



## Independent Procurement Review Report

### Why We Did This Review

In accordance with Atlanta City Charter Article 8, Section 8-107, the Independent Procurement Review Division of the Office of the Inspector General must 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-1220165
Estimated Dollar Amount:	\$31,855,000.00
Type of Procurement:	<b>Invitation for Bids</b>
Contract Description:	Taxiway Pavement Replacement 2022
Requesting Department:	Department of Aviation
All Bidders:	Archer Western Construction, LLC CW Matthews Construction Co., Inc
DOP Responsive Bidders:	Archer Western Construction, LLC CW Matthews Construction Co., Inc
Recommended Awardee:	CW Matthews Construction Co., Inc

### TABLE OF FINDINGS

Review Area	Risk/Criteria	Results	DOP Response
<b>Evaluation Team</b>	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
<b>Solicitation</b>	<ul style="list-style-type: none"> <li>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.</li> <li>Evaluation criteria that are too vague or subjective can allow for manipulation of the scores.</li> </ul>	No findings identified	N/A
<b>Advertisement/ Addenda</b>	<ul style="list-style-type: none"> <li>Changing the solicitation criteria to favor a particular proponent is a red flag of potential bid rigging (International Anti-Corruption Resource Center).</li> <li>Too many addenda could indicate unclear specifications or unclear scope of work, which could also favor a particular proponent.</li> </ul>	DOP issued four addenda for this solicitation, which answered thirty-five questions and added and replaced several forms.	No response required

Review Area	Risk/Criteria	Results	DOP Response
<b>Submittal</b>	<p>The city code and DOP policy and procedures provide guidance for the receipt of competitive sealed bids.</p> <ul style="list-style-type: none"> <li>• Bidders must provide sealed bids via the ATCLCloud electronic procurement system, no later than 2:00 P.M., ET on date specified in the advertisement or addenda.</li> <li>• Bids shall be received without alteration or correction except as authorized by the CPO. (City Code Sec. 2-1188).</li> </ul>	No findings identified	N/A
<b>Responsive Review</b>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Unclear or inconsistent responsiveness determinations could be a red flag of bid manipulation.</li> </ul>	DOP received two submittals for this project and deemed both bids responsive. However, IPro found that the recommended awardee submitted the Bid Bond (Form 3) without a notary seal or signature.	Form 3, the bid bond, is determined to be responsive as it complies in a substantial manner by being sealed by the Corporate Offeror and signed by the surety. For clarity, instructions on Form 3 require a notary's seal to validate a "Non-Corporate" signature.
<b>Conflict of Interest</b>	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
<b>Evaluation</b>	<ul style="list-style-type: none"> <li>• DOP procedures require procurement staff to compile the evaluation scores, including those from risk management and contract compliance.</li> <li>• Public procurement practice states that any arithmetical errors should be corrected, and scores should be recorded in grids/matrices (NIGP).</li> <li>• 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.</li> </ul>	No findings identified	N/A
<b>Cancellation</b>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Transparency International states that effective record-keeping of decisions and reasons for cancellation promotes accountability and transparency.</li> </ul>	No findings identified	N/A

Review Area	Risk/Criteria	Results	DOP Response
<b>Award</b>	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