



POLICY 7.10

5-G I recommend the Board approve development of the proposed **revised** Policy 7.10, entitled “Construction Bid Procedures.”

[Contact: Sharon Swan, PX 48214.]

Development

CONSENT ITEM

- This Policy has been revised to address the changes that were made to SREF §§ 4.1 and 4.2.
- Additional changes will be made to this Policy during next cycle for changes to all Board policies scheduled in the Fall of 2012.

POLICY 7.10

CONSTRUCTION BID PROCEDURES

1. When Bids Are Required

Consistent with SREF §§ 4.1 and 4.2, competitive ~~solicitations~~bidding shall be used to award all construction, remodeling, or renovation/addition projects for any educational plant or ancillary facility that are estimated to cost or exceeding the dollar amount threshold outlined in Fla. Stat. § 255.20(1) & (2) and all electrical projects that are estimated to cost or exceeding the bid dollar amount threshold in Fla. Stat. § 255.20(1) & (2), unless other contract processes authorized by law are used. Projects that are estimated to cost less than the dollar amount thresholds under these thresholds will be handled consistent with SREF 4.2 (2) and may be set aside for bidding by small business enterprise (SBE) firms pursuant to Policy 6.143(5)(a)(i).

2. Required Notice

~~A legal~~ Legal notices shall be published for projects as required by SREF, ~~giving briefly the essential information relating to the construction project. Further, construction projects costing less than the bid threshold which will be completed with contracted services shall be advertised a minimum of one week as required by SREF § 4.2(2).~~

3. Content of Notice

The legal notices ~~mentioned in section (2)~~ shall include at least the following, pursuant to SREF § 4.2(2)(a):

- a. Project name and name of the School Board.
- b. Location of the project.
- c. ~~A statement giving the location where bids are to be filed.~~
- d. Brief statement describing the work.
- e. Date, time and place of opening bids.
- f. ~~Brief statement of work contemplated.~~
- g. ~~Where~~ From whom and when contract documents are ~~plans and specifications will be available, including whether a deposit or charge is required.~~

31 h. Any other information ~~that may be helpful to prospective~~ for bidders, such as
32 requirement of prequalification of bidders, the requirements for bid bonds and
33 deposits for plans and specifications, notice of ~~any~~ pre-bid conference, bid
34 security, insurance, and whether the Board intends to waive minor
35 technicalities.

36 **4. Timing of Notice**

37 All legal notices shall be published in a newspaper of general circulation in the
38 county to comply with the provisions of Chapter 50, Florida Statutes. The legal
39 notices of projects that are estimated to cost less than the dollar amount thresholds
40 outlined in Fla. Stat. §255.20 (1) & (2), which will be completed using contracted
41 services, shall be advertised for a minimum of one week pursuant to SREF §4.2
42 (2). The legal notices of projects that are estimated to cost or exceed the dollar
43 amount threshold outlined in Fla. Stat. §255.20 (1) & (2) shall be published once
44 each week for three (3) consecutive weeks in a local newspaper with general
45 circulation throughout the county in compliance with ~~as required by SREF §~~
46 ~~4.2(2)(b) and Chapter 50, Florida Statutes,~~ on the same day of the week. However,
47 projects costing less than the bid threshold which will be completed with contracted
48 services will be advertised a minimum of one week pursuant to SREF § 4.2(2). All
49 official advertisements shall be published in a newspaper of general circulation in
50 this county to comply with the provisions of Chapter 50, Florida Statutes. The last
51 such legal notice shall appear at least seven (7) days prior to the date set for the
52 opening of bids. Any correction or change in the legal notice advertisement shall be
53 made at least seven (7) days prior to the final date set for opening of bids;
54 however, the original date set for opening of bids may be changed and extended at
55 any time within the final seven (7) day period provided the notice to bidders is
56 published again for one (1) time at least seven (7) days prior to the new bid date as
57 set forth above, and each known prospective bidder is notified in writing of the
58 change.

59 **5. Availability**

60 Plans and specifications Complete drawings and project manual shall be available
61 to prospective bidders on the date of the first legal advertisement ~~within a~~
62 ~~reasonable time after their initial request.~~ In addition to publication of the notice, the
63 Board shall require that the invitation to bid be mailed (electronically when
64 possible) or delivered to not less than three (3) prospective bidders ~~and/or~~ shall be
65 distributed to area plan review rooms pursuant to SREF § 4.2(2)(c), and may be as
66 ~~well being~~ made available by e-mail, fax, and/or the District's Web site when
67 possible.

68 **6. Bid Content**

69 Bidders shall include with their bid the disclosures required by SREF §4.2 (2)(d)

70 and Policy 6.144 and all other information required by the Invitation to Bid and by
71 law, ~~such as~~ including, but not limited to the following:

72 a. assurance of conformance with Public Entity Crime Law, Fla. Stat. §
73 287.133(2)(a);

74 b. a reference to the trench safety standard, where relevant, and written
75 assurance that the contractor will comply with the Trench Safety Act, Fla. Stat.
76 §§ 553.60 through 553.64;

77 c. listing of subcontractors ~~listed~~ in the bid (which shall not be replaced without
78 cause, once the list has been opened and made public, in accordance with
79 Fla. Stat. § 255.0515).

80 7. Bid Receipt, Opening, and Tabulation

81 Bids shall be received, publicly opened, read and tabulated at a designated time
82 and place by an employee of the Board or other appointed ~~designated~~ individual, in
83 accordance with SREF § 4.2(2)(e).

84 8. Selection and Award

85 The District shall consider all bids received and, within the time limit listed in the
86 ~~specification~~ solicitation, either reject all bids or identify the apparent lowest
87 responsible bidder, considering base bid and accepted alternates as listed in the
88 bidding documents, ~~to~~ and award the contract to that bidder for the actual amount
89 of the bid, ~~and the~~ The contract shall include a time limit in which the construction
90 is to be completed, as required by SREF § 4.2(2)(h). Consistent with Policy
91 6.14(1)(c)(ii)(B), authority is hereby vested in the Superintendent, or his/her
92 designee, to approve or reject purchase requisitions and authorize purchase of
93 contractual construction services on behalf of the Board, without regard to dollar
94 amount, when the method used is an Invitation to Bid or competitive quotes and
95 the award is based upon lowest bid or quote from a responsive and responsible
96 bidder meeting specifications, ~~{~~ The Superintendent or his/her designee shall
97 provided that to the Board a quarterly report of such purchases over \$15,000.00
98 ~~must be provided to the Board}~~.

99 9. Potential Waiver of Minor Technicalities

100 No bid shall be considered if the bidder fails to comply with the terms and
101 conditions of the bid form or the procedure for submitting bids as authorized in the
102 official advertisement and other documents pertaining to the bidding as authorized
103 by the Board. The District reserves the right to waive minor technicalities if so
104 stated in the bid advertisement.

105 10. Prerequisite to Letting Bids

106 The Board shall have received notice from the Office of Educational Facilities,
107 Department of Education, when required, that Phase III documents are approved
108 prior to awarding of bids.

109 **11. Alternates**

110 As stated in SREF § 4.2(2)(f), alternates listed in the bidding documents may be
111 accepted at any time after the contract award by change order provided the
112 contractor remains the low bidder on the combination of the base bid and the
113 alternatives selected.

114 **12. Bid Protests**

115 As stated in Policy 6.14(4)(e)(iii), protestors regarding competitive procurement
116 related to educational facilities shall be required to post a bond in the amount
117 specified in Fla. Stat. § 255.0516 which also governs recovery of fees and costs
118 including attorney's fees. With respect to a protest of the terms, conditions and
119 specifications contained in a solicitation, protestors shall post a bond in the amount
120 of one percent (1%) of the District's estimate of the dollar value of the proposed
121 contract or \$5,000.00, whichever is greater. Construction-related bid protests are
122 subject to the procedures set forth in Policy 6.14(4).

123 STATUTORY AUTHORITY: Fla. Stat. §§ 1001.42(2); 1001.42(22)

124 LAWS IMPLEMENTED: Fla. Stat. §§ 255.20; 1001.42(9), 1001.43(4); 1010.04;
125 1013.45; 1013.46(1); 1013.47

126 RULES SUPPLEMENTED: SREF §§ 4.1 and 4.2

127 HISTORY: 4/6/1983; 5/31/2006; ___/___2012

Legal Signoff:

The Legal Department has reviewed proposed Policy 7.10 and finds it legally sufficient for development by the Board.

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Attorney

8-23-12
Date