

CHAPTER 8.00 - MAINTENANCE SERVICES

8.18 - Professional Services

POLICY:

When it is determined that the Board may need to contract for the professional services of an architect, professional engineer, or registered land surveyor, the procedures herein shall be followed:

(1) Definitions (287.055(2))

(a) "Firm"

Any firm, partnership, corporation, association, individual, or other legal entity permitted by law to practice architecture, engineering, or land surveying in the State of Florida.

(b) "Continuing Contract"

A contract for professional services entered into in accordance with 287.055, F.S., between the Board and a firm whereby the firm provides professional services to the Board for work of a specified nature as outlined in the contract with no time limitations except that the contract shall provide a termination clause.

(c) "Agency"

A state agency, municipality or political subdivision, a school district, or a School Board.

(2) The Board shall publicly announce in a uniform and consistent manner each occasion when professional services are necessary for a project whose basic construction cost estimate exceeds one hundred and twenty thousand dollars (\$120,000.00) or when the fee for a planning study will exceed twenty thousand dollars (\$20,000.00). (287.017, 287.055(3)(a))

(3) Pre-Qualification

The Superintendent shall, by letter, inform not less than five (5) firms of the type of service desired by the Board and shall determine whether or not such firms have an interest in qualifying to render such services when needed. The Superintendent shall continue his/her efforts until at least three (3) firms have indicated an interest. There shall be a list of prequalified firms for each of the specified areas of professional services enumerated in Chapter 73-19, Laws of Florida, as amended.

(a) Upon receipt of a notice of interest, the Superintendent shall request the firm to furnish the following information on standard forms 254 and 255:

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1. A full and complete statement of qualifications and capabilities;
 2. Number of years in business;
 3. Location of firm's office nearest Bronson, Florida;
 4. The membership of the firm's staff and the special qualifications of the person or persons who would render the type of service desired; and
 5. The names and addresses of at least three (3) School Boards or other agencies for whom similar services have been performed within the last five (5) years and the date and the specific service rendered in each case.
- (b) Within thirty (30) days following an indication of interest, the Superintendent shall complete the file on each firm. In addition to the information filed by the agency or firm, the Superintendent shall obtain a written evaluation from at least three (3) agencies for which such service has been rendered.

Any firm which prequalifies under this rule is encouraged to file an annual statement of qualifications and performance data and thereby keep its file current. (287.055(3)(b))

- (c) Any firm which has furnished the information prescribed in this Subsection shall be sent a copy of the legal notice when service in the firm's area of specialty is to be contracted.

(4) Public Notice and Application

Where the Board, by official action, determines that it will enter into a contract for such professional services, the Superintendent shall cause to be published once each week for three (3) successive weeks in the local newspaper, a public notice stating the type of professional services desired, giving a general description of the project, stating how an interested firm may apply, and the deadline for applications.

- (a) Firms which prequalify shall be sent a copy of the public notice together with a request that an application be filed if the firm desires to be considered.
- (b) Each firm which files an application and which has not prequalified, shall be required to complete the information required in Subsection (3) of this rule within ten (10) days following the deadline for making application.

(5) Rating of Applicants

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Based on the data filed by each applicant firm and the follow-up data obtained by the Superintendent, the Board will determine the order in which the applicants will be arranged for negotiation purposes. (287.055(4)(b)) To facilitate the selection process, the Superintendent shall prepare a full and complete summary report on each applicant firm.

Based on the data available and its best judgment, the Board will select the three (3) firms most qualified to perform the desired professional services and will rate them as 1st, 2nd, and 3rd most qualified for negotiation purposes.

(6) Negotiations

Subsequent to the above determination, the Board will notify the firm rated as most qualified and establish a date for the firm to make its presentation and enter into negotiations with the Board for the professional services. If the Board cannot obtain a firm, reasonable, and competitive price for which the professional services will be rendered by such firm, negotiations shall be formally terminated by the Board. The Board will then undertake negotiations with the firm rated second most qualified. If an accord cannot be reached with this firm, negotiations will be formally terminated and the Board will undertake negotiations with the firm rated third most qualified. (287.055(3)(b))

If the Board is unable to negotiate an acceptable contract with any one of the first three (3) firms, it will select from among the remaining applicants in the order of competence and qualifications and continue its negotiations until an agreement is reached; provided that such firms are considered competent to perform the services desired. (287.055(5)(c))

(7) Special Assistance

Where the professional service contract will require a fee in excess of twenty-five thousand dollars (\$25,000.00), the Department of Transportation or the Department of General Services will provide, upon request, assistance in selecting a consultant for professional services; provided, that the Board, after three (3) attempts, has not obtained a reasonable, fair, and competitive price. (287.055(8))

(8) Contracts

Any contract entered into by the Board for professional services, as provided herein, shall include a truth-in-negotiation certification and a prohibition against contingent fees as provided in Section 6 of Chapter 73-19, Laws of Florida, and shall meet all other requirements of Chapter 73-19, Laws of Florida, as amended. Nothing in this rule shall be construed to prohibit continuing contracts between a firm and the Board.

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STATUTORY AUTHORITY:

1001.41 (2), 1001.42 (17), 1001.49 (1),
F.S.

LAWS IMPLEMENTED:

1001.42 (10) (j), 1001.51 (11) (12) (i),
1010.04, 1011.06, 1011.07, 287.055,
F.S.

STATE BOARD OF EDUCATION RULE:

6A-2.0111

HISTORY:

Adopted: 06/17/97
Revision Date(s): 11/17/98, 12/03/02
Formerly: