



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 #	1200185
Estimated Dollar Amount:	\$2,000,000
Type of Procurement:	Request for Proposals
Contract Description:	Geotechnical Testing and Investigative Services
Requesting Department:	Department of Watershed Management
All Proponents:	Contour Engineering, LLC Materials, Managers, and Engineers, Inc. NOVA Engineering and Environmental, LLC United Consulting Group, Ltd. Wood EIS.
DOP Responsive Proponents:	Contour Engineering Materials, Managers, and Engineers, Inc. NOVA Engineering and Environmental, LLC United Consulting Group, Ltd. Wood EIS.
Recommended Awardee:	United Consulting Group, Ltd.

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 	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 four addenda for this solicitation.	No response required

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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).	Two proponents submitted letters of intent to subcontract on the other's proposal. According to the IACRC, the winning bidder hiring a losing bidder as a subcontractor for the same project may indicate collusive bidding practices.	N/A
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 received 5 proposals for this solicitation. The CPO deemed all five proponents responsive and moved the proposals forward for evaluation.</p> <p>IPRO found the following discrepancy:</p> <ul style="list-style-type: none"> One proponent not recommended for award selected to provide certified financial statements but did not provide the CPA letter certifying their results and did not submit supplemental safety information. 	DOP Response Financials Content was scored by Risk Management, and safety was scored by DWM.
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. 	<p>DOP scored two proponents that were deemed non-responsive by the Office of Contract Compliance ("OCC"). DOP gave the proponents a "0" for OCC's portion on the scoring matrix, however, DOP should not allow non-responsive proponents to be scored by the evaluation team. OCC and DOP did not notify the two non-responsive proponents that they were non-responsive. This does not impact the outcome of the award.</p> <p>A city employee was attended the collaborative scoring session who was not approved by the CPO.</p>	DOP Response Scoring of Proponents happens simultaneously by OCC and the User Agency. The User Agency is required to evaluate all Proponents that DOP deems responsive. Per code 2-1367(a), OCC only sends a non-responsive letter to a proponent if they would have otherwise won the bid/proposal had OCC not deemed them non-responsive. The member in attendance that was not approved by you was DOP's User

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			Agency liaison for this procurement. We include them in all communication and while they attend the session, they do not contribute to the scoring hence why they don't get approved as an evaluator.
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