

60D-5.004 Prequalification Requirements and Procedures.

(1) There are two steps in qualifying to perform construction of State projects: paragraph (2)(a) Prequalification to submit a bid and paragraph (2)(b) Prequalification for award of the contract.

(2)(a) Prequalification to submit a bid. (Prequalification requirements apply to all bidders as well as potential bidders on Levels Four and Five contracts.)

1. Requirements: Each potential bidder on Levels Four and Five contracts, whose field or area is governed by Chapter 399, 455, 489 or 633, F.S., for licensure will be prequalified by the Agency to participate in the bid process for a specific field or area of construction based on the bidder's area of license or certification. In order to be eligible to submit a bid for work on project, during the current two year period (beginning on September 1 of each even numbered year and continuing for a period of twenty-four months), a potential bidder under the jurisdiction of Chapter 399, 455, 489 or 633, F.S., must provide to the Agency evidence of the following qualifications biennially after September 1, of each even numbered year, or during the bidding of a specific project. Prequalification with one Agency will not automatically prequalify the contractor with other Agencies. Contractors not governed by the requirements of Chapter 399, 455, 489 or 633, F.S., are not required to be prequalified under this section.

a. Current State Contractor license certification or registration as required under Florida Statutes.

b. Current Corporate Charter registration, if the potential bidder is a domestic (Florida) corporation, or authority to transact business if the potential bidder is a foreign (non-Florida) corporation, as may be required by Florida law.

2. For projects that require a contractor with specific expertise and experience, the Agency may state additional prequalification requirements relating to demonstrated performance of similar work of similar size and complexity and the possession or availability of facilities or equipment needed for performance of the work in addition to prequalification requirements in accordance with conditions that will be established in the bidding documents.

3. In each instance where the bid documents set forth certain additional prequalification requirements, each potential bidder shall submit these prequalification data to the Agency as provided in the bid documents. The conditions may include a deadline date for submittal of additional prequalification data, which date will be earlier than the deadline for submission of bids. Bids are to be accepted only from those potential bidders who have prequalified in accordance with this section and the terms of the bidding documents.

4. Each potential bidder will be notified by the Agency to which it applied for prequalification of its eligibility or ineligibility to submit bids during the balance of the qualification period for a specific field or area of construction. A firm will be permitted to correct prequalification deficiencies if proof of correction is received 120 hours prior to the bid opening date and time. Any bidder or potential bidder that is determined to be ineligible because of failure to provide evidence of the minimum requirements will not be qualified to submit a bid and will be informed in writing of the deficiencies that must be corrected to be considered for future projects. Each potential bidder notified of its eligibility may submit a bid at the time and place designated in the bidding documents as long as the bidder is qualified and eligible to perform the work required by the bidding documents.

(b) Prequalifications for award of the contract on Levels Four and Five Contracts.

1. Requirements: any bidder that has submitted a bid on Levels Four and Five contracts must satisfy the following requirements as judged by the Agency in order to be eligible for award of the contract for construction.

a. Satisfactory compliance with bid prequalification criteria, if applicable.

b. On projects where the bid exceeds \$100,000, the bidder must provide with the bid, a good faith deposit in the amount of 5% of the bid by way of a bid bond from a surety insurer authorized to do business in this State as surety or a certified check accompanying the bid, such requirement may be satisfied by the bidder depositing in lieu of such certified check, a cashier's check, treasurer's check or bank draft of any national or state bank.

c. On projects where the bid exceeds \$100,000, unless such requirement has been waived in accordance with Rule 60D-5.0041, F.A.C., if requested by the Agency, the bidder must provide with the bid or within two working days of being notified as the low responsive, qualified bidder, evidence of ability to provide the necessary performance and payment bonds for the project by providing a letter of intent to provide a 100% performance bond and a 100% labor and material payment bond from a surety company authorized to do business in the State of Florida by the Department of Financial Services, and meeting the financial and performance rating required by the bidding documents. For contract amounts not exceeding \$500,000, the provisions of Section 287.0935, F.S., shall govern.

d. The bidder must provide at any time prior to the Agency's execution of the construction contract, evidence of insurance in effect, equal to or exceeding the limits required by the bidding documents.

e. On Levels Four and Five projects, the bidder must provide, if requested by the Agency, a list of projects and their status for a period of thirty-six months prior to solicitation and a copy of the contractors current financial statement.

f. Familiarity with local conditions – Unless waived by the Agency for good cause, on Levels Four and Five projects, the contractor must agree to establish or have an active office, or an ongoing project, which office or project is located within 300 road miles of the project site. Good cause shall be the bidder's refusal to establish a project office with qualified management personnel at or within 300 miles of the project site or a finding by the Agency that a bidder's office within 300 miles of the project site is not in fact an active office staffed with qualified management staff.

g. Firm experience – On Level Five projects, the contractor must have successfully completed no less than two projects of similar size and complexity within the last three years.

h. Supervisor – On Level Five projects, the contractor must agree to provide field (on-site) supervision (through a named superintendent) for all trade subcontractors on the project. In addition, the contractor shall assign and name a supervisory employee to provide scheduling direction to the entire project. Supervisory employees (including field superintendents, foreman and schedulers at all levels) must have been employed in a supervisory (leadership) capacity of a substantially equivalent level on a similar project for at least two years within the last five years. The contractor shall include a resume of experience for each of those proposed supervisory employees.

i. Any specific expertise and experience the contractor's staff has to perform a project requiring unique or specialized capabilities.

2. The firm determined by the Agency to have submitted the low, responsive bid must complete and submit the above required qualification data where applicable within seven working days after being notified as the low responsive bidder. The Agency will evaluate all data submitted within seven days of receipt and determine whether the firm is a qualified bidder. Should the bidder be judged unqualified, its bid will be rejected and the bidder submitting the next low responsive bid will be given seven working days to submit its qualification data.

(3) On or before March 17, 2027, the Department shall initiate a review of this rule to determine if it is duplicative, outdated, obsolete, overly burdensome, or imposes excessive costs, and thereafter amend the rule as necessary.

Rulemaking Authority 255.29 FS. Law Implemented 255.05, 255.051, 255.29 FS. History—New 5-26-76, Amended 6-7-77, 7-14-81, 7-7-83, 9-2-85, Formerly 13D-11.04, Amended 1-1-87, 11-5-91, Formerly 13D-11.004, Amended 8-28-96, 9-22-99, 12-3-14, 3-17-22.