

SUMMARY OF RECOMMENDED CHANGES

PAGE	CURRENT LANGUAGE	RECOMMENDED CHANGE	RATIONALE/COMMENTS
Policy	7003		7003 to apply to evaluation, selection, and award recommendation; 7003.1 to apply to pre-qualification.
Title Pg., 1	PRE-QUALIFICATION OF CONTRACTORS AND SELECTION OF ARCHITECTS, ENGINEERS, DESIGN BUILDER, CONSTRUCTION MANAGERS AND TOTAL PROGRAM MANAGERS PURSUANT TO THE CONSULTANTS COMPETITIVE NEGOTIATION ACT	PRE-QUALIFICATION OF CONTRACTORS AND SELECTION OF ARCHITECTS <u>RURAL, ENGINEERS</u> ING, <u>LANDSCAPE ARCHITECTURAL, LAND SURVEYING, DESIGN BUILDERS,</u> CONSTRUCTION MANAGERS <u>MENT,</u> <u>CONSTRUCTION MANAGEMENT AT RISK,</u> AND TOTAL DESIGN BUILD, PROGRAM MANAGEMENT, INSPECTION SERVICES <u>AND ANY OTHER CONSTRUCTION DELIVERY METHOD OR PROFESSIONAL SERVICES</u>	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.
Description Pg., 1	The School Board shall pre-qualify bidders for construction contracts, and, publicly announce, in a uniform and consistent manner, each occasion when construction and/or 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 architects, engineers, design-builders, construction manager and total program manager consistent with this policy, applicable statutes and State Requirements for Educational Facilities (SREF).	The School 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 <u>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</u>	Move pre-qualification language to separate policy 7003.1. References the applicability of F.S. 287.055 and SREF to the selection process. Incorporates language to expand the types of construction delivery methods available for use.

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Description Pg., 1 (continued)		professional service 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).	
Definitions		<u>For the purposes of this policy:</u>	Add definitions found in state statutes and industry publications.
		a) <u>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.</u>	
		b) <u>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.</u>	
		c) <u>Design-Build (D-B) is a project delivery method that combines architectural and engineering design services with construction performance under one contact.</u>	

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Definitions (continued)		d) <u>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.</u>	
		e) <u>Request for Proposals (RFP) means a written or electronically posted solicitation for competitive sealed proposals.</u>	
		f) <u>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.</u>	
Rules Pg., 1		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	1. Receive applications for Contractor Pre-Qualification on the attached application form in compliance with FS 1013.46 and SREF 4.1, as	Moved to 7003.1 pre-qualification policy.

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Rules Pg., 1 (continued)	<p>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:</p> <p>a. Summary Dun and Bradstreet Report required if the applicant requests \$1,000,000 or less for either Per Project or Aggregate Limits.</p> <p>b. Comprehensive Dun and Bradstreet Report required if the applicant requests greater than \$1,000,000 for either Per Project or Aggregate Limits.</p> <p>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.</p>	<p>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:</p> <p>a. Summary Dun and Bradstreet Report required if the applicant requests \$1,000,000 or less for either Per Project or Aggregate Limits.</p> <p>b. Comprehensive Dun and Bradstreet Report required if the applicant requests greater than \$1,000,000 for either Per Project or Aggregate Limits.</p> <p>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.</p>	
	<p>2. Develop standard Request for Qualifications (RFQ) and Request for Proposals (RFP) including selection criteria and selection procedures in accordance with applicable statutes and SREF. The Board shall approve standard RFQ and RFP forms. The School Board shall approve revisions to the RFQ and RFP forms.</p>	<p>2<u>1</u>. Develop standard <u>Request for Qualifications (RFQ) and Request for Proposals (RFP) forms</u> including selection criteria and selection procedures in accordance with applicable statutes and <u>the State Requirements for Educational Facilities (-SREF), as amended</u>. The Board shall</p>	<p>Allows for the Board to approve standard RFQs/RFPs while allowing for flexibility to address anticipated changes.</p>

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Rules Pg., 1 (continued)		approve standard RFQ and RFP forms. The School Board shall approve revisions to the RFQ and RFP forms.	
	3. Receive responses to RFQs and RFPs.	3 <u>2</u> . Receive responses to RFQs and RFPs.	
	4. Designate an evaluation and recommendation committee, the Qualification Selection Evaluation Committee (QSEC), to be composed of 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 selections and recommendations of award of contracts to 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 to serve in an advisory and support role.	4 <u>3</u> . Designate an evaluation and recommendation committee, the Qualifications Selection <u>and</u> Evaluation Committee (QSEC), to be composed of, <u>a minimum of</u> 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 <u>ons</u> , and recommending <u>ations of</u> award of contracts to <u>for Construction Management, Design-Build, CMAR, or Professional Services subject to Section 287.055, Florida Statutes</u> 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, <u>and one (1) non-voting staff member from the Office of the General Counsel</u> to serve in an advisory and support roles.	Remove policy which applies to pre-qualification. Clarify scope of policy as it relates to F.S. 287.055. Streamline to ensure technical expertise and flexibility: <ul style="list-style-type: none"> • 63 percent of survey respondents indicated that the make-up of their evaluation committees consisted of internal staff only • 100 percent of organizations surveyed have less than ten (10) voting members. 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.

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Rules Pg., 1-2 (continued)	a. QSEC shall be comprised of the following nine (9) standing voting members:	a. QSEC shall be comprised of the following nine (9) standing voting members:	
	1. Deputy Superintendent, Facilities and Construction Management, or designee.	1. Deputy Superintendent, Facilities and Construction Management, or designee. <u>Chief Facilities Officer or designee.</u>	Provide consistency with current organizational chart.
	2. Chief Operations Officer, or designee.	2. Chief <u>Strategy & Operations</u> Officer, or designee.	Provide consistency with current organizational chart.
	3. One (1) of the following: a. For Pre-Qualification of contractors and county wide contracts, an Area Director, or b. For site specific contracts, the school principal for the specific site.	3. One (1) of the following: a. For Pre-Qualification of contractors and county wide contracts, an Area Director <u>Director from the Office of School Performance & Accountability (OSPA)</u> , or	Provide consistency with current organizational chart.

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Rules Pg., 2 (continued)		b. For site specific contracts, the school principal, <u>or such principal's designee</u> for the specific site.	
	4. Director, Planning and Design, or Senior Project Manager, or Project Manager I, II, or III.	4. <u>Two (2) of the following: Executive Directors, Directors, Managers and Supervisors from Facilities Division.</u> Director, Planning and Design, or Senior Project Manager, or Project Manager I, II, or III.	Provide consistency with current organizational chart. Includes: Project Manager, Environmental Health & Safety, and Physical Plant Operations.
	5. Director, Safety, or designee.	5. <u>The Chief Building Official, or designee</u> Director, Safety, or designee.	Add an additional internal, technical expert to committee.
	6. Coordinator, M/WBE, or designee.	6. <u>Coordinator, M/WBE Supplier Diversity & Outreach Program (SDOP) Coordinator,</u> or designee.	Title change order.

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Rules Pg., 2 (continued)	<p>7. One (1) of the following:</p> <p style="padding-left: 20px;">a. For Pre-Qualification of Contractors and county wide contracts, a member of the general public, appointed by the Superintendent of Schools, or</p> <p style="padding-left: 20px;">b. For site specific contracts, a member of the general public, appointed by the school principal for the specific site.</p>	<p>7.—One (1) of the following:</p> <p style="padding-left: 20px;">a. For Pre-Qualification of contractors and county wide contracts, a member of the general public, appointed by the Superintendent of Schools,</p> <p style="text-align: center;">or</p> <p style="padding-left: 20px;">b. For site specific contracts, a member of the general public, appointed by the school principal for the specific site.</p>	<p>To remove pre-qualification policy language.</p> <p>Streamline to ensure technical expertise and reduce principal redundancy captured in seat #3b above.</p>
	<p>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) not having had business with the District for a period of two 2 years. (The designated</p>	<p>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) not having</p>	<p>Streamline to be more aligned with industry averages and best practices:</p> <ul style="list-style-type: none"> • 63 percent of survey respondents indicated that the make-up of their evaluation committees consisted of internal staff only. • 100 percent of organizations surveyed have less than ten (10) voting members.

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Rules Pg., 2 (continued)	<p>Appointee shall alternate from year to year between the AGC, ABC, and BASF.</p>	<p>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.</p>	
	<p>9. The Facilities Task Force Chair, or designee. If for selection of site specific contract, then preferably from the district containing the project.</p> <p>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.</p> <p>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</p>	<p><u>97.</u> The Facilities Task Force Chair, or designee. If <u>the procurement is</u> for <u>selection of a</u> site specific contract, then preferably from the district containing the project.</p> <p>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.</p> <p>1. One (1) member of the general public appointed by the Chief Operations Officer. For site</p>	<p>No change. Maintain a seat for external subject-matter-expertise.</p> <p>Streamline to ensure technical expertise and reduce redundancy captured in seat #2 above.</p>

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Rules Pg., 2 (continued)	project is located. For countywide selections, the appointee may reside anywhere in the county.	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.	
	2. One (1) representative of the Minority Builders Coalition not having had business with the District for a period of two (2) years.	28. One (1) representative off from the Minority Builders Coalition not having had business with the District for a period of two (2) years.	Maintains a seat for external subject-matter-expertise.
	c. A quorum shall be six (6) voting members for Pre-Qualification of contractors and seven (7) voting members for selection and recommendation of award of contracts to architects, engineers, design builders, construction managers and total program managers.	be. For single site and county wide 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 <u>construction or professional services subject to Section 287.055, Florida Statutes</u> architects, engineers, design builders, construction managers and total program managers.	Remove pre-qualification language.
	New Language	c. <u>For procurements which shall result in the award of a single contract for multiple, specific</u>	Expands evaluation committee membership to accommodate construction delivery methods to

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Rules Pg., 2 (continued)	<p style="color: red;">New Language (continued)</p>	<p style="color: red;"><u>sites, QSEC membership shall be expanded to include the additional school principals or such principals' designees for each site.</u></p>	<p>accommodate multiple awards (two or more specific projects or packaged of projects).</p>
		<p style="color: red;"><u>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.</u></p>	<p>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.</p>
	<p>d. 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 in succession.</p>	<p style="color: red;">d. 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</p>	<p>Clarify language to reflect the intent to rotate members on the third consecutive selection committee.</p>
	<p>5. Any proposer, or lobbyist for a proposer, shall comply with Cone of Silence per School Board Policy 3320.</p>	<p style="color: blue;">5.<u>4.</u> Any proposer, or lobbyist for a proposer, shall comply with <u>the</u> Cone of Silence per School Board Policy 3320. <u>Any violation of this rule</u></p>	<p>Strengthens the Cone of Silence rule.</p>

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Rules Pg., 2 (continued)		<u>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.</u>	
Pg., 3	6. All public officers and district employees shall comply with the Code of Ethics for Personnel Authorized to Purchase per School Board Policy 3320.	6. <u>5.</u> All public officers and d 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.	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.	Moved to Prequalification policy 7003.1.

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Rules Pg., 3 (continued)	<p>8. The QSEC shall recommend the finalist(s) for award of contracts to architects, engineers, design builders, construction managers and total program managers, and if applicable, shall recommend rejection of one 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 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.</p>	<p>87.6. The QSEC shall recommend the finalist(s) for award of contracts to <u>construction or professional service subject to Florida Statute 287.055</u>architects, engineers, design builders, construction managers and total program managers, and if applicable, shall recommend rejection of one 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 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.</p>	
	<p>9. QSEC shall function according to its School Board approved By-Laws, School Board policies, the Sunshine Law and Robert's Rules of Order.</p>	<p>9.7. QSEC shall function according to its School Board approved By-Laws, School Board policies, the Sunshine Law, and Robert's Rules of Order.</p>	

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Authority Pg., 3	AUTHORITY: F.S.287.055; 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	AUTHORITY: F.S.287.055; <u>F.S.</u> <u>255.103; F.S. 287.013;</u> F.S.1001.41; F.S. 1013.45, F.S. 1013.46, SREF 4.1, Rules Adopted: 1/21/82 Emergency Rule: #82-14; <u>12/16/82; 85-86-17</u> 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, <u>TBD.</u>	Added Florida Statutes and spacing.