



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#	1190542
Estimated Dollar Amount:	
Type of Procurement:	Invitation to Bid
Contract Description:	2019 LMIG Street Resurfacing Project
Requesting Department:	Department of Public Works
All Proponents:	Atlanta Paving & Concrete Construction, Inc. & Lewis Contracting Services, LLC Stewart Bros and H.E.H. Paving, LLC
DOP Responsive Proponents:	
Recommended Awardee:	N/A - Cancelled

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.	No findings identified.	No response needed
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.	No response needed
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 four addenda for this solicitation; however, none of the addenda changed the criteria in a way that could favor a particular proponent.	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).	DOP received two proposals for this solicitation.	No response needed

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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. 	<p>DOP noted deficiencies in both bids and found the submittals to be non-responsive.</p> <ul style="list-style-type: none"> A bidder failed to complete the required forms for the Minority partner of a joint venture A bidder answered "No" to a question regarding having ever done business with the city of Atlanta (Form 2), but included the work performed for the city in their bidder's qualification statement <p>We also noted a bidder failed to provide a notarized joint venture agreement with their submittal.</p>	<p>No response needed</p>
Conflict of Interest	<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>
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. 	<p>N/A</p>	<p>N/A</p>
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. 	<p>The solicitation was cancelled due to non-responsiveness by both bidders.</p>	<p>No response needed</p>

Review Area	Risk/Criteria	Results	Resolved/ Remaining
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)	N/A	N/A