



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-1220259
Estimated Dollar Amount:	\$150,000,000
Type of Procurement:	Request for Proposals
Contract Description:	On-Call Construction Management at Risk (CMAR) at HJAIA
Requesting Department:	Department of Aviation
All Proponents:	Archer Western-Davis Brothers JV, ATL Builders, a Joint Venture, Carroll Daniel/Moody, A Joint Venture, RFB, A Joint Venture, McCarthy + SG, A Joint Venture, New South -Synergy, A Joint Venture, Reeves Young The John Smith Group JV, Swinerton+Web Myers, A Joint Venture, Whiting-Turner/Johnson Joint Venture, TUJV A Joint Venture, Skanska-FS360 II, A Joint Venture
DOP Responsive Proponents:	Archer Western-Davis Brothers JV, ATL Builders, a Joint Venture, Carroll Daniel/Moody, A Joint Venture, RFB, A Joint Venture, McCarthy + SG, A Joint Venture, New South -Synergy, A Joint Venture, Reeves Young The John Smith Group JV, Swinerton+Web Myers, A Joint Venture, Whiting-Turner/Johnson Joint Venture, TUJV A Joint Venture
Recommended Awardee:	ATL Builders, a Joint Venture, McCarthy + SG, A Joint Venture, New South -Synergy, A Joint Venture, TUJV, 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

Review Area	Risk/Criteria	Results	DOP Response
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 bidder's compliance with those required documents. Unclear or inconsistent responsiveness determinations could be a red flag of bid manipulation. 	<p>DOP received 11 proposals for this solicitation and deemed 10 proponents responsive. IPro found the following deficiencies in four of the responsive proposals:</p> <ol style="list-style-type: none"> (1) One proponent had a JV partner indicate an independent accountant reviewed its financial statements but failed to submit an auditor's statement or report. (2) A second proponent had both JV partners submit one year of financials although the Contractor Financial Disclosure (Form 3) requires the three most recent fiscal years. (3) This proponent also failed to submit a Certificate of Authority in the State of Georgia. 	<ol style="list-style-type: none"> (1) DOP's determination for responsiveness included reviewing Form 3 and 3 years of financials. The missing auditor statement was not determined to be a sufficient reason to deem the supplier to be non-responsive. The financials were forwarded to Risk for an in-depth review and assessment. Risk determined that the information was sufficient for evaluation. (2) DOP's determination for responsiveness included reviewing Form 3. Both partners provided all 3 years of their assets and liabilities and provided 2 years of financials which was sufficient reason to deem the supplier to be responsive. (3) Both JV partners had licenses and the Certificate of Authority for the State of Georgia was confirmed on the State of Georgia website, which was sufficient reason to deem the supplier to be responsive.

Review Area	Risk/Criteria	Results	DOP Response
		<p>(4) A third proponent had both JV partners indicate an independent accountant reviewed the joint venture's financial statements but failed to submit an auditor's statement or report.</p> <p>(5) This proponent also failed to submit a Georgia General Contractor's License.</p> <p>(6) A fourth proponent had both JV partners fail to submit a Georgia General Contractor's License.</p>	<p>(4) DOP's determination for responsiveness included reviewing Form 3 and 3 years of financials. The missing auditor statement was not determined to be a sufficient reason to deem the supplier to be non-responsive. The financials were forwarded to Risk for an in-depth review and assessment. Risk determined that the information was sufficient for evaluation.</p> <p>(5) The General Contractor License was confirmed on the Georgia Secretary of State website.</p> <p>(6) The General Contractor License was confirmed on the Georgia Secretary of State website.</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.	Four proponents failed to disclose state tax liens filed against the companies within the last five years as required by Form 3.	DOP did not find evidence that the Supplier was terminated, suspended, or debarred; therefore, did not identify the response to be inaccurate or a reason to deem the Supplier "non responsible". The User Agency is also in agreement with this recommendation.
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

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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