

CHAPTER 8.00 - AUXILIARY SERVICES

Prequalification of Contractors for Educational Facilities Construction

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The School Board shall prequalify contractors for a one (1) year period or for a specific project in accordance with the following:

- I. Criteria - Contractors shall be prequalified on the basis of the following criteria and any additional criteria specific to the project under consideration:
 - A. Proof that the contractor holds a contractor's license which authorizes the contractor to supervise work within the scope of the construction project.
 - B. Evidence that the applicant has financial resources to start up and follow through on projects and to respond to damages in case of default as shown by written verification of bonding capacity equal to or exceeding the amount of any project for which the contractor seeks prequalification. The written verification must be submitted by a licensed surety company rated excellent ("A-" or better) in the current A.M. Best Guide and qualified to do business within the state. In the absence of such written verification, the Board may require the applicant to submit any audited financial information necessary to evaluate an applicant's financial ability to perform the project and to respond to damages in the event of default.
 - C. Evidence of experience with construction techniques, trade standards, quality workmanship, project scheduling, cost control, management of projects, and building codes for similar or less cost or scope projects of similar size within the past five (5) years.
 - D. Evidence of satisfactory resolution of claims filed by or against the contractor asserted on projects of the same or similar size within the five (5) years preceding the submission of the application. Any claim against a contractor shall be deemed to have been satisfactorily resolved if final judgment is rendered in favor of the contractor or any final judgment rendered against the contractor is satisfied within ninety (90) days of the date the judgment becomes final.
 - E. Type of work for which the contractor is licensed.

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II. Procedures

- A. The Board shall hold a public hearing to discuss the Board's intent to pre-qualify contractors and the proposed policies, procedures and rules.¹
- B. The Board shall publish two (2) notices of the public hearing in a local newspaper having general circulation throughout the District at least thirty (30) days and again seven (7) days prior to the hearing. The notice shall contain at least the purpose, date, time, and place of the hearing.
- C. It is the policy and procedure of the Board to provide for open competition which shall not prevent the submission of a bid nor prohibit the consideration of a bid submitted by a prequalified contractor. Those standards which the Board applies when soliciting bids for goods and services generally shall be applied equally to the solicitation of bids from prequalified contractors.
- D. It is the policy of the Board to allow for prequalification of any responsible contractor who, through its submittal to the Board, meets the uniform criteria established by the State Requirements for Educational Facilities and incorporated in section I. of this policy whether such contractor is a resident or nonresident of the geographical area served by the Board.
- E. It is the policy of the Board to allow those contractors seeking prequalification to submit all required company financial information separate and apart from the other required submittals, as specifically outlined in the Prequalification Submittals section of the Request for Qualifications, in order to endeavor to protect privileged company information from public disclosure.
- F. The Board shall appoint a Contractor Prequalification Review Committee to review and evaluate the submissions and to make recommendations to the Board as to which contractors should be prequalified to bid for type of project, dollar volume and limits allowed within the scope of the prequalification.
- G. These prequalification procedures shall not supersede any small business, woman-owned, or minority-owned business enterprise preference program adopted by the Board.

¹ The public hearing requirement is upon the initial adoption of a rule to begin a prequalification process. Once requirements are established, contractors who meet those requirements are placed on a prequalification list and approved as a consent item. A public hearing is not required for the prequalification of each contractor. The School Board has already held its public hearing upon the initial adoption of this rule.

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- H. Notwithstanding anything contained herein, the Board may reject any proposals which, in the Board's sole opinion, contain inaccurate information. In addition, the Board shall have the sole discretion to declare a contractor delinquent and to suspend or revoke a prequalification certificate.
 - I. The Board shall receive and either approve or reject each application for prequalification within sixty (60) days after receipt by the Board's administrator. Approval shall be based on the criteria and procedures established in this policy.
- III. Application - Each contractor, firm, or person requesting prequalification shall submit separate applications that include the following:
- A. Detailed information on Board prescribed forms setting forth the applicant's competence, past performance, experience, financial resources, and capability, including a Public Entity Crimes Statement, and references.
 - B. 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.
 - C. General information about the contractor company, its principals, and its history, including state and date of incorporation.
 - D. Contractor trade categories and information regarding the state and local license and license numbers held by the applicant.
 - E. A list of projects completed within the past five (5) years, including dates, clients, approximate dollar value, and size.
 - F. Certificates of insurance confirming current workers' compensation, public liability and property damage insurance as required by law.
 - G. A list of all pending litigation and all litigation within the past five (5) 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 prequalification.

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- H. The completed application and financial information shall be attested to and signed by an authorized officer of the company, the owner, or sole proprietor, as appropriate. The signature shall be notarized.
 - I. Exception - When two (2) or more prequalified contractors wish to combine their assets for a specific project, they may do so by filling an affidavit of joint venture. Such affidavit shall be valid only for that specific project.
- IV. Issuance of Certificate - The Board shall issue to all prequalified contractors a certificate valid for one (1) year or for the specific project. That certificate shall include the following:
- A. A statement indicating that the contractor may bid for projects during the time period specified.
 - B. A statement establishing the type of work the contractor will be permitted to provide.
 - C. A statement establishing the total dollar value of work the contractor will be permitted to have under contract with the Board at any one time as determined by the contractor's bonding capacity or ten (10) times the net quick assets.
 - D. 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 project previously completed, but shall not exceed the contractor's bonding capacity or ten (10) times the net quick assets.
 - E. The expiration date of the certificate.
- V. Renewal of Certificate - Certificates not for a specific project shall be renewed annually.
- A. 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, after at least thirty (30) days written notice by the Board, shall automatically revoke a prequalification certificate.
 - B. Prequalified contractors may request a revision of their prequalifications status at any time they believe the dollar volume of work under contract or

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the size or complexity of the projects should be increased if experience, staff size, staff qualifications, and other pertinent data justify the action.

- VI. Delinquency - The decision to declare a contractor delinquent may only be made 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 his surety, in writing, that the contractor is disqualified from bidding work with the Board as long as the delinquent status exists. A delinquent condition may be determined to be in effect when one (1) or more of the following conditions occur without justifiable cause:
- A. A substantial or repeated failure to comply with contract documents after written notice of such noncompliance.
 - B. A substantial or repeated failure to provide supervision and coordination of subcontractor's work after written notice of such failure.
 - C. Substantial deviation from project time schedules after written notice of noncompliance.
 - D. Substantial or repeated failure to pay subcontractors after the Board has paid the contractor for the work performed by the subcontractors and in accordance with approved requisitions for payment.
 - E. Substantial or repeated failure to provide the quality of workmanship compatible with the trades standards for the community after written notice of such failure.
 - F. Substantial or repeated failure to comply with the warranty requirements of previous contracts after written notice of such failure.
 - G. Failure to maintain the required insurance coverage after written notice of such failure.

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- VII. Suspension or Revocation - The Board may, for good cause, suspend a contractor for a specified period of time or revoke the prequalification certificate. Causes for suspension or revocation shall include, but not be limited to, one or more of the following:
- A. Inaccurate or misleading statements included in the application.
 - B. Declared in default by the Board.
 - C. Adjudged to be bankrupt.
 - D. 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.
 - E. 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.).
 - F. Becomes delinquent on a construction project pursuant to section VI. above.
 - G. Contractor's license becomes suspended or is revoked.
 - H. No longer meets the uniform prequalification criteria established in this policy.
- VIII. Appeal - 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:
- A. 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.
 - B. The Board shall act upon the contractor's request within thirty (30) calendar days after the filing 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.

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STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 1001.43, F.S.

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