



**Independent Procurement Review Report**

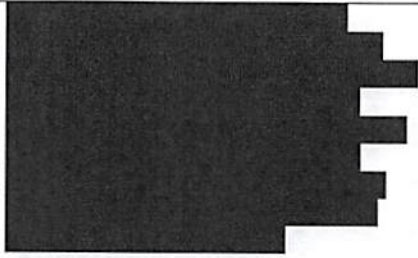
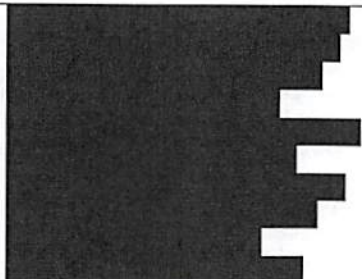
**Why We Did This Review**

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.

<b>FC#</b>	10637
<b>Estimated Dollar Amount:</b>	Revenue Positive
<b>Type of Procurement:</b>	Request for Proposals (RFP)
<b>Contract Description:</b>	Tennis Centers - Management, Maintenance, and Capital Improvements
<b>All Proponents:</b>	Universal Tennis Management; Agape Tennis Academy, LLC
<b>DOP Responsive Proponents:</b>	Universal Tennis Management ("UTM"); Agape Tennis Academy, LLC
<b>Responsible Proponents:</b>	Universal Tennis Management ("UTM"); Agape Tennis Academy, LLC
<b>Anticipated Award:</b>	Agape Tennis Academy, LLC
<b>Awardee(s):</b>	N/A

**TABLE OF FINDINGS**

Review Area	Risk/Criteria	Results	Resolved/ Remaining
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"> <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 promotes accountability and transparency.</li> </ul>	Solicitation was canceled previously under FC-10378 without a specific reason other than "in the best interest of the City." The current Tennis Center Management and Operations are handled by United Tennis Management, LLC, which was awarded in an uncompetitive Special Procurement agreement FC-4944 pursuant to 09-R-1512. The agreement was continuously renewed pursuant to 11-R-1659, 14-R-3988, and 16-R-4355. The current contract is set to expire on 05/11/2019.	1. Cancellation of FC-10378: The using agency provided a memo to the CPO requesting cancellation because all proposals had been deemed nonresponsive by OCC; the CPO cancelled in the best interest of the City. 2. Previous contract awards: Acknowledged. 3. Pending contract expiration: Solicitation FC-10637 was advertised with the goal of a seamless transition from Contract FC-4944, which expired on May 11, 2019. In light of the cancellation of Solicitation FC-10637, a 90-Day extension was issued by the CPO to extend Contract FC-4944 to August 10, 2019.
Advertisement/ Addenda	<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>	The decision not to extend time after providing the Tennis Center Boundary Maps in Addendum #4 could have favored the incumbent (UTM); however, the city is not recommending award to UTM.	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	The city received only received two submittals.	N/A

	responsive; provided, however, that if three or fewer offerors respond, the requirement shall not apply (City Code Sec. 2-1189).		
Responsive Review	Public procurement practice states that any arithmetical errors should be corrected, and scores should be recorded in grids/matrices (NIGP).		
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	Public procurement practice states that any arithmetical errors should be corrected, and scores should be recorded in grids/matrices (NIGP).	The contracting officer recorded the scores but didn't use spreadsheet to calculate totals, which would reduce the risk of arithmetical errors.	DOP acknowledges the importance of using the spreadsheet to calculate totals to reduce math errors. As a practical matter, a printed copy of the spreadsheet is often used to manually record the evaluation scores, then the numbers are entered (on computer), validated, and totaled using the computer spreadsheet once all scores are available. Scores are also manually checked to ensure formulas are correct. As a control matter, the numbers are captured in writing to address concerns that the contracting officer can also err when entering the numbers directly into the computer during collaboration, and there would be no reliable record against which to check accuracy if questions arise. During collaborative scoring, evaluators are advised that the scores are not final until scores from Risk/OCC are entered. In the current instance, the written numbers had been captured in writing, but not totaled because the OCC/Risk scores were not available.
Cancellation	See risk identified under Solicitation section.	The solicitation was cancelled during the evaluation phase of the process. DOP sent cancellation memos to proponents on May 6, 2019. The reason for cancellation was "so DPR	N/A

		can revise the scope of the RFP. Once the scope is revised, DPR will request a resolicitation..."	
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)	The contracting officer was unable to provide us the collaborative scoring session sign-in sheet.	Acknowledged. Evaluators signed in and collaborative scoring was completed December 13, 2018; however, the sign-in sheet was not in the file and has not been located.