



To: APOs and CUPOs

AUD #21-11

CC: Lisa Eason, Deputy Commissioner, State Purchasing Division
Mary Chapman, Director of Policy, Training and Outreach, State Purchasing Division

From: Audits, State Purchasing Division

Date: May 11, 2021

Re: Fiscal Year 2020 Audit of Required Solicitation Posting Periods for Requests for Quotations (RFQs) and Requests for Proposals (RFPs)

Conclusion

Our audit found that over 99% of the Requests for Proposals (RFPs) and Request for Quotations (RFQs) issued by entities who are subject to State Purchasing Division (SPD) policies and processes were posted for the required period. The review also found there was also no evidence of solicitations being closed early on the closing date after having been posted late on the opening date. However, the review did discover that the required Notice of Intent to Award (NOIA) and Notice of Award (NOA) or both are not consistently and sufficiently being posted by all entities to the respective events on the Georgia Procurement Registry (GPR).

Background

According to section 3.5.2.1 of the *Georgia Procurement Manual* (GPM), “the posting and closing dates of a solicitation are used to determine the total public posting period. Solicitations must remain publicly posted for a minimum period depending on the estimated dollar value of the contract”. For RFQs and RFPs, the minimum required posting periods vary according to the estimated contract value of each solicitation.

Audit Summary

The audit found 52% of the solicitations posted in fiscal year 2020 were RFQs. Overall, RFQs, Sole Source (SS), and RFPs account for 92% of all postings to the GPR. For a breakdown of solicitations by type, please see **Table 1** on page 2. This audit only examined RFQs and RFPs¹ and was not limited to only awarded events². For fiscal year 2020, roughly 70% of all solicitations were awarded while 11% were cancelled. For a summary of solicitations by status, please see **Table 2** on page 2.

Audit Objectives

1. Was an estimated award amount included in the solicitation and used to determine the correct posting period?
2. Was the solicitation posted for the correct period?

¹ Please refer to the respective separate audit memos for information regarding the audit of sole source postings, consortia postings and their respective associated purchase orders.

² This was because the status of many events is not updated in the GPR and limiting the audit to only awarded events would have resulted in an incomplete review.

3. Are related Notice of Intent to Award (NOIA) and Notice of Award (NOA) posting procedures being followed?
4. Are postings being closed early on the closing date after having been posted late on the opening date?

In fiscal year 2020, solicitations were distributed as follows across the solicitation types and statuses show below in **Table 1** and **Table 2**.³

Table 1
Solicitations by Type

Solicitation Type	Number
RFQ	873
Sole Source	498
RFP	170
Consortia	60
RFQC	54
RFI	13
Notice	2
Total	1,670
Source: Georgia Procurement Registry	

Table 2
Solicitations by Status

Solicitation Status	RFQs and RFPs	All Solicitations and Postings
Awarded	671	1,165
Under Evaluation	168	190
Cancelled	160	189
Notice of Intent to Award	37	75
Save	0	33
Completed	0	6
saveApproveAPO	0	5
Open	4	4
Rebid	2	2
InProcess	1	1
Total	1,043	1,670
Source: Georgia Procurement Registry		

In addition to examining RFQs and RFPs, the audit also focused on the estimated contract value of the solicitation to assist in making the determination of the required posting period. If this value was not available, the audit used the award amount on the NOIA or NOA posted on the solicitation, where available.

We found 873 RFQs and 170 RFPs had been issued in fiscal year 2020. From these 1,043 solicitations, 160 were cancelled. From the remaining 883 solicitations, further review indicated that 363 of these

³ The data used for this audit was obtained from the GPR on October 15, 2020. The status shown in Table 2 was current with the date on which the data was obtained.

were “conducted under the full authority provided to the Department of Transportation under Title 32 of Georgia Code.” These solicitations typically had language in the solicitation to indicate they were not under the purview of DOAS.

The remaining 520 solicitations fell under the purview of DOAS. Of these 264 (51%) had an estimated amount entered while 256 (49%) did not. Of the solicitations, which did not have an estimated amount entered, we were able to identify 181 estimated or actual amounts on an NOIA or NOA by reviewing each solicitation on the GPR or TGM.

For the remaining 75 solicitations, we reviewed the period that each was posted to determine the likelihood that the event had not been posted for the required period. To accomplish this, we referred to the required posting periods Table 3.5 in section 3.5.2.1 of the GPM. Any non-construction/public works solicitation that was posted for at least 15 calendar days was acknowledged to have been posted for the correct period. Any construction solicitation that was posted for at least 30 calendar days was also acknowledged to have been posted for the correct period⁴. Using this methodology, we found a further 50 events appeared to have been posted for the correct period. One solicitation was under protest and as a result was still in the status of under evaluation.

For the remaining 25 solicitations we contacted each respective Agency Procurement Officer (APO) or CUPO (College/University Purchasing Officer) for clarification of the estimated or actual value of the award to review the posting period for compliance.

Only six (1%) of the 520 solicitations appeared to have been posted for a shorter period than required by policy. For these six solicitations, we contacted the respective APO/CUPO for clarification of the posting period. Upon further review, it was determined:

- Four solicitations were posted in an entity’s local sourcing system but experienced delays in reaching the GPR which caused the start date and end date in the GPR to be inaccurate.
- Two solicitations were acknowledged to have been under-posted due to errors on the part of the Issuing Officer.

Aside from the two under-posted solicitations mentioned above, the only major material noncompliance issue identified with these solicitations was regarding the posting of the NOIA (when required) and NOA to the GPR.

Of the 520 RFPs and RFQs, which fell under the purview of DOAS – 398 were awarded. We reviewed these awarded solicitations to determine if a NOA had been uploaded to the GPR. We found the following:

- 219 (55%) solicitations had an NOA.
- 79 (20%) solicitations had a .txt file uploaded in lieu of an NOA. Of these,
 - 50 did not have an award amount.
 - 25 had an award amount.
 - Two stated the solicitation had been cancelled.
 - One stated the solicitation did not result in an award.

⁴ Since University System of Georgia public works construction contracts are not subject to these rules, these events were also acknowledged to have been posted for the correct period.

- One txt file was blank.
- 48 (12%) solicitations did not have an NOA or any other award information on the GPR.
- 33 (8%) solicitations had an NOA posted in TGM, but it was not visible on the GPR.
- 15 (4%) solicitations had an NOIA but not an NOA.
- Four (1%) solicitations had a bid tabulation document uploaded in lieu of an NOA.

Based on this information, it appears 263 solicitations (66%) had the award amount posted on the GPR, in the NOA, NOIA, txt file, or in the bid tabulation. There were 132 solicitations (33%), which had no NOA or the NOA was not visible on the GPR and there was no other document posted to the GPR, which contained the award amount. The remaining three solicitations (1%) did not result in an award although their status on the GPR is listed as “Awarded”.

The audit also did not find any instances where state entities were posting late (e.g., after 5 pm) on the first day of the notice period and closing early (e.g., before 9 am) on the last day of the notice period. Such a practice would meet the letter of the posting requirements (since the solicitations would be posted the correct number of days) but not the intent since the postings would not be posted for the entire intended period. No evidence was found of state entities using this practice.

Recommendations

1. To ensure that all interested and participating suppliers are informed of, and have access to, solicitation award information, APOs and CUPOs are requested to review, with all staff involved in the solicitation posting process, all the requirements in Section 6.2.2 of the GPM regarding the posting of the NOIA and the NOA. At the same time, all issuing officers should be asked to review every awarded RFQ and RFP for fiscal year 2020 and 2021 and post any missing NOIAs and NOAs.
2. APOs and CUPOs are reminded that Section 6.2 of the GPM states “for contracts that do not have a guaranteed award amount (such as open state entity contracts), the issuing officer should use the estimated purchase amount for purpose of identifying the contract award amount.” This estimated amount is important for suppliers to be able to determine whether they are required to provide notice of their intent to file a protest within five days of the posting of the NOIA.
3. TGM entities should review the “SS Post an NOIA” [Quick Reference Guide](#) to ensure completion of all required steps to post NOIA. When posting an NOIA, the buyer should check the public view of the event to ensure the NOIA status is displaying as expected and that the NOIA attachment is visible to the public. Any system issues should be reported to procurementhelp@doas.ga.gov.
4. Given the importance of the contract value for the filing of potential protests and solicitation posting and closing dates, SPD should review the use of the “estimated contract value” amount and fields for solicitation postings to ensure that this figure is consistently applied and understood by end users across the various platforms used to post solicitations.
5. State entities must adhere to the posting period guidelines summarized in Table 3.5 in the GPM. To assist state entities in complying with these requirements, SPD should provide additional guidance for estimating the contract award amount for hard to estimate contracts, such as, income-generating contracts; leases; commission-based contracts; contracts with unit pricing; or contracts based on non-monetary factors.

6. If it is necessary to use a Txt or Word file in lieu of the approved NOA form, the uploaded file should list an award amount. Whenever possible, the approved NOA form should be used since it has language regarding protests, all the required elements, and a link to the GPM.