



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: February 7, 2022

TO: Jeanette Ferrell, Senior Purchasing Agent
Purchasing Division

FROM: Sandy-Michael McDonald, Director
Office of Economic and Small Business Development

**RE: Bid No. BLD213333B1- Greenways and Miscellaneous Landscaping
and Maintenance
County Business Enterprise (CBE) Review**

SANDY-MICHAEL MCDONALD
Digitally signed by SANDY-MICHAEL MCDONALD
Date: 2022.02.07 17:02:13 -05'00'

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. Six (6) 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> |
|---|------------------------|--------------------------|
| Weed-A-Way, Inc. (prime) | CBE | 25% |
| <ul style="list-style-type: none">Contractor's Bid Amount: \$1,243,991.72CBE Participation Commitment: 25% | | |
| Juniper Landscaping (prime) AR Maintenance Solutions, Inc. | CBE | 25% |
| <ul style="list-style-type: none">Contractor's Bid Amount: \$1,300,270.00CBE Participation Commitment: 25% | | |

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Greenways and Misc. Landscaping and Maintenance**

Met the CBE Requirements (cont.):

| <u>Firm</u> | <u>Category</u> | <u>Percentage</u> |
|---|------------------------|--------------------------|
| AR Maintenance Solutions, Inc. (prime) | CBE | 100% |
| <ul style="list-style-type: none"> • Contractor's Bid Amount: \$1,407,405.00 • CBE Participation Commitment: 100% | | |

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| Superior Landscaping & Lawn Service, Inc. (prime) Enviroscapes Plus, Inc. | CBE | 25% |
| <ul style="list-style-type: none"> • Contractor's Bid Amount: \$3,124,187.00 • CBE Participation Commitment: 25% | | |

Did not meet the CBE Requirements:

| <u>Firm</u> | <u>Category</u> | <u>Percentage</u> |
|---|------------------------|--------------------------|
| Coco Tree Service Corp (prime) | Non-CBE | 0% |
| <ul style="list-style-type: none"> • Contractor's Bid Amount: \$1,372,305.00 • CBE Participation Commitment: 0% | | |

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|--|---------|----|
| Jireh Landscaping Corp (prime) | Non-CBE | 0% |
| <ul style="list-style-type: none"> • Contractor's Bid Amount: \$1,578,064.00 • CBE Participation Commitment: 0% • | | |

Compliance Comments:

Weed-A-Way, Inc. and Superior Landscaping & Lawn Service, Inc. submitted the required information with their respective bid packages. Therefore, Weed-A-Way, Inc. and Superior Landscaping & Lawn Service, Inc. are in compliance with the CBE program requirements for this solicitation.

Juniper Landscaping initially submitted CBE Letters of Intent (LOIs) to use AR Maintenance Solutions, Inc. for 10% and Turbo Mulch, Inc. for 15% CBE participation. OESBD notified Juniper Landscaping and their proposed CBE subcontractor's, Turbo Mulch Inc.'s, CBE certification was no longer valid and could not count toward the 25% CBE goal requirement for this solicitation. 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 responded in the stipulated timeframe and submitted a revised Letter of Intent to use AR Maintenance Solutions, Inc. for 25% CBE

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Compliance Comments (cont.):

participation. Therefore, Juniper Landscaping is compliant with the CBE program requirements for this solicitation.

AR Maintenance Solutions, Inc., a CBE-certified firm, initially did not submit a 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 to meet the 25% CBE goal. The firm submitted a letter of Intent (LOI), within the stipulated time frame, which reflected 100% CBE participation. Therefore, AR Maintenance Solutions Inc. is in compliance with the CBE program requirements for this solicitation.

Coco Tree Service 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 of their good faith efforts. The firm submitted a blank CBE Letter of Intent (LOI) totaling 0% participation along with copies of correspondences sent to CBE firms.

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 Coco Tree Service Corp'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, as amended. The correspondences provided did not identify specific portions of the work for which the Respondent was seeking CBE participation, specify a deadline by which the responses were needed, or state why an agreement with the CBE firms could not be reached.

Section 1-81.5 (e) (3), Determination of a Good Faith Effort of the Broward County Equal Opportunity Act, as amended, further states: "In determining whether a bidder has made Good Faith Efforts, the Program Director may also consider the level of CBE

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Compliance Comments (cont.):

participation proposed by other Bidders.” There were six (6) bids submitted for this project of which four (4) met or exceeded the CBE requirement. Therefore, Coco Tree Service Corp. is not in compliance with the CBE program requirements for this solicitation.

Jireh Landscaping 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 of their good faith efforts. The firm submitted a blank CBE Letter of Intent (LOI) totaling 0% participation and a copy of a correspondence with a CBE firm in support of their efforts to meet the goal.

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 Jireh Landscaping Corp'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, as amended. The Respondent provided a correspondence sent to a single vendor, failed to identify specific portions of the work for which the Respondent was seeking CBE participation, specify a deadline by which the responses were needed, or state why an agreement with CBE firms could not be reached.

Additionally, Section 1-81.5 (e) (3) Determination of a Good Faith Effort of the Broward County Equal Opportunity Act, as amended, 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.” There were six (6) bids submitted for this project of which four (4) met or exceeded the CBE requirement. Therefore, Jireh Landscaping Corp. is not compliant with the CBE program requirements for this solicitation.

cc: Maribel Feliciano, Assistant Director, OESBD
Giovanny Bello-Herrera, Engineering Technician, HBMD
Donna-Ann Knapp, Small Business Development Manager, OESBD
James Vose, Jr., Small Business Development Specialist, OESBD