



OFFICE OF ECONOMIC AND SMALL BUSINESS DEVELOPMENT

Governmental Center Annex

115 S. Andrews Avenue, Room A680 • Fort Lauderdale, Florida 33301 • 954-357-6400

MEMORANDUM

DATE: April 1, 2024

TO: John C. Foglesong, P.E., Director
Seaport Engineering & Construction Division

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

SANDY-MICHAEL MCDONALD
Digitally signed by SANDY-MICHAEL MCDONALD
Date: 2024.04.02 13:50:37 -04'00'

FROM: Donna-Ann Knapp, Small Business Development Manager
Office of Economic and Small Business Development

DONNA-ANN KNAPP
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Date: 2024.04.02 12:36:59 -04'00'

SUBJECT: **Contract No. X1349802P1 – MGC for Southport Crane Infrastructure Improvements & Port Everglades Southport Turning Notch Expansion**
Fostering Small Business Participation Project – Title 49 CFR Part 26.39
Small Business Compliance Evaluation for Change Order No. 5

The Office of Economic and Small Business Development (OESBD) has conducted a review of Moss & Associates, LLC, and Kiewit Infrastructure South Co. d/b/a Moss/Kiewit's small business participation on its Contract No. X1349802P1. This project is subject to Title 49 of the Code of Federal Regulations (CFR) Part 26 and includes an element of Fostering Small Business Participation in accordance with Title 49 CFR Part 26.39.

<u>Small Business Subcontractors</u>	<u>Reported Amount</u>	<u>Verified Amount</u>
Everglades Restoration	\$ 3,204,412.38	\$ 3,204,412.38
Federal Engineering & Testing, Inc.	\$ 11,753.75	\$ 11,753.75
Industrial Divers Corporation	\$ 770,415.25	\$ 770,415.25
Low Voltage Systems, Inc.	\$ 112,127.63	\$ 112,127.63
Pinnacle Ecological, Inc.	\$ 394,747.36	\$ 394,747.36
Roberts Traffic Marking Corp.	\$ 175,517.26	\$ 175,517.26
Sovereign Construction Services, Inc.	\$19,515,649.13	\$19,515,649.13
Total:	\$24,184,622.76	\$24,184,622.76

- Original Estimated Guaranteed Maximum Price (EGMP): \$437,493,624.00
- Change Orders No. 1 thru 4 - EGMP Increase Amount: \$33,537,964.00
- Total Reconciled Guaranteed Maximum Price (RGMP): \$471,031,588.00
- **Change Order No. 5 – EGMP Increase Amount: \$9,573,246**
- New Estimated Guaranteed Maximum Price Amount (EGMP): \$480,604,834.00
 - Direct Construction Costs Subject to Small Business Participation: \$342,806,812.00
- **Current Construction Costs Subject to Small Business Participation: \$334,701,524.00**
- Verified Payments to Small Businesses: \$24,184,622.76
- **Small Business Participation Attainment: 7.23%**
 - \$24,184,622.76 / \$334,701,524.00

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Everglades Southport Turning Notch Expansion
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Fostering Small Business Participation Project – 49 CFR Part 26.39 (b) (2)

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Compliance Comments:

In accordance with Title 49 CFR Part 26.39 (b) (2), Moss/Kiewit was required to “specify the elements of the contract, or specific subcontracts that are of a size that small businesses, including Disadvantaged Business Enterprises (DBEs), can reasonably perform.” Additionally, its subcontractors had to meet the “small business” definition provided by the Small Business Administration (SBA) regulations in Title 13 CFR Part 121. On November 6, 2018, Moss/Kiewit submitted the specific subcontracts estimated at \$24,413,824.00, and the list of small businesses they were planning to use for the selected work. OESBD reviewed this information and confirmed that the proposed firms met the small business definition requirement, and that at least one of them was a DBE firm.

To date, Moss/Kiewit has paid \$24,184,622.76 to its small business subcontractors, which represents 7.23% of the construction costs subject to small business participation. Verification of these payments was conducted through an independent verification process, and confirmation was received from each subcontractor listed on Moss/Kiewit’s Monthly Utilization Report (MUR) through February 29, 2024.

In summary, Moss & Associates, LLC, and Kiewit Infrastructure South Co. d/b/a Moss/Kiewit has attained 7.23% in small business participation and is in compliance with Title 49 of the Code of Federal Regulations (CFR) Part 26 and the element of Fostering Small Business Participation in accordance with Title 49 CFR Part 26.39 (b) (2).

cc: Claude M. Gentil, P.E., Project Manager, Seaport Eng. & Construction Division
Maribel Feliciano, AICP, Assistant Director, OESBD
Oswaldo Casco, Small Business Development Supervisor, OESBD