



**OFFICE OF ECONOMIC AND SMALL BUSINESS DEVELOPMENT**

**Governmental Center Annex**

115 S. Andrews Avenue, Room A680 • Fort Lauderdale, Florida 33301 • 954-357-6400 • FAX 954-357-5674

**MEMORANDUM**

**DATE:** March 15, 2021

**TO:** Jeannette Ferrell, Purchasing Agent Senior  
Purchasing Division

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

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

**SUBJECT:** Bid No. #BLD2121876B1 – Grounds Maintenance Services - County Business Enterprise (CBE) Compliance Evaluation

The Office of Economic and Small Business Development (OESBD) conducted a review of the respondents' compliance with the CBE Program requirements for the above referenced solicitation. 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>
<b>AR Maintenance Solutions, Inc. (Prime)</b>  Contractor's Bid Amount: \$1,083,464.80 CBE Participation Commitment: 100%	CBE	100%
<b>Mainguy Landscape Services (Prime)</b>  Contractor's Bid Amount: \$1,204,146.35 CBE Participation Commitment: 100%	CBE	100%
<b>Kita Corp (Prime)</b> Alimayu Lawns  Contractor's Bid Amount: \$1,610,868.47 CBE Participation Commitment: 25%	CBE	25%

**Met the CBE Program Requirements (Cont'd):**

<b><u>Firms</u></b>	<b><u>Category</u></b>	<b><u>Percentage</u></b>
<b>Weed-A-Way, Inc. (Prime)</b>	CBE	100%

Contractor's Bid Amount: \$13,027,584.01  
CBE Participation Commitment: 100%

**Did Not Meet the CBE Program Requirements:**

<b><u>Firms</u></b>	<b><u>Category</u></b>	<b><u>Percentage</u></b>
<b>Superior Landscaping &amp; Lawn Services, Inc. (Prime)</b>		0%

Contractor's Bid Amount: \$1,152,351,13  
CBE Participation Commitment: 0%

<b>YRY Homes (Prime)</b>		0%
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Contractor's Bid Amount: \$479,644.78  
CBE Participation Commitment: 0%

**CBE Compliance Comments:**

AR Maintenance Solutions, Inc., Mainguy Landscape Services, Kita Corp and Weed-A-Way, Inc. are compliant with the CBE program requirements of the contract.

AR Maintenance Solutions, Inc. a certified CBE firm is compliant with the CBE program requirements of the solicitation. The firm did not submit an executed Letter of Intent (LOI) with the solicitation. The firm was given three (3) business days to provide completed LOIs. AR Maintenance Solutions, Inc. provided a completed LOI to perform 100% of the scope of work as a certified CBE firm within the allotted timeframe.

Mainguy Landscape Services a certified CBE firm is compliant with the CBE program requirements of the solicitation. The firm submitted a completed LOI to perform 100% of the scope of work as a certified CBE firm with the solicitation.

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

Weed-A-Way, Inc. a certified CBE firm is compliant with the CBE program requirements of the solicitation. The firm did not initially submit an executed Letter of Intent (LOI) with the solicitation. The firm was given three (3) business days to provide completed LOIs. Weed-

A-Way provided a completed LOI to perform 100% of the scope of work as a certified CBE firm within the allotted timeframe.

Superior Landscaping & Lawn Services, Inc. (Superior) is not compliant with the CBE program requirements of the solicitation. The firm did not provide executed LOIs with the solicitation. The firm was given three (3) business days to provide executed LOI for certified CBE firm(s) and/or provide supporting documentation demonstrating their good faith efforts to meet the CBE goal requirements. Superior did not respond to OESBD's email request to provide executed LOIs and/or good faith effort documentation within the allotted timeframe.

YRY Homes is not compliant with the CBE program requirements of the solicitation. The firm did not provide executed LOIs with the solicitation. The firm was given three (3) business days to provide executed LOI for certified CBE firm(s) and/or provide supporting documentation demonstrating their good faith efforts to meet the CBE goal requirements. YRY Homes did not respond to OESBD's email request to provide documentation within the allotted timeframe.

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.

In addition, per the Business Opportunity Act of 2012, as amended, 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. Superior and YRY Homes did not respond to OESBD's request for documentation within the allotted timeframe. Therefore, OESBD has determined that Superior Landscaping & Lawn Services, Inc. and YRY Homes are non-compliant with the CBE program requirements of the solicitation.

Cc: Marcia Young, Small Business Development Specialist, OESBD