



**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: May 2, 2019

TO: Melissa Cuevas, Purchasing Agent
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. GEN2116293P1 - Distribution of Promotional Items
County Business Enterprise (CBE) Evaluation

This memorandum supersedes the previous memorandum dated October 30, 2018

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

The CBE Goal for this project is: 25%

Met the CBE Requirements:

<u>Firms:</u>	<u>Category</u>	<u>Percentage</u>
Sharp Marketing, LLC (Prime) Contractor's Bid Amount: \$174,845.50 CBE Participation Commitment: 100%	CBE	100%
Flagrant International Solutions, Inc. (Prime) Contractor's Bid Amount: \$145,625.00 (Partial Bid) CBE Participation Commitment: 100%	CBE	100%

Did not meet the CBE Requirements:

<u>Firms:</u>	<u>Category</u>	<u>Percentage</u>
Begus Online, LLC (Prime) Contractor's Bid Amount: \$90,150.00 (Partial Bid) CBE Participation Commitment: 0%	Non-CBE	0%
Wizard Creations, Inc. (Prime) Contractor's Bid Amount: \$205,282.00 CBE Participation Commitment: 0%	Non-CBE	0%

Compliance Comments

Met the CBE Requirements:

Sharp Marketing, LLC is in compliance with the CBE requirements of the solicitation. This firm did not originally provide a Letter of Intent (LOI) to demonstrate their intended CBE participation, or documentation as proof of their good faith efforts to meet the established CBE goal. Sharp Marketing, LLC was given three (3) business days to provide this information. This firm submitted its LOI within the required time and is compliant with the solicitation's CBE program requirements.

Flagrant International Solutions, Inc. is in compliance with the CBE requirements of the solicitation. This firm did not originally provide a Letter of Intent (LOI) to demonstrate their intended CBE participation, or documentation as proof of their good faith efforts to meet the established CBE goal. Flagrant International Solutions, Inc. was given three (3) business days to provide this information. This firm submitted its completed LOI within the required time and is compliant with the solicitation's CBE program requirements.

Did not meet the CBE Requirements:

Begus Online, LLC is not in compliance with the CBE requirements of the solicitation. This firm did not originally provide a Letter of Intent (LOI) to demonstrate their intended CBE participation, or documentation as proof of their good faith efforts to meet the established CBE goal. Begus Online, LLC was given three (3) business days to provide this information. However, this firm failed to submit the requested information and is not in compliance with the solicitation's CBE program requirements.

Wizard Creations, 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 Letter of Intent (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. The bidder must solicit this interest in a timely manner to allow the CBEs to respond to the solicitation. The Bidder must take appropriate steps to follow up initial solicitations of CBEs.
- b. Identifying the portions of the contract that could be reasonably be performed by a CBE in order to increase the likelihood that CBE goal will be achieved. This may include, where appropriate and commercially practicable, separating contract work items into segments more appropriate for participation by CBEs.
- 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. Evidence of such negotiation includes the names, addresses, and telephone numbers of CBEs that were considered; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and explaining why an agreement could not be reached with any of the interested CBEs to perform the work. The fact that there may be some additional costs involved in subcontracting with CBEs is not in itself sufficient reason for a bidder's failure to meet the contract CBE goal, as long as such additional costs are reasonable, as determined by the Program Director in his or her sole discretion.
- e. Rejecting an interested CBE as being unqualified for participation only after diligently investigating the CBE's capabilities and documenting the sound reasons justifying such rejection (with such documentation to be provided to the Program Director).

Wizard Creations, Inc. provided the following information to address the above-mentioned criteria:

- a) A signed Application for Evaluation of Good Faith Efforts.
- b) A list of the CBE firms from the County's Certified Firm Directory that were reviewed and contacted by Wizard Creations.
- c) A one-page letter explaining the following: "Wizard Creations has been unable to recruit enough CBE – certified firms to meet the CBE participation goal for RFP No. GEN2116293P1. During the last week in August and September prior to bid submittal I went to the Broward County Small Business Development Home Page and then to the Certified Firm Directory to find possible subcontractors for the project based on bid items. Of all the firms listed, only seven had services potentially to be used for the bid. After looking at their websites and calling all of them we realize that none would be able to be recruited as a subcontractor. Five of those firms only had services that were not applicable to the bid. The other two firms are not able or willing to be subcontractors with us as Prime vendor as they directly compete with what we provide."

Upon the review of Wizard Creations, Inc.'s good faith efforts documentation, OESBD has determined that this firm did not meet the quality, quantity and extent in any of their various efforts to meet the goal in accordance with Section 1-81.5 (d)(2) of the Broward County Business Opportunity Act of 2012 (the "Act") as amended. Additionally, per Section 1-81.5 (d)(3) of the "Act", OESBD considered the level of participation proposed by other bidders. Therefore, Wizard Creations, Inc. is not in compliance with the CBE requirements of the solicitation.

cc: Maribel Feliciano, Assistant Director, OESBD
Oswaldo Casco, Small Business Development Supervisor, OESBD