



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: August 3, 2020

TO: Nancy Olesen, Senior Purchasing Agent
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

RE: **Bid No. PNC2120945C1- Septage Receiving Facility Operations Administration Building County Business Enterprise (CBE) Review**

The Office of Economic and Small Business Development (OESBD) has conducted a review of the respondent's CBE participation for the above referenced contract. CBE participation for this solicitation is calculated on the base bid amount. Five (5) bids were received and reviewed. An overview is provided as follows:

The CBE Goal for this project: 25%

Met the CBE Requirements

<u>Firm</u>	<u>Category</u>	<u>Percentage</u>
Shiff Construction & Development, Inc. (prime)		
Champion Controls, Inc.	CBE	1.63%
Hall Mechanical & Air Conditioning, LLC	CBE	3.27%
JAG Electrical Enterprises, Inc.	CBE	20.81%
	Total:	25.71%

- Contractor's Bid Amount: \$2,935,647.88
- CBE Participation Commitment: 25.71%

West Construction, Inc. (prime)		
A-Star Contractors, Inc.	CBE	1.43%
Florida Blacktop, Inc.	CBE	3.07%
I.B. Glazing, Inc.	CBE	2.26%
JZT Utilities, Inc.	CBE	14.59%

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Met the CBE Requirements (cont.)

<u>Firm</u>	<u>Category</u>	<u>Percentage</u>
West Construction, Inc. (prime)		
Q-Lanz Construction, Corp	CBE	4.93%
Tropic Fence, Inc.	CBE	<u>1.01%</u>
	Total:	27.29%

- Contractor's Bid Amount: \$3,558,129.00
- CBE Participation Commitment: 27.29%

Did not meet the Requirements

<u>Firm</u>	<u>Category</u>	<u>Percentage</u>
Vercetti Enterprises (prime)		
A-Star Contractors, Inc.	CBE	2.4%
Champion Controls, Inc.	CBE	1.2%
Florida Blacktop, Inc.	CBE	4.2%
Gomez and Son Fence Co.	CBE	1.0%
Thousand and One Painting Corporation	CBE	<u>1.0%</u>
	Total:	9.8%

- Contractor's Bid Amount: \$2,490,297.00
- CBE Participation Commitment: 9.8%

Walker Design & Construction Co. (Prime)		
Southland Painting Corporation	CBE	4.4%

- Contractor's Bid Amount: \$3,351,482.00
- CBE Participation Commitment: 4.4%

MCM Corp (prime)	Non-CBE	0%
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- Contractor's Bid Amount: \$3,700,000.00
- CBE Participation Commitment: 0%

Compliance Comments:

Shiff Construction & Development, Inc. initially submitted incomplete CBE Letters of Intent (LOI) with their bid package. The firm was given three (3) business days to provide their revised CBE commitment on the required LOI form and/or provide documentation as proof of their good faith efforts. The firm submitted the requested documentation within the specified timeframe; therefore, Shiff Construction & Development, Inc. is in compliance with the CBE program requirements of the solicitation.

West Construction, Inc. submitted all of the required documentation with their bid package; therefore, West Construction, Inc. is in compliance with the CBE program requirements of the solicitation.

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Compliance Comments (cont.):

Walker Design & Construction Co. initially submitted a Letter of Intent (LOI) with 4.4% 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 25% CBE goal. The firm did not submit any additional documentation. Therefore, Walker Design & Construction Co. is not in compliance with the CBE program requirements of the solicitation.

MCM Corp 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 did not submit any additional documentation. Therefore, MCM Corp is not in compliance with the CBE program requirements for this solicitation.

Vercetti Enterprises (Vercetti) 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 LOIs were provided within the required three-day period totaling 9.8% CBE Participation which is 15.2% short of the 25% CBE Participation goal for this project.

Vercetti also submitted proof of their good faith efforts. 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 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 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

Upon review of Vercetti Enterprise'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, it is determined that Vercetti Enterprises is not in compliance with the CBE program requirements of the solicitation.

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Compliance Comments (cont.):

In addition, Section 1-81.5 (e) (3) Determination of a Good Faith Effort of the Broward County Equal Opportunity Act of 201, 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 the 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 five (5) bids submitted for this project of which two (2) exceeded the CBE requirement. Therefore, it is determined that Vercetti Enterprise's is non-compliant to the CBE program requirements.

cc: Merle Medina, Construction Project Manager, WWS
James Vose, Jr., Small Business Development Specialist, OESBD