



**National Association for the Advancement of Colored People
(NAACP) Lee County Branch Unit #5110**

3903 Dr. Martin Luther King Blvd, Fort Myers, Florida 33916
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Email: Leecountynaacp@theleecountyflnaacp.org

May 15th,

This is an official complaint of racial discrimination against Tobler/OAK Joint Venture LLC regarding Franklin Park demolition/new construction school and temporary re-location.

The complaint is against procurement development.

Fact: In 2021 the Lee County NAACP was approached by Mr. John Tobler (President of Tobler Construction) promising equal opportunity for qualified black construction contractors on the Franklin Park School; and if the NAACP would canvas, mobilize the black surrounding businesses and residents to support Tobler/OAK Joint Venture on the demolition/new construction of Franklin Park.

From June of 2021 until May 9th 2022 the Lee County NAACP supported Tobler/OAK Joint Venture. On May 4th Mr. John Tobler representing Tobler/OAK asked the Lee County NAACP to set up a meeting between minority contractors and the Tobler/OAK Joint Venture team. It was an urgent request by Mr. Tobler, who stated that the deadline for "bidding was fastly approaching."

On May 9th at 5:30 P.M. only black contractors attended the meeting and it immediately raised alarming and suspicious flags.

Contractors were told that they only had eight days until May 17th at 2 P.M. Normally contractors are notified and invited to bid at least 30-45 days before the due date. Black contractors were only given **8 days**. Tobler/OAK also imposed a mandatory "bond" that is not backed up by the law because of the low total amount of the job. On May 12th, 2022 with black contractors in the NAACP office we contacted a Mr. Pablo Ferreira Estimator of OAK about an extension for bids to be turned around. The NAACP was told via phone that there were no "more" extensions.

In looking through the bid documents we discovered an addendum that extensions had already been given for the final bids to be turned in. The reason given for earlier extensions was based on lack of participation we assumed from black contractors in which the NAACP was never contacted about prior to May 4th.



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Tobler/OAK Joint Venture did not invite qualified black contractors, Tobler/OAK continued to use a racist process in which only white contractors were accustomed to. No Black contractor as far back as early April was invited to bid.

On Sunday May 15th the NAACP received documents that informed us that the original bidding process for the Franklin Park demolition and new construction process had already taken place in early and mid April.

Mr. Pablo of OAK informed us that Mr. Tobler was responsible for notifying black contractors.

We disagree. Tobler/OAK Joint Venture LLC is/are responsible for reaching out to all qualified contractors where all information/contact is on SunBiz, Florida Department of Management Services Office of Supplier Diversity (i.e. WMBE, MBE, DBE, etc.).

The Lee County NAACP believes that bid opportunities for black contractors in the last week of due date May 17th that had already been bid on by white and other contractors in early, mid April in which they all were offered enough time to understand what's required. The Lee County NAACP maintains that Lee School District procurement department assisted in discrimination against blacks.

All of what we have stated in this complaint are tactics used by black and white supremacist to discriminate against blacks.

Lee School District has an ugly history of racial discrimination. When it comes to black contractors very little accountability is enforced upon the contract management company that won the job. Over the past twelve years OAK has had the most contracts and made the most money. Corruption is emerging.

May 13th 7 A.M. the NAACP did contact Mr. Frederick Ross, Executive Director of Operations about this situation. Mr. Ross promised to communicate back to me. Today is the 16th and we are still waiting.

The Lee County NAACP writes this complaint based upon the 1964/65 Civil Rights law that states: No person in the U.S. shall on the ground of race, color, or national origin be excluded from participation in, be denied the benefits or be subjected to discrimination under any program that receives public funds.



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We believe that Tobler/OAK has practiced racial exclusionary discrimination and racial bigotry. We believe that is what has occurred.

We recommend that Tobler/OAK be disqualified and the school district accepts the 2nd bidder which is Chris-tel Construction Mr. Howard Wheeler whose company has a wonderful track record of using black contractors.

Best Regards,

James X. Muwakkil

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