



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.

Solicitation#	1200270
Estimated Dollar Amount:	\$40,000,000
Type of Procurement:	Invitation for Bid
Contract Description:	Chattahoochee River Intake Pump Station
Requesting Department:	Department of Watershed Management
All Proponents:	PC Lewis JV Reeves Young/Maximus JV Western Summit/Anatek JV Southland 360 JV
DOP Responsive Proponents:	PC Lewis JV Reeves Young/Maximus JV Western Summit/Anatek JV
Recommended Awardee:	PC Lewis JV

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.	One evaluator was added by the user agency and not approved by CPO.	DOP Response One of the approved DWM evaluators retired from the City. DWM received a replacement evaluator prior to evaluation as evidenced by a communication dated 6/5/20 but accidentally failed to communicate that to DOP. We were not aware of the change. As this was an IFB, the UA reviews bids independent of DOP.
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 	This solicitation was cancelled previously under FC-1190004 because the responsive bids received exceeded the department's project budget.	No response needed

Review Area	Risk/Criteria	Results	DOP Response
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. 	DOP issued six addenda, which extended the due date, revised forms, answered questions, revised bid opening procedures due to COVID-19, and revised the bidder qualifications form to change the formatting and add required safety information.	No response needed
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	No response needed
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. 	Of the three bidders deemed responsive, only one bidder submitted a notarized copy of its joint venture agreement. The bidder recommended for award did not provide a notarized copy of its joint venture agreement.	DOP Response OCC is requesting a waiver of the city code that requires joint venture agreements to be notarized.
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	No response needed
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 bid spread was 26%	No response needed

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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	No response needed
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)	The lowest bidder was not recommended for award for this solicitation because the Department of Procurement deemed them not responsible based on failure to meet minimum company experience qualifications outlined in the statement of bidder qualification.	No response needed