

College Operating Procedures (COP)



Procedure Title:	Prequalification of Contractors for Educational Facilities Construction
Procedure Number:	04-1001
Originating Department:	Office of Financial Services
<u>Specific Authority:</u>	
State Requirement for Educational Facility	SREF 2014, Chapter 4, Section 4.1
Board Policy	6Hx6:1.02; 6Hx6:2.11
Florida Statute	255.05, 287.055, 1013.45, 1013.46(2)
State Board of Education Rule	6A-14.0734, 6A-2.0010
Procedure Actions:	Adopted: 01/2010; 11/2010; 2/2011; 4/16/2012; 06/01/2017; 12/15/2020; 05/28/2024
Purpose Statement:	Prescribe uniform requirements for prequalification of construction contractors.

Guidelines:

There shall be uniform and consistent requirements for the prequalification of all construction service contractors (Applicants).

This section is applicable to general contracting, construction management, design-build and any other construction services application.

Applicants will be required annually to respond to a Florida SouthWestern State College (FSW) Request for Qualifications (RFQ) and be evaluated in accordance with SREF Chapter 4, Section 4.1 prequalification requirements. FSW will issue prequalified firms a certificate that defines on the face the maximum size project the firm is prequalified to bid on, time period of prequalification as well as other certificate information defined below and in SREF Section 4.1(1)(d).

In the solicitation and selection of vendors for the procurement of goods and services, there shall not be taken into consideration any past, present or future monetary or non-monetary support or contributions and volunteer or partnership activity with the College or the College's direct support organizations. This prohibition of such consideration applies to the solicitation, evaluation process and recommendation to award a contract, and any other portion of the solicitation and selection process.

Procedure:

- I. One Time Procedure
 - A. District Board of Trustees Procedure
 1. The College District Board of Trustees shall hold a public hearing in accordance with SREF Section 4.1(1) (b) to discuss its intent to prequalify contractors and its proposed Board Policy, procedures and rules.

2. If approved by the District Board of Trustees, the College will publish two advertisements in a local newspaper having general circulation throughout the district at least 30 days prior to the hearing and again seven days before the hearing. The notice shall contain the purpose, date, time, and place of the hearing at a minimum.

B. Annual Prequalification Procedure - RFQ Advertising

1. Procurement Services will issue a Request for Qualifications (RFQ) to be publicly advertised with general circulation throughout the district for four consecutive weeks and to the College's Landing Page via BidNet Direct's Florida Purchasing Group with the last such notice appearing at least seven days prior to the date set for the RFQ submission/public opening date.
2. The advertisement, at a minimum, will include a general description of the solicitation of prequalification for FSW construction projects and include the legal notice requirements defined in SREF Section 4.2 (2) (A) and how interested parties may apply for consideration.

C. Evaluation Team

1. An Evaluation Team composed of representatives from Facilities, Risk Management and Financial Services shall independently review the RFQ submittals then come together at a public meeting to discuss. Procurement Services will compile a list of the recommended Applicants approved for prequalification. This compilation will include the corresponding dollar value of work the prequalified contractor will be permitted to have under contract at any one time and the maximum dollar value of each individual project the contractor will be permitted to have.
2. The Evaluation Team shall evaluate all timely delivered RFQ applications and shall approve or reject each application for prequalification within sixty days after receipt. Approval shall be based upon the established criteria defined in SREF Section 4.1. Also, the Evaluation Team shall define what will be printed on each firm's prequalification certificate (see section F below).

D. Prequalification Criteria

Applicants shall be prequalified by an Evaluation Team on the basis of, but not limited to, the following criteria:

1. Proof that the contractor holds a valid contractor's license that authorizes the contractor to supervise the work within the scope of a construction project.
2. Evidence 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 of Florida. In the absence of such written verification, FSW can 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.
3. 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 as shown by the successful completion within the past five years of at least two other projects of similar size.

4. Evidence of satisfactory resolution of claims filed by or against the contractor asserted on projects of the same or similar size within the five years preceding the submission of the application.

E. Application

In order to apply the criteria in Section D above, all applicants (contractor, firm, or person requesting prequalification) are required to submit separate RFQ applications that include the following:

1. Detailed information on College prescribed forms setting forth the applicant's competence, past performance, experience, financial resources, and capability, including a Public Entity Crime statement and references.
2. Audited financial information current within the past twelve 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.
3. General information about the contractor company, its principals, and its history including state and date of incorporation.
4. Contractor trade categories and information regarding the state and local licenses and license numbers held by the Applicant.
5. A list of projects completed within the past five years, including dates, clients, approximate dollar values and project scopes.
6. Certificates of insurance confirming current worker's compensation, public liability, and property damage insurance as required by law.
7. A list of all pending litigation and all litigation within the past five 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.
8. 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.

NOTE: When two or more prequalified contractors wish to combine their assets for a specific project, they can do so by filing an affidavit of joint venture on College prescribed forms. Such affidavit shall be valid only for that specific project.

F. District Board of Trustees Approval

1. The Office of Procurement Services shall recommend to the Facilities Department the recommended Applicants approved for prequalification. The corresponding dollar value of work the prequalified contractor will be permitted to have under contract at any one time will be determined by the contractor's bonding capacity or ten times their net quick assets. The maximum dollar value of each individual project the contractor will be permitted to have will be up to twice the value of the largest project previously completed but shall not exceed the contractor's bonding capacity or ten times their net quick assets.
2. The Facilities Department shall approve and recommend to the Senior Vice President/COO the recommended Applicants for District Board of Trustees approval.
3. The Senior Vice President/COO will bring forth the recommendation to the President.
4. The President recommends to the District Board of Trustees the list of recommended contractors selected for prequalification.
5. The District Board of Trustees will approve the list of pre-qualified contractors.

G. Issuance of Certificate

The Office of Procurement Services shall issue a certificate valid for one year in duration. The certificate shall include:

6. The statement indicating that the contractor is authorized to bid for projects during the time period specified.
7. A statement establishing the total dollar value of work the contractor will be permitted to have under contract at any one time.
8. A statement establishing the type of work the contractor will be permitted to provide.
9. The expiration date of the certificate.
10. FSW reserves the right to suspend or revoke prequalification pursuant to State Requirements for Educational Facilities (SREF) Chapter 4, Section 4.1.

G. Renewal of Certificate

All firms, including those that are currently prequalified, will annually resubmit a RFQ response. FSW further reserves the right as deemed in the College's best interest to publicly advertise and issue separate solicitations for complex unique projects where the solicitation would require contractors to submit with their proposal the same and additional qualification criteria above and beyond what is required in SREF Chapter 4, Section 4.1. At the option of FSW, certificates not for a specific project may be renewed annually. In order to qualify for a renewal certificate, the following information must be received by the Office of Procurement Services no less than 60 days prior to the expiration date of the current certificate. The District Board of Trustees shall approve annually the list of prequalified contractors, the maximum size projects a contractor is prequalified to bid on and the corresponding cumulative total dollar value of work the contractors will be permitted to have under contract at any one time.

1. The College shall automatically revoke a prequalification certificate if written verification of bonding capacity is not received in the allotted time period.
2. If a contractor requests a revision of their prequalification status, justification of the requested action must be received no less than 60 days prior to the expiration date of the current certificate. Revision requests shall be based on experience, staff size, staff qualifications and other pertinent data. It is at the College's discretion to grant or deny the revision of the contractor's prequalification status.

H. Delinquency/Suspension, Revocation and Appeals

FSW delinquency, suspension, revocation and appeals processes, procedures and requirements are defined in SREF (2014) Chapter 4 Section 4.1 (1) (f, g & h).