

## CHAPTER 8.00 - AUXILIARY SERVICES

### **SCHOOL CONSTRUCTION BIDS PROCESS**

**8.50\***

- ~~I. All school construction bids shall be the immediate responsibility of the Superintendent or designee. All applicable Florida Statutes, State Board of Education rules, and School Board rules shall be observed in school construction bid procedures.~~
- ~~II. The Superintendent or designee shall be responsible for preparing the legal notice for bids and shall determine that such notice meets the requirements of Florida Statutes and State Board of Education rules and contains the information needed by the prospective bidders to include the following~~
  - ~~A. Date, time and place relating to submitting of bids;~~
  - ~~B. Pre-qualifications of bidder;~~
  - ~~C. Procedures for presenting bids;~~
  - ~~D. Conditions and terms for receiving bids;~~
  - ~~E. Procedures to be followed in opening and presenting bids to the School Board; and,~~
  - ~~F. Conditions for awarding contracts based on bids.~~
- ~~III. The advertisement for bids shall be published in at least one (1) local newspaper having circulation in the District. Such advertisement shall be published at least once each week for three (3) consecutive weeks and the last notice shall appear at least one (1) week prior to the opening of bids.~~
- ~~IV. In addition to the publishing of the advertisement for bids, the bid documents shall be sent to at least three (3) prospective bidders. The advertisement or specifications shall not specify the use of materials or systems by a sole source.~~
- ~~V. Bid bonds shall be required on new construction and any renovations or remodeling exceeding twenty five thousand dollars (\$25,000.00).~~
- ~~VI. These provisions shall be followed for construction bids~~
  - ~~A. The bid time and date shall be established by the School Board after the Superintendent's recommendation.~~
  - ~~B. Bids shall be opened at the designated time in the invitation to bid. At the designated time, the person presiding shall inquire if all bids have been~~

## CHAPTER 8.00 - AUXILIARY SERVICES

~~received; no other bids shall be accepted and no bid may be withdrawn after the deadline. Negligence on the part of the bidder in preparing the bid shall confer no right for withdrawal after the designated time for opening of bids. Bids by telegram shall not be accepted nor shall any other type of bid be accepted which cannot be classified as a sealed bid. Bids received by mail shall be stamped with the time and date received by the purchasing office.~~

- ~~C. All bids shall be opened, read aloud, and recorded in the presence of all persons.~~
  - ~~D. Each bid shall be accompanied by a bid bond, a certified check, or a cashier's check in an amount equal to five percent (5%) of the total amount of the bid. Failure to include such bond shall automatically disqualify the bid from further consideration.~~
  - ~~E. The Board will consider all bids received and within the time limit stated in the advertisement for bids will either reject all bids or award the contract to the lowest and best bid with preference to materials, contracts, builders, architects, and laborers who reside within the county and state, whenever such materials can be purchased at no greater expense.~~
  - ~~F. When a construction contract has been awarded to a contractor on the basis of proper bids, payments on that contract shall be made on a scheduled basis in an amount approved by the architect. This amount shall consider the ten percent (10%) hold back required by Florida Statutes. Upon completion of the construction, the final payment shall be made only on the School Board's approval after proper inspection of the facilities.~~
- ~~VII. The specifications for construction bids may not be written to limit any purchase of systems or materials to a specific brand or a single source of supply, unless the School Board, after consideration of all available alternative materials and systems, determines that the specifications of a sole material or system is justifiable, based upon its cost interchangeability.~~
- ~~VIII. All bid requests shall include a notification to bidders that failure to file a bid protest within the time and in the manner prescribed by School Board rule shall constitute a waiver of any further right to protest such bid award.~~

## CHAPTER 8.00 - AUXILIARY SERVICES

- I. All applicable laws and School Board policies shall be observed in all construction bid procedures. All construction or capital improvement bids shall be accompanied by evidence that the bidder holds an appropriate certificate or license or that the prime contractor has a current valid license.
  - A. Prequalification of Contractors. The Board shall prequalify contractors on an annual basis or for a specific project. This section is applicable to bids, construction management, design build, and any other construction services application
  - B. Selection Process. Those contractors desiring to bid on Board projects must be prequalified. The Board may reject any application that contains inaccurate information.
  - C. Application. Each contractor, firm or person requesting pre-qualification shall submit an application. The application shall include the following:
    1. Detailed information setting forth the applicant's competence, past performance, experience, financial resources, and capability, including a Public Entity Crime statement and references.
    2. Audited financial information current within the past 12 months, such as a balance sheet and statement of operations, and bonding capacity. The requirement for financial information may be satisfied by the contractor providing written verification of the contractor's bonding capacity.
    3. General information about the contractor company, its principals, and its history, including state and date of incorporation, regardless of whether the contractor is resident or non-resident of the geographic area served by the Board.
    4. Every contractor and subcontractor desiring to enter into a contract with the school district shall register with and use the E-Verify system to verify the work authorization status of all newly hired employees. Contractors entering into contracts with a subcontractor, must have an affidavit from the subcontractor stating the subcontractor does not employ, contract with, or subcontract with an unauthorized alien.
      - a. Contractor must provide evidence of compliance with Florida Statute Section 448.095. Evidence may consist of, but is not limited to, providing notice of Contractor's E-Verify number.
      - b. Contractors entering into contracts with a subcontractor, must have an affidavit from the subcontractor stating the subcontractor does not employ, contract with, or subcontract with an unauthorized alien.
      - c. Contractor shall provide a copy of sub-contractor affidavit to the School Board upon receipt and shall maintain a copy for the duration of the Agreement.
      - d. Failure to comply with this provision is a material breach of an Agreement, and School Board may choose to terminate

## CHAPTER 8.00 - AUXILIARY SERVICES

the Agreement at its sole discretion. Contractor may be liable for all costs associated with School Board securing the same services, inclusive, but not limited to, higher costs for the same services and rebidding costs (if necessary).

5. Contractor trade categories and information regarding the state and local licenses and license numbers held by the applicant.
  6. A list of projects completed within the last five (5) years, including dates, client approximate dollar value, size and reference name for each project.
  7. Certificates of insurance confirming current workers' compensation, public liability and property damage insurance as required by law.
  8. A list of all pending litigation and all litigation within the past five (5) 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.
  9. The completed application and financial information shall be attested to and signed by an authorized officer of the company, the owner, or sole proprietor, as appropriate, and the signature shall be notarized.
- II. Alternative Construction Methods. The Facilities Department will consider the following factors when determining which construction method (traditional bid; design-build; construction management or negotiated contract) will be used for each project: scope of work of the project, complexity of the task, the schedule for construction, availability of skilled personnel in the local marketplace and past experience on other projects.
- III. Advertising, Bidding and Awarding Contracts. Construction projects shall be advertised in a local newspaper within general circulation throughout the District for a minimum of once a week for three (3) consecutive weeks. The last notice shall appear at least seven (7) days prior to the date set for bid opening. Projects estimated to cost less than \$300,000 shall be advertised for a minimum of one week. All applicable Florida Statutes, State Board of Education rules, and School Board rules shall be observed in school construction bid procedures.
- IV. The Superintendent or designee shall be responsible for preparing the legal notice for bids and shall determine that such notice meets the requirements of Florida Statutes and State Board of Education rules and contains the information needed by the prospective bidders to include the following
- A. Project name and location;
  - B. Brief statement describing the work
  - C. From whom and when contract documents are available, including deposit or charge;
  - D. Date, time and place relating to submitting of bids;
  - E. Pre-qualifications of bidder;

## CHAPTER 8.00 - AUXILIARY SERVICES

- F. Procedures for presenting bids;
  - G. Conditions and terms for receiving bids;
  - H. Procedures to be followed in opening and presenting bids to the School Board; and,
  - I. Conditions for awarding contracts based on bids.
- V. In addition to the publishing of the advertisement for bids, the bid documents shall be sent to at least three (3) prospective bidders. The advertisement or specifications shall not specify the use of materials or systems by a sole source.
- VI. Construction Bids. General conditions are all costs incidental to but are not incorporated into the project after it is completed. General conditions and the project contingency will be negotiated. General conditions include (but are not limited to) the following:
- A. Utilities including water, electric, phone, internet service, restrooms and septic services if required. Contractor is responsible for utilities until the District accepts the project as substantially complete or at the option of the Board, upon Final Completion.
  - B. Office Space which includes all costs related to rental and setup of those spaces.
  - C. Temporary Fencing and site security. The contractor has total control and is responsible for all liabilities on the Construction Site.
  - D. Equipment rental or purchase of equipment such as computers and copy machines.
  - E. Vehicles for mobility at the site such as golf carts. IF the contractor plans to rent company owned equipment to the project documentation shall be provided that the charges will not exceed rental cost. Cost to include fuel, repairs and maintenance. Rental should be consistent with industry standard.
  - F. Waste, trash, debris and disposal costs.
  - G. Erosion and dust control
  - H. Mobilization and demobilization.
  - I. Drinking water
  - J. Salaries of contractor staff working onsite. Contractor staff stationed at the home office and are related to the firms general operations should not be included.
  - K. Mileage reimbursement for travel to and from an employee's home is not reimbursable.
  - L. Safety and first aid cost.
  - M. Tools may be included. (Any tools or equipment paid for by the District will remain the property of the District).
- VII. Bid bonds shall be required on new construction and any renovations or remodeling exceeding twenty-five thousand dollars (\$25,000.00).

## CHAPTER 8.00 - AUXILIARY SERVICES

### VIII. These provisions shall be followed for construction bids

- A. The bid time and date shall be established by the School Board after the Superintendent's recommendation.
- B. Bids shall be opened at the designated time in the invitation to bid. At the designated time, the person presiding shall inquire if all bids have been received; no other bids shall be accepted and no bid may be withdrawn after the deadline. Negligence on the part of the bidder in preparing the bid shall confer no right for withdrawal after the designated time for opening of bids. Bids by telegram shall not be accepted nor shall any other type of bid be accepted which cannot be classified as a sealed bid. Bids received by mail shall be stamped with the time and date received by the purchasing office.
- C. All bids shall be opened, read aloud, and recorded in the presence of all persons.
- D. Each bid shall be accompanied by a bid bond, a certified check, or a cashier's check in an amount equal to five percent (5%) of the total amount of the bid. Failure to include such bond shall automatically disqualify the bid from further consideration.
- E. The Board will consider all bids received and within the time limit stated in the advertisement for bids will either reject all bids or award the contract to the lowest and best bid with preference to materials, contracts, builders, architects, and laborers who reside within the county and state, whenever such materials can be purchased at no greater expense.
- F. When a construction contract has been awarded to a contractor on the basis of proper bids, payments on that contract shall be made on a scheduled basis in an amount approved by the architect. This amount shall consider the ten percent (10%) hold-back required by Florida Statutes. Upon completion of the construction, the final payment shall be made only on the School Board's approval after proper inspection of the facilities.

- IX. The specifications for construction bids may not be written to limit any purchase of systems or materials to a specific brand or a single source of supply, unless the School Board, after consideration of all available alternative materials and systems, determines that the specifications of a sole material or system is justifiable based upon its cost interchangeability.

CHAPTER 8.00 - AUXILIARY SERVICES

- X. All bid requests shall include a notification to bidders that failure to file a bid protest within the time and in the manner prescribed by School Board rule shall constitute a waiver of any further right to protest such bid award.

STATUTORY AUTHORITY:

1001.42, F.S.

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