



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

February 10, 2026

Louise St. Laurent, Counsel for Atlantic Pipe Services, LLC
Panza, Maurer & Maynard P.A.
2400 East Commercial Boulevard, Suite 905
Fort Lauderdale, FL 33308

Re: Protest to Recommendation for Award – Bid No. PNC2130230B1, Multi-District Inflow and Infiltration Reduction Program

Dear Ms. St. Laurent:

The Broward County Purchasing Division (“Purchasing”) is in receipt of your firm’s timely protest, on behalf of Atlantic Pipe Services, LLC (“APS”), dated and received on December 18, 2025, (Exhibit 1) to the Recommendation for Award posted on the Purchasing Division website from December 12 - 18, 2025. The required protest filing fee in the amount of \$5,000 was received.

The following reflects a summary of the assertions made in the protest. All assertions are evaluated as presented in the protest and are considered solely within the context of the procurement record for Bid No. PNC2130230B1. Purchasing incorporates the protest by reference in its entirety and confirms that it has reviewed all matters asserted therein.

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

Atlantic Pipe Services, LLC’s Assertion Summary No. 1 - Made Good Faith Efforts

APS contends that it made good faith efforts to meet the solicitation’s County Business Enterprise (CBE) goal in accordance with the requirements of the Broward County Business Opportunity Act (“Act”). APS states that the Act provides examples of acceptable good faith efforts but does not mandate specific communication methods, minimum contacts, or follow-up requirements. APS submits that it contacted thirteen CBE-certified firms via timely, detailed email solicitations and received two responses that declined participation. APS also claims it followed up with at least one CBE but did not receive a response. The protest contends that the Office of Economic and Small Business Development (“OESBD”) Director’s determination overlooks both APS’s valid outreach and the limited availability of qualified CBEs for the specialized work required.

Louise St. Laurent, Counsel for Atlantic Pipe Services, LLC, Panza, Maurer & Maynard P.A.
Protest to Recommendation for Award Bid No. PNC2130230B, Multi-District Inflow and
Infiltration Reduction Program
February 10, 2026
Page 2 of 4

County's Response to Assertion No. 1

The solicitation specified in the Special Instructions to Vendors, Quotes and Bids, Section D, that the project had a Broward County Business Enterprise goal of five (5%) percent. The *Office of Economic and Small Business Development Requirements CBE Goal Participation* ("Requirements Document"), issued in the solicitation, provided instructions to potential bidders regarding CBE participation requirements, including a link to Section 1-81.3(a) – CBE Goals and Reserves, of the Act. The Requirements Document (Section C.1) included a link to the *Application for Evaluation of Good Faith Efforts*, which referenced Section 1-81.5(d) – *Determination of Good Faith Efforts* of the Act.

Section 1-81.5(d)(2) of the Act states that "In determining whether a Bidder or Prime Contractor has demonstrated Good Faith Efforts, the Program Director shall consider the quality, quantity, and extent of the Bidder's or Prime Contractor's efforts to satisfy the established CBE goal." Of particular relevance here is the Act's requirement that "[t]he Bidder or Prime Contractor **must take appropriate steps to follow up on initial solicitations** of CBEs." (Emphasis added).

It is acknowledged that APS made initial solicitations to thirteen CBE firms to gauge their interest in bidding on the project and two firms responded by declining to participate in the solicitation. However, of the remaining eleven firms, APS only followed up with one (Casimir Underground Construction). In fact, when OESBD contacted the CBEs in question, nine of them stated that they had not even received the initial solicitation, let alone a follow up. Given that the Act explicitly **requires** bidders to follow up on initial solicitations, and APS did so only in one of eleven instances, OESBD determined that APS did not satisfy the Act's good faith efforts requirements. This determination included a review of Atlantic Pipe Services, LLC's good faith efforts as compared to the three other respondents to this solicitation, two of which met the CBE goal requirements.

This determination was not arbitrary or capricious. Assertion No. 1 of the protest is therefore denied.

Atlantic Pipe Services, LLC's Assertion Summary No. 2 – The County Is Estopped from Rejecting documentation

APS argues that the County is equitably estopped from rejecting its documentation because APS followed instructions provided by the County on September 15, 2025, regarding how APS could show that it had made good faith efforts. Specifically, APS states it was advised that it could either engage a CBE or document that it made outreach to multiple CBEs with full scope details before bid opening. APS states that it complied with this direction by providing documentation that it had emailed two CBEs, both of which declined participation, but that the County later rejected APS's efforts, citing a requirement for phone follow-ups — a standard never disclosed in the solicitation, Act, or prior guidance. APS contends this imposes an arbitrary, undisclosed requirement and unfairly penalizes APS for factors beyond its control (e.g., CBEs' spam filters). APS asserts that equitable estoppel prevents the County from enforcing a new standard after inducing reliance, making the rejection improper and contrary to law.

Louise St. Laurent, Counsel for Atlantic Pipe Services, LLC, Panza, Maurer & Maynard P.A.
Protest to Recommendation for Award Bid No. PNC2130230B, Multi-District Inflow and
Infiltration Reduction Program
February 10, 2026
Page 3 of 4

County's Response to Assertion No. 2

This assertion is based on a misunderstanding of the timing and process for demonstrating good faith efforts. The solicitation closed on August 14, 2025, and required APS (like all vendors) to submit (1) an executed letter of interest (LOI) with a CBE showing that it met the CBE goal, or (2) an Application for Evaluation of Good Faith Efforts, along with documentation demonstrating that it met the good efforts requirements of the Act (including follow ups to CBEs). APS's submission included neither. Accordingly on September 11, 2025, in accordance with County practice, OESBD contacted APS to request submission of either the LOI or documentation of APS's good faith efforts. Critically, OESBD made clear that the good faith efforts documentation had to reflect efforts conducted "**prior to bid opening.**" (Protest, Exhibit G.)

On September 15, 2025, APS responded by asking "Could you confirm if we do not meet this CBE goal, we just need to provide you with the documentation that we attempted good faith efforts, but we do not fill out the letter of intent being we were able to meet the Goal?" (*Id.*) OESBD responded the same day by stating that APS could demonstrate good faith efforts by showing that APS had "**already** reached out to more than one CBE before the bid opened." (*Id.*) APS then submitted evidence that it had contacted thirteen CBEs but had followed up with only one. The County determined that this lack of follow-up, which is required by the Act, did not demonstrate good faith efforts.

OESBD's emails made clear that good faith efforts **must be conducted before** the solicitation closes **but may be documented after** closing if they are not included in the bid submission. APS seems to have misapprehended this. Its estoppel objection is based on the premise that because the County did not mention follow-up phone calls in its September 15 email, the County is estopped from now saying that the Act required follow up communications (by phone or otherwise). APS claims that it "reasonably relied upon the County's explanation of what would constitute good faith efforts, structured its outreach accordingly, and was later penalized for failing to satisfy a requirement that was never disclosed." (Protest page 6.)

There are three flaws in this argument.¹ The first is that the County's emails do not speak to "what would constitute good faith efforts," because that is covered by the Act. Rather, the emails address only how APS could document what good faith efforts it had already made. Second, APS could not have "structured its outreach" based on the County's emails because APS was required to conduct its outreach (including follow ups) **before** the solicitation closed on August 14, 2025. It is logically impossible for APS to have conducted outreach before August 14 based on emails sent by the County a month later. Third, APS was not "penalized for failing to satisfy a requirement that was never disclosed." The requirement to follow up on solicitations to CBE is in the Act; it was not imposed by the County in its September 11 and 15 emails or otherwise.

For these reasons, Assertion No. 2 of the Protest is denied.

¹ APS's equitable estoppel argument fails as a matter of law. Estoppel applies against governmental entities only in rare and exceptional circumstances involving egregious conduct or severe economic consequences, neither of which is present here. *Sutron Corp. v. Lake County Water Auth.*, 870 So.2d 930, 933-34 (Fla. 5th DCA 2004). Informal guidance from government staff does not give rise to estoppel where statutory requirements govern. *Id.* at 934. Further, Florida law does not recognize lost-profit claims by unsuccessful bidders absent arbitrary or illegal misconduct, which APS has not shown. *City of Cape Coral v. Water Servs. of Am., Inc.*, 567 So.2d 510, 514 (Fla. 2d DCA 1990).

Louise St. Laurent, Counsel for Atlantic Pipe Services, LLC, Panza, Maurer & Maynard P.A.
Protest to Recommendation for Award Bid No. PNC2130230B, Multi-District Inflow and
Infiltration Reduction Program
February 10, 2026
Page 4 of 4

Conclusion

In conclusion, upon careful consideration of all protest assertions in response to the Recommendation for Award, and in consultation with the Office of the County Attorney, the protest filed is hereby denied. The recommendation for award for Bid No. PNC2130230B1, Multi-District Inflow and Infiltration Reduction Program 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 bid, and we sincerely appreciate your participation in this procurement. We look forward to considering future projects.

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: 2026.02.10
16:36:19 -05'00'

Robert E. Gleason, Director
Purchasing Division

Attachments:

Exhibit 1 - Letter of protest dated December 18, 2025

REG/ccs/aj

c: Alan Garcia, Director, Water and Wastewater Services Division
David Campbell, Construction Project Manager, Water and Wastewater Services Division
Constance Mangan, Assistant Director, Purchasing Division
Christine Shorey, Senior Purchasing Manager, Purchasing Division
Alex Jurado, Senior Purchasing Agent, Purchasing Division
Ricardo Abraham, Senior Assistant County Attorney, Office of the County Attorney
Matthew Haber, Senior Assistant County Attorney, Office of the County Attorney
Sandy Steed, Assistant County Attorney, Office of the County Attorney