



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#	1210094
Estimated Dollar Amount:	\$45,000,000
Type of Procurement:	Invitation for Bid
Contract Description:	Ramp 19 and Taxilane A3 Pavement Replacement
Requesting Department:	Department of Aviation
All Proponents:	McCarthy Improvement Company Kiewit-Anatek-Terrell, a Joint Venture
DOP Responsive Proponents:	McCarthy Improvement Company Kiewit-Anatek-Terrell, a Joint Venture
Recommended Awardee:	McCarthy Improvement Company

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 	This solicitation was previously cancelled due to construction scheduling constraints.	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. 	DOP issued three addenda for this solicitation that announced the pre-bid information, responded to questions, revised "Exhibit B Special Conditions, and further clarified responses to a question.	No response needed
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 bids were received for this solicitation.	No response needed

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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. 	DOP marked the Statement of Bidder Qualifications as present for both bidders but IPRO was unable to locate these documents. This was due to a typographical error on the responsiveness checklist. IPRO was also unable to locate the Authority to Transact Business for the JV and minority partner of one of the bids.	<p>DOP Response</p> <ul style="list-style-type: none"> The Statement of Bidders Qualification was not asked for and not a requirement. However, we did ask for an Essential Subcontractor Qualification Statement which were provided. The Authority to Transact Business in the State of GA was satisfied by the Majority Partner.
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. 	Bid spread is 23%.	No response needed.
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