



## 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-1210319
Estimated Dollar Amount:	\$6,000,000.00
Type of Procurement:	Request for Proposal
Contract Description:	Under \$250k for ADA and Other Improvements
Requesting Department:	Department of Parks & Recreation
All Proponents:	Asque's Construction & Home Improvement Company LLC Johnson Laux Skyline Atlanta JOC Contractors SoCo Contracting Company, Inc. Kissberg/Parker-Fry JV, LLC Lichy Commercial Construction, Inc. Synergy Development Partners, LLC
DOP Responsive Proponents:	SoCo Contracting Company, Inc. Kissberg/Parker-Fry JV, LLC Lichy Commercial Construction, Inc.
Recommended Awardee:	Kissberg/Parker-Fry JV, LLC

### TABLE OF FINDINGS

Review Area	Risk/Criteria	Results	DOP Response
<b>Evaluation Team</b>	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
<b>Solicitation</b>	<ul style="list-style-type: none"> <li>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.</li> <li>Evaluation criteria that are too vague or subjective can allow for manipulation of the scores.</li> </ul>	No findings identified	N/A
<b>Advertisement/ Addenda</b>	<ul style="list-style-type: none"> <li>Changing the solicitation criteria to favor a particular proponent is a red flag of potential bid rigging (International Anti-Corruption Resource Center).</li> <li>Too many addenda could indicate unclear specifications or unclear scope of work, which could also favor a particular proponent.</li> </ul>	No findings identified	N/A

Review Area	Risk/Criteria	Results	DOP Response
<b>Submittal</b>	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	N/A
<b>Responsive Review</b>	<ul style="list-style-type: none"> <li>• DOP procedures require findings to be recorded on a responsive checklist which identifies specific submittal requirements for the project and identifies a bidder's compliance with those required documents.</li> <li>• Unclear or inconsistent responsiveness determinations could be a red flag of bid manipulation.</li> </ul>	<p>DOP received six proposals for this solicitation and deemed three proponents non-responsive. However, IPro identified the below discrepancies in two of the responsive proponents' proposals:</p> <p><b>Proponent A</b>  (1) The recommended awardee completed the Contractor Financial Disclosures (Form 3) yet failed to provide two bank references.  (2) The proponent failed to provide a Georgia Contractor's License.</p> <p><b>Proponent B</b>  (3) The proponent completed the financial disclosures form but submitted financial statements for only one year.</p> <p>IPro found an additional discrepancy in a non-responsive proponent's proposal:</p> <p><b>Proponent C</b>  (4) Proponent submitted the Statement of Proponent Qualifications but did not provide supporting documentation.</p>	<ul style="list-style-type: none"> <li>• (1) Acknowledged. Proponent A submitted Form 3: Contractor Financial Disclosures. This form requires Proponent to demonstrate its financial capability and stability by selecting and providing documentation from three (3) options. Proponent A selected option 3, which required submission of an Income Statement, Balance Sheet, and two (2) bank references. Yet, they only provided one (1) bank reference. DOP deemed the Proponent responsive from the standpoint that they submitted documentation in all categories, yet in one category, their submission was incomplete. Their submission was provided to Risk and Assets Management, the SME for financials, to determine if enough information was provided to adequately assess the company's financial capability and stability. Risk noted that Proponent A's submission was incomplete and scored them accordingly. Proponent A's Financial score is included in the subject project's file.</li> <li>• (2) Acknowledged. Proponent A also failed to provide a copy of their Georgia Contractor's License. Proponent A submitted a Proposal in response to RFP-C 1210031 nine (9) months prior to their submission for the subject project. This submission contained a copy of their Contractor's License which remains current as of this report. DOP waive the missing submittal because it had a copy of the license on file. A copy of the license has been uploaded to the project</li> </ul>

Review Area	Risk/Criteria	Results	DOP Response
			<p>file for RFP-C 1210319 for record purposes.</p> <ul style="list-style-type: none"> <li>• (3) Acknowledged. Proponent B elected to demonstrate its financial capability and stability by selecting and providing documentation satisfying option 2, supplying the most recent three (3) years of financial statements reviewed by a CPA. As opposed to submitted three (3) individual years of financials, Proponent B provided its most recent consolidated financials reviewed by a CPA. Again, DOP deemed the Proponent responsive and provided financials to Risk, the SME for financials, to determine if enough information was provided to adequately assess the company's financial capability and stability. Risk Management successfully scored Proponent B's submission. Their Financial score is included in the subject project's file. •</li> <li>(4) Rejected. Proponent C submitted the Statement of Proponent Qualifications in Volume II, however, the supporting documentation was provided in Volume I of the proposal. A copy of the applicable documentation was extracted from Volume I and placed in Volume II for ease of sighting.</li> </ul>
<p><b>Conflict of Interest</b></p>	<p>The city's standards of conduct prohibit employees from having financial conflicts of interests. Contracts must be awarded and administered free from improper influence or the appearance of impropriety.</p>	<p>No findings identified</p>	<p>N/A</p>

Review Area	Risk/Criteria	Results	DOP Response
<b>Evaluation</b>	<ul style="list-style-type: none"> <li>• DOP procedures require procurement staff to compile the evaluation scores, including those from risk management and contract compliance.</li> <li>• Public procurement practice states that any arithmetical errors should be corrected, and scores should be recorded in grids/matrices (NIGP).</li> <li>• According to the International Anti-Corruption Resource Center, bids that are too close together (less than 1%) or too far apart (more than 20%) could be indicators of collusive bidding. Not applicable for RFPs.</li> </ul>	No findings identified	N/A
<b>Cancellation</b>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Transparency International states that effective record-keeping of decisions and reasons for cancellation promotes accountability and transparency.</li> </ul>	No findings identified	N/A
<b>Award</b>	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)	No findings identified	N/A