

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
OFFICE OF THE SUPERINTENDENT


ROBERT W. RUNCIE
SUPERINTENDENT OF SCHOOLS

Phone: 754-321-2600

September 7, 2016

TO: School Board Members

FROM: Maurice L. Woods 
Chief Strategy & Operations Officer

VIA: Robert W. Runcie 
Superintendent of Schools

SUBJECT: **REVISION TO CC-2, ADOPT POLICY 7003 - SELECTION OF ARCHITECTURAL, ENGINEERING, LANDSCAPE ARCHITECTURAL, LAND SURVEYING, CONSTRUCTION MANAGEMENT, CONSTRUCTION MANAGEMENT AT-RISK, DESIGN BUILD, PROGRAM MANAGEMENT, INSPECTION SERVICES AND ANY OTHER CONSTRUCTION DELIVERY METHOD OR PROFESSIONAL SERVICES, FOR THE SEPTEMBER 7, 2016, REGULAR SCHOOL BOARD MEETING**

Attached is a revision for CC-2, Adopt policy 7003 - Selection of Architectural, Engineering, Landscape Architectural, Land Surveying, Construction Management, Construction Management At-Risk, Design Build, Program Management, Inspection Services and Any Other Construction Delivery Method or Professional Services, for the September 7, 2016, Regular School Board Meeting.

The following changes have been made:

EXHIBITS:

Revision the Policy 7003 Mark Up with Rationale
Revision the Policy 7003 Final Adoption

If you have any questions or require additional information, **please contact Director Ms. Mary C. Coker, Procurement & Warehousing Services at 754-321-0501.**

RWR/MLW/MCC:dm
Attachments

cc: Senior Leadership Team

~~PRE-QUALIFICATION OF CONTRACTORS AND SELECTION OF ARCHITECTS, ENGINEERS, LANDSCAPE ARCHITECTURAL, LAND SURVEYING, DESIGN BUILDERS, CONSTRUCTION MANAGEMENT, CONSTRUCTION MANAGEMENT AT-RISK, AND TOTAL DESIGN BUILD, PROGRAM MANAGEMENT, INSPECTION SERVICES AND ANY OTHER CONSTRUCTION DELIVERY METHOD OR PROFESSIONAL SERVICES~~

Commented [PWS1]: Move pre-qualification language to separate policy 7003.1.
Identifies types of services currently subject to F.S. 287.055 and incorporates language to expand the types of construction delivery methods available for use.

The School Board (“Board”) shall ~~pre-qualify bidders for construction contracts, and,~~ publicly announce, in a uniform and consistent manner, each occasion when construction/professional services are required to be purchased in compliance with governing statutes and regulations. The Superintendent shall establish procedures for the ~~pre-qualification of contractors and selection of Architectural, Engineering, Landscape Architectural, Land Surveying, Construction Management, Construction Management at Risk, Design Build, Program Management, Inspection Services, and any other construction delivery method or professional services which is subject to Section 287.055, Florida Statutes~~ architects, engineers, design builders, construction managers and total program managers consistent with this policy, applicable statutes and State Requirements for Educational Facilities (SREF).

For the purposes of this ~~policy:~~

- a) Professional Services means those services provided from within the practice of architecture, professional engineering, landscape architecture, or registered surveying and mapping, as defined by the laws of Florida. Entities providing such professional services include Architectural Design Firms, Engineering Firms and Design Builders.
- b) Construction Management is a professional management practice applied to construction projects from project inception to completion for the purpose of controlling time, cost, scope and quality.
- c) Design-Build (D-B) is a project delivery method that combines architectural and engineering design services with construction performance under one contract.
- a)d) Construction Management At-Risk (CMAR) is a project delivery method in which the Construction Manager acts as a consultant to the owner in the development and design phases, but assumes the risk for construction performance as the equivalent of a general contractor holding all trade subcontracts during the construction phase.
- e) Program Management is a practice in which a selected entity is responsible for schedule control, cost control, and coordination in providing or procuring planning, design, and construction services. The program management entity must consist of or contract with licensed or registered professionals for the specific areas of design or construction to be performed as required by law.
- f) Request for Proposals (RFP) means a written or electronically posted solicitation for competitive sealed proposals.
- g) Request for Qualifications (RFQ) means a written or electronically posted solicitation for Statements of Qualifications from proposers. An RFQ may be used, for example, to select a pool of qualified vendors to be used on a rotational basis; or to make a

Commented [PWS2]: Add definitions found in state statutes and industry publications.

qualifications-based selection of a single vendor for a specific assignment.

Rules:

The School Board authorizes the Superintendent to:

~~1. Receive applications for Contractor Pre Qualification on the attached application form in compliance with FS 1013.46 and SREF 4.1, as amended. In addition to such requirements, the application form shall include a requirement for the submission of Dun and Bradstreet reports. The Dun and Bradstreet reports shall be required as follows:~~

Commented [PWS3]: Remove policy which applies to pre-qualification.

~~a. Summary Dun and Bradstreet Report required if the applicant requests \$1,000,000 or less for either Per Project or Aggregate Limits.~~

~~b. Comprehensive Dun and Bradstreet Report required if the applicant requests greater than \$1,000,000 for either Per Project or Aggregate Limits.~~

~~If the appropriate Dun and Bradstreet Report is not available to the applicant, staff shall verify references, evaluate the information contained in the application and advise the evaluation committee accordingly.~~

21. Develop standard Request for Qualifications (RFQ) and Request for Proposals (RFP) forms including selection criteria and selection procedures in accordance with applicable statutes and the State Requirements for Educational Facilities (SREF), as amended. The Board shall approve standard RFQ and RFP forms.

Commented [PWS4]: Allows for the Board to approve standard RFQs/RFPs while allowing for flexibility to address anticipated changes

The School Board shall approve revisions to the RFQ and RFP forms:

32. Receive responses to RFQs and RFPs.

43. Designate an evaluation and recommendation committee, the Qualifications Selection and Evaluation Committee (QSEC), to be composed of, a minimum of ten (10) ~~nine (9)~~ standing voting members for the purpose of ~~Pre Qualification of contractors, and with the addition of two (2) voting members, for a total of eleven (11) voting members, for the purpose of evaluating, selecting, and recommending~~ award of contracts ~~for Construction Management, Design-Build, CMAR, Program Management, or Professional Services subject to Section 287.055, Florida Statutes architects, engineers, design builders, construction managers and total program managers.~~ QSEC shall also include one (1) non-voting staff member from the Office of the Chief Auditor, ~~and one (1) non-voting staff member from the Office of the General Counsel~~ to serve in an advisory and support roles.

Commented [PWS5]: Remove policy which applies to pre-qualification.

Clarify scope of policy as it relates to F.S. 287.055.

Some titles modified to represent current organization chart.

Expands non-voting staff to include the Office of the General Counsel to serve on QSEC in an advisory and support role to assist with legal interpretations.

a. QSEC shall be comprised of the following ~~ten (10)~~ ~~nine (9)~~ standing voting members:

1. ~~Deputy Superintendent, Facilities and Construction Management, or designee.~~ Chief Facilities Officer

Commented [PWS6]: Provide consistency with current organizational chart.

2. Chief Strategy & Operations Officer, or designee.

Commented [PWS7]: Provide consistency with current organizational chart.

3. One (1) of the following:

a. For ~~Pre Qualification of contractors and county-wide contracts, an Area~~

Commented [PWS8]: Provide consistency with current organizational chart.

- ~~— Director~~ Director from the Office of School Performance & Accountability or designee or
- b. For site specific contracts, the school principal, ~~or such principal's designee~~ — for the specific site.
- 4. ~~Two (2) of the following: Executive Directors, Directors, Managers and Supervisors from Facilities Division, Director, Planning and Design, or Senior Project Manager, or Project Manager I, II, or III.~~
- 5. ~~The~~ Chief Building Official or designee ~~Director, Safety, or designee.~~
- 6. ~~Coordinator, M/WBE~~ Supplier Diversity & Outreach Program Coordinator or designee.
- 7. ~~One (1) representative of the South Florida Chapter, Associated General Contractors of America (AGC) or the South Florida Chapter of the Associated Builders and Contractors, Inc. (ABC), or the Builder's Association of South Florida (BASF) or the Construction Association of South Florida (CASF) 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, and CASF).~~
- 7. ~~One (1) of the following:~~
 - a. ~~For Pre-Qualification of contractors and county wide contracts, a member of the general public, appointed by the Superintendent of Schools;~~
 - or
 - b. ~~For site specific contracts, a member of the general public, appointed by the school principal for the specific site.~~
- 8. ~~One (1) representative of the South Florida Chapter, Associated General Contractors of America (AGC), or the South Florida Chapter of the Associated Builders and Contractors, Inc. (ABC), or the Builder's Association of South Florida (BASF) or the Construction Association of South Florida (CASF) 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, and BASF, and CASF).~~
- 9. ~~The~~ Facilities Task Force Chair, or designee. If ~~the~~ procurement is for ~~selection of a~~ site specific contract, then preferably from the district containing the project.
- b. ~~In addition to the nine (9) standing voting members of QSEC, the following two (2) voting members will be added to QSEC for the purpose of selection and recommendation of award of contracts to architects, engineers, design builders, construction managers and total program managers.~~
- 1. ~~One (1) member of the general public appointed by the Chief~~

Commented [PWS9]: Revised: "or designee" was added.

Commented [PWS10]: Provide consistency with current organizational chart.

Commented [PWS11]: Includes: Project Manager, Environmental Health & Safety, and Physical Plant Operations. Expands technical expertise.

Commented [PWS12]: Provide consistency with current organizational chart.

Commented [PWS13]: Add an additional internal, technical expert to committee.

Commented [PWS14]: Provide consistency with current organizational chart.

Commented [PWS15]: To remove pre-qualification policy language.

Streamline to ensure technical expertise and reduce principal redundancy captured in seat #3b above.

Commented [PWS16]: Revised: Information deleted.

Commented [PWS17]: Provide consistency with current organizational chart.

Commented [PWS18]: Streamline to ensure technical expertise and reduce redundancy captured in seat #2 above.

~~Operations Officer. For site specific selections, the appointee shall reside in the district in which the project is located. For countywide selections, the appointee may reside anywhere in the county.~~

~~29. One (1) representative of from the Minority Builders Coalition not having had business with the District for a period of two (2) years.~~

Commented [PWS19]: Provide consistency with current organizational chart.

~~be. For single-site and countywide contracts, a quorum shall be six (6) voting members for Pre-Qualification of contractors and seven (7) voting members for evaluation, selection, and recommendation of award of contracts to construction or professional services subject to Section 287.055, Florida Statutes architects, engineers, design builders, construction managers and total program managers.~~

~~c. For procurements which shall result in the award of a single contract for multiple, specific sites, QSEC membership shall be expanded to include the additional school principals or such principals' designees for each site. Each school principal or designee shall represent one (1) voting member for their specific site.~~

Commented [PWS20]: Expands evaluation committee membership to accommodate construction delivery methods to aid multiple site awards (two or more specific projects or packaged of projects).

~~d. For multiple, specific site procurements, quorum shall consist of 50 percent of stated members, plus one (1) which serves a majority of stated membership. The composition of the membership and the predetermined quorum shall be identified within the procurement requirements.~~

Commented [PWS21]: Robert's Rules of Order Revised, Fourth Edition - 64. A quorum of an assembly is such a number as must be present in order that business can be legally transacted. The quorum refers to the number present, not to the number voting. The quorum of any other deliberative assembly with an enrolled membership (unless the by-laws provide for a smaller quorum) is a majority of all the members.

~~e. No QSEC member shall serve on three (3) consecutive RFQs/RFPs procurements. de. The person filling each QSEC member position shall be rotated, on each successive procurement, from among those persons qualified to perform that function. No QSEC member serving in this position shall serve on three (3) consecutive RFQ/RFP procurements in succession.~~

~~54. Any proposer, or lobbyist for a proposer, shall comply with the Cone of Silence per School Board Policy 3320. Any violation of this rule shall result in the disqualification of the potential vendor from the competitive solicitation process and rejection of any recommendation for award to the vendor who violates the Cone of Silence. In addition to any other penalty provided by law, violation of this rule by a District employee, shall subject the employee to disciplinary action up to and including dismissal. Any violation of the Cone of Silence requirements shall constitute grounds for immediate and permanent disqualification of the offending firm.~~

Commented [PWS22]: Strengthens the Cone of Silence rule.

~~65. All public officers and District employees shall comply with the Code of Ethics for Personnel Authorized to Purchase per School Board Policy 3320.~~

~~7. The QSEC shall make recommendations to the Superintendent regarding the Pre-Qualification of contractors. The Superintendent shall make recommendations to the Board. The Board shall have the final approval of such recommendations.~~

Commented [PWS23]: Moved to Prequalification policy 7003.1.

~~876. The QSEC shall recommend the finalist(s) for award of contracts to construction or professional service subject to Florida Statute 287.055 architects, engineers, design~~

~~builders, construction managers and total program managers~~, and if applicable, shall recommend rejection of one (1) or more proposers to the Superintendent. The Superintendent shall either recommend award of contracts to the finalist(s) selected by the QSEC or recommend rejection of one (1) or more proposers to the Board, together with a report from QSEC containing findings of fact indicating the proposers' compliance with the procurement requirements and scoring criteria. The Board shall have final approval of such recommendations.

~~7. QSEC shall function according to its School Board policies, the Sunshine Law, and Robert's Rules of Order.~~

Commented [PWS24]: Replaced By Laws with comprehensive Operating Procedures.

Revised: Delete the Rational comment and information.

~~9. QSEC shall function according to its School Board approved By-Laws, School Board policies, the Sunshine Law, and Robert's Rules of Order.~~

Commented [PWS25]: Replaced By Laws with comprehensive Operating Procedures.

Revised: Delete the Rationale comment above; and the deleted information added with format and grammar revisions.

7. QSEC shall function according to its School Board approved By-Laws, School Board policies, the Sunshine Law, and Robert's Rules of Order.

AUTHORITY:

F.S.287.055; F.S. 255.103; F.S. 287.013; F.S.1001.41; F.S. 1013.45, F.S. 1013.46, SREF 4.1, Rules Adopted: -1/21/82
Emergency Rule: ~~_#82-14~~; ~~_12/16/82~~; ~~85-86-17~~ 1/16/86
Rules Amended: ~~-1/20/83~~; 1/16/86; 2/19/86; 6/2/92; 6/20/95, 12/7/99
Amended Policy Approved: 8/14/01; 6/4/02; 8/5/03
Adopted ~~;~~ ~~_3/1/05~~, 4/26/05, 8/27/08, 11/09/10, 7/26/16

**SELECTION OF ARCHITECTURAL, ENGINEERING, LANDSCAPE
ARCHITECTURAL, LAND SURVEYING, CONSTRUCTION
MANAGEMENT, CONSTRUCTION MANAGEMENT AT-RISK,
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SERVICES AND ANY OTHER CONSTRUCTION DELIVERY METHOD
OR PROFESSIONAL SERVICES**

The School Board (“Board”) shall publicly announce, in a uniform and consistent manner, each occasion when construction/professional services are required to be purchased in compliance with governing statutes and regulations. The Superintendent shall establish procedures for the selection of Architectural, Engineering, Landscape Architectural, Land Surveying, Construction Management, Construction Management at Risk, Design Build, Program Management, Inspection Services, and any other construction delivery method or professional services which is subject to Section 287.055, Florida Statutes.

For the purposes of this policy:

- a) Professional Services means those services provided from within the practice of architecture, professional engineering, landscape architecture, or registered surveying and mapping, as defined by the laws of Florida. Entities providing such professional services include Architectural Design Firms, Engineering Firms and Design Builders.
- b) Construction Management is a professional management practice applied to construction projects from project inception to completion for the purpose of controlling time, cost, scope and quality.
- c) Design-Build (D-B) is a project delivery method that combines architectural and engineering design services with construction performance under one contract.
- d) Construction Management At-Risk (CMAR) is a project delivery method in which the Construction Manager acts as a consultant to the owner in the development and design phases, but assumes the risk for construction performance as the equivalent of a general contractor holding all trade subcontracts during the construction phase.
- e) Program Management is a practice in which a selected entity is responsible for schedule control, cost control, and coordination in providing or procuring planning, design, and construction services. The program management entity must consist of or contract with licensed or registered professionals for the specific areas of design or construction to be performed as required by law.
- f) Request for Proposals (RFP) means a written or electronically posted solicitation for competitive sealed proposals.
- g) Request for Qualifications (RFQ) means a written or electronically posted solicitation for Statements of Qualifications from proposers. An RFQ may be used, for example, to select a pool of qualified vendors to be used on a rotational basis or to make a qualifications-based selection of a single vendor for a specific assignment.

Rules:

The School Board authorizes the Superintendent to:

1. Develop standard RFQ and RFP forms including selection criteria and selection procedures in accordance with applicable statutes and the State Requirements for

Educational Facilities (SREF), as amended. The Board shall approve standard RFQ and RFP forms.

2. Receive responses to RFQs and RFPs.
3. Designate an evaluation and recommendation committee, the Qualifications Selection and Evaluation Committee (QSEC), to be composed of, a minimum of ten (10) standing voting members for the purpose of evaluating, selecting, and recommending award of contracts for Construction Management, Design-Build, CMAR, Program Management, or Professional Services subject to Section 287.055, Florida Statutes. QSEC shall also include one (1) non-voting staff member from the Office of the Chief Auditor and one (1) non-voting staff member from the Office of the General Counsel to serve in advisory and support roles.
 - a. QSEC shall be comprised of the following ten (10) standing voting members:
 1. Chief Facilities Officer or designee.
 2. Chief Strategy & Operations Officer or designee.
 3. One (1) of the following:
 - a. For countywide contracts, a Director from the Office of School Performance & Accountability **or designee** or
 - b. For site specific contracts, the school principal or such principal's designee for the specific site.
 4. Two (2) of the following: Executive Directors, Directors, Managers and Supervisors from Facilities Division.
 5. Chief Building Official or designee.
 6. Supplier Diversity & Outreach Program Coordinator or designee.
 7. One (1) representative of the South Florida Chapter, Associated General Contractors of America (AGC) or the South Florida Chapter of the Associated Builders and Contractors, Inc. (ABC), or the Builder's Association of South Florida (BASF) or the Construction Association of South Florida (CASF) 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, and CASF).
 - ~~8. One (1) representative of the South Florida Chapter, Associated General Contractors of America (AGC), or the South Florida Chapter of the Associated Builders and Contractors, Inc. (ABC), or the Builder's Association of South Florida (BASF) or the Construction Association of South Florida (CASF) 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, and BASF, and CASF).~~
 8. Facilities Task Force Chair or designee. If the procurement is for a site specific contract, then preferably from the district containing the project.
 9. One (1) representative from the Minority Builders Coalition not having had business with the District for a period of two (2) years.

- b. For single-site and countywide contracts, a quorum shall be six (6) voting members for evaluation, selection, and recommendation of award of contracts to construction or professional services subject to Section 287.055, Florida Statutes.
 - c. For procurements which shall result in the award of a single contract for multiple, specific sites, QSEC membership shall be expanded to include the additional school principals or such principals' designees for each site. Each school principal or designee shall represent one (1) voting member for their specific site.
 - d. For multiple, specific site procurements, quorum shall consist of 50 percent of stated members, plus one (1) which serves a majority of stated membership. The composition of the membership and the predetermined quorum shall be identified within the procurement requirements.
 - e. No QSEC member shall serve on three (3) consecutive RFQs/RFPs procurements.
4. Any proposer, or lobbyist for a proposer, shall comply with the Cone of Silence per School Board Policy 3320. Any violation of this rule shall result in the disqualification of the potential vendor from the competitive solicitation process and rejection of any recommendation for award to the vendor who violates the Cone of Silence. In addition to any other penalty provided by law, violation of this rule by a District employee, shall subject the employee to disciplinary action up to and including dismissal. Any violation of the Cone of Silence requirements shall constitute grounds for immediate and permanent disqualification of the offending firm.
5. All public officers and District employees shall comply with the Code of Ethics for Personnel Authorized to Purchase per School Board Policy 3320.
6. The QSEC shall recommend the finalist(s) for award of contracts to construction or professional service subject to Florida Statute 287.055, and if applicable, shall recommend rejection of one (1) or more proposers to the Superintendent. The Superintendent shall either recommend award of contracts to the finalist(s) selected by the QSEC or recommend rejection of one (1) or more proposers to the Board, together with a report from QSEC containing findings of fact indicating the proposers' compliance with the procurement requirements and scoring criteria. The Board shall have final approval of such recommendations.

~~7. QSEC shall function according to its School Board policies, the Sunshine Law, and Robert's Rules of Order~~

7. QSEC shall function according to its School Board approved By-Laws, School Board policies, the Sunshine Law, and Robert's Rules of Order.

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