



OFFICE OF ECONOMIC AND SMALL BUSINESS DEVELOPMENT
Governmental Center Annex

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MEMORANDUM

DATE: January 22, 2021

TO: Dylan Kennedy, Purchasing Agent Trainee
Purchasing Division

THRU: Sandy-Michael McDonald, Director *SM*
Office of Economic and Small Business Development

FROM: Maribel Feliciano, Assistant Director *MF*
Office of Economic and Small Business Development

SUBJECT: RFP No. #GEN2120797P1 – Website Design and Hosting Services for CVB, Airport, and Seaport - County Business Enterprise (CBE) Compliance Review

The Office of Economic and Small Business Development (OESBD) conducted a review of the thirteen (13) respondents' compliance with the CBE Program requirements for the above referenced project. An overview is provided as follows:

The CBE Goal for this project: 25%

Met the CBE Program Requirements:

| <u>Firms</u> | <u>Category</u> | <u>Percentage</u> |
|--|-----------------|-------------------|
| AFL International Consulting Staff and Services, Inc. (Prime) | | |
| 4 Best Business Corp d/b/a 4BBCorp | CBE | <u>25.00%</u> |
| Total | | 25.00% |
| Fuseideas, LLC/Adept Public Relations, LLC. (Joint Venture) | | |
| Adept Public Relations, LLC. | CBE | 8.00% |
| Full Moon Creative | CBE | 2.74% |
| Multi-Media Works, Inc. | CBE | 4.43% |
| Mad 4 Marketing, Inc. | CBE | 2.36% |
| Logan Oakes Communications, Inc. | CBE | 1.37% |
| Monetize Social Consulting | CBE | <u>6.18%</u> |
| Total | | 25.08% |
| GSL Solutions, Inc. (Prime) | | |
| SurfBigData, LLC. | CBE | <u>25.00%</u> |
| Total | | 25.00% |

Met the CBE Program Requirements (Cont.)

| <u>Firms</u> | | <u>Category</u> | <u>Percentage</u> |
|---|--------------|------------------------|--------------------------|
| Kellton Tech Solutions, Inc. (Prime) | | | |
| Beacon Systems, Inc. | | CBE | <u>25.00%</u> |
| | Total | | 25.00% |
| Simpleview, Inc. (Prime) | | | |
| Monetize Social Consulting, Inc. | | CBE | <u>25.00%</u> |
| | Total | | 25.00% |

Did Not Meet the CBE Program Requirements

| <u>Firms</u> | | <u>Category</u> | <u>Percentage</u> |
|--|--|------------------------|--------------------------|
| Cemtrex Advanced Technologies, Inc. (Prime) | | | 0% |
| Mod Op, LLC. (Prime) | | | 0% |
| Nobox Marketing, LLC. (Prime) | | | 0% |
| Red (Prime) | | | 0% |
| Spire Digital (Prime) | | | 0% |
| Tanim Consulting, LLC. (Prime) | | | 0% |
| Tempest Interactive Media, LLC. (Prime) | | | 0% |
| Traktek Partners | | | 0% |

CBE Compliance Comments:

AFL International Consulting Staff and Services, Inc. (AFL) is compliant with the CBE program requirements of the solicitation. AFL submitted an incorrect LOI for CBE participation with the solicitation. The firm was given three (3) business days to provide the corrected LOI. AFL provided the LOI within the allotted timeframe.

Fuseideas, LLC. is compliant with the CBE program requirements of the solicitation. The firm provided incorrect LOIs with the solicitation. The firm was given three (3) business days to provide corrected LOIs and/or supporting documentation demonstrating their good faith efforts to meet the goal. Fuseideas, LLC. provided the LOIs within the timeframe.

GSL Solutions, Inc. is compliant with the CBE program requirements of the solicitation. GSL Solutions, Inc. submitted executed Letters of Intent (LOIs) with the solicitation.

Kellton Tech Solutions, Inc. is compliant with the CBE program requirements of the solicitation. The firm did not provide an executed LOI with the solicitation. The firm was given three (3) business days to provide executed LOIs and/or supporting documentation demonstrating their good faith efforts to meet the goal. Kellton Tech Solutions, Inc. provided an executed LOI within the allotted timeframe.

Simpleview, Inc. is compliant with the CBE program requirements of the solicitation. Simpleview, Inc. submitted executed Letters of Intent (LOIs) with the solicitation.

CBE Compliance Comments for firms that did not meet the CBE program requirements.

In accordance with the Business Opportunity Act of 2012, as amended “the Act”, Section 1-85 (d)(3), In determining whether a Bidder has demonstrated Good Faith Efforts under this Act, the Program Director shall consider the quality, quantity, and extent of the various efforts that the Bidder has made to satisfy the established CBE goal.

Section 1-81.5(d)(2) of the Broward County Business Opportunity Act of 2012, as amended, considers the following to be taken under consideration when determining a bidder’s good faith efforts in terms of demonstrating maximum effort to meet the CBE goal:

- a. Soliciting through activities such as attendance at pre-bid meetings, advertising, or written notices the interest of certified CBEs that have the ability and capacity to perform the contract work.
- b. Identifying the portions of the contract that could be reasonably performed by a CBE to increase the likelihood that CBE goals will be achieved.
- c. Providing each interested CBE with adequate information about the plans, specifications, and requirements of the contract in a timely manner.
- d. Negotiating in good faith with each interested CBE.
- e. Documentation rejecting an interested CBE as being unqualified only after diligently investigating the CBE’s capabilities and documenting the reasons justifying such rejection.

Cemtrex Advanced Technologies, Inc. (Cemtrex) did not submit executed LOI(s) with the solicitation. The firm was given three (3) business days to submit LOI(s) for CBE firms and/or additional supporting documentation of its good faith efforts to meet the CBE program requirements. The firm submitted a completed Application for Evaluation of Good Faith Efforts and no additional supporting documentation of its good faith efforts to meet the CBE goal. The firm responded unable to post any advertisements for CBE firms. Therefore, Cemtrex is not in compliance with the CBE program requirements of the solicitation in accordance with Section 1-81.5 of the Broward County Business Opportunity Act of 2012 (the “Act”), as amended.

Mod Op, LLC. did not submit executed LOI(s) with the solicitation. The firm was given three (3) business days to submit LOI(s) for CBE firms and/or additional supporting documentation of its good faith efforts to meet the CBE program requirements. The firm submitted a completed Application for Evaluation of Good Faith Efforts and no additional supporting documentation of its good faith efforts to meet the CBE goal requirements. The firm responded there were no vendors who had the qualifications to support a web development project of this complexity. Therefore, Mod Op, LLC. is not in compliance with the CBE program requirements of the solicitation in accordance with Section 1-81.5 of the Broward County Business Opportunity Act of 2012 (the "Act"), as amended.

Nobox Marketing, LLC. (Nobox) did not submit executed LOI(s) to meet the CBE program requirements with the solicitation. Nobox Marketing, LLC. was given three (3) business days to submit LOI(s) for CBE firms and/or any additional supporting documentation of its good faith efforts. The firm submitted a completed Application for Evaluation of Good Faith Efforts along with supporting documentation of its good faith efforts.

Nobox Marketing, LLC. provided the following supporting documentation:

- a. Nobox submitted screen printouts of CBE firms in the small business directory under the specialty codes for hardware maintenance, technology programmer, software maintenance and computer software. No additional documentation was submitted to support their good faith efforts.

Upon further review of Nobox Marketing, LLC's good faith effort, OESBD has determined that the firm did not meet the quality, quantity and extent in their efforts to meet the goal in accordance with Section 1-81.5 of the Broward County Business Opportunity Act of 2012 (the "Act"), as amended. Therefore, Nobox Marketing, LLC. is not in compliance with the CBE program requirements of the solicitation in accordance with the "the Act".

Red did not submit executed LOI(s) with the solicitation. The firm was given three (3) business days to submit LOI(s) for CBE firms and/or additional supporting documentation of its good faith efforts to meet the CBE program requirements. The firm did not respond to OESBD's request for supporting documentation of its good faith efforts within the allotted three business days. Therefore, Red is not in compliance with the CBE program requirements of the solicitation in accordance with Section 1-81.5 of the Broward County Business Opportunity Act of 2012 (the "Act"), as amended.

Spire Digital did not submit executed LOI(s) to meet the CBE program requirements with the solicitation. The firm was given three (3) business days to submit LOI(s) for CBE firms and/or additional supporting documentation of its good faith efforts to meet the CBE program requirements. Spire Digital submitted a completed Application for Good Faith Efforts along with additional supporting documentation to support their good faith efforts.

Spire Digital provided the following supporting documentation:

- a. Documentation of email communications with four (4) CBE firms. The email documentation revealed two firms displayed interest in working with Spire Digital. No additional documentation was submitted to support their good faith efforts.

Upon further review of Spire Digital's good faith effort, OESBD has determined that the firm did not meet the quality, quantity and extent in their efforts to meet the goal in accordance with Section 1-81.5 of the Broward County Business Opportunity Act of 2012 (the "Act"), as amended. Therefore, Spire Digital is not in compliance with the CBE program requirements of the solicitation in accordance with Section 1-81.5 of the Broward County Business Opportunity Act of 2012 (the "Act"), as amended.

Tanim Consulting, LLC. did not submit executed LOI(s) with the solicitation. The firm was given three (3) business days to submit LOI(s) for CBE firms and/or additional supporting documentation of its good faith efforts to meet the CBE program requirements. The firm did not respond to OESBD's request for supporting documentation of its good faith efforts within the allotted three (3) business days. Therefore, Tanim Consulting, LLC. is not in compliance with the CBE program requirements of the solicitation in accordance with Section 1-81.5 of the Broward County Business Opportunity Act of 2012 (the "Act"), as amended.

Tempest Interactive Media, LLC. did not submit executed LOI(s) to meet the CBE program requirements with the solicitation. The firm was given three (3) business days to submit LOI(s) for CBE firms and/or additional supporting documentation of its good faith efforts to meet the CBE program requirements. Tempest Interactive Media, LLC. submitted a completed Application for Good Faith Effort along with additional supporting documentation to support their good faith efforts.

Tempest Interactive Media, LLC. provided the following supporting documentation:

- a. Executed Letters of Intent (LOIs) for two firms ((RTW Photography, LLC. and MindPro Consulting, LLC.) for 0.60% CBE participation. The two firms submitted are not Broward County certified CBE firms.
No additional documentation was submitted to support their good faith efforts.

Upon further review of Tempest Interactive Media, LLC's good faith effort, OESBD has determined that the firm did not meet the quality, quantity and extent in their efforts to meet the goal in accordance with Section 1-81.5 of the Broward County Business Opportunity Act of 2012 (the "Act"), as amended. Therefore, Tempest Interactive Media, LLC. is not in compliance with the CBE program requirements of the solicitation. in accordance with Section 1-81.5 of the Broward County Business Opportunity Act of 2012 (the "Act"), as amended.

Traktek Partners did not submit executed LOI(s) to meet the CBE program requirements with the solicitation. The firm was given three (3) business days to submit LOI(s) for CBE firms and/or additional supporting documentation of its good faith efforts to meet the CBE program requirements. The firm submitted a completed Application for Good Faith Effort along with additional supporting documentation to support their good faith efforts.

Traktek Partners provided the following supporting documentation:

- a. A printout of the small business directory for the NAICS codes that would be relevant for the project. No additional documentation was submitted to support their good faith efforts.

Upon further review of Traktek Partner’s good faith effort, OESBD has determined that the firm did not meet the quality, quantity and extent in their efforts to meet the goal in accordance with Section 1-81.5 of the Broward County Business Opportunity Act of 2012 (the “Act”), as amended. Therefore, Traktek Partners is not in compliance with the CBE program requirements of the solicitation in accordance with Section 1-81.5 of the Broward County Business Opportunity Act of 2012 (the “Act”), as amended.

As stated above, per Section 1-81.5 (d) (3) of the “Act”, In determining whether a Bidder has made Good Faith Efforts, the Program Director may also consider the level of CBE participation proposed by other bidders as well as any representations made by the bidder during the bid, proposal, or selection phases of the procurement regarding the bidder’s commitment to attain the CBE goal. The level of CBE participation proposed by Nobox Marketing, LLC., Spire Digital, Tempest Interactive Media, LLC. and Traktek Partners does not commensurate with the level of CBE participation proposed by the five (5) vendors that met the CBE program requirements.

Therefore, OESBD has determined that eight (8) vendors Cemtrex Advanced Technologies, Inc., Mod Op, LLC., Nobox Marketing, LLC., Red, Spire Digital, Tanim Consulting, LLC., Tempest Interactive Media, LLC. and Traktek Partners are non-compliant with the CBE program requirements of the solicitation.

CBE Compliance History:

The following is a report of the respondents’ CBE compliance history for active projects and projects completed within the last five (5) years of the RFP’s opening date December 21, 2020. The payment history is calculated from the Monthly Utilization Reports (MURs) submitted by the prime vendors for projects with CBE participation. A CBE history could not be found for AFL International Consulting Staff and Services, Inc., Fuseideas, LLC., GSL Solutions, Inc., Kellton Tech Solutions, Inc., Simpleview, Inc., Cemtrex Advanced Technologies, Inc., Mod Op, LLC., Nobox Marketing, LLC., Red, Spire Digital, Tanim Consulting, LLC., Tempest Interactive Media, LLC. and Traktek Partners. However, a CBE history was found for Adept Public Relations, LLC. the joint venture partner with Fuseideas, LLC.

Adept Public Relations, LLC. (Certified CBE Firm) the joint venture partner with Fuseideas, LLC. has the following active project with CBE goal requirements.

| Project Name | Project Number | Amount Paid to CBE Firm (Prime) |
|---|-----------------------|--|
| Communication and Marketing Services – SURTAX project – (Active) | RFP #GEN2119422P1 | \$9,333.33 |

Source: ALTS (OESBD Internal database) and Monthly Utilization Report (MUR)

Cc: Marcia Young, Small Business Development Specialist, OESBD