



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: October 23, 2019

TO: Stacy-Ann Brown, Purchasing Agent
Purchasing Division

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

FROM: Freddy Castillo, Small Business Development Manager *FC*
Office of Economic and Small Business Development

RE: **Bid No. PNC2118806C1- Central Regional Broward Park Additional Parking**

The Office of Economic and Small Business Development (OESBD) has conducted a review of the respondents' CBE participation for the above-referenced contract. CBE participation for this solicitation is calculated on the base bid amount. Eight (8) bids were received and reviewed. An overview is provided as follows:

The CBE Goal for this project: 35%

Met the CBE Requirements:

<u>Firms</u>	<u>Category</u>	<u>Percentage</u>
HG Construction (prime) LY Construction, Inc.	CBE	35%

- Contractor's Bid Amount: \$629,750.00
- CBE Participation Commitment: 35%

Segaris Corp (prime) Sun Up Enterprises, Inc.	CBE	45%
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- Contractor's Bid Amount: \$663,500.00
- CBE Participation Commitment: 45%

Met the CBE Requirements (cont.):

Firms

Florida Blacktop, Inc. (prime)

Category

CBE

Percentage

63.5%

- Contractor's Bid Amount: \$683,484.68
- CBE Participation Commitment: 63.5%

Weekley Asphalt Paving, Inc. (prime)

Chin Diesel, Inc.

Triple Nickel Paving, Inc.

CBE

11%

CBE

24%

Total:

35%

- Contractor's Bid Amount: \$773,999.00
- CBE Participation Commitment: 35%

FG Construction, LLC (prime)

CBE

35%

- Contractor's Bid Amount: \$876,584.00
- CBE Participation Commitment: 35%

Did not meet the CBE Requirements

Firms

Top Crafts, Inc. (prime)

Pegasus Land Surveyors, Inc.

Triple Nickel Paving, Inc.

Category

CBE

1.90%

CBE

17.52%

Total:

19.42%

- Contractor's Bid Amount: \$525,631.66
- CBE Participation Commitment: 19.42%

Florida Engineering and Development (prime)

Tropic Fence, Inc.

CBE

1.10%

- Contractor's Bid Amount: \$780,500.00
- CBE Participation Commitment: 1.10%

Continental Construction USA (prime)

Non-CBE

0%

- Contractor's Bid Amount: \$970,000.00
- CBE Participation Commitment: 0%

Compliance Comments

Segaris Corp; Weekley Asphalt Paving, Inc. and FG Construction, LLC submitted all the required documentation within the specified timeframe; therefore, they are deemed compliant with the CBE program requirements of the solicitation.

HG Construction and Florida Blacktop, Inc. initially did not submit executed CBE Letters of Intent (LOIs) with their bid packages. The firms were given three (3) business days to provide their CBE commitment on the required LOI form and/or provide documentation of their good faith efforts. Both firms submitted the requested documentation within the specified timeframe; therefore, they are deemed compliant with the CBE program requirements of the solicitation.

Top Craft, Inc. initially did not submit an executed CBE Letter of Intent (LOI) with their bid package. The firm was given three (3) business days to provide their CBE commitment on the required LOI form and/or provide documentation as proof of their good faith efforts. The firm provided additional good faith effort documentation and submitted revised Letters of Intent (LOIs) totaling 19.42% CBE Participation. Section 1-81.5 (d) (2), as amended, of the Small Business Opportunity Act considers the following to be taken under consideration when determining a bidder's good faith efforts in terms of demonstrating maximum effort to meet CBE Participation:

- a. Soliciting through advertisements or written notices to interested 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 in order 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. The closer the bidder's proposed participation is to the goal or to the proposed participation by other bidders.

Top Craft, Inc. did not provide the following in order to satisfy the Good Faith Effort (GFE) standard for this project:

- a. They did not advertise or send notices to a significant number of CBE subcontractors eligible to participate on this contract. There were 137 CBE certified firms identified during the goal analysis as possible subcontractors for this project. As part of their Good Faith Effort submission, Top Craft, Inc. indicated that they contacted 6 CBEs for this project.
- b. Out of the eight (8) bids submitted, five (5) of the bidders met and/or exceeded the 35% CBE Goal Requirement for this contract.

Compliance Comments (cont.)

Upon review of Top Craft Inc.'s good faith efforts, OESBD has determined that they did not meet the quality, quantity and extent in their various efforts to meet the goal for this solicitation in accordance with Section 1.81.5 (d) (2) of the Broward County Business Opportunity Act of 2012, as amended. Therefore, Top Craft, Inc. is not in compliance with the CBE program requirements for this solicitation.

Section 1-81.5 (e) (3) Determination of a Good Faith Effort of the Broward County Equal Opportunity Act of 2012, as amended states: "In determining whether a bidder has made a good faith effort, the Program Director may also consider the level of participation proposed by other bidders. The closer the bidder's proposed participation is to the goal or to the proposed participation by other bidders, the greater the indication of good faith effort by the bidder." There were eight (8) bids submitted for this project of which five (5) bids met or exceeded the CBE requirement. Therefore, it is determined that Top Crafts, Inc. is non-compliant to the CBE program requirements.

Florida Engineering and Development initially submitted a Letter of Intent with 1.10% CBE Participation. The firm was given three (3) business days to provide their CBE commitment on the required LOI form and/or provide documentation of their good faith efforts to meet the 35% CBE goal. The firm did not submit any additional documentation. Therefore, Florida Engineering and Development is not in compliance with the CBE program requirements for this solicitation.

Continental Construction USA initially did not submit an executed CBE Letter of Intent (LOI) with their bid package. The firm was given three (3) business days to provide their CBE commitment on the required LOI form and/or provide documentation of their good faith efforts. The firm did not submit any additional documentation. Therefore, Continental Construction USA is not in compliance with the CBE program requirements for this solicitation.

cc: Maribel Feliciano, Assistant Director, OESBD
Michael Halupke, Construction Project Manager, HCED
James Vose, Jr., Small Business Development Specialist, OESBD