

**CHAPTER 14-22**  
**CONTRACTORS - HIGHWAY - QUALIFICATION TO BID**

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**14-22.0011 General Procedural Requirements.**

(1) This rule chapter sets forth requirements for applicants to be certified by the Department as qualified to bid for the performance of road, bridge, or public transportation construction contracts, in excess of \$250,000.

(2) Except for the provisions of Rules 14-22.012 and 14-22.0141, F.A.C., this rule chapter does not apply to bidders who wish to bid on construction contracts of \$250,000 or less, or other contracts not having to do with the construction of roads, bridges, or other public transportation projects, or where the Department has waived the qualification requirements of Construction projects having a contract price of less than \$500,000 due to the determination that the projects are of a noncritical nature and that waiver of qualification requirements will not endanger public health, safety, or property.

(3) Time. The provisions of Rule 28-106, F.A.C., shall apply in computing any period of time prescribed by this rule chapter.

(4) Request for Hearing. All requests for hearing shall be in writing and shall be filed with the Clerk of Agency Proceedings, Department of Transportation, MS 58, Haydon Burns Building, 605 Suwannee Street, Tallahassee, Florida 32399-0458. A request for hearing is filed when it is delivered to and received by the Clerk of Agency Proceedings at the above address and accordingly, is not timely filed unless it is received by the Clerk of Agency Proceedings within the appropriate time period.

(5) Definitions.

(a) The following terms shall have the meanings set forth in Section 337.165, F.S.: “contractor,” “contract crime,” “convicted,” or “conviction,” and “affiliate.”

(b) For matters not involving contract crimes, the term “affiliate” shall mean business

concerns, organizations, or individuals where, directly or indirectly, either one controls or has the power to control the other, or a third party controls or has the power to control both. Indicia of control include interlocking management or ownership, identity of interests among family members, shared facilities and equipment, common use of employees, or a business entity organized following the revocation, denial, or suspension or proposed revocation, denial, or suspension of a contractor which has the same or similar management, ownership, or principal employees as the contractor that was revoked, denied, or suspended or proposed for revocation, denial, or suspension.

(c) The term “applicant” means the person, firm, or combination of persons or firms for which qualification is desired. Joint ventures are addressed in Rule 14-22.007, F.A.C.

(d) The term “bidder” means an entity which is qualified according to this rule chapter, and which possesses sufficient current capacity to obtain bid proposal documents from the Department.

(e) The term “construction assets” means assets used for the construction of roads, bridges, or public transportation projects. The term “non-construction assets” means assets not used for the construction of roads, bridges, or public transportation projects.

(f) The term “qualified equipment appraiser” means an individual employed by an equipment company that sells, rents, or leases the general type of equipment being appraised, or a company or individual(s) engaged in the business of appraising equipment regularly used in the construction of roads, bridges, or other transportation projects.

(g) The term “qualified real estate appraiser” means an individual who meets all of the requirements of the laws of the state in which the appraisal occurs. Real estate appraisals on Florida real estate must be performed by a “Certified General Appraiser,” as defined in Section 475.611, Florida Statutes.

(h) The term “construction revenues” means all revenues earned through contracting for the performance of road, bridge, and other construction projects (to include all revenues derived from providing administration, labor, material, equipment, supplies, and services necessary to fulfill contractual obligations incurred in the performance of road, bridge, and other construction projects). Specific Authority 334.044(2), 337.14(1) FS. Law Implemented 120.569, 337.11(3)(b), 337.11(5)(a) 1.- 3., 337.11 (7)(b)1., 337.11(7)(c), 337.14, 337.16, 337.165, 337.167 FS. History - New 11-10-82, Amended 8-25-83, Formerly 14-22.011, Amended 12-20-89, 1-4-94, 7-1-95, Amended 8-6-96, 1-17-99, 7-8-01, 6-27-04, 1-23-08.

#### **14-22.002 Regulations Covering Qualification of Contractors.**

##### **(1) Application for Qualification.**

(a) Persons or firms who desire to qualify with the Department in order to bid for the performance of road, bridge, or public transportation construction projects in excess of \$250,000, shall file annually with the Department an Application for Qualification (Online Web Application), Form 375-020-38-11/7/2007. An Application for Qualification shall be filed electronically on the website <http://www.dot.state.fl.us/cc-admin/default.htm>. Information regarding the Application, including a copy of the form, can be obtained by writing to the Department at the address listed below. Persons or firms may obtain information on how to obtain a user name and password to use the Application filing process by contacting the Contracts Administration Office at the address below. The Application will consist of requested information on the Applicant, Applicant’s stakeholder, Applicant’s affiliates, and would include the Applicant firm’s background, current and historical contract detail, construction experience, and expertise, financial information and requested

work classes. Persons or firms shall also file two hard copies of audited financial statements as required by this section via hand delivery or mail to Department of Transportation, Contracts Administration Office, 605 Suwannee Street, MS 55, Room 60, Haydon Burns Building, Tallahassee, Florida 32399-0455. For purposes of this rule, "filing" is defined as receipt of the application and audited financial statements by the Contracts Administration Office.

(b) A separate application must be submitted for each person, firm, or combination thereof for which qualification is desired.

(c) The applicant must indicate the classes of work for which qualification is sought.

(d) All statements made by the applicant in the application shall be furnished under oath.

(e) The data in the applicant's financial statement must be reflected in the financial sections of the application.

(f) All applications must include the appropriate federal tax reference number.

1. For corporations (including Subchapter S corporations), partnerships, sole proprietorships, joint ventures, limited liability companies, and other entities the appropriate tax reference number is the federal Employer Identification Number (EIN).

2. For individuals the appropriate tax reference number is the Social Security Number (SSN) of the individual.

3. For foreign corporations organized outside the United States, the Department will assign a special identification number.

(g) In the event the Department finds an application is incomplete or contains inadequate or inaccurate information needed for processing of the application, or the Department needs more information to make a decision regarding the applicant's competency, responsibility, or financial resources, the Department shall verbally request or request in writing that the applicant provide the necessary information or the source for verification of the information. If the requested information is not provided within 20 days, of the initial request, the Department shall request the information a second time in writing express delivery, delivery receipt. If the information is not provided within 10 days of receipt of the second request, the application shall be denied.

(h) The Department shall act upon the application for qualification within 30 days after the Department determines that the application is complete.

(2) Financial Statements. Each application shall include the latest annual audited financial statements including any supplementary information and schedules of the applicant that were completed within the last 12 months. Audited financial statements required to be submitted with the application shall be prepared in accordance with Generally Accepted Accounting Principles (GAAP). If the audited annual financial statements show the financial condition of the applicant more than four months prior to the date on which the application is filed with the Contracts Administration Office, then audited interim financial statements must also be submitted. The audited interim financial statements must cover the period from the ending date of the audited annual statements and must show the financial condition of the applicant no more than four months prior to the date on which the application is filed with the Contracts Administration Office. These annual and interim financial statements must be audited and accompanied by the opinion of a Certified Public Accountant.

(a) An adverse opinion or a disclaimer of an opinion shall result in disapproval of the application. A qualified opinion will result in adjustments to the financial portions of the application

if such qualification arises because of the use of an accounting principle at variance with GAAP or the qualification is of such magnitude as to materially affect the current ratio, liabilities, or the adjusted net worth.

(b) When consolidated financial statements are required by GAAP, and qualification is desired for one or more of the subsidiary companies, a consolidating balance sheet is required and must be included by the Certified Public Accountant. When combined financial statements are allowed by GAAP, and qualification is desired for one of the combining affiliated entities, a combining balance sheet is required and must be included by the Certified Public Accountant.

1. For those applications described in paragraph (2)(b) above, financial information entered in the Details Relative to Assets and Details Relative to Liabilities sections of the Application for Qualification must be obtained from the consolidating or combining balance sheets, as appropriate, and reflect only those portions of the financial statements relative to the qualifying applicant.

2. Only the financial data of the applicant as shown on the consolidating or combining balance sheets and reflected in the application will be used in determining the applicant's Current Ratio Factor (CRF), Adjusted Net Worth, (ANW), and Maximum Capacity Rating (MCR).

(c) The financial statements shall include, but shall not be restricted to the following basic financial statements:

1. Statements (sub-subparagraphs a. through d.) shown below and the opinion of the certified public accountant on these statements.

- a. A balance sheet.
- b. An income statement.
- c. A statement of retained earnings or changes in stockholders equity.
- d. A statement of cash flows.

2. The Income Statement above shall provide separate totals for "construction revenues," as defined by paragraph 14-22.0011(3)(h), F.A.C., and all revenues earned during the audit period.

3. Notes to financial statements.

4. Supplemental data including a schedule of selling, general and administrative expenses, and a schedule of contracts in progress.

5. Upon written request, such additional financial information necessary for the Department to verify the financial adequacy of the applicant as presented in their financial statements and the opinion of the Certified Public Accountant.

(d) Applicants not qualified with the Department the previous year shall furnish financial statements with each copy of the application form that covers the year preceding the year of the latest annual audited financial statements included in the application. This requirement is not applicable for newly established (in existence less than one year) firms.

(3) List of Equipment. Each major item of equipment owned by the applicant that is utilized in performing the requested classes of work shall be listed in the application with its book or salvage value, make, model, and description shown. Items held under capital lease agreements shall be identified so that the book value of these items can be readily determined. Items required for each class of work may be grouped together, but listed separately. An applicant who desires that the value of the equipment owned be calculated on 50 percent of appraised value shall provide an additional list which includes an appraisal by a qualified equipment appraiser. For an appraisal to be valid, the appraiser must state that they have personally inspected and/or examined the equipment. Certified

statements of availability of equipment from affiliated companies may be used for obtaining classes of work. The same equipment may be used to qualify no more than two affiliated applicants. Letters of commitment from at least two equipment rental companies may be used to obtain certification in classes of work in which the applicant has expertise. The letters of commitment must list the equipment that the applicant intends to lease for the classes of work sought and commit the lessor for the maximum period the applicant is seeking qualification.

(4) Experience Record.

(a) Each application shall include a current list of projects completed within the past three years as prime or subcontractor stating the actual dollar amount of work executed and listing each class of work performed on those projects by the applicant's own employees. The list shall not include work sublet to others or performed with rented equipment and operators. Résumés must be submitted to show construction experience of personnel at superintendent level and above for each class of work for which the applicant is requesting qualification. The same list of personnel shall not be used to qualify more than two affiliated applicants.

(b) Newly established firms, applicants qualifying for the first time and applicants whose Certificate of Qualification has been expired for more than two years shall provide letters of recommendation from at least two agencies or firms with direct knowledge of the applicant's key personnel and work performance in sufficient detail to assist in rating the applicant's ability to perform road and bridge construction and services incidental thereto. The letters must contain specific information regarding the following:

1. Specific projects, including project numbers and location.
2. Size of projects by dollar value.
3. Description of projects and classes of work performed with applicant's own employees and equipment.
4. Whether projects were timely completed.
5. Whether the applicant was cooperative and facilitated changes to the project when required.

Specific Authority 334.044(2), 337.14(1), 337.167 FS. Law Implemented 337.14, 337.164, 337.167 FS. - Formerly Chapter 14-8, Amended 7-1-67, 8-20-68, 5-9-70, 1-6-72, 9-24-75, Formerly 14-22.01(1),(2),(3), Amended 3-23-79, 11-10-82, 8-25-83, 10-1-85, Formerly 14-22.02, Amended 12-20-89, 6-27-90, 1-4-94, 7-1-95, 6-27-04, 5-15-06, 1-23-08.

**14-22.003 Rating the Applicant.**

(1) Verification of Information. The Department will make such inquiries and investigations as deemed necessary to verify and evaluate whether the applicant is competent, is responsible, and possesses the necessary financial resources to perform the desired work, based upon the following:

(a) Organization and management, including construction experience, and past work performance record of the applicant or applicant's employees, whether with or prior to their employment by that applicant, including deficiency in quality of completed work, any history of payment of liquidated damages, untimely completion of projects where liquidated damages were not paid, uncooperative attitude, contracts litigation, claims, unpaid bill(s), notices of non-payment filed by subcontractors or suppliers, and defaults in Florida or other states.

(b) Equipment, as shown on the equipment list for the requested classes of work. Adequate equipment shall be basic equipment used by the industry in the normal construction for each class of

work or called for in the Standard Specifications for Road and Bridge Construction in force at the time of application.

(c) Integrity, including evaluation of truthfulness of statements in the application and in other contractual documents.

(d) Financial resources, sufficient to establish a Maximum Capacity Rating (MCR) as set forth in (2) below. The Department will consider any other relevant financial information.

(2) MCR.

(a) Definition and Formula. The MCR shall be the total aggregate dollar amount of uncompleted work an applicant may have under contract at any one time as prime contractor and/or subcontractor, regardless of its location and with whom contracted. The MCR shall be established by the Department using the following formula, and consideration of general qualification factors listed in subsection 14-22.0041(1), F.A.C.:

$MCR = AF \times CRF \times ANW$ , in which

MCR = Maximum Capacity Rating

AF = Ability Factor (determined from the Ability Score as provided below)

CRF = Current Ratio Factor (determined as provided below)

ANW = Adjusted Net Worth (for rating purpose, determined as provided below).

1. Ability Score.

a. New applicants and applicants who have not been qualified under this rule for more than two years shall have their Ability Factor determined from the total Ability Score resulting from evaluations of the applicant's organization, management, work experience, and letters of recommendation. The maximum values used in determining the ability score for the above applicants are as follows:

<b>ABILITY SCORE</b>	
<b>ORGANIZATION AND MANAGEMENT</b>	<b>MAXIMUM VALUE</b>
Experience of Principals	15
Experience of Construction Supervisors	15
<b>WORK EXPERIENCE</b>	
Completed Contracts	
Highway and bridge related	25*
Non-highway and bridge related	10
Ongoing Contracts	
Highway and bridge related	25*
Non-highway and bridge related	10
<b>TOTAL</b>	<b>100</b>
*MAXIMUM VALUE SHALL BE INCREASED TO 35 IF APPLICANT'S EXPERIENCE IS EXCLUSIVELY IN HIGHWAY AND BRIDGE CONSTRUCTION.	

b. If the applicant has been qualified under this rule within the last two years, and the Department has three or more Prime Contractor Past Performance Reports on file for projects completed for the Department within five years of the application filing date which have not been previously used to determine an Ability Score, the applicant's Ability Score shall be calculated by adding the scores of these reports plus the average score from the previous application and dividing this sum by the number of scores used. Prime Contractor Past Performance Reports shall reflect the applicant's organization, management, and demonstrated work performance, including work sublet to others, set forth in Form 700-010-25, which is incorporated by reference in Rule 14-22.015, F.A.C.

c. If the applicant has been qualified under this rule within the last two years, and the Department does not have three or more Prime Contractor Past Performance Reports on file for the applicant for projects completed for the Department within five years of the application filing date, then the Ability Factor (AF) from the applicant's last successful application will be brought forward and used.

d. The average Ability Score determined in a. or b. above is converted to an AF pursuant to Rule Section 14-22.003(2)(a)2., or the AF is brought forward as indicated in c. above. The AF is then used in the formula pursuant to paragraph 14-22.003(2)(a), F.A.C. to compute the applicant's MCR.

2. Ability Factor. The Ability Score for new and active applicants shall determine the AF as follows:

Ability Score	AF
64 or less	1
65-69	2
70-73	3
74-76	4
77-79	5
80-84	8
85-89	10
90-93	12
94-97	14
98-100	15

a. Notwithstanding the requirements in paragraph 14-22.003(2)(a), sub-subparagraphs 14-22.003(2)(a)1.a., 1.b., 1.c., 1.d., and subparagraphs 14.22.003(2)(a)2., F.A.C., above, the AF will be limited to a maximum of 4 if the applicant receives an ability score of 76 or less on the initial application, or receives an ability score of 76 or less on two or more Prime Contractor Past Performance Reports on file for projects completed during the 12 month period preceding the applicant's fiscal year ending date for which the Certificate of Qualification is being issued, unless the applicant's average ability score (inclusive of all scores received during the period) is 87 or greater. The use of a surety commitment letter to raise the MCR is prohibited.

b. This AF limitation will remain in effect during the current qualification period.

3. Current Ratio Factor (CRF). The current ratio is the number resulting from dividing the adjusted current assets by the adjusted current liabilities. The actual current ratio from 0.60 up to a maximum of 2.00 will be used as the CRF. For current ratios greater than 2.00, 2.00 will be used as the CRF. The applicant will be denied qualification if its current ratio is less than 0.60.

4. Adjusted Net Worth (ANW). The ANW must be a positive value for the applicant to be considered for qualification. The ANW used in the MCR formula will be the amount of capital and surplus (net worth) as adjusted.

5. The following adjustments shall be applied in the establishment of the CRF and ANW:

a. Value allowed for equipment shall be the book value, or 50 percent of actual value given by a qualified equipment appraiser, whichever is greater. Equipment appraisals must be dated no earlier than six months prior to receipt of the application.

b. Value allowed for real estate used for business purposes (road, bridge, or public transportation construction) shall be:

(I) The book value or the value given by a qualified real estate appraiser, (real estate appraisals shall be dated no earlier than two years prior to the date the application is filed), less

(II) Encumbrances against same (such encumbrances will not also be deducted elsewhere).

c. No value will be allowed for investments, real estate, or any other property not used in road, bridge, or public transportation construction, and no allowance shall be given for homesteads or personal property.

d. Assets of doubtful value, as more fully defined by GAAP, are recorded transactions that, based upon the known facts and circumstances, do not lead to the realization of value for use in the contractor's operations in the current operating period. These assets shall be eliminated in part or entirely.

e. Contingent liabilities, as more fully defined by GAAP, are debts or obligations that would require the use of the contractor's resources within the current operating period, given that certain events take place in the future. These shall be treated as actual liabilities, wholly or in part, depending on the probability of such liabilities becoming actual liabilities.

f. Patents, organizational expense, non-compete agreements, goodwill, and intangible assets, as defined by GAAP, shall be eliminated entirely.

g. Past due receivables or unexplained receivables, officer and employee receivables, or other related party receivables, unsecured notes receivable, and the interest for these notes shall be eliminated entirely. Subsidiary or affiliate receivables, based upon the known facts and circumstances, that do not lead to the realization of value for use in the contractor's operations shall be eliminated in part or entirely.

h. Prepaid expenses. Prepaid taxes and deferred interest shall be eliminated entirely.

i. Leashold improvements and the excess of book value over liabilities for capital lease assets shall be eliminated entirely. Cash surrender value life insurance shall be eliminated entirely.

k. Construction claims included as current assets associated with contracts shall be eliminated entirely.

6. MCR. The calculated MCR shall be rounded off according to the following scale:

Up to \$500,000 - round off to nearest \$10,000

Above \$500,000 to \$2,000,000 - round off to nearest \$25,000

Above \$2,000,000 - round off to nearest \$50,000

(b) Bonding Capacity.

1. Except for the provisions of subparagraph 14-22.003(2)(a)2.a., F.A.C., above, an applicant qualifying for a positive rating, or a contractor having a current certificate of qualification, has an Ability Score of 80 or higher, and has a Current Ratio Factor of at least 1.00, is eligible to request an increase in its MCR upon receipt of evidence of a current bonding capacity exceeding the calculated MCR from a surety company authorized to do business in Florida. Such evidence shall be in the form of a Surety Commitment Letter and executed by an officer of the surety who is authorized to bind the surety, with a power of attorney attached. The Surety Commitment Letter must be dated within four months of the request and cover the certification period. The limit for an MCR issued on the basis of such bond commitment for applicants with an Ability Score of 80 through 90 will be determined by the following "Surety Capacity" formula:

$$SC = SM \times MCR \times (CRV \times TRV)$$

In which:

SC = Surety Capacity

SM = Surety Multiplier (Determined from Ability Score - Surety Multiplier Table as provided below)

MCR = Maximum Capacity (Determined as provided in 14-22.003(2)(a))

CRV = Construction Revenues (As set forth in applicant's financial statements per 14-22.002(2)(c)2.)

TRV = Total Revenues (As set forth in applicant's financial statements)

ABILITY SCORE - SURETY MULTIPLIER TABLE	
Ability Score	Surety Multiplier
80	3.0
81	3.4
82	3.8
83	4.2
84	4.6
85	5.0
86	5.6
87	6.2
88	6.8
89	7.4
90	8.0

2. Except for the provisions of sub-subparagraph 14-22.003(2)(a)2.a., F.A.C., above, the MCR for firms that have an Ability Score of 91 or greater will be the “Aggregate of Contracts” amount stipulated in the surety commitment letter. An MCR established through the use of a surety commitment letter shall not exceed the “Aggregate of Contracts” amount stipulated in the surety commitment letter.

3. Except for the provisions of sub-subparagraph 14-22.003(2)(a)2.a., F.A.C., above, use of a surety commitment letter to increase an applicant’s MCR will only be considered if at the time of application the applicant’s CRF is at least 1.00, as defined in subparagraph 14-22.003(2)(a)3., F.A.C., and the applicant has an Ability Score of 80 or higher. No event(s) during the qualification period subsequent to the ending date of the audited financial statements used for qualification will be considered in determining an applicant’s CRF. However, the Department will consider the general qualification factors listed in subsection 14-22.004(1), F.A.C., in consideration of an increase to the applicant’s MCR through the use of a surety commitment letter.

(3) Classification of Work.

(a) Applicant request for class(es) of work. Applicants shall indicate each class of work for which they desire qualification. The Department will consider qualifying the applicant only in the

specific class or classes of work requested.

(b) The major classes of work are as follows:

1. Major Bridges:

- a. Bridges which include bascule spans.
- b. Bridges which include curved steel girders.
- c. Bridges with multi-level roadways.
- d. Bridges of concrete segmental construction.
- e. Bridges which include steel truss construction.
- f. Bridges which include cable stayed construction.
- g. Bridges of conventional construction which are over a water opening of 1,000 feet or more.

h. Cast-in-place post-tensioned superstructures.

2. Intermediate Bridges are bridges that contain none of the types of construction listed under Major Bridges and span lengths exceeding 50 feet (center to center of cap).

3. Minor Bridges are bridges with span lengths not exceeding 50 feet (center to center of cap) and total length not exceeding 300 feet. A Minor Bridge shall not contain any type of construction listed under Major Bridges or Intermediate Bridges.

4. Bascule Bridge Rehabilitation.

5. Grading (includes clearing and grubbing, excavation, and embankment).

6. Drainage (includes all storm drains, pipe culverts, culverts, etc.).

7. Flexible Paving (includes limerock, shell base and other optional base courses, soil-cement base, mixed-in-place bituminous paving, bituminous surface treatments and stabilizing).

8. Portland Cement Concrete Roadway Paving.

9. Hot Plant-Mix Bituminous (includes structural and surface courses).

(c) Specialty classes of work are as follows:

1. Electrical work (includes roadway, bridge, and runway lighting).

2. Fencing.

3. Guardrail.

4. Grassing, Seeding, and Sodding.

5. Landscaping.

6. Traffic Signals.

7. Computerized Traffic Control Systems.

8. Bridge Painting.

9. Pavement Markings (includes delineators, traffic stripe painting, and thermoplastics).

10. Roadway Signing.

(d) Such other classes of work not normally performed by road and bridge contractors as the applicant may request.

(e) For the Work Class of Emergency Debris Removal, the contractor(s) shall complete the Application for Qualification for Emergency Debris Removal, DOT Form 375-020-37, Rev. 07/06, incorporated herein by reference. The Application for Qualification shall be accompanied by a Reviewed Financial Statement prepared in accordance with GAAP.

Specific Authority 120.53(1)(a), 334.044(2), 337.14(1) FS. Law Implemented 337.11(3)(b), 337.11(5)(a) 1.- 3., 337.11 (7)(b)1., 337.11(7)(c), 337.14, 337.167 FS. History - Formerly Chapter

14-8, Amended 7-1-67, 8-20-68, 5-9-70, 1-6-72, 9-24-75, Formerly 14-22.01(4), Amended 3-23-79, 11-10-82, 8-25-83, 1-9-84, 10-1-85, Formerly 14-22.03, Amended 12-20-89, 4-22-92, 1-4-94, 7-1-95, 7-2-95, 7-8-01, 6-27-04, 5-15-06, 11-5-06.

**14-22.0041 Procedure for Qualification and Issuance of Certificate of Qualification.**

(1) General Qualification Requirements. General qualification factors the Department will consider in determining qualification include:

- (a) Adequacy of financial resources as set forth in 14-22.003 (2)(a) 3. and 4.
- (b) History of conviction for contract crime by an applicant or its affiliate(s).
- (c) History of suspension or revocation of Certificate of Qualification.
- (d) Unsatisfactory record of past work performance or payment of obligations.
- (e) Employment of or otherwise providing compensation to any employee or officer of the Department.

(f) Evidence of willfully offering an employee or officer of the Department any pecuniary or other benefit with the intent to influence the employee's or officer's official action or judgment.

(g) Whether the applicant or its affiliate is currently delinquent or has been delinquent on any contract previously awarded by the Department.

(2) Certificate of Qualification. The Certificate of Qualification shall state the applicant's Maximum Capacity Rating, the class or classes of work approved for bidding, the applicant's name for submitting bids and the expiration date of the qualification.

(3) Revision of Certificate of Qualification.

(a) The Department may issue a Revised Certificate of Qualification that expires no later than the expiration date of the previous valid Certificate of Qualification. A revised Certificate of Qualification will be issued when at least one of the following occurs: changes in classes of work, Maximum Capacity Rating, company name, and correction of technical errors.

1. Written requests for additional classes of work will be considered according to Section 14-22.0041(2)(a).

2. Written requests for raising the Maximum Capacity Rating must conform to Section 14-22.003(2)(b).

3. Revisions to the Ability Score of non-active contractors will be made by the Department using the procedure described in Section 14-22.003(2)(a)1.a.

4. Name changes will be made if consistent with Section 14-22.005(4).

(b) Denial or partial denial of written requests for Revised Certificates of Qualification shall be processed according to Section 14-22.0041(2).

Specific Authority 334.044(2), 337.14(1), 337.164, 337.165, 337.167 FS. Law Implemented 120.53(1)(a), 120.57, 120.62, 337.14, 337.164, 337.165, 337.167 FS. History - New 11-10-82, Amended 8-25-83, 10-1-85, Formerly 14-22.041, Amended 12-20-89, 1-4-94, 7-1-95, 6-27-04.

**14-22.0042 Notification of Conviction of Contract Crime.**

(1) A contractor who is currently qualified or seeking to be qualified shall notify the Contracts Administration Office in writing within 30 days after the filing of a criminal Information, an Indictment, or the conviction of a contract crime applicable to the contractor, or any affiliates, officers, directors, executives, shareholders active in management, employees, or agents of the contractor.

(2) Whenever the Department has reason to believe that a contractor or their affiliate, who is

currently qualified or seeking qualification, has been convicted of a contract crime or is affiliated with a person or contractor so convicted, the Department may issue a written demand upon the contractor or affiliate to appear for sworn testimony, to answer written interrogatories, or to produce documents or other tangible evidence for inspection or copying.

Specific Authority 334.044(2), 337.14(1) FS. Law Implemented 120.62, 337.164, 337.165(5), (6) FS. History - New 8-25-83, Amended 10-1-85, Formerly 14-22.042, Amended 12-20-89, 1-4-94, 5-15-06.

**14-22.005 Period of Validity of Qualification.**

(1) The applicant's period of qualification shall be 18 months from the ending date represented by the audited annual financial statements included in the application. For good cause, the Department will approve a period of qualification less than 18 months. Good cause shall mean as defined in Rule 14-22.0141, F.A.C. An applicant must submit a new application 30 days prior to the expiration of its current Certificate of Qualification to ensure no interruption in its qualification to bid. The Certificate of Qualification shall expire no later than the expiration date of the certificate, regardless of whether or not a hearing has been requested concerning the Department's action on the application. Submission of an application shall not affect expiration of the Certificate of Qualification.

(2) Qualified applicants in good standing shall be notified of the impending deadline date for submittal of their application for qualification at least 45 days prior to that date. Failure of notification shall not affect the deadline date for submittal of applications for qualification.

(3) Qualified entities shall submit a new application with financial statements as required by 14-22.002(2) within four months from the date that a change of ownership or incorporation of a non-incorporated firm occurs. Also, a new application shall be required whenever the Department has reason to believe that the position of a qualified entity is less favorable than at the time of its last application or a subsequent event that is material and adversely affects the financial position of the entity.

(4) A qualified entity need not submit a new application solely because of any change in the officers or the name of a corporation, but such information shall be certified to the Department within 10 days of such events.

(5) A qualified entity shall notify the Department in writing within 10 days of the decrease in its available surety performance bond credit amount.

(6) A Certificate of Qualification shall not be issued to an applicant or affiliate that is insolvent.

(7) A qualified entity or applicant or affiliate shall notify the Contracts Administration Office in writing upon the filing of a bankruptcy petition. The notice shall be received by the Contracts Administration Office within 10 days of the initial filing.

(8) A qualified entity, upon written request from the Department (stating the reasons for this request), shall submit updated or other additional financial information necessary for the Department to verify the financial adequacy of the qualified entity during the period of validity of qualification. Specific Authority 334.044(2), 337.14(1) FS. Law Implemented 337.14, 337.164 FS. History - Formerly Chapter 14-8, Amended 7-1-67, 8-20-68, 5-9-70, 1-6-72, 9-24-75, Formerly 14-22.01(7), Amended 3-23-79, 11-10-82, 8-25-83, 10-1-85, Formerly 14-22.05, Amended 12-20-89, 1-4-94, 6-27-04, 5-15-06.

#### **14-22.006 Current Capacity Rating.**

(1) The Certificate of Qualification shall establish an entity's Maximum Capacity Rating which will be reduced by the total value of their current uncompleted work, regardless of its location and with whom it may be contracted, to determine their bidding capacity at any particular time. This bidding capacity shall be called Current Capacity.

(2) In determining the Current Capacity of a prospective bidder, the deduction for uncompleted work shall include work subcontracted from others. The bidder will be given credit for work sublet to others; provided, for contracts with the Department, the request for authorization to sublet the work has been approved in writing. The Department, in determining the bidder's eligibility to be issued a bid proposal, will decrease a bidder's uncompleted work by deducting ten percent per month from the "Status of Contracts on Hand" report in the Certification of Current Capacity form submitted with the bidder's most recent bid or the uncompleted work listed in the bidders's Application for Qualification, whichever is most current, which will increase the Current Capacity accordingly.

(3) In order for the Department to have the information required to determine a bidder's Current Capacity, it is necessary that the bidder certify the total dollar amount of all work the bidder has underway. This certification shall be accomplished electronically by submitting the Certification of Work Underway (Online Web Application), Form 375-020-39, 11/7/2007, to the Department concurrently with the bid submittal for the first letting in the calendar month that the bidder submits a bid.

(4) In submitting this certification the following shall apply:

(a) If the letting is not later than the 25th day of the month, the certification and report shall reflect the uncompleted work as of the 15th day of the month preceding the month of the letting.

(b) If the letting is after the 25th day of the month, the certificate and report shall reflect the uncompleted work in progress as of the 15th day of the month of the letting.

(c) In determining a bidder's Current Capacity, any projects in a prior letting pending award by the Department to such bidder also shall be debited against the bidder's Current Capacity unless the award is to be delayed for an indefinite period of time. Further, no credit shall be given for proposed subcontracting of any work included in such proposal pending award.

Specific Authority 334.044(2), 337.14(1) FS. Law Implemented 337.11(3)(b), 337.11(5)(a) 1.- 3., 337.11 (7)(b)1., 337.11(7)(c), 337.14, 337.164 FS. History - Formerly Chapter 14-8, Amended 7-1-67, 8-20-68, 5-9-70, 1-6-72, 7-24-75, Formerly 14-22.01(8), Amended 3-23-79, 11-10-82, 8-25-83, 10-1-85, Formerly 14-22.06, Amended 12-20-89, 6-27-90, 1-4-94, 7-1-95, 7-2-95, 12-18-05, 5-15-06, 1-23-08.

#### **14-22.007 Joint Ventures.**

(1) Two or more qualified bidders may bid jointly provided that each party has requested that the proposal document be issued to the joint venture; that the combined joint venture meets the requirements of 14-22.008(1) and that the combined Current Capacity of the parties to the joint venture equals or exceeds the budget estimate of the project. The parties to a joint venture shall submit, prior to the issuance of the proposal document, a statement in the name of the joint venture signed by each party, indicating the percentage of proposed contract work to be debited against each one's Current Capacity. The total of these percentages must equal one hundred percent. If any party exceed(s) its Current Capacity, by virtue of the percentage of the work to be debited against its

available capacity, as expressed on the signed statement and using the budget estimate as the comparison figure, then the party must take action prior to the issuance of a proposal document in the name of the joint venture which results in their percentage being within their Current Capacity.

(2) If the joint venture parties are affiliated in any way as to ownership, officers or key employees, they may indicate the desired apportionment of the capacity debit; however, the Department reserves the right to change such apportionment as justified by the circumstances.

(3) The provisions of this section regarding the apportionment of the debit for a joint venture among the parties to the joint venture shall in no way divide the responsibility for the joint venture bid or contract among the parties hereto.

(4) Qualified parties who form a joint venture under the provisions of this section must have a federal Employer Identification Number (EIN) for the joint venture or give proof that they have requested same. The Department must be provided this number before contract award can be made. Specific Authority 334.044(2), 337.14(1) FS. Law Implemented 337.11(3)(b), 337.11(5)(a) 1.- 3., 337.11 (7)(b)1., 337.11(7)(c), 337.14, 337.164 FS. History - Formerly Chapter 14-8, Amended 7-1-67, 8-20-68, 5-9-70, 1-6-72, 9-24-75, Formerly 14-22.01(9), Amended 3-23-79, 11-10-82, 8-25-83, Formerly 14-22.07, Amended 12-20-89, 1-4-94, 7-1-95.

#### **14-22.008 Eligibility for Obtaining Proposal Documents.**

(1) Proposal documents for a specific project shall be issued only to a prospective bidder who has a Current Capacity equal to or larger than the budgeted contract amount and a Certificate of Qualification, which expires on or after the date proposals are to be received, covering one or more classes of work, as identified in 14-22.003(3)(b), F.A.C., which, in the aggregate, comprise 50 percent or more of the percentage of the Department's budget estimate of the major classes of work in the specific contract .

(2) If the Department's budget estimate for a specific project has a majority of percentage of speciality classes of work, as identified in 14-22.003(3)(c), F.A.C., then a contractor must be qualified in 50 percent or more of the percentage of the Department's budget estimate for the total classes of all work in the specific project.

(3) In determining whether a contractor shall receive proposal documents, the Department will automatically credit all contractors as being qualified in 50 percent of the Maintenance of Traffic percentage of the Department's budget estimate for a specific project.

(4) The term "Current Capacity" as used herein is as defined in Rule Section 14-22.006 (1).

(5) Eligibility for obtaining proposal documents shall have no effect on determination of the Current Capacity.

(6) A qualified bidder will be issued proposal documents for any number of projects, provided the estimated contract amount of any individual project requested does not exceed their Current Capacity. Except for the provisions of Rule Section 14-22.003(2)(a)2.a., above, qualified firms that desire to bid a project which exceeds their Current Capacity, whose CRF was at least 1.00 based on the financial statements used for current qualification, and that have an Ability Score of 80 or higher, will be allowed to bid that specific project if the firm furnishes a commitment letter from a surety company, authorized to do business in Florida, that the project amount does not exceed the firm's Surety Capacity as established by Rule Section 14-22.003(2)(b)1. Issuance of proposal documents by the Department will be subject to payment of applicable costs by the qualified bidder.

(7) The bid shall be signed by the owner for sole proprietorships; partner(s) authorized to

bind the entity for a partnership; the president or vice president for corporations; and for limited liability companies an authorized executing official. Bids submitted by a joint venture shall be signed by the authorized executing officials of the business entities comprising the joint venture and the attorney-in-fact for the joint venture.

Specific Authority 334.044(2), 337.14(1) FS. Law Implemented 337.11(3)(b), 337.11(5)(a) 1.- 3., 337.11 (7)(b)1., 337.11(7)(c), 337.14 FS. History - Formerly Chapter 14-8, Amended 7-1-68, 8-20-68, 5-9-70, 1-6-72, 9-24-75, Formerly 14-22.01(11), Amended 3-23-79, 11-10-82, 8-25-83, Formerly 14-22.08, Amended 12-20-89, 1-4-94, 7-1-95, 7-2-95, 7-8-01, 5-15-06.

**14-22.009 Over-Bidding.**

(1) Any bid that exceeds the Current Capacity of the bidder shall be disqualified and rejected unless the bidder fulfills the requirements of Rule Section 14-22.009(3).

(2) In the event a bidder submits the low bid on two or more projects in the same letting where the aggregate dollar amount of the bids is greater than the Current Capacity of the bidder, and the bidder is unable to increase its Current Capacity by fulfilling the requirements of Rule Section 14-22.009(3), the Department shall select the particular project or projects for award that will result in the least cost to the Department.

(3) Before the Department takes action under the provisions of either of the preceding two paragraphs, the bidder shall be notified in writing of the Department's action and, except for the AF provisions of Rule Section 14-22.003(2)(a)2.a., above, shall be allowed a period of 10 days from the date the bid was opened to submit a certification of work underway pursuant to Rule 14-22.006.

(4) The determination of the successful bidder on any project or projects in which bids have been disqualified under the provisions of this section shall be made without consideration of the disqualified bid(s).

Specific Authority 334.044(2), 337.14(1) FS. Law Implemented 337.11(3)(b), 337.11(5)(a) 1.- 3., 337.11 (7)(b)1., 337.11(7)(c), 337.14, 337.165 FS. History - Formerly Chapter 14-8, Amended 7-1-67, 8-20-68, 5-9-70, 1-6-72, 9-24-75, Formerly 14-22.01(11), Amended 3-23-79, 11-10-82, 8-25-83, Formerly 14-22.09, Amended 12-20-89, 1-4-94, 7-1-95, 7-2-95, 7-8-01, 12-18-05, 1-23-08.

**14-22.0101 Special Classes of Work.** For projects which require a contractor with specific expertise and experience, the Department will state additional prequalification requirements in the special provisions and/or the Bid Solicitation Notice. These requirements may relate to demonstrated performance of similar work, of similar size and complexity, and the possession or availability of facilities or equipment needed for performance of the work, in addition to prequalification requirements under these subsections. The conditions may include a deadline date for submittal of additional prequalification data that will be earlier than the deadline for issuing bidding documents. Bidding documents will be issued only to potential bidders who have prequalified in accordance with this rule and the terms of the special provisions of the contract.

Specific Authority 334.044(2), 337.105, 337.14(1) FS. Law Implemented 337.105, 337.11, 337.14, 337.164 FS. History - New 12-20-89, Amended 1-4-94.

**14-22.0111 Subletting.** The Department may require subcontractors to be prequalified with the Department as described in the special provisions and the Bid Solicitation Notice whenever construction projects contain certain classes of work that the Department considers critical, even though the classes of work are not the controlling items of work.

Specific Authority 334.044(2), 337.14(1) FS. Law Implemented 337.14, 337.164 FS. History - New

12-20-89, Amended 1-4-94.

**14-22.012 Suspension, Revocation, or Denial of Qualification.**

(1) The Department will, for good cause, suspend, revoke, or deny any contractor's qualification to bid. A suspension, revocation, or denial for good cause pursuant to this rule shall prohibit the contractor from bidding on any Department construction contract for which qualification is required by Section 337.14, F.S., shall constitute a determination of non-responsibility to bid on any other Department construction or maintenance contract, and shall prohibit the contractor from acting as a material supplier or subcontractor on any Department contract or project during the period of suspension, revocation, or denial. As provided in Section 337.16(2), F.S., such good cause shall include, but shall not be limited to, the provisions of paragraphs (a) and (b) below. When a specific period of revocation, denial, or suspension is not specified by this rule, the period shall be based on the criteria set forth in subsection 14-22.0141(2), F.A.C.

(a) The contractor's Certificate of Qualification shall be suspended, revoked, or denied for at least one year when it is determined by the Department that any one of the following has occurred:

1. One of the circumstances specified under Section 337.16(2)(a), (b), (d), or (e), Florida Statutes, has occurred.

2. Affiliated contractors submitted more than one proposal for the same work. In this event the Certificate of Qualification of all of the affiliated bidders will be revoked or denied. All bids of affiliated bidders will be rejected.

3. The contractor made or submitted to the Department false, deceptive, or fraudulent statements, certifications, or materials in any claim for payment or any information required by any Department contract, including the Certification of Work Underway to the Department.

No change to (a)4. through (6).

4. The contractor defaulted on any contract, or a contract surety assumed control of financial responsibility for, any contract of the contractor.

(b) A contractor's Certificate of Qualification shall be suspended, revoked, or denied for a period of 90 days upon a first occurrence, 180 days upon a second occurrence within three years of the first occurrence, or one year upon a third occurrence within three years of the first occurrence, when it is determined by the Department that one of the following has occurred:

1. The contractor failed to timely furnish all contract documents required by the contract specifications or special provisions, or by any state or federal statutes or regulations. If the contractor fails to furnish any of the subject contract documents by the expiration of the period of suspension, revocation, or denial set forth above, the contractor's Certificate of Qualification shall remain suspended, revoked, or denied until the documents are furnished by the contractor.

2. The contractor failed to register, pursuant to Chapter 320, F.S., all motor vehicles operated in this state.

3. The contractor failed to notify the Department's Contracts Administration Office within 10 days of the contractor or any of its affiliates being declared in default or otherwise not completing work on a contract, or being suspended from qualification to bid or denied qualification to bid by any other public agency, semi-public agency, or private entity. This suspension will be in addition to any period of denial or revocation resulting from violation of (a) above.

(2) The Department shall deny or revoke the Certificate of Qualification to bid of any

contractor and its affiliates for a period of 36 months, pursuant to Section 337.165, F.S., when it is determined by the Department that the contractor has, subsequent to January 1, 1978, been convicted of a contract crime within the jurisdiction of any state or federal court. Any such contractor shall not act as a prime contractor, material supplier, subcontractor, or consultant on any Department contract or project during the period of denial or revocation.

(3) The Certificate of Qualification of a contractor found delinquent under Section 337.16(1), Florida Statutes, shall be denied, suspended, or revoked. A suspension or revocation shall prohibit the contractor from being a subcontractor on Department work during the period of suspension or revocation, except when a prime contractor's bid has used prices of a subcontractor who becomes disqualified after the bid and before the request for authorization to sublet is presented.

(4) Any decision by the Department to suspend, revoke, or deny a contractor's Certificate of Qualification to bid will be provided to the contractor in accordance with Rule 28-106.111, F.A.C. The Department's action will become final unless a timely petition for a hearing is filed in accordance with Rules 28-106.104, 28-106.201, and 28-106.301, F.A.C. In order to be timely, when the Department's intent is to deny a Certificate of Qualification for reasons other than delinquency or conviction for contract crime, the petition must be filed with the Department's Clerk of Agency Proceedings within 10 days after receipt of the Department's notice, in accordance with Sections 337.14 and 337.16, F.S. When the Department's intent is to revoke or suspend a Certificate of Qualification or deny a Certificate of Qualification for delinquency or conviction for contract crime, the petition shall be filed within 21 days of receipt of the Department's notice, pursuant to Rule 28-106.111, F.A.C..

(5) If a contractor's Certificate of Qualification is revoked, suspended, or denied and the contractor receives an additional period of revocation, suspension, or denial of its Certificate of Qualification, the time periods will run consecutively.

(6) The suspension, revocation, or denial of any qualification to bid shall not affect obligations under any pre-existing contracts, except as may be amended by the parties.

Specific Authority 334.044(2), 337.14(1) FS. Law Implemented 334.044(27), 337.11, 337.14, 337.16, 337.165, 337.167 FS. History - Formerly Chapter 14-8, Amended 7-1-67, 8-20-68, 5-9-70, 1-6-72, 9-24-75, Formerly 14-22.01(11), Amended 3-23-79, 11-10-82, 8-25-83, 10-1-85, Formerly 14-22.12, Amended 12-20-89, 1-4-94, 7-1-95, 7-2-95, 2-16-99, 7-8-01, 6-27-04, 1-23-09.

#### **14-22.0121 Reapplication and Reinstatement.**

(1) A contractor whose qualification to bid has been revoked or denied because of contract crime may at any time after revocation or denial, file a petition for reapplication or reinstatement. However, a contractor may not petition for reapplication or reinstatement for a period of 24 months after revocation or denial for a subsequent conviction occurring within 10 years of a previous revocation or denial for contract crime.

(a) The petition for reapplication or reinstatement shall be in writing and shall be filed with the Clerk of Agency Proceedings, Department of Transportation, Burns Building, MS 58, 605 Suwannee Street, Tallahassee, Florida, 32399-0458 and shall include:

1. The name and address of the party making the request.
2. A statement of the specific grounds upon which the petition is based and the proposed terms and conditions upon which reapplication or reinstatement is sought.
3. A list of all witnesses and exhibits to be presented.

4. A statement whether the contractor requests the hearing be held by the Division of Administrative Hearings (formal hearing).

(b) Upon the filing of a petition for reapplication or reinstatement the Department shall:

1. If the hearing is before the Department (informal hearing), schedule a hearing within 30 days following receipt of the petition unless otherwise stipulated by the parties, or

2. Notify the Division of Administrative Hearings within five days following receipt of the petition for scheduling of the hearing in accordance with Section 337.165(2)(d) and 120.57, Florida Statutes. As required by Section 337.165(2)(d), F.S., the Director of the Division of Administrative Hearings shall assign a hearing officer within five days after notice by the Department. This officer shall conduct the hearing within 30 days thereafter, unless otherwise stipulated by the parties.

(2) If the petition for reapplication or reinstatement is denied, the contractor can not petition for a subsequent hearing for a period of nine months following the date of the final order of revocation or denial.

(3) If the petition for reapplication or reinstatement is granted, the contractor must file a current Application for Qualification with the Contracts Administration Office. Reinstatement shall not be effective until issuance of a Certificate of Qualification. The financial statements submitted with the reinstatement application must comply with 14-22.002(2), F.A.C.

Specific Authority 334.044(2), 337.14(1), 337.167(2) FS. Law Implemented 337.14, 337.16, 337.164, 337.165, 337.167 FS. History - New 8-25-83, Amended 10-1-85, Formerly 14-22.121, Amended 12-20-89, 1-4-94, 1-23-08.

#### **14-22.014 Emergency Suspension and Revocation.**

(1) The Department may summarily issue an emergency suspension of a contractor's qualification to bid if it finds that imminent danger exists to the public health, safety, or welfare.

(2) The written notice of emergency suspension shall state the specific facts and reasons for finding imminent danger to the public health, safety, or welfare.

(3) The Department, within 10 days after the emergency suspension, shall initiate formal suspension or revocation proceedings in compliance with Rule 14-22.012, F.S.C., except that the 10 day notice requirement in Rule 14-22.012, F.A.C. shall not be construed to prevent a hearing at the earliest time practicable upon request of the aggrieved party.

Specific Authority 120.57, 334.044(2), 337.14(1), 337.167(2) FS. Law Implemented 120.57, 337.14, 337.16, 337.164, 337.167 FS. History - New 11-10-82, Amended 8-25-83, Formerly 14-22.14, Amended 12-20-89, 1-4-94.

#### **14-22.0141 Contractor Non-Responsibility.**

(1) Contractors who wish to bid for the performance of construction contracts less than or equal to \$250,000, or any maintenance contracts, are presumed to be responsible bidders unless the Department determines that good cause exists to declare the contractor non-responsible, which shall include the following:

(a) One of the circumstances specified in Section 337.16(2), F.S., occurs;

(b) The contractor or its affiliate defaulted on any contract, or the contract surety assumed control of or financial responsibility for, any contract of the contractor;

(c) The contractor's qualification to bid is suspended, revoked, or denied by any public agency or semi-public agency;

(d) The contractor made or submitted to the Department false, deceptive, or fraudulent

statements, certifications, or materials in any claim for payments or any information required by any Department contract;

(e) The contractor failed to comply with contract requirements, or failed to follow Department direction in the execution of a contract;

(f) The contractor did not pay its subcontractors or suppliers in a timely manner or in compliance with contract documents;

(g) The contractor or affiliate(s) has been convicted of a contract crime, as provided in Section 337.165, F.S.;

(h) An affiliate of the contractor has previously been determined by the Department to be non-responsible, and the specified period of suspension, revocation, or denial remains in effect.

(i) The contractor has demonstrated instances of poor or unsatisfactory performance, deficient management resulting in project delay, poor quality workmanship, a history of payment of liquidated damages, untimely completion of projects where liquidated damages were not paid, uncooperative attitude, contract litigation, claims, or defaults.

(j) When the Department determines that any other circumstance constituting "good cause" under Section 337.16(2), F.S., exists.

(2) Determination of Contractor Non-Responsibility. The Contractor will be determined to be non-responsible and ineligible to bid on Department contracts for a period of time, based on the seriousness of the deficiency.

(a) Examples of factors affecting the seriousness of a deficiency are:

1. Impacts on project schedule, cost, or quality of work;
2. Unsafe conditions allowed to exist;
3. Complaints from the public;
4. Delay or interference with the bidding process
5. The potential for repetition;
6. Integrity of the public construction process; and
7. Effect on the health, safety, and welfare of the public.

(b) The time frames associated with paragraphs 14-22.012(1)(a) through (b), F.A.C., shall be used as factors for the determination of seriousness of Contractor Non-Responsibility.

(c) This rule does not limit the Department's ability to reject a bid submitted by a contractor, or cancel an award, for a particular contract based upon the contractor being non-responsible.

(3) Notice of intended agency action under this section will be provided in accordance with Rule 28-106.111, F.A.C. The Department's action will become final unless a timely petition for a hearing is filed in accordance with Rules 28-106.104, 28-106.201 and 28-106.301, F.A.C. In order to be timely, the petition must be filed with the Department's Clerk of Agency Proceedings within 21 days after receipt of the Department's notice, in accordance with Rule 28-106.111, F.A.C.

Specific Authority 334.044 (2) FS. Law Implemented 337.16 (2) FS. History - New 4-11-95, Amended 12-7-97, 7-8-01, 6-27-04, 1-23-08.

**14-22.015 Forms.** The following forms are incorporated by reference as part of the rules of the Department and are available from the Contracts Administration Office, 605 Suwannee Street, Mail Station 55, Room 1-B, Tallahassee, Florida 32399-0455:

Form Number	Date	Title
375-020- 38	11/7/2007	Application for Qualification (Online Web Application)

375-020-39 11/7/2007 Certification of Current Capacity (Online Web Application)  
700-010-25 09/05 Contractor Past Performance Report  
375-020-37 07/06 Application for Qualification for Emergency Debris Removal  
Specific Authority 334.044(2), 337.14(1) FS. Law Implemented 120.53(1)(b), 337.14, 337.167 FS.  
History - New 11-10-82, Amended 8-25-83, Formerly 14-22.15, Amended 12-20-89, 1-4-94, 7-1-95,  
7-2-95, 7-8-01, 6-27-04, 12-18-05, 5-15-06, 11-5-06, 1-23-08.