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: October 16, 2024

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

Background

The Department of Parks and Recreation 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 project was previously cancelled.

Solicitation#	RFP/DPR/2308-1240021
Project Name:	Managing General Contractors- Construction
Estimated Dollar Amount:	$35,000,000
Term:	Three years with one two-year renewal option
Recommended Awardee:	EDT Techno SD- JV Team Lichty-SoCo JV, LLC Synergy Development Partners, LLC
DOP Responsive Bidders:	EDT Techno SD- JV Team Lichty-SoCo JV, LLC Synergy Development Partners, LLC
All Bidders:	EDT Techno SD- JV Team Lichty-SoCo JV, LLC Synergy Development Partners, LLC

Observations and Responses

Solicitation

Observation 1: On September 19, 2023, the User Agency requested cancellation of RFP/DPR/2305-1230338, Managing General Contractor Services. DOP determined that sourcing for construction related services should be separate from non-construction services.

IPro does not require a response from DOP for this observation.

Observation 2: One of the approved evaluators is the direct supervisor of the other two. This violates a DOP memo dated September 28, 2023, which states managers and subordinates may not serve as evaluators on the same project. The evaluator list is dated January 11, 2024.

> DOP Response: Upon review of Observation No. 2, DOP should have cited the guideline to the User Agency and requested a replacement. DOP will continue to monitor the selection of the evaluators closely to ensure that Guideline 2.13.8 is maintained.

Responsive Review

Observation 3: The JV majority partner of one entity provided the only required financial attestation signatures for the Financial Responsibility Review (Form 3) for the joint venture. This majority partner also provided required bank and project references for itself.

The JV minority partners of the same entity did not provide any documentation to attest to the financial condition of the entity, nor did they submit the required bank or project references.

The lack of information provided by two of the three partners could inhibit the city's ability to make an informed decision about the financial condition of the joint venture.

> DOP Response: The Department of Risk Management determines responsiveness for Form 3-Responsibility Review. Risk Management evaluated and deemed the proponent responsive. DOP will continue to collaborate with Risk Management to ensure all documentation is sufficient to validate responsiveness.

Observation 4: The third JV had one person provide two of the three signatures from the three highest-ranking officers on the financial attestation (Form 3) of the company for the majority partner.

The minority partner for this same JV also had one person provide two of the three signatures from the three highest ranking officers on the financial attestation.

> DOP Response: The Department of Risk Management determines responsiveness for Form 3- Responsibility Review. Risk Management evaluated and deemed the proponent responsive. DOP will continue to collaborate with Risk Management to ensure all documentation is sufficient to validate responsiveness.

Observation 5: The majority partner for another JV provided two of the three required signatures from the highest-ranking officers of the company for the financial attestation (Form 3).

> DOP Response: The Department of Risk Management determines responsiveness for Form 3- Responsibility Review. Risk Management evaluated and deemed the proponent responsive. DOP will continue to collaborate with Risk Management to ensure all documentation is sufficient to validate responsiveness.

Observation 6: The Contract Specialist did not provide initials for two of the three proposed awardees indicating the presence of submitted documents and did not provide signatures to indicate responsiveness on all three of the Financial Responsibility Review forms for the proposed awardees as required by on the forms.

> DOP Response: Upon IPro's findings, DOP verified the information and revised forms to include initials and provided them to IPro. The omission of the responsive initials to verify the submission of the required document by the Category Specialist was an oversight. DOP will continue to express the importance of accurately completing the responsive review with the proper notations.

Observation 7: DOP indicates on the Responsive Review Checklist that no matches were found for the SAM.gov exclusions, however no search results were provided in the contract file for any of the proposed awardees.

> DOP Response: Upon IPRO's findings, DOP verified the Sam.Gov information. The omission of the supporting documentation that indicates "No Matches Found" was an oversight. DOP will continue to express the importance of completing the SAM.gov searches, and copies of the searches have been provided to IPro.

Observation 8: The Office of Contract Compliance (OCC) Appendix A goals state, "Each JV proponent must include a signed JV agreement with their proposal submission." This requirement was not listed on DOP's responsive review checklist.

> DOP Response: – The Appendix A section of the responsiveness review checklist includes review of the JV agreement if applicable. DOP will annotate the review of the JV agreement on future responsive checklists. Upon IPro's observation, DOP verified that the JV agreement was submitted with Response No. 1161202.

Observation 9: Documentation was not observed in Oracle to indicate any JV agreement or OCC information was submitted from one JV entity. DOP noted these documents as present on the Responsive Review checklist. It is unclear how DOP obtained these documents.

> DOP Response: Upon IPRO's observation, DOP verified that the OCC information was submitted with Response No. 1161202 for the noted supplier. Appendix A information was vetted/approved by OCC. The intent of this action is to award projects via task/work orders wherein OCC goal participation may be individually vetted per task/work order. Appendix A is attached herein.

Evaluation

Observation 10: OCC evaluated the above JV entity and determined it to be responsive although no OCC documents were observed to be present in Oracle and types of work were listed as "TBD" on OCC's evaluation form without the names of subcontractors.

OCC listed subcontractors with percentages of work for the other two proposed awardees and deemed them responsive.

> DOP Response: Upon IPRO's observation, DOP verified that the OCC information was submitted with Response No. 1161202 for the noted supplier. Appendix A information was vetted/approved by OCC. The intent of this action is to award projects via task/work orders wherein OCC goal participation may be individually vetted per task/work order. Appendix A has been provided to IPro.

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.