



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#	1190031
Estimated Dollar Amount:	\$14,000,000
Type of Procurement:	Invitation for Bid
Contract Description:	Collier Road Outfall Improvements Phase 1 and 2
Requesting Department:	Department of Watershed Management
All Proponents:	Ruby-Collins, Inc./Snowden Enterprise Consortium, JV Site Engineering/Knight & Associates, Inc., JV
DOP Responsive Proponents:	Ruby-Collins, Inc./Snowden Enterprise Consortium, JV
Responsible Proponents:	Ruby-Collins, Inc./Snowden Enterprise Consortium, JV
Anticipated Award:	Ruby-Collins, Inc./Snowden Enterprise Consortium, JV
Awardee(s):	Ruby-Collins, Inc./Snowden Enterprise Consortium, 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. 	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).	DOP received two submittals for this solicitation.	No response needed

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<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 a proponent to be responsive, although the joint venture's submittal was missing the following required documents:</p> <ol style="list-style-type: none"> Form 7: Reference List was submitted by only the majority partner of the joint venture; the minority partner did not submit references. <p>DOP's policy requires each bidder to submit at least three references. In the same solicitation, DOP penalized another bidder for failing to include references for each partner in the joint venture. The requirements for joint venture submittals for Form 7 do not appear to be applied consistently. DOP staff conducted three responsive reviews for the two bidders, which included verifying whether references were provided; forms used by DOP show that references were checked separately for each partner of the joint venture.</p> <ol style="list-style-type: none"> A utility contractor's license was submitted by only the majority partner of the joint venture. <p>The solicitation document is unclear as to whether the minority partner must also provide a license.</p>	<p>1. Unresolved DOP's response below does not address the inconsistency noted in the determination.</p> <p>Each Offeror must provide a list of at least three (3) references using the below- referenced format. The references provided must be able to attest to an Offeror's performance ability and credibility in a particular industry or trade. The Offeror was in compliance.</p> <p>2. Resolved</p> <p>GEORGIA UTILITY CONTRACTOR'S LICENSE (REQUIRED SUBMITTAL) The Bidder shall provide a Bidder's Georgia Utility Contractor's License Number on the outside of the Sealed Envelope. A Utility Contractor's License number held by a Subcontractor or issued by another state does NOT fulfill this requirement in lieu of the Bidder's Georgia Utility Contractor's License. Failure to provide the Bidder's Georgia Utility Contractor License Number on the outside of the sealed envelope will result in a rejection of the Bid at the Opening. The Bidder is required to submit the certificate included in Exhibit D, Additional Contract Documents. The Bidder was in compliance.</p>
<p>Conflict of Interest</p>	<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>

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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