



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#	RFP-C-1220100
Estimated Dollar Amount:	\$500,000,000.00
Type of Procurement:	Request for Proposals
Contract Description:	Concourse D Widening at H-JAIA
Requesting Department:	Department of Aviation
All Proponents:	Archer Western - AECOM Hunt - SG Joint Venture Holder-Moody-Bryson-Sovereign, A Joint Venture Build-ATL JV NSMS, a Joint Venture TKUFS JV
DOP Responsive Proponents:	Archer Western - AECOM Hunt - SG Joint Venture Holder-Moody-Bryson-Sovereign, A Joint Venture Build-ATL JV NSMS, a Joint Venture TKUFS JV
Recommended Awardee:	Holder-Moody-Bryson-Sovereign, A Joint Venture

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.	No findings identified	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. 	No findings identified	N/A
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. 	No findings identified	N/A
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).	No findings identified	

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<p>Responsive Review</p>	<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 proponent’s compliance with those required documents. • Unclear or inconsistent responsiveness determinations could be a red flag of bid manipulation. 	<p>DOP received five responses to this request for proposals and deemed all proponents responsive.</p> <p>IPro identified several discrepancies in three of the five proposals:</p> <ol style="list-style-type: none"> 1. One minority partner of the joint venture recommended for award indicated that a Certified Public Accountant audited its financial statements. However, the accounting firm’s letter stated that financial statements were not audited or reviewed; nor did the accounting firm provide any proof of licensure. The accounting firm also indicated it was not independent of the minority partner. 2. A proponent failed to provide complete financial statements with the Contractor Financial Disclosure (Form 3) as required by the solicitation. 3. A proponent indicated that a Certified Public Accountant firm audited its financial statements; however, the accounting firm issued a qualified opinion because it was unable to obtain sufficient information (audited financial statements) for joint ventures entered into by the minority partner for years ending December 31, 2020, 2019 and 2018. 	<p>The Department of Procurement’s review for Responsiveness is limited to verification that all required submittals are present in a proponent’s proposal. It does not include evaluation of the financial documentation submitted. If the proponent answers all questions and submit financial statements to support the information entered on page 5 of Form 3, the documentation is forwarded to Risk Management for review and scoring for financial responsibility.</p>
<p>Conflict of Interest</p>	<p>The city’s standards of conduct prohibit employees from having financial conflicts of interest. Contracts must be awarded and administered free from improper influence or the appearance of impropriety.</p>	<p>All proponents submitted financial disclosure statements indicating that they had not been parties to litigation or tax liens; however, IPro identified the instances below:</p> <ol style="list-style-type: none"> 1. A proponent failed to disclose contract lawsuits filed from January 2017 to November 2021. 2. A proponent failed to disclose several contract lawsuits filed from July 2020 to June 2021. 	<p>DOP is responsible for determining Responsiveness, whereas Enterprise Risk Management (ERM) will review responses and supporting information provided by the proponents. The information from the Affidavit of Financial Responsibility (pg. 3 of Form 3) is information that can be considered by the user agency when evaluating proposals. There is no expectation that the Evaluation team will</p>

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		3. A proponent failed to disclose a construction lawsuit filed in March 2021 and contract lawsuits filed from January to December 2019. 4. A proponent failed to disclose contract lawsuits filed from July 2018 to August 2021. 5. A proponent failed to disclose a state tax lien filed in August 2019.	independently verify the lawsuit status information as the City of Atlanta does not equip its Evaluators with the applications necessary to do so.
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). 	No findings identified	No response required
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. 	No findings identified	N/A
Award	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>IPro found two instances of correspondence and private meetings between the user agency’s project manager and a responsive proponent during the blackout period:</p> <ol style="list-style-type: none"> 1. A majority partner of a joint venture requested a one-on-one meeting with the user agency’s project manager assigned to this solicitation. Follow-up correspondence show this meeting occurred. 2. The project manager also met with a minority partner of this joint venture. <p>Although it appears unauthorized blackout period communications occurred between a project team member and a proponent, the user agency did not recommend the joint venture for the award.</p>	DOP was not made aware of this, but once we were made aware of the issue we investigated. After investigation, we discovered that JE Dunn requested a meeting with a project manager before the Solicitation was advertised. The parties met at a prescheduled Diversity Outreach event and the project management team informed proponent that they could not speak about Concourse D Widening project. DOP provides training and advice during a solicitation regarding the blackout period. The blackout period prohibits the user agency team and proponents from engaging in conversations about the specific pending solicitation. In this instance, all of the proponents were actively engaged vendors working

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			<p>on-site within the DOA. Conversations between DOA employees and DOA vendors are limited to discussions necessary to perform the work required and maintain business continuity. We found no evidence regarding violation of the blackout as it relates to the pending solicitation.</p>