



**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#	1200633
Estimated Dollar Amount:	\$30,000,000
Type of Procurement:	Request for Proposals
Contract Description:	Concourse T-Midpoint Vertical Transportation Expansion Construction Management at Risk
Requesting Department:	Department of Aviation
All Proponents:	<ul style="list-style-type: none"> <li>• Clark/Atkinson/Technique, A Joint Venture - Concourse T</li> <li>• Holder-Moody-Bryson a Joint Venture</li> <li>• Dunn Works + Barnsley, a Joint Venture</li> <li>• McCarthy-FS360 II, a Joint Venture</li> <li>• New South - Synergy, A Joint Venture</li> <li>• Skanska-SG, a joint-venture</li> <li>• Turner-UJAMAA Atlanta Airport, a Joint Venture</li> </ul>
DOP Responsive Proponents:	<ul style="list-style-type: none"> <li>• Clark/Atkinson/Technique, A Joint Venture - Concourse T</li> <li>• Holder-Moody-Bryson a Joint Venture</li> <li>• Dunn Works + Barnsley, a Joint Venture</li> <li>• McCarthy-FS360 II, a Joint Venture</li> <li>• New South - Synergy, A Joint Venture</li> <li>• Turner-UJAMAA Atlanta Airport, a Joint Venture</li> </ul>
Recommended Awardee:	<ul style="list-style-type: none"> <li>• Turner-UJAMAA Atlanta Airport, a Joint Venture</li> </ul>

**TABLE OF FINDINGS**

Review Area	Risk/Criteria	Results	DOP Response
Evaluation Team	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"> <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	N/A

Review Area	Risk/Criteria	Results	DOP Response
<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>	No findings identified	N/A
<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).	No findings identified	N/A
<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>DOP found six of the seven proponents responsive, however, IPRO noted an issue with one of the proponents not recommended for award:</p> <ul style="list-style-type: none"> <li>The majority partner of the joint venture failed to provide the Prohibited Source Ethics Pledge (Form 7).</li> </ul> <p>DOP deemed one proponent non-responsive for failing to complete forms 2 and 3, however, IPRO noted additional issues:</p> <ul style="list-style-type: none"> <li>The proponent failed to submit its certificate of authority to transact business in Georgia and its general contractors' license.</li> </ul>	No response needed
<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	N/A

Review Area	Risk/Criteria	Results	DOP Response
<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>	<ul style="list-style-type: none"> <li>• Sign in sheets showed a city employee not approved as an evaluator by the CPO attended the collaborative scoring sessions. This employee did not have a signed ethics form or resume' on file for this solicitation.</li> </ul> <p>DOP standard operating procedures require evaluators to be approved by the CPO.</p>	<p>DOP Response</p> <p>The Collaborative Scoring in this case was virtual. The employee assisted to see that evaluators were in attendance and then disconnected from the meeting. She is not an evaluator and had no participation in the meeting.</p>
<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>	No findings identified	N/A
<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	N/A