

SECTION 8: CONTRACTOR SELECTION
(Formal Advertised Sealed Bids)

8.1 Master Bidder's List

Procurement Management will maintain a Master Bidder's List comprised of contractors that have requested the opportunity to bid on County construction projects.

- 1) Periodically, Procurement Management may run a classified advertisement to invite interested contractors to be placed on the Master Bidder's List.
- 2) The Master Bidder's List will consist of various and as many categories, the Contract Manager deems necessary.
- 3) Procurement will only list contractors in the categories in which they are properly licensed to perform on the Master Bidder's List.
- 4) Periodically, Procurement will purge the Master Bidder's List by a mailing to all listed contractors.
 - a) Contractors who fail to respond affirmatively to a mailing, conducted by Procurement, will be purged from the list.
- 5) The Master Bidder's List will be used by Procurement for informal bids, as necessary, and formal sealed bids.

8.2 Informal Bids

At the discretion of the Contract Manager and/or the department/division director (or designee), informal bids may be used for construction/construction related projects through \$100,000.00, or when bidding requirements have been waived or are exempted based on the recommendation of the department director.

- 1) Informal bids may be obtained by the Project Sponsoring Department or Procurement Management, upon request.
- 2) Informal bids may be obtained by phone, in person, or in writing.
- 3) In soliciting informal bids, a minimum of three (3) contractors will be contacted. When obtaining informal bids, utmost care should be taken in order that: (1) contractors are given exactly the same information; and, (2) prices are not disclosed between contractors.
 - a) If the documents for an informal bid are changed after the original invitation has been sent, the Addendum procedure in this manual will apply.

8.2 Informal Bids (Continued)

- 4) The Project Sponsoring Department, approved by the Contract Manager (or designee) shall make the determination of the "best responsive/responsible bidder" for the project.
 - a) The Project Sponsoring Department or Contract Manager shall have the authority to reject all informal bids received if it is deemed in the best interest of Lee County.
- 5) If the contractor, to which the informal bid is to be awarded, submits a bid that is above level four authorization, the procedure for processing formal sealed bids will be implemented beginning with Section 8.3 10) d).

8.3 Formal Sealed Bids

Due to the complexity and high costs, all new construction projects, additions, remodeling, other type services requiring a contractor license type projects, or types of services not requiring a contractor license but necessary in order to complete a construction project, estimated over \$100,000.00, have been authorized in the County budget by the Board, and to be performed by outside contractors, will be selected and awarded through the formal sealed bid process received by Procurement Management.

The Board of County Commissioners adopted a policy establishing an overall 10% goal for local Disadvantaged Business Enterprise (DBE) participation in County procurements.

The Board of County Commissioners has adopted an ordinance for Local Bidders Preference. County Ordinance #00-10 provides that a qualified local bidder may be entitled to a 3% Bid Preference.

Prior to preparing a project for bidding, the project sponsoring department shall determine whether they want pre-qualification on each project.

- 1) The project sponsoring department shall complete the Prequalification Memo, Standard Form No. CMO:021 and forward to Procurement for mailing and receiving.
 - a) Procurement will place any ads and mail out the pre-qualification information sheet.
 - b) Procurement will coordinate receipt and analysis of the submittals with the project sponsoring department.
 - c) The project sponsoring department will be responsible for reviewing and pre-qualifying all contractors.
 - 1) Each department will be responsible for preparing their own evaluation sheet.
 - d) Once the project sponsoring department completes the evaluation process, they will forward the evaluation sheets to Procurement.

8.3 Formal Sealed Bids (Continued)

- e) Procurement will notify all contractors of those results.

Prior to submitting the bidding documents for preliminary review, the project sponsoring department shall establish the DBE participation goal percentage for each project.

- 1) It will be the responsibility of County Administration/DBE Program to maintain a listing of certified and properly licensed DBE's for use by the project sponsoring departments in establishing the goal for each project.
 - a) The project sponsoring department can obtain a listing of all certified DBE's through the designated web site.
 - b) In establishing each project goal, the project manager shall review the certified list of DBE's along with the project scope (sub-trades) and estimated cost in order to calculate the DBE percentage appropriately.
- 2) It will be the responsibility of Procurement to supply the needed documentation to County Administration to maintain their required reports.

To initiate a construction/construction related project, a department must prepare a request and submit it to Procurement Management.

- 1) The request should be prepared by the project sponsoring department using form CMO:019, Request to Prepare Front-End Document.
- 2) The request should be submitted, by email or CD Rom, along with the proposed Bid Schedule, Supplementary General Conditions, Special Conditions, Technical Specifications and Plans.
 - a) Preliminary request and bidding documents for the construction, alteration, remodeling, or repair of any County-owned building must first be approved by the Department of Construction & Design.
- 3) Once received, Procurement will prepare the appropriate construction front-end document for both in-house and consultant projects.
 - a) The Board of County Commissioners has adopted a Resolution, No. 95-12-102, which allows the County Manager (or designee) the authority to waive the Public Payment & Performance Bond for projects under \$200,000.00 with the exception of grant-funded projects. All grant-funded projects will require the Public Payment & Performance Bond unless the grant guidelines allow for a waiver of the bond.

8.3 Formal Sealed Bids (Continued)

- 1) Procurement will obtain a recommendation to require or not require the Public Payment & Performance bond from the project sponsoring department and forward it to the County Manager (or designee) for authorization.
- b) Procurement will forward the necessary documents to the following:
 - 1) County Attorney's office for setting the liquidated damages and review of any Scope, Supplementary General Conditions, Special Requirements/Conditions and Technical Specifications. The standard construction front-end document will not be forwarded.
 - 2) Risk Management for setting of the insurance requirements. Only the scope of work, estimated project cost and project duration will be forwarded to Risk Management.
- 4) After all comments have been received, Procurement will incorporate any changes into the front-end document. If any changes are received on the Supplementary General Conditions, Special Requirements/Conditions or Technical Specifications, Procurement will coordinate with the project sponsoring department to make the changes.
- 5) Upon completion, the project sponsoring department may request Procurement to begin the bidding process utilizing the Request to Advertise memo, standard form CMO:020; assign a bid number; a date for advertising; and, a date to receive bids. Procurement will complete the front-end document.
 - a) Requests for formal sealed bids will be advertised in a local newspaper at least once by Procurement Management and placed on the Procurement Management web site.
- 6) All project documents will be placed on the Procurement web site to be downloaded by all interested parties.
- 7) If the bidding documents for a formal sealed bid are changed after the original advertising, the Addendum procedure in this Section of the manual will apply.
- 8) All bidders will be required to submit the following as part of their sealed bid.
 - 1) All items as stated in the Lee County Standard Front End Construction Contract Documents.

8.3 Formal Sealed Bids (Continued)

- 9) Formal sealed bids will be received in the number prescribed in the Contract Document by Procurement and publicly opened by the Procurement Manager (or designee) at a prescribed place, date and time.
 - a) Procurement will retain one copy and forward the remaining copies to the project sponsoring department project manager.
 - b) Procurement will prepare a tabulation of the formal sealed bids received.
 - 1) When evaluating formal bids, the project sponsoring department will be responsible for verifying the information, details and calculations of the bids received and the qualification of the bidder.
 - 2) Procurement will be responsible for checking all bids and bidder's calculations for mathematical accuracy and for bidder's responsiveness to the bid requirements.
 - d) Procurement will, based on the department's recommendation, submitted on form CMO:039, Recommendation of Bid Award (optional), request an approval to award from the Board.
 - e) Rejection of bids shall be approved by the Contract Manager (or designee).
 - 1) If a bid protest has been timely received pursuant to the protest procedure, any rejection of the bids may need to be scheduled for approval by the Board of County Commissioners.
- 10) Construction Contract Contingency Budget

Any funds budgeted by the Board for construction services (including design or project management) for a given project which are not encumbered by the award of a construction contract may, after the initial construction contract is awarded, be considered a contingency budget and may be utilized for the purpose of funding change orders as follows:

8.3 Formal Sealed Bids (Continued)

- a) The Construction Contract Contingency Budget shall be part of and shall not exceed the budgeted construction line item for the project. It will consist of the difference between the amount budgeted for construction and the amount of the initial construction contract. It will be established automatically upon award of the initial construction contract.
- b) Departments that wish to increase amounts budgeted for contingency may request such amounts from the Board at any time. Increases in the construction line item after the initial construction contract is let will be made only by direction of the Board, and will not be accomplished by transfers without Board direction.
- c) Construction Contract Contingency Budget Change Order Authorization levels, subsequent to the establishment of a contingency budget as the result of the authorization of an initial construction contract for a project:
 - 1) In the event of an emergency situation which involves the necessity of protecting the public health, safety and welfare, the County Manager (or designee) may approve and authorize a Field Directive Change to handle the emergency situation. Emergency related Field Directive Change(s) in excess of a \$100,000.00 expenditure are subject to "after the fact" approval by the Board of County Commissioners in accordance with Section 1 Emergency Services.
 - 2) The total aggregate amount of change orders approved and authorized by the director of the project sponsoring department, the County Manager, and the Board shall not exceed the total Construction Contract Contingency Budget unless such amount is modified by the Board.
- 11) Any formal written protest involving the award of a construction contract based on the formal sealed bid process will be referred to the County's Bid Dispute Committee chaired by the Public Works Director (or designee), see Section 12 of this Manual.
- 12) The Department of Public Resources will notify Procurement Management of the Board's action on the recommendation of the contract award.

8.4 Construction Contract Execution

After a contractor has been awarded a construction project, by the Board of County Commissioners, Procurement will process the construction contract for execution.

- 1) Procurement will prepare the construction contract document for execution by the contractor.
 - a) Contract originals will be forwarded to the contractor with instruction as to how to execute the contract.

8.4 Construction Contract Execution (Continued)

- b) The successful contractor must obtain a Public Payment & Performance Bond (unless previously waived) and a certificate of insurance in compliance with the requirements of the contract document. Section 8.8 outlines the requirement for bonding and insurance.
 - c) The contractor shall, within seven (7) calendar days (unless stated otherwise in the contract document), return all copies of the contract, the Public Payment & Performance Bond and the certificate of insurance to Procurement.
- 2) After receipt of the executed contracts from the Contractor, Procurement will prepare and sign a Notice of Commencement and have the Notice of Commencement recorded with the Public Payment & Performance Bond.
 - a) The Notice of Commencement shall be signed by the Procurement Manager (or designee).
 - 3) Once all contract originals have been reviewed and approved, Procurement will have the contract executed by the Chairman or Vice-Chairman of the Board as follows:
 - a) County Attorney for review and approval as to form prior to the final execution by the Chairman or Vice-Chairman of the Board.
 - b) Risk Management for review and approval of the insurance certificates prior to final execution by the Chairman or Vice-Chairman of the Board.
 - c) Chairman or Vice-Chairman of the Board for final execution of the agreement.
 - 4) After contract execution, the contract document must be attested by the Clerk of the Court.
 - a) After final execution by the Chairman or Vice-Chairman and recording by the Finance Department, all contract documents will be forwarded to the Clerk of Courts, Minutes Department.
 - b) A Deputy Clerk in the Minutes Department will attest to all copies of the contract document.
 - c) The Minutes Department will return the remaining copies of the contract document to Procurement.
 - d) Procurement will be responsible for final distribution of the contract document.
 - 5) Procurement will issue a contract number which will also serve as the PURCHASE ORDER NUMBER.

8.5 Contract Distribution

After contract execution, Procurement will distribute the contract in the following manner:

- 1) One executed copy of the contract to the contractor along with a cover letter advising the contractor that the contract is enclosed and a written Notice to Proceed will be forthcoming.
 - a) Along with the executed contract Procurement will also send the recorded Notice of Commencement and Public Payment & Performance Bond (if applicable) with instructions to the Contractor to post the Notice of Commencement at a conspicuous place on the construction site.
- 2) Procurement will advise the project sponsoring department that the contract has been executed by the contractor and the Chairman or Vice-Chairman of the Board of County Commissioners, with a copy of the executed contract being forwarded to the contractor.
- 3) When the project sponsoring department is ready to proceed with the construction work, the department director (or designee) shall notify, in writing, Procurement of the date to proceed.
- 4) Procurement will prepare and forward a Notice to Proceed to the contractor.

8.6 Contract Changes

After a contract has been awarded and the written Notice to Proceed issued to the contractor, if the project sponsoring department finds it necessary to have change(s) made in the construction, as set forth and agreed to by both parties, then such change(s) shall be approved and authorized using the appropriate procedure and form as follows:

- 1) FIELD CHANGE ORDER
 - a) **PURPOSE** - A Field Change Order may be used as a means of the County and the contractor agreeing in writing to make a minor change(s) in the construction as set forth and required in the contract document, which change(s) does not result in a change (1) in the scope of the project, (2) the amount of compensation to be paid the contractor, or (3) the time for execution or completion of the contracted work.
 - b) **APPROVAL AND AUTHORIZATION** - A Field Change Order may be approved and authorized by the director of the project sponsoring department or by the designated project manager. The contractor is not authorized to proceed with the change(s) set forth in the Field Change Order form until the contractor has received a copy of the fully executed Field Change Order.

8.6 Contract Changes (Continued)

- c) FORM - A Field Change Order must be approved and authorized using Lee County Standard Form CMO:010.
 - d) LIMITATION - Unrelated field change orders which involve an increase or decrease in the amount of compensation paid the contractor may not be combined.
- 2) CHANGE ORDER
- a) PURPOSE - A Change Order is used as a means of the County and the contractor agreeing in writing to make changes in the required construction as set forth in the contract document, resulting in a predetermined and mutually agreed to: (1) change(s) in scope of the project, or (2) increase(s) in the amount of compensation to be paid the contractor, or (3) change in the time for execution or completion of the contract work.
 - b) APPROVAL AND AUTHORIZATION - Execution and authorization levels and amount limitation have been established as follows to expedite the Change Order approval and authorization process:
 - 1) The director of the project sponsoring department (or designee) is authorized to approve, execute and authorize individual change orders that are under \$50,000.00, established and approved by the Board and any associated time adjustments.
 - 2) The County Manager (or designee) is authorized to approve, execute and authorize individual change orders that are under the \$100,000.00 expenditure authorization approved by the Board and any associated time adjustments.
 - 3) Change orders involving a change in the compensation to be paid the contractor that exceeds \$100,000.00 must be submitted to and approved by the Board of County Commissioners.
 - 4) A Change Order approved and authorized by the Department Director, County Manager or Board of County Commissioners must use Lee County Standard form CMO:011 and shall be executed in **duplicate**.
 - a) If the project sponsoring department finds it necessary for a change order to a construction contract, the project sponsoring department will forward a Proposal Request Form, CMO:009, (form optional) to the contractor for the requested services.
 - b) Upon return of the Proposal Request from the contractor, the project sponsoring department or Procurement, upon request will incorporate the changes into a formal Change Order.

8.6 Contract Changes (Continued)

- c) Once the project sponsoring department or Procurement has completed the appropriate change order, the change orders should be forwarded to Procurement for review, prior to obtaining the contractor's signature.
 - d) After Procurement' review, the project sponsoring department or Procurement may forward the change order to the contractor for execution.
- 5) In instances of a decrease change order, no matter what the decrease amount is, a no cost, or only a change in the time for execution or completion of the contract work, the director of the project sponsoring department is authorized to approve, execute and authorize individual change orders.
 - 6) The contractor shall not proceed with the change(s) set forth in the change order until the contractor has received an executed set of the change order approved and authorized. For change orders requiring approval by the Board of County Commissioners (i.e., over the \$100,000.00 County Manager's change order expenditure authorization) the contractor shall not proceed until a written Notice to Proceed is issued by the director of the project sponsoring department (or designee).
 - 7) The total aggregate amount of change orders or Field Directive Changes approved and authorized by the director of the project sponsoring department, the County Manager or the Board of County Commissioners shall not exceed the amount of funds budgeted, allocated or available for the construction of the project.
 - 8) If the amount of a Change Order will make the total contract amount exceed the next level for which a contract has been previously approved, the appropriate authorizing signature must be obtained. (EXAMPLE: If a Department Director has approved a contract award for \$45,000.00 and a Change Order is processed for \$6,000.00, the Change Order must be approved by the County Manager because the new contract amount exceeds the Department Director level of \$50,000.00).

When a contract is awarded for a total amount under Board level, any change order processed which makes the total dollar amount of the contract exceed the County Manager level of \$100,000.00 will require Board approval. Once Board approval is obtained, any future change order(s) processed under County Manager's level will no longer require Board approval.

c) SUBMITTALS OF CHANGE ORDERS

- 1) Procurement will be responsible for forwarding a copy of change orders approved and executed to the contractor, project sponsoring department, Finance Department and the Clerk's Office, Minutes Department (if applicable), to be filed with the official contract document.

8.6 Contract Changes (Continued)

- 2) Change orders requiring Board approval (over the County Manager's \$100,000.00 expenditure authorization), the "Blue Sheet" submitting the change order to the Board shall be prepared by Procurement, and shall be based on and shall include the Change Order Form CMO:011 executed by the contractor, and recommendation of the director of the project sponsoring department and the project consultant (if applicable).
- 3) Upon receipt of notification that the Board has approved the change order and subsequent to execution of the change order by the Board Chairman and the recording of the change order by the Clerk of the Courts, Procurement shall provide the contractor, project sponsoring department, Finance and the Clerk of the Courts with an executed set of the change order.
 - a) The Department of Public Resources will forward all executed change orders to Procurement.
- 4) ORDER REVISION(S) - Subsequent to the approval and authorization of a change order by the County, Procurement shall prepare and submit a Order Revision in accordance with established procedures.

3) FIELD DIRECTIVE CHANGES

- a) PURPOSE - A Field Directive Change is used as a means for the County issuing a written directive to a contractor ordering an addition, deletion or change in the required construction work as set forth in the contract document, such addition, deletion or change may or may not result in a change (1) in the scope of the project, or (2) an increase or decrease in the amount of compensation to be paid the contractor, or (3) a change in the time for execution or completion of the contracted work. A Field Directive Change differs from a change order in that at the time the Field Directive Change is issued, it is not possible for either the County or the contractor to accurately determine (1) the total change in the project scope, (2) the amount of the increase or decrease in the contractor's compensation, or (3) the impact on the total contract schedule or time that might result from the Field Directive Change.
- b) AUTHORIZATION - The director of the project sponsoring department (or designee) after determining that there is adequate justification to issue a Field Directive Change, may, with the approval of the County Manager (or designee), prepare and issue a Field Directive Change to the contractor using Lee County Standard Form CMO:012. The Field Directive Change shall set forth to the maximum extent possible the scope, extent, and nature of the intended change(s) in the construction work so that a clear statement of understanding exists between the County and the contractor of (1) what the resultant effect of the Field Directive Change will be, and (2) what the basis is for making the final determination of what the changes in the contract (a) scope, (b) cost, or (c) time will be.

8.6 Contract Changes (Continued)

- 1) Under emergency conditions verbal approval can be obtained by the project manager from the director of the project sponsoring department. When approved, verbal approval can be given to the contractor by the project manager.
- 2) At such time as a final determination can be made as to the actual costs and changes, the director of the project sponsoring department (or designee) shall prepare and process the appropriate change order.

While a Field Directive Change will not establish, approve or authorize a final resultant change in the Contract (1) scope, (2) cost, or (3) time, it shall, in a manner agreeable to both the County and the contractor, establish the basis for subsequently incorporating such Field Directive Change(s) into a change order after the additional, deleted or revised work is done. Thus, a Field Directive Change is a binding commitment and statement of intent by the County upon which a mutual agreement is reached to authorize the Contractor to proceed to make changes in the work while reserving the finalization of change(s) in (1) scope, (2) cost, or (3) time until after the change(s) in the work is done.

- c) **CONVERTING A FIELD DIRECTIVE CHANGE TO A CHANGE ORDER** - At such time as a final determination can be made as to the actual changes in the contract (1) scope, or (2) cost, or (3) time which resulted from the change in the work done pursuant to the issuance of a Field Directive Change, the director of the project sponsoring department (or designee) shall prepare and process an appropriate Field Change Order or Change Order covering such changed work in accordance with the applicable process, procedures, expenditure level limitations.

8.7 Construction Contract Payment Authorization

The term "Owner's Representative" refers to the consultant under contract to the County for professional services or, in the absence of such a contract, the project manager will be considered the Owner's Representative.

Payments for all construction contracts shall be initiated by the project sponsoring department on the County's Standard Form titled "ESTIMATE AND REQUISITION FOR PAYMENT" (Progress and Final). Refer to the Purchasing & Payment Procedures Manual for payment procedure.

- 1) Progress Payments

The project sponsoring department director or designee shall be responsible for preparing requests for payment during construction of a project and shall be responsible for the following:

8.7 Construction Contract Payment Authorization (Continued)

- a) Obtaining a Release of Lien from the contractor that all sub-contractors having an interest in the contract have received their pro rata share of the previous periodic payment to the prime contractor for all work completed and materials furnished.
 - b) Obtaining Certification of Pay Request by the Owner's Representative and the contractor.
 - c) Verifying retainage is maintained and is in correct amount.
 - d) Amount of change orders are correct, documented and justified.
 - e) Verifying units or percent of work claimed is correct.
 - f) Obtaining all other documents required by the contract.
- 2) Final Payment

The project sponsoring department director or designee shall be responsible for the following items prior to submitting a request for final payment:

- a) Obtaining satisfactory evidence that all deficiencies, defects, or incomplete work reflected in the punch list have been corrected and/or completed.
- b) Obtaining completed copies of all written manufacturers and suppliers warranties or guarantees assigned to the County.
- c) Obtaining General Warranty from the contractor covering the entire project, dated as of the date of final completion.
- d) Obtaining operation and maintenance manuals for all equipment and systems.
- e) Verifying completed record drawings have been submitted to consultant or project sponsoring department.
- f) Where applicable, verification of required training of County personnel in systems and equipment operation.
- g) Obtaining Certificate of Occupancy or Compliance. If a temporary Certificate of Occupancy is issued, the cause of which is attributable to the contractor, the County shall retain funds adequate to protect its interest until such time a permanent Certificate of Occupancy is issued. Payment will not be processed as a final payment, but rather as a progress payment and must be requested on the Lee County Estimate and Requisition for Progress Payment Form. If the reason for the temporary Certificate of Occupancy is attributable to the County, the contractor shall be entitled to a full final payment.

8.7 Construction Contract Payment Authorization (Continued)

- h) Obtaining Owner's Representative Certificate of Substantial Completion.
- i) Obtaining final inspection report from the project sponsoring department's inspector, when applicable, stating that the project has been completed in compliance with requirements of the contract document.
- j) Obtaining Final Payment Certification and an Affidavit from the contractor (Lee County Form No. CMO:013 (3)).
- k) Obtaining Owner's Representative Certificate of Final Completion Form No. CMO:016.
- l) Obtaining DBE Participation Certification (Form No. CMO:017) and justification letter (if applicable).
- m) Obtaining consent of surety.

All requests for final payments shall be done with 1 original, along with the Estimate and Requisition for Payment form, and a Standard Form, "Final Payment Checklist" verifying that each of the items in 8.7 2) a through m (if applicable) with completion dates have been secured, shall be forwarded to Procurement Management for review, approval, and forwarding to the County Attorney's office for signature. Once signed, the County Attorney's office will forward the signed documents back to Procurement. Procurement will be responsible for distributing the approved final payment documents with an original to the Clerk of Courts, Finance Department, for final payment.

Payment for final retained percentage cannot be accomplished until the project has been completed; the final withheld percentage authorized released; and the final payment certification approved and signed by County Attorney's Office.

Procurement will forward a signed copy to the project sponsoring department, Risk Management and County Administration/DBE Program.

In all cases involving change orders, the County Attorney's office will not process the final payment until the department director has processed and completed the change order.

All projects that require Board acceptance shall be scheduled on the Lee County Board of County Commissioners' Agenda by the project sponsoring department.

8.8 Final Evaluation at the Completion of a Construction Contract

If the project sponsoring department has not experienced any problems with the Contractor during the construction duration, for a project, it will not be necessary to complete a Contractor Performance Evaluation. However, if problems have occurred the project sponsoring department shall complete the Contractor Performance Evaluation in accordance with established procedures below.

8.8 Final Evaluation at the Completion of a Construction Contract (Continued)

At the final completion of a construction contract the project sponsoring department shall complete a Contractor Performance Evaluation form CMO:018. The Contractor Performance Evaluation form shall be processed in the following manner:

- 1) The project manager shall complete the Contractor Performance Evaluation form and forward to the Contractor for signature and comment (if any) with instructions to return within seven (7) calendar days.
- 2) Upon receipt of the Contractor Evaluation from the Contractor, the project manager shall submit the form to the department/division director for review and signature.
- 3) Once completed, the project manager shall forward the Contractor Performance Evaluation to Procurement Management.
- 4) Procurement will maintain a file of all Contractor Performance Evaluations. Before the project sponsoring department makes a recommendation to award a contract, Contractor Performance Evaluations on file with Procurement should be reviewed. Any department can obtain a copy of a Contractor Evaluation form on file by Procurement.

8.9 Bonding/Letter of Credit

- 1) Chapter 255.05 of the Florida Statutes provides that any person entering into a formal contract with the Board of County Commissioners for the construction or repair of any public buildings or public work shall be required to execute the usual Public Payment & Performance Bond by a surety company considered satisfactory by Lee County and otherwise authorized to transact business in the State of Florida.
 - a) Florida Statute 255.05 provides that the Board, at its discretion, may exempt any person entering into a contract which is for \$200,000.00 or less from executing the Public Payment & Performance Bond. Therefore, the Board has issued a policy waiving the Public Payment & Performance Bond for construction and repair on public buildings and public work up to and including \$100,000. The usual Public Payment & Performance Bonds on construction and repair of public buildings and public work over \$100,000.00 is required unless otherwise officially requested to be waived and approved by the County Manager (or designee) up to \$200,000.00.
- 2) In lieu of a Public Payment & Performance Bond, a clean irrevocable Letter of Credit or cash bonds may be accepted in the amount of one hundred percent (100%) of the contract total utilizing Lee County Standard form CMO:008.
 - a) All Public Payment & Performance Bonds, Letters of Credit or cash bonds shall conform to the guidelines as outlined in the Lee County Standard Front-End Construction Contract Documents.

8.9 Bonding/Letter of Credit (Continued)

- 3) The County Attorney's office shall review all Public Payment & Performance Bonds, Letters of Credit and cash bonds for legal sufficiency.
- 4) Original bonds and Letters of Credit shall be maintained with the Procurement Management Office.
- 5) It will be the responsibility of Procurement to verify that all qualifications outlined in the Lee County Standard Front-End Construction Contract Documents are met and monitor the life of all Public Payment & Performance Bonds, Letters of Credit and cash bonds.

8.10 Addendum to Bidding Documents

An addendum to a bidding document shall be defined as an addition or change in the already prepared project manual (including plans) for which an invitation has been mailed and an advertisement has been published for a formal advertised sealed bid. An addendum may also be required for an informal bid.

- 1) Addenda for formal advertised sealed bids shall be prepared and approved by Procurement Management.
 - a) The project sponsoring department will submit the additions or changes by memorandum to Procurement. The memorandum will also indicate authorization to issue the addendum.
 - b) The Procurement Manager (or designee) shall sign the addendum.
- 2) Afterward, Procurement will post the Addendum on the Procurement web site. It is the responsibility of the document holders to make sure they have downloaded all addenda issued prior to the bid opening date.

8.11 Geographic Preference

- 1) The Board of County Commissioners has adopted Lee County Ordinance 00-10, as amended by Ordinance 08-26, known as the "Local Bidder's Preference" ordinance, which establishes a 3% bidder preference for qualified local bidders, contractors and vendors.
- 2) The geographic preference established in the Local Bidder's Preference ordinance is applicable to all Lee County procurement activities unless otherwise specifically noted in the solicitation package. Provided however, the Local bidder Preference ordinance is not applicable to procurement activity or solicitations involving Federal Transit Administration grant funds.