

P7130 CONSTRUCTION CONTRACTORS AND MAJOR SUBCONTRACTORS: APPROVAL REQUIREMENTS

BOARD POLICY:

The District requires that contractors and subcontractors in certain construction disciplines complete and pass a pre-approval process prior to being allowed to participate in the District's construction bidding process. Construction contractors and subcontractors who are found not to be in compliance with District construction approval standards may be removed from participating in the District construction bidding process.

Administrative Implemental Procedures:

1. Construction contractors and certain major subcontractors, as determined by the Superintendent or designee, shall be pre-qualified to bid before submitting bids on District construction projects.
2. A Construction Contractor Review Committee consisting of not less than four (4) District employees shall be appointed to serve by the Superintendent or designee.
3. Any construction contractor or major subcontractor who is required to be pre-approved and who desires to be designated as pre-approved to bid may download an instructional letter via the Facilities Department website or by contacting the Director of Design and Construction. A contractor or major subcontractor desiring to be pre-approved to bid on District construction projects shall provide all information/document(s) listed in the instructional letter to the Director of Design and Construction. The Construction Contractor Review Committee shall review each application for placement on the District pre-approved bidders list. In reviewing applications, the Construction Contractor Review Committee shall review the contractor according to the following standards in determining whether or not a construction contractor or major subcontractor is qualified to be placed on the District pre-approved bidders list:
 - a. The contractor shall have submitted a thorough and complete response to the requested items.
 - b. The contractor shall have been in business under its current status for a minimum of three (3) consecutive years.
 - c. The contractor shall have an established equal opportunity program within the firm, and shall have submitted the documentation that satisfies the Construction Contractor Review Committee indicating intention to comply with state and/or federal laws and regulations concerning human rights.
 - d. The contractor shall have a history of compliance with all state, federal and local regulatory agencies.
 - e. The contractor shall have a contractor's license which is required for the nature and size of the work of the District.
 - f. The contractor shall have the ability to provide a bid security, performance bond and statutory bond as required by law in amounts sufficient to meet District requirements.
 - g. The contractor shall indicate the ability to provide the necessary insurance coverage.

- h. The contractor shall have an experience record showing the ability to successfully complete projects of a similar nature, size and time line to that of the District's.
 - i. The contractor shall have a good record whereby the amount of corrective work required on previously completed work has been minimal.
 - j. The contractor has established a good record of completing projects on time.
 - k. The contractor shall have performed satisfactorily on work, if any, done previously for the District.
 - l. The contractor or subcontractor shall not be a named defendant in a pending lawsuit or mediation hearing involving the District.
 - m. The contractor shall not exhibit any other cause the Construction Contractor Review Committee determines to be so serious and compelling as to affect the ability of the contractor or major subcontractor to be a responsible bidder for a District construction project.
4. The Construction Contractor Review Committee decision to grant or deny a request for pre-approval to bid shall be made in writing. If the decision is a denial, the Construction Contractor Review Committee shall state the basis for the denial.
5. A construction contractor or major subcontractor may appeal the decision of the Construction Contractor Review Committee denying an application for pre-approval status to the Superintendent or designee. Such an appeal shall comply with the following requirements:
- a. The appeal shall be in writing.
 - b. The appeal shall be submitted to the Superintendent or designee within ten (10) District business days of the issuance of a decision to deny a pre-approval status by the Construction Contractor Review Committee.
 - c. The basis for the appeal must be set forth in writing in the document that is submitted to the Superintendent or designee.
 - d. The Superintendent or designee, upon receiving an appeal, shall hold an informal hearing where the construction contractor or major subcontractor shall be allowed to present evidence. After the hearing has concluded, the Superintendent or designee may uphold, reverse, or modify the decision of the Construction Contractor Review Committee. The decision of the Superintendent or designee shall be in writing and shall set forth the reason(s) for the decision. The decision of the Superintendent or designee shall be final.
6. The Construction Contractor Review Committee shall have the authority to debar a construction contractor from bidding and a subcontractor from participating in a bid as a subcontractor. A debarment shall not be for a period of more than three (3) years. At the expiration of a debarment, a construction contractor or subcontractor who has been debarred may make application to the Construction Contractor Review Committee to be pre-approved as a District bidder.
7. Causes for debarment or suspension include the following:
- a. The contractor is unable to provide required bonds, insurance or licenses.
 - b. The contractor has not performed satisfactorily on past projects.
 - c. The contractor has required a large amount of corrective work on projects.
 - d. The contractor has established a record of not completing projects on time.
 - e. The contractor has not provided sufficient evidence to indicate it can satisfactorily perform the District's project.
 - f. The contractor is a named defendant in a pending lawsuit brought by the District.

- g. Any other cause the Construction Contractor Review Committee determines to be so serious and compelling as to affect the ability of the construction contractor or major subcontractor to be a responsible bidder for a District construction project.
8. If cause exists to debar a construction contractor or subcontractor, the chairperson of the Construction Contractor Review Committee shall notify the construction contractor or subcontractor in writing of such debarment. The notice shall contain the following information:
- a. Reasons for the debarment;
 - b. Duration of the debarment;
 - c. A notice that the construction contractor or subcontractor has the right to file an appeal of such debarment to the Superintendent or designee.
 - d. The appeal must be filed in writing with the Superintendent or designee within ten (10) District business days from the date written notice of the debarment was received.
 - e. The Superintendent or designee, upon receiving an appeal, shall hold an informal hearing where the construction contractor or subcontractor shall be allowed to present evidence.
 - f. The Superintendent or designee shall make a decision in writing that sets forth the reason(s) for the decision. The Superintendent or designee may uphold, reverse, or modify the decision of the Construction Contractor Review Committee. The decision of the Superintendent or designee shall be final.
9. Written determinations as specified herein shall be deemed to be served if such are sent to the recipient by certified mail to the contractor's or subcontractor's place of business or are hand-delivered.

Administrative Responsibility: Division Director of Facilities
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