



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#	IFB-C-1200444
Estimated Dollar Amount:	\$55,000,000
Type of Procurement:	Invitation-to-Bid
Contract Description:	Intrenchment Creek WRC Decommissioning and South River WRC Primary Clarifiers Replacement
Requesting Department:	Department of Watershed Management
All Proponents:	PC/Lewis, A Joint Venture Ruby Collins S.E. Consortium JV, LLC Reeves Young/Maximus, LLC Atlanta Contractors, Inc.
DOP Responsive Proponents:	PC/Lewis, A Joint Venture Ruby Collins S.E. Consortium JV, LLC Reeves Young/Maximus, LLC
Recommended Awardee:	PC/Lewis, A Joint Venture

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. 	DOP issued six addenda for this solicitation to extend the bid due date, answer bidders' questions, and update several of the required submittal forms.	No response needed

Review Area	Risk/Criteria	Results	DOP Response
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>The minority partner of the joint venture recommended for award submitted subcontractor letters of intent on two of the losing bids.</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>	<p>DOP Response</p> <p>OCC allows vendors to participate as subcontractors in multiple soliciting partnership. The subcontractor letter of intent was submitted with their bid and prior to contract award. There is no evidence of the winning bidder hiring a losing bidder since the award determination came after team formation.</p>
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. 	No findings identified	N/A
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. 	No findings identified	N/A

Review Area	Risk/Criteria	Results	DOP Response
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