



**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.

Solicitation#	1200034
Estimated Dollar Amount:	\$10,000,000
Type of Procurement:	Invitation for Bid - Services
Contract Description:	North Airfield Ground Lighting Cable Replacement at H-JAIA
Requesting Department:	Department of Aviation
All Proponents:	BBH UpTime JV
DOP Responsive Proponents:	N/A
Recommended Awardee:	<b>Cancelled</b>

**TABLE OF FINDINGS**

Review Area	Risk/Criteria	Results	DOP Response
<b>Evaluation Team</b>	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	No response needed
<b>Solicitation</b>	<ul style="list-style-type: none"> <li>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.</li> <li>Evaluation criteria that are too vague or subjective can allow for manipulation of the scores</li> </ul>	No findings identified	No response needed
<b>Advertisement/ Addenda</b>	<ul style="list-style-type: none"> <li>Changing the solicitation criteria to favor a particular proponent is a red flag of potential bid rigging (International Anti-Corruption Resource Center).</li> <li>Too many addenda could indicate unclear specifications or unclear scope of work, which could also favor a particular proponent.</li> </ul>	DOP issued six addenda for the solicitation.	No response needed
<b>Submittal</b>	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).	This solicitation received one bid.	No response needed

Review Area	Risk/Criteria	Results	DOP Response
<b>Responsive Review</b>	<ul style="list-style-type: none"> <li>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.</li> <li>Unclear or inconsistent responsiveness determinations could be a red flag of bid manipulation.</li> </ul>	<p>Majority partner answered “no” to question 1 on Form 2 despite being awarded three city contracts (FC 8552, FC 9211, FC 9994) in the last five years. This same form was notarized on a different date than the date signed by the authorized representative.</p> <p>The joint venture failed to meet OCC's MBE goal of 26.7% and FBE goal of 11.1% for this solicitation. Although the subcontractor utilization form showed MBE participation was 14.1% and FBE participation was 6.5%, the EBO-02 form showed the joint venture only contacted two vendors.</p> <p>The joint venture did not provide a copy of the general contractor's license as required by the technical instructions for each bidder.</p>	<p>DOP Response Form 2 Question 1 has been revised effective June 5, 2020. The revised form further clarifies question 1. The revised form also clarifies that the signature dates for both the authorized representative and notary public must be the same.</p> <p>OCC considered the public safety aspects and the vendor's efforts in participation in this solicitation.</p> <p>Additional responsiveness review training will be implemented for the Contract Specialist.</p>
<b>Conflict of Interest</b>	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	No response needed
<b>Evaluation</b>	<ul style="list-style-type: none"> <li>DOP procedures require procurement staff to compile the evaluation scores, including those from risk management and contract compliance.</li> <li>Public procurement practice states that any arithmetical errors should be corrected, and scores should be recorded in grids/matrices (NIGP).</li> <li>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.</li> </ul>	OCC found the joint venture responsive although participation goals for MBE and FBE were not met.	DOP Response OCC considered the public safety aspects and the vendor's efforts in participation in this solicitation.
<b>Cancellation</b>	<ul style="list-style-type: none"> <li>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.</li> <li>Transparency International states that effective record-keeping of decisions and reasons for cancellation promotes accountability and transparency.</li> </ul>	DOP found sole bidder non-responsive for not providing a copy of the general contractor's license as required by the technical instructions for each bidder. This solicitation was cancelled.	No response needed

Review Area	Risk/Criteria	Results	DOP Response
<b>Award</b>	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	No response needed