly.u.tilizes the.guide, and • ■ a
seobnei'Me'mb^^ its agency was y-'? still reviewing/and
'h'ad.:not adopted; the guide. : 'i-yiv.-

- RECOMMENDATION #25 o Lead agency: Parks implementation reviewed by Participating Members' Inspectors
General*

Establish a process for information sharing among Participating Members regarding poor performance, noncompliance, or wrongdoing of a vendor.

Status Assessment in 2018 Completed

Annual Report

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Docu i^enj^ationVS^readsheets-" to the -PRTF 7:'-7