



**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: May 29, 2024

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

**Background**

The Atlanta 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. This project was not previously cancelled.

Solicitation#	IFB-CON-DOT-2411-1240161
Project Name:	2024 Unit Price Contract (ID/IQ) for Roadway Construction and Maintenance – Small (Citywide)
Estimated Dollar Amount:	\$55,000,000
Term:	Two years with two, one-year renewal options
Recommended Awardee:	Astra Group, LLC Construction 57, Inc. Precision 2000, Inc. Southeastern Site Development Structural Design & Construction (SD & C)
DOP Responsive Bidders:	Astra Group, LLC Construction 57, Inc. Precision 2000, Inc. Southeastern Site Development Structural Design & Construction (SD & C)
All Bidders:	Astra Group, LLC Brooks-Berry-Haynie & Associates Construction 57, Inc. Gregory Jones Asphalt, LLC Precision 2000, Inc. Southeastern Site Development Structural Design & Construction (SD&C)

## **Observations and Responses**

### *Initiation*

Observation 1: DOP provided Evaluator Ethics and Commitment forms for three evaluators and cited that these forms are required, but a CPO approval memo is not generated for IFBs. The contract file included no resumes detailing professional expertise to evaluate the bids.

DOP Response: Evaluator forms and resumes are not required for bid evaluation as the determining factor for bids is lowest price, most responsive and responsible.

### *Responsive Review*

Observation 2: A proposed awardee listed a competing non-responsive proponent as an anticipated subcontractor on this solicitation, which could indicate collusive bidding. This non-responsive proponent submitted a Letter of Intent to participate on the competing bid.

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.

Observation 3: DOP noted on the Responsive Review Checklist that one match was found on the SAM.gov exclusion for a proposed awardee, however documentation of the search was not provided.

DOP Response: In response to the IPro observation, DOP provided the SAM.gov exclusion information.

Observation 4: A proposed awardee did not provide Letters of Intent for the anticipated subcontractors listed on its Subcontractor Project Plan Subcontractor/Supplier Utilization Form (EBO-3).

DOP Response: Appendix A information was vetted/approved by OCC. The intent of this action is to award projects via task/work orders wherein OCC goal participation may be individually vetted per task/work order.

Observation 5: Invitations for Bids are considered “an appropriate procurement method when price and responsibility are the primary means for award,” per DOP SOP Section 2.23. This section states, “cost is evaluated based on the best value to the City.”

In Addendum #1 dated January 31, 2024, DOP answered bidder questions. One response stated the first phase of this IFB would be based on qualifications only and not on price. This response also stated qualified bidders would be given the opportunity to provide unit prices in the second phase of the IFB.

DOP Response: DOP confirms that this information is correct as noted in the addendum. The intent of Phase I is to qualify contractors based on the information provided via Statement of Bidders Qualifications. The intent of Phase II is to solicit each project to the list of qualified contractors and award to the lowest price, most responsive/responsible.

Another response stated the selected bidders would be given the opportunity to bid on the task order released by the user agency in the second phase of the IFB. It also stated that the second phase does not consist of procurement activity.

DOP Response: The second phase of this action is issuance of task/work orders for projects. The task/work orders will be submitted to the suppliers to receive quotes. The lowest, most responsive, responsible response will be awarded the task/work order.

The contract file initially contained no documentation detailing how the user agency determined the recommended awardees based on qualifications. In response to this observation, DOP provided copies of the user agency’s recommendation of award and statement of qualifications review document titled Departmental Bid Evaluation, which was to be attached to the recommendation of award memo with the user agency representatives. This unsigned document lists the names of four Evaluation Committee Members. There is not a signed version of this evaluation document or a sign-in sheet for the review meeting, thus it cannot be confirmed who attended.

Three of the four members had signed Evaluator Ethics and Commitment forms submitted as part of the contract file. There were no forms for the fourth individual, which could inhibit the ability to enforce ethical standards.

DOP Response: Per Sec 2-1188(k)(1) – In determining the most responsible and responsive offeror, the CPO, in consultation with the using agency, shall consider the following: The ability, capacity and skill to perform the contract and provide the services/supplies required.

The source methodology for this action was an IFB. No evaluation forms were required to be signed. The user agency provided a signed recommendation of award that included a table determining qualifications of submitted bids which concluded that the recommended suppliers have the ability, capacity, and skill to perform the contract and provide the services required.

The review document was not signed, however, the assigned Category Specialist/Manager confirmed with the user agency that the evaluation was held on 4.15.24 and the individuals noted on the form were in attendance.

DOP will ensure that documents that require signatures will be vetted and provided accordingly for future solicitations.

This solicitation presents no costs for legislative review.

DOP response: Exhibit C: Schedule of Unit and Lump sum includes eight groups wherein suppliers are to provide cost information for various line items in Phase II. Each project under this action will be solicited to the qualified contractors only and awarded via task/work order. The user agency has the discretion to individually legislate each project/task/work order or include funding via a joint task order fund. In response to this observation, DOP provided copies of the schedule of lump sum/unit values that were included in the solicitation to document price requests. These schedules were not required at the time of bid submission. The solicitation notes that the schedules will be requested from the responsive and responsible bidders only (during Phase II).

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.*