

BOARD OF COUNTY COMMISSIONERS

Inter-Office Memorandum

ATTACHMENT # 5
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Date: April 3, 2007

To: Kim Dressel, Director, Management Services Department

From: Gary W. Johnson,  Director, Minority, Women, and Small Business Enterprise Division

Subject: Good Faith Committee Referral – Bid No: BC-02-22-07-26 – Improvements in the Harbinwood Primary Conveyance System

The Minority, Women, and Small Business Enterprise (MWSBE) Good Faith Committee held a meeting on March 28, 2007 at 1:00 p.m. based on the MWSBE Director decision that a good faith effort was not made by Jimmie Crowder Excavating & Land Clearing Inc. on Bid No.: BC-02-22-07-26 – Improvements in the Harbinwood Primary Conveyance System.

The MWSBE Good Faith Committee made a formal determination that Jimmie Crowder Excavating & Land Clearing Inc. did not make a good faith effort as required by the Purchasing and Minority, Women and Small Business Enterprise Policy. Attached are the minutes from the referenced meeting.

Attachment: MWSBE Good Faith Committee Minutes

cc: Keith Roberts, Purchasing Director
Clifton Brown, MWSBE Citizen Advisory Committee Chairman
Tony Parks, Public Works Director
Felton Ard, Engineer
Charles Wu, Chief of Engineer Design
Jason Crowder, Jimmie Crowder Excavating & Land Clearing, Inc. Vice President

**Board of County Commissioners
Good Faith Committee**

Wednesday, March 28, 2007, 1:00 p.m.

Minutes

Good Faith Members

Kim Dressel, Director of Management Services
Clifton Brown, Chairman of MWSBE Citizen Advisory Committee
Keith Roberts, Director of Purchasing

Jimmie Crowder Representatives

Carrie Bateman
Carlton Jackson

Staff

Gary Johnson, Director of Minority, Women, and Small Business Enterprise Division
Iranetta Dennis, Minority, Women and Small Business Enterprise Analyst
Merlene Johnson, Minority, Women and Small Business Enterprise Analyst
Charles Wu, Chief of Engineering Design

I. Call to Order

Meeting was called to order by Chairman Kim Dressel

II. Introduction

Introductions were made.

III. Presentation By : MWSBE Director, Gary Johnson

Mr. Johnson stated that he wanted to lay the predicate concerning his decision that a good faith effort was not made in bid 02-22-07-26, the Harbinwood Primary Conveyance System based upon the provisions and guidelines in section 16 G.d. and e. of the Purchasing, Minority, Women, and Small Business Enterprise Policy. Jimmie Crowder Excavating & Land Clearing, Inc. responded to the bid with a stated intent to perform zero (0%) percentage toward the MBE aspirational target of 3%.

Mr. Johnson explained that in Section 16.G.d.ii, Section 16.G.d.iii, and Section 16.G.e of the Leon County Purchasing, Minority, Women, and Small Business Enterprise Policy refers to the Good Faith Committee composition and responsibility. The MWSBE Director referenced Section 16.G.e of the policy that states the responsibility of the Good Faith Committee to make the formal decision of Jimmie Crowder's Good Faith Efforts to meet aspirational target. The MWSBE Director referred to the guidelines of what constitutes a good faith effort, listed in 1-8 of

Section 16 G.d.ii of the Purchasing, Minority, Women and Small Business Enterprise Policy. Mr. Johnson stated that in his review of the Jimmie Crowder's bid package, the following was noted: Jimmie Crowder did not provide documentation for any of the 1-8 requirements considered for a good faith effort.

Mr. Johnson informed the committee there are a number of sub-contractors who would be capable of performing work in this project. He added that he called Mr. Felton Ard, an Engineer in the Public Works Department, and the project manager to confirm the type of work that would be performed in this project.

Mrs. Dressel referred to page 4 of the bid concerning aspects of the policy where everyone is given notice of what Leon County procurement activities require to participate in the bid process and in the bid it requires that the respondent must submit the Participation Plan Form, and failure to submit the Participation Plan Form, or show Good Faith Effort to meet the aspirational target will result in a determination of non-responsiveness for the bid.

Representative of Jimmie Crowder, Carrie Bateman

Mrs. Bateman informed the Good Faith Committee she wanted to explain the documents in Jimmie Crowder bid submittal. She indicated that it was not her intention to avoid presenting things within their bid. She proceeded to go through the items in her package.

Ms. Bateman indicated she had planned to submit supplemental documentation of their good faith efforts if they were awarded the project that included copies of the company's contacts, their quotes and the dates in which they were solicited. She stated that all of the people that she spoke to did have the bid information available to them, and the bid quotes were very high. She also noted that they attended the pre-bid conference, and she was aware of the MBE goal on the project and she would use MBE subcontractor if she could acquire a quote that was reasonable to their needs.

IV. Good Faith Committee Deliberation

Mrs. Dressel went through the quotes detailed in Jimmie Crowder's supplemental documentation of their good faith efforts to determine if they met the time frame, and determine if they were MBE certified or not.

Mr. Keith Roberts asked if Jimmie Crowder had called the MWSBE office for assistance. Ms. Bateman stated that she just downloaded the Leon MWSBE Directory and did not call the MWSBE office.

Mr. Roberts informed Jimmie Crowder Representatives that all documentation pertaining to good faith efforts has to be submitted with the bid.

Mrs. Dressel stated that Jimmie Crowder listed:

- 1. Florida Developer as an MBE**

- The MWSBE Director concurred that Florida Developers are a listed MBE firm.
 - Mrs. Dressel stated that their bid date was 2/26, two days before bid deadline, their price was \$10.00 for excavation, and Crowder's was \$5.25, they verified the bid price.
2. **Peavy & Son, which was not a MBE**
 - They were solicited for asphalt.
 - Mrs. Dressel asked if we have a MBE for asphalt, and the MWSBE Director, said no.
 3. **SCCI, which was not a MBE**
 - They were solicited for sheet piling.
 - The MWSBE Director indicated the there is not a current MBE listed for sheet piling.
 4. **Iland Products out of Clay County**
 - They were solicited for sheet piling
 - The MWSBE Director indicated the there is not a current MBE listed for sheet piling.
 5. **FW Construction, which is not a MBE**
 - They were solicited for sheet piling
 - The MWSBE Director indicated the there is not a current MBE listed for sheet piling.
 6. **Rex Shiver, which is not a MBE**
 - They were solicited for sod

Mrs. Dressel asked Iranetta Dennis (MWSBE Analyst) if there are any certified MBE firms for sod. Ms. Dennis responded by indicating that Greenways of America is listed as a MBE firm that can provide sod. Ms. Bateman indicated Greenways of America is listed with the City and not with Leon County. Ms. Dennis indicated that due to the Interlocal Agreement between, the City of Tallahassee, Leon County School Board and Leon County Board of County Commissioners, the county can accept city MBE certification.

Mrs. Dressel asked if Jimmie Crowder was going to use Rex Shiver as a subcontractor, and Mrs. Bateman said yes. Mrs. Dressel asked who else were they subcontracting with, and Ms. Bateman said Peavy & Son. Ms. Batman stated that they would be purchasing all of the materials, and that they would be doing the asphalt themselves. Mrs. Dressel asked Ms. Bateman if she read the part in the bid that stated she needed a good faith effort statement. Mrs. Bateman stated that she thought the good faith effort statement that she submitted would be considered as an adequate good faith effort letter.

The Good Faith Effort Committee voted 3-0 that Jimmie Crowder Excavating & Land Clearing, Inc. did not make a good faith effort to acquire the 3% Subcontracting Minority Business Participation in bid 02-22-07-26, the Harbinwood Primary Conveyance System.

The MWSBE Director informed Jimmie Crowder Representatives that the decision made by the Good Faith Committee would not determine if they would receive the contract for this project. The Leon County Board of County Commissioners would make the final decision concerning the awarding of the contract. The MWBE Director suggested the option of Jimmie Crowder Representatives submittal of a letter to Charles Wu (Public Works Engineer) stating that they would state an intent to acquire the 3% Subcontracting Minority Business Enterprise Participation to be submitted with the agenda request.

V. Adjournment

The meeting was adjourned @ 2:25 p.m.