



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 11, 2022

TO: Randy Plunkett, Purchasing Agent
Purchasing Division

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

SANDY-MICHAEL MCDONALD
Digitally signed by SANDY-MICHAEL MCDONALD
Date: 2022.05.16 12:59:45 -04'00'

FROM: Maribel Feliciano, Assistant Director
Office of Economic and Small Business Development

MARIBEL FELICIANO
Digitally signed by MARIBEL FELICIANO
Date: 2022.05.16 12:10:51 -04'00'

**RE: Revised County Business Enterprise (CBE) Evaluation
RFP No. BLD2123540P1- Building Automation Systems Services-
County Facilities**

This memorandum supersedes the April 20, 2022 memorandum.

The following is an update regarding the Office of Economic and Small Business Development’s (OESBD’s) review for compliance with the 10% CBE goal on optional services for the above-referenced contract. In April of 2022, OESBD received and reviewed three (3) bids for CBE participation with two (2) of the three (3) respondents meeting the goal. One of the bidders, Siemens Industry, Inc. submitted CBE Letters of Intent (LOIs) during the review period but there were no percentages listed on the LOIs to indicate the amount of CBE participation. OESBD contacted them to inquire why they did not list percentages on their LOIs. In their response, Siemens Industry, Inc. indicated that the language in the RFP does not include a scope of work or volume of work for the “Optional Services” portion of the contract. Siemens Industry, Inc. claims that as the prime contractor they did not have access to that information at the time of bid submittal. Therefore, they could not provide percentage amounts for the CBE subcontractors they identified to meet the 10% CBE goal requirement for this RFP.

OESBD has contacted Broward County’s Purchasing Division to verify the aforementioned and found that although the Optional Services are negotiated at the time of request by the county, the 10% goal requirement is applicable per Section 10.3 of the RFP: “Contractor must meet or exceed the required CBE goal by utilizing the CBE firms listed in Exhibit F (or a CBE firm substituted for a listed firm, if permitted) for ten percent (10%) of Optional Services (the “Commitment”) for the scope of work and the percentage of work amounts identified on each Letter of Intent. Promptly upon execution of this Agreement by County, Contractor shall enter into formal contracts with the CBE firms listed in Exhibit F and, upon request, shall provide copies of the contracts to the Contract Administrator and OESBD.”

Revised CBE Evaluation Memo
RFP No. BLD2123540P1- Building Automation Systems Services- County Facilities

In response to the claim from Siemens Industry, Inc., Broward County’s Purchasing Division held a meeting on May 2nd, 2022 with OESBD to address their concerns with Siemens Industry, Inc.’s inability to meet the CBE goal. At that meeting, OESBD informed Siemens Industry, Inc. that the other two (2) respondents for this RFP submitted LOIs to OESBD that met the CBE goal requirement. Siemens requested a summary of the optional services from OESBD that were used from existing Contract No. R1305709P1 to identify previously requested services to meet the goal requirement. Due to the fact that Siemens Industry, Inc. is the prime contractor for the current contract, and they have provided this information to OESBD thru CBE Monthly Utilization Reports (MURs) submitted by them to Broward County, OESBD did not provide this information.

On May 3rd, 2022, OESBD sent a reminder to the Purchasing Division (Purchasing) to submit a written request for OESBD to grant a second opportunity for Siemens Industry, Inc. to meet the 10% CBE goal assigned to RFP No. BLD2123540P1-Building Automation Systems Services-County Facilities. On May 3rd, 2022, the Purchasing Division sent a request via E Mail for OESBD to grant Siemens Industry, Inc. an additional opportunity to meet the CBE goal. On May 5th, 2022, Purchasing sent a follow-up E Mail requesting a status of the progress of the compliance review from OESBD. On May 6th, 2022, Purchasing sent an E Mail to OESBD that Siemens Industry, Inc, had contacted them and stated that they had not heard from OESBD, but they submitted a revised Letter of Intent (LOI) to use Edge Electric, Inc., a CBE certified firm, for 10% CBE participation as an attachment to the E Mail correspondence. On May 9th, 2022, OESBD responded to the status request and provided an update to the Purchasing Division that a second request for CBE Letters of Intent would not be necessary due to the information needed for Siemens Industry, Inc. to be in compliance was previously provided by the Purchasing Division. An overview of the revised CBE participation of the respondents is provided as follows:

Met the CBE Requirements:

| <u>Firms</u> | <u>Category</u> | <u>Percentage</u> |
|---|------------------------|--------------------------|
| Climax, Inc., dba Mechanical Air Concepts (prime) Airmatic Controls, Inc. | CBE | 10% |
| Johnson Controls, Inc. (prime) Citizen Protection, Inc. | CBE | 10% |
| Siemens Industry, Inc. (prime) Edge Electric, Inc. | CBE | 10% |

Compliance Comments:

Climax, Inc., dba Mechanical Air Concepts; Johnson Controls, Inc. and Siemens Industry, Inc. are all in compliance with the CBE program requirements of the RFP.

Revised CBE Evaluation Memo
RFP No. BLD2123540P1- Building Automation Systems Services- County Facilities

CBE Compliance History:

The following is a report of the respondents' CBE compliance history for active and completed projects within the last five (5) years of the RFP opening date of March 9th, 2022. The information is compiled from various sources including Contract Central, OESBD's Database (ALTs) and Monthly Utilization Reports (MURs):

Climax, Inc., dba Mechanical Air Concepts: OESBD found no active or completed projects with CBE requirements within the last 5 years.

Johnson Controls Inc.

| Project Name | Project Number | Amount Paid to CBE Firms |
|------------------------------------|-----------------------|---------------------------------|
| Fire Alarm and Card Access Systems | M2113151A1 | \$448,301.00 |

CBE Compliance History (continued):Siemens Industry, Inc.

| Project Name | Project Number | Amount Paid to CBE Firms |
|--|-----------------------|---------------------------------|
| Energy Audit and Performance Consultant Services | R1243101P1 | \$973,512.00 |
| Building Automation Systems Services | R1305709P1 | \$100,331.00 |

cc: Janice Carter, Contract Grant Administrator, FMD
Donna-Ann Knapp, Small Business Development Manager, OESBD
James Vose, Jr., Small Business Development Specialist, OESBD