

OFFICE OF ECONOMIC AND SMALL BUSINESS DEVELOPMENT

Governmental Center Annex
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MEMORANDUM

DATE: January 8, 2018

TO: Delanor Nurse, Purchasing Agent
Broward County Purchasing Division

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

FROM: Freddy Castillo, Small Business Development Manager *FC*
Office of Economic and Small Business Development

SUBJECT: Bid No. PNC2115517C1, Residential Sound Insulation Program - Groups 3800 L2 & M1
DBE Compliance Evaluation

The Office of Economic and Small Business Development (OESBD) has conducted a review of the respondents' Disadvantaged Business Enterprise (DBE) participation. An overview of the DBE Participation for the two (2) respondents as provided by the Purchasing Division is provided as follows:

The DBE Goal for Group 3800 L2: 18%
The DBE Goal for Group 3800 M1: 18%

Met the DBE Requirements:

<u>Firm Name</u>	<u>Category</u>	<u>Agreed Percentage</u>
• S & L Specialty Contracting, Inc. (prime)		
<i>Group 3800 L2</i>		
Belcher Enterprises, LLC	DBE	4.54%
Midwest Building Supplies, Inc.	DBE	<u>14.11%</u>
Total DBE Participation		18.65%
Bid Amount (Group 3800 L2): \$3,919,000.00		
DBE Participation (Group 3800 L2): 18.65%		
<i>Group 3800 M1</i>		
Belcher Enterprises, LLC	DBE	5.11%
Midwest Building Supplies, Inc.	DBE	<u>14.97%</u>
Total DBE Participation		20.08%

Bid Amount (Group 3800 M1): \$7,962,000.00
DBE Participation (Group 3800 M1): 20.08%

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Did Not Meet the DBE Requirements:

<u>Firm Name</u>	<u>Category</u>	<u>Agreed Percentage</u>
• DEC Contracting Group, Inc. (prime) Group 3800 M1 Breezy Cool Air Conditioning, Inc.	DBE	8.00%

Bid Amount (Group 3800 M1): \$8,105,743.21

DBE Participation (Group 3800 M1): 8.00%

DBE Compliance Comments:

S & L Specialty Contracting, Inc. was given three (3) days to provide legible copies of its submitted Letters of Intent (LOIs). The firm responded within the stipulated time frame. **S & L Specialty Contracting, Inc.** is deemed compliant with the DBE requirements for this solicitation.

DEC Contracting Group, Inc. was given three (3) days to provide evidence of the good faith efforts made to meet the project goal. The firm responded within the stipulated time frame. However, **DEC Contracting Group, Inc.**, did not provide evidence of the outcome of contacting the DBE firms that it listed or why agreements with these DBE firms could not be reached.

Per the federal guidance concerning good faith efforts under the DBE Program, Title 49 of the Code of Federal Regulations Part 26, Appendix A, Section IV, D (49 CFR 26, Appendix A, (IV)(D)), *"It is the bidder's responsibility to make a portion of the work available to DBE subcontractors and suppliers and to select those portions of the work or material needs consistent with the available DBE subcontractors and suppliers, so as to facilitate DBE participation. Evidence of such negotiation includes the names, addresses, and telephone numbers of DBEs that were considered; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and evidence as to why additional Agreements could not be reached for DBEs to perform the work."*

Another consideration in reviewing **DEC Contracting Group, Inc.'s** good faith efforts was the performance of the other bidder in meeting the goal. Two (2) vendors submitted responses for this solicitation. The other vendor was able to meet the goal. Per 49 CFR Part 26, Appendix A, Section V, *"In determining whether a bidder has made good faith efforts, it is essential to scrutinize its documented efforts. At a minimum, you must review the performance of other bidders in meeting the contract goal."*

The OESBD has determined that DEC Contracting Group, Inc. did not demonstrate sufficient good faith efforts to meet the DBE goal.

cc: Donna-Ann Knapp, Small Business Development Specialist, BCAD/OESBD