



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.]

Adoption

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).
- Lines 101-104 clarify that the bid protest procedures of Policy 6.14(4) apply construction purchasing. As stated in Policy 6.14(4)(e)(iii), protestors regarding competitive procurement related to educational facilities shall be required to post a bond in the amount specified in Fla. Stat. § 255.0516.

POLICY 7.10

CONSTRUCTION BID PROCEDURES

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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~~ including 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 12. **Bid Protests.—**As stated in Policy 6.14(4)(e)(iii), protestors regarding competitive
102 procurement related to educational facilities shall be required to post a bond in the
103 amount specified in Fla. Stat. § 255.0516. Construction-related bid protests are
104 subject to the procedures set forth in Policy 6.14(4).

105 STATUTORY AUTHORITY: Fla. Stat. §§ 230.22(2), 1001.42(2); 1001.42(22) FS
106 LAWS IMPLMENTED: Fla. Stat. §§ 237.02(1)(2), 255.20; 1001.42(9), 1001.43(4);
107 1010.04; 1013.45; 1013.46(1); 1013.47 FS
108 RULE SUPPLEMENTED: SREF §§ 4.1 and 4.2
109 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.

Attorney

Date