



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#	1200138
Estimated Dollar Amount:	Revenue Generating
Type of Procurement:	Request for Proposals
Contract Description:	Tennis Centers - Management, Maintenance and Capital Improvements
Requesting Department:	Department of Parks and Recreation
All Proponents:	Agape Tennis Academy Universal Tennis Management
DOP Responsive Proponents:	Agape Tennis Academy Universal Tennis Management
Recommended Awardee:	Agape Tennis Academy

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	No response needed.
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 	The solicitation was previously cancelled under FC-10637 because the new Commissioner of the Department of Parks and Recreation wanted opportunity to amend the proposed scope of work.	No response needed
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. 	DOP issued four addenda, which revised the draft services agreement, answered questions, and clarified the scope of services and the total proposal amount.	No response needed
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).	DOP received two proposals	No response needed

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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. 	<p>DOP found both proponents responsive, however, after the award notice and final determination letters were distributed, DOP notified IPRO that a proponent may have violated the anti-lobbying and blackout provisions of the solicitation. After receiving a question about anti-lobbying and blackout period violations during the question and answer period, DOP provided an answer through an addendum addressing consequences for violating these provisions. The proponent began a social media campaign apparently to influence contract award. The policy, agreed to by the proponent, stated “all Offerors, including their agents, employees, officers, representatives, lobbyists, attorneys and proposed partner(s), subcontractor(s), or joint venture member(s), will refrain, under penalty of the Offerors disqualification, from direct or indirect contact, for the purpose of influencing the selection or creating bias in the selection process, with any elected or appointed City officials...”</p>	<p>DOP Response Department of Procurement consulted with the Department of Law concerning the anti-lobbying provision in the solicitation. Based on the language of the provision, Law determined that if one proponent was potentially subject to disqualification, then the language subjected both proponents to potential disqualification. After careful consideration by the Department of Procurement, no proponent is subject to disqualification at this time.</p>
Conflict of Interest	<p>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>	<p>No findings identified</p>	<p>No response needed</p>
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. 	<p>No findings identified</p>	<p>No response needed</p>

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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. 	N/A	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	No response needed