



## 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-1230102
Estimated Dollar Amount:	\$39,000,000
Type of Procurement:	Invitation for Bid
Contract Description:	Ramp 20 Pavement Replacement
Requesting Department:	Department of Aviation
All Proponents:	Archer Western Construction, LLC C.W. Matthews Contracting Co. Inc. Kiewit Infrastructure South Co.
DOP Responsive Proponents:	Archer Western Construction, LLC C.W. Matthews Contracting Co. Inc. Kiewit Infrastructure South Co.
Recommended Awardee:	C.W. Matthews Contracting 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>	<ol style="list-style-type: none"> <li>Three addenda were issued for this solicitation.</li> <li>During the solicitation phase of this procurement, at the request of the recommended awardee, the bid deadline was extended, and project phase durations were reviewed for revision. Following the awardee's request, a second addendum was subsequently issued.</li> </ol>	<ol style="list-style-type: none"> <li>Each addendum was determined to be necessary to clarify the service, instructions and to provide additional time for responses to be prepared.</li> <li>The request to extend the solicitation was determined to be necessary based on changes in the documents.</li> </ol>

Review Area	Risk/Criteria	Results	DOP Response
<b>Submittal</b>	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).	Several subcontractors submitted Letters of Intent on competing bids. This could be an indication of collusive bidding.	The solicitation process allows for prime contractors to conduct extensive outreach for subcontractor participation which could consist of overlapping bids.
<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>	No findings identified	N/A
<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. Not applicable for RFPs.</li> </ul>	<ol style="list-style-type: none"> <li>1) The Office of Enterprise Risk Management (Risk) established goals for this solicitation, however no Risk evaluation scores were provided in the contract file. The requirement that Risk conduct a financial evaluation for solicitations valued over \$1,000,000 has been inconsistent.</li> <li>2) The bid spread is 40.82%. This could be an indication of collusive bidding.</li> </ol>	<ol style="list-style-type: none"> <li>1) The IFB did not require goals from risk.</li> <li>2) The scope of work is defined and specific, the bid spread can vary based on the number of current DOA projects that the Contractor is working, and subcontractor rates to complete the work.</li> </ol>
<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
<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