

**CONSTRUCTION CONTRACTS BIDDING AND AWARDS**

**FILE: FEG**

**TITLE:** Authorization to Solicit Bids

**POLICY:**

In each instance where the capital outlay part of the current school board budget designates an amount of funds for the construction of a project, the superintendent is authorized to take the following actions.

- (1) Refer the project to the appropriate committee for action pursuant to the Consultant's Competitive Negotiation Act, or when applicable, to a staff architect or engineer for the preparation of necessary drawings, specifications or other appropriate document
- (2) Solicit and receive bids for construction of the project, or retain a construction manager, program manager or design builder to solicit and receive bids, if bids therefore are required, upon approval of the necessary drawings, specifications or other appropriate documents.
- (3) If bid directly by OCPS, present to the school board for consideration and action thereon the bids received.

**LAWS IMPLEMENTED:** Sections 1001.42; 1001.51; 1013.61; 1013.46; 287.055, Florida Statutes

**STATE BOARD OF EDUCATION RULES:** 6A-2.004; 6A-2.0200; 6A-2.011; 6A-2.016

ADOPTED: 11/17/08

**CONSTRUCTION CONTRACTS BIDDING AND AWARDS – cont'd**

**FILE: FEG**

**TITLE:** Projects Which Require Bidding

**POLICY:**

Each construction contract on a project of the school board, which the superintendent estimates will have a total construction cost exceeding \$200,000, shall be let and awarded through a qualification based selection process or competitive bidding process conducted in accordance with applicable Florida Statutes and Florida State Board of Education Rules; and in connection with each such required bidding process the documents as listed in the Design and Construction Manual set forth in FILE FE, Design and Construction Manual, (excluding the AGREEMENT BETWEEN ARCHITECT/ENGINEER AND THE SCHOOL BOARD OF ORANGE COUNTY, FLORIDA) shall be utilized, issued and/or promulgated by the superintendent or designee.

**LAWS IMPLEMENTED:** Sections 1001.41; 1001.42; 1013.46; 287.055; 287.057, Florida Statutes

**STATE BOARD OF EDUCATION RULES:** 6A-2.010; 6A-2.016

ADOPTED: 11/17/08

**CONSTRUCTION CONTRACTS BIDDING  
AND AWARDS – cont'd**

**FILE: FEG**

**TITLE:** Projects for Which No Bidding is Required

**POLICY:**

At the discretion of the superintendent the competitive bidding process for the emergency repair or reconstruction of any school board facility or property damaged or destroyed by fire, storm or other providential cause may be waived when it is determined that an immediate danger to the public health, safety, or welfare or other substantial loss to the school district exists

**LAWS IMPLEMENTED:** Sections; 287.057, Florida Statutes

**STATE BOARD OF EDUCATION RULES:** 6A-2.010; 6A-2.016

ADOPTED: 11/17/08

**CONSTRUCTION CONTRACTS BIDDING  
AND AWARDS – cont'd**

**FILE: FEG**

**TITLE:** Acceptance of Bids

**POLICY:**

When bids have been solicited directly by OCPS and opened for a school board construction project, the school board will accept only the lowest responsible bid which it receives for such project.

**LAWS IMPLEMENTED:** Section 1013.46, Florida Statutes

**STATE BOARD OF EDUCATION RULE:** 6A-2.016

ADOPTED: 11/17/08

**CONSTRUCTION CONTRACTS BIDDING  
AND AWARDS – cont'd**

**FILE: FEG**

**TITLE:** Rejection of Bids

**POLICY:**

The school board reserves the right to reject any and all bids when such rejection is in the interest of the School Board of Orange County, Florida, and to reject the proposal of a bidder who is not in a position to perform the contract.

**LAWS IMPLEMENTED:** Section 1013.46 Florida Statutes

**STATE BOARD OF EDUCATION RULE:** 6A-2.016(6)

ADOPTED: 11/17/08

**CONSTRUCTION CONTRACTS BIDDING  
AND AWARDS – cont'd**

**FILE: FEG**

**TITLE:** Waiver of Minor Technicalities

**POLICY:**

The school board may, in its sole discretion, waive any minor technicalities, informalities and irregularities in any bid submitted to it for any school board construction project.

**LAWS IMPLEMENTED:** Section, 1001.42 Florida Statutes

**STATE BOARD OF EDUCATION RULE:** 6A-2.016

ADOPTED: 11/17/08

**CONSTRUCTION CONTRACTS BIDDING  
AND AWARDS – cont'd**

**FILE: FEG**

**TITLE:** Change Orders

**POLICY:**

- (1) A change order is a written instrument prepared by the Architect and signed by the OWNER or authorized representative, the CONTRACTOR or CONSTRUCTION MANAGER and the Architect, stating their agreement upon each of the following matters:
  - (a) a change in the WORK
  - (b) the amount of the adjustment in the Contract Sum, if any
  - (c) the extent of the adjustment in the Contract Time, if any
- (2) A construction change directive (CCD) is a written instrument prepared by the Architect and signed by the OWNER or authorized representative, the CONTRACTOR or CONSTRUCTION MANAGER (optional) and the Architect, directing the Contractor to perform certain work that is required but the full scope or cost may not be known or may be disputed by the CONTRACTOR. A CCD will be replaced by a change order upon receipt of final costs.
- (2) The superintendent is authorized to approve and execute any change order which will neither increase the contract cost by more than \$2000,000, nor increase the contract construction time period by more than 120 days provided he/she determines that such approval is in the best interest of the school board. In addition to the dollar limitation of \$200,000 on a single change order, the cumulative cost of all change orders approved by the Superintendent to a single contract cannot exceed the greater of \$200,000 or 10% of the total value of the contract. The superintendent is further authorized to delegate all or portions of such authority to appropriate staff.
- (3) Change orders approved by the superintendent or authorized representative shall be for the purpose of expediting the work and shall be reported to the board and entered into the official minutes of the school board. Dividing change orders for the purpose of avoiding school board approval is prohibited.
- (4) Any change order which will increase the contract cost by more than \$200,000 on a single change order or the cumulative cost of all change orders to a single contract cannot exceed the greater of \$200,000 or 10% to the total value of the contract or which will result in a change in the contract construction time by more than 120 days shall be submitted by the superintendent to the school board for review and action thereon by the school board, and no such change order shall be binding upon the school board until approved and executed by the school board.

**LAWS IMPLEMENTED:**

Section 1013.48, Florida Statutes

**STATE BOARD OF EDUCATION RULES:**

State Requirements for Educational  
Facilities Section 4.3(8)(a)-(c)

ADOPTED: 11/17/08