



Finance and Administrative Services Department

PURCHASING DIVISION

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

Certified Mail No. 7005 3110 0002 8833 9015

July 22, 2021

Miguel Fernandez, President
4 Best Business Corp
3600 Red Road, Suite 306
Miramar, FL 33025

Re: Protest – Bid No. TRN2122277B1, Information Technology (IT) Temporary Personnel Services

Dear Mr. Fernandez:

Broward County Purchasing Division (“Purchasing”) is in receipt of a timely protest letter date stamped April 29, 2021, from 4 Best Business Corp (“4BBCorp”) in protest of the Recommendation for Award (“RFA”) for Bid No. TRN2122277B1, Information Technology (IT) Temporary Personnel Services. The protest was accompanied by the required \$5,000 protest filing fee. The RFA was posted from April 26, 2021 through April 30, 2021. This response letter includes the protest assertion specified and the County’s corresponding response as follows:

Assertion. 4BBCorp wants “to object and protest your determination as 4BBCorp does comply with section 13.4, page 15 of the solicitation. We use the BLS 50% Median Hourly Wage for each one of the positions as indicated when sending our response to the BID through BidSync. 4BBCorp used BLS values from Florida and in some cases those from the Miami-Fort Lauderdale-West Palm Beach metropolitan area...”

Response. Purchasing has reviewed the assertion in your protest and in conjunction with the solicitation’s Specifications and Requirements related to Section 13.4. It has been determined that 4BBCorp is not in compliance with the Specifications and Requirements in Section 13.4 which stipulates “Vendor is required to pay each of its employee the local, regional or metropolitan industry standard average minimum hourly rate for the routine services as provided for in the U.S. Bureau of Labor Statistics (BLS) 50% (Median) Percentile Hourly wage estimates, which may be required for any information technology positions, classifications, functions and tasks.” 4BBCorp stated in the protest letter that the submitted pricing consisted of BLS values from Florida and in some cases those from the Miami-Fort Lauderdale - West Palm Beach metropolitan area.

4BBCorp offered pricing below the local, regional, or metropolitan area BLS standard average minimum hourly wages (**See Exhibit 1**). Therefore, upon careful consideration of your protest letter dated April 29, 2021, and after conducting an evaluation of the requirements of Invitation to Bid No. TRN2122277B1, the protest filed by 4BBCorp is hereby denied.

Miguel Fernandez, President, 4 Best Business Corp
Protest – Bid No. TRN2122277B1, Information Technology (IT) Temporary Personnel Services
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In accordance with the Broward County Procurement Code, Section 21.72, a protestor may appeal the Director of Purchasing's denial of the protest with respect to the proposed award of a solicitation in accordance with Part XII of the Procurement Code. An appeal must be received by the Director of Purchasing within ten (10) days after the date of this determination per Section 21.82 of the Procurement Code. Appeals must be made in writing and must state the facts and arguments upon which the appeal is based and the email address of the appealing party. If an appeal is based on a determination made by the Director of Purchasing, such appeal shall be limited to the scope of the protest or determination, as applicable per Section 21.83 of the Procurement Code.

In accordance with the Broward County Procurement Code, Section 21.84, an appeal of the Director of Purchasing's determination concerning a protest of a proposed award or ranking must be accompanied by an original appeal bond or certified copy thereof in a form prescribed by the Director of Purchasing and in an amount equal to one percent (1%) of the estimated contract amount 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 remain in place until (1) the hearing officer grants the appeal; in which case the bond shall be returned in full; or (2) the appealing party pays all costs awarded to the County pursuant to Section 21.88(e) of the Procurement Code. Failure to provide and maintain the required bond shall be deemed an immediate withdrawal of the appeal.

Sincerely,

GLENN
MARCOS

Digitally signed by
GLENN MARCOS
Date: 2021.07.22
16:34:01 -04'00'

on behalf of Brenda J. Billingsley

Brenda J. Billingsley, Director
Purchasing Division

Attachment

BJB/pc/gm/sl

- c: Chris Walton, Director, Transportation Department
James Kupke, Information Systems Manager, Enterprise Technology Services
Glenn Marcos, Assistant Director, Purchasing Division
Sonia M. Lovett, Purchasing Manager, Purchasing Division
Peggy Cadeaux, Purchasing Agent Senior, Purchasing Division
Fernando Amuchastegui, Assistant County Attorney, Office of the County Attorney

Exhibit 1- BLS Local, Regional, or Metropolitan Area Matrix

Position Title	Items - BLS Codes	Local, Regional or Metropolitan BLS Median Rates	4 Best Business
Network Technician I	15-1231	\$ 29.13	\$ 32.96
Network Technician II (Advanced)	15-1231	\$ 29.13	\$ 33.53
Network Analyst	15-1244	\$ 38.38	\$ 44.85
Communications Specialist	43-0000	\$ 17.72	\$ 19.80
Systems Analyst	15-1211	\$ 40.05	\$ 45.64
Programmer Analyst	15-1251	\$ 38.31	\$ 42.39
Database Analyst	15-1245	\$ 47.74	\$ 50.81
Project Manager I	13-1198	\$ 31.33	\$ 35.69
Project Manager II - (Advanced)	13-1198	\$ 31.33	\$ 39.37
Business Analyst	13-1198	\$ 31.33	\$ 34.62
IT Administration Coordinator	43-0000	\$ 17.72	\$ 19.80
GIS Analyst	17-1021	\$ 39.17	\$ 36.19
			\$ (2.98)

Note- Wage rates in effect since May 2020

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).

Miramar, April 29, 2021

Mrs. Brenda Billingsley

Broward County Board of County Commissioners, FL

Purchasing Division

Subject: **Bid #TRN2122277B1 - Information Technology (IT) Temporary Personnel Services – Recommendation for Award Objection/Protest**

Dear Mrs. Billingsley:

After reviewing the publication of the award recommendation of the application No. TRN2122277B1 of 04/26/2021 (**See Exhibit 1**), we could see that our company, 4BBCorp, appears as a Rejected Vendor.

Hence in compliance with Section 21.84 of the Broward procurement code, we want to exercise our right to **object/Protest the award recommendation**.

In an email received on 04/29/2021 from Mrs. Cadeaux (A copy of the email is attached to this communication - **See Exhibit 2**), she inform us the reason for our company rejection was:

"4 Best Business Corp. and other apparent low bidders were deemed non-responsive and was non-compliant with the Specifications and Requirements - Section 13.4, page 15 of the solicitation, which reads: " Vendor is required to pay each of its employee the local, regional or metropolitan industry standard average minimum hourly rate for the routine services as provided for in the US Bureau of Labor Statistics (BLS) 50% (Median) Percentile Hourly wage estimates, which may be required for any information technology positions, classifications, functions and tasks. "

We want to object and protest your determination as 4BBCorp does comply with section 13.4, page 15 of the solicitation. We use the **BLS 50% Median Hourly Wage** for each and every one of the positions; as indicated when sending our response to the BID through BIDSync. 4BBCorp used BLS values from Florida and in some cases those from the Miami-Fort Lauderdale-West Palm Beach metropolitan area (As per requirements, section 13.4, page 15 of the solicitation). All our Pay Rates can be examined in the following table: (**See Table 1**)

Position	BLS Median-National	BLS Median - Florida	BLS Median - Miami-Ft Lauderdale West Palm Beach	Employee Pay Rate	4BBCorp Bill Rate
Network Technician I	\$ 31.47	\$ 28.79	\$ 29.13	28.79	32.96
Network Technician II (Advanced)	\$ 31.47	\$ 28.79	\$ 29.13	28.79	33.53
Network Analyst	\$ 40.77	\$ 37.34	\$ 38.38	37.34	44.85
Communications Specialist	\$ 18.62	\$ 17.31	\$ 17.72	17.31	19.80
Systems Analyst	\$ 45.06	\$ 39.08	\$ 40.05	39.08	45.64
Programmer Analyst	\$ 42.88	\$ 35.45	\$ 38.31	35.45	42.39
Database Analyst	\$ 47.53	\$ 46.25	\$ 47.74	46.25	50.81
Project Manager I	\$ 37.22	\$ 31.58	\$ 31.33	31.33	35.69
Project Manager II (Advanced)	\$ 37.22	\$ 31.58	\$ 31.33	31.33	39.37
Business Analyst	\$ 37.22	\$ 31.58	\$ 31.33	31.33	34.62
IT Administration Coordinator	\$ 18.62	\$ 17.31	\$ 17.72	17.31	19.80
GIS Analyst	\$ 32.88	\$ 30.46	\$ 39.17	30.46	36.19

**** Overtime Pay Rates are x1.5 the Regular Rate.**

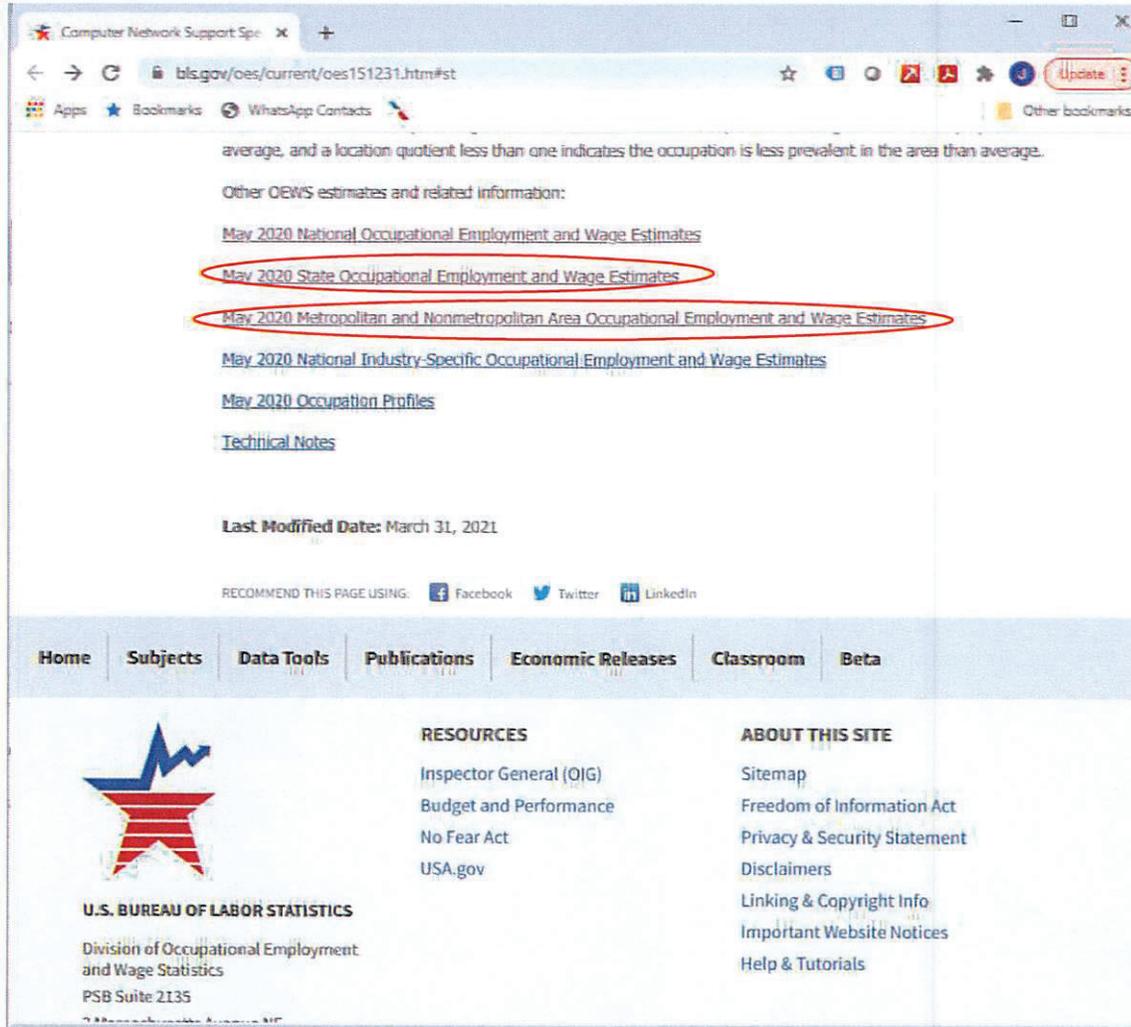
Table 1. 4BBCorp expected Pay Rates and Billing Rates for Solicitation TRN2122277B1.

All the values provided in Table 1 can be verified directly on the BLS page.

4BBCorp obtained the values of **50% Median Hourly wage** through the links provided in the BID document (See Table 2). In order to view the value of Florida's 50% Median Hourly Wage, the official BLS link https://www.bls.gov/oes/current/oes_fl.htm was used (See Figure 1 and Exhibit 3). To obtain the values for the Miami-Ft Lauderdale-West Palm Beach metropolitan area, the link https://www.bls.gov/oes/current/oes_33100.htm was used (See Figure 1 and Exhibit 4).

Position Title	BLS Average Hourly wage
Network Technician I - (Primary)	https://www.bls.gov/oes/current/oes151231.htm#st
Network Technician II (Advanced) - (Primary)	https://www.bls.gov/oes/current/oes151231.htm#st
Network Analyst - (Primary)	https://www.bls.gov/oes/current/oes151244.htm
Communications Specialist - (Primary)	https://www.bls.gov/oes/current/oes430000.htm
Systems Analyst - (Primary)	https://www.bls.gov/oes/current/oes151211.htm
Programmer Analyst - (Primary)	https://www.bls.gov/oes/current/oes151251.htm
Database Analyst - (Primary)	https://www.bls.gov/oes/current/oes151245.htm
Project Manager I - (Primary)	https://www.bls.gov/oes/current/oes131198.htm
Project Manager II (Advanced) - (Primary)	https://www.bls.gov/oes/current/oes131198.htm
Business Analyst - (Primary)	https://www.bls.gov/oes/current/oes131198.htm
IT Administration Coordinator - (Primary)	https://www.bls.gov/oes/current/oes430000.htm
GIS Analyst - (Primary)	https://www.bls.gov/oes/current/oes171021.htm

Table 2. BLS Average hourly wage links provided in Bid Document.



average, and a location quotient less than one indicates the occupation is less prevalent in the area than average.

Other OEWS estimates and related information:

- [May 2020 National Occupational Employment and Wage Estimates](#)
- [May 2020 State Occupational Employment and Wage Estimates](#)
- [May 2020 Metropolitan and Nonmetropolitan Area Occupational Employment and Wage Estimates](#)
- [May 2020 National Industry-Specific Occupational Employment and Wage Estimates](#)
- [May 2020 Occupation Profiles](#)
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Last Modified Date: March 31, 2021

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U.S. BUREAU OF LABOR STATISTICS
Division of Occupational Employment
and Wage Statistics
PSB Suite 2135
Washington, DC 20535

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Figure 1. BLS Florida and Miami-Ft Lauderdale-West Palm Beach links.

Following the instructions provided by Mrs. Cadeaux in another email received today 04/29/2021 (See Exhibit 5), we formally proceed with the objection/protest of the award recommendation published for this BID as instructed.

Additionally, 4BBCorp not only offered a better price to the county, but also met all BID requirements, so we consider that the Recommendation for Award should be reconsider and amended to include 4BBCorp as the lower bidder.

A cashier's check in the amount of \$ 5,000 is attached to this protest to comply with the filing fee as per Section B- 10 (Terms and Conditions of the solicitation).

Sincerely,



Miguel Fernandez
President



CC: Sonia Lovett – Purchasing Manager
CC: Peggy Cadeaux – Purchasing Agent Sr.