



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.3.

8/6/2024

Subject:

Approval of Revisions to Board Policy BCC-28, "Pre-Qualification of Construction Bidders Prior to Award."

Fiscal Impact:

There is no fiscal impact.

Dept/Office:

District 3 Commission Office/Central Services

Requested Action:

Request the Board of County Commissioners

- (1) Accept public comment on the revisions to Board Policy BCC-28, "Pre-Qualification of Construction Bidders Prior to Award,"
- (2) Approve revisions to Board Policy BCC-28, "Pre-Qualification of Construction Bidders Prior to Award."

Summary Explanation and Background:

In accordance with Section 255.20(1)(b), Florida Statutes, for contractors who are not pre-qualified by the Florida Department of Transportation, the County shall publish a notice of public hearing for comment on the pre-qualification criteria prior to its adaption. The revisions to Board Policy BCC-28, "Pre-Qualification of Construction Bidders Prior to Award," (the "Policy") was published on the County's "Legal Ads and Public Notices" and on the Central Services webpage on July 22, 2024. The revisions to the Policy are as follows:

1. Grammatical changes to the first paragraph of the Objectives Section of the Policy.
2. Section II.E. clarifies the reference to the Brevard County Code of Ordinances instead of an Ordinance number.
3. Section III.A. increases the threshold from \$50,000 to \$200,000 for pre-qualification of bidders for County construction projects. This threshold aligns with Section 255.05, Florida Statutes, pertaining to the dollar threshold established for bonds, and Board Policy BCC-27, "CONSTRUCTION CONTRACTS," contractor bonding requirements.
4. Section III.A.3. defines the Financial Statement acceptable for the pre-qualification of bidders is prepared by a certified public accountant within the last 15 months.
5. Section III.B. provides that a contractor may not be required to undergo an additional pre-qualification process for two (2) calendar years once a Contractor has demonstrated a capacity to successfully manage similar construction projects with the user department or office approval if such project was similar in nature to the one for which the Contractor was previously qualified.
6. Section III.B. revises the pre-qualification of contractors pre-qualified by the Florida Department of Transportation (FDOT).
7. Section III.C. revise the language of the Review and Qualification Committee to reflect the language in

Chapter 2, Article VII, Brevard County Code.

Clerk to the Board Instructions:



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

August 7, 2024

M E M O R A N D U M

TO: Frank Abbate, County Manager

RE: Item H.3., Approval of Revisions to Board Policy BCC-28, Pre-Qualification of Construction Bidders Prior to Award

The Board of County Commissioners, in regular session on August 6, 2024, accepted public comment on the revisions to Board Policy BCC-28; and approved the revisions to BCC-28, Pre-qualification of Construction Bidders Prior to Award. Enclosed is fully-executed Board Policy BCC-28.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

A handwritten signature in cursive script that reads "Kimberly Powell".

Kimberly Powell, Clerk to the Board

Encl. (1)

cc: Each Commission District
Central Services
County Attorney



BOARD OF COUNTY COMMISSIONERS

POLICY

Number: BCC-28
Cancels: December 08, 2020
Approved: August 6, 2024
Originator: Central Services
Review: August 6, 2027

TITLE: Pre-Qualification of Construction Bidders Prior To Award

I. Objectives

To delineate and define the process for pre-qualifying bidders on a project-by-project basis, and to establish a process for pre-qualifying prospective bidders on a periodic basis for a group of specific projects prior to award by the County in order to evaluate a Contractor's and/or Subcontractor's eligibility for Brevard County projects.

This Policy requires the Contractor and/or Subcontractor to submit documents which will provide evidence of adequate project experience, quality workmanship, adherence to project schedule, financial soundness, depth of corporate commitment, bid bond, prospective payment and performance bond rating in the surety market, safety performance, and any other pertinent data obtained from reference checks that is determined by staff to be a measure of the Contractor's/Subcontractor's qualifications.

II. References

- A. Section 255.20, Florida Statutes, Local bids and contracts for public construction works; specification of state-produced lumber.
- B. Brevard County Policy BCC-25, Procurement Policy.
- C. AIA Document A305, Contractor's Qualification Statement.
- D. Brevard County Administrative Order AO-45, Post Project Contractor/Subcontractor Evaluation Form.
- E. Chapter 2, Article VII, Brevard County Code, entitled "Construction and Improvement of Public Buildings."

III. Directives

- A. The following pre-qualification information that is listed below of the apparent low bidder/contractor will be utilized for all construction projects exceeding \$200,000.00. However, the Board hereby delegates authority to the County Manager to obtain additional information, including, but not limited to, the following items listed below, if consideration of such information is in the best

interest of the County:

1. Contractor's Qualification Statement – AIA Document A305, most recent Edition.
 2. Contractor's Qualification Statement – AIA Document A305, most recent Edition, for subcontractor's determined by staff and identified in the bidding documents to be critical to the success of the project. Key subcontractors and their qualifications are to be identified in the bid documents.
 3. Most recent Financial Statement of an individual or business organization that have been examined by a certified public accountant (CPA) and which were prepared within the last 15 months.
 4. Resumes of Contractor/Subcontractor's key personnel down, including Project Manager and Superintendent level.
 5. The Bid Bond, Public Entity Crime Affidavit and Non-Collusion Affidavit (submitted with the Bid) will be reviewed and verified.
 6. The Vendor Affidavit Regarding Scrutinized Company List for services of \$1 million or more will be verified.
 7. List of subcontractors and suppliers and items of work to be performed by the Contractor's workforce.
 8. Any other pertinent qualifications, evaluations from past projects, data or information determined by staff to be critical to the success of the project.
 9. Department of Homeland Security E-Verify Memorandum of Understanding.
- B. The apparent low bidders, after the formal bid opening, will be required to submit the information above within five (5) days for review and approval by the appropriate Review and Qualification Committee listed below. If the apparent low bidder cannot provide adequate documents for review, or the submitted documents give indications of a non-stable or unqualified company, the Contractor will be recommended by the Review and Qualification Committee for bid rejection and the apparent second low bidder will be contacted and afforded the previous mentioned five (5) days to submit their pre-qualifications documents. This process would continue until a most responsive, responsible bidder is established.

A Contractor will not be required to undergo an additional pre-qualification process within two (2) calendar years of being qualified if the following requirements have been met:

1. the Contractor has demonstrated a capacity to successfully manage similar types of projects, and
2. the user department/office approves the Contractor for its project if such project was similar in nature to the one for which the Contractor was previously qualified.

Note: The Public Works Department may require contractors to be pre-qualified by the Florida Department of Transportation (FDOT) in order to bid

for the performance of road, bridge, or public transportation construction contracts greater than \$200,000.00. A prequalified contractor considered eligible by FDOT to bid to perform the type of work described under the County's solicitation is presumed to be qualified to perform the work identified in the County's solicitation as long as the contractor submits to the County its Certificate of Qualification from FDOT, which lists the approved work classes, Maximum Capacity Rating in Dollars, and a listing of current contracts (value and percentage remaining), as well as any other information required by the State.

C. Upon a written recommendation from the user department/office, the County Manager may modify or alter the list of individuals designated below to evaluate pre-qualification and responsiveness criteria. The committees established below may be intradepartmental or include representatives of several departments/offices interested in the administration and success of the construction project.

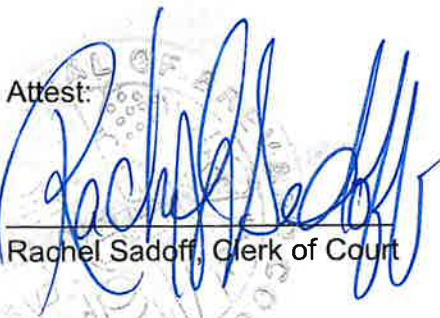
1. Public Works Department Projects (horizontal construction projects)
Public Works Department Director
Traffic Operations Manager
Engineering Program Manager
2. General Construction Projects (any other Departments relying on Facilities to oversee their projects including Parks and Recreation referendum projects, special districts, agencies, or other County project not otherwise encompassed herein)
Public Works Department Director (for Facilities CIP projects only)
Facilities Building & Operations Manager (for non-Facilities CIP projects)
Facilities Construction Manager
User Agency Department Director
3. Landscaping Projects
Road & Bridge Program Manager
Parks and Recreation Department Director
Public Works Department – Landscaping Operations Manager
4. Utility Services or Natural Resources Management Projects
Assistant County Manager for Development & Public Services Group
Utility Services Department Director
Natural Resources Management Department Director
5. Solid Waste Projects
Assistant County Manager for Development & Public Services Group
Solid Waste Management Department Director
Utility Services Department Director

- 6. Housing & Human Services Department
Housing & Human Services Department Director
Central Services Department Director
Facilities Construction Manager

IV. Reservation of Authority

The authority to issue and/or revise this Policy is reserved to the Board of County Commissioners.

Attest:



Rachel Sadoff, Clerk of Court



Jason Steele, Chair

Board of County Commissioners
Brevard County, Florida

As approved by the Board on

AUG 06 2024



BOARD OF COUNTY COMMISSIONERS

POLICY

Number: BCC-28
Cancels: December ~~19 08~~, 2020
Approved: ~~December 08, 2020~~ August 6, 2024
Originator: ~~Public Works/Facilities~~
Central Services
Review: ~~December 08, 2023~~ August 6, 2027

TITLE: Pre-Qualification of Construction Bidders Prior To Award

I. Objectives

To delineate and define the process for pre-qualifying bidders on a project ~~by~~ project basis, ~~or and to~~ establish a process for pre-qualifying prospective bidders on a ~~quarterly or annual~~ periodic basis for a group of specific projects, prior to award by the ~~Board of County Commissioners~~ in order to evaluate a Contractor's and/or Subcontractor's eligibility for ~~future~~ Brevard County projects.

This Policy requires the Contractor and/or Subcontractor to submit documents which will provide evidence of adequate project experience, quality workmanship, adherence to project schedule, financial soundness, depth of corporate commitment, bid bond, prospective payment and performance bond rating in the surety market, safety performance, and any other pertinent data obtained from reference checks that is determined by staff to be a measure of the Contractor's/Subcontractor's qualifications.

II. References

- A. Section 255.20, Florida Statutes, Local bids and contracts for public construction works; specification of state-produced lumber.
- B. Brevard County Policy BCC-25, Procurement Policy.
- C. AIA Document A305, Contractor's Qualification Statement.
- D. Brevard County Administrative Order AO-45, Post Project Contractor/Subcontractor Evaluation Form.
- E. Chapter 2, Article VII, Brevard County Code, entitled "Construction and Improvement of Public Buildings." ~~Ordinance 98-37, Pre-Qualification of Construction Bidders Prior to Award.~~

III. Directives

- A. The following pre-qualification information that is listed below of the apparent low bidders/contractor will be utilized for all construction projects exceeding ~~\$50,000.00~~ 200,000.00. However, the Board hereby delegates authority to

the County Manager to obtain additional information, including, but not limited to, the following items listed below, if consideration of such information is in the best interest of the County:

1. Contractor's Qualification Statement – AIA Document A305, most recent Edition.
 2. Contractor's Qualification Statement – AIA Document A305, most recent Edition, for subcontractor's determined by staff and identified in the bidding documents to be critical to the success of the project. Key subcontractors and their qualifications are to be identified in the bid documents.
 3. Most current-recent Financial Statement (less than one (1) year) of an individual or business organization that have been examined by a certified public accountant (CPA) and which were prepared within the last 15 months.
 4. Resumes of Contractor/Subcontractor's key personnel down, including Project Manager and Superintendent level.
 5. The Bid Bond, Public Entity Crime Affidavit and Non-Collusion Affidavit (submitted with the Bid) will be reviewed and verified.
 6. The Vendor Affidavit Regarding Scrutinized Company List for services of \$1 million or more will be verified.
 7. List of subcontractors and suppliers and items of work to be performed by the Contractor's workforce.
 8. Any other pertinent qualifications, evaluations from past projects, data or information determined by staff to be critical to the success of the project.
 9. Department of Homeland Security E-Verify Memorandum of Understanding.
- B. The apparent low bidders, after the formal bid opening, will be required to submit the information above within five (5) days for review and approval by the appropriate Review and Qualification Committee listed below. If the apparent low bidder cannot provide adequate documents for review, or the submitted documents give indications of a non-stable or unqualified company, the Contractor will be recommended by the Review and Qualification Committee for bid rejection and the apparent second low bidder will be contacted and afforded the previous mentioned five (5) days to submit their pre-qualifications documents. This process would continue until a most responsive, responsible bidder is established.

A Contractor will not be required to undergo an additional pre-qualification process within two (2) calendar years of being qualified if the following requirements have been met:

1. the Contractor has demonstrated a capacity to successfully manage similar types of projects, and
2. the user department/office approves the Contractor for its project if such project was similar in nature to the one for which the

Contractor was previously qualified.

~~Once a Contractor has been pre-qualified, that Contractor will not have to undergo another Pre-Qualification meeting for any subsequent projects awarded within the same fiscal year.~~

Note: The Public Works Department may require contractors to be pre-qualified by the Florida Department of Transportation (FDOT) in order to bid for the performance of road, bridge, or public transportation construction contracts greater than ~~\$250,000.00~~\$200,000.00. A prequalified contractor considered eligible by FDOT to bid to perform the type of work described under the County's solicitation is presumed to be qualified to perform the work identified in the County's solicitation as long as ~~If FDOT pre-qualification is required by the County, then Items 1, 2, and 3 from Item III.A. are not required. In order to be considered pre-qualified, the contractor must submit~~s to the County ~~the its~~ Certificate of Qualification from FDOT, which lists the approved work classes, Maximum Capacity Rating in Dollars, and a listing of current contracts (value and percentage remaining), as well as any other information required by the State.

- C. Upon a written recommendation from the user department/office, the County Manager may modify or alter the list of individuals designated below to evaluate pre-qualification and responsiveness criteria. The committees established below may be intradepartmental or include representatives of several departments/offices interested in the administration and success of the construction project.~~The following Review and Qualification Committees and committee members are hereby established:~~

1. Public Works Department Projects (horizontal construction projects)
Public Works Department Director
Traffic Operations Manager
Engineering Program Manager
2. General Construction Projects (any other Departments relying on Facilities to oversee their projects including Parks and Recreation referendum projects, special districts, agencies, or other County project not otherwise encompassed herein)
Public Works Department Director (for Facilities CIP projects only)
Facilities Building & Operations Manager (for non-Facilities CIP projects)
Facilities Construction Manager
User Agency Department Director
3. Landscaping Projects
Road & Bridge Program Manager
Parks and Recreation Department Director
Public Works Department – Landscaping Operations Manager

4. Utility Services or Natural Resources Management Projects
Assistant County Manager for Development & Public Services Group
Utility Services Department Director
Natural Resources Management Department Director
5. Solid Waste Projects
Assistant County Manager for Development & Public Services Group
Solid Waste Management Department Director
Utility Services Department Director
6. Housing & Human Services Department
Housing & Human Services Department Director
Central Services Department Director
Facilities Construction Manager

IV. Reservation of Authority

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Attest:

~~Rita Pritchett~~ Jason Steele, Chair

~~Scott Ellis~~ Rachel Sadoff, Clerk of Court

Board of County Commissioners
Brevard County, Florida

As approved by the Board on _____

