



## 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#	RFP-C-1210013
Estimated Dollar Amount:	\$54,267,182
Type of Procurement:	<a href="#">Request for Proposals</a>
Contract Description:	Peyton Center Design Build and Construction
Requesting Department:	Department of Watershed Management
All Proponents:	Manhattan-RFB-SRC, a JV Reeves Young Bryson LLC Winter Johnson Lewis Contracting, a Joint Venture Choate/EDT a JV
DOP Responsive Proponents:	Reeves Young Bryson LLC Winter Johnson Lewis Contracting, a Joint Venture Choate/EDT a JV
Recommended Awardee:	Winter Johnson Lewis Contracting, a Joint Venture

### TABLE OF FINDINGS

Review Area	Risk/Criteria	Results	DOP Response
<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.	No findings identified	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>	No findings identified	N/A
<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>	DOP issued three addenda for this solicitation.	No response required

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<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).	No findings identified	N/A
<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>	<p>DOP received four proposals for this solicitation and found three proponents responsive. However, we found the following discrepancies in the responsive proposals:</p> <ul style="list-style-type: none"> <li>• The recommended awardee answered “yes” to the Contractor Disclosure and Declaration Form (Form 2) Question One, indicating prior contract(s) with the City, but did not provide a list of previous contracts, as required by the solicitation. The majority partner of the joint venture also submitted self-prepared financial statements with the Contractor Financial Disclosure Form (Form 3) but only provided one bank reference; for self-prepared statements, the solicitation requires references from two banks or institutional lenders.</li> <li>• The minority partner of a joint venture submitted the Contractor Financial Disclosure Form (Form 3) but did not provide a signed letter from a Certified Public Accountant firm, as required by the solicitation.</li> <li>• The minority partner of another joint venture submitted the Contractor Financial Disclosure Form (Form 3) but did not provide a letter from a Certified Public Accountant, as required by the solicitation.</li> </ul> <p>Although DOP found one proponent non-responsive for deficiencies in its Contractor Financial Disclosure Form (Form 3) documentation, we found additional discrepancies in the proponent's submittal.</p> <ul style="list-style-type: none"> <li>• The offeror submitted four of the required submittal forms as a joint venture. However, because the partnership is less than three years old, the solicitation requires each</li> </ul>	<ul style="list-style-type: none"> <li>• The Form 2 list was waived as a minor technicality by the CPO.</li> <li>• Form 3 is evaluated by Risk Management and is reflected in their scores.</li> <li>• The solicitation only requires Forms 1, 2, and 3 to be submitted separately for newly formed JV's. the rest of the forms can be submitted together as long as they are in the name of the JV. In this case, they were so DOP found it acceptable.</li> <li>• Safety Record Form is evaluated by the User Agency during scoring.</li> </ul>

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		<p>member of the joint venture to submit separate documentation.</p> <ul style="list-style-type: none"> <li>Both the majority and minority partners of the joint venture submitted the Safety Record Form and answered “yes” to Questions Four, Five, and Six, confirming the company had a Confined Space and Entry Rescue Program, a “Hot Work” permit program, and a “Lock-Out/Tag-Out” program. However, the proponent did not provide supporting documentation of those programs, as required by the solicitation.</li> <li>Contrary to the solicitation requirements, the offeror did not submit the authorization to transact business for the majority partner and one minority partner of the joint venture.</li> </ul>	
<b>Conflict of Interest</b>	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
<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>	No findings identified	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</li> </ul>	No findings identified	N/A

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	cancellation promotes accountability and transparency.		
<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)	No findings identified	N/A