



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#	RFP-S-1200492
Estimated Dollar Amount:	\$6,000,000
Type of Procurement:	Request for Proposals
Contract Description:	Annual Contract for Major Mechanical Repairs and Services
Requesting Department:	Department of Watershed Management
All Proponents:	Lakeshore Engineering/Contessa Construction, JV Ruby-Collins/SE Consortium Joint Venture SRC-RDH, JV WWPS/Sol, a Joint Venture Western Summit/Anatek Construction Joint Venture Johnson Controls, Inc.
DOP Responsive Proponents:	Lakeshore Engineering/Contessa Construction JV Ruby-Collins/SE Consortium Joint Venture WWPS / Sol, a Joint Venture Western Summit/Anatek Construction Joint Venture
Recommended Awardees:	Lakeshore Engineering/Contessa Construction, JV WWPS / Sol, a Joint Venture Western Summit/Anatek Construction Joint Venture

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. 	No findings identified	N/A

Review Area	Risk/Criteria	Results	DOP Response
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
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 6 proposals for this solicitation. The CPO deemed four proponents responsive and moved the proposals forward for evaluation.</p> <p>We found discrepancies with two of the responsive proposals.</p> <p>Recommended Awardees</p> <p>Proponent #1</p> <ul style="list-style-type: none"> A majority partner did not provide some supplemental documents as required on the Safety Record Form. <p>Proponent #2</p> <ul style="list-style-type: none"> The joint venture partners did not submit a Form 2 "Contractor Disclosure and Declaration Form". The joint venture partners did not submit a Safety Record Form. <p>Not Recommended for Award:</p> <p>Proponent #3</p> <ul style="list-style-type: none"> A minority partner only provided one letter of reference and did not include financials statements from 2019. The joint venture exceeded the Occupational Safety and Health Administration's "Total Recordable Cases". A minority partner did not submit supplemental information as required for on the Safety Record Form. The joint venture partners did not submit a Certificate of Authority to Transact Business in Georgia. 	<p>DOP Response Proponent #1</p> <ul style="list-style-type: none"> Safety Record Form was scored for responsibility by the UA during collaborative Scoring. <p>Proponent #2</p> <ul style="list-style-type: none"> The JV partners did not submit form 2 because the JV had been in formation for over 3 years (formed 8/3/2011). Therefore, the JV itself was compliant in submitting Form 2 on behalf of the entity. The JV entity submitted the safety Record form as opposed to the individual partners as it had been in existence since 2011. <p>Proponent #3</p> <ul style="list-style-type: none"> The minority partner included a note stating that as of the time of Proposal submittal, they did not yet have financials for 2019. They did however provide financials for 2016 instead to meet the 3-year requirement. Safety Record Form was scored for responsibility by the UA during collaborative scoring.

Review Area	Risk/Criteria	Results	DOP Response
		<p>We also found additional discrepancies with the two proponents deemed non-responsive by DOP:</p> <p>Proponent #4</p> <ul style="list-style-type: none"> • A Form 1 “Illegal Immigration Reform and Enforcement Act Form” was not provided for each partner of the joint venture. • A majority partner did not provide financial statements for 2019. • A minority partner only provided one year of financial statements. • The majority and minority partners did not submit supplemental documentation that is required on the Safety Record Form. • The joint venture did not include its subcontracting percentages as required on form SBO-3 “Small Business Opportunity Subcontractor Project Plan, Subcontractor /Supplier Utilization” of the documents required by the Office of Contract Compliance. <p>Proponent #5</p> <ul style="list-style-type: none"> • A minority partner did not submit supplemental information as required for on the Safety Record Form. 	<ul style="list-style-type: none"> • Safety Record Form was scored for responsibility by the UA during collaborative scoring. • The entity provided their Annual Registration from the GA SOS in the name of the JV (LLC), therefore they did not require to provide their individual Certificates <p>Proponent #4</p> <ul style="list-style-type: none"> • The entity provided an IIREA that was registered for the JV, therefore the individual members were not required to provide theirs as well • The Majority Partner provided financial statements for years 2016 - 2018. Financials are scored by Risk Management. • The Minority Partner completed the form with financial information for the years requested. While they did only provide financials for one year, the financials are scored by Risk Management. • Safety Record Form is scored for responsibility by the UA during collaborative scoring. • This proponent was deemed non-responsive by DOP and was not forwarded to OCC for evaluation.

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			Proponent #5 Safety Record Form is scored for responsibility by the UA during collaborative scoring. However, they were deemed non-responsive.
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. 	<ul style="list-style-type: none"> • A proponent was deemed non-responsive by the Office of Contract Compliance. Non-responsive proponents should not be scored by DOP. This did not impact the outcome of the award. • The scaling matrix had a scoring error in the calculation of proponents. This did not impact the outcome of the award. 	DOP Response DOP conducts its responsiveness check first before proposals are forwarded to the UA and OCC for simultaneous evaluation/scoring.
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