



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-S-1210232
Estimated Dollar Amount:	\$10,000,000-\$40,000,000
Type of Procurement:	Request for Proposals
Contract Description:	Architectural & Engineering Design Services at Hartsfield-Jackson Atlanta International Airport
Requesting Department:	Department of Aviation
All Proponents:	Hartsfield-Jackson Strong Joint Venture Atlanta Terminal Leaders Joint Venture Gensler + Moody Nolan Joint Venture HM3B JV The HNTB/CHASM Joint Venture The ATL Airport Design Group, LLC. ATL Aviation Studios JV ATL TeamWORKS (ATW) Perkins+Will/TYLI/EDT Joint Venture
DOP Responsive Proponents:	Hartsfield-Jackson Strong Joint Venture Atlanta Terminal Leaders Joint Venture Gensler + Moody Nolan Joint Venture HM3B JV The HNTB/CHASM Joint Venture Perkins+Will/TYLI/EDT Joint Venture
Recommended Awardee:	Atlanta Terminal Leaders 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 	The solicitation was previously cancelled under RFP-S-1200436. The reason for the cancellation is unclear but DOP sent the proponents a cancellation letter stating it was in the “best interest of the City.”	The previous solicitation was cancelled (RFP-S- 1200436) as a result of technical flaws in the IRREA analysis and process that made a re-bid of the project to be in the best interest for the City.
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

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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 nine proposals for this solicitation. The CPO deemed six proponents responsive and moved the proposals forward for evaluation.</p> <p>IPro found the following additional discrepancies in the submissions of the responsive proponents:</p> <ol style="list-style-type: none"> IPro identified an undisclosed lawsuit¹ filed by an aviation authority against the minority partner of the recommended joint venture that related to the performance of a contract and another minority partner of the same joint venture did not submit proof that the submitted financial statements were reviewed by a CPA as required by Form 3: Contractor Financial Disclosure. One majority partner failed to disclose previous contracts with the city and the joint venture entity did not submit a Form 2: Contractor Disclosure and Declaration Form. One proponent failed to provide details regarding a majority partner answering "Yes" to a question on Form 2: Contractor Disclosure and Declaration Form regarding a client asking them to stop work. A minority partner did not provide institutional references and another 	<ol style="list-style-type: none"> 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 of this recommendation. It our understanding that the dispute with Charleston County was settled over installation of cable. DOP's determination for responsiveness includes reviewing Form 3 and 3 years financials. Proponents that meet these conditions are forwarded to Risk for an in-depth review and assessment. Risk determined that the information was sufficient for evaluation. AECOM Design Services has not done business with COA; therefore the Proponent answered appropriately. DOP recognized that the company named "AECOM Tech Services" conducted business with COA; however, the company named "AECOM Design Services" had not.² The Department of Procurement (DOP) acknowledges the

¹ While DOP's Form 3 no longer requires proponents to disclose pending or closed litigation, because litigation poses a risk, IPro's testing includes identifying undisclosed lawsuits within the last five years.

² IPro found evidence that indicates AECOM Technical Services and AECOM Design Services are affiliates; AECOM is the parent company of both.

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		<p>minority partner failed to provide the required letter from the CPA that reviewed the submitted financial statements.</p> <p>4) One proponent failed to provide a list of former and active projects for its majority partner as required when answering “Yes” on Question 1 of Form 2: Contractor Disclosure and Declaration Form.</p> <p>5) The majority partner and one of the minority partners of a joint venture provided blank or redacted financial statements for 2017-2019.</p> <p>IPro found the following additional discrepancies in the submissions of the non-responsive proponents:</p> <p>6) One proponent did not submit a Form 2 for the joint venture and a minority partner omitted pages from the Form 2 submittal. The majority partner did not provide a letter from a CPA as required by Form 3 when submitting financial statements. The proponent also failed to provide a signed copy of the Diversity Firm Termination/Substitution Acknowledgement Form.</p> <p>7) One proponent’s majority and minority partners did not provide the CPA letter showing proof the financial statements provided were audited by a CPA.</p>	<p>requirement for reviewing disclosures for determination of responsibility. The Proponent and partners appropriately acknowledged the question by responding “yes” and added details that instances of “work stoppage is not tracked”. They were not deemed to be non-responsive by DOP or the UA.</p> <p>DOP is using the findings resulting from IPro’s external research, as an opportunity to determine the department’s role in validation for responsibility, beyond the assessment of disclosures, reference checks and evaluation of financial capacity.</p> <p>4) The company’s oversight to question 1 is noted on the form; but, is not consequential with the de facto response details reflecting the names of employees who formally worked for the city as well as the nature of their former business relationship.</p> <p>5) DOP disagrees with this finding. LS3P included the contents required for Form 3 by submitting financials and Michael M Simpson & Associates included a self-prepared financial statement. This Supplier was deemed non-responsive for failing to provide a joint venture (a material flaw); therefore DOP did not note the minor irregularities within the responsive review document.</p> <p>6) Agreed. While this was not noted, it should be reflected that DOP deemed the JV non-responsive for no</p>

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			<p>agreement, no Form 2 and Form 3 for JV, & Arete no Form 1, Arora Engineers Inc. no Form 2.</p> <p>DOP's determination for responsiveness includes reviewing Form 3 and 3 years financials. Proponents that meet these conditions are forwarded to Risk for an in-depth review and assessment.</p> <p>While this was not noted, it should be reflected that DOP deemed the JV non-responsive for no agreement, no Form 2 and no Form 3; and Arete for no Form 1.</p> <p>7) DOP disagrees with this finding and notes that information required for Form 3 was submitted. BKD CPAs and Advisors provided their confidential stamp and letter as noted on page 74 and 75 of the required submittals.³</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). • 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 	1) DOP entered Enterprise Risk Management's score for each scored proponent without including the number after the decimal point. This rounding lowered the actual scores on four proponents by one to three points. Although rounding to nearest whole number in this instance did not change the outcome of the ranking, Risk's actual scores should be entered in the collaborative scoring matrix.	<p>1) Agree. It is DOP's practice to enter the score as provided by Risk.</p> <p>2) Team member was in attendance to provide auxiliary procurement support and not as a participant in the evaluation process.</p>

³ The majority partner did not include the CPA letter or Confidential stamp on the financial statements for 2019. The minority partner did not provide a CPA letter for any of the audited financial statements from 2017-2019.

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	<p>indicators of collusive bidding. Not applicable for RFPs.</p>	<p>2) The project manager attended the collaborative scoring session but was not included on the CPO's Evaluator Approval Memo. DOP guidelines require anyone attending the collaborative scoring session to be approved by the CPO.</p>	
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. 	<p>No findings identified</p>	<p>N/A</p>
Award	<p>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)</p>	<p>No findings identified</p>	<p>N/A</p>