



Book	Policy Manual
Section	6000 Finances
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### **6322 - CONSTRUCTION CONTRACTING AND BIDDING**

All school construction bids shall be the responsibility of the Superintendent. Bidding and contracting for construction, remodeling, and renovation shall comply with all applicable provisions of the most recent version of the State Requirements for Educational Facilities (SREF).

This policy shall generally apply to contracts for construction projects that shall be funded with capital outlay funds or capital grants that relate to new construction, additions, remodeling, renovations, maintenance, or repairs to existing facilities.

This policy shall not apply to acquisition of architectural, engineering, landscape architectural, construction management at risk, design-build, total program management, or surveying and mapping services, which shall be acquired pursuant to Policy 6330 - Acquisition of Professional Architectural, Engineering, Landscape Architectural or Land Surveying Services.

The School Board may contract for construction of new facilities, or for additions, remodeling, renovation, maintenance, or repairs to existing facilities, through means including, but not be limited to:

- A. competitive bids;
- B. design-build pursuant to F.S. 287.055;
- C. selecting a construction management entity, pursuant to F.S. 255.103 or 287.055, that would be responsible for all scheduling and coordination of both the design and construction phases, and would be responsible for the successful, timely, and economical completion of the construction project;
- D. selecting a program management entity, pursuant to F.S. 255.103 or 287.055, that would act as the agent of the Board and would be responsible for schedule control, cost control, and coordination in providing or procuring planning, design, and construction services;
- E. proposals to enter into a public-private partnership with a private entity for the acquisition, design, construction, improvement, renovation, expansion, equipping, maintenance, or operation of a qualifying project pursuant to F.S. 287.05712;

The Superintendent shall be responsible for submitting proposed public- private partnership agreements to the Board for consideration, including unsolicited proposals from private entities. The Board shall evaluate and consider all proposed public-private partnership agreements pursuant to the guidelines set forth in F.S. 287.05712.

- F. day-labor contracts not exceeding \$280,000 for construction, renovation, remodeling, or maintenance of existing facilities.

This amount shall be adjusted annually based upon changes in the Consumer Price Index.

For purposes of this policy, "day-labor contract" means a project constructed using persons employed directly by the Board or by contracted labor.

#### Competitive Solicitation Requirements for Construction Contracting

Contracts governed by this policy shall be approved and executed as set forth below. A "construction project" shall be deemed to include a single contract or group of contracts with the same provider that is directly connected in terms of time, location, or services, such that a reasonable person would consider the services to be provided as a single project.

##### A. Construction Projects Involving Expenditures of \$0.00 - \$25,000.00

Contracts for construction projects involving expenditures of \$0.00 - \$25,000.00 shall be approved and executed as follows:

###### 1. Architect/Engineer Services

Unless otherwise deemed appropriate by the Supervisor of Maintenance, contracts governed by this subsection do not require assistance and services of a registered architect/engineer.

###### 2. Direct Negotiations Authorized

Unless otherwise deemed appropriate by the Supervisor of Maintenance, contracts governed by this subsection do not require solicitation of formal bids. The District may negotiate directly with potential service providers for contracts governed by this subsection. In order to secure the most efficient and effective contracts, the District is encouraged to secure multiple quotes or to negotiate with multiple providers before entering into contracts hereunder.

###### 3. Bonds Not Required

Unless otherwise deemed appropriate by the Supervisor of Maintenance, contractors are not required to submit payment and performance bonds for contracts governed by this subsection.

##### B. Construction Projects Involving Expenditures of \$25,000.01 - \$50,000.00

Contracts for construction projects involving expenditures of \$25,000.01 - \$50,000.00 shall be approved and executed as follows:

###### 1. Architect/Engineer Services

Unless otherwise deemed appropriate by the Supervisor of Maintenance, contracts governed by this subsection do not require assistance and services of a registered architect/engineer.

###### 2. Three (3) Quotations Required

Unless otherwise deemed appropriate by the Supervisor of Maintenance, contracts governed by this subsection do not require solicitation of formal bids. The District may approve and enter into contracts governed by this subsection after securing three (3) written quotes and conducting any further negotiations that may be deemed appropriate, the Superintendent shall recommend that the Board approve a purchase order or execute a contract with the most efficient and effective proposer.

###### 3. Bonds Not Required

Unless otherwise deemed appropriate by the Supervisor of Maintenance, contractors are not required to submit payment and performance bonds for contracts governed by this subsection.

**C. Construction Projects, Other Than Electrical Projects, Involving Expenditures of \$50,000.01 - \$100,000.00**

Contracts for construction projects, other than electrical projects, involving expenditures of \$50,000.01 - \$100,000.00 shall be approved and executed as follows:

**1. Architect/Engineer Services**

Contracts governed by this subsection shall require assistance and services of a registered architect/engineer.

**2. Three (3) Quotations Required**

Unless otherwise deemed appropriate by the Supervisor of Maintenance, contracts governed by this subsection do not require solicitation of formal bids. The District may approve and enter into contracts governed by this subsection after securing three (3) written quotes from qualified providers. After securing the quotes and conducting any further negotiations that may be deemed appropriate, the Superintendent shall recommend that the Board approve a purchase order or execute a contract with the most efficient and effective proposer.

**3. Bonds Not Required**

Unless otherwise deemed appropriate by the Supervisor of Maintenance, contractors are not required to submit payment and performance bonds for contracts governed by this subsection.

**D. Electrical Projects Involving Expenditures of \$50,000.01 - \$100,000.00**

Contracts for electrical projects involving expenditures of \$50,000.01 - \$100,000.00 shall be approved and executed as follows:

**1. Architect/Engineer Services**

Contracts governed by this subsection shall require assistance and services of a registered architect/engineer.

**2. Bid Solicitation Required**

Contracts governed by this subsection shall be advertised in conformance with the procedures outlined in this section.

**a. Legal Notice**

The District shall publish notice of projects governed by this section in a local newspaper with general circulation throughout the District for a minimum of once per week for three (3) consecutive weeks with the last publication appearing at least seven (7) days prior to bid opening.

**b. Bid Bonds Required**

Bidders shall submit bid bonds or security equaling five percent (5%) of the base bid. Security shall be in the form of a certified check, cashier's check, Treasurer's check, or bank draft of any national or State bank.

**c. Rejection of Bids/Waiver of Technicalities**

The Board reserves the right in its sole discretion to reject all bids and to waive technicalities in any

and all bids.

### 3. Bonds Required

The successful contractor under this subsection shall be required to submit payment and performance bonds prior to issuance of a notice to proceed for this project.

## **E. Construction Projects Involving Expenditures in Excess of \$100,000.00**

Contracts for projects involving expenditures in excess of \$100,000.00 shall be approved and executed as follows:

### 1. Architect/Engineer Services

Contracts governed by this subsection shall require assistance and services of a registered architect/engineer.

### 2. Bid Solicitation Required

Contracts governed by this subsection shall be advertised in conformance with the procedures outlined in this section.

#### a. Legal Notice

The District will publish notice of projects governed by this section in a local newspaper with general circulation throughout the District for a minimum of once per week for three (3) consecutive weeks with the last publication appearing at least seven (7) days prior to bid opening.

#### b. Bid Bonds Required

Bidders shall submit bid bonds or security equaling five percent (5%) of the base bid. Security shall be in the form of a certified check, cashier's check, Treasurer's check, or bank draft of any national or State bank.

#### c. Rejection of Bids/Waiver of Technicalities

The Board reserves the right in its sole discretion to reject all bids and to waive technicalities in any and all bids.

### 3. Bonds Required

The successful contractor under this subsection shall be required to submit payment and performance bonds prior to issuance of a notice to proceed for this project.

## **F. Construction Projects Involving Fifty Percent (50%) or More State- Appropriated Funds**

For a competitive solicitation for construction services in which fifty percent (50%) or more of the cost will be paid from State-appropriated funds which have been appropriated at the time of the competitive solicitation, the Board will not use a policy that provides a preference based upon the contractor's:

1. maintaining an office or place of business within a particular local jurisdiction;
2. hiring employees or subcontractors from within a particular local jurisdiction; or
3. prior payment of local taxes, assessments, or duties within a particular local jurisdiction.

For any such competitive solicitation, the Board will disclose in the solicitation document that any applicable local policy does not include any of the preferences listed above.



### Exception to Construction Requirements

The Board may, with a supermajority vote at a public meeting that begins no earlier than 5 p.m., adopt a resolution to implement one (1) or more of the exceptions to the educational facilities construction requirements described below.

Before voting on the resolution, the Board will conduct a cost-benefit analysis prepared according to a professionally accepted methodology that describes how each exception selected by the Board achieves cost savings, improves the efficient use of District resources, and impacts the life-cycle costs and life span for each educational facility to be constructed, as applicable, and demonstrates that implementation of the exception will not compromise student safety or the quality of student instruction.

The Board will conduct at least one (1) public workshop to discuss and receive public comment on the proposed resolution and cost-benefit analysis, to begin no earlier than 5 p.m. The workshop may occur at the same meeting at which the resolution will be voted upon.

The Board's resolution may propose implementation of exceptions to requirements of the uniform Statewide building code for the planning and construction of public educational and ancillary plants relating to the following:

- A. Interior non-load bearing walls by approving the use of fire-rated wood stud walls in new construction or remodeling for interior non-load bearing wall assemblies that will not be exposed to water or located in wet areas.
- B. Walkways, roadways, driveways, and parking areas by approving the use of designated, stabilized, and well-drained gravel or grassed student parking areas.
- C. Standards for relocatables used as classroom space by approving construction specifications for installation of relocatable buildings that do not have covered walkways leading to the permanent buildings onsite.
- D. Site lighting by approving construction specifications for site lighting that:
  - 1. Do not provide for lighting of gravel or grassed auxiliary or student parking areas.
  - 2. Provide lighting for walkways, roadways, driveways, paved parking lots, exterior stairs, ramps, and walkways from the exterior of the building to a public walkway through installation of a timer that is set to provide lighting only during periods when the site is occupied.
  - 3. Allow lighting for building entrances and exits to be installed with a timer that is set to provide lighting only during periods in which the building is occupied. The minimum illumination level at single-door exits may be reduced to no less than one (1) foot-candle.

### Opening of Competitive Bids

Notwithstanding F.S. 119.071(1)(b), in any competitive solicitation for construction or repairs on a Board building or facility, the Superintendent will:

- A. open the sealed bid, or the portion of the sealed bid that includes the price submitted, at a public meeting conducted in compliance with F.S. 286.011 and Board Bylaw 0164 - Notice of Meetings, and Bylaw 0168 - Minutes;
- B. announce the name of each bidder and the price submitted in the bid at that meeting; and
- C. make available the name of each bidder and the price submitted in the bid, upon request.

### Contract Execution

Contracts governed by this policy shall be awarded to the lowest responsive and responsible bidder, considering base bid and accepted alternatives; and be executed pursuant to Policy 6320 - Purchasing and Contracting for Goods and Services. Award of bid by the Board shall only represent an identification by the Board that a bid represents the lowest responsible bid received by the District. Award of bid shall not create a binding obligation on the Board, and no obligation shall be created or imposed on the District until such time as the Board Chair/designee executes a contract in a form satisfactory to the District.

Each Board contract for services must include a provision that requires the contractor to comply with public records laws, specifically to:

- A. keep and maintain public records that ordinarily and necessarily would be required by the Board in order to perform the service under the contract;
- B. provide the public with access to its public records on the same terms and conditions as the Board would provide the records, and at a cost that does not exceed the cost provided in Policy 8310 - Public Records;
- C. ensure that any of its public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed, except as authorized by law;
- D. meet all requirements for retaining public record and, upon termination of the contract, transfer to the Board, at no cost, all public records in its possession and destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. All records stored electronically must be provided to the Board in a format that is compatible with the Board's information technology systems.

#### Certified Copy of Recorded Bond

Before commencing the work or before recommencing the work after a default or abandonment, the contractor shall provide to the Board a certified copy of the recorded bond. Notwithstanding the terms of the contract or any other law governing prompt payment for construction services, the Board may not make a payment to the contractor until the contractor has complied with this paragraph. This paragraph applies to contracts entered into on or after October 1, 2012.

[F.S. 255.05](#)

[F.S. 255.0516](#)

[F.S. 255.0518](#)

[F.S. 255.0991](#)

[F.S. 1001.43](#)

[F.S. 1010.04](#)

[F.S. 1010.07\(2\)](#)

[F.S. 1010.48](#)

[F.S. 1013.385](#)

[F.S. 1013.45](#)

[F.S. 1013.46](#)

[F.S. 1013.47](#)

[Purchasing Policies, F.A.C. 6A-1.012](#)

[Educational Facilities, F.A.C. 6A-2.0010](#)

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#### Legal

Purchasing Policies, F.A.C. 6A-1.012

F.S. 255.05, 255.0516, 255.0518, 255.05712, 255.0991, 287.05712, 1001.43

F.S. 1010.04, 1010.07(2), 1010.48, 1013.45, 1013.46, 1013.47

Educational Facilities, F.A.C. 6A-2.0010

Last Modified by Sam Stalnaker on December 8, 2017