



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.

Solicitation#	IFB-C-1210246
Estimated Dollar Amount:	\$17,754,000
Type of Procurement:	Invitation for Bid
Contract Description:	Cascade Road Avenue Streetscape Improvements
Requesting Department:	Atlanta Department of Transportation
All Proponents:	Astra HEH JV, LLC Baldwin/LEWIS, A Joint Venture Matthews-Kelly JV SDC-HFJ Concrete Subcontractors Inc
DOP Responsive Proponents:	Astra HEH JV, LLC Baldwin/LEWIS, A Joint Venture Matthews-Kelly JV SDC-HFJ Concrete Subcontractors Inc
Recommended Awardee:	Matthews-Kelly JV

TABLE OF FINDINGS

Review Area	Risk/Criteria	Results	DOP Response
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 	The solicitation was previously canceled. DOP deemed the sole bidder non-responsive.	No response required
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
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).	The minority partner of a joint venture submitted a letter of intent to perform work on behalf of another bidder for the same solicitation. Although DOP allows bidders to	No response required

Review Area	Risk/Criteria	Results	DOP Response
		participate on competing solicitations, DOP deemed both bidders non-responsive for other discrepancies.	
<p>Responsive Review</p>	<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 found three of the four bidders to be non-responsive, however, the responsiveness checklist did not show the findings included with the determination of non-responsiveness letters provided to each non-responsive bidder.</p> <p>I PRO found that the majority partner of the responsive bidder's IIREA account status was terminated at the time of submittal. This bidder is also the recommended awardee. The joint venture recommended for award has been in exist for more than three years and had a valid IIREA Account Status.</p> <p>I PRO also found additional discrepancies with the non-responsive bidders:</p> <ul style="list-style-type: none"> The majority partner of a joint venture did not submit Form 2 as an individual entity, as required by the instructions of the solicitation. The majority partner of a joint venture failed to submit the authorization to transact business as required by the solicitation. Bidder submitted the Utility Contractor's License under a subcontractor; the solicitation required one of the companies partnered in the Joint Venture must possess this license. 	<p>DOP Response</p> <p>The contractor data forms were submitted by the user agency in the solicitation request package. The user agency (ATL DOT) performed a subsequent responsiveness and responsibility review of the bids received after DOP's initial determination of responsiveness. ATL DOT then provided DOP with its recommendation, which included a responsiveness finding regarding the Contractor Data Forms. Please refer to the Recommendation of Award from ATL DOT outlining the responsiveness findings for the contractor data forms.</p> <p>IIREA - CW Matthews Construction's IIREA account status is active since 2014. Another entity on the register entitled CW Matthews Co. Inc. had an account that was listed as closed. Upon further investigation, the company was aware of the duplicate entry in the E-verify system and has been working to correct the erroneous entry. The vendor has a valid IIREA status.</p> <p>Form 2 - DOP agrees with the finding and is in line with the non-responsiveness holding. Authorization to transact business - DOP agrees with the finding and is in line with the non-responsiveness holding. Utility Contractor's License - DOP agrees with the finding and is in line with the non-responsiveness holding.</p>

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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
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. 	The bid spread was 42.01%.	No response required
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)	<p>The two lowest bidders on this solicitation were not selected for award. Although DOP responsiveness checklist found all bidders responsive, non-responsiveness letters indicated both bidders failed to provide the required documentation and items shown below.</p> <ul style="list-style-type: none"> - The lowest bidder did not provide Traffic Control Plan and the Safety, Health, and Environment (Form B), a bid schedule that conformed to the requirements as listed in the addendum (Form D) and a valid business license. - The second lowest bidder did not provide Essential Subcontractor Qualification documentation (Form A) for three subcontractors. 	<p>DOP Response</p> <p>The contractor data forms were submitted by the user agency in the solicitation request package. The user agency (ATL DOT) performed a subsequent responsiveness and responsibility review of the bids received after DOP's initial determination of responsiveness. ATL DOT then provided DOP with its recommendation, which included a responsiveness finding regarding the Contractor Data Forms. Please refer to the Recommendation of Award from ATL DOT outlining the responsiveness findings for the contractor data forms.</p>