



## 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#	IFB-C-1230053
Estimated Dollar Amount:	\$3,950,000- Term: one year with a one-year renewal option
Type of Procurement:	Invitation for Bids
Contract Description:	2021 LMIG Street Resurfacing, Group 1-North
Requesting Department:	Department of Transportation
All Bidders:	Baldwin Paving Company, Inc. C.W. Matthews Contracting Co. Stewart Brothers, Inc.
DOP Responsive Bidders:	Baldwin Paving Company, Inc. C.W. Matthews Contracting Co. Stewart Brothers, Inc.
Recommended Awardee:	Stewart Brothers, Inc.

### TABLE OF FINDINGS

Review Area	Risk/Criteria	Results	DOP Response
<b>Evaluation Team</b>	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
<b>Solicitation</b>	<ul style="list-style-type: none"> <li>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.</li> <li>Evaluation criteria that are too vague or subjective can allow for manipulation of the scores.</li> </ul>	No findings identified	N/A
<b>Advertisement/ Addenda</b>	<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>	DOP issued three addenda, which provided answers to 32 questions and revised the required submittals.	No response required

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<b>Submittal</b>	<p>The city code and DOP policy and procedures provide guidance for the receipt of competitive sealed bids.</p> <ul style="list-style-type: none"> <li>• Bidders must provide sealed bids via the ATCLCloud electronic procurement system, no later than 2:00 P.M., ET on date specified in the advertisement or addenda.</li> <li>• Bids shall be received without alteration or correction except as authorized by the CPO. (City Code Sec. 2-1188).</li> </ul>	Four subcontractors submitted a LOI for more than one proponent. This can be an indication of collusive bidding.	N/A
<b>Responsive Review</b>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Unclear or inconsistent responsiveness determinations could be a red flag of bid manipulation.</li> </ul>	The recommended awardee failed to provide a Georgia Utility contractor's license and SAM Exclusion verification as required by DOP's responsiveness review.	The recommended awardee is the incumbent on active projects (LMIG) and previously provided a valid utility contractor that was validated. DOP will ensure that the requirement for this license is validated by the user agency for future solicitations. There was no information on sam.gov for the recommended awardee.
<b>Conflict of Interest</b>	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
<b>Evaluation</b>	<ul style="list-style-type: none"> <li>• DOP procedures require procurement staff to compile the evaluation scores, including those from risk management and contract compliance.</li> <li>• Public procurement practice states that any arithmetical errors should be corrected, and scores should be recorded in grids/matrices (NIGP).</li> <li>• 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.</li> </ul>	<p>The bid spread was 83.38% between the highest and lowest bidder.</p> <p>A bid spread is the percentage difference between the lowest and highest bids as a percentage of the lowest bid.</p> <p>Bids more than 20% apart could be an indication of collusive bidding.</p>	Each bid is submitted individually and reviewed/evaluated of its own merit. Based upon the individual business decisions of suppliers, it is expected that they submit a competitive bid, and the user agency makes an informed decision for all factors of evaluation.
<b>Cancellation</b>	<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 for cancellation promotes accountability and transparency.</li> </ul>	No findings identified	N/A

Review Area	Risk/Criteria	Results	DOP Response
<b>Award</b>	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