

1		CURRENT LANGUAGE	RECOMMENDED CHANGE/ADDITION/DELETION District Staff , QSEC and Facilities Task Force	RATIONALE/COMMENTS	RECOMMENDED CHANGE by Procurement & Warehousing Services & Chief Strategy & Operations Officer
2	Policy	7003	7003.1	7003 to apply to selection; 7003.1 to apply to pre-qualification	Contractor Pre-Qualification Application Form Remove
3	Title	PRE-QUALIFICATION OF CONTRACTORS AND SELECTION OF ARCHITECTS, ENGINEERS, DESIGN BUILDERS, CONSTRUCTION MANAGERS, AND TOTAL PROGRAM MANAGERS PURSUANT TO THE CONSULTANTS COMPETITIVE NEGOTIATION ACT	<p>CONTRACTOR PRE-QUALIFICATION OF CONTRACTORS AND SELECTION OF ARCHITECTS, ENGINEERS, DESIGN BUILDERS, CONSTRUCTION MANAGERS, AND TOTAL PROGRAM MANAGERS PURSUANT TO THE CONSULTANTS COMPETITIVE NEGOTIATION ACT</p> <p>04/25/16 Notes: To make consistent with SREF language, change title to: PREQUALIFICATION OF CONTRACTORS FOR EDUCATIONAL FACILITIES</p>	<p>To move pre-qualification language to separate policy 7003.1</p> <p>Current Policy 7003.1 Contractor Pre-Qualification Application Procedures should be 7003.1A as it is the application for prequalification</p>	Prequalification of Contractors for Educational Facilities Contractor Pre-Qualification Application Procedures
4	Description	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 managers and total program managers consistent with this policy, applicable statutes and State Requirements for Educational Facilities (SREF).	The School Board (“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 managers and total program managers consistent with this policy, applicable statutes and State Requirements for Educational Facilities (SREF).	Referencing SREF & State Statute 489	<p>The School Board (“Board”) through the Superintendent or his/her designee, shall pre-qualify all “contractors” for construction contracts, and any other contracts that require a certificate issued pursuant to Chapter 489, Florida Statutes. <u>The Superintendent shall establish procedures for the pre-qualification of contractors for Architectural, Engineering, Landscape Architectural, Land Surveying, Construction Management, Construction Management at Risk, Design Build, Program Management, Inspection Services, and any other construction service which is subject to Section 287.055, Florida Statutes, including, but not limited to, all bidders, construction managers, design-builders, job-order contractors, term contractors, and all other types of contractors on an annual basis or for</u></p>

1		CURRENT LANGUAGE	RECOMMENDED CHANGE/ADDITION/DELETION District Staff , QSEC and Facilities Task Force	RATIONALE/COMMENTS	RECOMMENDED CHANGE by Procurement & Warehousing Services & Chief Strategy & Operations Officer
					a specific project according to the rules set forth in the State Requirements for Educational Facilities (SREF) Section 4.1(8).
5	Definitions	N/A--NEW	<u>Definitions</u>	No need to duplicate definitions	
6			<u>See 7003 for Definitions Rules</u>	To provide a title for the entire list. Policy may flow better if definitions follow rules	
7		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 managers and total program managers consistent with this policy, applicable statutes and State Requirements for Educational Facilities (SREF).	<u>The School Board through the Superintendent or his/her designee, shall pre-qualify bidders for construction contracts, and any other contracts that require a certificate issued pursuant to Chapter 489, Florida Statutes, including, but not limited to, all bidders, construction managers, design-builders, job-order contractors, term contractors, and all other types of contractors on an annual basis or for a specific project according to the rules set forth in the State Requirements for Educational Facilities (SREF) Section 4.1 (8) 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 for educational facilities and selection of architects, engineers, design-builders, construction managers and total program managers consistent with this policy, applicable</u>	Delete reference to (8); this was to be deleted as of 11.9.2010 To remove selection language 4/25/16: Make language consistent with title throughout policy	The School Board (“Board”) through the Superintendent or his/her designee, shall pre-qualify all “contractors” for construction contracts, and any other contracts that require a certificate issued pursuant to Chapter 489, Florida Statutes. The Superintendent shall establish procedures for the pre-qualification of contractors for Architectural, Engineering, Landscape Architectural, Land Surveying, Construction Management, Construction Management at Risk, Design Build, Program Management, Inspection Services, and any other construction service which is subject to Section 287.055, Florida Statutes, including, but not limited to, all bidders, construction managers, design-builders, job-order contractors, term contractors, and all other types of contractors on an annual basis or for a specific project according to the rules set forth in the State Requirements for Educational Facilities (SREF) Section 4.1(8).

1		CURRENT LANGUAGE	RECOMMENDED CHANGE/ADDITION/DELETION District Staff , QSEC and Facilities Task Force	RATIONALE/COMMENTS	RECOMMENDED CHANGE by Procurement & Warehousing Services & Chief Strategy & Operations Officer
			statutes and State Requirements for Educational Facilities (SREF).		<p><u>2. Publish notices of Qualifications Selection Evaluation Committee (QSEC) meetings in a local newspaper having general circulation throughout the District at least 30 days prior to the committee meeting and notify committee participants again, seven days prior to the meeting. The notices shall contain the purpose, date, time, and place of the hearing.</u></p> <p><u>3. Prescribe procedures for reviewing and evaluating applications and making recommendations for type of project, dollar volume and limits allowed within the scope of the prequalification.</u></p> <p><u>4. Prescribe procedures that will not supersede any small business, woman- or minority-owned business-enterprise preference program adopted by the Board.</u></p> <p><u>5. Prescribe procedures by which the Board may reject applications that contain inaccurate information, declare a contractor delinquent and suspend or revoke a prequalification certificate</u></p>
8		Rules	Rules Contractor Pre-Qualification Application Procedures	To move “Rules” to top of list	
9		The School Board authorizes the Superintendent to:	The School Board authorizes the Superintendent to: shall prequalify	To align language with SREF 4.1	

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			<u>contractors for a one-year period or for a specific project. This section prescribes uniform and consistent requirements for prequalification of all construction services contractors.</u>		
10		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:	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:	No Change except to remove reference to application. Application should be separate policy.	Contractors shall be pre-qualified on the basis of the criteria set forth in SREF and included in the foregoing application form. In addition to the foregoing criteria the applicant shall provide the Dun and Bradstreet report indicated in the application. The evaluation committee shall be as set forth in Board Policy 7003. <u>The School Board authorizes the Superintendent to:</u> <u>Receive applications for Contractor Pre-Qualification in compliance with State Requirements for Educational Facilities (SREF) 4.1 and prequalify contractors for a one-year period or for a specific project.</u>
11		a. Summary Dun and Bradstreet Report required if the applicant requests \$1,000,000 or less for either Per Project or Aggregate Limits.	-a. Summary Dun and Bradstreet Report required if the applicant requests \$1,000,000 or less for either Per Project or Aggregate Limits	No Change	
12		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.	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. <u>c. Evidence that the contractor has financial resources to start up and follow through on projects and to respond to damages in case of</u>		<u>Each contractor, firm or person requesting prequalification to submit separate applications that include the following:</u> <u>1. Detailed information on Board prescribed forms setting forth the applicant’s competence, past performance, experience, financial resources and capability, including a Public Entity Crime statement and references.</u> <u>2. Audited financial information current within the past 12 months, such as a balance sheet and statement of operations and bonding capacity.</u>

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			<u>default as shown by written verification of bonding capacity equal to or exceeding the amount of any project for which the contractor seeks pre-qualification. 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. In the absence of such written verification, the Board may require the contractor to submit any audited financial information necessary to evaluate the contractor’s financial ability to perform the project and to respond to damages in the event of default .</u>		<u>The requirement for financial information may be satisfied by the contractor providing written verification of the contractor’s bonding capacity.</u>
13					<u>3. General information about the contractor company, its principals and its history including state and date of incorporation</u>
14		1. N/A--NEW	<u>Proof that the contractor holds a valid contractor’s license that authorizes the contractor to supervise the work within the scope of the construction project, including the license classification</u>	Align to language in SREF 4.1	<u>4. Contractor trade categories and information regarding the state and local licenses and license numbers held by the applicant</u>
15		2. N/A--NEW	<u>Evidence of experience with construction techniques, trade standards, quality workmanship, project scheduling, cost control, management of projects and building codes for similar or lower cost or scope projects as 16shown by the successful completion within the past five years of at least two other projects of similar size.</u>	Align to language in SREF 4.1	<u>5. A list of projects completed within the past five years, including dates, clients, approximate dollar values and project scopes.</u> <u>6. Certificates of insurance confirming current workers’ compensation, public liability and property damage insurance as required by law.</u>

1		CURRENT LANGUAGE	RECOMMENDED CHANGE/ADDITION/DELETION District Staff , QSEC and Facilities Task Force	RATIONALE/COMMENTS	RECOMMENDED CHANGE by Procurement & Warehousing Services & Chief Strategy & Operations Officer
16		3. N/A--NEW	<u>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. 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 90 days of the date the judgment becomes final.</u>	Align to language in SREF 4.1	<p><u>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</u></p> <p><u>8. Signed by an authorized officer of the company, the owner or sole proprietor, as appropriate, attesting to the completeness and correctness of the application and financial information.</u></p>
17		4. N/A--NEW	<u>The School Board shall comply with the following: Hold a public hearing to discuss its intent to prequalify contractors and the proposed policy, procedures and rules. Publish two notices of hearings in a local newspaper having general circulation throughout the district at least 30 days prior to the hearing and again seven days prior to the hearing. The notice shall contain the purpose, date, time and place of the hearing, at a minimum.</u>	Align to language in SREF 4.1	The School Board of Broward County shall receive and either approve or reject each application for pre- qualification within sixty (60) days after receipt of application in its entirety and all required documents. Approval shall be based on the criteria and procedures set forth in SREF.
18		5. N/A--NEW	<u>Issuance of Certificate. The School Board shall issue a certificate valid for one year or the duration of the specific project. The certificate shall include: 1. A statement indicating that the contractor is authorized to bid for projects during the time period specified. 2. A statement establishing the total dollar volume of work the contractor will be permitted to have under contract at any one time as determined by</u>	Align to language in SREF 4.1	<p>The Board shall issue to all pre-qualified contractors a certificate valid for one (1) year from the date of approval or for the specific project(s). That certificate shall include the following:</p> <p>1.A statement indicating that the contractor may bid, propose, or otherwise be considered, on the specific project(s) or for this specific time period.</p>

1		CURRENT LANGUAGE	RECOMMENDED CHANGE/ADDITION/DELETION District Staff , QSEC and Facilities Task Force	RATIONALE/COMMENTS	RECOMMENDED CHANGE by Procurement & Warehousing Services & Chief Strategy & Operations Officer
			<p><u>the contractor’s bonding capacity or 10 times the net quick assets.</u></p> <p><u>3. 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 10 times the net quick assets.</u></p> <p><u>4. A statement establishing the type of work the contractor will be permitted to provide.</u></p> <p><u>5. The expiration date of the certificate.</u></p>		<p>2.A statement establishing the total dollar value of the work the contractor will be permitted to have under contract with the Board at any one time. The maximum value shall not exceed the contractor’s bonding capacity or ten (10) times the net quick assets.</p> <p>3.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 similar project previously completed but shall not exceed the contractor’s bonding capacity or ten (10) times the net quick assets.</p> <p>4. A statement establishing the type of work the contractor will be permitted to provide.</p> <p>5. The expiration date of the certificate.</p>
19		1. N/A--NEW	<p><u>Renewal of Certificate. Certificates not for a specific project shall be renewed annually.</u></p> <p><u>1. Financial statements or written verification of bonding capacity on file with the Board shall be updated annually. Failure to submit a new statement or verification of bonding capacity, after at least 30 days’ written notice by the Board, shall automatically revoke a prequalification certificate.</u></p> <p><u>2. 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</u></p>	Align to language in SREF 4.1	<p>It shall be the responsibility of the contractor to renew annually certificates not for a specific project. Financial statements or written verification of bonding capacity on file with the Board shall be updated annually. Failure to submit a new statement or verification of bonding capacity within thirty (30) days written notice by the Board shall automatically revoke a pre-qualification certificate.</p> <p>1. Pre-qualified contractors may request a revision of their pre-qualification status at any time they believe the dollar volume of work</p>

1		CURRENT LANGUAGE	RECOMMENDED CHANGE/ADDITION/DELETION District Staff , QSEC and Facilities Task Force	RATIONALE/COMMENTS	RECOMMENDED CHANGE by Procurement & Warehousing Services & Chief Strategy & Operations Officer
			<u>of projects should be increased if experience, staff size, staff qualifications and other pertinent data justify the action.</u>		under contract or the size or complexity of the projects should be increased if experience, staff size, staff qualifications, and other pertinent data justify the action
20		2. N/A--NEW	<p><u>Delinquency. The decision to declare a contractor delinquent may only be made by the superintendent or president and must be ratified by the Board at its next regular meeting following such decision by the superintendent or president. If a contractor is 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 or more of the following conditions occur without justifiable cause:</u></p> <ol style="list-style-type: none"> <u>1. A substantial or repeated failure to comply with contract documents after written notice of such noncompliance.</u> <u>2. A substantial or repeated failure to provide supervision and coordination of subcontractor's work after written notice of such failure.</u> <u>3. Substantial deviation from project time schedules after written notice of noncompliance.</u> <u>4. 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.</u> <u>5. Substantial or repeated failure to provide the quality of workmanship compatible with the trade standards for the community after written notice of such failure.</u> 	Align to language in SREF 4.1	<p>The decision to declare a contractor delinquent may be made only by the Superintendent and must be ratified by the Board at its next regular meeting following the decision by the Superintendent. Should the contractor be determined to be delinquent, after notice and an opportunity for a fair hearing, the Board shall notify the contractor and its surety, in writing,</p> <p>that the contractor is disqualified from bidding, proposing, or otherwise receiving consideration, for work with the Board District as long as the delinquency exists. A delinquent condition exists when one (1) or more of the following conditions occur without justifiable cause:</p> <ol style="list-style-type: none"> 1. A substantial or repeated failure to comply with contract documents after written notice of such non-compliance. 2. A substantial or repeated failure to provide supervision and coordination of subcontractor's work after written notice of such failure. 3. Substantial deviation from project time schedules after written notice of non-compliance. 4. Substantial or repeated failure to pay subcontractors after the Board has paid the contractor for the work performed by the

1		CURRENT LANGUAGE	RECOMMENDED CHANGE/ADDITION/DELETION District Staff , QSEC and Facilities Task Force	RATIONALE/COMMENTS	RECOMMENDED CHANGE by Procurement & Warehousing Services & Chief Strategy & Operations Officer
			<p><u>6. Substantial or repeated failure to comply with the warranty requirements of previous contracts after written notice of such failure.</u></p> <p><u>7. Failure to maintain the required insurance coverage after written notice of such failure.</u></p>		<p>subcontractors in accordance with approved requisitions for payment.</p> <p>5. Substantial or repeated failure to provide the quality for workmanship compatible with the trades’ standards for the community after written notice of such failure.</p> <p>6. Substantial or repeated failure to comply with the warranty requirements of previous contracts after written notice of such failure.</p> <p>7. Failure to maintain the required insurance coverage after written notice of such failure.</p>
21		3. N/A--NEW	<p><u>Suspension or Revocation. The Board may, for good cause, suspend a contractor for a specified period of time or revoke the prequalification certificate. Causes for suspension or revocation shall include, but not be limited to, one or more of the following:</u></p> <p><u>Contractor found to have provided inaccurate or misleading statements included in the contractor’s application.</u></p> <p><u>2. Contractor declared in default by a Board.</u></p> <p><u>3. Contractor adjudged to be bankrupt.</u></p> <p><u>4. Contractor’s performance in connection with contract work, becomes unsatisfactory to a Board based on the Board asserting and recovering liquidated damages in an action against the contractor.</u></p> <p><u>5. Contractor’s 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 Law (section 715.12, F.S.).</u></p> <p><u>6. Contractor becomes delinquent on a construction project pursuant to (f) above.</u></p>	<p>Align to language in SREF 4.1</p> <p>4/25/16 Note: Need to provide for equitable treatment of contractors. Need clarification from general counsel</p>	<p>The Board may, for good cause, suspend a contractor for a specified period of time or revoke the pre- qualification certificate. Causes for suspension or revocation shall include, but are not limited to, one or more of the following:</p> <ol style="list-style-type: none"> 1. Inaccurate or misleading statements in the application. 2. Declared in default by the Board. 3. Filed for or adjudged to be bankrupt. 4. 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. 5. Payment record, in connection with 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.). 6. Becomes delinquent on a construction project.

1		CURRENT LANGUAGE	RECOMMENDED CHANGE/ADDITION/DELETION District Staff , QSEC and Facilities Task Force	RATIONALE/COMMENTS	RECOMMENDED CHANGE by Procurement & Warehousing Services & Chief Strategy & Operations Officer
			<u>7. Contractor’s license becomes suspended or is revoked.</u> <u>8. Contractor no longer meets the uniform prequalification criteria established in this section.</u>		7. Contractor’s license becomes suspended or is revoked by a licensing agency. 8. No longer meets the uniform pre-qualification criteria established in this policy.
22		4. N/A--NEW	<u>Appeal. A contractor whose application has been rejected or whose certificate has been suspended or revoked by a Board shall be given the benefit of reconsideration and appeal as follows:</u> <u>1. The aggrieved contractor may, within 10 days after receiving notification of such action, request reconsideration in writing. The contractor may submit additional information at the time of the appeal.</u> <u>2. A Board shall act upon a contractor’s request within 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</u>	Align to language in SREF 4.1	rejected or whose certificate has been suspended or revoked by the Board shall be given the benefit of reconsideration and appeal as follows: 1. 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 appeal. 2. The evaluation committee shall review the additional information and make its recommendation to the Superintendent within fifteen (15) calendar days (excluding those days that the School Board of Broward County District is closed, e.g.: weekends, holidays, etc.). 3. The Board shall act upon the Superintendent’s recommendation within thirty (30) calendar days 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.

1		CURRENT LANGUAGE	RECOMMENDED CHANGE/ADDITION/DELETION District Staff , QSEC and Facilities Task Force	RATIONALE/COMMENTS	RECOMMENDED CHANGE by Procurement & Warehousing Services & Chief Strategy & Operations Officer
23		5. N/A--NEW	<u>Effects of Suspension and Revocation:</u> <u>A. Future Contracts</u> <u>Contractors whose prequalification certificates have been suspended or revoked are excluded from receiving contracts, and no District department shall solicit offers from, award contracts to, or consent to subcontract with these contractors, unless the Superintendent, in order to avoid an immediate and serious danger to the public health, safety or welfare, determines that an emergency exists that justifies such action, and obtains approval from the Board, at its next regularly scheduled meeting.</u>	Clarify consequences of suspended or revoked certificates 4/25/16 Note: Insert “and contractor’s affiliates”	
24		6. N/A—NEW	<u>B. Current Contracts</u> <u>1. All proposed Board contracts for construction, shall reference this Board rule and that delinquency may constitute grounds for rendering a contractor ineligible to bid if the Board suspends or revokes a contractor's prequalification certification.</u> <u>2. Current Board contracts may not be renewed or otherwise extended or consent given to subcontract with suspended or revoked contractors, unless the Superintendent, in order to avoid an immediate and serious danger to the public health, safety or welfare, determines that an emergency exists that justifies the renewal or extension, or approves an extension due to delay or for reasons beyond the contractor’s control, and such action is approved by the Board at its next regularly scheduled meeting.</u> <u>3. No further work shall be awarded to a contractor whose prequalification certificate has been suspended or revoked in connection with a term or miscellaneous construction contract, or a term or miscellaneous contract for services,</u>	Clarify consequences of suspended or revoked certificates	

1		CURRENT LANGUAGE	RECOMMENDED CHANGE/ADDITION/DELETION District Staff , QSEC and Facilities Task Force	RATIONALE/COMMENTS	RECOMMENDED CHANGE by Procurement & Warehousing Services & Chief Strategy & Operations Officer
			<p><u>including professional services, or similar contract, where the work is divided into separate discrete groups and the Board’s refusal or denial of further work under the contract will not result in a breach of such contract.</u></p> <p><u>4. establishing procedures to provide for the effective use of the list including the internal distribution, thereof, to ensure that departments do not solicit offers from or recommend awarding contracts to contractors that are on the list, and</u></p> <p><u>5. responding to inquiries concerning contractors that are listed on the Suspended and Revoked Contractors List.</u></p>		
25		7. N/A--NEW	<p><u>B. The Suspended and Revoked Contractors List shall include the following information:</u></p> <p><u>1. The name and address of all suspended and revoked contractors.</u></p> <p><u>2. The license or registration number for the contractors whose prequalification certificate has been suspended or revoked.</u></p> <p><u>3. The company’s qualifying agent’s name.</u></p> <p><u>4. The cause for suspending or revoking a contractor’s prequalification certificate or as required by other statutory or regulatory authority.</u></p> <p><u>5. The effects of the suspension or revocation.</u></p>	<p>Clarify consequences of suspended or revoked certificates</p> <p>4/25/16 Note: See Miami-Dade Policy 6334</p>	
26		8. Develop standard Request for Qualifications (RFQ) and Request for Proposals (RFP) including selection criteria and selection procedures in accordance with applicable statutes and SREF (as amended) using established procedures. The Board shall approve standard RFQ and RFP forms. The	<p>1. ——— Develop standard Request for Qualifications (RFQ) and Request for Proposals (RFP) including selection criteria and selection procedures in accordance with applicable statutes and SREF (as amended) using established procedures. The Board shall approve standard RFQ and RFP forms. The School Board shall approve revisions to the RFQ and RFP forms.</p>	Does not apply to Pre-Qualification	

1		CURRENT LANGUAGE	RECOMMENDED CHANGE/ADDITION/DELETION District Staff , QSEC and Facilities Task Force	RATIONALE/COMMENTS	RECOMMENDED CHANGE by Procurement & Warehousing Services & Chief Strategy & Operations Officer
		School Board shall approve revisions to the RFQ and RFP forms.			
27		9. Receive responses to RFQs and RFPs	2. Receive responses to RFQs and RFPs	Does not apply to Pre-Qualification	
28		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.	<u>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 the Pre-Qualification of contractors and vendors, 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, and (1) non-voting staff member from the Office of the General Counsel to serve in an advisory and support role.</u>	<u>To require a representative from the Office of the General Counsel serve on QSEC in an advisory role to assist with legal interpretations</u>	<u>Qualification Selection Evaluation Committee – Pre-qualification: Designate an evaluation and recommendation committee, the Qualification Selection Evaluation Committee, to be composed of nine (9) standing voting members for the purpose of pre-qualification of contractors. 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.</u>
29		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: <u>QSEC composition for pre-qualifications shall be comprised of the following nine (9) voting members, consistent with the district’s current</u>	To be consistent with current organizational chart To clarify the role of designees	<u>QSEC Pre-qualification committee shall be comprised of the following nine (9) standing voting members:</u>

1		CURRENT LANGUAGE	RECOMMENDED CHANGE/ADDITION/DELETION District Staff , QSEC and Facilities Task Force	RATIONALE/COMMENTS	RECOMMENDED CHANGE by Procurement & Warehousing Services & Chief Strategy & Operations Officer
			<u>organizational chart. Any designee filling one of the following positions is considered a member of the QSEC, and is subject to all the same rights, responsibilities, and rules as other QSEC members.</u>		
30		1. Deputy Superintendent, Facilities and Construction Management, or designee.	1. Deputy Superintendent, Facilities and Construction Management, or designee. <u>1. Chief Facilities Officer or designee</u>	To provide consistency with current organizational chart	1. Chief Facilities Officer or designee.
31		2. Chief Operations Officer, or designee.	2. Chief Operations Officer, or designee. <u>2. Chief Strategy and Operations Officer, or designee</u>	To provide consistency with current organizational chart	2. Chief Strategy & Operations Officer, or designee. .
32		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, or a Cadre Director b. For site specific contracts, the school principal for the specific site.	To provide consistency with current organizational chart b. Does not apply to Pre-Qualification	3. <u>A Director from the Office of School Performance & Accountability</u>
33		4. Director, Planning and Design, or Senior Project Manager, or Project Manager I, II, or III.	4. Director, Planning and Design, or Senior Project Manager, or Project Manager I, II, or III. <u>4. Director, Preconstruction or Construction, or a BCPS Manager who reports to either the Director of Preconstruction or Director of Construction</u>	To provide consistency with current organizational chart Cost and Program Controls was not included as it may represent a conflict of interest of segregation of duty in that they	4. <u>Executive Director, Director, Manager or Supervisor from Facilities Division.</u>

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				would be selecting a firm they are responsible for objectively evaluating	
34		5. Director, Safety, or designee.	5. Director, Safety, or designee. 6. <u>Chief Fire Official or designee</u>		
35					5. <u>The Chief Building Official, or designee</u>
36		6. Coordinator, M/WBE, or designee.	6. Coordinator, M/WBE, or designee	No Change	6. <u>Coordinator. Supplier Diversity & Outreach, or designee.</u>
37		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.	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. 7. <u>a member of the general public, appointed by the Superintendent of Schools</u>	No Change	7. <u>A member of the general public, appointed by the Superintendent of Schools.</u>
38		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	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 Appointee shall	To update organization name (ABC). Based on feedback from those in the industry, recommendation is to change BASF to CASF. BASF not as	8. <u>One (1) representative of the South Florida Chapter, Associated General Contractors of America (AGC), or the Florida East Chapter of the Associated Builders and Contractors of Florida (ABC), or the Builder's Association of South Florida (BASF), or the Construction</u>

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		designated Appointee shall alternate from year to year between the AGC, ABC, and BASF.	alternate from year to year between the AGC, ABC, and BASF . 8. One (1) representative of the South Florida Chapter, Associated General Contractors of America (AGC), <u>or the Florida East Chapter of the Associated Builders and Contractors of Florida (ABC), or the Construction Association of South Florida (CASF)</u> 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 <u>CASF</u>).	active in Broward as it was in the past	<u>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.</u>
39		9. The Facilities Task Force Chair, or designee. If for selection of site specific contract, then preferably from the district containing the project.	9. The Facilities Task Force Chair, or designee. If for selection of site specific contract, then preferably from the district containing the project.	No Change	<u>9. The Facilities Task Force Chair or designee.</u>
40		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.	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.	Remove language that does not apply to pre-qualification	
41		10. 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.	10. 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.	Remove language that does not apply to pre-qualification	
42		11. One (1) representative of the Minority Builders Coalition not having had business with the District for a period of two (2) years.	11. One (1) representative of the Minority Builders Coalition not having had business with the District for a period of two (2) years.	Remove language that does not apply to pre-qualification	

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43		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.	<p>e. 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.</p> <p>a. A quorum shall be seven (7) voting members</p> <p>A quorum shall be five (5) voting members</p>	<p>Change quorum to an odd number</p> <p>4/25/16 Note: Changed quorum to odd number and corrected typo</p>	<p><u>A quorum shall be six (6) voting members for Pre-qualification of contractors.</u></p>
44		NONE - NEW	<p>QSEC members are not allowed to abstain from any vote, unless a voting conflict of interest exists under Chapter 112, Florida Statutes.</p>	<p>To make policy consistent with state statute</p>	
45		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>5. Any proposer, or lobbyist for a proposer, shall comply with Cone of Silence per School Board Policy 3320.</p> <p>4. Any proposer, lobbyist for a proposer, or any other business entity who engages in lobbying for the economic gain of a principal, regardless of whether they are compensated for lobbying or not 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, rejection of any recommendation for award to the vendor, or the revocation of an award to the vendor as being void, rendering void any previous or prior awards. The potential vendor or vendor's representative determined to have violated this rule, shall be subject to debarment. In addition to any other penalty provided by law, violation of this rule by a</p>	<p>Remove language that does not apply to pre-qualification</p>	

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			<p><u>school district employee shall subject the employee to disciplinary action up to and including dismissal. (SB Miami-Dade Policy 6325). Any violation of the Cone of Silence requirements shall constitute grounds for immediate and permanent disqualification of the offending firm and possible debarment or suspension. It may also serve as grounds for the voiding of any Contract with the violator and/or to temporarily or permanently debarring the violator from future work with the School Board of Broward County.</u></p>		
46		5. Any proposer, or lobbyist for a proposer, shall comply with Cone of Silence per School Board Policy 3320.	<p>6. All public officers and district employees shall comply with the Code of Ethics for Personnel Authorized to Purchase per School Board Policy 3320.</p> <p>5. <u>All QSEC members shall comply with the Code of Ethics for Personnel Authorized to Purchase per School Board Policy 3320 (HH) and the District’s Ethics Training Policy 1.7 C No prospective or current QSEC member or designee shall have been convicted of a felony or crime of moral turpitude in the past ten years.</u></p>	<p>To clarify definition of lobbyist, and to establish consequences for violating the Cone of Silence</p> <p>4/25/16 Note: Correct typo; change “Cone” to “Code”</p>	

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47		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>The Qualification and Selection Committee (QSEC) shall evaluate responses to requests for pre-qualifications and recommending award of one (1) year certificates using procedures established in accordance with State Requirements for Educational Facilities (SREF), state statutes, board policies, and QSEC by-laws.</u>	To clarify that the Code of Ethics applies to all QSEC members. To address FTF member recommendation to prohibit participation by those with questionable ethics	
48		NONE - NEW	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.	To clarify authority	
49		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.	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.	No Change	
60		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	9. QSEC shall function according to its School Board approved By-Laws, School Board policies, the Sunshine Law and Robert's Rules of Order.	Remove language that does not apply to pre-qualification	

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		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 61procurement requirements and scoring criteria. The Board shall have final approval of such recommendations.	QSEC shall function according to its School Board approved By-Laws, School Board policies, the Sunshine Law, <u>Robert's Rules of Order, Newly Revised, applicable state statutes and SREF as amended. By-laws are to be reviewed every two years.</u>		
61		9. 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.1001.41; F.S. 1013.45, F.S. 1013.46, SREF 4.1; AUTHORITY: SREF 4.1, F.S. 287.055, F.S. 1001.41, F.S.1013.45, F.S. 1013.46, F.S. 255.103 & FS 1010.04	To clarify relationship between QSEC and applicable state statutes. To require by-laws be reviewed every two years	
62		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	To include the authority of all applicable state statutes 4/25/16 Note: Update for latest statute	
63		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		No change other than to update for latest revision once approved	