CITY OF ATLANTA
OFFICE OF THE INSPECTOR GENERAL
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INSPECTOR GENERAL

INDEPENDENT PROCUREMENT REVIEW DIVISION

Independent Procurement Review Report

TO: Atlanta City Council

DATE: November 25, 2024

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

Background

The Department of Aviation 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 not previously cancelled.

Solicitation#	RFP/DOA/REF/2401-1240189
Project Name:	Phase 3R2 Concessions Concourse T & B
Estimated Dollar Amount:	Revenue generating - $2.3 million first full year
Term:	Ten years with one three-year renewal option
Recommended Awardee:	ATL P3R2 Concessions, LLC
DOP Responsive Bidders:	ATL P3R2 Concessions, LLC Paradies Lagardere @ ATL 2024 Retail, LLC
All Bidders:	ATL P3R2 Concessions, LLC Paradies Lagardere @ ATL 2024 Retail, LLC STSR Investments, LP The Marshall Retail Group, LLC Tiffany Brown Designs

Observations and Responses

Solicitation

Observation 1: Seven addenda were issued for this solicitation. Addenda contents included modifying the questions deadline, replacing multiple forms and exhibits, attaching the pre-proposal conference PowerPoint and attendee list, replacing the premises description three times, revising the proposal's due date three times, adding an additional round of questions and answers, and responding to 222 questions.

Too many addenda could indicate unclear specifications or scope of work, favoring a particular proponent.

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

Responsive Review

Observation 2: The awarded joint venture indicated on its Contractor Disclosure Form that it has held a contract with the City of Atlanta in the past three years but did not provide information pertaining to it as required by the form.

> DOP Response: The Joint Venture (JV) is newly formed and specifically created for this solicitation. However, the majority partner of the JV has an active contract with the appropriate response. The majority partner has provided detailed information in their section of the documents to address this.

Observation 3: A minority partner in the joint venture did not respond to Questions One through Six on the Contractor Disclosure and Declaration Form, as required by the form.

> DOP Response: The Joint Venture (JV) has submitted all required documentation as needed. A minor technicality was noted, and a memo was issued regarding the required Submittal Form 2. This adjustment has been applied to all proposals to ensure a fair and equitable process.

Observation 4: On the Financial Responsibility Review form, DOP provided "x"s instead of initials as required to indicate submission of required documents. The Contract Specialist provided no signature to indicate responsiveness on the Financial Responsibility Review form for the proposed awardee as required by the form.

> DOP Response: Upon IPro's observation, DOP agrees the form is not in file with the signature to indicate responsiveness. Both the evaluation from Dept. of Enterprise Risk and the Responsive review form are now included in the file to indicate the responsiveness. DOP will continue to collaborate with the IPro team to ensure all solicitation files are complete upon submission.

Observation 5: The contract file did not contain Certificates of Authority to Transact Business in Georgia for three joint venture partners of the proposed awardee. DOP noted these documents as present on its Responsive Review Checklist.

> DOP Response: Upon IPro's observation, the Department of Procurement (DOP) researched the information and determined that the entities provided a business license, which should have been noted on Form 2. DOP further verified through the Georgia Secretary of State (SOS) website that each partner holds an active Georgia SOS license.

Copies of these licenses have been added to the file for reference. DOP will continue to collaborate with the IPro team to ensure all solicitation files are complete upon submission.

Observation 6: An ACDBE joint venture partner did not provide a Letter of Intent (ACDBE Form 4) as required by OCC's form.

DOP Response: Upon IPro's observation, the Department of Procurement (DOP) acknowledges the marking of "yes" on the responsive review checklist. The Appendix A section was forwarded to the Office of Contract Compliance (OCC) for evaluation, and the noted minority partner received a "pass" (responsive) determination. DOP will ensure that future responsive checklists include detailed notes when the determination of responsiveness resides under the purview of OCC, to maintain transparency and completeness.

Observation 7: Two of the proposed awardee's seven joint venture partners did not provide the Diversity Firm Termination/Substitution Acknowledgement Form as required by the Office of Contract Compliance (OCC).

DOP Response: Upon IPro's observation, the Department of Procurement (DOP) acknowledges the marking of "yes" on the responsive review checklist. The Appendix A section was forwarded to the Office of Contract Compliance (OCC) for evaluation, and the noted minority partner received a "pass" (responsive) determination. DOP will ensure that future responsive checklists include detailed notes when the determination of responsiveness resides under the purview of OCC, to maintain transparency and completeness.

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.