



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.

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| Solicitation# | IFB-C-1210227 |
| Estimated Dollar Amount: | \$1,600,000 |
| Type of Procurement: | Invitation for Bid |
| Contract Description: | Maintenance Agreement for Permeable Pavers |
| Requesting Department: | Department of Watershed Management |
| All Proponents: | Ed Castro Landscape, Inc. Southeastern Site Development |
| DOP Responsive Proponents: | Ed Castro Landscape, Inc. Southeastern Site Development |
| Recommended Awardee: | Ed Castro Landscape, Inc. |

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. | No findings identified | 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. | No findings identified | N/A |
| 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). | DOP received 2 submittals for this solicitation | N/A |

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|-----------------------------|---|---|---|
| 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. | The recommended awardee failed to submit an outline of their safety program as required by the solicitation. | DOP Response needed The awardee completed and submitted the Safety Record Form as required, but failed to submit a safety outline as instructed on the form. During the responsiveness check by DOP we look for the form, but the contents therein are evaluated by the User Agency, in this case, DWM, who did not find them non-responsible for not providing the outline. |
| 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 bid spread was 303.81%. DOP may disqualify bidders for submitting materially unbalanced bids. An engineer's estimate is used to determine if a bid is materially unbalanced; here, DOP provided no estimate. In the absence of an engineer's estimate, the variance between the two offers--both in the ultimate bids and in several line items--suggests that the bidders either grossly under- or overbid to influence the award of this IFB. | DOP Response needed DOP did not determine that the spread constituted a materially unbalanced bid and found it in the best interests of the City to proceed with the lowest responsive and responsible bidder. |
| 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 |