



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#	1190579
Estimated Dollar Amount:	\$17,750,000
Type of Procurement:	Invitation to Bid
Contract Description:	Airfield Repairs 19/20
Requesting Department:	Department of Aviation
All Proponents:	Kiewit-Athena Joint Venture McCarthy-Technique Concrete Joint Venture
DOP Responsive Proponents:	McCarthy-Technique Concrete, a Joint Venture
Responsible Proponents:	McCarthy-Technique Joint Venture
Anticipated Award:	McCarthy-Technique Joint Venture

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. 	<p>This solicitation was previously cancelled three times:</p> <ul style="list-style-type: none"> FC-10536 FC-10702 FC-1190009 <p>According to DOP, the department cancelled the solicitations because the CPO deemed all proponents as non-responsive. The cancellations occurred after advertisement closed and the contracting officer completed the responsive review.</p>	No response needed
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. 	No findings identified	N/A

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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).	DOP received two submittals for this solicitation.	No response needed
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. 	<ul style="list-style-type: none"> • DOP deemed a proponent responsive, although the minority partner of the joint venture did not submit Form I - Experience Statement. DOP requires all partners of a joint venture to provide separate forms for each party. • OCC deemed the same proponent responsive, but the joint venture did not submit a notarized copy of the joint venture agreement, as required by city code (Sec. 2-1369.1). 	<p>Resolved Form I - Experience Statement is not a standard DOP form and was included in the solicitation document at the request of the using agency. However, the Bidders appears to have submitted all information requested on Form I - Experience Statement.</p> <p>Resolved The OCC's review/evaluation of the documents submitted by a bidder in response to the Appendix A (OCC Submittals) section of the solicitation document is done independently of the DOP. After the OCC has completed their review/evaluation the results are provided to the DOP.</p> <p>OCC will review joint venture agreements more closely for the presence of the notary seal.</p>
Conflict of Interest	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.	No findings identified	N/A

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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. 	No findings identified	N/A
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