

ITEM #90

**ADDITIONAL MATERIAL
10:00 A.M. REGULAR MEETING**

JUNE 12, 2018

**SUBMITTED AT THE REQUEST OF
AVIATION DEPARTMENT**



AVIATION DEPARTMENT - Fort Lauderdale-Hollywood International Airport
2200 SW 45th Street, Suite 101 • Dania Beach, Florida 33312 • 954-359-6100

MEMORANDUM

DATE: June 11, 2018

TO: Broward County Board of County Commissioners

FROM: Mark Gale, CEO/Director of Aviation *MG*
Sandy-Michael McDonald, Director, Office of Economic and Small Business Development *SM*

SUBJECT: Request for Proposal for Shuttle Bus and Other Transportation Services

On June 5, 2018, Item No. 66, the Broward County Board of County Commissioners ("Board") directed the Office of Economic and Small Business Development ("OESBD") to contact the Federal Aviation Administration ("FAA") to inquire whether federal regulations permitted the awarding of points or other incentives for exceeding an established Disadvantaged Business Enterprise ("DBE")/Airport Concession Disadvantaged Business Enterprise ("ACDBE") goal. The FAA responded that it strongly advises against awarding additional points to competitors that have committed to a higher participation percentage than required on a contract. Title 49 of the Code of Federal Regulations, Parts 23 and 26, state that Recipients must not award contracts unless Respondents have demonstrated good faith efforts in meeting the goal. The FAA's guidance is that good faith efforts are to be based on a pass or fail system. No additional points should be given for exceeding an established DBE or ACDBE goal.

Currently, Broward County solicitation documents with DBE and ACDBE goal requirements state:
"Nothing herein shall be construed to indicate that a higher level of certified DBE/ACDBE firm involvement above the stated goal will give any person or entity that has responded to the solicitation an advantage over other responders who have met the DBE/ACDBE Goal or shown Good Faith Efforts, as determined by the County." This language can be found on page 22 of the solicitation document for Request for Proposal ("RFP") No. 2018-06-05-0-AV-02, Shuttle Bus and Other Transportation Services at Fort Lauderdale-Hollywood International Airport, included in Item No. 90 on the Supplemental Agenda for the June 12 Board meeting.

In light of the FAA's guidance, OESBD and the Broward County Aviation Department recommend that the current solicitation language and method of scoring/ranking Respondents under the DBE and ACDBE Programs remain unaltered for this RFP. Broward County is currently in compliance with the federal requirements governing the DBE and ACDBE Programs.

MG/CS/ml

c: Bertha Henry, County Administrator
Monica Cepero, Deputy County Administrator
Andrew Meyers, County Attorney
Bob Melton, County Auditor

Broward County Board of County Commissioners
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