



CITY OF ATLANTA
OFFICE OF THE INSPECTOR GENERAL
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INDEPENDENT PROCUREMENT REVIEW DIVISION

Independent Procurement Review Report

TO: Atlanta City Council

DATE: August 16, 2023

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

Background

The Department of Information Management requested a Special Procurement for the project and scope shown below. Special Procurements occur when unique situations exist that make traditional procurement methods contrary to the public interest. This project was not previously cancelled.

Solicitation#	SP-PS-DAIM-2407-1240004
Project Name:	Dell Marketing SecureWorks Services
Estimated Dollar Amount:	\$1,701,928.86
Term:	One year
Recommended Awardee:	Dell Marketing, L.P.
DOP Responsive Bidders:	Dell Marketing, L.P.
All Bidders:	Dell Marketing, L.P.

Observations and Responses

Solicitation

Observation 1: A department head communicated with the proponent's account executives, who stated that if City Council does not approve this special procurement, the proponent would be governed by the terms of the expired emergency contract and would issue an invoice leveraging the expired contract's pricing. The department head replied that a discussion would have to be had with the Department of Law regarding this suggestion. It is unclear whether the Department of Law agreed to this suggested contract action.

DOP Response: The Department head will be advised by the Department of Procurement (DOP) to refrain from any procurement discussions regarding this service and any future services during the sourcing period. Should any communication be required to ensure continuity of support with the incumbent supplier, the Department of Procurement and the

Department of Law should be engaged in all such communication and if necessary, obtain approval from both DOP and Law.

Award

Observation 2: These services were previously obtained via an emergency procurement (EP-S-1230031). The terms of the prior agreement stated that services would continue “until the emergency is abated.” The City funded services through May 2023, therefore, services are now considered retroactive. To preserve continuity of these services and in the interest of time, this project has now been designated as a special procurement.

A minimum of three corresponding competitive quotes were not provided in the contract file, as required by DOP SOP Sec 4.8.

DOP Response: These services were initially procured through a Cooperative Agreement with the State of Georgia. However, documents related to the underlying Cooperative Agreement could not be obtained when entering into the renewal option for the agreement. Therefore, it was determined that based upon the emergent need for these services, that an Emergency Procurement would allow continuity of services, as well as address the immediate threat to cybersecurity. Upon completion of the services rendered under the Emergency Procurement, the CPO determined that the imminent threat no longer existed; and determined that due to the unique and unusual circumstance, a Special Procurement would allow continued services until a formal procurement is advertised.

During the transition from procurement methods last August (from the Cooperative, to an Emergency, then to Special, quotes were obtained from 3 vendors aside from Dell Marketing).

Three quotes obtained August 2022, are still considered relevant to this upcoming service period (as a fixed price for ongoing services). Dell Marketing’s quote to the City is favorably priced, as it is based on the same cost model available in the cooperative and service offerings from Dell provide a greater value to the City than its competitors (ex. TAGIS Managed XDNR is an additional firewall system that is specific SecureWorks). These quotes will be added to the contract file.

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, 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.