

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:

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

- 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 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.~~

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

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

3.2. Receive responses to RFQs and RFPs.

4.3. 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 to 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 or designee.

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 and multiple-site contracts, the Chief School Performance & Accountability Officer an Area

Commented [PWS8]: 9/7/16 Board meeting added Chief School Performance & Accountability Officer to represent the voting voice of the multiple Principals that have sites associated with county-wide or multiple-site procurements.

Director Director from the Office of School Performance & Accountability or designee or

b. For single-site specific contracts, the school principal, or such principal's designee for the specific site.

Commented [PWS9]: Provide consistency with current organizational chart.

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.

Commented [PWS10]: Includes: Project Manager, Environmental Health & Safety, and Physical Plant Operations. Expands technical expertise.

5. The Chief Building Official or designee Director, Safety, or designee.

Commented [PWS11]: Provide consistency with current organizational chart.

Commented [PWS12]: Add an additional internal, technical expert to committee.

6. ~~Coordinator, M/WBE, Supplier Diversity & Outreach Program Coordinator or designee.~~

Commented [PWS13]: Provide consistency with current organizational chart.

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 Florida East Coast Chapter, Inc. (ABC), or the Builder's Association of South Florida (BASF) or the Construction Association of South Florida (CASF).~~

Representative may not have an active contract or be seeking a contract with the District or with any contractor or sub-contractor associated with the Capital and/or Bond Programs for the duration of the Bond and once no longer a member, restrictions will apply for a two (2) year period: ~~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).

Commented [PWS14]: 9/7/16 Board meeting: Modify voting seat to incorporate language similar to the Bond Oversight Committee.

~~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.~~

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

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

~~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);~~

Commented [PWS16]: Duplicated in error. Information deleted. See Set #7 above.

~~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.~~

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

~~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 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.~~

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

~~2. One (1) representative of from the Minority Builders Coalition. Representative may not have an active contract or be seeking a~~

Commented [PWS19]: 9/7/16 Board meeting: Modify voting seat to incorporate language similar to the Bond Oversight Committee.

contract with the District or with any contractor or sub-contractor associated with the Capital and/or Bond Programs for the duration of the Bond and once no longer a member, restrictions will apply for a two (2) year period, ~~not having had business with the District for a period of two (2) years.~~

- b. Construction or professional services may result in the following types of awards:
 1. Single-site with single contract (One Firm).
 2. County-wide or multiple-site with single contract for multiple sites (One Firm).
 3. County-wide or multiple-site with multiple contracts for grouping of multiple sites (Multiple Firms).

Commented [PWS20]: 9/7/16 Board meeting: revisited types of awards to allow for the selective usage of "grouping of sites" and other multiple-site procurements.

c. For single-site, ~~and~~ county-wide and multiple-site 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.~~ The composition of the voting membership shall be identified within the procurement requirements.

d. ~~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 [PWS21]: 9/7/16 Board meeting: revisited proposed multiple-site approach to accommodate for various types of multiple-site procurements. Simplified the quorum requirements (see b and c above).

~~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.~~

~~No QSEC member shall serve on three (3) consecutive RFQs/RFPs procurements.~~

~~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 Policies 3320 and 1100B. 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]: 9/7/16 Board meeting: Include reference to Policy 1100B, Lobbyist Activities for Economic Gain.

Commented [PWS23]: Strengthens the Cone of Silence rule.

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

Commented [PWS24]: 9/7/16 Board meeting: Expands language to include "all" voting committee participants.

~~7.~~ The QSEC shall make recommendations to the Superintendent regarding the Pre-

Commented [PWS25]: Moved to Prequalification policy 7003.1.

~~Qualification of contractors. The Superintendent shall make recommendations to the Board. The Board shall have the final approval of such recommendations.~~

~~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. ~~The School Board of Broward County (SBBC) through its~~ Supplier Diversity and Outreach Program Office (SDOP) is committed to ensuring that small, minority and women-owned business enterprises within the Board's market area have access to compete for the award of the School Board's purchasing and construction contracts. The SDOP policy and procedures are designed to spur economic development and help support small, minority- and women-owned business enterprises to successfully expand in the market area. Prescribed procedures will not supersede any small business, woman- or minority-owned business enterprise preference program adopted by the Board

Commented [PWS26]: 9/7/16 Board meeting: Aligns this policy with the Supplier Diversity and Outreach Program.

~~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 [PWS27]: Replaced By Laws with comprehensive Operating Procedures.

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

Delete the Rationale comment above. Converted back to original statement.

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, 10/05/16