Public-Private Partnerships and Board-Owned Property Transactions

Document Control	Current Draft
SOP Number	SOP-FAC-6327
Responsible Office	Division of Facilities
Administering Departments	Facility Planning & Real Estate Department; Pre-Construction Department, Procurement
Effective Date	Sep 17, 2026
Review Cycle	At least annually and whenever Policy 6327, F.S. 255.065, procurement requirements, public-records law, facilities standards, or related Board policies change
Supersedes	Adopted
Approval	Mark D Dorsett Mark D Dorsett (Sep 17, 2026 06:37:02 EDT)

1. Purpose

This SOP establishes a controlled, transparent, and auditable process for identifying, receiving, screening, evaluating, competing, negotiating, approving, monitoring, modifying, and closing public-private partnership projects and other transactions involving Board-owned property, assets, or resources under School Board Policy 6327. The Division of Facilities oversees implementation; Facility Planning & Real Estate administers the overall project, property, compliance, and interdepartmental workflow; Pre-Construction leads applicable design, technical, constructability, and pre-construction reviews; Procurement controls the procurement record and solicitation process; and each coordinating office retains its delegated authority

2. Authority and Related Materials

- School Board Policy 6327, Public-Private Partnerships, Unsolicited Proposals, Competitive Solicitations, and Direct Negotiations Regarding Board-Owned Property and Resources.
- F.S. 255.065, Public-private partnerships.
- F.S. 255.05, Bond of contractor constructing public buildings; form; action by materialmen.

- F.S. 11.066(5), restrictions concerning liens on state property, as referenced by Policy 6327 and F.S. 255.065.
- Policy 7315, Disposal of Surplus Land and Other Real Property.
- Applicable Board procurement, cone-of-silence, protest, ethics, public records, records retention, facilities, construction, finance, audit, risk, insurance, supplier diversity, and agenda procedures.
- State Requirements for Educational Facilities (SREF) and other statutes, rules, codes, and professional licensing requirements applicable to the project

3. Scope

This SOP applies to District-initiated and unsolicited proposals for qualifying public-private partnership projects; interim and comprehensive agreements; competitive solicitations conducted under Policy 6327; and direct negotiations or multi-party arrangements involving governmental and private entities, Board-owned real estate, facilities, assets, or resources. It applies from initial concept or receipt through screening, Board action, competition, evaluation, negotiation, agreement administration, quarterly reporting, default, expiration, termination, and transfer. It does not replace a requirement for Board approval or another procurement or professional-selection procedure required by law or policy.

4. Definitions

Term	Definition
Application fee	The fee charged to cover direct costs of processing, reviewing, and evaluating a proposal. Policy 6327 establishes an initial $25,000 fee for an unsolicited proposal and permits additional charges when documented direct costs exceed the initial fee.
Comprehensive Agreement	The Board-approved contract with a private entity defining the terms and services for a qualifying project and containing the requirements of F.S. 255.065 and Policy 6327.
Interim Agreement	A written, Board-approved agreement authorizing defined due diligence, studies, investigation, or other predevelopment work before or in connection with negotiation of a Comprehensive Agreement.
Private entity	A person or private business or nonprofit entity, including every entity participating in a proposer's or respondent's team, as defined in Policy 6327.
Proposal	A plan for a qualifying project developed beyond the conceptual level, with defined costs, payment schedules, financing, deliverables, and schedule.
Proposer / Respondent	A private entity submitting or considering an unsolicited proposal / a private entity responding to a District solicitation.

Term	Definition
Proposed Project	A facility or project intended to support the District's core mission.
Qualifying Project	A facility or project serving a public education purpose or supporting the District's core mission and meeting the scope stated in Policy 6327.
Solicitation	A written District request for bids, proposals, qualifications, business plans, expressions of interest, ideas, offers, or a combination for a public-private partnership project.
Central project file	The indexed compliance and procurement record containing intake, fee, review, notice, evaluation, negotiation, approval, agreement, monitoring, financial, property, public-records, and closeout records.

5. Roles and Responsibilities

Role	Responsibility
Superintendent or designee	Determines whether District-initiated or unsolicited projects should proceed; appoints selection committees; determines or approves fees; recommends Board action; authorizes negotiations; ensures independent analysis, valuation, safeguards, transparency, quarterly updates, and compliance with Policy 6327.
Division of Facilities	Owns and oversees this SOP; provides executive direction for qualifying projects and transactions involving Board-owned property, facilities, assets, or resources; resolves Facilities-level issues; and confirms recommendations before submission to the Superintendent.
Facility Planning & Real Estate Department	Administers this SOP and serves as the Facilities lead and central project coordinator; assesses mission and property considerations; coordinates intake, due diligence, appraisals and valuations, title and land-use review, interdepartmental assignments, Board briefings, quarterly updates, compliance tracking, agreement monitoring, and project closeout.
Pre-Construction Department	Leads design and pre-construction review; coordinates design criteria packages and licensed design professionals; evaluates scope, constructability, schedule, budget, material and space standards, SREF and code compliance, utilities, site development, permitting, and design/construction risk; supports evaluation, negotiation, inspection planning, and transfer.

Role	Responsibility
Procurement Director / Business Services	Receives and time-stamps unsolicited proposals and fees; controls the procurement file, cone of silence, communications, solicitations, notices, addenda, receipt and safeguarding of responses, selection process, cost tracking, refunds, protests, and procurement closeout.
Capital Programs / Facilities Operations	Supports capital delivery, construction, commissioning, maintenance, lifecycle, inspection, operations, and transfer requirements, as assigned by the Division of Facilities. Evaluates affordability, funding, revenues, payment schedules, financing, fiscal impact, credit and encumbrance risks, cost-effectiveness, refunds, accounting, and audit rights; supports the independent analysis.
Risk Management / Safety / Environmental	Evaluates insurance, bonds, indemnity, safety, environmental conditions, hazardous conditions, emergency continuity, default safeguards, and risk allocation.
Supplier Diversity Outreach Program	Evaluates and monitors proposed participation and compliance concerning small, minority, and other eligible businesses under applicable Board requirements.
Project Sponsor / Affected Department	Documents the educational mission and operational need; supplies technical requirements and resources; participates in review; identifies stakeholders; and administers assigned obligations after approval.

6. Standards

- No District employee may promise selection, award, reimbursement, exclusivity, property rights, financing, or contract terms before all required approvals and execution.
- All proposer communications shall be routed through the Procurement-designated contact after intake; cone-of-silence requirements shall be imposed, lifted, and reinstated as required by policy.
- Evaluation criteria, response periods, application fees, submission requirements, and notice procedures shall be stated in the applicable solicitation or notice and applied consistently.
- No proposer is guaranteed an award by submission, favorable screening, ranking, negotiation, or an Interim Agreement. A contract is not enforceable until approved by the Board and fully executed.
- The District shall protect procurement integrity, competition, conflicts controls, public-records compliance, confidentiality claims, and an auditable separation between evaluation, approval, contract administration, and independent assurance.
- A project involving Board property or assets requires a reliable, independent valuation consistent with Policy 7315, as applicable.
- A project with design work requires the legally sufficient design criteria package and licensed professional review prescribed by Policy 6327.

- Board property shall remain protected from prohibited liens, mortgages, security interests, conveyances, subleases, transfers, and encumbrances; the full faith and credit of the Board shall not secure private financing.
- Only written amendments approved through the required authority may modify an Interim or Comprehensive Agreement; verbal changes are not enforceable.
- Records claimed confidential shall be segregated, marked, logged, handled, and disclosed only in accordance with law and advice of General Counsel.

7. Procedure

7.1 Initiate a District-sponsored qualifying project

1. The project sponsor shall submit a concept memorandum to Facility Planning & Real Estate and Procurement describing the educational mission, public need or benefit, proposed scope, site or property interest, preliminary cost and schedule, anticipated delivery and financing approach, stakeholders, risks, and requested decision.
2. Facility Planning & Real Estate shall open the master checklist and coordinate threshold review by Pre-Construction, Procurement, General Counsel, Finance, Risk Management, supplier diversity, and other affected offices.
3. The review team shall document whether the concept is a qualifying project, whether a public-private partnership is authorized and advantageous, what procurement and professional-selection requirements apply, and whether a design criteria package is required.
4. The Division of Facilities shall review the proposed recommendation before the Superintendent determines whether to recommend Board designation/approval and initiation of a solicitation. No solicitation shall issue until required legal, technical, financial, Facilities, and Board prerequisites are complete.

7.2 Receive an unsolicited proposal and application fee

1. The private entity shall deliver the proposal and initial $25,000 application fee to the Procurement Director at the address and in the form stated in Policy 6327, with copies routed as required.
2. Procurement shall date- and time-stamp receipt, assign a control number, issue a receipt without commenting on merits, secure all proposal volumes and payment instruments, and notify the Superintendent, Division of Facilities, Facility Planning & Real Estate, Pre-Construction when applicable, General Counsel, and Finance.
3. Procurement shall establish the cone of silence upon the Superintendent's notification to the Board and record the date, scope, notices, authorized contacts, and any later lifting or reinstatement.
4. Finance shall deposit the fee in the approved account. Procurement shall maintain a project-specific direct-cost ledger, including staff time and outside counsel, engineer, financial advisor, and consultant costs.
5. Facility Planning & Real Estate and Procurement shall conduct an administrative completeness review of every applicable item in Policy 6327 section IV.C, with Pre-Construction reviewing design and technical submissions. Each item shall be recorded as received, deficient, waived by the Superintendent, not applicable, or pending. A waiver shall be written, project specific, and legally reviewed.

6. Materials claimed confidential shall be handled under section 7.12 of this SOP and shall not be combined with the public proposal copy.

7.3 Conduct initial sufficiency and best-interest review

1. Procurement may issue a controlled written request for information necessary to substantially meet the policy criteria. All communications and responses shall enter the central project file.
2. Facility Planning & Real Estate shall coordinate the multidisciplinary review of mission support, public need, property interests, schedule, services, utilities and transportation impacts, financing, guarantees, governmental participation, team qualifications, stakeholder outreach, user fees or lease/service payments, pricing expiration, and small/minority business participation.
3. Pre-Construction shall evaluate proposed design and construction firms, scope, space and material standards, constructability, budget, schedule, site development, utilities, SREF, codes, and related technical matters. Where architecture, engineering, landscape architecture, or other covered professional services are involved, Pre-Construction shall coordinate review by a qualified Florida-licensed professional selected through the District's existing process.
4. Where Board property or assets are implicated, Facility Planning & Real Estate and Finance shall obtain an independent estimate of value consistent with Policy 7315 and document title, restrictions, encumbrances, environmental concerns, and adjacent uses.
5. The review team shall document whether the proposal substantially complies, serves the District's best interests and needs, and should be evaluated. Facility Planning & Real Estate shall compile the record, obtain Division of Facilities review, and route the recommendation for the Superintendent's determination.
6. If the proposal is not evaluated or is rejected as insufficient at this stage, Procurement and General Counsel shall prepare the written notice stating the reason, process the required fee refund, close or update the cone of silence as applicable, and retain the decision record.

7.4 Control application costs and additional fees

1. Procurement shall compare the fee balance to documented direct costs at defined review milestones and before publication, recommendation, or closeout.
2. If additional funds are required, Procurement shall prepare a written itemization and request for Superintendent approval. The proposer shall receive written notice and have thirty calendar days after receipt to pay. Further evaluation shall stop until all required fees are paid.
3. Payment shall be by wire transfer, cashier's check, or another approved non-cancelable instrument; personal checks shall not be accepted.
4. If the fee exceeds direct costs, Finance shall process the documented refund. If the proposal is not evaluated, the entire application fee shall be returned as required by Policy 6327.

7.5 Recommend rejection or authorization to publish

1. Before recommending publication, the Superintendent's record shall address each finding in Policy 6327 section V.A: public best interest, District mission, Board ownership or conveyance, default/cancellation safeguards, capacity safeguards, and

ultimate Board ownership after completion, expiration, or termination and payment of financed amounts.

2. Facility Planning & Real Estate shall coordinate the agenda package with Pre-Construction, Procurement, General Counsel, Finance, and the project sponsor and shall obtain Division of Facilities review. The recommendation shall identify whether to reject or authorize publication as a qualifying project.
3. Procurement shall notify the proposer in writing of the Superintendent's recommendation. The Board agenda item and supporting agreements or analyses shall be published under applicable agenda procedures.
4. No publication for competing proposals shall occur until the Board authorizes it when required by Policy 6327.

7.6 Publish and compete the project

1. Following authorization, Procurement shall issue the solicitation or notice under applicable procurement procedures and publish notice in the Florida Administrative Register and a newspaper of general circulation in Broward County at least once each week for two weeks when required for an unsolicited proposal.
2. The notice shall state that the Board received an unsolicited proposal, invite proposals for the same project, identify submission and evaluation procedures, state the application fee, establish the deadline, and include all other legally required information.
3. The response period shall be set project by project at no fewer than twenty-one (21) and no more than one hundred twenty (120) days after initial publication unless a majority of the Board approves a different period. Procurement shall document the calculation.
4. Procurement shall mail a copy of the notice to each local government in the affected area and retain proof of publication and mailing.
5. If design work is included, Pre-Construction shall provide a legally sufficient design criteria package prepared by a properly selected Florida-licensed architect, landscape architect, or engineer and coordinate the professional's continued service through design and construction as required. The solicitation shall disclose any permitted reimbursement of the District's professional costs.
6. Procurement shall reinstate and announce the cone of silence, control questions and addenda, preserve equal access to information, and receive, timestamp, and secure all responses until the authorized opening.

7.7 Evaluate, rank, and negotiate

1. After the response period expires, the Superintendent shall appoint a project-specific selection committee consistent with procurement policy. Procurement and General Counsel shall conduct conflicts and procedural briefings before evaluators receive proposals.
2. The committee shall evaluate only against published criteria and shall consider, at minimum, professional qualifications, general business terms, innovative design or cost-reduction techniques, other cost terms, and financing plans. Scores, deliberations, rankings, recusals, and supporting records shall be retained.
3. Procurement shall publish or communicate the ranking and protest information as required. The bid protest process applies to the final Board decision to award or reject all bids unless lawfully waived.

4. At the Superintendent's direction, the authorized negotiation team may negotiate with the highest-ranked proposer. If negotiations are unsatisfactory, the District may terminate them in writing and proceed sequentially to the next-ranked proposer.
5. If only one proposal is received, the District may negotiate in good faith but may terminate negotiations or reject the proposal. No ranking or negotiation creates a right to award.

7.8 Complete independent analysis and approval package

1. Finance, with independent technical input from Facility Planning & Real Estate and Pre-Construction and legal input from General Counsel, shall coordinate an analysis demonstrating cost-effectiveness and overall public benefit without relying solely on proposer representations. The analysis shall address reasonable alternatives, whole-life costs, revenues and payments, financing and risk allocation, valuation, schedule, service impacts, default safeguards, and measurable public and educational benefits.
2. The Office of the General Counsel shall confirm the legally required timing of the analysis under the current F.S. 255.065. It shall be completed before the earliest statutory or policy deadline and included in the final Board agenda package.
3. Facility Planning & Real Estate shall use a requirements matrix to confirm that the agenda item discloses all applicable information required by Policy 6327, including parties and related interests, ownership, property description, financial benefits, restrictions, encumbrances, environmental/title issues, responsible monitors, timeline, valuation, and all associated agreements.
4. All agreements associated with the agenda item shall be provided to the Board when the agenda is published. The Board must approve the award, total project cost, and agreement before execution or performance.

7.9 Develop an Interim or Comprehensive Agreement

1. An Interim Agreement may be used only when additional due diligence is warranted. It shall define authorized work, compensation, deliverables, access, records, insurance, confidentiality, termination, and the absence of any obligation to enter a Comprehensive Agreement.
2. Before development or operation begins, the private entity shall enter into a Board-approved, fully executed Comprehensive Agreement.
3. General Counsel shall maintain an agreement checklist addressing scope, design, amenities, total cost, duration, performance standards and remedies, inspection and monitoring, construction/operations/maintenance records, insurance, bonds, wages and local workforce, audit rights, termination, default and cure, fees and payments, transfer or purchase, financing, Board policy compliance, property ownership and operation, use restrictions, consent to convey/sublease/transfer, restrictions running with the land, and other requirements of F.S. 255.065 and Policy 6327.
4. Required use agreements and restrictions shall be recorded in first-priority position before financing documents or other encumbrances, as applicable. Finance and General Counsel shall confirm that financing does not pledge the Board's full faith and credit or expose Board property to prohibited liens, mortgages, security interests, foreclosure, or loss of fee ownership.
5. The agreement shall designate the District contract administrator, subject-matter monitors, reporting frequency, performance measures, payment validation, audit access, records requirements, issue escalation, and closeout/transfer requirements.

7.10 Administer performance, changes, default, and closeout

1. The Facilities-designated contract administrator shall maintain a performance plan and verify deliverables, milestones, inspections, insurance, bonds, financial statements, revenues, payments, policy compliance, maintenance, stakeholder commitments, and corrective actions.
2. Finance and Internal Audit shall receive the records and access required to validate costs, revenues, financing, and payments. Pre-Construction, Capital Programs, and Facilities Operations shall document assigned design, construction, inspection, commissioning, maintenance, and transfer requirements. Facility Planning & Real Estate shall monitor property obligations, restrictions, ownership, and agreement milestones.
3. Any proposed change shall be submitted in writing with scope, cost, schedule, risk, funding, legal, property, and operational impacts. Only a written amendment approved by the required authority and fully executed may alter the agreement.
4. Potential material default shall be immediately reported to the Division of Facilities, Facility Planning & Real Estate, Pre-Construction when applicable, Procurement, General Counsel, Finance, Risk Management, and the Superintendent. The District shall follow contractual notice, cure, continuity, lender/investor, termination, and revenue provisions and preserve all remedies.
5. At expiration, termination, or transfer, the contract administrator shall verify title and lien status, condition, records, warranties, permits, keys and systems, financial reconciliation, final audit, release of security when authorized, continuing restrictions, and formal acceptance by the proper authority.

7.11 Process governmental-entity and other direct negotiations

1. Before District staff materially advance a multi-governmental or direct-negotiation transaction involving Board property, assets, resources, or obligations extending beyond one year, the originating office shall submit a transaction brief to the Division of Facilities, Facility Planning & Real Estate, Procurement, and General Counsel.
2. Facility Planning & Real Estate shall coordinate due diligence, with Pre-Construction leading applicable design and technical review, covering every applicable disclosure in Policy 6327 section XII, including mission support; formal and fictitious party names and related parties; ownership and property details; benefits to each party; restrictions and encumbrances; payments and proceeds; lease-life fiscal analysis; environmental, historical, archeological, zoning, title, and adjacent-use concerns; monitoring responsibility; schedule; and independent valuation.
3. The Division of Facilities shall review the due-diligence record before the Superintendent determines when negotiations are viable and the manner of Board notification and briefing. No final commitment shall precede disclosure of all required elements and Board approval.
4. Facility Planning & Real Estate shall coordinate quarterly updates to the Board describing status, material changes, unresolved risks, expenditures, schedule, approvals, and next decisions until closure or another approved reporting endpoint.

7.13 Report concerns and close the compliance record

1. Suspected conflicts, prohibited contacts, gifts, unequal treatment, disclosure, record alteration, fee irregularities, unauthorized commitments, procurement violations, or performance failures shall be reported through an authorized channel to the Division of

Facilities, Facility Planning & Real Estate, Procurement, General Counsel, Ethics, Internal Audit, or other appropriate office.

2. Facility Planning & Real Estate shall track the Facilities compliance referral and coordinate assignment without interfering with legally privileged, audit, investigative, or employment processes. Corrective action shall be taken by the office with applicable authority.
3. At each major decision and at final closeout, Facility Planning & Real Estate and Procurement shall reconcile the central project file, decision log, fee ledger, approvals, notices, evaluations, agreements, reports, and outstanding obligations.

8. Records

- Facility Planning & Real Estate shall maintain the master Policy 6327 compliance checklist, Facilities review assignments, property and due-diligence records, decision log, Board briefing record, quarterly reports, agreement-monitoring records, and closeout documentation.
- Pre-Construction shall maintain applicable design criteria, licensed-professional reviews, technical evaluations, constructability, budget and schedule reviews, SREF and code documentation, and pre-construction records. Procurement shall maintain the official procurement file, including proposals, timestamps, fees and refunds, cone-of-silence records, communications, notices, proofs of publication and mailing, solicitations, addenda, responses, evaluations, rankings, protests, negotiations, approvals, and executed agreements.
- Other coordinating offices shall retain their subject-matter records under applicable retention schedules, legal holds, privileges, and confidentiality requirements.

9. Training and Monitoring

- Facility Planning & Real Estate, Pre-Construction, and Procurement shall provide role-based training to project sponsors, evaluators, negotiators, contract administrators, finance staff, facilities professionals, records custodians, and communications staff before they perform assigned duties.
- Training shall cover intake, proposer communications, cone of silence, conflicts, fees, screening, property and technical due diligence, design criteria, notice, evaluation, negotiation, Board approval, public records, confidentiality claims, agreement controls, monitoring, changes, default, and records.
- Facility Planning & Real Estate shall monitor cycle time, completeness, valuation and property reviews, fee recovery/refunds, public notice, evaluator compliance, unresolved risks, Board conditions, performance reporting, quarterly updates, amendments, findings, and corrective actions. Pre-Construction shall monitor design and technical review requirements and related project milestones.
- The Division of Facilities, Facility Planning & Real Estate, Pre-Construction, Procurement, and General Counsel shall review this SOP at least annually and when governing law, Policy 6327, procurement requirements, facilities standards, or related Board procedures change.

10. Recommendations: BPB Development

Business Practice Bulletins developed under this SOP should translate each Facilities department’s assigned responsibilities into position-level work instructions and identify the intake channel, required forms and checklists, workflow and internal service targets, approval and signature levels, segregation of duties, conflicts and prohibited-contact controls, systems and file naming, property and valuation review, design and technical review criteria, design-criteria-package development, fee and cost-accounting steps, solicitation and notice tasks, evaluation and negotiation controls, agreement-administration checkpoints, records retention, confidentiality and public-records routing, escalation, training, monitoring measures, and review cycle. Facility Planning & Real Estate should coordinate the overall Facilities BPB framework; Pre-Construction should develop the design and pre-construction procedures; and Procurement, General Counsel, Finance, Capital Programs, Facilities Operations, Risk Management, Supplier Diversity, and other affected offices should approve content within their authority. Duties should be assigned to positions or offices rather than named individuals, and project-specific forms should map directly to the controlling policy and agreement requirements.

SOP-FAC-6327

Final Audit Report 2026-09-17

Created:	2026-09-16
By:	Andrae Hill (P00097395@browardschools.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAO-02bk1Ge7CP63LV3d_UmsGtB7VlOWTG

"SOP-FAC-6327" History

Document created by Andrae Hill (P00097395@browardschools.com)
2026-09-16 - 8:20:39 PM GMT

Document emailed to mark.dorsett@browardschools.com for signature
2026-09-16 - 8:21:04 PM GMT

Email viewed by mark.dorsett@browardschools.com
2026-09-17 - 10:36:30 AM GMT

Signer mark.dorsett@browardschools.com entered name at signing as Mark D Dorsett
2026-09-17 - 10:37:00 AM GMT

Document e-signed by Mark D Dorsett (mark.dorsett@browardschools.com)
Signature Date: 2026-09-17 - 10:37:02 AM GMT - Time Source: server - Signature Appearance Selected: TYPE

Agreement completed.
2026-09-17 - 10:37:02 AM GMT