

		CURRENT LANGUAGE	FTF/QSEC/ RECOMMENDED CHANGE/ADDITION/DELETION	FTF/QSEC RATIONALE/COMMENTS	RECOMMENDED CHANGE by & Chief Strategy & Operations Officer Procurement & Warehousing Services
1	Policy	7003	7003	7003 to apply to selection; 7003.1 to apply to pre-qualification	
2	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	PRE-QUALIFICATION OF CONTRACTORS AND SELECTION OF ARCHITECTS, ENGINEERS, DESIGN BUILDERS, CONSTRUCTION MANAGERS, AND TOTAL PROGRAM MANAGERS PURSUANT TO THE CONSULTANTS COMPETITIVE NEGOTIATION ACT <u>Selection of Construction and Professional Services Subject to the Consultant's Competitive Negotiation Act (CCNA)</u>	To remove closed list of services and change title reflect the intent to include ALL types of services subject to Consultant's Competitive Negotiation Act (CCNA) To move pre-qualification language to separate policy 7003.1	PRE-QUALIFICATION OF CONTRACTORS AND SELECTION OF ARCHITECTS, ENGINEERS, LANDSCAPE ARCHITECTURAL, LAND SURVEYING, DESIGN BUILDERS, CONSTRUCTION MANAGEMENT AT RISK, AND TOTAL DESIGN BUILD, PROGRAM MANAGEMENT, INSPECTION SERVICES AND ANY OTHER CONSTRUCTION DELIVERY METHOD OR PROFESSIONAL SERVICES
3	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 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>This policy applies to the selection of Architectural, Engineering, Landscape</u>	To identify types of services currently subject to FS 287.055 and specify policy intent is to be inclusive of all types of services subject to the statute as amended	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 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 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).

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			<u>4Architectural, Land Surveying, Construction Management, Construction Management at Risk, Design Build, Program Management, Total Program Management, Inspection Services, and any other construction delivery method or professional services subject to Florida Statute 287.055, as amended.</u>	4/25/16 Note: Correct typo	
4	Definitions	N/A--NEW	<u>Definitions</u>	To add definitions found in state statutes and industry publications	<u>For the purposes of this policy:</u>
			From Florida Statutes, as amended:		
5			<u>(a) "Professional services" means those services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered surveying and mapping, as defined by the laws of the state, or those performed by any architect, professional engineer, landscape architect, or registered surveyor and mapper in connection with his or her professional employment or practice.</u>		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
6			<u>(b) "Agency" means the state, a state agency, a municipality, a political subdivision, a school district, or a school board. The term "agency" does not extend to a nongovernmental developer that contributes public facilities to a political subdivision under s. 380.06 or ss. 163.3220-163.3243</u>		
7			<u>(c) "Firm" means any individual, firm, partnership, corporation, association, or other legal entity permitted by law to</u>		

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			<u>practice architecture, engineering, or surveying and mapping in the state.</u>		
8			<u>(d) "Compensation" means the amount paid by the agency for professional services regardless of whether stated as compensation or stated as hourly rates, overhead rates, or other figures or formulas from which compensation can be calculated.</u>		
9			<u>(e) "Agency official" means any elected or appointed officeholder, employee, consultant, person in the category of other personal service or any other person receiving compensation from the state, a state agency, municipality, or political subdivision, a school district or a school board.</u>		
10			<u>(f) "Project" means that fixed capital outlay study or planning activity described in the public notice of the state or a state agency under paragraph (3)(a). A project may include:</u>		
11			<u>1. A grouping of minor construction, rehabilitation, or renovation activities.</u>		
12			<u>2. A grouping of substantially similar construction, rehabilitation, or renovation activities.</u>		
13			<u>(g) A "continuing contract" is a contract for professional services entered into in accordance with all the procedures of this act between an agency and a firm whereby the firm provides professional services to the agency for projects in which the estimated construction cost of each individual project under the contract does not exceed \$2 million, for study activity if the fee for</u>		

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			<u>professional services for each individual study under the contract does not exceed \$200,000, or for work of a specified nature as outlined in the contract required by the agency, with the contract being for a fixed term or with no time limitation except that the contract must provide a termination clause. Firms providing professional services under continuing contracts shall not be required to bid against one another.</u>		
14			<u>____ (h) A "design-build firm" means a partnership, corporation, or other legal entity that:</u>		c) Design-Build (D-B) is a project delivery method that combines architectural and engineering design services with construction performance under one contact.
15			<u>1. Is certified under s. 489.119 to engage in contracting through a certified or registered general contractor or a certified or registered building contractor as the qualifying agent; or</u>		
16			<u>2. Is certified under s. 471.023 to practice or to offer to practice engineering; certified under s. 481.219 to practice or to offer to practice architecture; or certified under s. 481.319 to practice or to offer to practice landscape architecture.</u>		
17			<u>____ (i) A "design-build contract" means a single contract with a design-build firm for the design and construction of a public construction project.</u>		
18			<u>____ (j) A "design criteria package" means concise, performance-oriented drawings or specifications of the public construction project. The purpose of the design criteria package is to furnish sufficient information to permit design-build firms to prepare a bid</u>		

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			<p><u>or a response to an agency's request for proposal, or to permit an agency to enter into a negotiated design-build contract. The design criteria package must specify performance-based criteria for the public construction project, including the legal description of the site, survey information concerning the site, interior space requirements, material quality standards, schematic layouts and conceptual design criteria of the project, cost or budget estimates, design and construction schedules, site development requirements, provisions for utilities, storm water retention and disposal, and parking requirements applicable to the project.</u></p>		
19			<p><u>(k) A "design criteria professional" means a firm who holds a current certificate of registration under chapter 481 to practice architecture or landscape architecture or a firm who holds a current certificate as a registered engineer under chapter 471 to practice engineering and who is employed by or under contract to the agency for the providing of professional architect services, landscape architect services, or engineering services in connection with the preparation of the design criteria package.</u></p>		
20			<p><u>(l) "Negotiate" or any form of that word means to conduct legitimate, arm's length discussions and conferences to reach an agreement on a term or price. For purposes of this section, the term does not include presentation of flat-fee schedules with no alternatives or discussion. (CCNA)</u></p>		

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21			<u>(m) “Contractor” means a person who contracts to sell commodities or contractual services to an agency. Is authorized to do business in the State of Florida and that is properly licensed or registered for the work to be performed with whom a contract may be made for the performance of School Board work. Source: F.S 287.012 (7)</u>		
22			<u>(n) 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. “Construction management entity” means a licensed general contractor or a licensed building contractor, as defined in s. 489.105, who coordinates and supervises a construction project from the conceptual development stage through final construction, including the scheduling, selection, contracting with, and directing of specialty trade contractors, and the value engineering of a project. (F.S. 255.103)</u>		<p>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></p> <p>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></p>
23			<u>Selecting a construction management entity, pursuant to s. 255.103 or the process provided by s. 287.055, that would be responsible for all scheduling and coordination in both design and construction phases and is generally responsible for the successful, timely, and economical completion of the construction project. The construction management entity must consist of or contract with licensed or registered professionals for the specific fields or areas of construction to be performed, as required</u>		

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			<p><u>by law. At the option of the board, the construction management entity, after having been selected, may be required to offer a guaranteed maximum price or a guaranteed completion date; in which case, the construction management entity must secure an appropriate surety bond pursuant to s. 255.05 and must hold construction subcontracts. The criteria for selecting a construction management entity shall not unfairly penalize an entity that has relevant experience in the delivery of construction projects of similar size and complexity by methods of delivery other than construction management. (F.S. 1013.45)</u></p>		
24			<p><u>(o) Program Management is the practice of professional Construction Management applied to a capital improvement program of one or more projects from inception to completion. Comprehensive Construction Management services are used to integrate the different facets of the construction process—planning, design, procurement, construction and commissioning—for the purpose of providing standardized technical and management expertise on each project.</u></p>		
25			<p><u>(p) CAPITAL PROJECT refers to a project with a scope that includes one or more of the following elements: acquisition of a site and/or existing structure, program or site master planning, design and environmental analysis, design, construction, major equipment acquisition, reconstruction, demolition or major alteration of a capital asset. A CAPITAL PROJECT shall include:</u></p>		

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			<u>a project program plan, scope, budget by task, and schedule</u>		
26			<u>(q) Lobbyist is defined as any individual, firm, corporation, or other business entity who engages in lobbying for the economic gain of a principal, regardless of whether they are compensated for lobbying or not. The term lobbyist specifically includes the principal, as well as any agent, officer, or employee of a principal regardless of whether or not the employee's normal scope of employment includes lobbying activities. SBBC Policy 1100B</u>		
27			<u>(r) "Request for Information" (RFI) means a written or electronically posted request made by an agency to vendors for information concerning commodities or contractual services. Responses to these requests are not offers and may not be accepted by the agency to form a binding contract. F.S 287.012 (21)</u>		
28			<u>(s) "Request for Proposals" (RFP) means a written or electronically posted solicitation for competitive sealed proposals. F.S 287.012 (22)</u>		
29			<u>(t) "Request for a quote" (RFQ) means an oral or written request for written pricing or services information from a state term contract vendor for commodities or contractual services available on a state term contract from that vendor. F.S 287.012 (23)</u>		
30			<u>(u) A Request for Qualifications (RFQ) process may be used to determine the qualifications from proposers when the</u>	From Miami-Dade County http://www.miamidade.gov/procurement/bid-proposal-request.asp	f) 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

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			<p><u>agency cannot or has not completely established the scope of services.</u></p> <p><u>An RFQ may be used, for example, when creating a pool of qualified vendors to be used on a rotational basis, or in a two-step competitive basis where the scope of services is incomplete and only those firms selected in the qualification phase compete when a particular work order is established.</u></p>	<p>Two-step process as discussed in a paper on global best practices from the NIGP http://www.nigp.org/docs/default-source/New-Site/global-best-practices/qualificationsbasedselection.pdf?sfvrsn=2</p>	<p>basis, or to make a qualifications-based selection of a single vendor for a specific assignment</p>
31			<p><u>(v) Qualification Selection Evaluation Committee (QSEC).</u></p>		
32			<p><u>Rules</u></p>	<p>To provide a title for the entire list. Policy may flow better if definitions follow rules</p>	
33		<p>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).</p>	<p>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).</p>	<p>To clarify the applicability of FS 287.055 and SREF to the selection process</p>	<p>The School Board authorizes the Superintendent to:</p>
34			<p><u>1. PUBLIC ANNOUNCEMENT</u></p> <p>a. <u>The School Board shall publicly announce, in a uniform and consistent manner, each occasion when construction and/or</u></p>	<p>To better align policy to each step in the process of acquiring construction and professional services subject to FS 287.055</p>	

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			<p><u>professional services are required to be purchased in compliance with governing statutes and regulations.</u></p> <p>b. <u>The Superintendent shall establish written procedures for uniform and consistent announcement of each type of construction and professional service subject to F.S. 287.055, consistent with this policy, applicable statutes, and State Requirements for Educational Facilities (SREF), as amended, and industry standards and best practice</u></p>	<p>To clarify the Superintendent’s responsibility for establishing written procedures for each step in the process</p>	
35			<p><u>2. QUALIFICATION, EVALUATION, SELECTION, AND NEGOTIATION</u></p> <p>a. <u>Except in the case of design-build contracts, the School Board shall qualify, evaluate, select, and negotiate for construction and professional services through the use of a competitive selection process as described in F.S. 287.055 subsections (3), (4), and (5) as amended.</u></p> <p>b. <u>The Superintendent shall establish written procedures for the qualification, evaluation, and selection of, and negotiation with, each type of construction and professional service subject to F.S. 287.055, consistent with this policy, applicable statutes, State Requirements for Educational</u></p>	<p>To better align policy to each step in the process of acquiring construction and professional service subject to FS 287.055</p> <p>To clarify the Superintendent’s responsibility for establishing written procedures for each step in the process</p>	

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			<u>Facilities (SREF), as amended, and industry standards and best practice</u>		
36			<p><u>3. DESIGN-BUILD CONTRACTS</u></p> <p><u>a. The School Board shall award design-build contracts through the use of a competitive proposal selection process as described in F.S. 287.055 (9)(c) in accordance with the minimum procedures listed therein, as amended.</u></p> <p><u>b. The Superintendent shall establish written procedures for the qualification, evaluation, and selection of, and negotiation with, design-build firms, as described in F.S. 287.055 (9)(c), consistent with this policy, applicable statutes, State Requirements for Educational Facilities (SREF), as amended, and industry standards and best practice</u></p>	<p>To better align policy to each step in the process of acquiring construction and professional service subject to FS 287.055</p> <p>To clarify the district’s intent to use a competitive proposal selection process</p> <p>To clarify the Superintendent’s responsibility for establishing written procedures for each step in the process</p>	
37		Rules	Rules	To move “Rules” to top of list	
38		The School Board authorizes the Superintendent to:	The School Board authorizes the Superintendent to:	No change	
39		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	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	Moved to 7003.1 Pre-qualification policy	

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		requirement for the submission of Dun and Bradstreet reports. The Dun and Bradstreet reports shall be required as follows:	Bradstreet reports shall be required as follows:		
40		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.	Moved to 7003.1 Pre-qualification policy	
41		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.	Moved to 7003.1 Pre-qualification policy	
42		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 (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.	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.	Add “as amended” to clarify policy is to comply with current statute	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 <u>State Requirements for Educational Facilities (SREF), as amended.</u> The Board shall approve standard RFQ and RFP forms. The School Board shall approve revisions to the RFQ and RFP forms.

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43		3. Receive responses to RFQs and RFPs	2. Receive responses to RFQs and RFPs	No Change	Receive responses to RFQs and RFPs
44		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.	<p>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.</p> <p>3. <u>Designate an evaluation, selection, and recommendation committee, the Qualification Selection Evaluation Committee (QSEC), to be composed of eleven (11) voting members for the purpose of evaluating, selecting, and making recommendations of award of contracts to construction and professional services subject to the Consultants Competitive Negotiation Act (CCNA). QSEC shall also include one (1) non-voting staff member from the Office of the Chief Auditor, and (1)</u></p>	To remove policy which applies to prequalification, to clarify scope of policy as it relates to FS 287.055, and to require a representative from the Office of the General Counsel serve on QSEC in an advisory role to assist with legal interpretations	Designate an evaluation and recommendation committee, the Qualifications Selection and Evaluation Committee (QSEC), to be composed of, <u>a minimum</u> 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 evaluating, selecting, and recommending of award of contracts for Construction Management, Design-Build, CMAR, 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, <u>and one (1) non-voting staff member from the Office of the General Counsel to serve in an advisory and support roles.</u>

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			<u>non-voting staff member from the Office of the General Counsel to serve in an advisory and support role.</u>		
45		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: a. <u>QSEC composition for evaluations, selections, and recommendations shall be comprised of the following eleven (11) voting members, consistent with the district's current 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>	To remove prequalification policy and to specify intent is to be consistent with current organizational chart To clarify the role of designees	
46		1. Deputy Superintendent, Facilities and Construction Management, or designee.	1. Deputy Superintendent, Facilities and Construction Management, or designee. 1. <u>Chief Facilities Officer or designee</u>	To provide consistency with current organizational chart	<u>Chief Facilities Officer or designee.</u>
47		2. Chief Operations Officer, or designee.	2. Chief Operations Officer, or designee. 2. <u>Chief Strategy and Operations Officer, or designee</u>	To provide consistency with current organizational chart	Chief <u>Strategy & Operations Officer</u> , or designee
48		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 b. For site specific contracts, the school principal for the specific site. <u>For multiple site contracts, the designated principal from among the multiple sites</u>	To provide consistency with current organizational chart 4/25/16 Note: To clarify who will vote for seat #3 when there are multiple sites with multiple principals. This was a concern repeatedly raised at various meeting by Heery. An alternate idea was to eliminate the principals as a voting position, but use them in an advisory role	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 b. For site specific contracts, the school principal, or such principal's <u>designee</u> for the specific site

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			3. One (1) of the following: <u>a. For county wide contracts, a Cadre Director, or</u> b. For site specific contracts, the school principal for the specific site.		
49		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 would be selecting a firm they are responsible for objectively evaluating	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.
50		5. Director, Safety, or designee.	5. Director, Safety, or designee. <u>5. Chief Fire Official or designee</u>	To provide consistency with current organizational chart NOTE: Director, Safety was also Chief Fire Official in the past. Position currently unfilled	The Chief Building Official, or designee Director, Safety, or designee.
51		6. Coordinator, M/WBE, or designee.	6. Coordinator, M/WBE, or designee	No Change	Coordinator, M/WBE Supplier Diversity & Outreach Program (SDOP) Coordinator, or designee.
52		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. <u>7. One (1) of the following: a. For county wide contracts, a member of the general public, appointed by the Superintendent of Schools.</u>	To remove prequalification policy language. To allow the school community—in the form of its School Advisory Council--to select representation to QSEC for site-specific contracts, as the principal already has a seat on QSEC. FTF members expressed concern over one person being able to influence more than one vote	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

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			<p>b. <u>For site specific contracts, a member of the general public, appointed by the School Advisory Council (SAC) for the specific site.</u></p> <p>c. <u>For multiple site contracts, a designated member of the general public from among the multiple SAC sites</u></p>	<p>4/25/16 Note: To make recommendation consistent for multiple site contracts</p>	<p>b. For site specific contracts, a member of the general public, appointed by the school principal for the specific site.</p> <p>REDUCES PUBLIC OVERSIGHT/ TRANSPARENCY</p>
53		<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 Appointee shall alternate from year to year between the AGC, ABC, and BASF.</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 Appointee shall alternate from year to year between the AGC, ABC, and BASF.</p> <p>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>.</p>	<p>To update organization name (ABC).</p> <p>Based on feedback from those in the industry, recommendation is to change BASF to CASF. BASF not as active in Broward as it was in the past</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 Appointee shall alternate from year to year between the AGC, ABC, and BASF.</p> <p>REDUCES PUBLIC OVERSIGHT/ TRANSPARENCY</p>

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54		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	The Facilities Task Force Chair, or designee. If <u>the procurement is</u> for selection of a site specific contract, then preferably from the district containing the project.
55		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.	To remove prequalification language	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.
56		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. 10. One (1) member of the general public appointed by the Broward Teachers Union, the Broward League of Cities, or a municipal Education Advisory Board. For site specific selections, the appointee shall reside in the district in which the project is located. For multiple site or countywide selections, the appointee may reside anywhere in the county.	To allow stakeholder groups to select representation to QSEC and to address FTF members concerns over one person being able to influence more than one vote. The Chief Strategy and Operations Officer already has a seat on QSEC. 4/25/16 Note: To make recommendation consistent for multiple sites	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

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57		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.	No Change 4/25/16 Note: Procurement department asked why only Minority Builders and not other minority building groups—FTF was fine with adding other groups	One (1) representative of from the Minority Builders Coalition not having had business with the District for a period of two (2) years
58		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.	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. b. <u>A quorum shall be seven (7) voting members</u>	To remove prequalification language and remove reference to closed list	For single site and county wide contracts, aA 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.
59		NONE - NEW	<u>QSEC members are not allowed to abstain from any vote, unless a voting conflict of interest exists under Chapter 112, Florida Statutes.</u>	To make policy consistent with statue statute	
60					<u>a. 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</u> <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>

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61		NONE - NEW	<u>QSEC member composition shall be consistent throughout the entire process of a given procurement, with no substitutions. No member can participate at a later stage who was not present and who did not participate at each earlier stage. Members present at the shortlist meeting must also attend vendor presentations, final selections, and vote for recommendation of award.</u>	To ensure consistency of membership in selection process	
62		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.	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. b. <u>No QSEC member shall serve on three consecutive RFQ/RFP selection committees.</u>	To clarify language to reflect the intent to rotate members on the third consecutive selection committee	de. The person filling each QSEC member position shall be rotated, on each successive procurement, from among those persons qualified to perform that function. No QSEC member serving in this position shall serve on three (3) consecutive RFQ/RFP procurements in succession
63		5. Any proposer, or lobbyist for a proposer, shall comply with Cone of Silence per School Board Policy 3320.	5. Any proposer, or lobbyist for a proposer, shall comply with Cone of Silence per School Board Policy 3320. 4. <u>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</u>	To clarify definition of lobbyist, and to establish consequences for violating the Cone of Silence	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 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</u>

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			<p><u>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 school district employee shall subject the employee to disciplinary action up to and including dismissal. (SB Miami-Dade Policy 6325). Any violation of the Code 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>		<p>grounds for immediate and permanent disqualification of the offending firm..</p>
64		<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>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>To clarify that the Code of Ethics applies to all QSEC members.</p> <p>To address FTF member recommendation to prohibit participation by those with questionable ethics</p>	

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			5. <u>All QSEC members shall comply with the Code of Ethics for Personnel Authorized to Purchase per School Board Policy 3320. 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>		
65		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	
66		NONE - NEW	6. <u>The Qualification and Selection Committee (QSEC) shall evaluate responses to requests for qualifications and requests for proposals for the purpose of shortlisting, selecting, and recommending the finalist(s) for award of contracts using procedures established in accordance with State Requirements for Educational Facilities (SREF), state statutes, board policies, and QSEC by-laws.</u>	To make policy more consistent with FS 287.055 4/25/16: Added per Procurement Director's input that vendors are currently under the impression that QSEC recommendations are binding	7.6. 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.
67		8. The QSEC shall recommend the finalist(s) for award of contracts to	8. The QSEC shall recommend the finalist(s) for award of contracts to architects,	To remove list of professional service types from policy.	

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		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>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>7. <u>Following evaluation, the QSEC shall make a recommendation of award, or</u> recommend rejection of one or more proposers, to the Superintendent. The Superintendent shall either recommend <u>awarding the contract</u> to the finalist(s) selected by the QSEC or recommend rejection of one or more proposers to the School Board, together with a report from the QSEC containing findings of fact indicating the proposers' compliance with the procurement requirements and scoring criteria. The School Board shall have final approval of such recommendations.</p>	To clarify that QSEC is to evaluate proposals before making a recommendation	
68		9. QSEC shall function according to its School Board approved By-Laws,	9. QSEC shall function according to its School Board approved By-Laws, School	To clarify relationship between QSEC and applicable state statutes.	QSEC shall function according to its School Board approved By-Laws, School Board policies, the Sunshine Law, and Robert's Rules of Order

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		School Board policies, the Sunshine Law and Robert's Rules of Order.	Board policies, the Sunshine Law and Robert's Rules of Order. 8. QSEC shall function according to its School Board approved By-Laws, School Board policies, the Sunshine Law, <u>Robert's Rules of Order, and applicable state statutes and SREF as amended. By-laws are to be reviewed every two years.</u>	To require by-laws be reviewed every two years	
69		AUTHORITY: F.S.287.055; F.S.1001.41; F.S. 1013.45, F.S. 1013.46, SREF 4.1,	AUTHORITY: F.S.287.055; F.S.1001.41; F.S. 1013.45, F.S. 1013.46, SREF 4.1; <u>AUTHORITY: SREF 4.1, F.S. 287.055, F.S. 1001.41, F.S.1013.45, F.S. 1013.46, F.S. 255.103</u>	To include the authority of all applicable state statutes	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
70		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	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	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, TBD.