

The School District of Jackson County
Marianna, Fl. 32446
PREQUALIFICATION OF CONTRACTORS

1.00 PREQUALIFICATION OF CONTRACTORS. After July 1, 2010, only bids from qualified contractors for Educational Facilities will be received. The board shall prequalify general educational facilities contractors for a one-year period July 1st, through June 30th of following year. All applicants must renew by July 1st of each year, regardless of the date of the initial application. The intent of this section is to prescribe uniform requirements for PREQUALIFICATION of contractors. Contractor is defined as a firm who is licensed to supervise the work within the scope of the educational facility construction project being bid on. The Superintendent shall appoint a five-member Contractor Prequalification Review Committee consisting of the Deputy Superintendent, Director of Facilities, Director of Safety and Maintenance, Director of Finance, Maintenance Manager, or an Architect from the Architectural Firm holding the Districts Continuing Services Contract. The Contractor Prequalification Review Committee shall report its recommendations to the Superintendent of Schools for review. Upon review, the Superintendent of Schools will submit it to the School Board for approval. The board shall receive and either approve or reject each application for prequalification within sixty (60) calendar days after receipt by the board's administrator. Minimum approval time will be thirty (30) calendar days.

(a) Criteria. Contractors shall be prequalified by the board on the basis of the following criteria.

1. Proof that the contractor holds a contractor's license which authorizes the contractor to supervise the work within the scope of the construction project.
2. Evidence that the applicant 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 the State.
3. Evidence of experience with construction techniques, trade standards, quality workmanship, project scheduling, cost control, management of projects, and building codes for school related projects as shown by the successful completion within the past five (5) years of at least two (2) other projects of similar size to that which bidding is intended.
4. 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 judgement rendered against the contractor is satisfied within ninety (90) days of the date the judgment becomes final.
5. Type of work for which the contractor is licensed.

(b) Application. In order to allow the board to apply the uniform criteria in subsection (a), the board shall require each contractor, firm or person requesting prequalification to submit separate applications that include the following:

1. Completed AIA Form A305 (1986 Edition) setting forth the applicant's competence, past performance, experience, financial resources, and capability, including a Public Entity Crime statement, and references. A financial statement is not required if the contractor's surety company provides verification of the contractor's bonding capacity as provided in 1.00(b)2.

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2. Evidence that the applicant 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 the State. In the absence of such written verification, the board 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.
 3. General information about the company, its principals, and its history including state and date of incorporation. Provide proof of incorporation.
 4. Contractor trade categories and information regarding the state and local licenses and license numbers held by the applicant. The Contractor must provide an unexpired certificate issued by the Florida Construction Industry Licensing Board in accordance with Chapter 468, Part 2, Licensing of Construction Industry, Florida Statutes 1969, as either State Certified General Contractor or Building 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 claims and all litigation and claims 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.
 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. **EXCEPTION:** When two (2) or more prequalified contractors wish to combine their assets for a specific project, they may do so by filing an affidavit of joint venture. Such affidavit shall be valid only for that specific project.
- (c) Issuance of Certificate.** The board shall issue a certifying letter valid for one (1) year. The letter shall include:
1. A statement indicating that the contractor may bid for projects during the time period specified.
 2. A statement establishing the total dollar value of work the contractor will be permitted to have under contract at any one time as determined by the contractor's bonding capacity.
 3. A statement establishing the maximum dollar value of each individual project the contractor will be permitted to have under contract with the board at any one time.
 4. A statement establishing the type of work the contractor will be permitted to provide.
 5. The expiration date of the letter.
- (d) Renewal of Certificate.** Certifying letters shall be renewed annually.
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 thirty (30) days written notice by the board, shall automatically revoke a prequalification certificate.
 2. The board may allow prequalified contractors to request a revision of their prequalification status at any time they believe the dollar volume of work under contract

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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 superintendent and must be ratified by the board at its next regular meeting following such decision by the superintendent. Should a contractor be determined to be delinquent, after notice and an opportunity for a fair hearing, the board shall notify the contractor and his surety, in writing, that the contractor is disqualified from bidding work with the board 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:
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 the board 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 board may, for good cause, suspend a contractor for a specified period of time or revoke the contractor's prequalification. 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 a board.
 3. Adjudged to be bankrupt. Filing a voluntary petition for bankruptcy or reorganization under the bankruptcy code.
 4. Performance, in connection with contract work, becomes unsatisfactory to the board based on the board asserting and recovering liquidated damages in an action against the contractor.
 5. Payment record, in connection with the contract work, becomes unsatisfactory to the board based on the contractor's failure to comply with the Construction Prompt Pay Act (Section 715.12, F.S.).
 6. Becomes a delinquent on a construction project pursuant to (e) above.
 7. Contractor's license becomes suspended or is revoked.
 8. No longer meets the uniform prequalification criteria established in this section.
- (g) Appeal.** A contractor whose application has been rejected or whose certifying letter has been suspended or revoked by a board 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 consideration in writing. The contractor may submit additional information at the time of the appeal.
 2. A board 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

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original action. The board may require additional information to justify the reconsideration. {Reference: F.S. 235.31(2)}

**SWORN STATEMENT PURSUANT TO SECTION 287.133(3)(a),
FLORIDA STATUTES**

ON PUBLIC ENTITY CRIMES

**THIS FORM MUST BE SIGNED AND SWORN TO IN THE PRESENCE OF A NOTARY
PUBLIC OR OTHER OFFICIAL AUTHORIZED TO ADMINISTER OATHS.**

1. This sworn statement is submitted with Bid, Proposal or Contract No. _____
_____. This sworn statement is submitted to School District of Jackson County,
Florida:
by

(print name for entity submitting sworn statement)

whose business address is

and (if applicable) its Federal Employer Identification Number (FEIN) is _____
(If the entity has no FEIN, include the Social Security Number of the individual signing this
sworn statement: _____)

2. I understand that a “public entity crime” as defined in Paragraph 287.133(1)(g), FLORIDA STATUTES, means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state or of the United States, including, but not limited to, any bid or contract for goods or services to be provided to any public entity or an agency or political subdivision of an other state or of the United states and involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentation.
3. I understand that “convicted” or “conviction” as defined in Paragraph 287.133(1)(b), FLORIDA STATUTES, means a finding of guilt or a conviction of a public entity crime, with or without an adjudication of guilt, in any federal or state trail court of record relating to charges brought by indictment or information after July 1, 1989, as a result of a jury verdict, nonjury trail, or entry of plea of guilty or nolo contendere.
4. I understand that an “affiliate” as defined in Paragraph 287.133(1)(a), FLORIDA STATUTES, means:
- A. A predecessor or successor of a person convicted of a public entity crime: or
 - B. An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. The term “affiliate” includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in the management of an affiliate. The ownership by one person of shares constituting a controlling interest in another person, or a pooling of equipment or income among persons when not for fair market value under an arm’s length agreement, shall be a prima facie case that one person controls another person. A person who knowingly enters into a joint venture with a person who has been convicted of a public entity rime in Florida during the preceding 36 months shall be considered an affiliate.

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5. I understand that a "person" as defined in Paragraph 287.133(1)(3), FLORIDA STATUTES, means any natural person or entity organized under the laws of any state or of the United States with the legal power to enter into a binding contract and which bids or applies to bid on contracts for the provision of goods or services let by a public entity, or which otherwise transacts or applies to transact business with a public entity.
6. Based on information and belief, the statement which I have marked below is true in relation to the entity submitting this sworn statement. [Indicate which statement applies.]

_____ Neither the entity submitting this sworn statement, nor any of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, nor any affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989.

_____ The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members or agents who are active in the management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989.

_____ The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989. However, there has been a subsequent proceeding before a hearing officer of the State of Florida, Division of Administrative hearings and the Final Order entered by the hearing Officer determined that it was not in the public interest to place the entity submitting this sworn statement on the convicted vendor list. [Attach a copy of the final order]

I UNDERSTAND THAT THE SUBMISSION OF THIS FORM TO THE CONTRACTING OFFICER FOR THE PUBLIC ENTITY IDENTIFIED IN PARAGRAPH 1 (ONE) ABOVE IS FOR THAT PUBLIC ENTITY ONLY AND, THAT THIS FORM IS VALID THROUGH DECEMBER 31 OF THE CALENDAR YEAR IN WHICH IT IS FILED. I ALSO UNDERSTAND THAT I AM REQUIRED TO INFORM THE PUBLIC ENTITY PRIOR TO ENTERING INTO A CONTRACT IN EXCESS OF THE THRESHOLD AMOUNT PROVIDED IN SECTION 287.017, FLORIDA STATUTES FOR CATEGORY TWO OF ANY CHANGE IN THE INFORMATION CONTAINED IN THIS FORM.

Signature _____

Sworn to and subscribed before me this _____ day of _____, 20__.

Personally known _____

Signature of Notary

OR Produced identification _____

Notary Public – State of _____

My commission expires _____

Printed, typed, or stamped commissioned name
of Notary Public

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**ATTESTMENT OF
COMPLETED PRE-QUALIFICATION APPLICATION**

I hereby certify that the information is true and correct to the best of my knowledge and is being provided to the Jackson County School Board for the purpose of contractor prequalification.

By: _____
Title: _____
Date _____
Company Name: _____

Subscribed and sworn before me this _____ day of _____, 20____.

Notary Public _____

My Commission Expires: _____

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LIST OF REQUIRED DOCUMENTATION

(Failure to provide all listed required information can result in rejection of application)

Information must be presented in a bound book or 3-ring binder format. A total of one (1) original and 4 copies must be provided.

The information **must be tabbed** to correspond with this listing of required information.

1. Proof (copy) of current Florida Contractor's License – 1.00(a)1.
2. Written verification of bonding capacity – 1.00(a)2.
3. Evidence of claims resolution – 1.00(a)4.
4. Type of work for which the contractor is licensed – 1.00(a)5
5. Complete AIA form A305 – 1.00(b)1.
6. Public Entity Crime Statement – 1.00(b)1.
7. If bonding company statement is utilized in lieu of audited financial information, provide proof of bonding company's record of successful continuous operations in Florida for five (5) years and current "Best's" rating – 1.00(b)2.
8. Contractor trade categories and information regarding state and local licenses and license number (copy of license) held by applicant – 1.00(b)4.
9. Certificates of required insurance for worker's compensation, public liability, and property damage, as required by law – 1.00(b)6.
10. List of all pending litigation and claims within past five (5) years – 1.00(b)7.
11. Attestment of completed Pre-qualification application (provided form) – 1.00(b)8
12. Joint Venture Affidavit, if applicable – 1.00 (b)9.
13. Other information, if any, applicant would like considered.

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LIST OF INSURANCE REQUIRED

The Company shall furnish proof of the following insurance to the Board by Certificate of insurance.

1. The Certificate of Insurance shall state that the School Board including its' agents and employees are additional insured under the policy or policies.
2. The Company shall provide Certificates of Insurance to the Insurance Specialist at P.O. Box 5958, Marianna, FL 32447 prior to the start of any work under this contract.
3. The Companies insurers shall provide thirty (30) days advance written notice via certified mail in the event of cancellation of any insurance program required by this contract.
4. All insurance policies shall be issued by companies either of the following qualifications:
5. The company must be (1) authorized by subsisting certificates of authority by the Department of Insurance of the State of Florida or (2) an eligible surplus lines insurer under Florida Statutes. In addition, the insurer must have a Best's Rating of "A-" or better and a Financial Size Category of "VI" or better according to the latest edition of Best's Key Rating Guide, Published by A.M. Best company. Or
6. With respect only to Workers' Compensation insurance, the company must be (1) authorized as a group self-insurer pursuant to Florida Statutes or (2) authorized as a commercial self-insurer fund pursuant to Florida Statutes.
7. Workers' Compensation Insurance. The Company shall maintain Workers' Compensation coverage as required by Florida Statute 440, covering all Company employees employed in connection with this contract and Employers Liability Insurance with minimum limits of \$1,000,000 per occurrence.
8. Comprehensive General Liability Insurance. The Company shall procure and maintain for the life of the contract/agreement, Comprehensive Liability Insurance, Broad Form, including Products and Completed Operations Liability. This policy shall provide coverage for death, bodily injury, personal injury, or property damage that could arise directly or indirectly from performance of the contract. The coverage must be on an occurrence form basis with minimum limits of \$1,000,000 per occurrence, combined single limit for bodily injury and property damage liability
9. Business Automobile Liability. The Company shall procure and maintain, for the life of the contract/agreement Business Automobile Liability Insurance with minimum limits of \$1,000,000 per occurrence, combined single limit for bodily injury liability and property damage liability. This coverage shall be on an "Any Auto" or "Comprehensive Form" policy. The coverage shall be on an occurrence form policy. In the event the Company does not own any vehicles, hired and non-owned coverage shall be provided in the amounts listed above.