
**LAKE-SUMTER STATE COLLEGE
ADMINISTRATIVE PROCEDURE**

TITLE: Pre-qualification of Contractors for Educational Facilities

NUMBER: PRO 6-06

REFERENCE: Florida Statute 1001.64; 1013.46
State Board of Education Rule 6A-2.0010

PAGE 1 OF 4

I. PURPOSE

Lake-Sumter State College shall pre-qualify construction contractors for a one-year period or for a specific project. The procedures for pre-qualifying construction contractors shall not be construed to restrict competition, prevent the submission of a bid, or prohibit the consideration of a bid submitted by a pre-qualified contractor. The use of these procedures shall not supersede any small business, woman-owned or minority-owned business-enterprise assistance program adopted by the College.

II. RESPONSIBILITY

Management of Pre-qualification of Contractors for Educational Facilities is under the general supervision of the Vice President of Finance and Chief Financial Officer or an approved designee.

III. SCOPE

This procedure applies to a contractor, firm or person desiring to bid on all construction contracts associated with new construction, extensive repair, remodeling, renovation, or improvement of existing educational facilities in the Lake-Sumter State College District.

IV. DEFINITIONS

- a. "Lake-Sumter State College", "LSSC", or "the College" refers to the District Board of Trustees of Lake-Sumter State College, Leesburg, Florida. The College is a political subdivision of the State of Florida.
- b. Pre-qualification – process of evaluating and determining whether potential bidders have the skill, experience, and other credentials necessary to perform construction, repair, or renovation work at the College.
- c. Public Entity Crime Statement – a sworn statement, as authorized under Section 287.133, Florida Statutes, that acknowledges whether a contractor, firm or person has been involved in any public entity crimes. This statement must be signed in the presence of a notary public or other officer authorized to administer oaths.
- d. A.M. Best Guide – rating scale that determines the financial strength of insurers.

V. PROCEDURES**a. Criteria**

1. Contractors shall be pre-qualified by Lake-Sumter State College based on the following criteria, and other criteria as determined to be appropriate by the College:
 - i. Proof that the contractor holds a contractor's license which authorizes the contractor to supervise the work within the scope of the construction project.
 - ii. 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 pre-qualification. The written verification must be submitted by a licensed surety company rated excellent (A-or better) in the current A.M. Best Guide and qualified to do business within Florida. In the absence of such written verification, Lake-Sumter State College may require the contractor to submit any audited financial information necessary to evaluate the contractor's financial ability to perform the project and to respond to damages in the event of default.
 - iii. Evidence of experience with construction techniques, trade standards, quality workmanship, project scheduling, cost control, management of projects, and building codes for similar or less costly or scope projects as shown by the successful completion within the past five (5) years of at least two (2) or more projects of similar size.
 - iv. 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.
 - v. Type of work for which the contractor is licensed.
2. These criteria shall be interpreted to allow the pre-qualification of any responsible contractor who meets the uniform criteria established in the State Requirements for Educational Facilities, whether Florida resident or non-Florida resident within the geographic area served by the Board.

b. Pre-qualification Application

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

1. Detailed information on the College's prescribed forms setting forth the contractor's competence, past performance, experience, financial resources, and capability, including a Public Entity Crime statement, and references.
2. 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.
3. General information about the contractor company, its principals, and its history including State and date of incorporation.

4. Contractor trade categories and information regarding the state and local licenses and license numbers held by the contractor.
5. A list of projects completed within the past five (5) years, including dates, client, approximate dollar value, and size.
6. Certificates of insurance confirming current worker's compensation, public liability and property damage insurance as required by law.
7. A list of all pending litigation and all litigation within the past five (5) years, including an explanation of each. Litigation initiated by the contractor to protect the contractor's legal rights shall not be used as a basis for rejecting pre-qualification.
8. 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.
9. Applications that contain inaccurate information may be rejected and removed from further consideration.

Contractor Pre-qualification Review Committee - A Contractor Pre-qualification Review Committee shall review and evaluate applications and make recommendations to pre-qualify contractors for the type of project, dollar volume, and limits allowed within the scope of the pre-qualification.

c. **Issuance of Certificate**

In its sole discretion, the College District Board of Trustees may approve the issuance of a Certificate of Qualification valid for one (1) year or for a specific project. The Board shall receive and either approve or reject applications for pre-qualification within sixty (60) days after receipt by the Board's administrator.

d. **Renewal of Certificate**

Certificates not for a specific project shall be subject to an annual renewal process.

1. Financial statements or written verification of bonding capacity on file with the Board shall be updated annually. Failure to submit a new statement or verification of bonding capacity, after at least (30) days, shall automatically revoke a pre-qualification certificate.
2. The College may allow pre-qualified contractors to request a revision of their pre-qualification status at any time it is believed 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.

e. **Delinquency**

The decision to declare a contractor delinquent may only be made by the President and must be ratified by the Board at its next regular meeting following such decision by the President. Should a contractor be determined to be delinquent, after notice and an opportunity for a fair hearing, the College shall notify the contractor and its surety, in writing, that the contractor is disqualified from bidding work with Lake-Sumter State College if 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:

1. A substantial or repeated failure to comply with contract documents after written notice of such non-compliance.
2. A substantial or repeated failure to provide supervision and coordination of subcontractor's work after written notice of such failure.

3. Substantial deviation from project time schedules after written notice of non-compliance.
4. Substantial or repeated failure to pay subcontractors after Lake-Sumter State College has paid the contractor for the work performed by the subcontractors and in accordance with approved requisitions for payment.
5. Substantial or repeated failure to provide the quality of workmanship compatible with the trades standards for the community after written notice of such failure.
6. Substantial or repeated failure to comply with the warranty requirements of previous contracts after written notice of such failure.
7. Failure to maintain the required insurance coverage after written notice of such failure.

f. Suspension or Revocation

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

1. Inaccurate or misleading statements included in the application.
2. Declared in default by the College, including for causes due to the contractor's noncompliance with the College's small business, woman-owned or minority-owned business-enterprise assistance program.
3. Adjudged to be bankrupt.
4. Performance, in connection with contract work, becomes unsatisfactory to the College or if the College asserts and recovers liquidated damages in an action against the contractor.
5. Payment records, in connection with the contract work, become unsatisfactory to Lake- Sumter State College based on the contractor's failure to comply with the Construction Prompt Pay Act (Section 715.12, F.S.).
6. Becomes delinquent on a construction project.
7. Contractor's license becomes suspended or is revoked.
8. Contractor no longer meets the College's pre-qualification criteria.

g. Appeal

A contractor whose application has been rejected or whose certificate has been suspended or revoked by Lake-Sumter State College shall be given the benefit of reconsideration and appeal as follows:

1. 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.
2. 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.