



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-S-1200311
Estimated Dollar Amount:	\$10,000,000
Type of Procurement:	Request for Proposals
Contract Description:	Architectural, Engineering, Design, and Construction Management Services for the DWM
Requesting Department:	Department of Watershed Management
All Proponents:	AGA, JV; Arcadis/BPA, JV; Infrastructure Solutions Group, JV; Atlanta Water Partners; BWL, JV; BVK, JV; CDM Smith/ Benchmark, JV; FWR, JV; H2R, JV; HDR Rohadfox, JV; P2D Green Insight; SVC, JV; and Design Infrastructure Group, JV
DOP Responsive Proponents:	Arcadis/BPA, JV; Infrastructure Solutions Group, JV; BWL, JV; Atlanta Water Partners; CDM Smith/Benchmark, JV; FWR, JV; H2R, JV; HDR/Rohadfox, JV; P2D Green Insight; Design Infrastructure Group, JV
Recommended Awardees:	Arcadis/BPA, JV; Atlanta Water Partners, JV; FWR, JV; CDM Smith/Benchmark, JV; H2R, JV; and HDR/Rohadfox, 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.	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

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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 three addenda for this solicitation.	No response required
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).	<p>A minority partner of a joint venture not recommended for award submitted subcontractor letters of intent on three separate proposals. The Department of Watershed Management recommended one of the three proponents for award.</p> <p>According to the IACRC, the winning bidder hiring a losing bidder as a subcontractor for the same project may indicate collusive bidding practices.</p>	DOP Response DOP has consulted the Office of Contract Compliance. A joint venture (JV) partner may bid on a team at the JV level (prime contractor level) and may submit pricing to other JV teams or competitors for subcontractor level consideration. If however, the entity attempts to participate on multiple teams at the JV level (or prime contractor level). A practice such as that would be considered the equivalent of bidding twice at the prime contractor level on the same procurement opportunity.
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 received 13 submittals for this solicitation. The CPO deemed ten proponents responsive, and moved the proposals forward for evaluation.</p> <p>We found discrepancies with five of the responsive proposals. DWM recommended three of these proposals for award:</p> <p>Recommended Awardees:</p> <p>Proponent #1</p> <ul style="list-style-type: none"> The majority partner of the joint venture did not disclose on its 5-Year Litigation History provided in response to Form 3 Question 3 that the Department of Justice in 2019 indicted their vice president/principal-in-charge, and subcontractor for a false invoice scheme. 	DOP Response Our forms ask if the offeror, or any affiliate associated with the Offeror was the subject to Litigation. In the identified instance, the indictment was against an individual employee who no longer worked for the company at the time of the bid and not the Offeror itself, therefore we found the Proponent responsive. Our solicitations state the following: “If the Entity is a type for which the Georgia Secretary of State does not require registration, then the Entity may provide a current business license issued by a Georgia county or municipality”

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		<ul style="list-style-type: none"> The majority partner did not provide a certificate of existence, as required by the solicitation. <p>Proponent #2</p> <ul style="list-style-type: none"> The majority partner of the joint venture did not provide a certificate of existence. <p>Proponent #3</p> <ul style="list-style-type: none"> Proponent submitted EBO-2 and EBO-3; however, the JV did not provide the total dollar and percentage amount for each subcontractor as required by the instructions to proponents <p>Not Recommended for Award:</p> <p>Proponent #4</p> <ul style="list-style-type: none"> The date the authorized officer of the minority partner signed the IIREA form differs from the notary public's date. The date the authorized officer of the majority partner signed the Financial Disclosure Form differs from the notary public's date. Minority partner only provided one banking reference with self-prepared financial statements. <p>Proponent #5</p> <ul style="list-style-type: none"> The proponent provided EBO-3 but did not give the total amount and percentages of F/MBE work to be performed by subcontractors, as required by the instructions to proponents. 	<p>All proponents provided either a Certificate of Existence from the SOS or valid business licenses hence they met our requirements.</p>
<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. 	The Collaborative Scoring worksheet had an error in the formula for a proponent and a data entry error for another proponent. Corrections for these errors would not change the outcome of the recommended awardees.	No response required
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)	The IPRO team identified two potentially inappropriate communications during the blackout period between the Department of Watershed Management and participating proponents. These matters were referred to the Ethics Division for further investigation.	Office of Ethics Response The Ethics Division concluded there was insufficient documentary and testimonial evidence to show a potential violation of the City's Standards of Conduct by any city employees or bid proponents referenced in the report. The Ethics Division also concluded there was insufficient evidence to justifiably raise an appearance of impropriety under the Code of Ethics between any of the current /former city employees referenced in this report and any of the responsive and non-responsive bidders for this solicitation.