



OFFICE OF ECONOMIC AND SMALL BUSINESS DEVELOPMENT

Governmental Center Annex

115 S. Andrews Avenue, Room A680 • Fort Lauderdale, Florida 33301 • 954-357-6400 • FAX 954-357-5674

MEMORANDUM

DATE: September 21, 2018

TO: Carolyn Messersmith, Purchasing Agent Senior
Purchasing Division

THRU: Sandy-Michael McDonald, Director *SMS*
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. #PNC2116893c1 – Deerfield Island Park Boardwalk Replacement –
County Business Enterprise (CBE) Evaluation

The Office of Economic and Small Business Development (OESBD) conducted a review of the respondents' compliance with the CBE Reserve program requirements for the above referenced solicitation. An overview is provided as follows:

The CBE Goal for this project: 26%

Met the CBE Requirements:

| <u>Firms</u> | <u>Category</u> | <u>Percentage</u> |
|--|-----------------|-------------------|
| Lambert Bros, Inc. (Prime) Contractor's Bid Amount: \$2,029,500.00 CBE Participation Commitment: 100% | CBE | 100% |
| ENCO, LLC. (Prime) Contractor's Bid Amount: \$2,587,051.00 CBE Participation Commitment: 100% | CBE | 100% |
| LM Heavy Civil Construction, LLC. (Prime) Kalias Contractors Contractor's Bid Amount: \$3,010,670.00 CBE Participation Commitment: 26% | CBE | 26% |

Cone & Graham, Inc. (Prime)

| | | |
|--|-----|---------------|
| JT's Welding, Inc. | CBE | 24.00% |
| Stoner & Associates, Inc. | CBE | 0.70% |
| Quest Engineering Services & Testing, Inc. | CBE | <u>1.54%</u> |
| Total | | 26.24% |

Contractor's Bid Amount: \$3,025,875.46
CBE Participation Commitment: 26.24%

Jones Benitez Corporation (Prime)

| | |
|-----|------|
| CBE | 100% |
|-----|------|

Contractor's Bid Amount: \$3,540,000.00
CBE Participation Commitment: 100%

Did Not Meet the CBE Requirements:

| <u>Firms</u> | <u>Category</u> | <u>Percentage</u> |
|-------------------------------|-----------------|-------------------|
| Pac Comm, Inc. (Prime) | | |
| JT's Welding, Inc. | CBE | 14.90% |
| Arehna Engineering, Inc. | CBE | 1.90% |
| Pegasus Land Surveyors, Inc. | CBE | <u>0.29%</u> |
| Total | | 17.09% |

Contractor's Bid Amount: \$2,472,234.12
CBE Participation Commitment: 17%

West Construction, Inc. (Prime)

| | |
|---------|----|
| Non-CBE | 0% |
|---------|----|

Contractor's Bid Amount: \$3,775,490.00
CBE Participation Commitment: 0%

Compliance Comments:

Enco, LLC. and LM Heavy Civil Construction, LLC. submitted the required documentation in accordance with the solicitation's requirements and are compliant with the CBE Program requirements.

Lambert Bros, Inc, Cone and Graham, Inc. and Jones Benitez Corporation. are compliant with the CBE program requirements of the solicitation. The firms did not submit an executed LOI form with the bid package. The firms were given three (3) business days to provide its CBE commitment on the required LOI form. The LOIs were provided within the required three day period.

Pac Comm, Inc. is deemed non-compliant with the CBE program requirements for this solicitation. The firm was given three (3) business days to provide its CBE commitment on the required LOI form and/or provide proof of their good faith efforts prior to bid submittal to meet the goal in accordance with the Business Opportunity Act of 2012, (the "Act") as amended, Section 1-81.5 (d) (2). The Business Opportunity Act considers the following to be

taken under consideration when determining a bidder's good faith efforts in terms of demonstrating maximum effort to meet the CBE Participation:

- a. Soliciting through activities such as attendance at pre-bid meetings, advertising, or written notices the interest of certified CBEs that have the ability and capacity to perform the contract work.
- b. Identifying the portions of the contract that could be reasonably performed by a CBE in order to increase the likelihood that CBE goals will be achieved.
- c. Providing each interested CBE with adequate information about the plans, specifications and requirements of the contract in a timely manner.
- d. Negotiating in good faith with each interested CBE

Pac Comm, Inc. submitted three (3) executed LOIs for certified CBE firms totaling 17.09% CBE participation and an application with supporting documentation for evaluation of good faith effort within the three day period. Upon review of their good faith effort, OESBD has determined that they did not meet the quality, quantity and extent in their efforts to meet the goal.

West Construction, Inc. is deemed non-compliant with the CBE program requirements of the solicitation. The firm was given three (3) business days to provide its CBE commitment on the required LOI form and/or provide proof of their good faith efforts prior to bid submittal to meet the goal in accordance with the Business Opportunity Act of 2012, (the "Act") as amended, Section 1-81.5 (d) (2). West Construction, Inc. submitted an application for evaluation of good faith effort. Upon review of their good faith effort, OESBD has determined that they did not meet the quality, quantity and extent in their efforts to meet the goal

In addition, there were seven (7) bids submitted for this project of which five (5) bids met or exceeded the CBE program requirement. Section 1-81.5 (d) (3) of the Act states: "In determining whether a Bidder has made Good Faith Efforts, the Program Director may also consider the level of CBE participation proposed by other Bidders as well as any representations made by the Bidder during the bid, proposal, or selection phases of the procurement regarding the Bidder's commitment to attain the CBE goal." Therefore, it is determined that Pac Comm, Inc. and West Construction, Inc. are non-compliant with the CBE program requirements.

Cc: Marcia Young, Small Business Development Specialist, OESBD