

CONSTRUCTION / RENOVATION POLICY

School Building Construction / Renovation: Responsible Contractor

Fitzgerald Public Schools' Board of Education ("Board") desires to utilize contractors on school building construction, addition, repair, and/or renovation projects that will implement acceptable techniques and business practices and use satisfactory materials, equipment, and workers. The purpose of this Policy is to assist the Board in awarding school building construction contracts to the "lowest responsible bidder." Accordingly, the requirements of this Policy, including any obligation of contractors to respond to the Responsibility Criteria and other criteria as set forth herein, shall be incorporated into all bid documents used to solicit bids for a Construction Project.

DEFINITIONS

Construction Project: The construction of a new school building, or addition to or repair or renovation of an existing school building, except repair in emergency situations, that requires the solicitation of bids for competitive bidding purposes pursuant to Section 1267 of the Revised School Code, as amended.¹

Lowest Responsible Bidder: The Responsible Contractor with the lowest cost bid that satisfies the requirements of all local, state, and federal laws, this Policy, any administrative rules for this Policy developed by the Superintendent at the Board's direction, any bid documents used to solicit bids, and any other guidelines and specifications required for the Construction Project.

Responsible Contractor: A contractor determined by the Board to be sufficiently qualified to satisfactorily perform the Construction Project, or relevant part thereof, based on: (1) an overall review of the contractor's compliance with the Responsibility Criteria listed below; (2) the contractor's compliance with all applicable local, state and federal laws; and (3) the input of the District's architect(s), construction manager(s) and/or other consultants.

¹ MCL 380.1267

RESPONSIBILITY CRITERIA

This Board, or its designee, may consider the Responsibility Criteria listed herein in determining whether a contractor is a Responsible Contractor. However, the list set forth below shall in no way limit any additional criteria that the Board may deem relevant for purposes of making a determination of contractor responsibility. Any such criteria deemed relevant by the Board that is in addition to the items listed below shall be specified in the bid documents together with the requirements of this Policy.

The bid documents for a Construction Project shall require any contractor bidding on the project, or part thereof, to submit with its bid written responses and other information demonstrating its compliance (or noncompliance and the reason for such noncompliance) with the listed Responsibility Criteria and any other criteria declared relevant by the Board or its designee and included in the bid documents. For each separate bid package of a Construction Project, the Board or its designee may accord such weight as it deems appropriate to the Responsibility Criteria and any other criteria included in the bid documents for purposes of determining whether a contractor is a Responsible Contractor.

The Board expressly reserves the right to reject any and all bids, including the bid of any contractor that is not reasonably determined to be “responsible” in conjunction with this Policy. The Board may consider the following information in determining whether a contractor is a Responsible Contractor. This is not intended to be an all-inclusive or exhaustive list.

1. General information about the contractor’s company, its principals, and its history, including state, date of formation and type of legal entity which the contractor utilizes to perform its business.
2. Evidence that the contractor and its employee(s) are appropriately licensed and are certified to perform the work that has been bid.
3. A confirmation that all subcontractors, employees and other individuals working on the Construction Project will maintain current applicable licenses and certifications with all appropriate licensing agencies including the Michigan Bureau of Construction Codes and Fire Safety, or any successor agency, and as may otherwise be required by law for all licensed occupations and professions.
4. The ratio of masters to journeypersons to apprentices proposed to be used on the Construction Project job site.
5. A description of any apprenticeship-training program maintained by the contractor.
6. Documentation that contractor has implemented a MIOSHA-approved safety/training program for employees used on the proposed job site.

7. A complete chronological list of projects undertaken by the contractor within the past five (5) years, including dates, clients, approximate dollar value, and size.
8. Evidence that contractor has bonding capacity equal to or greater than the amount of the Construction Project, or relevant part thereof, if it is awarded the contract.
9. A detailed description of the warranty statement covering labor and materials, which will be provided by the contractor if it is awarded the contract.
10. A list of any and all litigation or arbitrations involving the contractor within the past five (5) years, including an explanation of the circumstances surrounding the dispute, the remedy sought, and how the dispute was resolved or, if pending, the status of the litigation or arbitration.
11. Evidence of insurance, including certificates of insurance, confirming existence and amount of coverage for liability, property damage, workers compensation, and any other insurances required by the proposed contract documents, if it is awarded the contract.
12. References from individuals or entities that have received in the past five (5) years, or that are currently receiving, the contractor's services, including information regarding records of performance and job site cooperation.
13. A detailed description of any quality assurance program used by the contractor.
14. Evidence of the existence of a drug and alcohol program which will prevent all of the contractor's employees from entering School District property under the influence of drugs or alcohol for each employee that will be working on the job site.
15. Evidence of the existence of a criminal records check procedure for each employee that will be working on the job site.
16. Any other relevant expertise, equipment, or ability of the contractor to perform the Construction Project, or relevant portion thereof.

The Board may reject any bid proposal that, in the Board's opinion, contains inaccurate information and evidences a lack of veracity.

Adopted 5/19/05