

Pre-qualification of Contractors for Educational Facilities

The School Board (“Board”) through the Superintendent or designee, shall pre-qualify all “contractors” for construction contracts, and any other contracts that require a certificate issued pursuant to Chapter 489, Florida Statutes. The Superintendent shall establish procedures for the pre-qualification of contractors for Architectural, Engineering, Landscape Architectural, Land Surveying, Construction Management, Construction Management At-Risk, Design Build, Program Management, Inspection Services, and any other construction service which is subject to Section 287.055, Florida Statutes.

The School Board shall:

1. Receive applications for contractor pre-qualification in compliance with State Requirements for Educational Facilities (SREF) 4.1 and prequalify contractors for a one-year period or for a specific project.
2. Publish notices of Qualifications Selection Evaluation Committee (QSEC) meetings in a local newspaper having general circulation throughout the District at least thirty days prior to the committee meeting and notify committee participants again, seven days prior to the meeting. The notices shall contain the purpose, date, time, and place of the hearing.
3. Prescribe procedures for reviewing and evaluating applications and making recommendations for type of project, dollar volume, and limits allowed within the scope of the prequalification.
4. Prescribe procedures that will not supersede any small business, woman- or minority-owned business enterprise preference program adopted by the Board.
5. Prescribe procedures by which the Board may reject applications that contain inaccurate information, declare a contractor delinquent, and suspend or revoke a pre-qualification certificate.

Each contractor, firm, or person requesting pre-qualification shall submit separate applications that require the following:

1. Detailed information on Board prescribed forms setting forth the applicant’s competence, past performance, experience, financial resources, and capability, including a public entity crime statement and references.
2. Audited financial information current within the past twelve (12) months, such as a balance sheet and statement of operations and bonding capacity. The requirement for financial information may be satisfied by the contractor providing written verification of the contractor’s bonding capacity.
3. General information about the contractor’s company, its principals, and its history including state and date of incorporation.
4. Contractor trade categories and information regarding the state and local licenses and license numbers held by the applicant.
5. A list of projects completed within the past five years, including dates, clients, approximate dollar values, and project scopes.

6. Certificates of insurance confirming current workers' compensation, public liability, and property damage insurance as required by law.
7. A list of all pending litigation and all litigation within the past five years, including an explanation of each. Litigation initiated by the contractor to protect the contractor's legal rights shall not be used as a basis for rejecting pre-qualification.
8. Signed by an authorized officer of the company, the owner or sole proprietor, as appropriate, attesting to the completeness and correctness of the application and financial information.

Qualification Selection Evaluation Committee – Pre-qualification:

Designate an evaluation and recommendation committee, the Qualification Selection Evaluation Committee, to be composed of nine (9) standing voting members for the purpose of pre-qualification of contractors. QSEC shall also include one (1) non-voting staff member from the Office of the Chief Auditor to serve in an advisory and support role.

QSEC Pre-qualification committee shall be comprised of the following nine (9) standing voting members:

1. Chief Facilities Officer or designee.
2. Chief Strategy & Operations Officer or designee.
3. One (1) Director from the Office of School Performance & Accountability or designee.
4. One (1) Executive Director, Director, Manager, or Supervisor from Facilities Division.
5. Chief Building Official, or designee.
6. Coordinator. Supplier Diversity & Outreach or designee.
7. One (1) member of the general public appointed by the Superintendent of Schools.
8. One (1) representative of the South Florida Chapter, Associated General Contractors of America (AGC) or the Associated Builders and Contractors Florida East Coast Chapter (ABC) or the Builder's Association of South Florida (BASF) or the Construction Association of South Florida (CASF) or the Minority Builders Coalition (MBC) not having had business with the District for a period of two (2) years. (The designated appointee shall alternate from year-to-year between the AGC, ABC, BASF, CASF, and MBC.)
9. Facilities Task Force Chair or designee.

A quorum shall be six (6) voting members for pre-qualification of contractors.

The School Board of Broward County shall receive and either approve or reject each application for pre-qualification within sixty (60) days after receipt of application in its entirety and all required documents. Approval shall be based on the criteria and procedures set forth in SREF.

The Board shall issue to all pre-qualified contractors a certificate valid for one (1) year from the date of approval or for the specific project(s). That certificate shall include the following:

1. A statement indicating that the contractor may bid, propose, or otherwise be considered, on the specific project(s) or for this specific time period.

2. A statement establishing the total dollar value of the work the contractor will be permitted to have under contract with the Board at any one time. The maximum value shall not exceed the contractor's bonding capacity or ten (10) times the net quick assets.
3. A statement establishing the maximum dollar value of each individual project the contractor will be permitted to have under contract with the Board at any one time. The maximum value of each project may be up to twice the value of the largest similar project previously completed but shall not exceed the contractor's bonding capacity or ten (10) times the net quick assets.
4. A statement establishing the type of work the contractor will be permitted to provide.
5. The expiration date of the certificate.

It shall be the responsibility of the contractor to renew annually certificates not for a specific project. Financial statements or written verification of bonding capacity on file with the Board shall be updated annually. Failure to submit a new statement or verification of bonding capacity within thirty (30) days, written notice by the Board shall automatically revoke a pre-qualification certificate.

1. Pre-qualified contractors may request a revision of their pre-qualification status at any time they believe the dollar volume of work under contract or the size or complexity of the projects should be increased if experience, staff size, staff qualifications, and other pertinent data justify the action.

The decision to declare a contractor delinquent may be made only by the Superintendent and must be ratified by the Board at its next regular meeting following the decision by the Superintendent. Should the contractor be determined to be delinquent, after notice and an opportunity for a fair hearing, the Board shall notify the contractor and its surety, in writing, that the contractor is disqualified from bidding, proposing, or otherwise receiving consideration, for work with the District as long as the delinquency exists. A delinquent condition exists when one (1) or more of the following conditions occur without justifiable cause:

1. A substantial or repeated failure to comply with contract documents after written notice of such non-compliance.
2. A substantial or repeated failure to provide supervision and coordination of subcontractor's work after written notice of such failure.
3. Substantial deviation from project time schedules after written notice of non-compliance.
4. Substantial or repeated failure to pay subcontractors after the Board has paid the contractor for the work performed by the subcontractors in accordance with approved requisitions for payment.
5. Substantial or repeated failure to provide the quality for workmanship compatible with the trades' standards for the community after written notice of such failure.
6. Substantial or repeated failure to comply with the warranty requirements of previous contracts after written notice of such failure.
7. Failure to maintain the required insurance coverage after written notice of such failure.

The Board may, for good cause, suspend a contractor for a specified period of time or revoke the pre-qualification certificate. Causes for suspension or revocation shall include, but are not limited to, one or more of the following:

1. Inaccurate or misleading statements in the application.
2. Declared in default by the Board.
3. Filed for or adjudged to be bankrupt.
4. Performance, in connection with contract work, becomes unsatisfactory to the Board, based on the Board asserting and recovering liquidated damages in an action against the contractor.
5. Payment record, in connection with contract work, becomes unsatisfactory to the Board, based on the contractor's failure to comply with the Construction Prompt Pay Act (Section 715.12, F.S.)
6. Becomes delinquent on a construction project.
7. Contractor's license becomes suspended or is revoked by a licensing agency.
8. No longer meets the uniform pre-qualification criteria established in this policy.

A contractor whose application has been rejected or whose certificate has been suspended or revoked by the Board shall be given the benefit of reconsideration and appeal as follows:

1. The aggrieved contractor may, within ten (10) days after receiving notification of such action, request reconsideration in writing. The contractor may submit additional information at the time of appeal.
2. The evaluation committee shall review the additional information and make its recommendation to the Superintendent within fifteen (15) calendar days (excluding those days that the District is closed, e.g., weekends, holidays).
3. The Board shall act upon the Superintendent's recommendation within thirty (30) calendar days and shall notify the contractor of its action to adhere to, modify, or reverse its original action. The Board may require additional information to justify the reconsideration.

AUTHORITY:

Rule 6-2.0111, Florida Administrative Code, and Sections 1013.02, 1013.03, 1013.12, 1013.45, 1013.37, 255.20, 287.055, 471, 481, 489.113(2), 489.125, Florida Statutes.

SREF 4.1

Primary Qualifying Agent as per F.S. 489.105 (4).

Secondary Qualifying Agent as per F. S. 489.1195 (e)

Adopted: 10/18/16