



**CITY OF ATLANTA**  
**OFFICE OF THE INSPECTOR GENERAL**  
 SHANNON K. MANIGAULT  
 INSPECTOR GENERAL

INDEPENDENT PROCUREMENT REVIEW DIVISION

## Independent Procurement Review Report

TO: Atlanta City Council

DATE: January 31, 2024

The purpose of this report is to communicate the results of the following solicitation.

### Background

The Department of Enterprise and Asset Management requested a Request for Proposals for the project and scope shown below. Requests for Proposals are typically evaluated based on a variety of evaluation factors including price, understanding of scope and objectives, and expertise. This solicitation has not been previously cancelled.

Solicitation#	2023-RFP/DEAM/2303-1230269
Project Name:	Job Order Contracting -Large
Estimated Dollar Amount:	\$25,000,000
Term:	Three years with two one-year renewal options.
Recommended Awardee:	Manhattan/RFB, A Joint Venture Paschen Milhouse, Joint Venture P2K & Lefko, Joint Venture
DOP Responsive Bidders:	Manhattan/RFB, A Joint Venture Paschen Milhouse, Joint Venture P2K & Lefko, Joint Venture Winter Johnson Group F&F General Construction/Iugis Construction
All Bidders:	Manhattan/RFB, A Joint Venture Paschen Milhouse, Joint Venture P2K & Lefko, Joint Venture Winter Johnson Group F&F General Construction/Iugis Construction Johnson Laux Skyline Atlanta JOC Construction LLC SoCo-Catamount JV LLC EDT/Techno JV Davis JCAB JV HA MAC JV

## Observations and Responses

### *Initiation*

Observation 1: The Evaluator Commitment and Ethics Forms for one evaluator appear to have the dates and incorrect project name pasted onto the originally completed and signed documents.

To the extent information was inserted that was not included on the original forms, this could inhibit the ability to hold individuals accountable to expectations for a specific project.

DOP Response: DOP responded with an updated Ethics Form dated October 11, 2022. However, the electronic document properties indicate this was created December 8, 2023. DOP was unresponsive when asked to clarify the date the new document was created.

Observation 2: The Evaluator Commitment Form for a second evaluator lacked a project reference, and the Ethics Form referenced the incorrect project name.

To the extent complete or correct information was not included the forms, this could inhibit the ability to hold individuals accountable to expectations for a specific project.

DOP Response: DOP responded with forms that appear to have been altered to reflect the current project instead of what was missing or incorrect on the forms originally provided. The forms appear to be identical except for the project information. The original forms are on the left and the updated ones DOP provided are on the right.

### Original Ethics Form

I, GREGORY P. MOORE, have reviewed the City's Standards of Ethical and Professional Conduct for Procurement Evaluators and agree to abide by them as an evaluator approved by the Chief Procurement Officer while working on

Citywide Vending Services RFP-S\*\*\*\*\*  
Project Name Project Number

Greg P Moore 08-MAY-2023  
Signature Date

### Updated Ethics Form

I, GREGORY P. MOORE, have reviewed the City's Standards of Ethical and Professional Conduct for Procurement Evaluators and agree to abide by them as an evaluator approved by the Chief Procurement Officer while working on

Job Order Contracting RFP-DEAM-2302-1230269  
Project Name

Greg P Moore 08-MAY-2023  
Signature Date

### Original Commitment Form

I have read the evaluator responsibilities described above and agree to follow them to the best of my ability. I understand that I am responsible for fulfilling all requirements as an individual as well as within the panel.

Signature: Greg P Moore Date: 08-MAY-2023

Project Name: \_\_\_\_\_ Project #: \_\_\_\_\_

### Updated Commitment Form

I have read the evaluator responsibilities described above and agree to follow them to the best of my ability. I understand that I am responsible for fulfilling all requirements as an individual as well as within the panel.

Signature: Greg P Moore Date: 08-MAY-2023

Project Name: Job Order Contracting-Large Project #RFP/DEAM/2302-1230269

It is unlawful to knowingly alter a document to file in a public record.

Observation 3: The Procurement Request Form provided as part of the procurement file for this project was for Job Order Contracting Services – Small, a separate project. This form establishes the need, estimated budget, and estimated term of the contract.

DOP Response: DOP responded with a form dated October 11, 2022. However, the electronic document properties indicate this was modified January 25, 2024. The project name was updated and the estimated budget was changed from \$5 million to \$25 million. All other parts of the form reflected what was on the form for the other project, including the project description and list of evaluators. Only one of these three evaluators from the other project was on the approved list of five evaluators for this project.

Observation 4: The signature page of the Evaluator Ethics Form is missing for a third evaluator, which could inhibit the ability to hold individuals accountable to expectations.

DOP Response: DOP responded with forms dated January 11, 2024, more than two months after the user agency made an award recommendation on October 31, 2023.

#### *Responsive Review*

Observation 5: The Financial Responsibility Review Forms for each of the three proposed awardees were not signed or initialed by the Contract Specialist to indicate the responsiveness of the proponents' submittals, as required on the form.

DOP Response: The evaluation of this Form 3 is received by DOP, however the evaluation of the form is conducted by Enterprise Risk Management. They provide a separate document with their final results. The form will be revised to remove the Contract Specialist initialed section.

Observation 6: Both joint venture partners of a proposed awardee submitted two of the three required project references.

DOP Response: The references were reviewed and approved by DOP and the User Agency.

#### *Evaluation*

Observation 7: A user agency representative who was not an approved evaluator attended the collaborative scoring meeting as an "Evaluator," per the attendee report. Approval of evaluators serves to identify those who DOP will advise of ethical, confidentiality, and other expectations when scoring proposals.

DOP Response: DOP responded with forms dated January 11, 2024, more than two months after the user agency made an award recommendation on October 31, 2023.

DOP failed to provide an approval document for this evaluator.

The review yielded no additional findings.

### **Methodology**

The Independent Procurement Division reviews the following stages of the procurement process:

- Initiation
- Solicitation
- Responsive Review
- Evaluation
- Award

*In accordance with Atlanta City Charter Article 8, Section 8-107, and Section 2-1604 of the Atlanta Code of Ordinances, the Independent Procurement Review Division of the Office of the Inspector General must 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; must review all cooperative purchase agreements and piggyback contracts with an aggregate value greater than \$1,000,000; and may conduct discretionary reviews of any value.*



## CITY OF ATLANTA

DEPARTMENT OF PROCUREMENT  
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Andre Dickens  
Mayor


Jaideep Majumdar  
Chief Procurement Officer

*Excellence in VALUE CREATION through Partnership, Collaboration, and Innovation*

**DATE:** February 2, 2024

**TO:** Shannon Manigault, Inspector General  
Bradford Garvey, Deputy Inspector General

**FROM:** Jaideep Majumdar, Chief Procurement Officer 

**CC:** Kevin Floyd, Deputy Chief Procurement Officer 

**RE:** Clarification Memo for RFP/DEAM/2302-1230269 Job Order Contracting Large

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**Observations 1,2,4 and 7 are in response to the Evaluator Forms. The evaluators for RFP/DEAM/2302-1230269, Job Order Contracting-Large were changed by the User Agency during the procurement process before the evaluation. As a result, the Category Specialist did not update the Evaluator Forms which were submitted to IPRO on the front end of the procurement process. Moving forward all updated documentation will be provided to iPro in real time to ensure alignment with the DOP process.**

### **Observations and Responses**

#### *Initiation*

**Observation 1:** The Evaluator Commitment and Ethics Forms for one evaluator appear to have the dates and incorrect project name pasted onto the originally completed and signed documents. To the extent information was inserted that was not included on the original forms, this could inhibit the ability to hold individuals accountable to expectations for a specific project.

**DOP Response:** DOP responded with an updated Ethics Form dated October 11, 2022. However, the electronic document properties indicate this was created December 8, 2023.

**Clarification:** DOP does not typically check document properties on forms provided by user agencies. This finding has been noted as a process improvement to ensure integrity of the documentation received. While this form appears to be altered, there is no impact to the scoring or outcome of this solicitation. Employees can still be held accountable for forms regardless of the date or any alterations.

**Observation 2:** The Evaluator Commitment Form for a second evaluator lacked a project reference, and the Ethics Form referenced the incorrect project name. To the extent complete or correct information was not included on the forms, this could inhibit the ability to hold individuals accountable to expectations for a specific project.

**DOP Response:** DOP responded with forms that appear to have been altered to reflect the current project instead of what was missing or incorrect on the forms originally provided.

**Clarification:** The incorrect information on the forms was attributed to two similar projects running concurrently. The lack of a project name does not inhibit an evaluation ability to score a project, nor does it limit DOP's ability to hold them accountable. There was no impact to the scoring or outcome of the solicitation. Moving forward, DOP will ensure that all evaluator forms are correct prior to holding the collaborative scoring sessions.

**Observation 3:** The Procurement Request Form provided as part of the procurement file for this project was for Job Order Contracting Services – Small, a separate project. This form establishes the need, estimated budget, and estimated term of the contract.

**DOP Response:** DOP responded with a form dated October 11, 2023. However, the electronic document properties indicate this was modified January 25, 2024. The project name was updated and the estimated budget was changed from \$5 million to \$25 million. All other parts of the form reflected what was on the form for the other project, including the project description and list of evaluators. Only one of these three evaluators from the other project was on the approved list of five evaluators for this project.

**Clarification:** The incorrect form is attributed to two similar projects running concurrently. DOP has provided iPro with the correct PREP for this project.

**Observation 4:** The signature page of the Evaluator Ethics Form is missing for a third evaluator, which could inhibit the ability to hold individuals accountable to expectations.

**DOP Response:** DOP responded with forms dated January 11, 2024, more than two months after the user agency made an award recommendation on October 31, 2023.

**Clarification:** The missing signature page on the form was an oversight and did not inhibit the ability to hold the individual accountable. DOP will ensure that all documentation is completed properly for future projects.

**Observation 5:** The Financial Responsibility Review Forms for each of the three proposed awardees were not signed or initialed by the Contract Specialist to indicate the responsiveness of the proponents' submittals, as required on the form.

**DOP Response:** The evaluation of this Form 3 is received by DOP, however the evaluation of the form is conducted by Enterprise Risk Management. They provide a separate document with their final results. The form will be revised to remove the Contract Specialist initialed section.

**Clarification:** The omission of signature on this form was an oversight. Risk Management vetted and approved the information. DOP will ensure that CS signatures are obtained for all future solicitations.

**Observation 6:** Both joint venture partners of a proposed awardee submitted two of the three required project references.

**DOP Response:** The references were reviewed and approved by DOP and the User Agency.

**Clarification:** The recommended number of references is three and this requirement was met by combining the references submitted by each joint venture partner. The references were reviewed and approved by DOP and the User Agency.

**Observation 7:** A user agency representative who was not an approved evaluator attended the collaborative scoring meeting as an “Evaluator,” per the attendee report. Approval of evaluators serves to identify those who DOP will advise of ethical, confidentiality, and other expectations when scoring proposals.

**DOP Response:** DOP responded with forms dated January 11, 2024, more than two months after the user agency made an award recommendation on October 31, 2023. DOP failed to provide an approval document for this evaluator.

**Clarification:** DEAM requested a replacement for an evaluator during the solicitation process, but before evaluation. While a signed ethics and commitment form was received for the new evaluator, a revised CPO approval memo was not completed. This was an oversight and DOP will ensure that any change to evaluators also get approved by the CPO prior to the evaluation session. There was no impact the scoring or the outcome of this solicitation due to the evaluator change.



Andre Dickens  
Mayor

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DEPARTMENT OF PROCUREMENT  
Jaideep Majumdar  
Chief Procurement Officer

## Procurement Request Form

Date: \_\_\_\_\_

Project Manager's Name and Department: \_\_\_\_\_

Name of Project: \_\_\_\_\_

Brief Project Description:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### PROCUREMENT METHOD. (Check the requested procurement method):

Invitation for Bid (IFB)

Request for Proposals (RFP)

Request for Qualifications (RFQ)

Request for Information (RFI)

Sole Source Procurement (SS)

Special Procurement (SP)

Cooperative Procurement (CP)

### \*\* Emergency Procurement (Please use Emergency Procurement Form)

1. Wage Rates (make sure to attach if applicable), e.g., construction projects or federally assisted projects)

2. Liquidated Damages (generally applied to construction related initiatives):

For Each delay in Substantial Completion of the entire Work: \$ \_\_\_\_\_ / day

For Each day of delay in Final Completion of the entire Work: \$ \_\_\_\_\_ /day

3. Contract Term: \_\_\_\_\_

4. Do you have any deadlines for having this project completed?

Yes  if yes, then please provide \_\_\_\_\_

No



5. Source of Funds:

- Federal Funds
- General Funds
- Grant
- Stimulus Funds
- Enterprise Fund
- Non-Capital Trust Funds

6. Trade Breakdown for 100% of Scope of Services: (e.g. consulting 20%, demolition 40% and construction 40%) (Please attach completed Transmittal Form):

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7. Estimated Budget: \_\_\_\_\_

8. Approved Requisition Number: \_\_\_\_\_

9. Scope of Work/Drawings (**Email soft copy to the DOP assigned Procurement Professional**)

10. Is there a need for a site visit?

Yes  if yes, then please (*contact CS or Buyer immediately*) in order to work the date & time into the project schedule.

No

11. List the name and COMPLETE contact information for Contractors, that you know of, that may be interested in bidding on this solicitation.

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12. Please provide the names of the evaluating team members. Please attach a complete copy of the Evaluators' Ethics Forms, Commitment Forms (*RFP only*), and Resumes.

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13. Is this a **SOLE SOURCE REQUEST**, please complete the following if applicable:

- department memo to CPO detailing the efforts taken to determine sole provider;
- memo “on company letterhead” from recommended consultant or contractor attesting to sole proprietorship when applicable;
- original IIREA forms;
- statement of work and corresponding quotes;
- insurance (if applicable); and
- approved requisition.

14. Is this a **SPECIAL PROCUREMENT REQUEST**, please provide the following if applicable:

- department memo to CPO detailing the unusual and/or unique situation;
- original IIREA forms;
- statement of work and corresponding quotes;
- insurance; and
- approved requisition.

15. Is this a **COOPERATIVE AGREEMENT REQUEST**, please provide the following if applicable:

- department memo to CPO attesting that substantial needs will be met and the service or commodity was procured by competitive means;
- original IIREA forms;
- statement of work and quotes that match the Co-op Agreement;
- copy of active “Competitively” procured Agreement, Solicitation (including all Addenda, Exhibits, Attachments, etc.) Renewals and all Amendments to the Agreement;
- insurance (if applicable); and
- approved requisition.

Submitted to the Attention of Procurement Manager within DOP: \_\_\_\_\_

\*\*\*This form is required for all new solicitation requests that are made by your department. To improve customer service and the solicitation process, the above-referenced information *up front* will help expedite the planning phase for each project. After receiving this information, *a Project number will be issued for the project and the solicitation will be prepared*. Again, your co-operation with this request will be greatly appreciated.