



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-S-1230036
Estimated Dollar Amount:	\$995,000
Type of Procurement:	Invitation for Bid
Contract Description:	Peachtree Creek Westside Project 2A
Requesting Department:	Department of Watershed Management
All Proponents:	Ruby-Collins/BenchMark Joint Venture
DOP Responsive Proponents:	Ruby-Collins/BenchMark Joint Venture
Recommended Awardee:	Ruby-Collins/BenchMark 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.	The Chief Procurement Officer (CPO) memorandum, which outlines a pre-approved list of evaluators, was not provided in the contract file.	The evaluator approval memo was signed by DOP Leadership on 9/21/2022. It has been submitted to IPRO to address this finding.
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. 	No findings identified	N/A
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. 	In light of conflicting publishing dates on the Georgia Procurement Registry and in Oracle, it is unclear whether this construction-related procurement was advertised for a minimum of 28 days, as required by Georgia Code § 36-91-20.	<p>The solicitation was published publicly through Oracle on November 18, 2022, with a close date of December 21, 2022, totaling 33 days.</p> <p>As a corrective action identified internally, the posting to the GPR occurred on December 7th, 2022. As a coaching opportunity, the procurement team members were reminded of the expectation to advertise through Oracle and the GPR concurrently.</p>

Review Area	Risk/Criteria	Results	DOP Response
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).	There were fewer than three submittals for this solicitation.	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. 	No findings identified	N/A
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 indicators of collusive bidding. Not applicable for RFPs. 	The solicitation was initially cancelled; the cancellation was later retracted and the sole bidder was awarded. The contract file offers no explanation regarding how the awardee was selected, or whether an evaluation was conducted, after the cancellation was retracted.	Upon receipt and review of the request to cancel, DOP collaborated with DWM to discuss the rationale of the cancellation, and collectively determined to move forward with an award recommendation.
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>This solicitation was previously cancelled due to a lack of competition. The cancellation was later rescinded. When a cancellation is rescinded, a memorandum retracting that cancellation is provided to the Department of Procurement (DOP) by the user agency. The contract file contained no retraction memo.</p> <p>Based on information received by OIG, there were costs associated with the cancellation of this solicitation.</p>	DOP accepted DWM's recommendation to award, dated after the cancellation request, as an understanding of the rescension.

Review Area	Risk/Criteria	Results	DOP Response
Award	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