



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: December 5, 2019

TO: Latoya Clark-Forbes, Purchasing Agent
Broward County Purchasing Division

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

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

SUBJECT: **Bid No: PNC2119537C1 - Renovations for Boulevard Gardens Community Center**

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

This solicitation is a reserve opportunity for CBE firms.

<u>Met the CBE Reserve Requirements</u>	<u>Category</u>	<u>Percentage</u>
<u>Firm</u>		
Primus Construction Services, Inc. (Prime)	CBE	89.0%
Air Install, Inc.	CBE	<u>11.0%</u>
Total:		100.00%

- Contractor's Bid Amount: \$701,600.00
- CBE Participation Commitment: 100%

<u>Did Not Meet the CBE Reserve Requirements</u>	<u>Category</u>	<u>Percentage</u>
<u>Firm</u>		
S3S Construction, Inc. (Prime)	CBE	34.70%
Unique Air Conditioning, Inc.	CBE	13.00%
Alpha Security and Fire Alarm Services, Inc.	CBE	<u>1.40</u>
Total:		49.10%

- Contractor's Bid Amount: \$662,145.00
- CBE Participation Commitment: 49.10%

<u>Did Not Meet the CBE Reserve Requirements</u>	<u>Category</u>	<u>Percentage</u>
<u>Firm</u>		
HG Construction (Prime)	Non-CBE	0.00%
• Ly Construction	CBE	<u>25.00%</u>
	Total:	25.00%

Contractor's Bid Amount: \$972,638.00

CBE Participation Commitment: 25%

CBE Reserve Compliance Comments:

Section 1-81.3(f) of the Broward County Business Opportunity Act of 2012, as amended (the Act), states that when a CBE reserve is established in connection with a County solicitation, CBEs and non-CBEs may respond to the solicitation. If a CBE with capacity to perform the work submits a responsive and responsible bid or proposal, the work will be awarded to the CBE that submits the lowest responsive and responsible bid or the highest-ranked responsive and responsible proposal. If no CBE firm with capacity to perform the work submits a responsive and responsible bid, a non-CBE with the lowest responsive responsible bid or the highest-ranked responsive and responsible proposal, as applicable, may be awarded the contract with at least a twenty-five percent (25%) CBE goal (unless the CBE goal is waived or otherwise notified by Board action), or the County may reject all bids and responses submitted.

The solicitation states this is reserved for CBEs, and the work may only be performed by CBEs.

Primus Construction Services, Inc. (Primus Construction) a CBE, initially did not submit a Letter of Intent (LOI) with their bid. The firm was given three (3) business days to provide LOIs or documentation to demonstrate their good faith efforts to meet the goal. They submitted the required documentation within the timeframe stating that 100% of the work will be performed by CBEs, in accordance with the solicitation's CBE reserve requirements.

Primus Construction is, therefore, compliant with the CBE Reserve program requirements.

S3S Construction, Inc, a CBE (S3S), initially submitted LOIs with their bid indicating 31.40% CBE participation. The firm was given three (3) business days to provide LOIs or documentation to demonstrate their good faith efforts to meet the goal, along with a copy of the section in the bid solicitation which states that this is a CBE Reserve project and that work may only be performed by CBEs. S3S submitted LOIs within the timeframe required indicating that 49.10% of the work will be performed by CBEs. They, also, submitted an Application of Good Faith Efforts. Upon review of their good efforts, OESBD has determined that they did not meet the quality, quantity and extent of their efforts to meet the goal in accordance with Section 1-81.5 of the Broward County Business Opportunity Act of 2012, as amended ("the Act") as follows: (1) S3S provided a list of sixteen (16) companies they invited to submit a bid, but stated that none of these companies submitted a bid, nor did the companies answer or return S3S's telephone calls. (2) S3S's did not provide any documentation stating that they posted an ad in the local newspaper, provided

information to potential CBEs regarding the plans and specifications for the work selected for subcontracting, provided adequate time for CBE firms to respond to their request or performed any additional good faith efforts as described in the Act. In addition, there were three (3) bids submitted for this project of which one (1) bid met the CBE Reserve requirement. Section 1-81.5(d)(3) of the Act states: "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."

It is determined that S3S Construction, Inc. did not submit the required documentation in accordance with the CBE solicitation's reserve requirements and is, therefore, non-compliant with the CBE program requirements for this solicitation.

HG Construction Development and Investment, Inc. (HG Construction), a non-CBE, was given three (3) business days to provide LOIs or documentation to demonstrate their good faith efforts to meet the goal. They submitted the required documentation within the timeframe indicating that 25% of the work will be performed by CBEs.

HG Construction is a non-CBE and is, therefore, non-compliant with the CBE reserve requirements for this solicitation.

Cc: Maribel Feliciano, AIP, Assistant Director, OESBD
Susan Smith, Small Business Development Specialist, OESBD