

# Procedure Manual



<b>Title: Acquisition of Construction or Building Trades Services for College Facilities</b>	<b>Number:</b> A6Hx2-6.39
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**Objective:** These procedures are established to guide staff in carrying out Policy 6Hx2-6.34, Florida State Department of Education Rules for Community Colleges, Florida Department of Education State Requirements for Educational Facilities (SREF) and Florida Statutes, for the acquisition of architectural, construction or building trade services.

**I. Project Thresholds:** For the purposes of carrying out the requirements of Policy 6Hx2-6.39, the following dollar thresholds shall dictate the manner by which the acquisition of projects shall be processed, by the College.

<u>Project Value</u>		<u>Contracting Method</u>
Construction	Building Trades	
Between \$0.01 and the limits set forth in Florida Statute 255.20 (currently \$300,000.00)	Between \$0.01 and the limits set forth in Florida Statute 255.20 (currently \$300,000.00, except for electrical, which is \$75,000.00)	Contracting methods for construction of this value include, but not limited to, Lowest Responsible Bid, Construction Management at Risk, Construction Management Agency, Design Build, Annual Term Contracts, Piggy Back or any of the above. Contracting methods for the procurement of Building Trades shall follow Procurement Policy/Procedure 6Hx2-6.34/A6Hx6.34. SDB sub-contracting goals shall apply in accordance with Policy 6Hx2-6.36 providing there are at least two SDB bidders available.

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Between \$300,000.01 and \$4,000,000.00	Between \$300,000.01 and \$4,000,000.00	Projects within this project value category shall be procured through a continuing contract or a project specific solicitation in accordance with the requirements of College Policy/Procedure 6Hx2-6.34/A6Hx2.6.34, Florida Statutes and the State Requirements for Educational Facilities (SREF). SDB sub-contracting goals shall apply in accordance with Policy/Procedure 6Hx2-6.36/A6Hx2-6.36 providing there are at least two SDB bidders available.
\$4,000,000.01 or Greater	\$4,000,000.01 or Greater	Projects within this project value category shall be procured through a project specific competitive solicitation issued in accordance with the requirements of College Policy/Procedure 6Hx2.6.34/A6Hx2.6.34, Florida Statutes and the SREF. SDB sub-contracting goals shall apply in accordance with Policy/Procedure 6Hx2-6.36/A6Hx2-6.36, Small Disadvantaged Business Program providing there are at least two SDB bidders available.

**II. Contracting Options for Construction Projects.** The College may utilize any of the following contracting options, in line with the College’s diversity and equity policies, when soliciting for construction services, including, but not limited to:

- A. Lowest Responsive Responsible Bid.** When the nature of the project allows a narrowly and specifically defined scope of work and precise definition of specifications is feasible (e.g., parking lot paving, building painting), the College may seek lowest responsive responsible bids from bidders in order to secure lowest cost for the project.

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- B. Construction Manager at Risk.** When project specifications can be clearly defined yet the College is seeking professional assistance on methods for increasing value or delivery schedule, the College may seek the services of a construction manager at risk through the release of a Request for Proposals (RFP) or Invitation to Negotiate (ITN).
- C. Design Build.** When the College has a clearly defined need, but specifications for how to achieve that need are not clearly defined or cannot be reasonably defined without the advice from both architect and contractor, the College may seek the services of a design build firm or partnership through the release of a Request for Proposals (RFP) or Invitation to Negotiate (ITN).
- D. Annual Term Contracts** Establish a source of services for a specific period of time. Term contracts are established based on an “as needed” and “future need” basis.
- E. “Piggy Backing”** Per State Board of Education for Colleges Rule 6A-14.0734(2), or as amended. This form of procurement enables the College staff to obtain goods and services using unit or contract pricing and terms established under contracts issued by other governmental entities (local, state or federal) when the governmental entity has gone through a competitive process to establish unit or contract pricing and terms for award to one or more vendors/contractors for a particular commodity and/or service. This practice is commonly referred to as “piggybacking” on another governmental entity’s competed contract or agreement. Use of these contracts/agreements by the College is based on the fact that competition has already taken place and that the unexpired contract/agreement of the government entity contains rates/pricing that is considered current, fair and reasonable. The College may also piggy back on prior College bid awards, if the bid is less than one year old at the time of the request.

**III. Authority to Award.** The authority to make awards pursuant to this policy shall be as follows:

- A. Recommendations for Awards not exceeding Category 5, Florida Statutes 287.017** (currently \$325,000 or as amended in statute). Pursuant to Florida Department of Education Rule 6A-14.0734, Procurement Requirements, the President (or Designee) may approve or reject recommendations for award up to Category 5. Delegation of authority for contract execution is provided under College Policy/Procedure 6Hx2-1.14/A6Hx2-1.14.
- B. Recommendations for Awards exceeding Category 5, Florida Statutes 287.017** (currently \$325,000 or as amended in statute). Pursuant to Florida Department of Education Rule 6A-14.0734, Procurement Requirements, recommendations for award exceeding Category 5 shall be approved by the District Board of Trustees. Authority for contract execution is provided under College Policy/Procedure 6Hx2-1.14/A6Hx2-1.14.

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**IV. Selection Criteria.** When evaluating proposals received in response to competitive solicitations released pursuant to this procedure the following evaluation factors apply:

Mandatory Evaluation Criteria	Optional Evaluation Criteria (depending on nature of project)
Applicable Licensure Applicable SDB Goals Cost Factors (excluding RFQ) Experience with Similar Projects Experience with Sustainable Design Financial Capacity Litigation History References LEED	Experience in Higher Education Location of Firm Volume of Work Previously Received LEED

**VI. Sub-Contracting Contracts.** All sub-contracting bids in relation to any construction management at risk or design-build project shall be coordinated by the Contractor and shall insure compliance with the State Requirements for Educational Facilities. Applicable SDB vendors on the College’s vendor database may be notified (Sub-Contractor to work with the College’s Procurement Department on obtaining SDB Vendor lists). Sub-contractor bids shall be opened by the Contractor and must be witnessed by a representative of the College’s Procurement Services or Facilities Department in a location designated by the Contractor. In no way shall this section be interpreted as relieving the contractor of its responsibilities for the project including but not limited to: preparation and accuracy of sub-contract solicitations, selection of qualified sub-contractor, sub-contractor performance, payments to sub-contractors, and the safety of personnel and property.

**VII. Self-Performed Work.** Maximum Markup Percentage Allowable on Self-Performed Work: With respect to pricing the maximum Markup Percentage Fee to be paid to any Contractor (regardless of tier) on self-performed work shall be a single markup percentage not-to-exceed (the following sliding scale of percentages) of the net direct cost of (1) direct labor and allowable labor burden costs applicable to the change order or extra work; (2) the net cost of material and installed equipment incorporated into the change or extra work, and (3) net rental cost of major equipment and related fuel costs necessary to complete the change in the Work. The following sliding scale will apply for the pricing of the self-performed work portion of each proposal request:

- A.** 15% on the first \$25,000 of the direct cost of self-performed work,
- B.** 10% on the portion of the direct cost of self-performed work between \$25,000 and \$50,000 and,

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- C. 7.5% on the portion of the direct cost of self-performed work between \$50,000 and \$200,000 and,
- D. 5% on the portion of the direct cost of self-performed work greater than \$200,000 up to a maximum of \$325,000.
- E. Any request greater than \$325,000 will have to be competitively bid.

## DEFINITIONS

**Annual Term Contracts** - Establish a source of services for a specific period of time. Term contracts are established based on an “as needed” and “future need” basis.

**Construction** - Building of a new facility, or any renovation (upgrading), remodel (change of purpose) or demolition of an existing facility.

**Project Management Services** - Provides overall planning, coordination, and control of a project from the beginning to completion. The PM Services is responsible exclusively to the owner and acts in the owner’s interests throughout each stage of the project.

**Construction Management at Risk** - A contract with a construction management firm for the management (overall planning, co-ordination and control) of a construction project from inception to completion at a guaranteed maximum price.

**Design-Build** - A single contract with a design-build firm for the design (architectural/engineering) and construction of a public construction project. The contract for a design-build project is similar to a construction management at risk contract.

**Lowest Responsive Responsible Bid** - The bidder who submits the lowest cost quotation in accordance with all requirements set forth in the bid specification and who has complied with all of the terms and conditions of the invitation to bid (responsive) and has the ability, based on necessary licenses, certifications, etc., to successfully carry out its contractual requirements (responsible).

**Building Trades** - The specialty crafts employed in building construction and maintenance, such as plumbing, electrical, masonry, carpentry, etc.

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