



**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 24, 2021

TO: Dylan Kennedy, Purchasing Agent Trainee
Purchasing Division

THRU: Sandy-Michael McDonald, Director SANDY-MICHAEL MCDONALD
Office of Economic and Small Business Development
Digitally signed by SANDY-MICHAEL MCDONALD
Date: 2021.02.24 08:42:51
-05'00'

FROM: Maribel Feliciano, Assistant Director MARIBEL FELICIANO
Office of Economic and Small Business Development
Digitally signed by MARIBEL FELICIANO
Date: 2021.02.24 08:07:57
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SUBJECT: RFP No. #GEN2120797P1 – Website Design and Hosting Services for CVB, Airport, and Seaport – Second (2nd) CBE Compliance Review for Non-Responsible Firms - **This memo supersedes the memo dated February 22, 2021.**

The Office of Economic and Small Business Development (OESBD) initially conducted a review of thirteen (13) respondents' submittal for compliance with the CBE Program requirements for the above solicitation and submitted the memorandum to Purchasing Division on January 22, 2021.

OESBD provided the vendors three (3) business days after bid submittal to submit the required Letters of Intent (LOIs) to meet the required 25% CBE participation goal and/or provide documentation to support their good faith efforts to meet the goal. OESBD determined five (5) vendors were responsible to the CBE program requirements of the solicitation. However, eight (8) vendors were deemed non-responsible.

In accordance with the CBE program requirements of the solicitation, compliance with the CBE participation goal requirements is a matter of responsibility. A vendor should submit all required forms and documentation with the submittal of the solicitation. If the required forms and documentation are not provided with the vendor's solicitation, then the vendor must submit the required forms and documentation no later than three (3) business days after the request by OESBD. Vendor may be deemed non-responsible for failure to fully comply with the CBE Program requirements within the stated timeframes.

At the Evaluation Committee (EC) meeting held on Friday, February 11, 2021, the EC members approved an additional five (5) business days for six (6) of the non-responsible vendors to submit the CBE forms and documentation required to meet the 25% CBE participation goal requirements of the solicitation. Two (2) of the eight vendors were deemed non-responsive by the EC. The additional time was granted by the EC and passed

unanimously by a motion providing the six (6) vendors a deadline of Friday, February 19, 2021 to submit the documentation to OESBD.

Four (4) vendors of the six (6) responded to the request for documentation within the allotted timeframe. Two (2) vendors did not respond to the request during the allotted timeframe. Three (3) vendors responded with the required documentation to meet the CBE program requirements of the solicitation. One (1) vendor responded informing the County that they had just submitted their certification application to become a CBE. An overview is provided as follows:

Met the CBE Program Requirements with the additional five (5) days timeframe

<u>Firms</u>	<u>Category</u>	<u>Percentage</u>
Mod Op, LLC. (Prime) Cunningham Communications Consulting Co. d/b/a The Brand Advocates, Inc.	CBE	25.00%
Tempest Interactive Media, LLC. (Prime) Monetize Social Consulting, Inc.	CBE	25.00%
Traktek Partners (Prime) S.A. Nelson and Associates, LLC.	CBE	18.00%
Abstract HR, LLC.	CBE	10.00%
	Total	28.00%

Did Not Meet the CBE Program Requirements with the additional five (5) days timeframe or didn't submit required documentation within the allotted timeframe.

Cemtrex Advanced Technologies, Inc.	No response
Nobox Marketing, LLC	No response
Tanim Consulting, LLC (Prime)	0%

CBE Compliance Comments:

Mod Op, LLC., Tempest Interactive Media, LLC. and Traktek Partners submitted executed Letters of Intent (LOIs) to meet the 25% CBE participation goal requirements of the solicitation within the additional allotted timeframe. Therefore, Mod Op, LLC., Tempest Interactive Media, LLC. and Traktek Partners are compliant with the CBE program requirements of the solicitation.

Cemtrex Advanced Technologies, Inc. and Nobox Marketing, LLC. did not respond to the request for documentation to meet the 25% CBE participation goal requirements of the solicitation within the allotted five days. No other documentation was submitted by the vendors to support their good faith effort requirements.

Tanim Consulting, LLC. responded that they applied for CBE certification with Broward County Office of Economic and Small Business Development on February 12, 2021. The vendor stated they will not be meeting the 25% CBE goal requirements by the deadline of Friday, February 19, 2021 because the certification process takes 30 days. No other documentation was submitted by the vendor to support their good faith effort requirements.

In accordance with the Business Opportunity Act of 2012, as amended “the Act”, Section 1-85 (d)(3), in determining whether a Bidder has demonstrated Good Faith Efforts under this Act, the Program Director shall consider the quality, quantity, and extent of the various efforts that the Bidder has made to satisfy the established CBE goal.

Section 1-81.5(d)(2) of the Broward County Business Opportunity Act of 2012, as amended, 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 goal:

- 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 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.
- e. Documentation rejecting an interested CBE as being unqualified only after diligently investigating the CBE’s capabilities and documenting the reasons justifying such rejection.

Tanim Consulting, LLC did not provide documentation to comply with any of the good faith effort actions described above (Section 1-81.5(d)(2), a-e). As per Section 1-81.5 (d) (3) of the “Act”, 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. The information provided does not commensurate with the level of CBE participation proposed by the three (3) vendors that met the CBE program requirements.

Therefore, OESBD has determined that three (3) vendors Mod Op, LLC., Tempest Interactive Media, LLC. and Traktek Partners are compliant with the evaluation committee’s request for documentation to meet the CBE program responsibility criteria of the solicitation within the additional five (5) day timeframe.

Cc: Marcia Young, Small Business Development Specialist, OESBD