CITY OF ATLANTA
OFFICE OF THE INSPECTOR GENERAL
LADAWN BLACKETT
INTERIM INSPECTOR GENERAL

INDEPENDENT PROCUREMENT REVIEW DIVISION

Independent Procurement Review Report

TO: Atlanta City Council

DATE: August 11, 2026

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

Procurement Type: Invitation for Bids

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

Solicitation#	IFB/GS/DPW/2511-1260084-2
Project Name:	Municipal Solid Waste Services
Estimated Dollar Amount:	$11,000,000 Annually
Term:	Three years with two one year renewal options
Recommended Awardee:	Georgia Waste System, LLC dba WM
DOP Responsive Bidders:	Waste Eliminator LLC Georgia Waste System, LLC dba WM
All Bidders:	Republic/BFI Wast Services, LLC Waste Eliminator LLC Georgia Wast System, LLC dba WM

Observations and Responses

Responsive Review

Observation 1: *Missing Letters of Recommendation to the Awardee*
Division 4, Section 2-1187(1) of the Atlanta Procurement Code authorizes the use of a muti-step bidding process in which the City may issue an initial solicitation requesting unpriced offers. Only those offerors whose submissions meet the criteria set forth in the first solicitation may advance to a subsequent invitation for priced bids.

DOP Solicitation Requirements Section 3B(1)(b), Phase I, states

> *"The Respondent is required to provide 2 letters of reference from prior project sponsors for projects with scopes and values comparable to the City of Atlanta solicitation. Respondents that are newly established businesses and therefore lack prior project references must submit a formal statement on company letterhead confirming this status."*

The IPro review of the procurement file found no evidence that the two letters of reference were Submitted for the proposed awardee, nor was there documentation indicating an exemption from this requirement. As a result, a respondent that did not meet the solicitation's mandatory criteria was advanced to Phase II.

This lack of adherence to the established requirement creates inconsistency and introduces potential risks, including perceptions of impropriety in the procurement process, compliance concerns, and possible protests from competing vendors.

DOP Response: The issue identified was the result of an anomaly in our previous solicitation template. Under the former Director, the template was structured in a way that made the placement of the required letters of reference unclear. As a result, the reference section did not align properly with the Phase I evaluation process, which contributed to the documentation appearing incomplete.

Although standalone letters of reference were not included in the file, the Qualification Statement Template (QST) required respondents to provide detailed information on their experience and past performance. The respondent did supply this information within the QST, but not in the traditional letter format.

Since then, the Department has updated and restructured the solicitation template, clarified the reference letter requirements, and implemented a standardized process for multi-step solicitations. We have also provided targeted training to staff and user departments to reinforce mandatory requirements and ensure consistent compliance. Given that the issue did not rise to the level of fraud, waste, abuse, or corruption, DOP feels that the original determination still stands.

Source	Relevant Code Section	Analysis & Risk Assessment
City Charter § Sec. 2-1108	(a) *Contract file.* All determinations and other written records pertaining to the solicitation, award or performance of a contract or purchase order shall be maintained by the city in a contract file by the chief procurement officer.	The issue under review by IPro is not limited to determining whether waste, fraud, corruption, or abuse occurred. IPro's responsibility is to evaluate the completeness of the contract file. In this instance, there was a requirement for letters of reference. A letter of reference provides independent verification that a third party is willing to affirm the vendor's prior work. This is distinct from a vendor's own statement of qualifications. IPro does not evaluate or opine on the substance of any reference letter; however, IPro is required to identify whether such documentation is present in the procurement packet. In this case, it was not.
DOP Solicitation Requirements	Section 3B(1)(b), Phase I, states *"The Respondent is required to provide 2 letters of reference from prior project sponsors for*	DOP's Solicitation Requirement has exception from providing letters of reference for new businesses – this indicates that letters of reference are only excused in limited circumstances and not excused through the use of Qualification Statement.

	projects with scopes and values comparable to the City of Atlanta solicitation. *Respondents that are newly established businesses and therefore lack prior project references must submit a formal statement on company letterhead confirming this status*	Risk Assessment: 1. Limits to transparency 2. The City lacks independent confirmation of the vendor's past performance. 3. Missing required elements may signal procedural inconsistencies, which could affect fairness, competition, or future auditability.
DOP Solicitation Requirements	Section 4, Phase I – Statement of Qualifications *Respondents must provide references demonstrating successful past performance on comparable projects, with emphasis on quality, schedule adherence, and responsiveness. References should include projects involving integration with the Department of Finance (DOF) and Oracle systems, demonstrating familiarity with local billing file structures and processes.*	DOP's Solicitation Requirement has a separate section for reference in the Statement of Qualifications. This section states. This section is separate and distinct from Section 3B which requires letters of reference from prior project sponsors. Risk Assessment: Inconsistent adherence to stated criteria can undermine the reliability of the procurement process, reduce confidence that vendors are being evaluated equitably, and increase the likelihood that other requirements may also be disregarded. Maintaining consistency with stated rules is essential to ensuring fairness, transparency, and procedural integrity.

Observation 2: *Lack of Official Determination of Ineligibility*

DOP Solicitation Requirements Section 2C(iii), Phase I, states

> *"Any proposed revisions to the terms, conditions, or language of the Contract must be submitted in writing with the Respondent's submissions to this RFQ..... any significant exceptions proposed could render the Respondent ineligible for Award under this procurement."*

One proponent submitted proposed revisions to the terms and conditions of the Contract. The Department of Law (DOL) reviewed the exceptions submitted by proponents. DOL provided feedback on some requests while referring other requests to the user agency. Not included in the contract file was a definitive evaluation indicating the proposed exceptions were "significant" and that the respondent is "ineligible for award."

DOP disqualified the proponent who submitted revision requests without documented criteria for determining the thresholds of what constitutes "significant" exceptions and what factors determine if a proponent is disqualified.

A lack of formal written determination confirming whether the proposed exceptions are "significant" or whether the respondent is "ineligible for award" was not provided. The absence of this documentation increases risks to the procurement, including potential inconsistencies in the evaluation process, perceptions of impropriety or lack of transparency, and heightened exposure to contract steering or bid-rigging concerns. It may also elevate the likelihood of compliance issues or protests from competing vendors.

DOP Response: The Department of Procurement (DOP) appreciates IPRO's reporting,

particularly as this is the first set of findings under our new process. Their observations help us strengthen our procedures and reinforce our commitment to continuous improvement.

DOP's mission centers on promoting ethical, open, and fully transparent procurement practices, as reflected in our departmental goals to maximize competition, standardize processes, and ensure compliance with the City's Procurement Code. Seeking formal written determinations from the Department of Law (DOL), however, would inadvertently limit transparency. Such written determinations would likely constitute legal opinions, which must be withheld under the Georgia Open Records Act. This would reduce—not enhance—the openness of our procurement files and conflict with DOP's mission of ensuring that procurement actions remain as visible and accessible to the public as possible.

In response to IPRO's recommendation, DOP is implementing a structured decision log to document DOL's guidance regarding the acceptability of Offeror-submitted exceptions. This tool will improve consistency, accountability, and auditability without generating privileged documents that restrict public disclosure. By doing so, DOP upholds both the intent of IPRO's finding and our overarching responsibility to protect the City's interest in transparent, ethical procurement operations.

Source	Relevant Code Section	Analysis & Risk Assessment
DOP Solicitation Requirements	DOP Solicitation Requirements Section 2C(ii), Phase I, states *"Any proposed revisions to the terms, conditions, or language of the Contract must be submitted in writing with the Respondent's submissions to this RFQ any significant exceptions proposed could render the Respondent ineligible for Award under this procurement."*	OIG's observation does not infer that a determination of what constitutes "substantial" must come from the Department of Law. DOP, or any party it designates, may make a written finding that changes proposed by the vendor are "substantial." OIG's role is solely to ensure that the contract file is complete and that a "substantial" determination is documented. The risk of not having a written determination from any party includes the potential for contract steering and bid rigging. An unwritten determination could be used to disqualify qualified vendors. Additionally, the absence of written determination may provide grounds for bid protests or litigation related to procurement actions.
O.C.G.A. § 50-18-72(a)(42)	O.C.G.A. § 50-18-72(a)(42) "Confidential attorney work product; provided, however, that this paragraph shall not apply to the factual findings, but shall apply to the legal conclusions, of an attorney conducting an investigation on behalf of an agency so long as such investigation does not pertain to pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the agency or any officer or employee;"	O.C.G.A. § 50-18-72(a)(42) This code section does not require DOP to withhold all legal opinions but does provide the authority to do so when appropriate. Attorney client privilege may be waived if such information is disclosed to parties outside of DOP. OIG defers to the Department of Law on this evaluation. Pursuant to DOP Solicitation Requirements Section 2(c)(ii), Phase I, the determination of what constitutes a "substantial" change does not require a decision by the Department of Law. Without a written determination that the comments and margin notes made in response to the contract changes requested by a vendor constitute a "substantial" change, the contracts may be vulnerable to bid rigging or contract steering.

		Failure to document whether proposed changes are "substantial" leaves the contract file incomplete.
City Charter § Sec. 2-1108.	(a) *Contract file.* All determinations and other written records pertaining to the solicitation, award or performance of a contract or purchase order shall be maintained by the city in a contract file by the chief procurement officer.	The comments and margin notes become a part of the contract file.

The review yielded no additional findings.

Competitive Procurement Timeline	Date
Solicitation Requested	8/28/2025
IPro Review Requested	12/5/2005
IPro Auditor Assigned	12/5/2025
Project Advertised	12/2/2025
DOP Awarded Project	6/16/2026
IPro Received Award	6/16/2026
IPro Draft Report Shared	6/30/2026
DOP Response Received	7/13/2026
Final IPro Report Shared	7/15/2026
IPro Report Attached to Legislation	8/11/2026
legislation passed	8/17/2026

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.