

Ofelia San Pedro, Deputy Superintendent  
Business Operations

**SUBJECT:            PROPOSED AMENDMENT OF SCHOOL BOARD RULE: FINAL  
READING 6Gx13- 7D-1.05, PREQUALIFICATION OF  
CONTRACTORS FOR EDUCATIONAL FACILITIES  
CONSTRUCTION**

**COMMITTEE:        FACILITIES AND CONSTRUCTION REFORM**

The School Board of Miami-Dade County, Florida, announced on July 13, 2005, its intention to amend, School Board Rule 6Gx13- 7D-1.05, Prequalification of Contractors for Educational Facilities Construction, at its meeting of August 17, 2005, which requires school boards to prequalify contractors as eligible to bid on construction or capital improvement projects. The proposed revisions incorporate recent policy and organizational changes that enhance the contractor prequalification process.

The Notice of Intended Action was published in the *Miami Daily Business Review* on July 18, 2005, posted in various places for public information and mailed to various organizations representing persons affected by the amended rule, and to individuals that requested notification.

The time to request a hearing or protest the adoption of this rule has elapsed.

In accordance with the provisions of the Administrative Procedure Act, this amended rule is presented to The School Board of Miami-Dade County, Florida, for adoption and authorization to file the rule in the official records of The School Board of Miami-Dade County, Florida.

Attached are the Notice of Intended Action and the amended rule. Changes from the current rule are indicated by underscoring words to be added and ~~striking through~~ words to be deleted.

**RECOMMENDED:**        That The School Board of Miami-Dade County, Florida, adopt amended School Board rule 6Gx13- 7D-1.05, Prequalification of Contractors for Educational Facilities Construction and authorize the Superintendent to file the rule with The School Board of Miami-Dade County, Florida, effective August 17, 2005.

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Board and Superintendent and made available to all other interested parties, as requested. The CPRC will recommend that companies be prequalified to bid projects of a particular type, dollar value, and scope. The CPRC shall be chaired by the District Administrator (a voting member of the Committee) and shall be composed of individuals from district offices and organizations, and/or their designees. Organizations and/or individuals will be selected by the Superintendent or his designee and rotated every two (2) calendar years; and resumes for organizational representatives will be collected as directed by the Superintendent. The CPRC shall be composed of the following:

- a) two (2) representatives from the construction industry or an architectural/engineering organization that are not, currently or have not within the past five (5) years, contracted with the Board;
  - b) one (1) representative from PTA / PTSA;
  - c) one (1) representative from the community-at-large;
  - d) one (1) representative from Maintenance Facilities Operations Maintenance;
  - e) one (1) representative from ACCESS Region Centers;
  - f) one (1) representative from Office of School Facilities Operations and Legislative Support;
  - g) one (1) representative from the Division of Educational Facilities Compliance;
  - h) the District Administrator; and
  - l) one (1) representative from the Office of Management and Compliance Audits (non-voting).
5. Contractor Prequalification Appeals Committee (CPAC) - is responsible for hearing all appeals from contractors that are denied contractor prequalification certification by the CPRC. The CPAC is authorized to recommend that the Board uphold or overturn a decision to deny a company's prequalification, after a hearing and upon consideration of the applicant's application and any supporting documents. The CPAC shall be composed of individuals from the following district offices, and organizations as selected by the Superintendent, or their designees:
- a) one (1) representative from a construction or an architectural engineering organization that is not currently nor has within the

past five (5) years contracted with the Board, and who is not currently serving as a member or designee on the CPRC;

- b) Representative from the; Office of Superintendent of Schools;
- c) Deputy Superintendent, Chief Business Officer Operations;
- d) Chief Financial Officer, Financial Affairs Operations;
- e) Associate Superintendent, ACCESS Region Centers; and
- f) Chief Auditor, Office of Management and Compliance Audits (non-voting).

Voting members of the CPRC and CPAC must disclose any conflicts or potential conflicts of interest, and may not vote on the matter upon which there is a potential conflict. In addition, no individual may serve on the CPRC and the CPAC to review the request of a contractor to be prequalified and then hear the appeal of the same contractor.

## II. CONTRACTOR PREQUALIFICATION CRITERIA

- A. Prequalified contractors must be capable of fulfilling specific project requirements for bonding, insurance, staffing and completion dates. No bid, proposal, or submittal for a school construction project shall be accepted from a contractor that does not have a valid contractor prequalification certificate, as hereinafter prescribed, nor shall any bid, proposal, or submittal be accepted from a contractor whose prequalification certificate has been revoked or suspended. The contractor prequalification criteria applies to all applicants, irrespective of the size, scope, or type of projects for which they seek certification to bid.
- B. Each entity, be it a company, joint venture, or person that requests prequalification certification must submit a Contractor Prequalification Application (FM-5896). Pursuant to School Board Rule 6Gx13- 3C-1.08 Performance and Payment Security, Declining a Bid Award, and Bonding Company Qualifications, I. Performance Security on Construction Bids and Awards, C., one-hundred (100) percent performance and payment security is required on bids over two-hundred-thousand dollars (\$200,000). Contractors whose bids exceed the \$200,000 bond waiver threshold shall be prequalified by the Board on the basis of the following criteria:
  - 1. Proof that the contractor holds a contractor's license that authorizes the contractor to supervise the work within the scope of a construction project.
  - 2. Evidence that the applicant has financial resources to start up and follow through on projects and to respond to damages in case of

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