CITY OF ATLANTA
OFFICE OF THE INSPECTOR GENERAL
SHANNON K. MANIGAULT
INSPECTOR GENERAL

INDEPENDENT PROCUREMENT REVIEW DIVISION

Independent Procurement Review Report

TO: Atlanta City Council

DATE: July 9, 2024

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

Background

The Department of Watershed Management 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/CON/DWM-2410-1240126
Project Name:	Greensferry Stream and Floodplain Restoration
Estimated Dollar Amount:	$10,489,811
Term:	18 Months
Recommended Awardee:	RES CCE Greensferry LLC
DOP Responsive Bidders:	Keiwit Athena, A Joint Venture Lakeshore Engineering/Lewis Contracting JV Precision 2000 (P2K) & Triple R Paving RES CCE Greensferry, LLC
All Bidders:	Keiwit Athena, A Joint Venture Lakeshore Engineering/Lewis Contracting JV Precision 2000 (P2K) & Triple R Paving RES CCE Greensferry, LLC SEI/JDJ Hauling

Observations and Responses

Initiation

Observation 1: This solicitation has been cancelled twice. The User Agency requested cancellation of IFB-C-1210315 after receiving bids outside of the proposed budget. The User Agency requested cancellation of IFB-C-1220246 after the recommended supplier requested an updated price consideration to reflect the increases from their subcontractors and suppliers. The revised amount exceeded the estimated budget.

IPro does not require a response for this observation.

Responsive Review

Observation 2: The minority JV partner of the proposed awardee submitted an incomplete Contractor Disclosure and Declaration Form (Form 2). Missing pages would have included entity information and answers to disclosure questions.

> DOP Response: DOP recognizes that the joint venture was established on 2/9/2024. The documentation for the minority JV partner should have been submitted or granted a notice of technical waiver for the missing documentation. This was an oversight, and DOP will continue to provide training to avoid this error in future solicitations

Observation 3: DOP notes in its Responsive Review that the proposed awardee is responsive for the Offeror Contact Directory (Form 4), however Form 4 was not provided in the required submittals.

> DOP Response: The documentation for the proposed awardee should have been submitted or granted a notice of technical waiver for the missing documentation as this information was not material to the final determination of responsibility to perform the requested service. This was an oversight, and DOP will continue to provide training to avoid this error.

Observation 4: The minority JV partner of the proposed awardee failed to submit Covenant of Non-Discrimination (Form EBO-1), as required.

> DOP Response: DOP recognizes that the joint venture was established on 2/9/2024. Appendix A documentation was reviewed by OCC and the proponent was deemed responsive. The documentation should have been submitted for the minority partner or granted a notice of technical waiver for the missing documentation. This was an oversight, and DOP will continue to provide training to avoid this error and collaborate with OCC to determine level of responsiveness for form completion.

Observation 5: DOP notes on the Responsive Review Checklist that no matches were found for the SAM.gov exclusions, however no search results were provided for any of the minority joint venture bidders.

> DOP Response: Not including the SAM.gov information was an oversight. DOP has provided the information per notice of this observation.

Evaluation

Observation 6: Email records indicate DOP sought revised cost information from the awardee on May 1, 2024, to include allocated allowances of $430,000 per the solicitation's Bid Schedule. The proposed awardee submitted updated cost information May 1, 2024, to include the allocated allowances, as well as costs for an additional line-item not listed in the Bid Schedule as included in the base bid. DOP issued a Notice of Technical Waiver citing the allowance costs but not the additional line-item costs on May 3, 2024.

> DOP Response: DOP requested the revised cost information at the request of the user agency. The omission of the additional line-item on the technical waiver was an oversight. The user agency reviewed/approved the revised cost information and recommended award.

Observation 7: The bid spread for this solicitation is 31.55%. According to the International Anti-Corruption Resource Center, a bid spread of more than 20% could be an indicator of collusive bidding.

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.