

**SPECIAL REPORT**  
**AWARDING OF CONSTRUCTION**  
**CONTRACTS**

# Contractor Selection Process

(Construction Related Projects)

1. Identify needs and types of providers
2. Establish evaluation committee
3. Establish selection criteria
4. Develop bid solicitation document
5. Public announcement
6. Evaluations performed in a public forum
7. Shortlist
8. Interviews/Presentations
9. Evaluations performed in a public forum
10. Selection/Recommendation
11. Approval & Negotiation

# VALENCIA COLLEGE

**Compliance and Auditing Department  
Undria Stalling, CIA, CFE  
Internal Auditor**

**Special Request  
By  
Valencia College District Board of Trustees  
Review of a Concern Regarding Construction Contract Awards**

**Report No. CA2014-101**

**October 2013**

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## Executive Summary

### Purpose

On July 16, 2013, the Valencia College District Board of Trustees directed Undria Stalling, the College's Internal Auditor to review a concern referenced in a letter by former District Board of Trustees Chairwoman Bertica Cabrera-Morris. The letter dated May 1, 2013 and addressed to Dr. William Mallowney, Vice President of Policy and General Counsel, provided the following statement: "I have also fought for open and transparent awards or contracts for construction and others administered through the facilities department. A disproportionate number of contracts, in my view, have been awarded to those with connections with the board of the college's Foundation. A deep exploration of the relationship between the Board and contract awards should be conducted."

Based on the stated concern, the Internal Auditor determined that the purpose of the review was to (1) determine whether the concern regarding a disproportionate number of construction related contracts being awarded to those with connections to the Valencia Foundation board (Foundation board) could be substantiated, and (2) to assess whether any evidence exists to support a preference or bias in the College's process that favors the awarding of construction related contracts to firms with principals or employees on the Foundation board.

### Scope and Methodology

The review focused on construction related contracts awarded to professional service contractors and construction contractors from July 2006 through June 2013, the time during which Ms. Cabrera-Morris was a member of the Valencia College District Board of Trustees. A directory of names and corporate affiliations for the Foundation Board was cross referenced with firms that participated in bid solicitations for construction related projects at the College during this time frame. Seven (7) firms were identified (the "Identified Firms") to have participated in construction related bid solicitations at some time between July 2006 and June 2013, and also had a principal or employee on the Foundation board during that time.

Review of the construction related contracts awarded from July 2006 through June 2013 disclosed the following:

- The college completed **34** bid solicitations overall (no award was made by the Board for one (1) solicitation)
- At least one Identified Firm submitted a bid response for **19** of the **34** solicitations
- For **11** of those **19** solicitations, the contract was awarded to firms with no principals or employees on the Foundation board
- Identified Firms were awarded **8** contracts out of **19** solicitations in which they participated and **34** solicitations overall. Collectively, the Identified Firms submitted **41** bid responses and were awarded **8**
- Identified Firms received awards at the time that a principal or employee from that Firm served on the Foundation board on six (6) occasions, or 31.5% of the solicitations in which Identified Firms participated

This review was limited to the 19 solicitations in which an Identified Firm submitted a response, and review of records was limited to the 8 solicitations in which an Identified Firm received the award.



College policy, procedures, statutory requirements, state rules, and any other relevant materials related to the competitive solicitation process were reviewed. A complete set of solicitation records, to include the bid solicitation document, bid solicitation responses from all bidders, evaluations of bidders from each evaluation committee member, master score sheets, and public meeting minutes were required to perform a thorough review. Solicitation records were examined to determine if sufficient documentation was submitted by firms based on the requirements of the solicitation document and to determine that established processes were followed. Solicitation records were also reviewed to determine if criteria used and evaluations made expressed a preference for firms that had principals or employees on the Foundation board.

Randomly selected members of the evaluation committees for certain bid solicitations were questioned regarding the selection process of contractors. With regards to the eight (8) awards in which an Identified Firm was successful, the Identified Firms awarded and the shortlisted firms were contacted about their experience with the selection process. The last operational audit performed by the Florida Auditor General (Report No. 2013-035) was reviewed for information relating to firms with principals or employees serving on the Foundation board that were awarded construction related contracts by the College.

## **Conclusion**

Based on the review performed, the Internal Auditor found there was no evidence to substantiate the concern that a disproportionate number of construction related contracts had been awarded to the Identified Firms during the period under review. There are no legal prohibitions or restrictions that prevent the Identified Firms from participating in solicitations or being awarded construction related contracts, as such, there are no known standards that dictate the proportion of awards that may be appropriately made to such firms. The review disclosed that the Identified Firms were successful in being awarded a construction related contract less often than other firms. Specifically, Identified Firms received awards for only 8 of the 19 solicitations in which they participated and were unsuccessful in 11 solicitations. Identified Firms received awards at the time that a principal or employee from that Firm served on the Foundation board on six (6) occasions, or 31.5% of the solicitations in which Identified Firms participated, and 24% of the overall awards made from July 2006 through June 2013.

The Florida Auditor General performed an operational audit in 2012 which identified no conflicts of interest between the College and vendors of the College that made donations to the Foundation (Report No. 2013-035).

In my review of the contractor selection process, the completed surveys provided by both the Identified Firms and those firms with no known principals or employees on the Foundation board, and the available records related to the solicitation and awarding of construction related contracts, no evidence was found to suggest that any preference or bias was given to firms with principals or employees on the Foundation board. However, the review was limited to available documents and the conclusion is limited to what was reviewed.

**Scope**

The review focused on construction related contracts awarded to professional service contractors and construction contractors from July 2006 through June 2013, the time during which Ms. Cabrera-Morris was a member of the Valencia College District Board of Trustees. A directory of names and corporate affiliations for the Foundation Board was cross referenced with firms that participated in bid solicitations for construction related projects at the College during this time frame. Seven (7) firms were identified (the “Identified Firms”) to have participated in construction related bid solicitations at some time between July 2006 and June 2013, and also had a principal or employee on the Foundation board during that time. Table 1 provides names of the Identified Firms.

**Table 1 - Identified Firms**

Baker Barrios Architects
C.T. Hsu + Associates
JCB Construction
McCree General Contractors & Architects
Rogers, Lovelock & Fritz
Welbro Building Corporation
Williams Company

Review of the construction related contracts awarded from July 2006 through June 2013 disclosed the following:

- The college completed **34** bid solicitations overall (no award was made by the Board for one (1) solicitation)
- At least one Identified Firm submitted a bid response for **19** of the **34** solicitations
- For **11** of those **19** solicitations, the contract was awarded to firms with no principals or employees on the Foundation board
- Identified Firms were awarded **8** contracts out of **19** solicitations in which they participated and **34** solicitations overall. Collectively, the Identified Firms submitted **41** bid responses and were awarded **8**
- Identified Firms received awards at the time that a principal or employee from that Firm served on the Foundation board on six (6) occasions, or 31.5% of the solicitations in which Identified Firms participated

This review was limited to the 19 solicitations in which an Identified Firm submitted a response, and review of records was limited to the 8 solicitations in which an Identified Firm received the award.

Table 2 includes these 8 solicitations and whether the successful firm had a principal or employee on the Foundation board at the time of the award:



Table 2 – Contracts Awarded

Contracts Awarded to Identified Firms						
No.	Solicitation	Identified Firm Awarded	Date of Award (Board Approval)	Principal or employee on Foundation Board as of award date?	Unsuccessful Bids By Identified Firms	Principal or employee on Foundation Board as of award date?
1	West – Bldg 8 (Culinary Arts & Conference Center)	Welbro Construction	12/12/2006	Yes Steve Davis	°McCree Construction	Yes Richard McCree, Jr.
2	RFQ 05/06-15 West – Allied Health Sciences Bldg	Baker Barrios, Architects	7/18/2006	No	°CT Hsu + Associates  °Rogers, Lovelock & Fritz	Yes C.T. Hsu  No
3	RFQ 05/06-20 West – Allied Health Sciences Bldg	Welbro Construction	9/12/2006	Yes Steve Davis	°Williams Company	Yes Bruce Williams
4	RFQ 06/07-17 West – Bldg 11	CT Hsu+Associates	7/17/2007	No	°Baker Barrios Architects  °Rogers, Lovelock & Fritz	Yes Tim Baker  No
5	RFQ 07/08-07 West – Interior Renovations Bldgs 1,3,4, HSB and SSB	McCree Construction	12/11/2007	Yes Richard McCree, Jr.	°Williams Company	Yes Bruce Williams
6	RFQ 10/11-09 West – Bldg 10	McCree General Contractors	6/21/2011	Yes Richard McCree, Jr.	°Welbro Building Corporation  °Williams Company	Yes Steve Davis  No
7	RFP 07/08-20 East - North Parking Lot Construction	JCB Construction	4/15/2008	Yes Brian Butler	–	–
8	RFQ 11/12-36 Continuing Contract for Architectural Services	Rogers, Lovelock & Fritz	9/18/2012	Yes Chris Whitney	°Baker Barrios Architects	No

As the chart indicates, Identified Firms received awards at the time that a principal or employee from that Firm served on the Foundation board on six (6) occasions, or 31.5% of the solicitations in which Identified Firms participated. In most of these cases, at least one other Identified Firm also submitted a bid at the time it had a principal or employee on the Foundation board and did not receive an award. For ten (10) of the eleven (11) solicitations in which Identified Firms did *not* receive an award, a bid was submitted by at least one Identified Firm with an employee or principal on the Foundation board at the award date. Thus, more often than not, Identified Firms submitting bids with a principal or employee on the Foundation board at the time the College made its award did *not* receive the award. See Exhibit A.

*\*\*It should be noted that for 14 of the 33 overall bid solicitations, Identified Firms were either (1) not prequalified to bid in the monetary category for the project or (2) did not provide the appropriate*



*services required to bid for the project. Thus, 100% of those awards went to firms with no known principals or employees on the Foundation board, making the total number of contracts awarded to Identified Firms from the total number of bid solicitations 8 out of 33, or twenty four percent (24%).*

## **Methodology**

College policy, procedures, statutory requirements, state rules, and any other relevant materials related to the competitive solicitation process were reviewed. A complete set of solicitation records, to include the bid solicitation document, bid solicitation responses from all bidders, evaluations of bidders from each evaluation committee member, master score sheets, and public meeting minutes were required to perform a thorough review. Solicitation records were examined to determine if sufficient documentation was submitted by firms based on the requirements of the solicitation document and to determine that established processes were followed. Solicitation records were also reviewed to determine if criteria used and evaluations made expressed a preference for firms that had principals or employees on the Foundation board.

Randomly selected members of the evaluation committees for certain bid solicitations were questioned regarding the selection process of contractors. With regards to the eight (8) awards in which an Identified Firm was successful, the Identified Firms awarded and the shortlisted firms were contacted about their experience with the selection process. Responses received are provided in Exhibit B.

The last operational audit performed by the Florida Auditor General (Report No. 2013-035) was reviewed for information relating to firms with principals or employees serving on the Foundation board that were awarded construction related contracts by the College.

## **Facts/Analysis**

### **I. Concern Presented: A Disproportionate Number of Contracts Awarded to Identified Firms**

The Valencia Foundation is a nonprofit 501(c)(3) corporation chartered in 1974. The Foundation is a separate legal entity from the Valencia College District Board of Trustees with its own board of directors and a separate governance structure in accordance with applicable laws. The Foundation's board consists of anywhere between 50-60 members at any given time, each of whom volunteer their service, and are elected by the full board. Members of the Foundation's board are typically community leaders who assist the Foundation with the creation of scholarships and endowments that support the College and its students.

§ 112.313(3),F.S. provides the following prohibition with regards to *Doing Business with One's Agency*: "No employee of an agency acting in his or her official capacity as a purchasing agent, or public officer acting in his or her official capacity, shall either directly or indirectly purchase, rent, or lease any realty, goods, or services for his or her own agency from any business entity of which the officer or employee or the officer's or employee's spouse or child is an officer, partner, director, or proprietor or in which such officer or employee or the officer's or employee's spouse or child, or any combination of them, has a material interest. Nor shall a public officer or employee, acting in a private capacity, rent, lease, or sell any realty, goods, or services to the officer's or employee's own agency, if he or she is a state officer or employee, or to any political subdivision or any agency thereof, if he or she is serving as an officer or employee of that political subdivision."

"Public officer" as used in this context includes any person elected or appointed to hold office in any agency, including any person serving on an advisory board. Public officers with regards to Valencia College are the Valencia College District Board of Trustees. Members of the Valencia Foundation board are not considered public officers under this statute. The Valencia Foundation is not a public agency, a public entity, nor is it a political subdivision of the state. Members of the Valencia College District Board of Trustees are prohibited



from doing business with the college, with some exceptions, but members of the Valencia Foundation board are not (unless they are also employees of the College and bear that separate restriction).

Accordingly, there is no legal prohibition on the Identified Firms participating in the competitive solicitation process. As to proportion, because no limitation or restriction exists on members of the Valencia Foundation board seeking construction contracts from the College, no standard by which to measure proportion exist. Even if one assumes that a “disproportionate” number implies that Identified Firms received contract awards more often than other firms, the evidence demonstrates that the Identified Firms actually received awards less often than other firms, specifically, only 42% of the awards for which they submitted solicitations, 31.5% of awards in which a principal or employee from the Identified Firm served on the Foundation board at the time of award, and 24% of the awards overall.

Table 3 details the number of bid responses each Identified Firm submitted and the number of awards received.

**Table 3 – Bid Responses and Awards**

<b>Identified Firm</b>	<b>Number of Bid Responses Submitted by Identified Firm</b>	<b>Number of Contracts Awarded</b>
Baker Barrios Architects	8	1
C.T. Hsu + Associates	8	1
JCB Construction	4	1
McCree General Contractors & Architects	5	2
Rogers, Lovelock & Fritz	6	1
Welbro Building Corporation	5	2
Williams Company	5	0
<b>Total</b>	<b>41</b>	<b>8</b>

**II. Concern Presented: Preference or Bias In Favor of Foundation Board Members**

As explained above, there are no legal restrictions on the Identified Firm’s involvement in the contracts award process. Accordingly, the Internal Auditor was unable to locate any standards by which to measure in what way a preference or bias in the process would be inappropriate. At the outset, the fact that only 8 of the 19 solicitations in which the Identified Firms were involved resulted in awards to those Firms refutes the idea that they received a preference overall. Review of whether preference may have been given for individual awards involved an examination of the overall process for the solicitation and award of construction related contracts; surveys of both successful and unsuccessful bidders for those contracts; and a review of bid documents related to the selection process for individual solicitations. The Florida Auditor General also reviewed Direct Support Organizations – Conflicts of Interest in the last operational audit performed in 2012.

**A. Valencia Contractor Selection Process**

Valencia solicits architectural, engineering, and construction services for upcoming construction related projects. The College has established several policies and various implementing procedures to solicit, select, and begin contract negotiations with such contractors.

As required by state law, construction contractors must be pre-qualified prior to bidding on construction projects as detailed in Policy: 6Hx28:11-06 Prequalification of Contractors for Educational Facilities Construction. The pre-qualification provides for three monetary categories in which construction contractors

are classified based on identified criteria. According to the College, the monetary categories have been established to allow small and disadvantaged business participation to the greatest extent possible and to distribute bidding opportunities. Prequalified contractors are then open to bid on construction projects within their assigned monetary categories. Policy:6Hx28:11-05 Selecting Professional Services prescribes the selection process for the professional services of architects, professional engineers, landscape architects, and registered land surveyors as required by law.

An overview of the selection process, through which selections are made under both of these referenced policies, was provided to the District Board of Trustees at the December 18, 2012 public board meeting. The process included nine steps and is also used to select construction contractors:

1. Identify needs and types of providers
2. Establish evaluation committee
3. Establish selection criteria
4. Develop bid solicitation document
5. Public Announcement
6. Evaluation (public forum)
7. Short List
8. Interviews/Presentations
9. Evaluation (public forum)
10. Selection/Recommendation
11. Approval & Negotiation

The evaluation step (No. 6 above) includes evaluation committee members reviewing the bid responses. Committee members are allowed to prepare notes and questions for the public evaluation meeting. During the public meeting, the committee discusses the bid responses received and any notes and/or questions prepared. Scoring also occurs during the evaluation step. Scores are determined based on the criteria identified in the bid solicitation document that is also included on the evaluation forms. Scores are tallied by each individual committee member and verbally announced during the public meeting for the purposes of being entered into the Master Score Sheet. The Master Score Sheet is displayed for all public meeting attendees to see. From the Master Score Sheet, a short-list is determined based on the highest scoring firms. A minimum of three (3) firms must be short-listed. Firms making the short-list are invited to the next phase for presentations/interviews.

The presentations/interviews are scheduled for each short-listed firm. Following the presentations/interviews, a second public meeting is held to evaluate (No. 9 above) and when applicable, score the presentations/interviews based on established criteria and to finalize the overall scores. Scores are tallied by each individual committee member and verbally announced during the public meeting for the purposes of being entered into the Master Score Sheet. Tabulations occur within the Master Score Sheet that results in the overall scores and rankings. This information is displayed for all public meeting attendees to see.

An opportunity is provided to submit a written protest within seventy-two (72) hours after the notice of award and the ranking results are posted on the College's Procurement website. Once the seventy-two (72) hour period has expired, the evaluation committee's award recommendation and the finalists, in rank order, are submitted to the President. The President recommends the short-list, in rank order, to the District Board of Trustees for approval at a public meeting. The President's recommended action is to begin contract negotiations with the highest ranked firm(s). Should the College not be able to negotiate a satisfactory contract, then negotiations will commence with the next highest ranked firm(s) until a fair, competitive and



reasonable agreement is reached. During the period under review, there appeared to be no written protests submitted to the College for any award made to Identified Firms for construction related projects.

The Internal Auditor was able to review one (1) complete bid solicitation file and six (6) partial bid solicitation files for the eight (8) contracts awarded to an Identified Firm. The above process appeared to have been followed in the solicitation where the complete file was reviewed and for three (3) solicitations where partial files were reviewed. The records contained no indications of preference or bias toward the Identified Firms, such as additional selection criteria related to Foundation involvement or written references by committee members to Foundation board service. Certain bid records needed to review the remaining four (4) solicitations were not available. There was no evidence to suggest that the above noted process was or was not followed for the remaining four (4) solicitations and awarding of contracts.

## **B. Surveys of Successful and Unsuccessful Firms**

Surveys were created and disseminated to selected individuals from the Identified Firms that could be reached. Surveys were also disseminated to firms that were shortlisted for the 8 solicitations in which Identified Firms received awards; to the extent they could be reached. The surveys sought responses to questions regarding the fairness and transparency of the selection process; any perceived bias toward certain firms; and Foundation board connections that may have influenced the process. The responses received are attached as Exhibit B.

All Identified Firms that responded indicated they had never been advised that service on the Foundation board or contributions made as a board member would affect the award of construction related contracts at the College. One Identified Firm that did not receive any awards during the period of this review stated that the firms that had received the awards were “excellent contractors and all deserved the work based on their merits and their qualifications.”

The majority of unsuccessful firms with no principals or employees on the Foundation board responded that they saw no preference or bias given on the basis of Foundation involvement. The Internal Auditor finds these responses particularly credible because the firms did not receive awards and would presumably have reason to report inequity in the process if they perceived it. One unsuccessful firm confirmed that it had never been directly solicited to make a contribution and would have reported if it had, but provided additional comments questioning a decision by the Valencia College District Board of Trustees to re-advertise the solicitation. The Internal Auditor reviewed records related to that solicitation and found no indication of any favoritism or preference toward Identified Firms in that process.

## **C. Review of Bid Documents for Individual Solicitations**

The Internal Auditor reviewed bid documents involving those 8 solicitations for which Identified Firms were successful. Documents were reviewed for indications of preference or bias for Foundation board connections, or deviations from the College’s standard processes. A complete file for a given solicitation would consist of the bid solicitation document, bid solicitation responses from all bidders, evaluations of bidders from each evaluation committee member, the Master Score Sheet for the solicitation, and public meeting minutes.

The bid solicitation document details the information required to be submitted by each bidder. It also details the established criteria that will be used to evaluate the bidders. The bid solicitation response details what information has been provided to the College from each bidder with regards to the solicitation. It also helps in determining if the bidder submitted a responsive bid, i.e. a submitted response that conforms in all material respects to the solicitation. Evaluations generally occur in two steps, 1) evaluating the bid responses, which leads to the shortlisting of firms and 2) evaluating the interviews/presentations that ultimately leads to the recommended bidder. Evaluations that include scoring are documented on evaluation



forms. Evaluation forms of each evaluation committee member detail the criteria that are used to evaluate each bidder and may provide additional notes used by committee members during this phase of the process. The Master Score Sheet reflects final scores called out by each committee member following discussion and a tabulation of those scores resulting in shortlisted firms and ultimately the firm(s) recommended for the construction related award. Public meeting minutes typically include key points from discussions, Master Score Sheets, and a documented consensus of all evaluation committee members agreeing with the selections made.

The Internal Auditor was able to review complete files and partial files for:

### **Complete File**

RFQ 11/12-36 (Continuing Contract for Architectural Services) awarded to Identified Firm, Rogers, Lovelock & Fritz and 2 firms with no known principals or employees on the Foundation board

### **Partial Files**

- RFQ 07/08-07 (West Campus, Interior Renovations – Buildings 1, 3, 4, HSB & SSB) awarded to Identified Firm, McCree Construction
- RFP 07/08-20 (East Campus, North Parking Lot Renovation/Expansion) awarded to Identified Firm, JCB Construction
- RFQ 10/11-09 (West Campus, Building 10) awarded to Identified Firm, McCree Construction

Contracts were awarded to the respective Identified Firms who had a principal or employee on the Foundation Board at the time of the award. The review of the bid solicitation records substantiated that established procedures related to the selection process appeared to be followed. The criteria used for selection purposes had no reference to Valencia Foundation, contributions to the Valencia Foundation, or whether a firm had a principal or employee on the Foundation board. There was no evidence to suggest that the selection process provided preferential evaluation or scoring leading to the awarding of the Identified Firms. The College did not receive any written protest of the firms selected or the selection process used.

As explained below, all records needed were not available for the remaining four (4) solicitations for which an Identified Firm received an award. Of those solicitations, records within a file that were available for review are provided below in Table 4.1 and 4.2, as well as conclusions that were drawn from the available records. Also included are records that were needed to complete the review and what information those records may have provided. Of the records that were available for review, the Internal Auditor found no evidence of preference or bias in favor of firms with principals or employees on the Foundation board.

Table 4.1 – Records Review

No Solicitation Records Available		
RFQ 05/06-15 West Campus, Allied Health Sciences Building (\$1,174,470)-Awarded to Baker Barrios Architects 7/18/2006		
Conclusion Reached from Available Records	Records Needed but Unavailable	Effect of Unavailable Records
No conclusion could be drawn whether established processes were followed or if a bias or preference favored bidders that had principals or employees on the Foundation Board	<ul style="list-style-type: none"> <li>● Bid solicitation document</li> <li>● Bid response of the successful bidder (1)</li> <li>● Evaluation forms of the successful bidder</li> <li>● Master Score Sheet</li> <li>● Public meeting minutes</li> </ul>	<p>No determination could be made for the following:</p> <ol style="list-style-type: none"> <li>1) Criteria established by the College in the bid solicitation document including any criteria related to the involvement with the Foundation board</li> <li>2) Requirements of the solicitation were met by the successful bidder</li> <li>3) Criteria actually used by evaluation committee members</li> <li>4) Master scores and the accuracy of the tabulation</li> <li>5) Concurrence of the final award recommendation by evaluation committee members</li> <li>6) Any references to Foundation Board involvement during evaluations or during discussion at the public meetings</li> </ol>



Table 4.2 – Records Review

Records Available: Bid Solicitation Document, Bid Response of Successful Bidder		
RFQ 05/06-20 West Campus, Allied Health Sciences Building (\$19,469,088)-Welbro Construction 9/12/2006 RFQ 06/07-11 West Campus, Building 8 (\$5,250,000) –Awarded to Welbro Construction 12/12/2006 RFQ 06/07-17 West Campus, Building 11 (\$1,444,175) – Awarded to C.T. Hsu + Associates 7/17/2007		
Conclusion Reached from Available Records	Records Needed but Unavailable	Effect of Unavailable Records
1) Established criteria in the solicitation document provided no evidence of preference or bias to bidders having connections to the Foundation Board, in fact there was no reference to the Foundation Board 2) Successful bidder met the requirements of the solicitation	<ul style="list-style-type: none"> <li>•RFQ 05/06-20, RFQ 06/07-11 Evaluation forms of the successful bidders</li> <li>•RFQ 06/07-17 Evaluation forms of all bidders</li> <li>•Master Score Sheet</li> <li>•Public meeting minutes</li> </ul>	No determination could be made for the following: <ol style="list-style-type: none"> <li>1) Criteria actually used by evaluation committee members</li> <li>2) Master scores and the accuracy of the tabulation</li> <li>3) Concurrence of the final award recommendation by evaluation committee members</li> <li>4) Any references to Foundation Board involvement during evaluations or during discussion at the public meetings</li> </ol>

**D. Florida Auditor General Operational Audit (Report No. 2013-035)**

Included within the scope of the operational audit was a review of conflicts of interest between the College and vendors who also made donations to the College’s direct-support organization (Valencia Foundation). The operational audit did not identify any conflicts of interest.

**Conclusion**

Based on the review performed, the Internal Auditor found there was no evidence to substantiate the concern that a disproportionate number of construction related contracts had been awarded to the Identified Firms during the period under review. There are no legal prohibitions or restrictions that prevent the Identified Firms from participating in solicitations or being awarded construction related contracts, as such, there are no known standards that dictate the proportion of awards that may be appropriately made to such firms. The review disclosed that the Identified Firms were successful in being awarded a construction related contract less often than other firms. Specifically, Identified Firms received awards for only 8 of the 19 solicitations in which they participated and were unsuccessful in 11 solicitations. Identified Firms received awards at the time that a principal or employee from that Firm served on the Foundation board on six (6) occasions, or 31.5% of the solicitations in which Identified Firms participated, and 24% of the overall awards made from July 2006 through June 2013.

The Florida Auditor General performed an operational audit in 2012 which identified no conflicts of interest between the College and vendors of the College that made donations to the Foundation (Report No. 2013-035).

In my review of the contractor selection process, the completed surveys provided by both the Identified Firms and those firms with no known principals or employees on the Foundation board, and the available records related to the solicitation and awarding of construction related contracts, no evidence was found to suggest that any preference or bias was given to firms with principals or employees on the Foundation board. However, the review was limited to available documents and the conclusion is limited to what was reviewed.



Exhibit A – Bid Solicitations

Contracts Awarded to Identified Firms						
No.	Solicitation	Identified Firm Awarded	Date of Award (Board Approval)	Principal or employee on Foundation Board As of Award Date?	Unsuccessful Bids By Identified Firms	Principal or employee on Foundation Board As of Award Date?
1	West – Bldg 8 (Culinary Arts & Conference Center)	Welbro Construction	12/12/2006	Yes Steve Davis	°McCree Construction	Yes Richard McCree, Jr.
2	RFQ 05/06-15 West – Allied Health Sciences Bldg	Baker Barrios, Architects	7/18/2006	No	°CT Hsu + Associates  °Rogers, Lovelock & Fritz	Yes C.T. Hsu  No
3	RFQ 05/06-20 West – Allied Health Sciences Bldg	Welbro Construction	9/12/2006	Yes Steve Davis	°Williams Company	Yes Bruce Williams
4	RFQ 06/07-17 West – Bldg 11	CT Hsu+Associates	7/17/2007	No	°Baker Barrios Architects  °Rogers, Lovelock & Fritz	Yes Tim Baker  No
5	RFQ 07/08-07 West – Interior Renovations Bldgs 1,3,4, HSB and SSB	McCree Construction	12/11/2007	Yes Richard McCree, Jr.	°Williams Company	Yes Bruce Williams
6	RFQ 10/11-09 West – Bldg 10	McCree General Contractors	6/21/2011	Yes Richard McCree, Jr.	°Welbro Building Corporation  °Williams Company	Yes Steve Davis  No
7	RFP 07/08-20 East - North Parking Lot Construction	JCB Construction	4/15/2008	Yes Brian Butler	-	-
8	RFQ 11/12-36 Continuing Contract for Architectural Services	Rogers, Lovelock & Fritz	9/18/2012	Yes Chris Whitney	°Baker Barrios Architects	No

Contracts Awarded to Remaining Firms					
No.	Solicitation	Firm Awarded	Date of Award	Unsuccessful Bid By Identified Firms	Principal or employee on Foundation Board As of Award Date?
9	RFQ 10/11-01 Building 4, Osceola Campus: Site & Foundation	Clancy & Theys	9/21/2010	°McCree Construction  °Welbro  °Williams Company	Yes Richard McCree, Jr.  Yes Steve Davis  No
10	RFQ 11/12-19 Annual Continuing	Rhodes & Brito Architects	N/A	°Baker Barrios Architects	Yes Tim Baker

# VALENCIA COLLEGE

	Contract for Architectural Services	(Note: The District Board of Trustees did not approve the RFQ and accordingly did not award a contract under this solicitation.)		°CT Hsu + Associates °Rogers, Lovelock & Fritz	<b>No</b> <b>Yes</b>
11	RFQ 11/12-26 West - Student Services Building Renovation	DLR Group	6/19/2012	°Baker Barrios Architects °CT Hsu + Associates	<b>Yes</b> Tim Baker <b>No</b>
12	RFQ 11/12-28 District Office - Park Place Building Renovation	Borrelli & Partners Inc	6/19/2012	°Baker Barrios Architects °CT Hsu + Associates °Rogers, Lovelock & Fritz	<b>Yes</b> Tim Baker <b>No</b> <b>Yes</b> Chris Whitney
13	RFQ 09/10-07 Lake Nona Campus, Building #1	PPI	2/16/2010	°McCree Construction °Welbro Building Corporation °Williams Company	<b>Yes</b> Richard McCree, Jr. <b>Yes</b> Steve Davis <b>No</b>
14	RFQ 09/10-23 Building 4, Osceola Campus: Design of a Library/Science Lab/Classroom Building	Hunton Brady	7/20/2010	°Baker Barrios Architects °Rogers, Lovelock & Fritz °CT Hsu + Associates	<b>Yes</b> Tim Baker <b>No</b> <b>No</b>
15	RFQ 09/10-05 Southeast Campus (Lake Nona), Bldg #1	Schenkel Schultz	12/15/2009	°Baker Barrios Architects °CT Hsu + Associates	<b>Yes</b> Tim Baker <b>No</b>
16	RFP 06/07-18 West -New Parking Lot	Amick Construction, Inc.	7/17/2007	°JCB Construction	<b>Yes</b> Brian Butler
17	RFQ 07/08-06 West Campus - Interior Renovations Bldgs 1, 3, 4, HSB, & SSB	Rhodes & Brito Architects	12/11/2007	°CT Hsu + Associates	<b>No</b>
18	RFP 08/09-07 West Campus - Storm Water Management Systems Improvements	Amick Construction	2/24/2009	°JCB Construction	<b>Yes</b> Brian Butler
19	RFP 08/09-15 East Campus – Master Water Distribution Systems Improvements	Eden Site Development	6/16/2009	°JCB Construction	<b>Yes</b> Brian Butler

**Exhibit B – Completed Surveys**

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**Questionnaire – C.T. Hsu + Associates**

**Completed by:**

**Date Completed:**

From the period between July 2006 and June 2013, your firm has been identified as responding to bid solicitations at Valencia College related to construction projects. The respective solicitations are provided below. If your firm was awarded a contract it has also been indicated. Based on your firm's experience with Valencia's selection process for selecting professional service contractors and general construction contractors for construction projects, please respond to the following questions.

Solicitation #	Project Description	Contract Awarded	Date of Award
RFQ 06/07-17	West Campus – Bldg 11	Yes	7/17/2007
RFQ 07/08-06	West Campus – Interior Renovations	No	12/11/2007
RFQ 09/10-05	Southeast Campus – Lake Nona Bldg 1	No	12/15/2009
RFQ 09/10-23	Osceola Campus – Bldg 4	No	7/20/2010
RFQ 11/12-19	Annual Continuing Contract for Architectural Services	No	6/19/2012
RFQ 11/12-26	West Campus – Student Services Bldg Renovation	No	6/19/2012
RFQ 11/12-28	District Office – Park Place Bldg Renovation	No	6/19/2012

1. Could you please detail your understanding of the selection process used by Valencia College to select professional service contractors (architects) for construction projects based on the bid solicitations in which your firm has participated?

Valencia College follows Florida's CCNA process closely in all A/E selections.

2. Is there anything about the selection process that you feel should be revised? If so, please indicate below and indicate the reasons for the suggested revision.

I believe the selection process overall works well. Since you asked for my suggestion, I can only think of one revision to the current system you might want to consider. It could be beneficial to

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create a process to help control irregularities in selection committee member's scoring. For example, if one selection committee member scores a very qualified firm very low when the rest of the selection committee members scored the same firm very high, or when the opposite happens, when a firm is scored low by many of the selection committee members and one member scores the firm very high. These types of inconsistencies could provide an advantage or hinder a firm making the shortlist/selection.

3. Do you feel the selection process is open, public and fair?

Yes

4. As a professional service contractor that has affiliations with the Valencia Foundation (in the past and/or in the present) has your firm ever been requested to make contributions or donations to Valencia Foundation in order to be awarded a construction contract at Valencia College?

No

5. Has there ever been a suggestion made by any Valencia College official or representative that contributions or donations made to the Valencia Foundation by contractors affiliated with Valencia Foundation will increase the likelihood of receiving a construction award?

No

6. Based on your experience, does the selection process used by Valencia College to select contractors (both professional service and general construction) involve preferential treatment or more favorable treatment toward bids received by contractors affiliated with the Valencia Foundation, i.e. Board of Directors?

Not aware

7. Do you believe the awarding of your firm, a Valencia College construction contract for professional services, was due to your firm's affiliation with the Valencia Foundation Board?

No

8. Please feel free to provide any additional comments.

Valencia College under Dr. Sandy Shugart's leadership has become a role model for other colleges to follow. We are very proud of our association with the College.

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On Sep 9, 2013, at 4:27 PM, "Brian Butler" <[bbutler@jcbcon.net](mailto:bbutler@jcbcon.net)> wrote:

Questionnaire – JCB Construction

Completed by: Brian M. Butler

Date Completed: September 9, 2013

From the period between July 2006 and June 2013, your firm has been identified as responding to bid solicitations at Valencia College related to construction projects. The respective solicitations are provided below. If your firm was awarded a contract it has also been indicated. Based on your firm's experience with Valencia's selection process for selecting professional service contractors and general construction contractors for construction projects, please respond to the following questions.

Solicitation #	Project Description	Contract Awarded	Date of Award
RFP 07/08-20	East Campus – North Parking Lot Construction	Yes	4/15/2008
RFP 06/07-18	West Campus – New Parking Lot	No	7/17/2007
RFP 08/09-07	West Campus – Storm Water Management Systems Improvement	No	2/24/2009
RFP 08/09-15	Master Water Distribution Systems Improvement	No	6/16/2009

1. Could you please detail your understanding of the selection process used by Valencia College to select construction contractors for construction projects based on the bid solicitations in which your firm has participated?

All of the projects noted above were competitively bid. Therefore lowest, most qualified bidder was selected.

2. Is there anything about the selection process that you feel should be revised? If so, please indicate below and indicate the reasons for the suggested revision.

JCB takes no exceptions to the procurement and selection process.



3. Do you feel the selection process is open, public and fair?

Yes, I do believe it is a fair process.

4. As a construction contractor that has affiliations with the Valencia Foundation (in the past and/or in the present) has your firm ever been requested to make contributions or donations to Valencia Foundation in order to be awarded a construction contract at Valencia College?

JCB has never been solicited in that manner. All contributions and support have been on voluntary basis.

5. Has there ever been a suggestion made by any Valencia College official or representative that contributions or donations made to the Valencia Foundation by contractors affiliated with Valencia Foundation will increase the likelihood of those contractors receiving a construction award at Valencia College?

JCB has never heard of such terms or conditions to improve opportunity to perform work with Valencia.

6. Based on your experience, does the selection process used by Valencia College to select contractors (both professional service and general construction) involve preferential treatment or more favorable treatment toward bids received by contractors affiliated with the Valencia Foundation, i.e. Board of Directors?

JCB finds it hard to draw any conclusion about such a scenario.

7. Do you believe your firm was awarded a Valencia College construction contract due to your firm's affiliation with the Valencia Foundation Board?

No we do not believe that. We have been successful only one time, and again that was because JCB was the lowest bidder.

8. Please feel free to provide any additional comments.

It is my opinion that the process is fair without bias, and that there have been as many awards to those firms without any affiliation to Valencia as there have been with an indirect connection: i.e. Foundation board. There is no apparent advantage to be a supporter of the college. I know many of the other construction firms and professional service firms are actively engaged in the Central FL community with other organizations and their participation is genuinely due to support the mission of educational opportunities for all not to "buy influence or win work."

*Brian M. Butler*

**President/CEO**

<image003.jpg>

**JCB Construction, Inc.**

800 W. Gore St. Orlando, FL 32805

407-425-9880 (p) • 407-425-9972 (f)

407-497-3994 (m)

[bbutler@jcbcon.net](mailto:bbutler@jcbcon.net)

[www.jcbcon.net](http://www.jcbcon.net)



**Questionnaire – McCree General Contractors & Architects**

**Completed by:**

**Date Completed:**

From the period between July 2006 and June 2013, your firm has been identified as responding to bid solicitations at Valencia College related to construction projects. The respective solicitations are provided below. If your firm was awarded a contract it has also been indicated. Based on your firm's experience with Valencia's selection process for selecting professional service contractors and general construction contractors for construction projects, please respond to the following questions.

Solicitation #	Project Description	Contract Awarded	Date of Award
N/A	West Campus – Bldg 8 (Culinary Arts and Conference Center)	No	12/12/2006
RFQ 07/08-07	West Campus – Interior Renovations	Yes	12/11/2007
RFQ 09/10-07	Lake Nona Campus – Bldg 1	No	2/16/2010
RFQ 10/11-01	Osceola Campus – Bldg 4	No	9/21/2010
RFQ 10/11-09	West Campus – Bldg 10	Yes	6/21/2011

1. Could you please detail your understanding of the selection process used by Valencia College to select construction contractors for construction projects based on the bid solicitations in which your firm has participated? Our understanding of the selection process is first we have to reply to an RFQ response for annually qualified contractors before we can go after an official RFQ for construction. Once the RFQ for construction comes out from Valencia, we need to follow the response and RFQ criteria and submit within a certain amount of time as stated in the RFQ. Once we have responded and submitted to the official RFQ, we have to wait a period of time to see if we are shortlisted. Shortlisted firms are selected based on criteria in RFQ and points assigned by several Valencia staff. If shortlisted, we understand we are competing against all other shortlisted firms for presentation responses. With all presentations complete, all shortlisted firms are notified of intended selection by Valencia. Winner has the most points from presentation. This is our understanding of the process.
2. Is there anything about the selection process that you feel should be revised? If so, please indicate below and indicate the reasons for the suggested revision.  
We do not have an issue w the process

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3. Do you feel the selection process is open, public and fair?  
Yes
4. As a construction contractor that has affiliations with the Valencia Foundation (in the past and/or in the present) has your firm ever been requested to make contributions or donations to Valencia Foundation in order to be awarded a construction contract at Valencia College?  
No
5. Has there ever been a suggestion made by any Valencia College official or representative that contributions or donations made to the Valencia Foundation by contractors affiliated with Valencia Foundation will increase the likelihood of those contractors receiving a construction award at Valencia College?  
No
6. Based on your experience, does the selection process used by Valencia College to select contractors (both professional service and general construction) involve preferential treatment or more favorable treatment toward bids received by contractors affiliated with the Valencia Foundation, i.e. Board of Directors?  
No
7. Do you believe your firm was awarded Valencia College construction contracts due to your firm's affiliation with the Valencia Foundation Board?  
No
8. Please feel free to provide any additional comments.  
None



Questionnaire – Rogers, Lovelock & Fritz  
 Completed by: Chris Whitney RLF  
 Date Completed: 9/11/13

From the period between July 2006 and June 2013, your firm has been identified as responding to bid solicitations at Valencia College related to construction projects. The respective solicitations are provided below. If your firm was awarded a contract it has also been indicated. Based on your firm's experience with Valencia's selection process for selecting professional service contractors and general construction contractors for construction projects, please respond to the following questions.

Solicitation #	Project Description	Contract Awarded	Date of Award
RFQ 11/12-36	Continuing Contract for Architectural Services	Yes	9/18/2012
RFQ 05/06-15	West Campus - Bldg 10	No	7/18/2006
RFQ 06/07-17	West Campus – Bldg 11	No	7/17/2007
RFQ 09/10-23	Osceola Campus – Bldg 4	No	7/20/2010
RFQ 11/12-19	Annual Continuing Contract for Architectural Services	No	6/19/2012
RFQ 11/12-28	District Office – Park Place Bldg Renovation	No	6/19/2012

1. Could you please detail your understanding of the selection process used by Valencia College to select professional service contractors (architects) for construction projects based on the bid solicitations in which your firm has participated? The process for Architectural selection at Valencia is common to other colleges where we seek work. Each begin with a written Statement of Qualifications followed by in person Interviews.
2. Is there anything about the selection process that you feel should be revised? If so, please indicate below and indicate the reasons for the suggested revision. No
3. Do you feel the selection process is open, public and fair? Yes
4. As a professional service contractor that has affiliations with the Valencia Foundation (in the past and/or in the present) has your firm ever been requested to make contributions or

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- donations to Valencia Foundation in order to be awarded a construction contract at Valencia College? No
5. Has there ever been a suggestion made by any Valencia College official or representative that contributions or donations made to the Valencia Foundation by contractors affiliated with Valencia Foundation will increase the likelihood of those contractors receiving a construction award at Valencia College? No
  6. Based on your experience, does the selection process used by Valencia College to select contractors (both professional service and general construction) involve preferential treatment or more favorable treatment toward bids received by contractors affiliated with the Valencia Foundation, i.e. Board of Directors? No
  7. Do you believe the awarding of your firm, a Valencia College construction contract for professional services, was due to your firm's affiliation with the Valencia Foundation Board? No
  8. Please feel free to provide any additional comments. I personally support Valencia due to my connection as a graduate of a similar two year institution and how impressed I have been with the positive impact Valencia has had on the Orlando community.



Questionnaire – Williams Company  
 Completed by: Robert W. Lipscomb - President  
 Date Completed: September 10, 2013

From the period between July 2006 and June 2013, your firm has been identified as responding to bid solicitations at Valencia College related to construction projects. The respective solicitations are provided below. If your firm was awarded a contract it has also been indicated. Based on your firm's experience with Valencia's selection process for selecting professional service contractors and general construction contractors for construction projects, please respond to the following questions.

Solicitation #	Project Description	Contract Awarded	Date of Award
RFQ 05/06-20	West Campus – Allied Health Science Bldg	No	9/12/2006
RFQ 07/08-07	West Campus – Interior Renovations	No	12/11/2007
RFQ 09/10-07	Lake Nona Campus – Bldg 1	No	2/16/2010
RFQ 10/11-01	Osceola Campus – Bldg 4	No	9/21/2010
RFQ 10/11-09	West Campus – Bldg 10	No	6/21/2011

1. Could you please detail your understanding of the selection process used by Valencia College to select construction contractors for construction projects based on the bid solicitations in which your firm has participated? *The process Valencia College uses to contract future buildings is similar to most colleges and universities in the State. The RFP process uses items such as experience, local knowledge, local subcontractor base, key personnel and relationships with the design team to determine the most qualified contractor.*
2. Is there anything about the selection process that you feel should be revised? If so, please indicate below and indicate the reasons for the suggested revision. *I believe the existing process works fine.*
3. Do you feel the selection process is open, public and fair? *Yes on all three counts.*
4. As a construction contractor that has affiliations with the Valencia Foundation (in the past and/or in the present) has your firm ever been requested to make contributions or donations to Valencia Foundation in order to be awarded a construction contract at Valencia College? *We have done one project for Valencia approximately 8 years ago. At that time we were not*

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associated with the Valencia Foundation. After learning more about Valencia's programs and the dynamic environment that Sandy Shugart had created, Bruce Williams decided to join the Foundation and help the Valencia Foundation. The Williams Company and the Williams family donated a total of \$250,000 over a five year period because we were impressed with the programs and educational opportunities that were being offered to Valencia students. At no time did we expect to be awarded more work because of these contributions. Although we have submitted for most of the projects in the past 5 years, we were not awarded any additional work after our first and only Valencia project. The firms that have been awarded recent projects are all excellent contractors and all deserved the work based on their merits and their qualifications.

5. Has there ever been a suggestion made by any Valencia College official or representative that contributions or donations made to the Valencia Foundation by contractors affiliated with Valencia Foundation will increase the likelihood of those contractors receiving a construction award at Valencia College? **Absolutely not.**
6. Based on your experience, does the selection process used by Valencia College to select contractors (both professional service and general construction) involve preferential treatment or more favorable treatment toward bids received by contractors affiliated with the Valencia Foundation, i.e. Board of Directors? **None that we are aware of.**
7. Please feel free to provide any additional comments. **Everyone we have encountered with Valencia College from Dr. Shugart, the faculty, the facilities folks and the maintenance staff have been the utmost professionals and treated our company with integrity and high moral standards.**

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Questionnaire – Skanska  
 Completed by: Matt Gilbert  
 Date Completed: 9/18/13

From the period between July 2006 and June 2013, your firm has been identified as responding to bid solicitations at Valencia College related to construction projects in which another firm was selected and awarded. The respective solicitation(s) are provided below. Based on your firm's experience with Valencia's selection process for selecting professional service contractors and general construction contractors for construction related projects, please respond to the following questions.

Solicitation #	Project Description	Date of Award
RFQ 07/08-07	West Campus - Interior Renovations, Modules 1,3,4, HSB and SSB	12/11/2007
RFQ 10/11-09	West Campus – Bldg 10	6/21/2011

1. Could you please detail your understanding of the selection process used by Valencia College to select construction contractors for construction projects based on the bid solicitations in which your firm has participated (the list shown above may not be all-inclusive)? **The selection process is structured, organized and disciplined – very similar to the process used by other public institutions in the state. The instructions are clear and both the proposal and presentation process is fair and transparent.**
2. Is there anything about the selection process that you feel should be revised? If so, please indicate below and indicate the reasons for the suggested revision. **No**
3. Do you feel the selection process is open, public and fair? **Absolutely**
4. Has there ever been a suggestion made by any Valencia College official or representative that contributions or donations made to the Valencia Foundation by contractors would increase the likelihood of those contractors receiving a construction award at Valencia College? **Absolutely not – to the contrary, it has been made clear that Foundation relationships have no influence on the contracting selection process.**
5. Based on your experience, does the selection process used by Valencia College to select contractors (both professional service and general construction) include a demonstrated bias or preference toward certain contractors? If so, please provide why you feel this way. **No, the process is legitimate, transparent and ethical from our perspective.**

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6. Please feel free to provide any additional comments. Not Applicable

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**Questionnaire – RD Michaels**

**Completed by:**

**Date Completed:**

From the period between July 2006 and June 2013, your firm has been identified as responding to bid solicitations at Valencia College related to construction projects in which another firm was selected and awarded. The respective solicitation(s) are provided below. Based on your firm's experience with Valencia's selection process for selecting professional service contractors and general construction contractors for construction related projects, please respond to the following questions.

Solicitation #	Project Description	Date of Award
RFQ 07/08-07	West Campus - Interior Renovations, Modules 1,3,4, HSB and SSB	12/11/2007

1. Could you please detail your understanding of the selection process used by Valencia College to select construction contractors for construction projects based on the bid solicitations in which your firm has participated (the list shown above may not be all-inclusive)? **Typically a two part selection process where the technical proposal is scored, then a short list developed. Oral presentations are the second part and are scored separately of the technical proposal.**
2. Is there anything about the selection process that you feel should be revised? If so, please indicate below and indicate the reasons for the suggested revision. **No.**
3. Do you feel the selection process is open, public and fair? **Yes.**
4. Has there ever been a suggestion made by any Valencia College official or representative that contributions or donations made to the Valencia Foundation by contractors would increase the likelihood of those contractors receiving a construction award at Valencia College? **No.**
5. Based on your experience, does the selection process used by Valencia College to select contractors (both professional service and general construction) include a demonstrated bias or preference toward certain contractors? If so, please provide why you feel this way. **We have not seen a bias in the selection process.**
6. Please feel free to provide any additional comments.

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Questionnaire – Florida Architects  
 Completed by: Valli Sorci  
 Date Completed: 9/19/2013

From the period between July 2006 and June 2013, your firm has been identified as responding to bid solicitations at Valencia College related to construction projects in which another firm was selected and awarded. The respective solicitation(s) are provided below. Based on your firm's experience with Valencia's selection process for selecting professional service contractors and general construction contractors for construction related projects, please respond to the following questions.

Solicitation #	Project Description	Date of Award
RFQ 11/12-36	Continuing Contract for Architectural Services	9/18/2012

1. Could you please detail your understanding of the selection process used by Valencia College to select professional service contractors (architects) for construction projects based on the bid solicitations in which your firm has participated (the list shown above may not be all-inclusive)?

*We have been submitting to Valencia since 1996. While some details have changed over the years, the published selection process for architecture has been qualifications-based within CCNA rules typical within the Florida community/state college system and public agencies. As an architectural firm, our selection has always been based on qualifications, rather than price/bid which would be prohibited by CCNA.*

*Our summarized understanding of the current process is: Public advertisement of RFQ/RFP. RFQ/Documents available with Project Scope, Submittal Requirements, Calendar/deadlines, RFP scoring criteria for shortlist, shortlist notification, interview/presentation criteria and scoring, with selection based on final score. We submit the response by the deadline date/time, wait for shortlist notification. If invited, then present to the selection committee. For Valencia, the shortlist and selection meetings of the selection committee are open to the public.*

2. Is there anything about the selection process that you feel should be revised? If so, please indicate below and indicate the reasons for the suggested revision.

*The most recent RFQ process in which we participated included references to be provided for the interview/presentation portion only. We believe references should carry more weight in the shortlist scoring. Additionally, we were required to place the burden on our clients to complete the form and deliver directly to Valencia within a short time frame. While it's a good problem to have as it means that we made the shortlist, it also means that if interviewing for multiple projects, and have multiple projects with a client, then they have a lot of paperwork to do quickly. In our case, they said that one of our references was not received in time, although our client had the receipt confirmation. We do not know if it would have made a difference in the long run, as we believe the "subjective" scores for other criteria would adjust to allow for preferred ranking.*

3. Do you feel the selection process is open, public and fair?

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*Yes, open to any firm that wants the project and it is public. Fair is a subjective term. Below is the scoring scale as reference for submittal criterion including Project Experience, Staff Qualifications, Design Experience, References and the Interview criterion.*

*While it can be a mystery how any selection committee member actually allocates points, measuring the credentials of a firm in accordance with "expectations" which surely vary with each committee member is hardly fair. No system is perfect, but large point differentials between scores should indicate the "point game" where a well qualified firm is scored lowest to ensure a higher tally for a preferred firm.*

*A weighted 4-point system facilitates the ability to skew the numbers to ensure a specific outcome. With only one point separating the options, the difference between "meets", "somewhat exceeds" or exceeds undefined expectations on the weighted tally can create a huge point swing without the appearance of the intention to do so. This point scale also impacts the tally for references greatly, as who knows what their interpretation is. Some clients respond with "meets expectations" for 2 points, because they want to be neutral and avoid controversy.*

Exceeds expectations .....	4- points	
Somewhat exceeds expectations .....	3 points	5 criteria weighted 10, 20 & 30
Meets expectations .....	2 points	(submittal scoring)
Somewhat meets expectations .....	1 point	4 criteria weighted 20 & 30
Does not meet expectations .....	0 points	(interview scoring)

- Has there ever been a suggestion made by any Valencia College official or representative that contributions or donations made to the Valencia Foundation by contractors would increase the likelihood of those contractors receiving a construction award at Valencia College?

*I once heard someone say that donations should be a contributing factor for selection, but we have not been solicited with the promise of a contract. If such an unethical and illegal suggestion or request had been made, we would have been obligated to report it at that time.*

*There are multiple ways to buy into a contract, not the least of which is through the multiple fundraising events and campaigns, whether it is just perception or fact. There are not enough contracts to be had to assume that one will receive work in exchange for contributions, but it is a general assumption that a contribution will be an extra point or two off the books at some point in the future. It is too common of a practice to assume that any firm that contributes will get a contract, but there is at least one firm that has "exceeded expectations" in the amount of contributions and coincidentally been awarded several large projects by Valencia.*

- Based on your experience, does the selection process used by Valencia College to select contractors (both professional service and general construction) include a demonstrated bias or preference toward certain contractors? If so, please provide why you feel this way.

*As a non-minority firm, we definitely believe that the "minority" requirements certainly created a bias or preference. Prior to the utilization of the current selection process, the scoring was definitely weighted in favor of larger firms and minority firm participation. As for any other bias or preference, see #6.*

- Please feel free to provide any additional comments.

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*Our firm was established in 1995 in Orlando with an office 8 miles from the West Campus. We submitted for most of the Valencia architectural projects, including small, larger and annual contracts, since 1995 and were never successful on getting to the shortlist until last year.*

*During the same period of time, we won multiple architectural contracts with 10 State/Community Colleges, including Seminole, Brevard, Daytona, Pasco-Hernando, Indian River, Lake City (Gateway), Lake-Sumter, Gulf Coast, South Florida and St. Johns River. These projects include Master Planning for multiple campuses, Remodeling, Renovation, New Construction and 4 new campuses. The value range is <\$100,000 to \$52,000,000. We currently hold 4 Annual Contracts with Colleges (since 1995, 2006, 2008 & 2009), 2 school boards (since 1996 and 2003) and Walt Disney World since 2009.*

*Several of our projects are FEPPA Showcase 1st Place award winners and ABC Eagle Award winners, and have been published nationally and world-wide. We have a reputation for exceptional design skills, design solutions, maximum efficiency and teamwork, which is evidenced with repeat clientele and our portfolio of projects.*

*That said, we do not see any Valencia buildings, built at any time, that are beyond our design ability, capacity to produce, or construction knowledge to ensure quality, budget and schedule compliance. We do see a few that could have benefitted with more efficiency, functionality and life.*

*Some firms operate much differently and on another level politically, but we made a conscious decision to never contribute financially unless the client is under contract, whether private or public. We are in the business of architecture, not politics. Although politics is a necessary evil for all business, colleges included, it is not how we should be, or want to be selected. We realize that there are some places where we just won't get work because of that decision, and had put Valencia in that category a few years ago, but submitted anyway on projects from time to time that we felt were well within our capabilities.*

*Before the 2012 round of projects came out for RFP, Helen Loiselle was at a CIP meeting where Joe Sorci, our Director of Design gave a presentation about how to best manage the Construction Manager process and what a good architect can (and should) do to assist. She encouraged us to submit on the next round of projects, and to our pleasant surprise, we were shortlisted out of 17 firms for the Annual Contract and we were ranked #2. For the April selection they elected to select only one firm.*

*We were also on the SSB shortlist the following month, but ranked last. Again, how were ranked #2 the prior month and shortlisted for this project and then end up in last place? We believe offense was taken to the word "somewhat sterile" used to describe the existing building. While this was true, the purpose of the project was to remodel with the opportunity to remedy the environment.*

*Then something happened with the Annual Contract #1 selection, and instead of going to #2, it was re-advertised with slight modifications, re-shortlisted and re-interviewed. For this round, however, 2 new firms appeared on the shortlist, although they had also submitted in the first round. Somehow our qualifications changed dramatically during those 3 months and we ended up ranked last instead of 2nd, so that we didn't make into the top THREE firms selected.*

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*It shouldn't be a surprise to anyone that the 2 newly shortlisted firms did make to #2 & #3 and are now on the Valencia Continuing Services list for three years, and possibly five.*

*We had heard that one of the board members was behind the re-selection process which wasn't much of a surprise, as that would have had to come from the top tier. If the re-advertisement and extreme score adjustment doesn't demonstrate a less than open, public and fair selection, then we are at a loss as to what does. The same #1 firm was selected the 2nd time. It is with great disgust that I ask the question - What was the August re-selection for if not to put 2 firms that didn't even shortlist the first time on the Continuing Contract Services list? It's even with more disgust that the same question wasn't asked by anyone else at the time. Considering that a Foundation director is employed by one of the newly listed firms, perhaps there wasn't any question necessary.*

*Yes, we know that there is an appeal process. We have not, and probably will never appeal a selection. If an appeal is necessary, then it is likely that projects also suffer the same kind of maneuvering, which is not conducive to obtaining the best project results. If we were to be successful and win on appeal, it would begin as an adversarial or contentious relationship. Win or not, we'd be known as a trouble-maker or bully firm. We prefer to win on our qualifications and because the client wants to work with us.*

*At the conclusion of the April selection, we were of course disappointed, but it is a typical outcome on a first shortlist. We know we are more qualified with annual contract work than the firm they selected, but we chose to believe that Valencia was just more familiar and comfortable with them. At that juncture, we again considered joining the President's Club as a means to become more familiar.*

*We decided not to join after the August re-selection illuminated a culture that we choose not to support. As I was writing this, I searched the Valencia website to find documents to check my memory and facts. Interestingly enough, there appears to be many changes since I last checked, including the disappearance of information regarding The President's Club and several changes to the Foundation Directors. It's also not easy to find any Board of Trustee Meeting Minutes. While I would assume all information would be made available upon request, just the lack of easy access answers a lot of questions.*

*In conclusion, it has been a great disappointment that we have not been able to secure work in our own back yard with Valencia over the past 18 years. Both my husband and I attended the West Campus many, many years ago, my aunt and uncle both received degrees there and our receptionist is currently working on a degree. We've employed Valencia students over the years and given them the flexibility to study and obtain their degrees to go on to UF.*

*We know that there are new, exciting projects on the horizon for which we are more than qualified and capable. We offer exceptional design and architectural services, in-house, for buildings that "more than exceed" all expectations.*

*We support our clients in many ways other than with money. If we do contribute financially, it is after a client is under contract. With that philosophy, we do not believe our chances are very high to secure work with the Valencia in the future.*

*Thank you for the forum to tell our story.*

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Valencia College  
Compliance and Auditing Department



Questionnaire – Lunz Prebor Fowler Architects  
 Completed by: Bradley Lunz  
 Date Completed: September 18, 2013

From the period between July 2006 and June 2013, your firm has been identified as responding to bid solicitations at Valencia College related to construction projects in which another firm was selected and awarded. The respective solicitation(s) are provided below. Based on your firm's experience with Valencia's selection process for selecting professional service contractors and general construction contractors for construction related projects, please respond to the following questions.

Solicitation #	Project Description	Date of Award
RFQ 11/12-36	Continuing Contract for Architectural Services	9/18/2012

1. Could you please detail your understanding of the selection process used by Valencia College to select professional service contractors (architects) for construction projects based on the bid solicitations in which your firm has participated (the list shown above may not be all-inclusive)? *The Criteria for evaluation were clearly described in the RFQ along with the appropriate weights. For the written submittal the organization and requirements were well defined in the RFQ. Our understanding is that a shortlist was formed based on review by the committee by the criteria set forth. During the oral submittal, the criteria were also clearly stated. We felt the process was transparent and objective.*
2. Is there anything about the selection process that you feel should be revised? If so, please indicate below and indicate the reasons for the suggested revision. *The collection of references is often difficult and can result in scoring that may not accurately reflect the quality of the submitting firm. One reason that we ran into was that some public entities prevent their employees (our clients) from filling out references as it could be construed as indicating preference between multiple vendors that they have on contract. Also the timeframe for turnaround is short and there is the potential that the person that had direct oversight was not available to submit their reference. Weight or merit should be placed on the person that filled out the forms. Finally, the form itself tries to quantify into a single number a qualitative position. Also people use the scale differently. For instance I have a client of ours for over 20 years, he will intentionally not give a perfect score, because no one is perfect. It is truly a conundrum.*
3. Do you feel the selection process is open, public and fair?  
 Yes

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Valencia College  
 Compliance and Auditing Department

4. Has there ever been a suggestion made by any Valencia College official or representative that contributions or donations made to the Valencia Foundation by contractors would increase the likelihood of those contractors receiving a construction award at Valencia College?

*No*

5. Based on your experience, does the selection process used by Valencia College to select contractors (both professional service and general construction) include a demonstrated bias or preference toward certain contractors? If so, please provide why you feel this way.

*No*

6. Please feel free to provide any additional comments.

*Valencia staff took time after the award for a thoughtful and thorough exit interview. We found the comments to be very beneficial. Those comments have allowed us to improve how we present ourselves to potential clients.*

**Questionnaire – SchenkelShultz Architecture**  
**Completed by: Michelle Chandler, Partner**  
**Date Completed: 09/25/13**

From the period between July 2006 and June 2013, your firm has been identified as responding to bid solicitations at Valencia College related to construction projects in which another firm was selected and awarded. The respective solicitation(s) are provided below. Based on your firm’s experience with Valencia’s selection process for selecting professional service contractors and general construction contractors for construction related projects, please respond to the following questions.

Solicitation #	Project Description	Date of Award
RFQ 05/06-15	West Campus – Building 10 (later Allied Health Sciences Bldg)	7/18/2006

1. Could you please detail your understanding of the selection process used by Valencia College to select professional service contractors for construction projects based on the bid solicitations in which your firm has participated (the list shown above may not be all-inclusive)?  
**Every Valencia College selection process that SchenkelShultz has been involved with has followed the Florida Sunshine Law, as well as the Consultants Competitive Negotiation Act. All pre-submittal meetings, shortlist meetings and selection meetings have been open to the public, and are heavily attended.**
2. Was there anything about the selection process that you feel should be revised? If so, please indicate below and indicate the reasons for the suggested revision.  
**No**
3. Did you feel the selection process was open, public and fair?  
**Yes**
4. Has there ever been a suggestion made by any Valencia College official or representative that contributions or donations made to the Valencia Foundation by contractors would increase the likelihood of those contractors receiving a construction award at Valencia College?  
**No**
5. Based on your experience, did the selection process used by Valencia College to select contractors (both professional service and general construction) include a demonstrated bias or preference toward certain contractors? If so, please provide why you feel this way.  
**No**
6. Please feel free to provide any additional comments.  
**N/A**

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**Valencia College**  
**Compliance and Auditing Department**



**Questionnaire – HOK Florida**

**Completed by: Sarah E. Freeman, Marketing Manager**

**Date Completed: September 25, 2013**

From the period between July 2006 and June 2013, your firm has been identified as responding to bid solicitations at Valencia College related to construction projects in which another firm was selected and awarded. The respective solicitation(s) are provided below. Based on your firm's experience with Valencia's selection process for selecting professional service contractors and general construction contractors for construction related projects, please respond to the following questions.

Solicitation #	Project Description	Date of Award
RFQ 05/06-15	West Campus – Building 10	7/18/2006

1. Could you please detail your understanding of the selection process used by Valencia College to select professional service contractors for construction projects based on the bid solicitations in which your firm has participated (the list shown above may not be all-inclusive)? **Qualifications based selection.**
2. Was there anything about the selection process that you feel should be revised? If so, please indicate below and indicate the reasons for the suggested revision. **Do not remember any particulars of the selection process needing revision.**
3. Did you feel the selection process was open, public and fair? **Yes.**
4. Has there ever been a suggestion made by any Valencia College official or representative that contributions or donations made to the Valencia Foundation by contractors would increase the likelihood of those contractors receiving a construction award at Valencia College? **No.**
5. Based on your experience, did the selection process used by Valencia College to select contractors (both professional service and general construction) include a demonstrated bias or preference toward certain contractors? If so, please provide why you feel this way. **Yes. During our debrief with Helene Loiselle after not being selected for the VCC Library/Science Lab/ Classroom Building on the College's Osceola Campus, we were told the primary reason we were not selected is because our office is located in Tampa and not Orlando. Since that time we have not visited or considered pursuing any projects at VCC.**
6. Please feel free to provide any additional comments.

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Valencia College  
Compliance and Auditing Department

Questionnaire – James A Cummings, Inc  
Completed by: Rob Maphis  
Date Completed: September 25, 2013

From the period between July 2006 and June 2013, your firm has been identified as responding to bid solicitations at Valencia College related to construction projects in which another firm was selected and awarded. The respective solicitation(s) are provided below. Based on your firm's experience with Valencia's selection process for selecting professional service contractors and general construction contractors for construction related projects, please respond to the following questions.

Solicitation #	Project Description	Date of Award
RFQ 05/06-20	West Campus – Building 10	7/18/2006

1. Could you please detail your understanding of the selection process used by Valencia College to select construction contractors for construction projects based on the bid solicitations in which your firm has participated (the list shown above may not be all-inclusive)?

*As we understand it, Valencia's selection of construction managers consists of a two-part process. Part One consists of evaluation of sealed proposals submitted by CM firms to outline their overall qualifications. From this evaluation, a limited number of firms are then selected to participate in Part Two. Part Two consists of an oral presentation, during which firms present their more specific approach to the project. Part Two presentations are evaluated and the College makes its final selection based on these presentations.*

2. Was there anything about the selection process that you feel should be revised? If so, please indicate below and indicate the reasons for the suggested revision.

*One suggestion would be to better outline the weight of each section of the scoring criteria in the RFQ by identifying the number of points that would be assigned to each section.*

3. Did you feel the selection process was open, public and fair?

*Yes.*

4. Has there ever been a suggestion made by any Valencia College official or representative that contributions or donations made to the Valencia Foundation by contractors would increase the likelihood of those contractors receiving a construction award at Valencia College?

*No.*

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5. Based on your experience, did the selection process used by Valencia College to select contractors (both professional service and general construction) include a demonstrated bias or preference toward certain contractors? If so, please provide why you feel this way.

No.

6. Please feel free to provide any additional comments.

*Our firm has not been previously awarded a project by Valencia, and we are not privy to the inner workings of the College or the selection process. However, from our experiences thus far, the evaluation process appears to be objective and fair.*



**Questionnaire – CPPI**

Completed by: **Glenn Mullins**

Date Completed: **9/26/13**

From the period between July 2006 and June 2013, your firm has been identified as responding to bid solicitations at Valencia College related to construction projects in which another firm was selected and awarded. The respective solicitation(s) are provided below. Based on your firm’s experience with Valencia’s selection process for selecting professional service contractors and general construction contractors for construction related projects, please respond to the following questions.

Solicitation #	Project Description	Date of Award
RFQ 05/06-20	West Campus – Building 10 (changed to Allied Health Sciences Bldg)	9/12/2006
N/A	West Campus – Building 8 Culinary Arts & Conference Center	12/12/2006

1. Could you please detail your understanding of the selection process used by Valencia College to select construction contractors for construction projects based on the bid solicitations in which your firm has participated (the list shown above may not be all-inclusive)? **The process that we were working through was the CCNA.**
2. Was there anything about the selection process that you feel should be revised? If so, please indicate below and indicate the reasons for the suggested revision. **We were satisfied with the process.**
3. Did you feel the selection process was open, public and fair? **Yes.**
4. Has there ever been a suggestion made by any Valencia College official or representative that contributions or donations made to the Valencia Foundation by contractors would increase the likelihood of those contractors receiving a construction award at Valencia College? **No.**
5. Based on your experience, did the selection process used by Valencia College to select contractors (both professional service and general construction) include a demonstrated bias or preference toward certain contractors? If so, please provide why you feel this way. **No. In our experience there was no bias toward any one contractor.**
6. Please feel free to provide any additional comments.

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Valencia College  
Compliance and Auditing Department

## Questionnaire – KZF Design Studio

Completed by:

Date Completed:

From the period between July 2006 and June 2013, your firm has been identified as responding to bid solicitations at Valencia College related to construction projects in which another firm was selected and awarded. The respective solicitation(s) are provided below. Based on your firm's experience with Valencia's selection process for selecting professional service contractors and general construction contractors for construction related projects, please respond to the following questions.

Solicitation #	Project Description	Date of Award
RFQ 11/12-36	Continuing Contract for Architectural Services	9/18/2012

1. Could you please detail your understanding of the selection process used by Valencia College to select professional service contractors (architects) for construction projects based on the bid solicitations in which your firm has participated (the list shown above may not be all-inclusive)?
2. Is there anything about the selection process that you feel should be revised? If so, please indicate below and indicate the reasons for the suggested revision.
3. Do you feel the selection process is open, public and fair?
4. Has there ever been a suggestion made by any Valencia College official or representative that contributions or donations made to the Valencia Foundation by contractors would increase the likelihood of those contractors receiving a construction award at Valencia College?
5. Based on your experience, does the selection process used by Valencia College to select contractors (both professional service and general construction) include a demonstrated bias or preference toward certain contractors? If so, please provide why you feel this way.
6. Please feel free to provide any additional comments.

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Valencia College  
Compliance and Auditing Department

Undria,

Good afternoon. I apologize these are late. I hope they help your project. Let me know if you need anything else.

~Eric Kleinsteuber

1. Valencia uses an RFP process similar to other public clients. A series of requirements are submitted in paper form, resumes, past project experience, licenses, teams, methods, references etc. ...Those are reviewed by a selection committee from facilities and user groups. A short list is created and then presentations are made to that same group. An architect is chosen.
2. The process is typical. A more detailed rubric of how points will be assigned would be nice. RFPs can be expensive. Electronic submittals could be a nice change.
3. The process is open'ish'. There is not an open debrief and other RFPs are not available for review. If they are it's very difficult to do that review. The meetings including short list judging has been public. Fairness is subjective, as we have not been chosen by the college for a major contract, many we were over qualified for, I of course think it is not fair. A recent example was the RFP mentioned in your email. The RFP was for architecture only, for continuing architecture services, NO Engineers, were on the teams. KZF scored very well with the reviewers at the shortlist, especially one reviewer said "wow they nailed it, KZF really knows continuing services". We were running about second place. Another viewer then said "KZF doesn't have any engineers, RLF does, that's better they, RLF, has engineering in house." Even after being explained by other members of the committee that the RFP did NOT include engineering, this member lowered our score significantly because we did not have engineering. This I felt was unfair. (We hold ten continuing service contracts in Florida, so we're beyond qualified.)
4. Not to our knowledge.
5. Contractors that have worked for the college before often seem to land contracts. It does feel like a round robin between 3-4 architects. Unfortunately it's very similar to getting your first job. You need experience with us, I can't get it unless you hire us, etc etc
6. No additional Comments

**ERIC KLEINSTEUBER, ARCHITECT**  
ARA, NCARB, LEED AP BD+C  
PRINCIPAL - KZF DESIGN LLC

**KZF DESIGN STUDIO**  
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October 16, 2013

**TO:** THE DISTRICT BOARD OF TRUSTEES  
of Valencia College

**FROM:** SANFORD C. SHUGART  
President

**RE:** Lodging of Proposed Policy Adoption

Valencia depends on many vital partnerships with businesses in our service area to fulfill our mission of preparing a world-class workforce. These partnerships include more than 700 business representatives serving on advisory committees to our degree and certificate programs, a far greater number providing internships to our students, sponsorship of events and celebrations in the college for both our students and our faculty, summer industry internships for professors seeking to connect their classrooms to the workplace, contributions of equipment and technology to technical programs, and many other forms of partnership, including contributions to the Valencia College Foundation and serving on its event committees and Board.

We want to continue to encourage all of these forms of support and partnership from the business community. However, we also wish to re-emphasize that it has always been Valencia's practice to bid construction projects and other business relationships in a way that creates a level playing field for the competing bidders, without any consideration (positive or negative) of any past or present support or partnership activity. The forms of business connection described above have never formally or informally been factored into the solicitation and selection process through RFPs, RFQs, and other models of securing business services.

Further, to clarify this ongoing practice to the community, to the bidders, and to all current and future staff who might be involved in the bid process, I suggest the Board adopt a policy written to create the clearest possible indication that these forms of support, partnership service do not provide an advantage or a preference for an individual or a business in a Valencia College solicitation and selection process.

**RECOMMENDED ACTION:**

The President recommends that the Board of Trustees of Valencia College consider the proposed policy as lodged, for adoption at its next regular meeting.

  
\_\_\_\_\_  
President



**VALENCIA**

**POLICY: 6Hx28:5-10.1**

Responsible Official: VP, Operations/ Finance

Specific Authority: 1001.64, F.S.

Law Implemented: 1001.64, F.S.; 6A-14.0734, FAC.

Effective Date: December 4, 2013

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## **No Preferences In Procurement**

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### **Policy Statement:**

- A. Valencia College acknowledges and depends on many vital partnerships with individuals and businesses in our service district to fulfill our mission of preparing a world-class workforce. These forms of support and partnership include such activities as providing internships for students, service on program advisory committees, back to industry internships for faculty, sponsorship of events and celebrations for the students and programs of the college, contributions of equipment and technology to various degree and training programs, contributions to the Valencia College Foundation for scholarships, endowment, and faculty support, and service on the Valencia Foundation Board of Directors.
- B. Valencia College desires to encourage all of these forms of support and partnership from the business community, the continuation and enhancement of which are essential to the mission of the college. At the same time, the college seeks to continue to transact business with entities within and beyond the community under the highest standards of ethics, propriety, and performance, and in accordance with all applicable laws and regulations.
- C. Valencia College hereby clarifies and formalizes its long standing practice of soliciting and selecting contractors for construction projects and other procurement and business relationships in a way that creates a level playing field for the competing participants, without any consideration (positive or negative) of any past or present support or partnership activity, in the solicitation and selection process through Request for Proposals, Request for Qualifications, and other models of securing business services.
- D. It is the policy of the District Board of Trustees of Valencia College that in the solicitation and selection of business entities for the procurement of goods and services, the College shall not take into consideration, either in the positive or in the negative, any past or present support, contributions, volunteer or partnership activity of an individual or a business entity with Valencia College or the Valencia Foundation. This prohibition of such consideration applies to the solicitation of bids or proposals, the evaluation of bids or proposals, the recommendations to the Board of Trustees for the awarding of contracts under the solicitation processes, and any other portion of the solicitation and selection processes associated with the College's procurement of goods and services. Nothing in this policy prohibits the consideration by the college of past or current performance of a business entity, either for the college or for another entity, with respect to the goods and/or services that are subject to a college solicitation and selection process.