



Finance and Administrative Services Department

PURCHASING DIVISION

115 S. Andrews Avenue, Room 212 • Fort Lauderdale, Florida 33301 • 954-357-6066 • FAX 954-357-8535

Via Email Transmittal

January 15, 2025

Bart Okoro, President
Chi-Ada Corporation
4820 West Commercial Blvd
Tamarac, FL 33319

Re: Protest to Recommendation of Final Ranking - RFP No. BLD2127663P1 - Janitorial Services for BCAD Administrative Facilities

Dear Mr. Okoro:

The Broward County Purchasing Division ("Purchasing") is in receipt of your firm's timely protest dated December 19, 2024 (Exhibit 1), regarding the Recommendation of Final Ranking for RFP No. BLD2127663P1, Janitorial Services for BCAD Administrative Facilities. The required protest filing fee in the amount of \$3,000, was received.

After performing due diligence reviewing all protest assertions, the solicitation requirements, and County procurement processes followed, the protest is respectfully denied, based on the following responses to each protest assertion.

Protest Assertion No. 1:

"McKenzie Cleaning as County CBE failed to allow their financial standing as a CBE to be transparent"

County's Response to No. 1:

The solicitation's Standard Instructions to Vendors, Section N, Confidential Material/Public Records Exemption, allows the submission of confidential material(s) the Vendor asserts is exempt from public disclosure (under Florida Statutes). Accordingly, McKenzie's Cleaning Company (McKenzie) separated, marked and submitted financial documents it claimed all as confidential. McKenzie's financial documents, like all other solicitation respondents, were reviewed by the appropriate County staff, i.e. Broward County Aviation Department's Finance (BCAD).

Please note that the Office of Economic and Small Business Development (OESBD) reviews certification application supporting documents as part of a firm's certification process and annual certification renewal process to determine eligibility for County Business Enterprise (CBE) or Small Business Enterprise (SBE). Certification is a separate process from this solicitation; OESBD's review of a firm's certification supporting documents is not required or completed as part of the solicitation process.

Based on the aforementioned, McKenzie's confidential financial documents were provided to the appropriate County staff; the Evaluation Committee used BCAD's staff report in its evaluation of vendor's responsibility. As such, Protest Assertion No. 1 is denied.

Broward County Board of County Commissioners

Mark D. Bogen • Alexandra P. Davis • Lamar P. Fisher • Beam Furr • Steve Geller • Robert McKinzie • Nan H. Rich • Hazelle P. Rogers • Michael Udine
www.broward.org

Bart Okoro, President, Chi-Ada Corporation
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Protest Assertion No. 2:

“McKenzie Cleaning Presented Inaccurate or Misleading Information to OESBD”

County’s Response to No. 2:

Your firm asserts that over the 21 years of McKenzie doing business, their revenue should be higher than the Certified Business Enterprise (CBE) average gross revenues limit, and if so, McKenzie is falsely representing their company as a CBE firm. Your firm inquired if OESBD has ascertained authentic financial records of McKenzie to see if it still qualifies for CBE status. The OESBD confirmed that McKenzie provided the required documentation for CBE certification renewal. The OESBD did not find evidence that McKenzie presented inaccurate or misleading information, or that McKenzie’s reported gross revenues that deemed them ineligible for CBE certification renewal. McKenzie provided the required documents necessary to renew and maintain CBE status. Therefore, Protest Assertion No. 2 is denied.

Protest Assertion No. 3:

“The Evaluation Committee’s evaluation and scoring of McKenzie Cleaning’s proposal was improper, arbitrary and capricious.”

County’s Response to No. 3:

Each Evaluation Committee member, at their own professional discretion, scored each proposal independently and on its own merits, within the maximum allowable points. There is no reasonable or compelling evidence that the scores of the Evaluation Committee members were made in any manner that can be deemed arbitrary, capricious, or otherwise made beyond their professional discretion in reviewing all known information. Therefore, Protest Assertion No. 3 is denied.

Protest Assertion No. 4:

“Improper Award to an Ineligible Vendor.”

County’s Response No. 4:

Your firm asserts that McKenzie presented Broward County with falsified invoices, timesheets and a pattern of non-compliance which is sufficient to impact the judgement of the Evaluation Committee (EC). Your firm further asserts such evidence should render McKenzie an ineligible vendor. However, there is no reasonable or compelling evidence to substantiate this claim. Finally, your firm claims that McKenzie’s past performance points and other awarded evaluation criteria points were improper, arbitrary, and capricious. Refer to the County’s response above to Protest Assertion No. 3 as the same applies here. Therefore, Protest Assertion No. 4 is denied.

Conclusion:

In conclusion, upon careful consideration of all protest assertions for Final Recommendations to Rankings and in consultation with the Office of the County Attorney, the protest filed by Chi-Ada is hereby denied. The Recommendation of Final Ranking for RFP No. BLD2127663P1 - Janitorial Services for BCAD Administrative Facilities shall remain as originally indicated.

While we understand this is not the conclusion you seek, we do hope the above information and clarifications address each of the concerns asserted. The County is always sensitive to and recognizes the time and effort involved in submitting a proposal and we sincerely appreciate Chi-Ada’s participation in this procurement, and we look forward to considering future proposals.

Bart Okoro, President, Chi-Ada Corporation
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For your information, in accordance with Broward County Procurement Code, Section 21.72, a protester may appeal the Director of Purchasing's protest denial. A written appeal must be accompanied by an original appeal bond (attachment) and received by the Director of Purchasing within ten (10) days after the date of this determination. Please refer to Part XII of the Procurement Code for additional details and requirements.

Respectfully,

Robert
Gleason



Digitally signed by
Robert Gleason
Date: 2025.01.15
16:07:48 -05'00'

Robert E. Gleason, Director
Purchasing Division

REG/mm/lg

Attachments

c: Richard Waskiewicz, Enterprise Director, Maintenance Division, Aviation Department
Katie Efrece, Contract Grant Administrator Senior (Project Manager), Aviation Department
Constance Mangan, Assistant Director, Purchasing Division
Jeannette Ferrell, Purchasing Manager, Purchasing Division
Mary Moss, Purchasing Assistant Manager, Purchasing Division
Sandy-Michael McDonald, Director, Office of Economic and Small Business Development
Fernando Amuchastegui, Senior Assistant County Attorney, Office of the County Attorney
Keoki Baron, Assistant County Attorney, Office of the County Attorney
Tobechuku Nwahiri, Esq., General Counsel, Nwahiri Law, PLLC

BROWARD COUNTY
PROCUREMENT PROTEST APPEAL BOND

Bond Number: _____

Contract Number: _____

KNOW ALL PERSONS BY THESE PRESENTS:

That we, _____ a (mark one) ☐ corporation, ☐ partnership, ☐ proprietorship, organized and existing under the laws of the State of _____, and having its principal place of business at _____, as **PRINCIPAL**; and _____, a surety company, organized under the laws of the State of _____, duly authorized to do business in the State of Florida, whose principal place of business is _____, as **SURETY**, are held and firmly bound unto BROWARD COUNTY, as **OBLIGEE**, in an amount equal to one percent (1%) of the estimated contract amount [as defined in Subsection 21.84(a) of the Broward County Procurement Code] or \$10,000, whichever is less; except that if the estimated contract amount is less than \$250,000, the bond amount shall be \$2,500. The bond shall be conditioned upon payment of all costs and fees awarded to the County pursuant to subsection 21.88(e) of the Broward County Procurement Code, for the payment of which sum we, as Principal and Surety, bind ourselves, our heirs, personal representatives, successors and assigns, jointly and severally.

THIS BOND is issued to comply with Section 21.88 of the Broward County Procurement Code. The above-named Principal has initiated an appeal of the Purchasing Director's determination on Principal's administrative protest regarding the Obligee's decision or intended decision pertaining to (mark one) ☐ Bid, ☐ RLI, ☐ RFP ☐ other solicitation, Number _____ submitted by _____. Said appeal is conditioned upon the posting of the bond at the time of filing the formal written request for hearing before a hearing officer.

NOW, THEREFORE, the condition of this Bond is that if the hearing officer denies the appeal, the Principal shall pay all costs and fees awarded to the County pursuant to subsection 21.88(e) of the Broward County Procurement Code, then the obligation shall be null and void; otherwise it shall remain in full force and effect

The Obligee may bring an action to a court of competent jurisdiction on this bond for the amount of such liability, including all costs and attorneys' fees.

PRINCIPAL: _____

BY: _____

(Print name and title)

ATTEST: _____

(CORPORATE SEAL)

(Print name and title)

(CORPORATE SEAL)

SURETY: _____

BY: _____

(Print name and title)

Florida Resident Agent _____

(Note: Power of Attorney showing authority of Surety's agent or Attorney in Fact must be attached).

Exhibit 1



Chi-Ada Corporation

4820 West Commercial Blvd,
Tamarac Florida 33319

Phone: 954-777-5177 Fax: 954-777-5147
www.chiadacorporation.com

December 19, 2024

The Director of Purchasing
Broward County Purchasing Division
115 South Andrews Avenue, Room 212
Fort Lauderdale, FL 33301

PROTEST OF BLD2127663P1

Re: Formal Protest to Final Recommendation of Ranking to the Board of County Commissioners/Director of Purchasing RFP BLD2127663P1, Janitorial Services for BCAD Administrative Facilities

Chi-Ada Corporation ("Chi-Ada") regarding RFP BLD2127663P1, Janitorial Services for BCAD Administrative Facilities (the "RFP"). As the second-ranked vendor, Chi-Ada is an aggrieved vendor regarding the failure of the Director of Purchasing to properly entertain and sustain the objections.

Chi-Ada's objections to the rankings are due to the likely of bias in the scoring, by the Evaluation Committee (EC). The ("Proposed Ranking"), Pursuant to Chapter 21, Part X., Section 21.65 of the Broward County Administrative Code, Chi-Ada protests the Final Recommendation of Ranking of the RFP for BCAD Administrative Facilities and states the following grounds for its protest.

- I. McKenzie Cleaning as County CBE failed to allow their financial standing as a CBE to be transparent.**
- II. McKenzie Cleaning Presented Inaccurate or Misleading Information to OESBD**

As evidenced in their bid submission, which is incorporated herein, McKenzie's has been in the Janitorial industry since 2003 (21years). They are 90% a prime and 10% a sub-contractor to larger firms. McKenzie has multiple government contracts to include contracts in the County and Federal level, and upon information and belief, McKenzie's revenue is higher than the requisite CBE limit, and if so, McKenzie is falsely representing their company as a CBE. Has the Broward County Office of Small Business Development (OESBD) made a good faith effort to ascertain the authenticity of the financial records of McKenzie cleaning to see if it still qualifies to continue enjoying the CBE status? McKenzie Cleaning's Director addressed Chi-Ada Corporation's President as a person without class, because Chi-Ada taxes show only an average gross revenue for three years valued at \$12 million. This comment suggests McKenzie Cleaning makes more gross revenue than Chi-Ada, and if so, McKenzie Cleaning still remains a Broward County CBE vendor. Chi-Ada suggests that OESBD demands the IRS Tax transcripts filed for (2021,2022,& 2023) three years to examine if there are variances to what was submitted to OESBD for the same period.

III. The Evaluation Committee's evaluation and scoring of McKenzie Cleaning's proposal was improper, arbitrary and capricious.

IV. Improper Award to an Ineligible Vendor.

Chi-Ada has information to believe that McKenzie Cleaning has presented Broward County with falsified invoices and time sheets, and has presented a pattern of non-compliance, which is sufficient to have imparted the Judgement of the Evaluation Committee. As evidenced by the attached time sheet, but not only limited to the following times, McKenzie Cleaning falsified the time in charging Chi-Ada and Broward County for November 11, 2024, Veterans Holiday, in which the office was closed. McKenzie Cleaning also billed for Thanksgiving, November 28 and 29, 2024, in which the office was also closed. Broward County Account and Contract administrator has asked McKenzie to correct it, but up till now, McKenzie has not corrected it. Such evidence would and should render McKenzie Cleaning an ineligible vendor. Chi-Ada further strongly contests that McKenzie Cleaning's past performance points and other full award points were improper, arbitrary, and capricious.

Chi-Ada believes strongly that if there is a fair and even-handed evaluation of the various bid documents, the outcome will be different. Chi-Ada calls for re-evaluation and re-ranking of the entire proposal/submissions to achieve a fair result.

Enclosed with this Protest is a check valued at \$3,000, as required by the filing rules.

For any and all responses to this letter, please include and contact Chi-Ada's General Counsel, Tobechuku T. Nwahiri, Esq. whose contact information is stated below:

Tobechuku Nwahiri, Esq.
Nwahiri Law, PLLC
13499 Biscayne Boulevard
Suite 107
North Miami, Florida 33181
P: 305-345-4117
F: 305-503-4614
E: Tobe@NwahiriLaw.com

Regards,

s/Bart Okoro

Bart Okoro, President Chi-Ada Corporation



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