

# Palm Beach State College

# Board Policy

<b>TITLE</b>	Pre-qualification of Contractors on College Construction	<b>NUMBER</b> 6Hx-18-4.61
<b>LEGAL AUTHORITY</b>	1001.61 FS, 1001.64 FS	<b>PAGE</b> 1 of 4
<b>DATE ADOPTED/AMENDED</b>	Readopted 2/27/1975; Amended 8/17/1978, 8/27/1980, 6/17/1981, 9/15/1982, 9/21/1987, 6/15/1988, 8/8/1990, 12/9/1992	

## Policy:

In accordance with State Board of Education Regulation 6A2.0010, which enables the District Board of Trustees to publish the standards hereafter and in keeping with Regulation 6A2.0010 of the State Department of Education, these regulations are adopted for the purpose of establishing procedures for pre-qualifying responsible bidders on construction at Palm Beach State College and shall apply to all bidders on all College construction projects when the architect's estimated construction cost exceeds \$100,000. Pursuant to State Department of Education regulations, contractors will be required to meet the requirements for pre-qualification as set forth in Regulation 6A2.0010, et seq. Forms for pre-qualifying will be filed with the Manager of Facilities Planning. No bid on a College construction project shall be accepted from a bidder whose certificate is revoked or suspended or who has been found to be a delinquent contractor or from an otherwise qualified bidder who does not hold a certificate which entitles him/her to bid on the specific construction project. The Board shall approve qualification of contractors based on demonstrations of competence, satisfactory past performance, adequate financial resources and responsible experience.

The Board will also accept as pre-qualified those General Contractors holding current certification from the Florida Department of Professional Regulation pursuant to FS. 489.

Authority to Pre-qualify. The District Board of Trustees shall be responsible for approving or rejecting applications for pre-qualification. Application for Qualification. Each firm or person who desires qualification shall submit an application. Applications shall be made upon forms specified by the District Board of Trustees and shall be accompanied by a current audited financial statement which shall reflect the financial condition of the applicant as of a recent date and in no case longer than twelve months prior to the date of filing. Forms for the financial statement shall be provided by the District Board of Trustees. Pre-qualification ratings based on statements on file shall remain in effect until the financial condition shown is fifteen months old.

Two or more contractors who have qualified by filing separate statements and who wish to combine their assets for bidding on a project may do so by filing an affidavit of joint venture on a form furnished by the District Board of Trustees. Such affidavit shall be valid only for the specific project.

Verification of Statements and Applications for Pre-qualification. When completed, the application and financial information shall be verified under oath by the applicant. The Board may cause all essential information contained in the application to be checked for accuracy.

Approval of Applications for the Certification of Bidders. The District Board of Trustees shall judge the qualifications of bidders based upon their competence for qualifications. The President of Palm Beach State College or designee shall examine and evaluate those applications prior to being submitted to the District Board of Trustees. If the applicant's qualifications fulfill the requirements prescribed by law and these regulations, the President shall recommend to the District Board of Trustees that a certificate of qualification be issued.

Applicants shall be certified on the basis of the following criteria:

1. Unless specifically waived by the District Board of Trustees for good cause, no applicant who is known to be delinquent on a public construction project in the State of Florida shall be certified to bid.
2. The District Board of Trustees shall qualify contractors according to the maximum amount of work that it is estimated they can satisfactorily prosecute through any given period of qualification. The maximum amount of work shall not exceed ten times the net quick assets reflected in the contractor's current financial statement on file with the Board of Trustees. The maximum amount of work shall include unfinished portions of current contracts.
3. Unless specific exceptions are made by the Board, the contractor shall be qualified to bid on projects of equal value and complexity to the largest project previously constructed by him/her. The District Board of Trustees may qualify contractors for projects the value of which does not exceed twice that of the largest project previously constructed by the contractor, if the experience record, the size and qualifications of staff, and other pertinent data justify such action at the discretion of the District Board of Trustees. The dollar amount for which the contractor shall be pre-qualified shall always be contingent upon the ability to provide bond coverage for the project.
4. The applicant's past performance shall demonstrate that the quality of workmanship on previous contracts has met acceptable standards of the trades involved. In no event shall place of residence become a criterion for the pre-qualification of an applicant.

Appeal and Reconsideration. Any applicant for a certificate of qualification who is aggrieved by the action of the Board may, within ten days after receiving notification of such action, request in writing a reconsideration by the Board of the application and may submit additional evidence bearing on his/her qualifications. The Board shall thereupon reconsider the application and may adhere to, modify, or reverse its original action. The Board shall act upon any request for reconsideration within thirty days after the filing thereof and shall immediately notify the applicant of the action taken. Any contractor found delinquent on a contract or whose certificate is revoked or suspended shall be given the same benefit of appeal and reconsideration as provided in the case of an applicant refused an original certificate.

**Renewal of Pre-qualification Certificate.** A pre-qualified bidder must submit a new financial statement yearly in order to maintain continuous pre-qualifications. The date of the new statement filed must be within thirty days prior to the final expiration date of the certificate held by the pre-qualified bidder. Failure to submit a new statement as required by the District Board of Trustees shall automatically disqualify the bidder until a new statement is submitted and passed upon by the District Board of Trustees.

**Revision of Qualifications.** Pre-qualified bidders may request a revision of pre-qualification rating at any time provided credentials are submitted which show increased assets or increased ability to perform other classes of work. The Board of Trustees may at any time, for cause, require the submission of additional information pertinent to pre-qualification.

**Contractors' Statements.** Statements submitted by contractors shall be privileged records and shall not be made open to public inspection. Pre-qualification data shall be made available to the Vice President of Administration and Business Affairs, the President, the Legal Counsel, and the members of the District Board of Trustees.

**Suspension or Revocation of Certification of Qualification.** The District Board of Trustees may, for good cause, suspend for a specified period of time or revoke any certificate of pre-qualification which it has issued. Causes for suspension or revocation shall include, but shall not be limited thereto, one or more of the following:

1. The contractor includes inaccurate or misleading statements in the application.
2. The contractor is declared in default by the District Board of Trustees or is declared bankrupt.
3. The contractor's performance and payment record in connection with contract work becomes unsatisfactory to the College.
4. The contractor becomes delinquent on a public construction project in the State of Florida. Reinstatement shall be prompt upon the presentation of proof that the conditions for Suspension have been corrected if the period of pre-qualification has not expired.

**Determination of Delinquency Status.** The District Board of Trustees shall determine when a contractor has reached a state of delinquency in the performance of the construction contract. When a contractor has been determined to be in a state of delinquency, the District Board of Trustees shall so notify said contractor and his/her surety in writing and shall disqualify him/her as a bidder so long as the delinquency status exists.

**Reports of Pre-qualifications, Suspension, Revocations, Reinstatements and Delinquents.** The District Board of Trustees shall, on January 1 of each calendar year, furnish the State Department of Education a current list of all pre-qualified contractors.

The District Board of Trustees shall furnish the State Department of Education with a current list of contractors who have been determined to be delinquent or otherwise disqualified to bid. These

lists shall be made monthly by the District Board of Trustees. Reports of revocation, suspensions and reinstatements shall be reported immediately.

The State Department of Education shall notify the participating Boards of Trustees of all revocations, suspensions and reinstatements made by local Boards in the State. These reports shall be made monthly unless there are no changes, in which case no report shall be made.