



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-1220246
Estimated Dollar Amount:	\$6,123,546.00
Type of Procurement:	Invitation for Bid
Contract Description:	Greensferry Stream and Floodplain Restoration
Requesting Department:	Department of Watershed Management
All Bidders:	Astra Group/Ed Castro, JV Kiewit Athena, JV Site Engineering, Inc
DOP Responsive Bidders:	Astra Group/Ed Castro, JV Kiewit Athena, JV
Recommended Awardee:	Kiewit Athena, JV

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.	<ol style="list-style-type: none"> 1) The Chief Procurement Officer’s Evaluators Approval Memorandum was absent from the procurement file provided to IPro. DOP was unable to locate the document in its repository, and, when asked, stated that it could not recover and provide this document due to the departure of a contract specialist. 2) One evaluation team member listed an incorrect project name and did not include the project number on the evaluator’s ethics form and the Evaluator Commitment Form, which could impede associating the forms and evaluators with this solicitation. 3) Another evaluator failed to reference the project name and project number on either the Evaluator Commitment Form or the evaluator’s ethics form, which could impede associating the forms and evaluators with this solicitation. 	<ol style="list-style-type: none"> 1) DOP documented the evaluator’s approval in a memo that was postdated due to the absence of the document created by the Contract Specialist that resigned. 2) DOP will provide technical assistance to user agencies and team members for assurance that the correct project numbers are tracked on evaluator commitment forms. 3) DOP will provide technical assistance to user agencies and team members for assurance that the correct project numbers are tracked on conflict-of-interest forms.

Review Area	Risk/Criteria	Results	DOP Response
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 project was previously cancelled in 2021 according to Oracle.	No response required
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	<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"> 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. Bids shall be received without alteration or correction except as authorized by the CPO. (City Code Sec. 2-1188). 	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>1) DOP noted on the Responsive Review Checklist that the JV minority partner of a proponent provided a copy of the Safety Record Form. IPro did not identify this in documents provided from the procurement file.</p> <p>2) The proposed awardee listed "Owner's Contingency" as providing 1.63% of the total SBE bid amount and included this amount in its 36.06% participation total, exceeding OCC's goal of 35% SBE participation by 1.06%.</p> <p>An owner's contingency is an amount used if actual costs exceed budgeted amounts and does not appear to guarantee SBE participation goals in this case. There was no OCC memo or place on the Responsive Review Checklist scoring responsiveness to OCC goals.</p>	<p>1) DOP documented the responsive status in a document that was postdated due to the absence of the document created by the Contract Specialist that resigned. The safety record form was not a requirement, and this should have been noted as n/a.</p> <p>2) OCC resubmitted their recommendation memo, due to the absence of the document submitted to the Contract Specialist that retired. It is included with this response for IPRO's review.</p>

Review Area	Risk/Criteria	Results	DOP Response
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. 	<p>1) The bid spread between the highest and lowest responsive bidders is 31.92%.</p> <p>A bid spread is the percentage difference between the lowest and highest bids as a percentage of the lowest bid. Bids more than 20% apart could be an indication of collusive bidding.</p> <p>2) The higher of the two responsive bidders was recommended for award.</p> <p>3) One of the evaluators who signed the Bid Tabulation Sheet did not have signed Ethics or Evaluator Commitment forms in the procurement file IPro reviewed.</p> <p>Due to the absence of the Chief Procurement Officer's Evaluators Approval Memorandum, it could not be determined if this evaluator was approved in addition to the other two who provided Ethics and Evaluator Commitment forms.</p>	<p>1) The User Agency reviewed both responses and considered the bid spread.</p> <p>2) The User Agency selected the higher priced supplier's proposal as the most responsive and responsible.</p> <p>3) DOP documented the evaluator's approval based on the User Agency's initial submission. The User Agency maintained documentation of the Evaluator that was added due to one leaving. DOP provided a retrospective review and did not find a conflict with the replaced evaluator.</p>
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