

The School Board Of Broward County, Florida
Facilities & Construction Management
Michael C. Garretson
Deputy Superintendent

October 19, 2009

TO: Derrick J. Ragland
Executive Director

FROM: Michael C. Garretson
Deputy Superintendent

SUBJECT: CM AND TPM SUBCONTRACTS

As you know project managers have reported disputes relating to the award of subcontracts under several current CM contracts. We have reviewed this situation with legal staff and request that you immediately implement the following actions in resolving the disputes.

When the CM, or TPM, provides the required written explanation as to the reason for rejecting the low bidder, and, the explanation for the rejection of the low bidder is unsatisfactory, the following steps are to be taken by your staff.

1. The project manager must notify the CM or TPM of the reasons why the recommendation is unsatisfactory and deny the recommendation.
2. If the CM or TPM then awards a subcontract to other than the low bidder the project manager must notify the CM or TPM that the subcontract is invalid.
3. The project manager must also advise the CM or TPM that payments on the invalid subcontract shall not exceed the amount of the low bidder.
4. The project manager must ensure that payments on such a subcontract do not exceed the amount of the low bidder.

We have prepared draft notices relating to the above. To avoid disputes such as have occurred recently, the CM or TPM must follow all state regulations and board policies regarding public bidding including:

1. Do not open bids from non-prequalified bidders.
2. Hold public bid openings of sealed bids.
3. Conducting scope verification and buy-out in an open manner.

MCG/DH:ma
Attachments

Cc: CCFile – Procedures – CM/TPM

1700 SW 14th Court – Ft. Lauderdale, FL 33312
Phone: 754-321-1500 Fax: 754-321-1680

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Type date of memo spelled out (remember to change this, if memo is revised)

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