



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#	SP-S-1210102
Estimated Dollar Amount:	\$12,542,817
Type of Procurement:	Special Procurement
Contract Description:	North Airfield Ground Lighting Cable
Requesting Department:	Department of Aviation
All Proponents:	Brooks Berry Haynie & Associates - Uptime JV
DOP Responsive Proponents:	N/A
Recommended Awardee:	Brooks Berry Haynie & Associates - Uptime 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.	N/A	N/A
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 	This solicitation has been canceled twice. Each time the sole bidder—Brooks Berry Haynie & Associates - Uptime JV—was found nonresponsive. On the first solicitation the proponent was found nonresponsive for failing to provide a general contractor's license. On the second solicitation the proponent was found nonresponsive for failing to provide an electrical contractor's license and failing to submit Form 6 (Prohibited Sources' Ethics Pledge) for one of the joint venture partners.	DOP Response DOP concurs with IPO's assessment and states the special procurement was a result of advertising the solicitation twice.
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. 	N/A	N/A

Review Area	Risk/Criteria	Results	DOP Response
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).	N/A	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. 	N/A	N/A
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. 	N/A	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. 	N/A	N/A
Award	<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> <ul style="list-style-type: none"> • Special Procurements require the following documentation, according to 	The CPO's written determination/approval for special procurement cited the missing notary on the joint venture agreement as the reason for non-responsiveness for IFB-C-1200034. However, the non-	DOP Response DOP confirmed the information provided and concurs with IPRO's assessment.

Review Area	Risk/Criteria	Results	DOP Response
	<p>City Code Section 2-1214, DOP SOP Sec 4.8:</p> <ul style="list-style-type: none"> • Procurement request form from user agency • Department memo to CPO detailing the unusual and/or unique situation • CPO’s written determination/approval for special procurement • Original IRREA form • Statement of work and corresponding competitive quotes (at a minimum three (3) quotes shall be reflected or justification otherwise) • Insurance (if applicable) • Approved requisition • Conflict of interest form • SAM verification • Authority to Transact Business in Georgia (DOP SOP Sec. 4.8) 	<p>responsiveness letter to the bidder indicated the reason for non-responsiveness was the missing general contractor’s license.</p> <p>Although the Department of Aviation did not provide three quotes with its supporting documentation, offering the solicitation for bid twice demonstrated attempts to get the required three quotes.</p>	