



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-1230027
Estimated Dollar Amount:	\$24,016,516.31
Type of Procurement:	Invitation for Bid
Contract Description:	Airfield Repairs 2021 - 2023
Requesting Department:	Department of Aviation
All Proponents:	Kiewit-Technique, A Joint Venture Matthews-Kelly, Joint Venture P2K & Anatek, A Joint Venture
DOP Responsive Proponents:	Kiewit-Technique, A Joint Venture Matthews-Kelly, Joint Venture P2K & Anatek, A Joint Venture
Recommended Awardee:	Matthews-Kelly, 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. 	The contract file indicates that these services are for airfield repairs for the years 2021 - 2023. However, the project scope indicates that services are slated to begin January 31, 2023, and the duration of the contract is 167 days. Other DOP records indicate the duration was 930 days.	The years 2021-2023 refers to the funding source of the project and not the actual work. The capital program funding was during this time for the purpose of the project.
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

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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).	(1) A majority partner of a joint venture submitted a letter of intent to subcontract on a competing bid. This could be an indication of collusive bidding. (2) A certified subcontractor provided a letter of intent where one cannot discern the identity of the subcontractor.	(1) The project has several approved pre-qualified sub-contractors that can provide Cement Concrete Slip Form Paving, and Cement Concrete Paving Repair and Maintenance. The majority partner is also an approved sub-contractor and there is nothing that prevents contractors from being a partner in order to submit for bid. (2) This document is not reviewed independently; it is reviewed collectively with supporting attachments.
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. 	A member of the procurement team received confidential evaluation documents regarding this solicitation, from an email account external to the City of Atlanta. During an interview with the individual, who is an employee with the City of Atlanta, this individual confirmed s/he conducted confidential matters related to this procurement from the external email address and an external computer. These actions may have compromised the integrity of this procurement. The matter has been referred to the Compliance Division.	DOP discourages the use of non-City of Atlanta devices, to conduct work, in accordance with City policy. DOP's assessment of the circumstances did not identify malicious intent and did not find a breach of the integrity of the project. DOP's expectation to not conduct business on non-city equipment will be reinforced with the entire team.
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. 	No findings identified	N/A

Review Area	Risk/Criteria	Results	DOP Response
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