



**POLICY: 6Hx28:11-06**

**Responsible Executive:** Vice President, Business Operations and Chief Financial Officer

**Policy Contacts:**

**Specific Authority:** 1001.64, F.S.

**Law Implemented:** 1003.46, F.S.

**Effective Date:** 10-16-2007

**Date of Last Policy Review:**  
10-16-2007

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## **Prequalification of Contractors for Educational Facilities Construction**

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### **Policy Statement:**

It is the policy of Valencia College that it shall pre-qualify bidders for construction contracts based on rules prescribed by the Commissioner of Education which require the pre-qualification of bidders of educational facilities construction.

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### **Policy History:**

Adopted 12-11-74; Amended 1-19-83; Amended 11-18-92; Amended 02-20-01; Amended 10-16-07; Formerly 6Hx28:11-12

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### **Procedures:**

- I. Valencia shall pre-qualify construction contractors for a one-year period or for a specific project.
  - A. Criteria - Contractors shall be pre-qualified by Valencia on the basis of the following criteria, and other criteria as determined to be appropriate by Valencia:

1. Proof that the contractor holds a contractor's license which authorizes the contractor to supervise the work within the scope of the 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 default as shown by written verification of bonding capacity equal to or exceeding the amount of any project for which the contractor seeks pre-qualification. The written verification must be submitted by a licensed surety company rated excellent ("A-" or better) in the current A.M. Best Guide and qualified to do business within Florida. In the absence of such written verification, Valencia may require the applicant to submit any audited financial information necessary to evaluate an applicant's financial ability to perform the project and to respond to damages in the event of default.
3. Evidence of experience with construction techniques, trade standards, quality workmanship, project scheduling, cost control, management of projects, and building codes for similar or less cost or scope projects as shown by the successful completion within the past five (5) years of at least two (2) other projects of similar size.
4. Evidence of satisfactory resolution of claims filed by or against the contractor asserted on projects of the same or similar size within the five (5) years preceding the submission of the application. Any claim against a contractor shall be deemed to have been satisfactorily resolved if final judgment is rendered in favor of the contractor or any final judgment rendered against the contractor is satisfied within ninety (90) days of the date the judgment becomes final.
5. Type of work for which the contractor is licensed.

B. Procedures - Valencia's procedures for pre-qualification of contractors shall:

1. Not restrict competition, or prevent the submission of a bid, or prohibit the consideration of a bid submitted by a pre-qualified contractor.
2. Allow pre-qualification of any responsible contractor who meets the uniform criteria established in the State Requirements for Educational Facilities, whether resident or non-resident within the geographic area served by the board.
3. Govern the submission of financial information by contractors.
4. Provide for a Contractor Pre-qualification Review committee to review and evaluate applications and make recommendations for type of project, dollar volume, and limits allowed within the scope of the pre-qualification.

5. Not supersede any small business, woman-owned or minority-owned business-enterprise assistance program adopted by Valencia.
6. Provide for the rejection of applications which contain inaccurate information, declare a contractor delinquent, and suspend or revoke a pre-qualification certificate.

II. Prequalification Application - Each contractor, firm or person requesting pre-qualification shall be required to submit separate applications that include, at a minimum, the following:

- A. Detailed information on Valencia-prescribed forms setting forth the applicant's competence, past performance, experience, financial resources, and capability, including a Public Entity Crime statement, and references.
- B. Audited financial information current within the past twelve (12) months, such as a balance sheet and statement of operations, and bonding capacity. The requirement for financial information may be satisfied by the contractor providing written verification of the contractor's bonding capacity.
- C. General information about the contractor company, its principals, and its history including state and date of incorporation.
- D. Contractor trade categories and information regarding the state and local licenses and license numbers held by the applicant.
- E. A list of projects completed within the past five (5) years, including dates, client, approximate dollar value, and size.
- F. Certificates of insurance confirming current worker's compensation, public liability and property damage insurance as required by law.
- G. A list of all pending litigation and all litigation within the past five (5) years, including an explanation of each. Litigation initiated by the contractor to protect the contractor's legal rights shall not be used as a basis for rejecting pre-qualification.
- H. The completed application and financial information shall be attested to and signed by an authorized officer of the company, the owner, or sole proprietor as appropriate, and the signature shall be notarized.

III. Issuance of Certificate - In its sole discretion, Valencia may issue a certificate valid for one (1) year or a specific project. The certificate shall include:

- A. A statement indicating that the contractor may bid for projects during the time period specified, or may bid on the specific project, as appropriate.

- B. A statement establishing the total dollar value of work the contractor will be permitted to have under contract at any one time as determined by the contractor's bonding capacity.
  - C. A statement establishing the maximum dollar value of each individual project the contractor will be permitted to have under contract with the board at any one time.
  - D. A statement establishing the type of work the contractor will be permitted to provide.
  - E. The expiration date of the certificate.
- IV. Renewal of Certificate - Certificates not for a specific project shall be subject to an annual renewal process.
- A. Financial statements or written verification of bonding capacity on file with the board shall be updated annually. Failure to submit a new statement or verification of bonding capacity, after at least thirty (30) days written notice by the board, shall automatically revoke a pre-qualification certificate.
  - B. Valencia may allow pre-qualified contractors to request a revision of their prequalification status at any time they believe the dollar volume of work under contract or the size and complexity of projects should be increased if experience, staff size, staff qualifications, and other pertinent data justify the action.
- V. Delinquency - The decision to declare a contractor delinquent may only be made by the president and must be ratified by the board at its next regular meeting following such decision by the president. Should a contractor be determined to be delinquent, after notice and an opportunity for a fair hearing, Valencia shall notify the contractor and its surety, in writing, that the contractor is disqualified from bidding work with Valencia as long as the delinquent status exists. A delinquent condition may be determined to be in effect when one (1) or more of the following conditions occur without justifiable cause:
- A. A substantial or repeated failure to comply with contract documents after written notice of such non-compliance.
  - B. A substantial or repeated failure to provide supervision and coordination of subcontractor's work after written notice of such failure.
  - C. Substantial deviation from project time schedules after written notice of non-compliance.
  - D. Substantial or repeated failure to pay subcontractors after Valencia has paid the contractor for the work performed by the subcontractors and in accordance with approved requisitions for payment.
  - E. Substantial or repeated failure to provide the quality of workmanship compatible with the trades standards for the community after written notice of such failure.

- F. Substantial or repeated failure to comply with the warranty requirements of previous contracts after written notice of such failure.
  - G. Failure to maintain the required insurance coverage after written notice of such failure.
- VI. Suspension or Revocation - Valencia may, for good cause, suspend a contractor for a specified period of time or revoke the pre-qualification certificate. Causes for suspension or revocation shall include, but not be limited to, one or more of the following:
- A. Inaccurate or misleading statements included in the application.
  - B. Declared in default by Valencia, including for causes due to contractor's noncompliance with Valencia's small business, woman-owned or minority-owned business-enterprise assistance program.
  - C. Adjudged to be bankrupt.
  - D. Performance, in connection with contract work, becomes unsatisfactory to Valencia based on Valencia asserting and recovering liquidated damages in an action against the contractor.
  - E. Payment record, in connection with the contract work, becomes unsatisfactory to Valencia based on the contractor's failure to comply with the Construction Prompt Pay Act (Section 715.12, F.S.).
  - F. Becomes delinquent on a construction project.
  - G. Contractor's license becomes suspended or is revoked.
  - H. No longer meets Valencia's pre-qualification criteria.
- VII. Appeal - A contractor whose application has been rejected or whose certificate has been suspended or revoked by Valencia shall be given the benefit of reconsideration and appeal as follows:
- A. The aggrieved contractor may, within ten (10) days after receiving notification of such action, request reconsideration in writing. The contractor may submit additional information at the time of the appeal.
  - B. Valencia shall act upon a contractor's request within thirty (30) calendar days after the filing and shall notify the contractor of its action to adhere to, modify, or reverse its original action. Valencia may require additional information to justify the reconsideration.
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**Procedure  
History:**

Adopted 02-20-01; Amended 10-16-07; Formerly 6Hx28:11-12

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**Date of Last Procedure Review:** 10-16-2007