



**OFFICE OF ECONOMIC AND SMALL BUSINESS DEVELOPMENT
Governmental Center Annex**

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MEMORANDUM

DATE: April 30, 2019

TO: Mark Roberts, Purchasing Agent Sr.
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

SUBJECT: RFP No. PNC2117368P1 – Parking Access Revenue Control System (PARCS)
Replacement for Port Everglades- County Business Enterprise (CBE)
Compliance Evaluation

This memorandum supersedes previous memorandum dated April 17, 2019.

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

The CBE goal for this project is 25%.

Met the CBE Program Requirements:

<u>Firms</u>	<u>Category</u>	<u>Percentage</u>
TIBA, LLC. (prime) Arbor Electrical Services, Inc. d/b/a Mr. Wireman Electric	CBE	21%
HUB Parking Technology USA, Inc.(prime) Dato Electric, Inc.	CBE	10.00%
Bach Design Engineers, LLC.	CBE	<u>5.20%</u>
	Total	15.20%

RFP No. PNC2117368P1 – Parking Access Revenue Control System (PARCS) Replacement for Port Everglades – CBE Compliance Evaluation

Did Not Meet the CBE Program Requirements:

<u>Firms</u>	<u>Category</u>	<u>Percentage</u>
Amano McGann, Inc.(prime) Virtus Electric, Inc.	CBE	5%
Scheidt & Bachmann USA, Inc.(prime)	Non-CBE	0%

Compliance Comments:

Section 1-81.5(e)(2)(3) of the Business Opportunity Act of 2012 (the “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 the 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. The bidder must solicit this interest in a timely manner to allow the CBEs to respond to the solicitation. The Bidder must take appropriate steps to follow up initial solicitations of CBEs.
- b. Identifying the portions of the contract that could be reasonably be performed by a CBE to increase the likelihood that CBE goal will be achieved. This may include, where appropriate and commercially practicable, separating contract work items into segments more appropriate for participation by CBEs.
- 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. Evidence of such negotiation includes the names, addresses, and telephone numbers of CBEs that were considered; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and explaining why an agreement could not be reached with any of the interested CBEs to perform the work. The fact that there may be some additional costs involved in subcontracting with CBEs is not in itself sufficient reason for a bidder’s failure to meet the contract CBE goal, as long as such additional costs are reasonable, as determined by the Program Director in his or her sole discretion.

RFP No. PNC2117368P1 – Parking Access Revenue Control System (PARCS) Replacement for Port Everglades – CBE Compliance Evaluation

- e. Rejecting an interested CBE as being unqualified for participation only after diligently investigating the CBE's capabilities and documenting the sound reasons justifying such rejection (with such documentation to be provided to the Program Director).

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.

TIBA, LLC. is in compliance with the CBE program requirements of the solicitation. The firm provided an executed Letter of Intent (LOI) with a CBE firm to meet 21% CBE participation with the solicitation. TIBA, LLC. also provided a completed Application for Good Faith Effort. The firm was given three (3) business days to provide additional CBE participation and/or supporting documentation as proof of their good faith efforts to meet the established CBE goal prior to bid submittal. TIBA, LLC. provided additional proof of their good faith efforts to meet the goal in accordance with the Business Opportunity Act 2012, (the "Act") as amended, Section 1-81.5 (d)(2). in the allotted timeframe.

TIBA, LLC. provided the following:

- a) A list of eight (8) CBE firms from the County's Certified Firm Directory including the one (1) CBE firm that TIBA, LLC. contacted that signed an LOI. OESBD reviewed the list and based on the response confirmed only three firms were contacted including the proposed CBE firm.
- b) TIBA, LLC. identified the scopes of services the CBE firm will perform.
- c) Email statement stating that TIBA, LLC. is optimistic they may contract with another CBE firm if awarded.

TIBA, LLC's level of committed CBE participation of 21% is evidence that the firm made various good faith efforts to meet the required goal.

HUB Parking Technology USA, Inc. is in compliance with the CBE program requirements of the solicitation. This firm did not provide a Letter of Intent (LOI) form with the bid package to demonstrate their intended CBE participation, or documentation as proof of their good faith efforts to meet the established CBE goal. HUB Parking Technology USA, Inc. was given three (3) business days to provide additional information in support of their good faith effort. The firm responded within the stipulated timeframe. The firm submitted a completed LOI form for Dato Electric, Inc. to meet 10% and Bach Design Engineers, LLC. to meet 5.2% CBE goal participation. HUB Parking Technology USA, Inc. provided LOIs for 15.20% CBE participation to support their good faith efforts to meet the goal in accordance with the Business Opportunity Act 2012, (the "Act") as amended, Section 1-81.5 (d)(2).

RFP No. PNC2117368P1 – Parking Access Revenue Control System (PARCS) Replacement for Port Everglades – CBE Compliance Evaluation

HUB Parking Technology USA, Inc. provided the following:

- a) Email notification sent to CBE firm Dato Electric and the firm's email response to the notification.
- b) Proof of email documents to interested CBE firms with plans and specifications
- c) Documentation identifying portions of the contract that can be performed the CBE firms.
- d) Documentation showing proof of negotiation with the interested CBE firms.

HUB Parking Technology USA, Inc's level of committed CBE participation of 15.20% is evidence that the firm made various good faith efforts to meet the required goal.

Amano McGann, Inc. is not in compliance with the CBE program requirements of the solicitation. This firm did not provide a Letter of Intent (LOI) with the bid package to demonstrate their intended CBE participation, or documentation as proof of their good faith efforts to meet the established CBE goal. The firm provided a signed Application for Evaluation of Good Faith Efforts. Amano McGann, Inc. was given three (3) business days to provide additional information in support of their good faith effort. The firm submitted an executed LOI for Virtus Electrical, Inc., a certified CBE firm, for 5% of the 25% CBE goal participation within the required timeframe. Amano McGann, Inc. did not provide additional documentation in support of their good faith efforts to meet the goal in accordance with the Business Opportunity Act 2012, (the "Act") as amended, Section 1-81.5 (d)(2).

Scheidt & Bachmann USA, Inc. is not in compliance with the CBE program requirements of the solicitation. The firm did not provide a Letter of Intent (LOI) to demonstrate their intended CBE participation, or documentation as proof of their good faith efforts to meet the established CBE goal. The firm provided a signed Application for Evaluation of Good Faith Efforts. Scheidt & Bachmann USA, Inc. was given three (3) business days to provide additional information in support of their good faith effort. Scheidt & Bachmann USA, Inc. did not provide supporting documentation of their good faith efforts to meet the goal in accordance with the Business Opportunity Act 2012, (the "Act") as amended, Section 1-81.5 (d)(2).

OESBD has determined that TIBA, LLC and HUB Parking Technology USA, Inc. met the quality, quantity and extent in their various efforts to meet the established goal in accordance with Section 1-81.5 (d)(2) of the Broward County Business Opportunity Act of 2012 (the "Act") as amended. Subsequently, Amano McGann, Inc. and Scheidt & Bachmann USA, Inc. did not meet the CBE program requirements at stated in the "Act".

cc: Maribel Feliciano, Assistant Director, OESBD
Nichole Francis, Small Business Development Specialist, OESBD
Marcia Young, Small Business Development Specialist, OESBD