

NOTICE OF A PUBLIC HEARING (REVISED 7/22/2024)

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Brevard County, Florida, on August 6, 2024, at 5:00 p.m., in the Commission Room at 2725 Judge Fran Jamieson Way, Building C, First Floor, Viera, Florida 32940, will hold a public hearing on the following Board Policy BCC-28, "Pre-Qualification of Construction Bidders Prior To Award."

Interested parties may appear at the August 6, 2024, meeting and be heard with respect to this proposed Board Policy BCC-28, "Pre-Qualification of Construction Bidders Prior to Award," prior to the Board's adoption of this Policy.



BOARD OF COUNTY COMMISSIONERS

**POLICY**

Number: BCC-28  
Cancels: December ~~19~~ 08, 2020  
Approved: ~~December 08, 2020~~  
August 6, 2024  
Originator: Public Works/Facilities  
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 bidder/s /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 submits 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

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

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 \_\_\_\_\_