



**Independent Procurement Review Report**

**Why We Did This Review**

In accordance with Atlanta City Charter Chapter 6, Section 2.603, our office is authorized to 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.

FC#	1190009 (Cancelled)
Estimated Dollar Amount:	\$18,750,000.00
Type of Procurement:	Invitation to Bid
Contract Description:	Airfield Repairs 2018/19/20
Requesting Department:	Department of Aviation
All Proponents:	Kiewit-Athena, Joint Venture McCarthy-Technique Concrete, Joint Venture
DOP Responsive Proponents:	None
Responsible Proponents:	N/A

**TABLE OF FINDINGS**

Review Area	Risk/Criteria	Results	Resolved/ Remaining
<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.	N/A	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>	<p>This solicitation was previously canceled twice:</p> <ul style="list-style-type: none"> <li><b>FC-10536</b> - DOP received bids from two proponents. DOP deemed one proponent nonresponsive for not completing a required form correctly. DOP canceled the solicitation after the user department performed its evaluation. The user department deemed the second proponent non-responsive for exceeding the allowing mobilization costs per the requirements of the ITB.</li> <li><b>FC-10702</b> - DOP canceled the solicitation after conducting the responsive review. The department deemed both proponents non-responsive for submitting incomplete contractor disclosure and declaration forms.</li> </ul>	No response needed

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<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
<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).	Two proponents submitted bids for this solicitation.	No response needed
<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>	<ul style="list-style-type: none"> <li>DOP found both proponents to be non-responsive because neither bidder provided separate contractor disclosure and declaration forms.</li> </ul> <p>Although we agree with that determination, we found that the responsiveness checklist prepared by DOP was unclear and did not indicate the determination of non-responsiveness. The determination was only identified in the letters to the proponents.</p>	<b>Resolved</b> DOP is in the process of updating the responsiveness review document. The update to the document will include a section for demarcation of responsiveness or non-responsiveness.
<b>Conflict of Interest</b>	The city's standards of conduct prohibit employees from having financial conflicts of interest. Contracts must be awarded and administered free from improper influence or the appearance of impropriety.	No findings identified	N/A

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<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>	N/A	N/A
<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>	DOP canceled the solicitation due to non-responsiveness. The department provided non-responsiveness letters to proponents and clearly stated the bases of determination according to DOP’s standard operating procedures.	No response needed
<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).	N/A	N/A