



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/C/DOA-2209-1230091
Estimated Dollar Amount:	\$1,000,000 - \$5,000,000, three-year term with one two-year renewal option
Type of Procurement:	Request for Proposals
Contract Description:	Small Architectural & Engineering Design Services
Requesting Department:	Department of Aviation
All Proponents:	Brindley Pieters & Associates, Inc. Brink Design, LLC Holt Consulting Company, LLC KEY Engineering Group Inc. PGAL Inc.
DOP Responsive Proponents:	Brindley Pieters & Associates, Inc. Brink Design, LLC Holt Consulting Company, LLC KEY Engineering Group Inc. PGAL Inc.
Recommended Awardee:	Brindley Pieters & Associates, Inc. Brink Design, LLC Holt Consulting Company, LLC KEY Engineering Group Inc.

TABLE OF FINDINGS

Review Area	Risk/Criteria	Results	DOP Response
Evaluation Team	Department of Procurement (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	N/A
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. 	No findings identified	N/A
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. 	There were three addenda issued for this solicitation, which could be an indication of an unclear scope.	No response required

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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).	<ol style="list-style-type: none"> 1) Several subcontractors submitted Letters of Intent on competing bids. 2) A JV partner submitted itself as a subcontractor on a competing bid. <p>These findings could be indications of collusive bidding.</p>	<ol style="list-style-type: none"> 1) The process does not restrict subcontractors to be included in only one proposal. Outreach by prime contractors may cross the same subcontractors. 2) The process does not restrict a contractor to submit as a subcontractor on opposing bids. A JV may have aviation experience that is in demand by other contractors.
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 bidder's compliance with those required documents. • Unclear or inconsistent responsiveness determinations could be a red flag of bid manipulation. 	A proponent selected for award failed to provide a Certificate of Authority to Transact Business in the State of Georgia.	The Certificate was confirmed on the State of Georgia Secretary of State website. A note to file as cited as a minor technicality, in order to maintain competition.
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.	<p>The blackout period for a solicitation begins with the date of advertisement until there is a proposed awardee. Elected officials and those involved in the procurement process receive training on the blackout period.</p> <ol style="list-style-type: none"> 1) During the solicitation and evaluation phase of this procurement, a proponent offered an evaluator, who also serves as the manager for this project, an invitation to attend lunch at an Atlanta steakhouse. The same proponent has been selected for award. 2) During the blackout period of this solicitation, which requires confidentiality during the solicitation and award process, there was public discussion about solicitation details. A councilmember put forth a resolution requesting that the solicitation be suspended, then resolicited, to ensure that a specific minority-owned firm have an 	<ol style="list-style-type: none"> 1) DOP researched the finding and confirmed that the employee was invited to a luncheon (as one of many guests). DOP did not identify any interference or influence with the evaluation process. Employees have been reminded of the responsibility to avoid any appearance of an ethical violation. 2) Proposals that are not received in Oracle cannot participate in the process.

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		<p>opportunity to participate in the procurement.</p> <p>Councilmembers voted against the suspension of this solicitation and DOP was permitted to proceed on the project, without the inclusion of that minority-owned firm.</p> <p>3) A City of Atlanta department head subsequently invited the principal of that excluded minority-owned firm, out to lunch just prior to the conclusion of the blackout period.</p>	<p>3) A meeting was scheduled, but there was no discussion regarding this solicitation. The department head is aware of ethics violations.</p>
<p>Evaluation</p>	<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). • 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. 	<p>The Collaborative Scoring Sign-in Sheet was not signed by the evaluators at the time of the scoring session. It was instead routed for signature two months after the session was held.</p> <p>There are also three conflicting dates listed on the sign-in sheet. Based on the dates listed, it is unclear whether the procurement professional was present to oversee the scoring session at the time the evaluators were conducting scoring.</p> <p>The real-time recordkeeping lapses of this evaluation created a lack of clarity and transparency in the scoring of this solicitation.</p>	<p>The collaborative scoring was done with all evaluators on the same day at the same time, however the sign-in sheet was issued late for signatures. Signatures were routed thru DocuSign and signed appropriately.</p>
<p>Cancellation</p>	<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. 	<p>This solicitation was previously cancelled as RFP-S-1200037. For this solicitation, two proponents were deemed responsive on the responsive review checklist; four proponents were deemed non-responsive.</p> <p>The two proponents deemed responsive on the responsive review checklist were notified the solicitation was cancelled “in the best interest of the city.” The four non-responsive proponents received two notifications: first, that they were</p>	<p>The procurement process was followed to notify the four non-responsive proponents of why they were non-responsive. Next steps are to score the responsive proponents; however, the User agency determined that they failed to complete the required employee classification billing rate, therefore it was cancelled. The cancellation memo from the User Agency clarified the cancellation.</p>

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		<p>determined to be non-responsive; second, that the solicitation was cancelled “in the best interest of the city.”</p> <p>The absence of a specific justification could be an indication of fraud.</p>	
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)	This is a task order-based RFP, with each task estimated to cost between \$1,000,000 - \$5,000,000. DOP has stated that the total cost of this project is unclear as there will be many tasks assigned over the course of the agreement.	This DOA task order-based RFP is determined by the FY2024 budget. Each Small A&E task will be under \$1 million; however, the cumulative projected cost will exceed \$1 million.