



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.

FC#	1190042
Estimated Dollar Amount:	\$30,199,000
Type of Procurement:	Invitation for Bid
Contract Description:	West Area Water Quality Control Facility
Requesting Department:	Department of Watershed Management
All Proponents:	Western Summit/Anatek Construction JV Heavy Constructors, Inc/Sol Construction, JV Reeves Young/Benkel, JV
DOP Responsive Proponents:	Heavy Constructors, Inc/Sol Construction, JV
Responsible Proponents:	Heavy Constructors, Inc/Sol Construction, JV
Anticipated Award:	Heavy Constructors, Inc/Sol Construction, JV

TABLE OF FINDINGS

Review Area	Risk/Criteria	Results	Resolved/ Remaining
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 five addenda for this solicitation. The content of addenda included extending the bid due date three times, advertising the project site visits, and answering proponents' questions about the solicitation.	No response needed
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).	No findings identified	N/A

Review Area	Risk/Criteria	Results	Resolved/ Remaining
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. 	<p>DOP noted deficiencies in the single bid it determined was responsive but did not document why the department waived the requirements.</p> <ul style="list-style-type: none"> Majority partner of the joint venture submitted six references, but the minority partner did not submit any references (Form 7) Notary Public Commission Expiration date was typed incorrectly on IIREA forms for both joint venture partners but had not yet expired <p>We also noted inconsistency between DOP's internal responsiveness checklist and the reason for non-responsiveness determination letter sent to one bidder.</p>	<p>Resolved Reference Form 7 -</p> <ul style="list-style-type: none"> DOP required that 3 references be submitted by the Proponent not each member of the Joint Venture team. <p>Resolved Notary Public Commission -</p> <ul style="list-style-type: none"> It was determined by law that the seal date was acceptable. <p>Resolved DOP is in the process of updating the responsiveness review document. The update to the document will include a section for demarcation of responsiveness or non-responsiveness.</p>
Conflict of Interest	<p>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.</p>	<p>No findings identified</p>	<p>N/A</p>
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. 	<p>No findings identified</p>	<p>N/A</p>

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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