

ADMINISTRATIVE PROCEDURES

Title: PREQUALIFICATION OF CONTRACTORS	Identification:	6.09
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	Effective Date:	March 29, 2016
Authority: SREF 4.1 FS 1001.64; 1001.65; 1013.46	Signature/Approval:	Dr. Ken Atwater

PURPOSE

This administrative procedure establishes guidelines for the prequalification of contractors for construction projects for educational facilities at Hillsborough Community College (HCC).

PROCEDURE

For the purpose of this procedure, a "Contractor" is any general contractor, construction management firm, design-build firm or other construction services firm licensed and authorized to provide construction. "Construction" includes new construction, renovation and remodeling projects as defined in the State Requirements for Educational Facilities and which meet the competitive bid or solicitation threshold.

The College shall prequalify contractors for a one (1) year period or for a specific construction project for educational facilities. The procedures for prequalifying contractors shall not be construed to restrict competition, prevent the submission of a bid or prohibit the consideration of a bid submitted by a prequalified contractor.

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

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- These criteria shall be interpreted to allow the prequalification of any responsible contractor who meets the uniform criteria established in the SREF, whether resident or non-resident within the geographic area served by the College.

II. **PROCEDURES**—Procedures for prequalification of contractors shall:

- Not restrict competition or prevent the submission of a bid, or prohibit the consideration of a bid submitted by a prequalified contractor.
- Allow prequalification of any responsible contractor who meets the uniform criteria established in the SREF, whether resident or non-resident within the geographic area served by the Board.
- Govern the submission of financial information by contractors.
- Provide for a Contractor Prequalification Review Committee to review and evaluate applications and make recommendations for type of project, dollar volume and limits allowed within the scope of the prequalification.
- Not supersede any small business, woman-owned or minority-owned business enterprise assistance program adopted by HCC.
- Provide for the rejection of applications that contain inaccurate information, declare a contractor delinquent, and suspend or revoke a prequalification certificate.

III. **PREQUALIFICATION APPLICATION**—Each contractor, firm or person requesting prequalification shall be required to submit separate applications that includes, at a minimum, the following:

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

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The completed application and financial information shall be attested to and signed by an authorized officer of the company, the owner, or sole proprietor, as appropriate and the signature shall be notarized.

Exception: When two or more prequalified contractors wish to combine their assets for a specific project, they may do so by filing an affidavit of joint venture on College prescribed forms. Such affidavit shall be valid only for that specific project.

Applications that contain inaccurate information may be rejected and removed from further consideration.

IV. CONTRACTOR PREQUALIFICATION REVIEW COMMITTEE—A Contractor Prequalification Review Committee shall review and evaluate applications and make recommendations to prequalify contractors for type of project, dollar volume, and limits allowed within the scope of the prequalification.

V. ISSUANCE OF CERTIFICATE—In its sole discretion, the College may approve the issuance of a Certificate of Qualification valid for one (1) year or for a specific construction project. The College shall receive and either approve or reject applications for prequalification within sixty (60) days after receipt by the College. A certificate shall include:

- A statement indicating that the contractor is authorized to bid for projects during the time period specified.
- A statement establishing the total dollar volume of work the contractor will be permitted to have under contract at any one time, as determined by the contractor's bonding capacity or ten (10) times the net quick assets.
- A statement establishing the maximum dollar value of each individual project the contractor will be permitted to have under contract with the College, at any one time. The maximum value of each project may be up to twice the value of the largest project previously completed, but shall not exceed the contractor's bonding capacity or ten (10) times the net quick assets.
- A statement establishing the type of work the contractor will be permitted to provide.
- The expiration date of the certificate.

VI. RENEWAL OF CERTIFICATE—Certificates not for a specific construction project are required to be renewed annually.

- Financial statements or written verification of bonding capacity on file with the College shall be updated annually. Failure to submit a new statement or verification of bonding capacity, after at least thirty (30) days written notice by the College, shall automatically revoke a prequalification certificate.
- The College may allow prequalified contractors to request a revision of their prequalification status at any time they believe the dollar volume of work under contract or the size and complexity of projects should be increased if experience, staff size, staff qualifications and other pertinent data justify the action.

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VII. DELINQUENCY—The decision to declare a contractor delinquent may only be made by the President or designee, and must be ratified by the Board at its next regular meeting following such decision by the president. Should a contractor be determined to be delinquent, after notice and an opportunity for a fair hearing, the College shall notify the contractor and its surety in writing that the contractor is disqualified from bidding work with the College as long as the delinquent status exists. A delinquent condition may be determined to be in effect when one (1) or more of the following conditions occur without justifiable cause:

- A substantial or repeated failure to comply with contract documents after written notice of such non-compliance.
- A substantial or repeated failure to provide supervision and coordination of subcontractor's work after written notice of such failure.
- Substantial deviation from project time schedules after written notice of non-compliance.
- Substantial or repeated failure to pay subcontractors after the College has paid the contractor for the work performed by the subcontractors and in accordance with approved requisitions for payment.
- Substantial or repeated failure to provide the quality of workmanship compatible with the trades standards for the community after written notice of such failure.
- Substantial or repeated failure to comply with the warranty requirements of previous contracts after written notice of such failure.
- Failure to maintain the required insurance coverage after written notice of such failure.

VIII. SUSPENSION OR REVOCATION—The College may, for good cause, suspend a contractor for a specified period of time or revoke the prequalification certificate. Causes for suspension or revocation shall include, but not be limited to, one or more of the following:

- Inaccurate or misleading statements included in the application.
- Declared in default by the College.
- Adjudged to be bankrupt.
- Performance, in connection with contract work, becomes unsatisfactory to the College based on the College asserting and recovering liquidated damages in an action against the contractor.
- Payment record, in connection with the contract work, becomes unsatisfactory to the College based on the contractor's failure to comply with the Construction Prompt Pay Act (Section 715.12, F.S.).
- Becomes delinquent on a construction project.
- Contractor's license becomes suspended or is revoked.
- No longer meets the College's prequalification criteria.

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IX. APPEAL—A contractor whose application has been rejected or whose certificate has been suspended or revoked by the College shall be given the benefit of reconsideration and appeal as follows:

- The aggrieved contractor may, within ten (10) days after receiving notification of such action, request reconsideration in writing. The contractor may submit additional information at the time of the appeal.
- The College shall act upon a contractor's request within thirty (30) calendar days after the filing and shall notify the contractor of its action to adhere to, modify, or reverse its original action. The College may require additional information to justify the reconsideration.

History: NEW