



## 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-1230121
Estimated Dollar Amount:	\$13,050,000
Type of Procurement:	Invitation for Bid
Contract Description:	On-Call Services for Instrumentation and Process Control
Requesting Department:	Department of Watershed Management
All Proponents:	L.L. Blue Engineering Inc.
DOP Responsive Proponents:	L.L. Blue Engineering Inc.
Recommended Awardee:	L.L. Blue Engineering 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.	The contract file includes ethics forms that have not been signed by an evaluator. The evaluator is no longer employed with the City, however, the evaluation of this solicitation took place prior to the evaluator's last day of employment.	The missing signature on the evaluation form was an oversight. The user agency conducted the evaluation with the evaluators noted on the Evaluator Approval form. DOP attempted to obtain the signature, but the evaluator is no longer employed with COA. DOP will ensure that documentation is completed in its entirety for all solicitations.
<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>	No findings identified	N/A

Review Area	Risk/Criteria	Results	DOP Response
<b>Submittal</b>	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).	There were fewer than three submittals for this solicitation.	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 sole bidder for this solicitation was initially deemed non-responsive, due to its failure to submit a bid bond. The Department of Procurement (DOP) later waived the bid bond requirement and deemed the bidder responsive.	The recommendation to waive the bid bond was proposed out of consideration that the services quoted are "on call" to necessitate risk mitigation requiring resolution through a bid guarantee that allows the city to collect liquidated damages if the supplier fails to consummate the offer.
<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. Not applicable for RFPs.</li> </ul>	The Office of Contract Compliance (OCC) goals established for this solicitation state that no bidder shall be awarded a contract on this project unless OCC determines that the bidder has satisfied the non-discrimination requirements. The contract file did not contain OCC's review or scoring of this solicitation, as required by the City of Atlanta's Equal Business Opportunity Ordinance.	The notice of award and department recommendation of award were forwarded to IPRO before receipt of the OCC's recommendation. Upon further review of the file, OCC determined that clarification was required from the recommended supplier before making a final determination. Clarification was requested from the supplier on 5/30/23 and received on 6/6/23. OCC's recommendation was provided on 6/8/23.
<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
<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