



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 #	RFP-S-1200287
Estimated Dollar Amount:	\$8,750,000
Type of Procurement:	Request for Proposal
Contract Description:	Operation and Management of Common Use Facilities and Equipment
Requesting Department:	Department of Aviation
All Proponents:	Atlanta Diversity Group, LLC TBI ATL Operations JV
DOP Responsive Proponents:	Atlanta Diversity Group, LLC TBI ATL Operations JV
Recommended Awardee:	TBI ATL Operations JV

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 RFP-S-1190058 because DOP found both submittals to be non-responsive.	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 three addenda; however, the third addenda was issued to extend the bid close date.	No response needed

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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).	The city received only two proposals for this solicitation.	No response needed
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 to be responsive. However, IPRO identified several deficiencies with the non-winning proposal for this solicitation:</p> <ul style="list-style-type: none"> • The majority partner of the joint venture answered "no" to questions 3 and 5 on Form 3 and failed to disclose pending litigation, order, judgments, liens, or pending suits in the last five years • A letter from the minority partner indicated financials were compiled but not audited or reviewed. The solicitation required that self-prepared, unaudited, or compiled financial statements must include an income statement, balance sheet, and two bank or other institutional lenders' references • Proponent did not submit the subcontractor utilization form with Appendix A forms, as required by the solicitation. 	<p style="text-align: center;">DOP Response</p> <p>DOP confirms receipt of Form 3. DOP relies on the Department of Enterprise Risk Management (Risk) to review the data and supporting documentation. Risk recommended the proponent be deemed nonresponsive on May 14, 2020. DOP is working to improve the responsiveness review process by allowing Risk to perform their review before DOP makes a final responsiveness determination.</p> <p>Per OCC, the proponent submitted the forms required except form# 3 and used the "letter of Intent" form to show proof of their diversity plan instead. The proponent typed in their commitment goals for the contract at the bottom of their last outreach contact sheet (form#2) and used the "letter of intent" form to show proof of their MBE/FBE diversity plan which OCC verified by checking certification status, work amounts, percentages, etc. After my verification of the proponent's diversity plan was completed, OCC found the proponent responsive and submitted it as such in my recommendation to the Department of Procurement.</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. 	No findings identified	N/A
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

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<p>Award</p>	<p>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)</p>	<p>We reviewed correspondence between proponents, the Department of Procurement and the Department of Aviation and found the following red flags that are inconsistent with the established procurement process:</p> <ul style="list-style-type: none"> • A proponent submitted a question to OCC and DOP via email before the bid window closed and after the last addendum posted to Oracle. We could not determine whether, or how, DOP provided the proponent with an authoritative response. • The proponent also provided an explanation for the discrepancy on Form 2 to DOP after the department completed the responsiveness review, but before DOP issued the letter of non-responsiveness to the proponent. <p>DOP originally deemed the proponent non-responsive but rescinded the determination after the proponent submitted a request for reconsideration.</p> <p>Although red flags were present, these discrepancies did not affect the outcome of the award.</p>	<p>DOP Response</p> <p>The timeline for questions to be posted [sic] on this project terminated on January 30, 2020. Proponent forwarded his questions on February 22, 2020, nearly 3 weeks after the due date. The department did not want to taint the procurement process by not conforming to timeline requirements of the solicitation.</p> <p>Due to the confusion of the question on Form 2 the CPO ultimately decided to rescind non-responsiveness. Form 2 & Form 3 were later revised for clarity.</p>