



CITY OF ORLANDO

MEMORANDUM

TO: Silvia Coste, Purchasing Agent II

THRU: Kevin Walsh, Minority Business Enterprise Official *KW*

FROM: Byron Rayson *BR*, Contract Compliance Investigator III

DATE: June 1, 2015

SUBJECT: Iron Bridge Regional Water Reclamation Facility Wetlands Pump Station Improvements -IFB15-0155

Project Amount: \$6,363,730.00

With reference to the submission by **Wharton-Smith, Inc** regarding minority and women-owned business enterprise utilization for the above cited contract, please note the following:

The cited firms have been identified as City of Orlando certified:

J B Mechanical, Inc	MBE	\$ 62,000.00	1.0%
HZ Construction, Inc	MBE	\$ 65,417.00	1.0%
EM Paving	MBE	\$ 27,800.00	0.4%
PES, LLC	MBE	\$ 21,700.00	0.3%
Winter Garden Grassing	WBE	<u>\$ 12,950.00</u>	<u>0.2%</u>
Total M/WBE Participation		\$189,867.00	2.9%

Wharton-Smith, Inc was the apparent low bidder but did not achieve the City's MWBE program goals of 18% MBE participation and 6% WBE participation. At the time of the bid submittal, Wharton-Smith, Inc submitted 2.0% M/WBE participation and good faith documentation. Wharton-Smith, Inc was given five additional days and failed to comply with City's M/WBE program goals. After evaluating the good faith documentation submitted by Wharton-Smith, Inc and concurrence from the City's legal department, it has been determined that the M/WBE good faith requirements have been met.

Based upon this office's interaction with **Wharton-Smith, Inc** and their submittal of agreement to subcontract with the above named firm, we find good faith efforts substantiated and bid responsive.

In the event that **Wharton-Smith, Inc** has not submitted signed subcontract agreements, please remind them of the requirements to execute and submit to this office within seven (7) days after contract award, copies of all Ordinance related subcontracts. **Wharton-Smith, Inc** should also be informed that any change orders, up or down, require 24% M/WBE participation on the total amount of such change order.

IMPORTANT: PLEASE INFORM **WHARTON-SMITH, INC** THAT ANY MATERIAL CHANGES IN THE CONTRACTUAL RELATIONSHIP HEREINAFTER ESTABLISHED BETWEEN THE PRIME AND THE SUBCONTRACTOR AGREEMENT MUST BE PROMPTLY REPORTED TO MINORITY BUSINESS ENTERPRISE OFFICIAL FOR APPROVAL.

cc: Richard Howard, Director of Public Works

MINORITY BUSINESS ENTERPRISE

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