

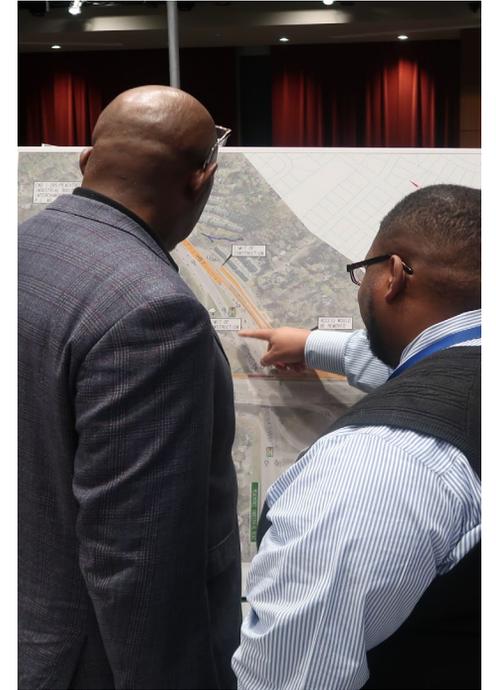


Conflict of Interest and MMIP Professional Services

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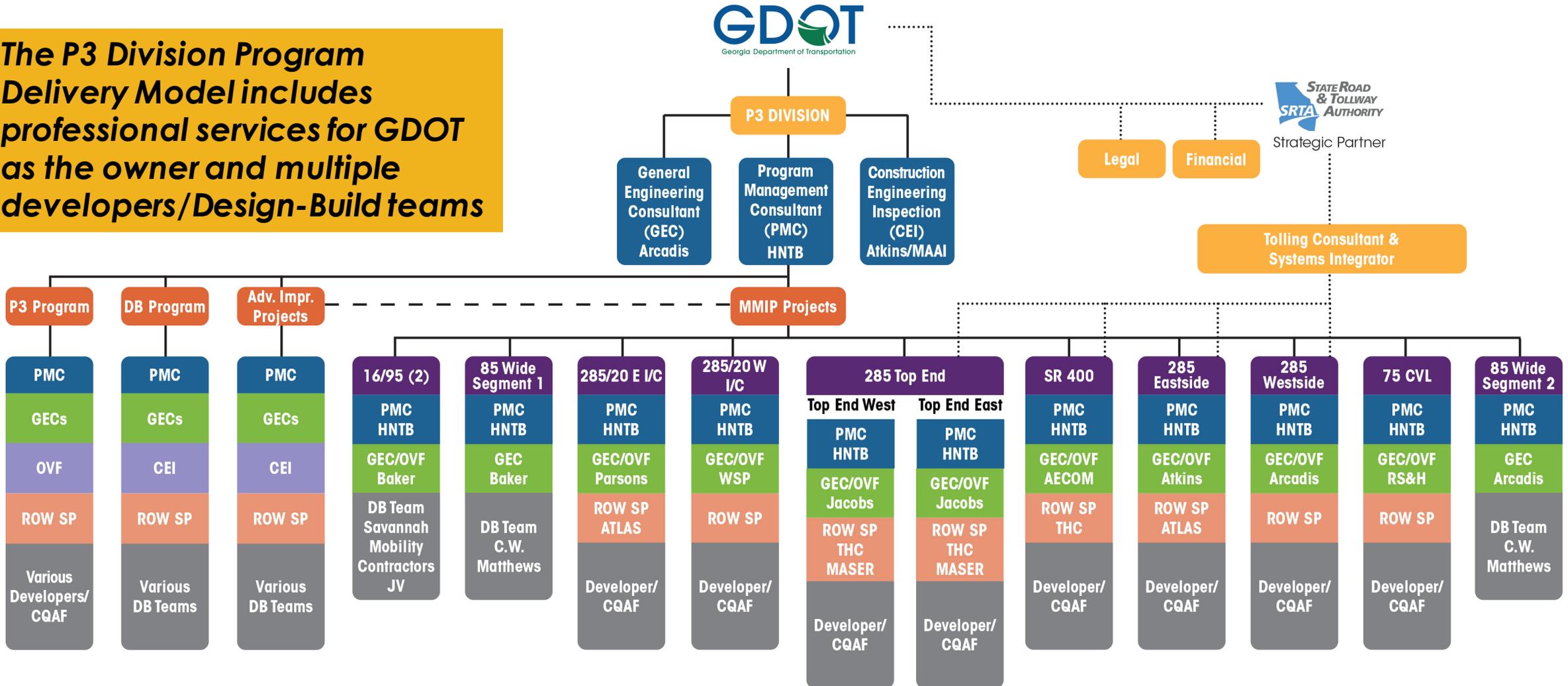
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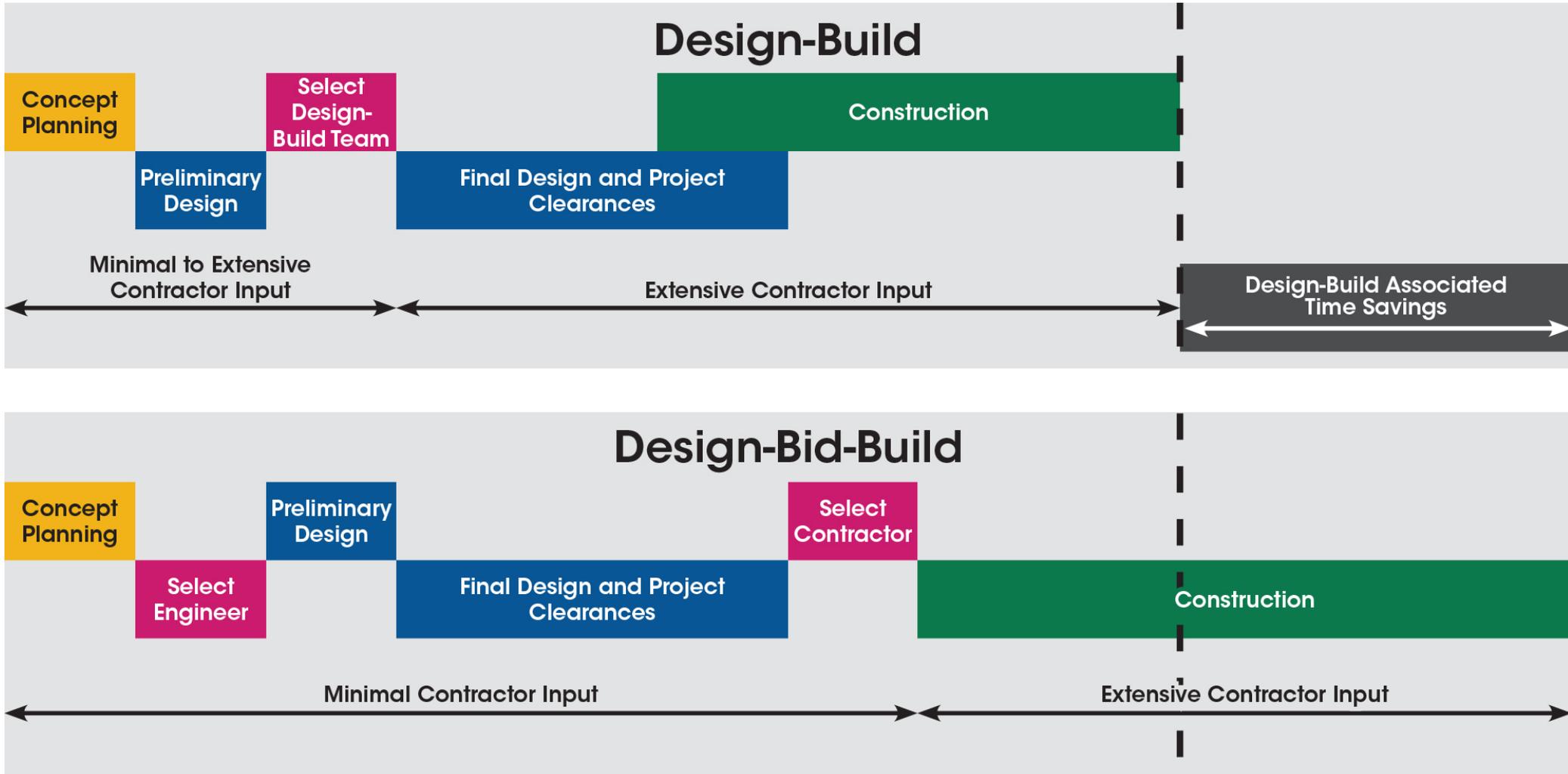


Program Delivery Model

The P3 Division Program Delivery Model includes professional services for GDOT as the owner and multiple developers/Design-Build teams



DB and DBB Comparison



Unlike DBB, DB introduces different contractual obligations to supporting firms.

What is a Conflict of Interest (COI)?

A situation where a person or entity who, because of other activities, secondary interests, or relationships with other persons or entities involved:

1. Is unable or potentially unable to render impartial assistance or advice to GDOT;
2. Is or might be otherwise impaired in its objectivity in performing the contract work; or
3. Has an unfair competitive advantage.

Refer to **23 CFR 636.116** regarding Design-Build organizational conflict of interest.

P3 Manual – Chapter 2.9 on COI

- Applies to consultants and/or subconsultants under contract with GDOT/SRTA for PMC or GEC or other project services
- Shall have no position of influence, or financial or other interest in any consulting firm retained by the state or local government
- Consultants and/or subconsultants may be excluded from participation for future P3 projects to avoid unfair advantage
- There may not be a COI if work on project was limited to certain areas

See Chapter 2.9 in the [P3 Manual](#) for full details

The Department is passionate about assuring policies and procedures are executed with integrity.

Consultant Responsibility



Honor perceived and revealed conflicts



Firms will not submit proposals on projects where a conflict of interest exists



Self-examine obligations to clients



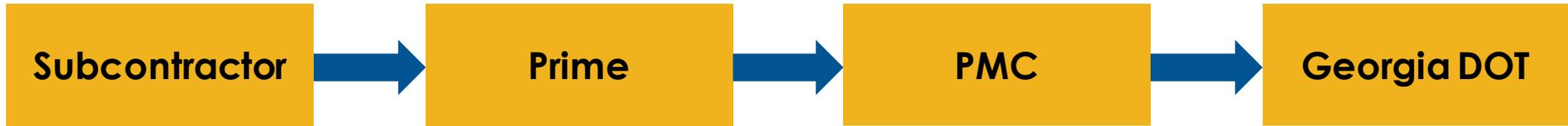
On-Call Services: Embedded consultant staff is instructed to not review work performed by their firm (you can't be the Grand Poobah and the Poobah)

How does a firm reach out when there might be a conflict?

- Submit a letter to the Assistant P3 Division Director disclosing a potential conflict of interest each time they submit a proposal.
- Presenting a case for how the perceived conflict could be mitigated.

Recommended Steps to Submit a Release

- Subconsultant prepares the request and submits, following the contractual chain of command



- Pre-let GEC/PMC develops package noting their position
 - Vet the request from the subconsultant
 - Does your firm agree?
 - Has the sub completed their scope of work?
 - Will the work be completed prior to the issue of the PNA/NOIA for the project?
 - Will the work to be completed by the sub be included in the RFP as RID?
 - PMC will review on behalf of GDOT
 - GDOT OID will make a decision and respond with a letter to the GEC

Recommended Release Package Contents

1. **GEC or Subconsultant Letter:**

- Project name and PI #
- Brief description of work
- Statement of current project engagement and work status
- Date work is slated to be complete
- Request to be removed from the contract or Firewall plan (whichever is applicable)

2. **Package from Pre-Let GEC or PMC:**

- Letter from pre-let GEC/PMC stating position – concur or not
- Detailed Firewall plan (if needed), to include Implementation thereof and auditing against
- Statement of status of work for their subconsultant
- If removing the subconsultant from the contract – then state this within the letter
- Confirmation that resources are in place on GEC/PMC to cover scope of work
- Confirmation that the GEC/PMC will still meet or exceed the contracted DBE goal

What if a Conflict Exists Without a Georgia DOT Contract?

- If in doubt, submit
- Handled on a case-by-case basis
- A COI has the potential to:
 - Jeopardize future opportunities
 - Lose millions of taxpayer dollars
 - Delay procurement
- Success happens when everyone has followed the rules and the taxpayers are able to gain the best advantage of the procurement

“The ostrich approach of burying your head in the sand, when confronting your areas of weakness, becomes a self-set trigger for failure.”

-Archibald Marwizi

COI Committee for P3 Projects



Committee consists of a multidisciplinary group under oversight of the Assistant P3 Division Director



COI submittals are considered thoughtfully and seriously



Seek to find favorable response whenever possible

***We recognize that the market can't support all the work
and we want to be as inclusive as possible.***

Communication and Confidentiality

An OID Guidance Memo was provided to GECs to ensure employees and subconsultants follow protocols:



Sign Confidentiality and Conflict of Interest (CCOI) form prior to working on any MMIP project



Notify GDOT and PMC if they intend to pursue work on another MMIP project for a Proposer, Developer, or DB Team

- GDOT would determine if there is a COI
- GEC must submit Firewall Plan



GEC and subconsultants must obtain release from Department to work on other MMIP projects



THANK
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For Viewing



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www.dot.ga.gov/MMIP

