



CITY OF ATLANTA
OFFICE OF THE INSPECTOR GENERAL
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INSPECTOR GENERAL

INDEPENDENT PROCUREMENT REVIEW DIVISION

Independent Procurement Review Report

TO: Atlanta City Council

DATE: December 13, 2023

The purpose of this report is to communicate the results of the following solicitation.

Background

The Department of Transportation requested an Invitation for Bids for the project and scope shown below. Invitations for Bids are to be awarded to the lowest responsive or responsible bidder.

Solicitation#	IFB-C-DOT-202209-1230108
Project Name:	Intersection Improvements on Moores Mill Road at Two Locations
Estimated Dollar Amount:	\$3,482,000
Term:	365 calendar days with two one-year renewals
Recommended Awardee:	BRTU Construction, Inc.
DOP Responsive Bidders:	Baldwin Paving Company, Inc. BRTU Construction, Inc. Precision 2000, Inc.
All Bidders:	Baldwin Paving Company, Inc. BRTU Construction, Inc. Precision 2000, Inc.

Observations and Responses

Solicitation

Observation 1: The solicitation was previously cancelled as IFB-C-1220328 after receiving three submittals and citing bidders failing to meet OCC goal requirements.

IPro does not require a response from DOP for this observation.

Observation 2: The proposed awardee submitted the non-responsive bidder as a subcontractor, which could indicate collusion.

DOP Response: There is no rule preventing suppliers that are submitting a bid from submitting as a subcontractor on other bids. There is language in the instructions to bidders that outlines ethics and integrity in the bidding process. If the evaluation of bids determines that ethics were violated, it will be investigated accordingly.

Responsive Review

Observation 3: The proposed awardee indicated on its Contractor Disclosure and Declaration Form that it has held contracts with the City of Atlanta over the past three years but did not list them as required.

DOP Response: This was considered a minor technicality as DOP was able to vet the information and validate contracts for proposed awardee.

Observation 4: DOP notes no matches were found for the SAM.gov exclusion on the Responsive Review Checklist but the contract file included no documentation of the search.

DOP Response: In response to the IPro observation, DOP provided the SAM.gov exclusion screenshot noting no matches found.

Evaluation

Observation 5: The proposed awardee notes 25.4% MBE participation and no FBE participation. The OCC recommendation memo cites this as well. The goal for this solicitation is 25% MBE and 10% FBE.

DOP Response: OCC is responsible for determining responsiveness for Appendix A. The OCC recommendation dated January 18, 2023, deemed the proposed awardee responsive.

Observation 6: The lowest bidder was deemed non-responsive by OCC due to failing to meet OCC requirements. The second lowest bidder was chosen for award.

IPro does not require a response for this observation.

The review yielded no additional findings.

Methodology

The Independent Procurement Division reviews the following stages of the procurement process:

- Initiation
- Solicitation
- Responsive Review
- Evaluation
- Award

In accordance with Atlanta City Charter Article 8, Section 8-107, and Section 2-1604 of the Atlanta Code of Ordinances, the Independent Procurement Review Division of the Office of the Inspector General must 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; must review all cooperative purchase agreements and piggyback contracts with an aggregate value greater than \$1,000,000; and may conduct discretionary reviews of any value.