



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#	10725
Estimated Dollar Amount:	\$8,364,000.00
Type of Procurement:	Invitation to Bid
Contract Description:	Fire Station No. 22
Requesting Department:	Department of Enterprise and Asset Management
All Proponents:	Bryson Constructors-360S, JV Astra-Rohadfox FS22, JV P2K-SoCo, JV
DOP Responsive Proponents:	Bryson Constructors-360 Specialties JV Astra-Rohadfox FS22, JV P2K-SoCo, JV
Recommended Award:	Bryson Constructors-360 Specialties JV

TABLE OF FINDINGS

Review Area	Risk/Criteria	Results	Resolved/ Remaining
Evaluation Team	DOP procedures require evaluators to possess the necessary and appropriate experience needed to evaluate the proposals or offerors submitted to the city.	Not applicable.	N/A
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. 	<p>DOP issued six addenda for this solicitation. The content of the addenda included rescheduling the pre-bid conference, extending the deadline for proponents to submit questions, and modifying the bid due date.</p> <p>The final addendum included responses to proponents' questions, revising the bid schedule form to increase and add allowances for trash containers, integrated photo documentation, and testing and lab specifications. The sixth addendum also modified the bid due date.</p>	No response needed.

Review Area	Risk/Criteria	Results	Resolved/ Remaining
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).	No findings identified	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. 	<p>DOP found all bidders to be responsive; however, IPRO identified the following potential problems in two of the bid packages, including the bid recommended for award.</p> <p>Submittal #1</p> <ul style="list-style-type: none"> Bidder submitted required documents without notary seals as required by Georgia Law. Bidder did not complete the safety record form as required Bidder failed to submit justification or narrative with the cost proposal. <p>Submittal #2</p> <ul style="list-style-type: none"> Bidder submitted required documents without notary seals as required by Georgia Law Bidder did not complete the safety record form as required Bidder failed to submit justification or narrative with the cost proposal Bidder did not include an organizational chart with the bidder's qualification statement as required Bidder did not include a completed subcontractor contact form (EBO-2) and submitted the subcontractor utilization form (EBO-3) to show a good faith effort to meet the Equal Business Opportunity goals 	<p>Resolved</p> <p>Submittal #1</p> <ul style="list-style-type: none"> DOP Response-All original documents contained the notary seals as required by Georgia law. However, those seals were embossed and may have been faint or not visible on copies of the bid documents provided to the Department of Audit. DOP Response- The Safety Record form is used to assist the User Agency in determining responsibility. In DOP's review, DOP confirms the form is submitted and does not review the contents of the form. DOP Response- The Cost Form is used by the user agency determining responsibility. In DOP's review, DOP confirms the form is submitted. <p>Submittal #2</p> <ul style="list-style-type: none"> DOP Response- All original documents contained the notary seals as required by Georgia law. However, those seals were embossed and may have been faint or not visible on copies of the bid documents provided to the Department of Audit.

Review Area	Risk/Criteria	Results	Resolved/ Remaining
			<ul style="list-style-type: none"> • DOP Response- The Safety Record form is used to assist the User Agency in determining responsibility. In DOP's review, DOP confirms the form is submitted not its contents. • DOP Response- The Cost Form is used by the user agency determining responsibility. In DOP's review, DOP confirms the form is submitted. • DOP Response- The Bidder Qualifications Form is used to assist the User Agency in determining responsibility. In DOP's review, DOP confirms the form is submitted and does not review the contents of the form. • DOP Response- On EBO-2 the bidder wrote "please see our good faith efforts on the following page". The bidder provided 110 pages to support EBO-2 and to demonstrate their good faith efforts to meet the Equal Business Opportunity goals.
<p>Conflict of Interest</p>	<p>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.</p>	<p>No findings identified</p>	<p>N/A</p>

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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. 	No findings identified	N/A
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. 	No findings identified	N/A
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