



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/DEAM/202207-1230030
Estimated Dollar Amount:	\$3,600,000
Type of Procurement:	Request for Proposals
Contract Description:	Design-Build 40,000 Square Foot Warehouse Space
Requesting Department:	Department of Enterprise Asset Management
All Proponents:	930 Marietta Land, LLC.
DOP Responsive Proponents:	930 Marietta Land, LLC.
Recommended Awardee:	930 Marietta Land, LLC.

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.	One evaluation team member listed an incorrect project name and did not include the project number on the evaluator's ethics form and on the Evaluator Commitment Form. Another evaluator referenced the correct project name on the evaluator's ethics form but not on the Evaluator Commitment Form and did not include the project number on either. These omissions could impede the ability to associate the forms and evaluators with this solicitation.	This error was waived as a minor irregularity as the forms are provided in the initial trigger package. The project number is not known to the evaluators at the time of submission as DOP creates the project number upon receipt and vetting of the package. The forms were vetted at the time of submission and filed properly for this solicitation action.
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. 	DOP received one submittal for this solicitation.	No response required

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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.	N/A
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 proponent's compliance with those required documents. • Unclear or inconsistent responsiveness determinations could be a red flag of bid manipulation. 	<p>In multiple documents, the proposed awardee and associated entities refer to themselves as a joint venture. In solicitation documentation, DOP appeared to treat the awardee as a single business entity, which resulted in the requirement of fewer financial disclosures, fewer references, and fewer ethics commitments. During the IPro review, we observed the following:</p> <ol style="list-style-type: none"> (1) A representative of the general contractor who will perform services for the awardee signed the IIREA form (Form 1) on the awardee's behalf and provided a copy of the state issued driver's license, citing its right to do so pursuant to O.C.G.A 13-10-91 (b)(5), which allows for the submission of a driver's license in lieu of the signed affidavit if a contractor has no employees and does not hire or intend to hire employees to satisfy or complete the project. Notwithstanding these submissions, DOP noted in its Responsive Review Checklist that it waived the affidavit requirement as a minor technicality or informality. (2) The awardee is listed as a 100% Joint Venture partner in the Contractor's Disclosure and Declaration (Form 2) without mention of other entities detailed in other submittals such as the Letter of Transmittal or IIREA form (Form 1). 	<p>(1) This was waived as a minor technicality as the offeror is a broker and the services will be performed by the entity (Brasfield and Gorrie) that completed the IIREA form.</p> <p>2) This was waived as a minor technicality as there was no Joint venture requirement for this solicitation.</p>

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		<p>(3) On the Contractor’s Financial Disclosure (Form 3), the awardee (930 Marietta) indicated that a Certified Public Accountant reviewed the submitted financial statements but did not provide them.</p> <p>(4) Two investment partners of the awardee who are on the joint venture team according to the Letter of Transmittal submitted references for the awardee.</p> <p>(5) The awardee failed to provide a copy of the Proposal Guarantee (Form 6). In a letter, two investment partners stated they own the proposed awardee and that the Proposal Guarantee is not applicable due to the structure of the organizations, as detailed in the Letter of Transmittal in the Informational Proposal which states the proposed awardee is a joint venture. In the Responsive Review Checklist, DOP cited the entities’ letter claiming non-applicability in lieu of the Proposal Guarantee.</p>	<p>(3) The financial information was evaluated by Enterprise Risk Management. The information was sufficient, and a score was provided by ERM.</p> <p>(4) This information was not considered material as there was no Joint Venture requirement for this solicitation.</p> <p>(5) The user department waived the proposal guarantee as payment and performance bonds will be required upon the construction (build) phase of this action.</p>
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.	No findings identified.	N/A
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.	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

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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