CITY OF ATLANTA
OFFICE OF THE INSPECTOR GENERAL
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INDEPENDENT PROCUREMENT REVIEW DIVISION

Independent Procurement Review Report

TO: Atlanta City Council

DATE: October 15, 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/PS/DPR/2308-1240022
Project Name:	Managing General Contractors - Services
Estimated Dollar Amount:	$15,000,000 annually
Term:	Three years with one two-year renewal option
Recommended Awardee:	Lichty/SoCo JV, LLC
DOP Responsive Bidders:	Lichty/SoCo JV, LLC
All Bidders:	Hawque Protection Services, LLC Kissberg/Parker-Fry JV, LLC Lichty/SoCo JV, LLC The Good Lord's Mobile Welding Service

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 DOP Guideline 2.13.8 which states that managers and subordinates may not serve as evaluators on the same project.

> 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 DOP Guideline 2.13.8 is maintained.

Responsive Review

Observation 3: The Contract Specialist did not initial to verify the submission of required documents on the Financial Responsibility Review (Form 3). The Contract Specialist provided no signature to indicate responsiveness of the proposed awardee as required by the form.

> DOP Response: The omission of the responsive review 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 4: One proponent was deemed non-responsive for failure to submit a Covenant of Discrimination (Form EBO-1). IPro found that the required Form EBO-1 was submitted with the OCC documents. During the email review, IPro saw that the proponent notified DOP of the oversight, and DOP then sought advice from OCC on the issue. OCC informed DOP that although the proponent submitted a signed Form EBO-1 for the majority joint venture partner, no such form was submitted for the minority partner, thus the proponent remained non-responsive.

This response aligns with the OCC joint venture participation requirement that states, "No bid on a City contract for an Eligible Project shall be accepted from a joint venture team unless each participant independently signs and submits a Covenant of non-discrimination."

In recent solicitations, OCC and DOP have not responded in this way when proponents, including proposed awardees, failed to submit Form EBO-1 for all joint venture partners.

- RFP-REF-DOA-2308-1240185 Airside Electrical On-Call DOA Facilities in May 2024 – DOP responded, "The Mayor's Office of Contract Compliance reviewed the submitted proposal for responsiveness and based on the information provided the proponent was deemed responsive."

- IFB-CON-DWM-2410-1240126 Greensferry Stream and Floorplan Restoration in August 2024 – DOP responded, "DOP recognizes that the joint venture was established on 2/9/2024. Appendix A documentation should have been submitted for the minority partner or granted a notice of technical waiver for the missing documentation. This was an oversight, and DOP will continue to provide training to avoid this error and collaborate with OCC to determine level of responsiveness for form completion."

- RFP-PS-DOA-2402-1240233 Parking Decks Reconstruction and Expansion Design at HJAIA in August 2024 – DOP responded, "Upon IPro's observation, OCC informed DOP that the supplier response received for this procurement was from a JV making it unnecessary for every entity to submit the form."

Inconsistent practices in the procurement process could undermine fairness and compromise the perception of fairness.

> DOP Response: DOP will continue to express the importance that both, the majority, and minority participants must submit all forms required by OCC during future pre-conference meetings. The previous IPRO responses were not vetted and standardized by DOP Executive Leadership/OCC. Future responses will be vetted and standardized to ensure compliance with DOP SOP, OCC, and other policies and procedures regarding the procurement process.

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.