

## 6.01 EDUCATIONAL AND ANCILLARY FACILITIES

### C. Prequalification of Contractors

The Board shall pre-qualify contractors for a one-year period. The intent of this section is to prescribe uniform requirements for PREQUALIFICATION of contractors. The Superintendent shall appoint a four-member Contractor Prequalification Review Committee consisting of the Director of Facility Planning and Construction, the Director of Maintenance and Operations, the Director of Purchasing and a representative from the Business Affairs Division. The School Board shall annually appoint a single member of the Board to serve as a voting member of the committee. The Contractor Prequalification Review Committee shall report its recommendations to the Assistant Superintendent of Support Services for review. Upon review, the Assistant Superintendent of Support Services will submit it to the Superintendent and to the School Board for approval. The Board shall receive and either approve or reject each application for prequalification within sixty (60) days after receipt by the Board's administrator. Project bids from contractors who have not been pre-qualified will not be accepted. Contractors must submit an application at least sixty (60) days prior to any bid opening in order to have their bid considered.

#### 1. Criteria

Contractors shall be prequalified by the Board on the basis of the following criteria:

- a. Proof that the contractor holds a contractor's license, which authorizes the contractor to supervise the 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.
- c. Evidence of experience with construction techniques, trade standards, quality workmanship, project scheduling, cost control, management of projects, and building codes for similar scope projects as shown by the successful completion within the past five (5) years of at least two (2) other projects of similar size.
- 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.

2. Application

In order to allow the Board to apply the uniform criteria in subsection (1), the Board shall require each contractor, firm or person requesting prequalification to submit separate applications that include the following:

- a. Contractor trade categories and information regarding the state and local licenses and license numbers held by the applicant. The Contractor must provide an unexpired certificate issued by the Florida Construction Industry Licensing Board in accordance with Chapter 489 F.S., as either, State Certified General Contractor or Building Contractor, Electrical, Mechanical or Plumbing Contractor as appropriate. Locally licensed subcontractors must provide a copy of appropriate local license.
- 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 from its surety company of the contractor's bonding capacity. The surety company must be admitted to do business in the State of Florida, must have been in business and have record of successful continuous operations for at least five years, and shall have at least the following minimum ratings according to Best's Key Rating Guide, latest edition.

<u>Contract Amount</u>	<u>Policy Holder's Rating</u>	<u>Required Financial Rating</u>	<u>Surplus Rating</u>
\$ -0- to \$ 299,999	No bonding requirement.		
\$ 300,000 to \$ 499,999	Per Chapter 287.0935, F.S.		
\$ 500,000 to \$ 750,000	A-	Class V	10 - 25 Million
\$ 750,000 to \$1,500,000	A-	Class VI	25 - 50 Million
\$1,500,000 to \$2,500,000	A-	Class VII	50 - 100 Million
\$2,500,000 or More	A-	Class VIII	100-250 Million

- c. General information about the company, its principals, and its history including state and date of incorporation.
- d. Detailed information setting forth the applicant's competence, past performance, experience, financial resources, and capability, including a Public Entity Crime statement, and references (AIA Document A305 may be used).
- e. A list of projects completed within the past five (5) years, including dates, client, approximate dollar value, and size.
- f. A list of all pending litigation and claims and all litigation and claims 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.

- g. Certificates of insurance confirming current worker's compensation, public liability and property damage insurance as listed below:
  - 1). Liability insurance shall include all major division of coverage and be on a comprehensive basis including:
    - a) Premises Operations (including X, C and U coverage as applicable)
    - b) Independent Contractor's Protective.
    - c) Products and Completed Operation.
    - d) Personal Injury Liability with Employment Exclusion deleted. Hazards A, B and C.
    - e) Contractual.
    - f) Owned, non-owned and hired motor vehicles.
    - g) Broad Form Property Damage including Completed Operations.
    - h) Employees as additional insured.
  - 2). The insurance required shall be written for not less than the following limits, or greater, if required by law:
    - a) Worker's Compensation
      - (1) State: Statutory
      - (2) Employer's Liability: \$100,000.00 per accident  
\$500,000.00 Disease, Policy Limit  
\$100,000.00 Disease, Each Employee
    - b) Comprehensive General Liability (including Premises Operations; Independent Contractor's Protective; Products and Completed Operation Broad Form; Liability; Contractual Liability) – A- with an FSC VI or better rating in the current AM Best Guide for contractors bonded over \$200,000.00 and B+ with an FSC V or better rating in the current AM Best Guide for contractors bonded under \$200,000.00:
      - (1) Bodily Injury
        - (a) Each Occurrence \$1,000,000.00
        - (b) Annual Aggregate \$2,000,000.00
      - (2) Property Damage
        - (a) Each Occurrence \$1,000,000.00
        - (b) Annual Aggregate \$2,000,000.00
    - c) Personal Injury

(1) Annual Aggregate \$1,000,000.00

- d) Completed Operations and Products Liability shall be maintained for one (1) year after final payment.
- e) Property Damage Liability Insurance shall include coverage for the following hazards: X, C, U.
- f) Comprehensive Automobile Liability (including owned, non-owned, and hired vehicles) – A- with an FSC VI or better rating in the current AM Best Guide for contractors bonded over \$200,000.00 and B+ with an FSC V or better rating in the current AM Best Guide for contractors bonded under \$200,000.00:

(1) Bodily Injury

- (a) Each Person \$1,000,000.00
- (b) Each Occurrence \$1,000,000.00

(2) Property Damage

- (a) Each Occurrence \$1,000,000.00

g) If an exposure exists, Aircraft Liability (owned and non-owned), with limits approved by the owner shall be approved.

- 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, and 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 filing an affidavit of joint venture. Such affidavit shall be valid only for that specific project.

### 3. Issuance of Certificate

The Board shall issue a certifying letter valid for one (1) year. The letter shall include:

- a. A statement indicating that the contractor may bid for projects during the time period specified.
- b. 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.

- c. A statement establishing the type of work the contractor will be permitted to provide.
  - d. The expiration date of the letter.
4. Renewal of Certificate

Pre-qualification shall be renewed annually.

- a. All requirements found in Paragraph 2 above shall be required for renewal of pre-qualification. To ensure no lapse in pre-qualification, it is recommended that submission of these requirements be 60 days in advance of the expiration date.
  - b. The Board may allow prequalified contractors to request a revision of their prequalification status at any time they believe the dollar volume of work under contract or the size and complexity of projects should be increased if experience, staff size, staff qualifications, and other pertinent data justify the action.
5. 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 such decision by the Superintendent. Should a 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 non-compliance.
- 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 non-compliance.
- 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 trade 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.

6. Suspension or Revocation

The Board may, for good cause, suspend a contractor for a specified period of time or revoke the contractor's prequalification. 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 a 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 the 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 (5) above.
- g. Contractor's license becomes suspended or is revoked.
- h. No longer meets the uniform prequalification criteria established in this section.

7. Appeal

A contractor whose application has been rejected or whose certifying letter has been suspended or revoked by a 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 the appeal.
- b. A Board shall act upon a 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.