



Independent Procurement Review Report

Why We Did This Review

In accordance with Atlanta City Charter Article 8, Section 8-107, 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.

Solicitation#	RFP-S-1220363
Estimated Dollar Amount:	\$3,000,000 - \$5,000,000 - Term: five (5) years with one (1) two-year (2) year renewal option
Type of Procurement:	Request for Proposals
Contract Description:	On-Call Sustainability Services at Hartsfield Jackson Atlanta International Airport
Requesting Department:	Department of Aviation
All Proponents:	ASAP 2035, JV
DOP Responsive Proponents:	ASAP 2035, JV
Recommended Awardee:	ASAP 2035, JV

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.	Two evaluators' ethics forms lacked references to the associated project.	DOP understands that the evaluation forms are part of a larger package that is submitted by the User Agency with the understanding that the evaluators are aware of their obligation to the project. Often the project name and/or number is not finalized upon submission. DOP added the project name and number to correctly reflect the associated project.
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

Review Area	Risk/Criteria	Results	DOP Response
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).	DOP received one submittal for this solicitation.	No response required.
Responsive Review	<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 bidder's compliance with those required documents. • Unclear or inconsistent responsiveness determinations could be a red flag of bid manipulation. 	The proponent failed to provide three consecutive years of financial statements.	DOP noted on the responsive review form that 2 years of financial statements and 1 tax statement was provided. As there was only one proponent, DOP determined to view it as a minor technicality, as the information was sufficient to be evaluated.
Conflict of Interest	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.	<ol style="list-style-type: none"> 1) The proponent failed to disclose litigation within the last five years specifically related to payment of subcontractors, as required by the Contractor Disclosure Form (Form 2). 2) The proponent failed to disclose a state tax lien filed within the last five years as required by the Contractor Financial Disclosure (Form 3). 3) An evaluator assigned to the solicitation communicated with the proponent and a subcontractor during the solicitation and evaluation phase on two occasions, regarding the offer of a speaking engagement. On the first occasion, DOP was made aware of the communication and advised against having conversations during the solicitation's blackout period. On the second occasion, it appears that DOP was not made aware of the communication, and the evaluator arranged for a speaking engagement to take place, thus creating an appearance of impropriety. 	<ol style="list-style-type: none"> 1) DOP was not aware of the litigation identified by IPro regarding payments to a subcontractor and, does not identify the absence of this litigation as a reason to deem the Supplier "non responsible". The project manager from the User Agency is also in agreement of this recommendation. 2) DOP was not aware of the state lien identified by IPro and, does not identify the absence of the tax lien as a reason to deem the Supplier "non responsible". The project manager from the User Agency is also in agreement of this recommendation. 3) In the first instance, the User Agency directed correspondence to DOP and the supplier was advised until after the blackout period ends. The second communication to DOP included an offer for an evaluator to participate in a speaking engagement and based on DOP advice, the evaluator arranged for another participant, not associated with selecting

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			a consultant to support sustainability services. DOP will follow up with the User Agency to express the concerns with the appearance of impropriety.
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). • 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. 	No findings identified	N/A
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)	No findings identified	N/A