

REGULATIONS OF THE
UNIVERSITY OF FLORIDA

3.074 Construction; Evaluations of Professional Service Providers (including Architects and Engineers), Design/Builders, Construction Managers and Contractors; Disqualification Procedure

(1) For purposes of this regulation, major project means a project the construction cost of which is in excess of Two Million and No/100 Dollars \$2,000,000.00, and minor project means a project the construction cost of which is Two Million and No/100 \$2,000,000.00 or less.

(2) Professional service providers under contract for a major project or a minor project which is not under a continuing contract will be evaluated by the University on a project by project basis as follows:

- (a) once per calendar year, in September, during the contract term;
- (b) upon completion of a project; and
- (c) at anytime the University determines there has been a material change in the quality of the firm's performance occurring during the contract term.

(3) Professional service providers under continuing contracts with the University will be evaluated by the University on all projects performed during the contract term. These evaluations will occur:

- (a) once per calendar year, in September, during the contract term, and
- (b) at anytime the University determines there has been a material change in the quality of performance during the contract term. In conducting evaluations under subsection (2) and (3) of this regulation, the University will utilize the on-line Architect/Engineer Evaluation

Form which can be obtained from the Facilities Planning and Construction website at www.facilities.ufl.edu. If, when procuring professional services, the University, in accordance with University of Florida Regulation 3.070, considered any additional criteria not set forth in the University's standard form professional qualifications statement, the University shall also evaluate the professional service provider's performance in those areas.

(4) Construction managers under contract for a major project or a minor project which is not a continuing contract will be evaluated by the University on the schedule set forth in subsection (2) above for evaluating firms and individuals providing professional services on major projects and minor projects which are not continuing contracts. Construction managers under continuing contracts will be evaluated by the University on the schedule set forth in subsection (2) above for evaluating firms and individuals providing professional services under continuing contracts. In conducting evaluations of construction managers, the University will utilize the on-line Construction Manager Evaluation Form which can be obtained from the Facilities Planning and Construction website at www.facilities.ufl.edu.

(5) Design/Builders under contract for a major project or a minor project which is not a continuing contract will be evaluated by the University on the schedule set forth in subsection (2) above for evaluating firms and individuals providing professional services on major projects and minor projects which are not continuing contracts. Design/Builders under continuing contracts will be evaluated by the University on the schedule set forth in subsection (3) above for evaluating firms and individuals providing professional services under continuing contracts. In conducting evaluations of design/builders, the University will utilize the applicable portions of the evaluation forms used in evaluating providers of professional services and in evaluating construction managers.

(6) Contractors under contract with the University to provide either major or minor projects will be evaluated by the University on the schedule set forth in subsection (2) above for evaluating firms and individuals providing professional services under contract for major projects or minor projects which are not under continuing contracts. In conducting evaluations of general contractors, the University will consider all known instances of poor or inadequate performance, deficient management resulting in project delay, poor quality workmanship, and late payments to laborers, subcontractors and suppliers with whom the contractor has a direct contract and where there is no bona fide contract dispute between the contractor and such laborers, subcontractors and suppliers. .

(7) In order to be evaluated, a firm must have been under contract for at least two (2) months at the time of the evaluation.

(8) Firms will be provided with a copy of each completed evaluation form and may appeal the evaluation in accordance with Chapter 120, Fla. Stat.

(9) The University may utilize the information gathered in its evaluation to evaluate a firm's qualifications to provide services on future University construction projects and to decide whether a firm should be disqualified from providing services at the University in the future.

(10) If the University determines, whether through the evaluation process or otherwise, that any of the firms or individuals providing professional services, construction managers or contractors that it has engaged to perform professional or construction services are not providing satisfactory service to the University, the President or President's designee will carefully review all facts and circumstances surrounding such unsatisfactory service and determine whether there is sufficient cause to warrant disqualification from participation on future University projects. Without limitation of the foregoing, legal action between the University and the firm or

individual providing professional services, the construction manager or the contractor relating to services or work performed by the firm or individual providing professional services, construction manager or the contractor which has commenced or is imminent shall constitute automatic grounds to entitle the President to disqualify the firm from performing future services at the University or to temporarily suspend the firm or individual's right to perform future services at the University. The disqualification shall continue until the University is satisfied that the services of such firm or individual providing professional services, the construction manager or the contractor will be, at least, satisfactory to the University. The President or designee shall so notify the firm or individual providing professional services, the construction manager or the contractor of the disqualification. The notice shall set forth specifically the grounds for disqualification and the right of the disqualified firm or individual providing professional services, construction manager or contractor to request a hearing in accordance with Chapter 120, Fla. Stats.

Authority: BOG Regulation 1.001.

History—New 6-3-03, Formerly 6C1-3.074, Amended 6-8-12.