



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#	1190033
Estimated Dollar Amount:	\$35,000,000-\$45,000,000
Type of Procurement:	Request for Proposals
Contract Description:	Managing General Contractors Services at H-JAIA
Requesting Department:	Department of Aviation
All Proponents:	Bryson-360S, JV SoCo-Catamount, JV Manhattan/RFB, A Joint Venture New South - Synergy, A Joint Venture Randolph-Metro JV Sierra/Gresham, JV Turner-UJAMAA Atlanta Airport, a joint venture Yates-FS360, A Joint Venture
DOP Responsive Proponents:	Bryson-360S, JV Turner-UJAMAA Atlanta Airport, a joint venture Manhattan/RFB, A Joint Venture Yates-FS360, A Joint Venture New South - Synergy, A Joint Venture Sierra/Gresham, JV
Recommended Awardees:	1. Sierra Gresham, JV 2. Manhattan/RFB, a Joint Venture

TABLE OF FINDINGS

Review Area	Risk/Criteria	Results	Resolved/ Remaining
Evaluation Team	DOP procedures require evaluators to possess the necessary and appropriate experience needed to evaluate the proposals or offerors submitted to the city.	<ul style="list-style-type: none"> One evaluator from the Department of Aviation was listed as references for a proponent. This proponent is recommended for award. 	DOP Response: The evaluator was one of three. This collaborative process and the opinion of all is treated the same. DOP is currently working to modify the Evaluator's Affidavit that will address the situation in the future.
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

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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. 	No findings identified	N/A
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).	No findings identified	N/A
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. 	<ul style="list-style-type: none"> One proponent answered "No" on Form 2 (Contractor Disclosure Form) when asked, <ul style="list-style-type: none"> "Has any employee, agent, or representative of Offeror who is or will be directly involved in the project, in the last five years: <ol style="list-style-type: none"> directly or indirectly had a business relationship with the City? directly or indirectly, received revenues from the City? directly or indirectly, received revenues from conducting business on City property pursuant to any contract with the City?" <p>This proponent had several employees who are working on or have worked on city contracts and projects. This proponent is recommended for an award.</p> One proponent did not submit joint venture financial information as required by Form 3 (Contractor Financial Disclosure). The proponent also did not submit a joint venture agreement as required by Appendix A "OCC/EBO Programs. This proponent is recommended for an award. 	<p>DOP Response: The form was revised in January 2020 to add clarity to this question in Form 2. This form adds greater clarity for the definition of an offeror and joint venture member. The joint venture answered This joint venture question was answered correctly.</p> <p>There was no evidence in the proposal that the Joint Venture was in existence for more than three (3) years. Joint Ventures in existence less than three (3) years are required to submit Form 3 for each member which they did. The Joint Venture did submit a joint venture agreement.</p>

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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.	No findings identified	N/A
Evaluation	<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. 	<ul style="list-style-type: none"> • The Department of Finance’s Enterprise Risk Management Division found two proponents non-responsive during its responsibility assessment. It’s unclear whether the division has the authority to deem proponents non-responsive. Both proponents failed to complete forms required for financial submissions and, therefore, could have been deemed non-responsive by the Department of Procurement. The decision likely changed the outcome of the award. 	DOP Response: Both proponents provided financial information. It is under the purview of Risk Management to access the quality of the financial documents and render a determination of responsiveness.
Cancellation	<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. 	No findings identified	N/A
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)	No findings identified	N/A