



### POLICY 7.10

**4-H** I recommend the Board adopt the proposed revised Policy 7.10, to be entitled "Construction Bid Procedures."

[Contacts: Joe Sanches, PX 47573; and Sharon Swan, 48214.]

#### Development

#### **CONSENT ITEM**

- This revision updates the Policy to reflect the current DOE State Requirements for Educational Facilities (SREF).
- This proposed revision was reviewed and approved by the Chief of Facilities, and substantially this same proposed revision was reviewed and approved by CORC (in 2003).
- Consistent with the purchasing authority delegated to the Superintendent in Policy 6.14(1)(c)(ii)(B), the following clause is added to this Policy at lines 81-87 to clarify that the delegated authority applies to construction services let by price-based bidding:

"Consistent with Policy 6.14(1)(c)(ii)(B), authority is hereby vested in the Superintendent to approve or reject purchase requisitions and authorize purchase of contractual construction services on behalf of the Board, without regard to dollar amount, when the method used is an Invitation to Bid or competitive quotes and the award is based upon lowest bid or quote from a responsive and responsible bidder meeting specifications (provided that a quarterly report of such purchases over \$15,000 must be provided to the Board)."
- Lines 55-59 have been amended to clarify that, when possible, the District distributes bid documents by e-mail, fax, and/or the District's Web site, in addition to the newspaper publication that is required by SREF § 4.2(2).

1 POLICY 7.10  
2 CONSTRUCTION BID PROCEDURES  
3

- 4 1. When Bids Are Required. Consistent with SREF §§ 4.1 and 4.2, competitive  
5 bidding shall be used to award all construction, remodeling, or renovation/addition  
6 projects for any educational plant or ancillary facility exceeding the dollar threshold  
7 [currently \$200,000 as adjusted for inflation] in Fla. Stat. § 255.20(1) & (2) and all  
8 electrical projects exceeding the bid threshold in Fla. Stat. § 255.20(1) & (2)  
9 [currently \$50,000 as adjusted for inflation], unless other contract processes  
10 authorized by law are used. Projects under those thresholds will be handled  
11 consistent with SREF and may be set aside for bidding by small business  
12 enterprise (SBE) firms pursuant to Policy 6.143(5)(a)(i).
- 13 2. Required Notice. ~~When a contract is to be let for new construction, remodeling or~~  
14 ~~the renovation of or addition to any educational plant or ancillary facility amounting~~  
15 ~~to fifty thousand dollars (\$50,000) or more, and Regardless of whether or not the~~  
16 ~~construction documents were required to be submitted to the Office of Educational~~  
17 ~~Facilities Construction, Department of Education, a A legal notice shall be~~  
18 ~~published for projects as required by SREF, giving briefly the essential information~~  
19 ~~relating to the construction project. Further, construction projects costing less than~~  
20 ~~the bid threshold which will be completed with contracted services shall be~~  
21 ~~advertised a minimum of one week as required by SREF § 4.2(2), and~~
- 22 3. Content of Notice. ~~The notices mentioned in section (2) should shall include~~ing at  
23 least the following, pursuant to SREF § 4.2(2)(a):
- 24 a. Project name and name of the School Board.
- 25 b. Location of the project.
- 26 c. A statement giving the location where bids are to be filed.
- 27 d. Date, time and place of opening bids.
- 28 e. Brief statement of work contemplated and identification of location of work by  
29 project name.
- 30 f. Where and when plans and specifications will be available, including whether  
31 a deposit or charge is required.
- 32 g. Any other information that may be helpful to prospective bidders, such as the  
33 requirements for bid bonds and deposits for plans and specifications, notice of  
34 any pre-bid conference, bid security, insurance, and whether the Board  
35 intends to waive minor technicalities.

36 4. **Timing of Notice.** The legal notice shall be published once each week for three  
37 (3) consecutive weeks as required by SREF § 4.2(2)(b), on the same day of the  
38 week. However, projects costing less than the bid threshold which will be  
39 completed with contracted services will be advertised a minimum of one week  
40 pursuant to SREF § 4.2(2). All official advertisements shall be published in a  
41 newspaper of general circulation in this county to comply with the provisions of  
42 Chapter 50, Florida Statutes.

Project Cost	Successive Weeks Published
\$50,000 to \$200,000	1
\$200,000 to \$500,000	2
\$500,000 and above	3

47 The last such notice shall appear at least seven (7) days prior to the date set for  
48 the opening of bids. Any correction or change in advertisement shall be made at  
49 least seven (7) days prior to the final date set for opening of bids; however, the  
50 original date set for opening of bids may be changed and extended at any time  
51 within the final seven (7) day period provided the notice to bidders is published  
52 again for one (1) time at least seven (7) days prior to the new bid date as set forth  
53 above, and each known prospective bidder is notified in writing of the change.

54 5. **Availability.** Plans and specifications shall be available to prospective bidders  
55 within a reasonable time after their initial request. In addition to publication of the  
56 notice, the Board shall require that the invitation to bid be mailed (electronically  
57 when possible) or delivered to not less than three (3) prospective bidders and/or  
58 shall be distributed to area plan review rooms pursuant to SREF § 4.2(2)(c), as well  
59 being made available by e-mail, fax, and/or the District's Web site when possible.

60 6. **Bid Content.** Bidders shall include with their bid the disclosures required by Policy  
61 6.144 and all other information required by the Invitation to Bid and by law, such  
62 as, but not limited to:

63 a. assurance of conformance with Public Entity Crime Law, Fla. Stat. §  
64 287.133(2)(a);

65 b. a reference to the trench safety standard, where relevant, and written  
66 assurance that the contractor will comply with the Trench Safety Act, Fla. Stat.  
67 §§ 553.60 through 553.64;

68 c. subcontractors listed in the bid (which shall not be replaced without cause,  
69 once the list has been opened and made public, in accordance with Fla. Stat.  
70 § 255.0515).

- 71 7. **Bid Receipt, Opening, and Tabulation.--** Bids shall be received, publicly opened  
72 and tabulated at a designated time and place by an employee of the Board or other  
73 designated individual, in accordance with SREF § 4.2(2)(e).
- 74 8. **Selection and Award.--** The ~~board~~ District shall consider all bids received and,  
75 within the time limit listed in the specification, either reject all bids or identify the  
76 apparent lowest responsible bidder, considering base bid and accepted alternates  
77 as listed in the bidding documents, to award the contract to the lowest responsible  
78 that bidder for the actual amount of the bid, and the contract shall include a time  
79 limit in which the construction is to be completed, as required by SREF § 4.2(2)(h)  
80 considering base bid and accepted alternates as listed in the bidding documents,  
81 or reject all bids. Consistent with Policy 6.14(1)(c)(ii)(B), authority is hereby vested  
82 in the Superintendent to approve or reject purchase requisitions and authorize  
83 purchase of contractual construction services on behalf of the Board, without  
84 regard to dollar amount, when the method used is an Invitation to Bid or  
85 competitive quotes and the award is based upon lowest bid or quote from a  
86 responsive and responsible bidder meeting specifications (provided that a quarterly  
87 report of such purchases over \$15,000 must be provided to the Board).
- 88 9. **Potential Waiver of Minor Technicalities.--** No bid shall be considered if the  
89 bidder fails to comply with the terms and conditions of the bid form or the  
90 procedure for submitting bids as authorized in the official advertisement and other  
91 documents pertaining to the bidding as authorized by the Board. The ~~Board-District~~  
92 reserves the right to waive minor ~~irregularities~~ technicalities if so stated in the bid  
93 advertisement.
- 94 10. **Prerequisite to Letting Bids.--** The Board shall have received notice from the  
95 Office of Educational Facilities ~~Construction~~, Department of Education, when  
96 required, that Phase III documents are approved prior to awarding of bids.
- 97 11. **Alternates.--** As stated in SREF § 4.2(2)(f), alternates listed in the bidding  
98 documents may be accepted at any time after the contract award by change order  
99 provided the contractor remains the low bidder on the combination of the base bid  
100 and the alternatives selected.

101  
102 STATUTORY AUTHORITY: § ~~230.22(2)~~, 1001.42(2), 1001.42(22), FS Fla. Stat.

103 LAWS IMPLMENTED: § 237.02(1)(2), 255.20; 1001.42(9), 1001.43(4); 1010.04;  
104 1013.45; 1013.46(1); 1013.47, FS Fla. Stat.

105 RULE SUPPLEMENTED: SREF §§ 4.1 and 4.2

106 HISTORY: 4/6/1983;      /      /2006

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

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Date