

## ORIGINATION FORM

Date: 10-4-10  
Originator: Dan Hurtado  
Contact Information: 414-4155

Specification Title: 002  
Specification Section, Article, or Subarticle Number: 2-1

Why does the existing language need to be changed? The 4<sup>th</sup> and 5<sup>th</sup> paragraphs are not consistent with the language in 337.165, FS with regard to the definitions of “contract crime”. The present language may be unenforceable because it is ambiguous.

Summary of the changes: We will be changing “...public entity crime...” to “...”contract crime” with respect to a Public contract...”.

Are these changes applicable to all Department jobs? If not, what are the restrictions? Yes.

Will these changes result in an increase or decrease in project costs? If yes, what is the estimated change in costs? N/A

With who have you discussed these changes? Rudy Powell, Juanita Moore

What other offices will be impacted by these changes? All

Are changes needed to the PPM, Design Standards, SDG, CPAM or other manual? No.

Is a Design Bulletin, Construction Memo, or Estimates Bulletin needed? No.

Contact the State Specifications Office for assistance in completing this form.  
Rudy Powell 850-414-42820 [rudy.powell@dot.state.fl.us](mailto:rudy.powell@dot.state.fl.us)  
Frances Thomas 850-414-4101 [frances.thomas@dot.state.fl.us](mailto:frances.thomas@dot.state.fl.us)  
Debbie Toole 850-414-4114 [deborah.toole@dot.state.fl.us](mailto:deborah.toole@dot.state.fl.us)  
Andy Harper 850-414-4127 [clifton.harper@dot.state.fl.us](mailto:clifton.harper@dot.state.fl.us)



## *Florida Department of Transportation*

**CHARLIE CRIST**  
GOVERNOR

605 Suwannee Street  
Tallahassee, FL 32399-0450

**STEPHANIE KOPELOUSOS**  
SECRETARY

### **M E M O R A N D U M**

**DATE:** October 12, 2010  
**TO:** Specification Review Distribution List  
**FROM:** Rudy Powell, Jr., P.E., State Specifications Engineer  
**SUBJECT:** Proposed Specification: 0020100 Proposal Requirements and Conditions

In accordance with Specification Development Procedures, we are sending you a copy of a proposed specification change.

The changes are proposed by Dan Hurtado to make the language consistent with the language in 337.165, FS with regard to the definitions of “contract crime”.

Please share this proposal with others within your responsibility. Review comments are due within four weeks and should be sent to Mail Station 75 or to my attention via e-mail at ST986RP or rudy.powell@dot.state.fl.us. Comments received after **November 8, 2010** may not be considered. Your input is encouraged.

RP/ft  
Attachment

**PROPOSAL REQUIREMENTS AND CONDITIONS.**  
**(REV 10-4-10)**

ARTICLE 2-1 (Pages 9 – 10) is deleted and the following substituted:

**2-1 Prequalification of Bidders.**

Except as noted below, prequalify with the Department to be eligible to bid. The Department publishes regulations covering prequalification of bidders under separate cover.

The Department does not require the Contractor to be prequalified if bidding construction contracts of \$250,000 or less, or if constructing buildings. In addition, at its sole discretion, the Department may waive prequalification requirements on contracts of \$500,000 or less.

For construction contracts requiring prequalification, file an application for qualification on forms furnished by the Department, giving detailed information with respect to financial resources, equipment, past record, personnel, and experience. For qualified applicants, the Department will issue a certificate fixing the types of work and the aggregate amount of work that the Department allows the prequalified bidder to have under contract at any one time.

A person or affiliate who has been placed on the convicted vendor list following a conviction for a “*contract crime*” with respect to a public ~~entity-crime~~contract may not submit the following:

- (a) A bid on a contract to provide any goods or services to a public entity.
- (b) A bid on a contract with a public entity for the construction or repair of a public building or public work.
- (c) Bids on leases of real property to a public entity.

A person or affiliate who has been placed on the convicted vendor list following a conviction for a “*contract crime*” with respect to a public ~~contract~~entity may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017 F.S., for Category Two. All restrictions apply for a period of 36 months from the date of placement on the convicted vendor list.

All prequalified Contractors bidding on any Contract must certify their total dollar amount of Work Underway and submit Form 375-020-39 or a spreadsheet in a similar format prior to submitting a bid. This information must be submitted at least once during the month the bid is due via the “Work Underway” link in the Contractor Pre-Qualification System.