



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

June 29, 2023

Terriann McKenzie, President
McKenzie's Cleaning, Inc.
3600 S. State Rd. 7, Suite 38
Miramar, FL 33023

Re: Objection to Proposed Ranking for Agreements No. 1 through 4
RFP No. BLD2124561P1 - Janitorial Services for County Facilities

Dear Ms. McKenzie:

I am in receipt of your firm's timely objection letter dated June 6, 2023, on behalf of your firm, McKenzie's Cleaning, Inc. ("McKenzie's") objecting to the proposed recommendation of ranking for RFP No. BLD2124561P1, Janitorial Services for County Facilities. The basis of your objection letter is based upon the following summary:

- McKenzie's should have been awarded Agreement No. 1 through Agreement No. 4 because pricing submitted by your firm was within 10% of the highest ranked non-CBE firm.

The following response will address your assertion and provide my determination based upon the Procurement Code, established Committee procedures, the solicitation requirements, and the County's Business Opportunity Act.

Objection Assertion No. 1:

"McKenzie's should have been awarded RFP No. BLD2124561P1, Janitorial Services-County Facilities on Agreement # 1, 2, 3, and 4 - CBE Reserve. As the highest ranked CBE company our price was well within the 10% requirement for award."

Your objection letter asserts that the pricing proposal submitted by your firm was within the 10% monetary differential established in Section 1-81.3 of the Broward County Code of Ordinances. More precisely, you assert the following: "McKenzies Cleaning, Inc. asserts that in accordance with Broward County Ordinance No. 2020-42, Sec. 1-81.3. CBE goals and reserves - (1) Monetary Differential: The total Bid or Proposal amount of the CBE Presumptive Awardee:(a) (i) does not exceed Three Million Dollars (\$3,000,000) and (ii) does not exceed the total amount of the lowest responsive and responsible Bid, or the total amount of the highest-ranked responsive and responsible Proposal, as applicable, from a non-CBE by more than ten percent (10%). McKenzies should have been awarded RFP No. BLD2124561P1, Janitorial Services-County Facilities on Agreement # 1, 2, 3, and 4 - CBE Reserve. As the highest ranked CBE company our price was well within the 10% requirement for award". Therefore, your firm is "objecting to the ranking for Agreements No. 1 - 4 and kindly ask for them to be rescored considering the facts and the intent of the ordinance" [Objection letter, page 1].

Terriann McKenzie, President/McKenzie's Cleaning, Inc.
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Response No. 1:

Section 1-81.3(f)(2) of the Broward County Code of Ordinances further establishes a points differential requirement for solicitations involving CBE Reserves. "For competitive solicitations in which the Proposals are assigned point totals, after deducting the points awarded for price from the total points awarded to each applicable Proposal, the total points assigned to the CBE Presumptive Awardee: (a) for Proposals that do not exceed Three Million Dollars (\$3,000,000), are not more than ten percent (10%) less than the total points assigned to the highest-ranked responsive and responsible non-CBE..."

While McKenzie's met the monetary differential requirement set forth in Section 1-81.3(f)(1) of the Broward County Code of Ordinances for Agreements No. 1 through 4, it did not meet the points differential requirement per Section 1-81.3(f)(2). Refer below for the points differential calculations for each agreement.

Agreement No. 1: When points for pricing were deducted from the total points awarded to the highest-ranked responsive and responsible non-CBE firm (Sunshine), the net points amount was 355 ($431 - 76 = 355$). In order to meet the established points differential requirement, McKenzie's net points amount (after the deduction of points for pricing) had to be more than 319.50. However, McKenzie's net points were 287 ($356 - 69 = 287$).

Agreement No. 2: When points for pricing were deducted from the total points awarded to the highest-ranked responsive and responsible non-CBE firm (Sunshine), the net points amount was 357 ($418 - 61 = 357$). In order to meet the established points differential requirement, McKenzie's net points amount (after the deduction of points for pricing) had to be more than 321.3. However, McKenzie's net points were 289 ($338 - 49 = 289$).

Agreement No. 3: When points for pricing were deducted from the total points awarded to the highest-ranked responsive and responsible non-CBE firm (Sunshine), the net points amount was 356 ($430 - 74 = 356$). In order to meet the established points differential requirement, McKenzie's net points amount (after the deduction of points for pricing) had to be more than 320.4. However, McKenzie's net points were 288 ($356 - 68 = 288$).

Agreement No. 4: When points for pricing were deducted from the total points awarded to the highest-ranked responsive and responsible non-CBE firm (Sunshine), the net points amount was 355 ($422 - 67 = 355$). In order to meet the established points differential requirement, McKenzie's net points amount (after the deduction of points for pricing) had to be more than 319.5. However, McKenzie's net points were 289 ($355 - 66 = 289$).

In order to be awarded the contract, the CBE Presumptive awardee must meet both the monetary differential and the point differential requirements. While McKenzie's proposal met the monetary differential requirement, it did not meet the points differential requirement as set forth in Section 1-81.3(f)(2) of the Broward County Code of Ordinances. Accordingly, the award for Agreements No. 1 through 4 shall be made to the non-CBE that submits the highest-ranked responsive and responsible Proposal.

Terriann McKenzie, President/McKenzie's Cleaning, Inc.
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In conclusion, upon careful consideration of the objection assertions expressed to rankings for Agreements No. 1 through 4, evaluation of the responses received, and in consultation with The Office of the County Attorney, the objection filed by McKenzie's is hereby denied. The Recommendation of Ranking shall remain as originally indicated.

I hope the above clarifications address each of your concerns. We understand the time and effort involved in submitting responses and the County appreciates McKenzie's participation in this procurement.

Respectfully,

**Robert
Gleason** Digitally signed by
Robert Gleason
Date: 2023.06.29
17:01:15 -04'00'

Robert E. Gleason, Director
Purchasing Division

RG/mm/sl

Attachment

c: Angela Salinas, Project Manager, Facilities Management Division
Connie Mangan, Assistant Director, Purchasing Division
Carolyn Messersmith, Purchasing Manager, Purchasing Division
Mary Moss, Purchasing Agent Senior, Purchasing Division
Fernando Amuchastegui, Senior Assistant County Attorney, Office of the County Attorney
McKillop Erlandson, Assistant County Attorney, Office of the County Attorney



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June 6th 2023

Via Email:
Director of Purchasing
Broward County Purchasing Division
115 South Andrews Avenue, Room 212
Fort Lauderdale, Florida 33301

Objection to Ranking for Agreement 1; Agreement 2; Agreement 3; and Agreement 4

Janitorial Services for County Facilities for

Bid Number: RFP No. BLD2124561P1

Attention Director of Purchasing;

Please be advised that McKenzie's Cleaning, Inc. hereby formally object to the ranking of the Janitorial Services of the County Facilities on Agreements # 1 Agreement 2; Agreement 3; and Agreement #4 for the above contract number.

"McKenzies Cleaning, Inc. asserts that in accordance with Broward County Ordinance No. 2020-42, Sec. 1-81.3. CBE goals and reserves - (1) Monetary Differential: The total Bid or Proposal amount of the CBE Presumptive Awardee:(a) (i) does not exceed Three Million Dollars (\$3,000,000) and (ii) does not exceed the total amount of the lowest responsive and responsible Bid, or the total amount of the highest-ranked responsive and responsible Proposal, as applicable, from a non-CBE by more than ten percent (10%). McKenzies should have been awarded RFP No. BLD2124561P1, Janitorial Services-County Facilities on Agreement # 1,2, 3, and 4 - CBE Reserve. As the highest ranked CBE company our price was well within the 10% requirement for award". Therefore, we are objecting to the ranking on Agreements 1 - 4 and kindly ask for them to be rescored considering the facts and the intent of the ordinance.

The CBE reserve agreement requires that in the event MCI's bid is within the ten percent (10%) differential of the successful bidder or the highest-ranking vendor, MCI as a CBE vendor would be given the opportunity to match or surpass the highest-ranking non-CBE vendor. In this instance, MCI was not afforded the benefit of its CBE status. Simply stated, MCI would like to know if its ten percent (10%)

differential was considered in determining the final ranking on agreement number 1 thru agreement 4.

Thank you for your immediate attention to this matter. Should you have any questions or concerns please feel free to contact our office for further inquiries.

Regards,



Ms. Terriann McKenzie
President
McKenzie's Cleaning Inc.