

*Astoria*  
*Community Development District*

*Meeting Agenda*

*March 11, 2020*

# AGENDA

# *Astonia*

## *Community Development District*

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219 E. Livingston St., Orlando, Florida 32801

Phone: 407-841-5524 – Fax: 407-839-1526

March 4, 2020

**Board of Supervisors  
Astonia  
Community Development District**

Dear Board Members:

The regular meeting of the Board of Supervisors of **Astonia Community Development District** will be held **Wednesday, March 11, 2020 at 1:00 PM at 4900 Dundee Rd., Winter Haven, Florida 33884**. Following is the advance agenda for the meeting:

### **Landowners' Meeting**

1. Determination of Number of Voting Units Represented
2. Call to Order
3. Election of Chairman for the Purpose of Conducting the Landowners' Meeting
4. Nominations for the Position of Supervisor
5. Casting of Ballots
6. Ballot Tabulation
7. Landowner's Questions and Comments
8. Adjournment

### **Board of Supervisors Meeting**

1. Roll Call
2. Public Comment Period (<sup>1</sup>Speakers will fill out a card and submit it to the District Manager prior to the beginning of the meeting)
3. Organizational Matters
  - A. Swearing in of Brent Elliott
  - B. Administration of Oaths of Office to Newly Elected Board Members
  - C. Consideration of Resolution 2020-31 Canvassing and Certifying the Results of the Landowners' Election
  - D. Election of Officers
  - E. Consideration of Resolution 2020-32 Electing Officers

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<sup>1</sup> Comments will be limited to three (3) minutes

4. Approval of Minutes of the January 9, 2020 Organizational Meeting and February 13, 2020 Board of Supervisors Meeting
5. Public Hearings
  - A. Public Hearing on Adoption of District Rules of Procedure
    - i. Consideration of Resolution 2020-33 Adopting the Rules of Procedure
  - B. Public Hearing on the District's Use of the Uniform Method of Levying, Collection, & Enforcement of Non Ad-Valorem Assessments
    - i. Consideration of Resolution 2020-34 Expressing the District's Intent to Utilize the Uniform Method of Collection
  - C. Public Hearing on the Adoption of the Fiscal Year 2020 Budget
    - i. Consideration of Resolution 2020-35 Adoption of the District's Fiscal Year 2020 Budget and Appropriating Funds
6. Ranking of Proposals for District Engineering Services and Selection of District Engineer
7. Review of Proposals for Phase 1 Construction
8. Staff Reports
  - A. Attorney
  - B. Engineer
  - C. District Manager's Report
9. Other Business
10. Supervisors Requests and Audience Comments
11. Adjournment

Immediately prior to the Board of Supervisors meeting will be a Landowners' meeting of the Astonia CDD.

The second order of business is the Public Comment Period where the public has an opportunity to be heard on propositions coming before the Board as reflected on the agenda, and any other items. Speakers must fill out a Request to Speak form and submit it to the District Manager prior to the beginning of the meeting.

The third order of business is Organizational Matters. Section A is the Swearing in of Brent Elliott. Section B is the administration of the Oaths of Office to the Newly Elected Board Members.. Section C is the Consideration of Resolution 2020-31 Canvassing and Certifying the Results of the Landowners' Election. A copy of the resolution is enclosed for your review. Section D is the Election of Officers and Section E is the Consideration of Resolution 2020-32 Electing Officers. A copy of the resolution is enclosed for your review.

The fourth order of business is the approval of the minutes of the January 9, 2020 Organizational Meeting and the February 13, 2020 Board of Supervisors Meeting. A copy of both minutes are enclosed for your review.

The fifth order of business opens the Public Hearings. Section A is the Public Hearing to Adopt the District's Rules of Procedure. Sub-Section 1 is the Consideration of Resolution 2020-33 Adopting the Rules of Procedure. A copy of the resolution is enclosed for your review. Section B is the Public Hearing on the District's Use of the Uniform Method of Levying, Collection & Enforcement of Non Ad-Valroem Assessments. Sub-Section 1 is the Consideration of Resolution 2020-34 Expressing the District's Intent to Utilize the Uniform Method of Collection. A copy of the resolution is enclosed for your review. Section C is the Public Hearing on the Adoption of the Fiscal Year 2020 Budget. Sub-Section 1 is the Consideration of Resolution 2020-35 Adoption of the District's Fiscal Year 2020 Budget and Appropriating Funds.

The sixth order of business is the Ranking of Proposals for District Engineering Services and the Selection of a District Engineer. *Rankings to be provided under separate cover by the District Engineer.*

The seventh order of business is the Review of Proposals for Phase 1 Construction. A copy of the rankings are enclosed for your review.

The eighth order of business is Staff Reports. Any staff reports will be discussed at this time.

The balance of the agenda will be discussed at the meeting. In the meantime, if you should have any questions, please do not hesitate to contact me.

Sincerely,

Jill Burns  
District Manager

CC: Roy Van Wyk, District Counsel

Enclosures

# LANDOWNERS' MEETING

**INSTRUCTIONS RELATING TO LANDOWNERS' MEETING OF  
ASTONIA COMMUNITY DEVELOPMENT DISTRICT  
FOR THE ELECTION OF SUPERVISORS**

DATE OF LANDOWNERS' MEETING: **Wednesday, March 11, 2020**

TIME: **1:00 PM**

LOCATION: **4900 Dundee Road, Winter Haven, FL 33884**

Pursuant to Chapter 190, Florida Statutes, and after a Community Development District ("**District**") has been established and the landowners have held their initial election, there shall be a subsequent landowners' meeting for the purpose of electing members of the Board of Supervisors ("**Board**") every two years until the District qualifies to have its board members elected by the qualified electors of the District. The following instructions on how all landowners may participate in the election are intended to comply with Section 190.006(2)(b), Florida Statutes.

A landowner may vote in person at the landowners' meeting, or the landowner may nominate a proxy holder to vote at the meeting in place of the landowner. Whether in person or by proxy, each landowner shall be entitled to cast one vote per acre of land owned by him or her and located within the District, for each position on the Board that is open for election for the upcoming term. A fraction of an acre shall be treated as one (1) acre, entitling the landowner to one vote with respect thereto. Please note that a particular parcel of real property is entitled to only one vote for each eligible acre of land or fraction thereof; therefore, two or more people who own real property in common, that is one acre or less, are together entitled to only one vote for that real property.

At the landowners' meeting, the first step is to elect a chair for the meeting, who may be any person present at the meeting. The landowners shall also elect a secretary for the meeting who may be any person present at the meeting. The secretary shall be responsible for the minutes of the meeting. The chair shall conduct the nominations and the voting. If the chair is a landowner or proxy holder of a landowner, he or she may nominate candidates and make and second motions. Candidates must be nominated and then shall be elected by a vote of the landowners. Nominees may be elected only to a position on the Board that is open for election for the upcoming term.

Five (5) seats on the Board will be up for election by landowners. The two candidates receiving the highest number of votes shall be elected for a term of four (4) years. The three candidates receiving the next highest number of votes shall be elected for a term of two (2) years. The term of office for each successful candidate shall commence upon election.

A proxy is available upon request. To be valid, each proxy must be signed by one of the legal owners of the property for which the vote is cast and must contain the typed or printed name of the individual who signed the proxy; the street address, legal description of the property or tax parcel identification number; and the number of authorized votes. If the proxy authorizes more than one vote, each property must be listed and the number of acres of each property must be included. The signature on a proxy does not need to be notarized.

**LANDOWNER PROXY  
ASTONIA COMMUNITY DEVELOPMENT DISTRICT  
POLK COUNTY, FLORIDA  
LANDOWNERS' MEETING – March 11, 2020**

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, the fee simple owner of the lands described herein, hereby constitutes and appoints \_\_\_\_\_ (“Proxy Holder”) for and on behalf of the undersigned, to vote as proxy at the meeting of the landowners of the Astonia Community Development District to be held at **4900 Dundee Road, Winter Haven, Florida 33884**, on **Wednesday, March 11, 2020**, at **1:00 p.m.** and at any adjournments thereof, according to the number of acres of unplatted land and/or platted lots owned by the undersigned landowner that the undersigned would be entitled to vote if then personally present, upon any question, proposition, or resolution or any other matter or thing that may be considered at said meeting including, but not limited to, the election of members of the Board of Supervisors. Said Proxy Holder may vote in accordance with his or her discretion on all matters not known or determined at the time of solicitation of this proxy, which may legally be considered at said meeting.

Any proxy heretofore given by the undersigned for said meeting is hereby revoked. This proxy is to continue in full force and effect from the date hereof until the conclusion of the landowners’ meeting and any adjournment or adjournments thereof, but may be revoked at any time by written notice of such revocation presented at the landowners’ meeting prior to the Proxy Holder’s exercising the voting rights conferred herein.

\_\_\_\_\_  
Printed Name of Legal Owner

\_\_\_\_\_  
Signature of Legal Owner

\_\_\_\_\_  
Date

**Parcel Description**

**Acreage**

**Authorized Votes**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[Insert above the street address of each parcel, the legal description of each parcel, or the tax identification number of each parcel. If more space is needed, identification of parcels owned may be incorporated by reference to an attachment hereto.]

**Total Number of Authorized Votes:**

\_\_\_\_\_

NOTES: Pursuant to Section 190.006(2)(b), *Florida Statutes* (2019), a fraction of an acre is treated as one (1) acre entitling the landowner to one vote with respect thereto. Moreover, two (2) or more persons who own real property in common that is one acre or less are together entitled to only one vote for that real property.

If the fee simple landowner is not an individual, and is instead a corporation, limited liability company, limited partnership or other entity, evidence that the individual signing on behalf of the entity has the authority to do so should be attached hereto (e.g., bylaws, corporate resolution, etc.).



**OFFICIAL BALLOT**  
**ASTONIA COMMUNITY DEVELOPMENT DISTRICT**  
**POLK COUNTY, FLORIDA**  
**LANDOWNERS' MEETING – March 11, 2020**

**For Election (5 Supervisors):** The two (2) candidates receiving the highest number of votes will each receive a four (4) year term, and the three (3) candidates receiving the next highest number of votes will each receive a two (2) year term, with the term of office for the successful candidates commencing upon election.

The undersigned certifies that he/she/it is the fee simple owner of land, or the proxy holder for the fee simple owner of land, located within the Astonia Community Development District and described as follows:

<u>Description</u>	<u>Acreage</u>
_____	_____
_____	_____
_____	_____

[Insert above the street address of each parcel, the legal description of each parcel, or the tax identification number of each parcel.] [If more space is needed, identification of parcels owned may be incorporated by reference to an attachment hereto.]

or

**Attach Proxy.**

I, \_\_\_\_\_, as Landowner, or as the proxy holder of \_\_\_\_\_ (Landowner) pursuant to the Landowner's Proxy attached hereto, do cast my votes as follows:

<b>NAME OF CANDIDATE</b>	<b>NUMBER OF VOTES</b>
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

Printed Name: \_\_\_\_\_

**BOARD OF  
SUPERVISORS  
MEETING**

## SECTION III

## SECTION B

## RESOLUTION 2020-31

### **A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE ASTONIA COMMUNITY DEVELOPMENT DISTRICT CANVASSING AND CERTIFYING THE RESULTS OF THE LANDOWNERS ELECTION OF SUPERVISORS HELD PURSUANT TO SECTION 190.006(2), FLORIDA STATUTES, AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the Astonia Community Development District (hereinafter the “District”) is a local unit of special-purpose government created and existing pursuant to Chapter 190, *Florida Statutes*, being situated entirely within Polk County, Florida; and

**WHEREAS**, pursuant to Section 190.006(2), *Florida Statutes*, a landowners meeting is required to be held within 90 days of the District’s creation and every two years following the creation of the District for the purpose of electing supervisors of the District; and

**WHEREAS**, such landowners meeting was held on March 11, 2020, the Minutes of which are attached hereto as **Exhibit A**, and at which the below recited persons were duly elected by virtue of the votes cast in his/her favor; and

**WHEREAS**, the Board of Supervisors of the District, by means of this Resolution, desire to canvas the votes and declare and certify the results of said election.

### **NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE ASTONIA COMMUNITY DEVELOPMENT DISTRICT:**

**SECTION 1.** The following persons are found, certified, and declared to have been duly elected as Supervisor of and for the District, having been elected by the votes cast in their favor as shown:

_____	Seat 1	Votes _____
_____	Seat 2	Votes _____
_____	Seat 3	Votes _____
_____	Seat 4	Votes _____
_____	Seat 5	Votes _____

**SECTION 2.** In accordance with Section 190.006(2), *Florida Statutes*, and by virtue of the number of votes cast for the Supervisor, the above-named person is declared to have been elected for the following term of office:

_____	4 Year Term
_____	4 Year Term
_____	2 Year Term
_____	2 Year Term
_____	2 Year Term

**SECTION 3.** This resolution shall become effective immediately upon its adoption.

**PASSED AND ADOPTED** this 11<sup>th</sup> day of March, 2020.

ATTEST:

**ASTONIA COMMUNITY  
DEVELOPMENT DISTRICT**

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Secretary/Assistant Secretary

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Chairperson, Board of Supervisors

# SECTION D

**RESOLUTION 2020-32**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE ASTONIA  
COMMUNITY DEVELOPMENT DISTRICT ELECTING THE OFFICERS OF  
THE DISTRICT, AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Astonia Community Development District (“**District**”) is a local unit of special-purpose government created and existing pursuant to Chapter 190, *Florida Statutes*; and

**WHEREAS**, pursuant to Chapter 190, *Florida Statutes*, the Board of Supervisors (“**Board**”), shall organize by electing one of its members as Chairperson and by electing a Secretary, and such other officers as the Board may deem necessary.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS  
OF THE ASTONIA COMMUNITY DEVELOPMENT DISTRICT:**

- 1. DISTRICT OFFICERS.** The District officers are as follows:

_____	is appointed Chairperson.
_____	is appointed Vice-Chairperson.
_____	is appointed Secretary.
_____	is appointed Assistant Secretary.
_____	is appointed Assistant Secretary.
_____	is appointed Assistant Secretary.
_____	is appointed Assistant Secretary.

- 2. CONFLICTS.** All Resolutions or parts of Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

- 3. EFFECTIVE DATE.** This Resolution shall become effective immediately upon its adoption.

**PASSED AND ADOPTED** this 11<sup>th</sup> day of March 2020.

ATTEST:

**ASTONIA COMMUNITY  
DEVELOPMENT DISTRICT**

\_\_\_\_\_  
Secretary/Assistant Secretary

\_\_\_\_\_  
Chairperson, Board of Supervisors



# MINUTES

**MINUTES OF MEETING  
ASTONIA  
COMMUNITY DEVELOPMENT DISTRICT**

An Organizational meeting of the Board of Supervisors of the Astonia Community Development District was held Thursday, **January 9, 2020** at 1:03 p.m. at 1925 Bartow Road, Lakeland, FL.

Present and constituting a quorum:

Reggie Baxter	Chairman
Brian Walsh	Vice Chairman
Milton Andrade	Assistant Secretaries
Halsey Carson	Assistant Secretary

Also present were:

Jill Burns	District Manager, GMS
Michelle Rigoni	Hopping Green & Sams
Ashton Bligh <i>via phone</i>	Greenberg Traurig
Bob Gang <i>via phone</i>	Greenberg Traurig
Dennis Wood <i>via phone</i>	Wood & Associates Engineering

**FIRST ORDER OF BUSINESS**

**Introduction**

**A. Call to Order**

Ms. Burns called the meeting to order and called the roll. There were four members present, constituting a quorum. Brent Elliot was not in attendance and will be sworn in at the next regular meeting.

**B. Public Comment Period**

There were no members of the public present for the meeting.

**C. Oath of Office**

Ms. Burns swore in the four supervisors listed above at the meeting as a group. An information packet on board procedures and rules was provided for them. Ms. Burns clarified the procedure for completing forms and signatures. Ms. Burns clarified that these forms are to go to

the County and her office did not need a copy. The forms must be sent in within 30 days. Each year you will be mailed a form from the Supervisor of Elections and there is a fine if they are not returned by the deadline. The Florida Sunshine Law was explained to all members. The biggest issue is the discussions of items that come before the board, they can only be discussed at a publicly noticed meeting. Social media and emails are also important parts of the Sunshine Law, and you cannot reply to “all”. Separate emails are recommended for each member. The financial disclosure is part of complying with the Ethics Law, Chapter 112.

## **SECOND ORDER OF BUSINESS**

### **Organizational Matters**

#### **A. Confirmation of Notice of Meeting**

This meeting was advertised in the newspaper and the affidavit of publication was included in the agenda package.

#### **B. Information on Community Development Districts and Public Official Responsibilities and Florida Statutes Chapter 190**

#### **C. Election of Officers**

##### **1. Resolution 2020-01 Appointing Officers**

The board appointed Reggie Baxter as Chairman and Brian Walsh as Vice Chairman. The remaining supervisors Milton Andrade, Halsey Carson, and Brent Elliot were elected Assistant Secretaries along with George Flint. Jill Burns was appointed as Secretary.

On MOTION by Mr. Walsh, seconded by Mr. Andrade, with all in favor, Resolution 2020-01 Appointing Officers, was approved.

##### **2. Resolution 2020-02 Appointing Treasurer and Assistant Treasurer**

Ms. Burns asked that Ariel Lovera be appointed as Treasurer and Jill Burns as the Assistant Treasurer. This allows the office to process checks and pay invoices that the district incurs.

On MOTION by Mr. Andrade, seconded by Mr. Walsh, with all in favor, Resolution 2020-02 Appointing Ariel Lovera as Treasurer and Jill Burns as Assistant Treasurer, was approved.

**THIRD ORDER OF BUSINESS****Retention of District Staff****A. Consideration of Contract for District Management Services****i. Resolution 2020-03 Appointing District Manager**

Ms. Burns stated that in the agenda package is a contract with Governmental Management Services to provide District Management Services. This agreement, as well as the standard fee schedule, is included in the package as discussed.

On MOTION by Mr. Baxter, seconded by Mr. Walsh, with all in favor, Resolution 2020-03 Appointing GMS as the District Manager, was approved.

**B. Consideration of Appointment of District Counsel Services****i. Resolution 2020-04 Appointing District Counsel**

Ms. Burns stated this would appoint Hopping Green and Sams as the District Counsel, and that the fee agreement was included in the agenda package, along with hourly rates.

On MOTION by Mr. Baxter, seconded by Mr. Walsh, with all in favor, Resolution 2020-04 Appointing Hopping Green and Sams as District Counsel, was approved.

**C. Resolution 2020-05 Selection of Registered Agent and Office**

Ms. Burns stated this will name Roy Van Wyk with Hopping Green and Sams, as the registered agent, and designates Hopping Green & Sams as the registered office.

On MOTION by Mr. Baxter, seconded by Mr. Walsh, with all in favor, Resolution 2020-05 Selecting Roy Wyk and Hopping Green & Sams as the Registered Agent and Office, was approved.

**D. Resolution 2020-06 Appointing Interim District Engineer**

Ms. Burns stated this would appoint Wood & Associates Engineering as the Interim District Engineer. The resolution was included in the packet.

On MOTION by Mr. Baxter, seconded by Mr. Andrade, with all in favor, Resolution 2020-06 Appointing Wood & Associates Engineering as the Interim District Engineer, was approved.

**E. Consideration of Interim District Engineering Agreement**

Ms. Burns stated this agreement included in the agenda packet is for Interim District Engineering services, naming Wood & Associates as the Interim District Manager. The fee sheet was attached.

On MOTION by Mr. Baxter, seconded by Mr. Walsh, with all in favor, the Interim District Engineer Agreement with Wood & Associates Engineering, was approved.

**F. Request Authorization to Issue RFQ for Engineering Services**

Ms. Burns stated this needed to be bid through an RFQ process that is mandated by Florida statutes so an ad would need to be placed in order to hire a District Engineer. This ad would solicit qualification statements, and Ms. Burns suggested the due date of Wednesday, February 12<sup>th</sup> at 12:00 p.m.

On MOTION by Mr. Andrade, seconded by Mr. Walsh, with all in favor, Authorization of Staff to Issue an RFQ for Engineering Services, was approved.

**FOURTH ORDER OF BUSINESS****Designation of Meetings and Hearing Dates****A. Consideration of Resolution 2020-07 Designation of Regular Monthly Meeting Date, Time and Location for Fiscal Year 2020**

Ms. Burns stated as previously discussed the suggestion would be for the 2<sup>nd</sup> Wednesday of the month at 1:00 p.m. A different location was discussed with Mr. Wood, and it was suggested to hold the meeting at 4900 Dundee Road in Winter Haven, FL 33884. A calendar invite will be sent out to everyone from Ms. Burns' office.

On MOTION by Mr. Baxter, seconded by Mr. Walsh, with all in favor, Resolution 2020-07, Designating the Regular Board Meetings for the 2<sup>nd</sup> Wednesday of the Month at 1:00 p.m. at 4900 Dundee Road, Winter Haven, FL 33884, was approved.

**B. Consideration of Resolution 2020-08 Designation of Landowner's Meeting Date, Time and Location**

Ms. Burns stated there would be several public hearings set today and she suggested March 11, 2020 at 1:00 p.m. which would give them 30 days for notice. This meeting will be held at 4900 Dundee Road, Winter Haven, FL 33884. This would be the regular monthly meeting in March.

On MOTION by Mr. Baxter, seconded by Mr. Walsh, with all in favor, Resolution 2020-08 Designating the Landowners Meeting as March 11, 2020 at 1:00p.m. at 4900 Dundee Road, Winter Haven, FL 33884, was approved.

**C. Designation of Date of Public Hearing to Adopt Rules of Procedure in accordance with Section 120.54, Florida Statutes**

**i. Consideration of Resolution 2020-09 Setting a Public Hearing to Consider the Proposed Rules of the District**

**A. Rules of Procedure**

Ms. Burns stated the rules of procedure are included in your package for your review and are standard protocol that are issued by the attorney's office. Ms. Rigoni stated this sets out operational procedures taken from the statutory requirements that they need to follow and adds in some flexibility for the board. This sets out provisions regarding makeup and governance of the board, procedures, noticing and holding board meetings and public hearings, etc.

Ms. Burns suggested, March 11, 2020 at 1:00 p.m., at 4900 Dundee Road, Winter Haven, FL 33884, which would be the regular monthly meeting. Discussion of the actual rules and procedures can be discussed prior to the meeting or board members can reach out to the District Counsel with any questions.

On MOTION by Mr. Andrade, seconded by Mr. Walsh, with all in favor the 2020-09 Resolution Setting a Public Hearing to Adopt the Rules of Procedure on March 11, 2020 at 1:00 p.m. at 4900 Dundee Road, Winter Haven, FL., 33884, was approved.

**D. Designation of Dates of Public Hearing on the Budget for Fiscal Year 2020**

**1. Consideration of Resolution 2020-10 Setting the Public Hearing and Approving the Proposed Fiscal Year 2020 Budget**

Ms. Burns presented Resolution 2020-09 and noted that a copy of the proposed budget was in the agenda package. This is a general administrative budget only. It is not assessed, but developer funded only. This budget is a guideline on expectations of expenses. Ms. Burns suggested the public hearing date for March 11, 2020 at 1:00 p.m. at the same location, which will be the regular monthly meeting.

On MOTION by Mr. Baxter, seconded by Mr. Andrade, with all in favor, Resolution 2020-10 Setting a Public Hearing Date to Approve the Fiscal Year 2020 Budget for March 11, 2020 at 1:00 p.m., was approved.

## **2. Approval of the Fiscal Year 2019/2020 Developer Funding Agreement**

Ms. Burns stated the Funding Agreement was in the package for review. This is the agreement where the developer will agree to directly fund the operation of the District. The entity would be Ernie Caldwell Properties, LLC.

On MOTION by Mr. Baxter, seconded by Mr. Andrade, with all in favor, the Funding Agreement for the Fiscal Year 2020 Budget, with Ernie Caldwell Properties, LLC as the Developer, was approved.

## **E. Resolution 2020-11 Setting Date of Public Hearing Expressing the District's Intent to Utilize the Uniform Method of Levying, Collecting and Enforcing Non Ad-Valorem Assessments in accordance with Section 197.3632, Florida Statutes**

Ms. Burns stated this allows the District to send to the county tax collector the assessment so that they can utilize the uniform method at the time. It does not obligate them to use the tax bill this year, but they can when they are ready. Ms. Burns suggested March 11, 2020 at 1:00 p.m. at the current location.

On MOTION by Mr. Baxter, seconded by Mr. Walsh, with all in favor, the Resolution 2020-11 Setting Date of Public Hearing on March 11, 2020 at 1:00p.m. for Expressing the District's Intent to Utilize the Uniform method of Levying, Collecting and Enforcing non-Ad-Valorem Assessments, in accordance with Section 197.3632, Florida Statutes, was approved.

## **FIFTH ORDER OF BUSINESS**

## **Other Organizational Matters**

### **A. Resolution 2020-12 Designating a Qualified Public Depository**

Ms. Burns recommended approving SunTrust Bank as the district's public depository. Ms. Burns clarified that her office needed to make deposits regularly.

On MOTION by Mr. Baxter, seconded by Mr. Walsh, with all in favor, Resolution 2020-12 Designating SunTrust Bank as the District Depository, was approved.

**B. Resolution 2020-13 Authorization of Bank Account Signatories**

Ms. Burns asked that the signatories be herself and George Flint as signers for the District allowing them to sign checks and process invoices.

On MOTION by Mr. Baxter, seconded by Mr. Walsh, with all in favor, Resolution 2020-13 Authorizing Jill Burns and George Flint as Bank Account Signatories, was approved.

**C. Consideration of Resolution 2020-14 Relating to Defense of Board Members**

Ms. Burns noted that this resolution will allow the district to provide legal support to board members and staff outlined in the resolution when acting in good faith in their capacity as board members.

On MOTION by Mr. Baxter, seconded by Mr. Walsh, with all in favor, Resolution 2020-14 Relating to Defense of Board Members, was approved.

**D. Consideration of Resolution 2020-15 Authorizing District Counsel to Record in the Property Records of Polk County the "Notice of Establishment" in accordance with Chapter 190.0485, Florida Statutes**

**1. Notice of Establishment**

Ms. Burns stated Resolution 2020-15 is in the board package for review and it authorizes District Counsel to record the Notice of Establishment in the County.

On MOTION by Mr. Baxter, seconded by Mr. Walsh, with all in favor, Resolution 2020-15 Authorizing District Counsel to Record in the Property Records of Polk County the Notice of Establishment in Accordance with Chapter 190.0485, Florida Statutes, was approved.



**E. Consideration of Resolution 2020-16 Adopting Investment Guidelines**

Ms. Burns stated the statute requires the board to adopt an Investment Policy that outlines the four options if there are excess funds to invest. Any public funds that are in excess amounts from the operating expenses and have outlines as to where they can invest those funds.

On MOTION by Mr. Baxter, seconded by Mr. Walsh, with all in favor, Resolution 2020-16 Adopting Investment Guidelines, was approved.

**F. Consideration of Resolution 2020-17 Authorizing Execution of Public Depositor Report**

Ms. Burns stated this resolution would authorize the District Manager or Treasurer to execute and file the Public Depositor Report.

On MOTION by Mr. Baxter, seconded by Mr. Walsh, with all in favor, Resolution 2020-17 Authorizing Execution of Public Depositor Report, was approved.

**G. Consideration of Resolution 2020-18 Designating a Policy for Public Comment**

Ms. Burns stated this outlines a public comment policy, speaking time limits, and how to deal with procedures if they have members of the public present.

On MOTION by Mr. Andrade, seconded by Mr. Walsh, with all in favor, Resolution 2020-18 Designating a Policy for Public Comment, was approved.

**H. Consideration of Resolution 2020-19 Adopting a Travel and Reimbursement Policy**

Ms. Burns stated this is in line with Florida State Statutes on the fees and rates at which they can reimburse.

On MOTION by Mr. Baxter, seconded by Mr. Walsh, with all in favor, Resolution 2020-19 Adopting a Travel and Reimbursement Policy, was approved.

**I. Consideration of Resolution 2020-20 Adopting Prompt Payment Policy**

Ms. Burns presented Resolution 2020-20 and noted that it is in line with Florida Statutes to timely pay vendors and contractors that provide services to the District.

On MOTION by Mr. Baxter, seconded by Mr. Andrade, with all in favor, Resolution 2020-20 Adopting Prompt Payment Policy, was approved.

**J. Consideration of Resolution 2020-21 Adopting a Records Retention Policy**

Ms. Burns stated that Districts have to keep all records, which her office will handle as the records management liaison. Resolution 2020-21 has two options. Ms. Burns suggested Option 1, which allows them to do timely disposal of records.

On MOTION by Mr. Baxter, seconded by Mr. Andrade, with all in favor, Resolution 2020-21 Adopting Records Retention Policy Option #1, was approved.

**K. Consideration of Compensation to Board Members**

Ms. Burns stated if elected to receive, board members would receive \$200 for serving on the board. Ms. Burns stated she had W-9 forms if needed and it can be done at a later date. No motion was needed. No board member elected compensation at the meeting.

**L. Resolution 2020-22 Selecting District Records Office Within Polk County**

Ms. Burns suggested selecting the address of the current office at 4900 Dundee Road, Winter Haven, Florida, as the local records office. Ms. Burns noted that a file would be needed at this location of all approvals that are sent to her office. Dorothy Mobley will be the local contact.

On MOTION by Mr. Baxter, seconded by Mr. Walsh, with all in favor, Resolution 2020-22 Selecting the Local District Records Office Within Polk County as 4900 Dundee Road., Winter Haven, FL 33884, was approved.

**M. Resolution 2020-23 Designating the Primary Administrative Office and Principal Headquarters of the District**

Ms. Burns stated the primary Administrative Office would be her office in Orlando at 219 E. Livingston, Orlando, FL 32801. The Principal Headquarters office will be the current office, at 4900 Dundee Road, Winter Haven, FL.

On MOTION by Mr. Baxter, seconded by Mr. Walsh, with all in favor, Resolution 2020-23 Designating the Primary Administrative Office as 219 E. Livingston, Orlando, FL 32801 and the Principal Headquarters of the District as 4900 Dundee Road, Winter Haven, FL 3384, was approved.

**N. Consideration of Website Services Agreement**

Ms. Burns stated there was a one-time rate of \$2,575 with a new proposal, which she did not have yet. This will set up the ADA compliance website. Ms. Burns' office will maintain a compliant website.

On MOTION by Mr. Baxter, seconded by Mr. Walsh, with all in favor, the Website Services Agreement, was approved, subject to HGS preparation.

**O. Authorization to Prepare Public Facilities Report in Accordance with Chapter 189.08 Florida Statutes to Coincide with Special District Filing Date of August 1<sup>st</sup> in Polk County**

Ms. Burns stated Chapter 189 of the Florida Statutes requires the District to prepare a Public Facilities Report and file it with the County. This authorizes staff to prepare that report.

On MOTION by Mr. Baxter, seconded by Mr. Walsh, with all in favor, the Public Facilities Report in Accordance with Chapter 189.08 Florida Statutes to Coincide with Special District Filing Date in Polk County, was approved.

**SIXTH ORDER OF BUSINESS**

**Capital Improvements**

**A. Appointment of the Financing Team**

**1. Bond Counsel**

Ms. Burns stated the proposal in the agenda package is an agreement letter from Greenberg Traurig to provide Bond Counsel services. Ashton Bligh and Bob Gang were both available via phone for any questions. This is their standard fee.

On MOTION by Mr. Baxter, seconded by Mr. Andrade, with all in favor, the Agreement with Greenburg Traurig to Serve as Bond Counsel, was approved.

**2. Investment Banker**

Ms. Burns presented the agreement with FMS Bonds for underwriting services. Ms. Burns stated their disclosure is also included in the agenda package for review.

On MOTION by Mr. Baxter, seconded by Mr. Andrade, with all in favor, the Agreement with FMS Bonds, was approved.

### **3. Assessment Administrator**

Ms. Burns stated this was covered in GMS's management contract, no motion was needed since it was already approved.

### **4. Trustee**

Ms. Burns stated they have a standard agreement from US Bank to serve as the Trustee. This is a standard form of agreement and fees are outlined. This was in line with what is seen in other districts.

On MOTION by Mr. Andrade, seconded by Mr. Walsh, with all in favor, the Proposal from US Bank to Serve as the Trustee, was approved.

### **B. Approval of Bond Financing Team Funding Agreement**

Ms. Burns stated this agreement list Ernie Caldwell Properties, LLC as the funding source.

On MOTION by Mr. Baxter, seconded by Mr. Walsh, with all in favor, the Bond Financing Team Funding Agreement with Ernie Caldwell Properties, LLC, was approved.

### **C. Consideration of Notice of Request for Proposals and Evaluation Criteria for Phase 1 Construction Bid**

Ms. Burns stated this is in the packet with some dates outlined. This bid package is set to pick up next Friday, January 17, 2020, and questions will be due Friday, February 7, 2020, and Monday, February 17, 2020 is the due date. Mr. Wood will then review and rank these and review them at the March meeting. A board member asked if a contractor could be in place sooner than that. Mr. Wood replied that they are stuck with this process and timeline and this is a county permitting situation. Ms. Rigoni stated we could set a special meeting to consider the proposal as

soon as we received bids. Mr. Wood stated he used a certain ranking form and is very specific. Ms. Burns stated they did have to advertise for bid pickup and could call the special meeting. A possible change was discussed, and the total contract scale. Ms. Burns stated there are a couple of dates of when the Project Manual will be available.

On MOTION by Mr. Baxter, seconded by Mr. Andrade, with all in favor, the Consideration of Notice of Request for Proposals and Evaluation Criteria for Phase 1 Construction Bid, was approved.

## **SEVENTH ORDER OF BUSINESS**

### **Financing Matters**

#### **A. Consideration of Engineer's Report**

Mr. Wood explained the Engineer's report is always prepared for the district and it addresses the capital improvements of the District which is roads, streets, utilities, amenity center and other things like that. They address each item within the report, and they do an identification of boundary limits. The most important part of the whole report is a table where they identify the construction costs. The construction cost is what they base everything off of in reference to bonds and everything else. Mr. Wood suggested that the board review the Engineer's Report because the amounts are based on current projects and they are typically pretty uniform. Ms. Rigoni asked Mr. Woods if the costs estimates were reasonable for the project of this size and scope. Mr. Woods replied yes. Ms. Rigoni also asked if there was any reason to believe that the district cannot carry out this project at this time. Mr. Woods replied no.

On MOTION by Mr. Baxter, seconded by Mr. Andrade, with all in favor, the Engineer's Report, was approved.

#### **B. Consideration of Master Assessment Methodology**

Ms. Burns stated the assessment report will allocate the debt that the district incurs based on the capital improvement plan and based on the benefit that the properties within the district receive from those improvements. This will be supplemented by one or more reports. Table 1 shows the ERU which is basis for their assessment. Some emails were sent out looking for our product type. This is set up with all similar size. Ms. Burns asked if they were going to have various lot sizes. Board member stated lot sizes, and Ms. Burns stated they would need a listing stating out of the 681, how many are 40's, and how many are 50's. Ms. Burns stated they would need to approve this, subject to incorporating the development plan based on the two different lot types.

They will assign an ERU to the 40' lots, and an ERU to the 50' lots. It was stated there were 289 40' lots and 392 50' lots. That will be a total of 681. Ms. Burns stated that they will update the tables to separate out the two different product types. Table 2 will not change because that is the total amount of the capital improvement plan in Mr. Wood's report. Table 3 will not change because the bond sizing is based on the total amount of construction. The next couple of pages will change because they are going to change the ERU based on the product types. Table 4 will show the improvement costs per unit and there will be one cost for the 40' lots, and one costs for the 50' lots. This will be the max and they will go to bond validation based on the numbers here. They will send a notice to do a master lien in that amount, and then when they issue the district will do a supplemental report with the actual interest rates that they are getting at that time. Table 4, 5, and 6 are going to be amended to separate out the product type. So, the amounts are going to change some. Table 7 shows all the landowners and the debt per acre. Those amounts will not change. Ms. Burns asked for any questions.

Mr. Wood clarified that he would need to change his Engineer's Report to reflect the two product types and he clarified the numbers of each lot size. Ms. Rigoni stated this was typically in the Engineer's Report. It was clarified that both product types were 150' deep.

On MOTION by Mr. Baxter, seconded by Mr. Walsh, with all in favor, the Master Assessment Methodology subject to updating the Product Types, was approved.

### **C. Consideration of Resolution 2020-24 Authorizing the Issuance of Bonds and Authorizing the Commencement of Validation Proceedings**

Ms. Bligh presented Resolution 2020-24 and noted that it is the first step in the bond issuance process. Chapter 190 requires any bonds to be secured by a Trust Agreement. Under Section 7 the district is appointing US Bank as the Trustee under the Trust Agreement. Chapter 75 requires any bonds maturing up to 5 years to be validated. Section 8, authorizes and directs District Counsel and Bond Counsel to proceed with filing for validation.

On MOTION by Mr. Baxter, seconded by Mr. Andrade, with all in favor, the Resolution 2020-24 Authorizing the Issuance of Bonds and Authorizing the Commencement of Validation Proceedings, was approved.

**D. Consideration of Resolution 2020-25 Declaring Special Assessments and Approval of Assessment Methodology**

Ms. Burns noted this was included in the board package. This will kick off the assessment process and outlines how the assessments are going to be allocated to the properties that benefit from the Capital Improvement Plan. Section 4 will be \$12,764,000 from the Engineer's Report. Section 5 will be \$16,750,000. That's the total amount in the Assessment Report. Ms. Rigoni noted this is the maximum level of assessments levied on the land at this time.

On MOTION by Mr. Baxter, seconded by Mr. Walsh, with all in favor, the Resolution 2020-25 Declaring Special Assessment and Approval of Assessment Methodology, was approved.

**E. Resolution 2020-26 Setting Date of Public Hearing for Special Assessments**

Ms. Burns suggested the public hearing be held on March 11, 2020 at 1:00 p.m., which will be the regular monthly board meeting.

On MOTION by Mr. Baxter, seconded by Mr. Walsh, with all in favor, Resolution 2020-26 Setting Public Hearing for Special Assessments for March 11, 2020 at 1:00 p.m., was approved.

**EIGHTH ORDER OF BUSINESS**

**Other Business**

**A. Staff Reports**

**i. Attorney**

Ms. Rigoni had nothing further to report.

**ii. Manager**

There being none, the next item following.

**B. Supervisors Requests**

There being none, the next item followed.

**C. Approval of Funding Request No. 1**

Ms. Burns asked for approval of Funding Request #1. This is requesting funds to open the account, so they have an operating account to fund the district. This will fund insurance for the

year, as well as, all ads that need to be placed for the public hearings, and regular district invoices incurred. The total amount generally requested to open the account is \$20,000.

Mr. Baxter asked if it's correct that they can't get reimbursement for engineering and other things until it's funded. Ms. Rigoni explained that certain costs are reimbursable from the bond proceeds. Ms. Burns stated that advertising and other such things are not reimbursed. It was clarified that there could not be spending until bonds are closed.

On MOTION by Mr. Baxter, seconded by Mr. Walsh, with all in favor, the Funding Request No. 1 for \$20,000, was approved.

**NINTH ORDER OF BUSINESS****Adjournment**

Ms. Burns adjourned the meeting at 2:00 p.m.

On MOTION by Mr. Baxter, seconded by Mr. Andrade, with all in favor, the meeting was adjourned at 2:00 p.m.

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Secretary/Assistant Secretary

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Chairman/Vice Chairman



**MINUTES OF MEETING  
ASTONIA  
COMMUNITY DEVELOPMENT DISTRICT**

The Regular meeting of the Board of Supervisors of the Astonia Community Development District was held Thursday, **February 13, 2020** at 1:00 p.m. at 4900 Dundee Rd., Winter Haven, Florida 33884.

Present and constituting a quorum:

Reggie Baxter  
Brian Walsh *via phone*  
Milton Andrade  
Halsey Carson

Chairman  
Vice Chairman  
Assistant Secretary  
Assistant Secretary

Also present were:

Jill Burns  
Michelle Rigoni  
Bob Gang *via phone*  
Dennis Wood *via phone*

District Manager, GMS  
Hopping Green & Sams  
Greenberg Taurig  
Wood & Associates Engineering

**FIRST ORDER OF BUSINESS**

**Roll Call**

Ms. Burns called the meeting to order and called the roll.

**SECOND ORDER OF BUSINESS**

**Public Comment Period**

There were no members of the public present for the meeting.

**THIRD ORDER OF BUSINESS**

**Consideration of Resolution 2020-27  
Updated Bond Resolution**

Mr. Gang stated that on January 9<sup>th</sup> the district adopted Resolution 2019-24 which authorized a not to exceed of \$16,750,000 of bonds based on the Engineer's Report at that time. The CIP has been revised upwards, to over \$18,000,000. This resolution increases the aggregate principal amount of \$16,750,000 to \$23,500,000. In addition to redoing everything that the original resolution authorized, it also rescinds Resolution 2019-24. He noted that this also ratifies prior actions that District Counsel has taken filing for bond validation.

On MOTION by Mr. Baxter, seconded by Mr. Andrade, with all in favor, Resolution 2020-07 Updating Prior Bond Resolution, was approved.

#### **FOURTH ORDER OF BUSINESS**

#### **Consideration of Resolution 2020-28**

#### **Declaring Special Assessments**

Ms. Burns noted there were two exhibits to the resolution, first the Engineer's Report then the Master Assessment Methodology. She asked Mr. Wood to review the Engineer's Report.

Mr. Wood briefly reviewed the updated Engineer's Report. He noted the change from the prior report was to include some additional offsite costs that were not included originally.

Ms. Rigoni asked Mr. Wood if the cost estimates included in the Engineer's Report were reasonable for the project of the size and scale. Mr. Wood answered yes. Ms. Rigoni asked if there was any reason for him to believe the district could not carry out the project at this time. Mr. Wood answered no.

Ms. Burns briefly reviewed the updated Master Assessment Methodology. The assessment report allocates debt to the properties based on the special benefit that they receive from the Capital Improvement Plan that Mr. Wood previously reviewed. The assessment report will be supplemented with one or more supplemental methodologies to reflect the actual terms and conditions at the time of bond issuance. Table 1 outlines the development plan of 681 units. ERU unit for the 40' lot is .8 and the single family 50' lot is 1. Table 2 is the Capital Improvement Plan. Table 3 shows a bond sizing of \$23,500,000 necessary in order to generate the construction proceeds necessary for the Capital Improvement Plan. Table 4 shows the improvement cost per unit. Table 5 outlines the par debt per unit. For the single family 40' lot it is \$30,167 and for the single family 50' lot it is \$37,709. Table 6 shows the net and gross annual debt assessment. The gross assessment is to include fees for collection and early payment discounts from the Polk County tax bill. The gross amount for the 40' lot would be \$2,357 and for the 50' lot it would be \$2,946. Table 7 is the preliminary assessment roll which allocates all the debt to the parcels in the community based on acreage.

Ms. Rigoni asked Ms. Burns if the lands subject to the Special Assessments receive special benefits at least equal to or in excess of the assessments levied on the lands. Ms. Burns answered yes. Ms. Rigoni asked if the assessments are reasonably and fairly allocated among the properties

receiving such special benefits based on the benefits that they receive as set forth in the Assessment Methodologies including the two ERU values. Ms. Burns answered yes.

Ms. Rigoni stated that Resolution 2020-28 recites that the board previously determined to undertake the improvements outlined in the Engineer's Report and due to the development changes and the increase in the cost of improvements they are rescinding the prior declaring assessment resolution and readopting and restarting the assessments process again based on the new numbers. The board had no questions for Ms. Rigoni.

On MOTION by Mr. Andrade, seconded by Mr. Baxter, with all in favor, Resolution 2020-28 Declaring Special Assessments, was approved.

#### **FIFTH ORDER OF BUSINESS**

#### **Consideration of Resolution 2020-29 Setting a Public Hearing on the Imposition of Special Assessments**

Ms. Burns suggested March 26<sup>th</sup> at 1:00 p.m.

On MOTION by Mr. Baxter, seconded by Mr. Andrade, with all in favor, Resolution 2020-29 Setting a Public Hearing on the Imposition of Special Assessments for March 26<sup>th</sup> at 1:00 p.m., was approved.

#### **SIXTH ORDER OF BUSINESS**

#### **Consideration of Resolution 2020-30 Adopting an Internal Controls Policy**

Ms. Burns stated that the district is statutorily required to establish and maintain an Internal Controls Policy designed to detect fraud, waste, and abuse.

On MOTION by Mr. Baxter, seconded by Mr. Andrade, with all in favor, Resolution 2020-30 Adopting an Internal Controls Policy, was approved.

#### **SEVENTH ORDER OF BUSINESS**

#### **Consideration of Website Services Agreement with VGlobal**

Ms. Burns noted that the board approved the VGlobal quote at the last meeting, this is just the form of agreement that counsel drafted.

On MOTION by Mr. Baxter, seconded by Mr. Andrade, with all in favor, the Website Agreement with VGlobal, was approved.

**EIGHTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

Ms. Rigoni stated that the bond validation was pushed back a couple weeks. They have not set a public hearing date yet. Once it is validated, they will have to wait 30 days, to account for an appeal period, to issue bonds.

**B. Engineer**

There being none, the next item followed.

**C. District Manager's Report**

There being none, the next item followed.

**NINTH ORDER OF BUSINESS**

**Other Business**

There being none, the next item followed.

**TENTH ORDER OF BUSINESS**

**Supervisor's Requests and Audience Comments**

There being none, the next item followed.

**ELEVENTH ORDER OF BUSINESS**

**Adjournment**

Ms. Burns adjourned the meeting at 1:15 p.m.

On MOTION by Mr. Baxter, seconded by Mr. Andrade, with all in favor, the meeting was adjourned at 1:15 p.m.
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Secretary/Assistant Secretary

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Chairman/Vice Chairman

# SECTION V

# SECTION A

# SECTION 1

## RESOLUTION 2020-33

### **A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE ASTONIA COMMUNITY DEVELOPMENT DISTRICT ADOPTING RULES OF PROCEDURE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Astonia Community Development District (“**District**”) is a local unit of special purpose government created and existing pursuant to Chapter 190, *Florida Statutes*, being situated entirely within Polk County, Florida; and

**WHEREAS**, Chapter 190, *Florida Statutes*, authorizes the District to adopt rules to govern the administration of the District and to adopt resolutions as may be necessary for the conduct of District business; and

**WHEREAS**, to provide for efficient and effective District operations and to maintain compliance with recent changes to Florida law, the Board of Supervisors finds that it is in the best interests of the District to adopt by resolution the Rules of Procedure attached hereto as **Exhibit A** for immediate use and application; and

**WHEREAS**, the Board of Supervisors has complied with applicable Florida law concerning rule development and adoption.

### **NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE ASTONIA COMMUNITY DEVELOPMENT DISTRICT:**

**SECTION 1.** The attached Rules of Procedure are hereby adopted pursuant to this resolution as necessary for the conduct of District business. These Rules of Procedure replace all prior versions of the Rules of Procedure, and shall stay in full force and effect until such time as the Board of Supervisors may amend these rules in accordance with Chapter 190, *Florida Statutes*.

**SECTION 2.** If any provision of this resolution is held to be illegal or invalid, the other provisions shall remain in full force and effect.

**SECTION 3.** This resolution shall become effective upon its passage and shall remain in effect unless rescinded or repealed.

**PASSED AND ADOPTED** this 11<sup>th</sup> day of March, 2020.

ATTEST:

**ASTONIA COMMUNITY  
DEVELOPMENT DISTRICT**

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Secretary/Assistant Secretary

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Chairperson, Board of Supervisors

**Exhibit A:** Rules of Procedure



**EXHIBIT A:**

**RULES OF PROCEDURE**

**RULES OF PROCEDURE  
ASTONIA COMMUNITY DEVELOPMENT DISTRICT**

**EFFECTIVE AS OF MARCH 11, 2020**

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**Rule 1.0      General.**

- (1) The Astonia Community Development District (the “District”) was created pursuant to the provisions of Chapter 190 of the Florida Statutes, and was established to provide for the ownership, operation, maintenance, and provision of various capital facilities and services within its jurisdiction. The purpose of these rules (the “Rules”) is to describe the general operations of the District.
- (2) Definitions located within any section of these Rules shall be applicable within all other sections, unless specifically stated to the contrary.
- (3) Unless specifically permitted by a written agreement with the District, the District does not accept documents filed by electronic mail or facsimile transmission. Filings are only accepted during normal business hours.
- (4) A Rule of the District shall be effective upon adoption by affirmative vote of the District Board. After a Rule becomes effective, it may be repealed or amended only through the rulemaking procedures specified in these Rules. Notwithstanding, the District may immediately suspend the application of a Rule if the District determines that the Rule conflicts with Florida law. In the event that a Rule conflicts with Florida law and its application has not been suspended by the District, such Rule should be interpreted in the manner that best effectuates the intent of the Rule while also complying with Florida law. If the intent of the Rule absolutely cannot be effectuated while complying with Florida law, the Rule shall be automatically suspended.

**Specific Authority:** §§ 190.011(5), 190.011(15), Fla. Stat.

**Law Implemented:** §§ 190.011(5), 190.011(15), Fla. Stat.

**Rule 1.1      Board of Supervisors; Officers and Voting.**

- (1) Board of Supervisors. The Board of Supervisors of the District (the “Board”) shall consist of five (5) members. Members of the Board (“Supervisors”) appointed by ordinance or rule or elected by landowners must be citizens of the United States of America and residents of the State of Florida. Supervisors elected or appointed by the Board to elector seats must be citizens of the United States of America, residents of the State of Florida and of the District and registered to vote with the Supervisor of Elections of the county in which the District is located and for those elected, shall also be qualified to run by the Supervisor of Elections. The Board shall exercise the powers granted to the District under Florida law.
  - (a) Supervisors shall hold office for the term specified by Section 190.006 of the Florida Statutes. If, during the term of office, any Board member(s) vacates their office, the remaining member(s) of the Board shall fill the vacancies by appointment for the remainder of the term(s). If three or more vacancies exist at the same time, a quorum, as defined herein, shall not be required to appoint replacement Board members.
  - (b) Three (3) members of the Board shall constitute a quorum for the purposes of conducting business, exercising powers and all other purposes. A Board member shall be counted toward the quorum if physically present at the meeting, regardless of whether such Board member is prohibited from, or abstains from, participating in discussion or voting on a particular item.
  - (c) Action taken by the Board shall be upon a majority vote of the members present, unless otherwise provided in the Rules or required by law. Subject to Rule 1.3(10), a Board member participating in the Board meeting by teleconference or videoconference shall be entitled to vote and take all other action as though physically present.
  - (d) Unless otherwise provided for by an act of the Board, any one Board member may attend a mediation session on behalf of the Board. Any agreement resulting from such mediation session must be approved pursuant to subsection (1)(c) of this Rule.
- (2) Officers. At the first Board meeting held after each election where the newly elected members take office, the Board shall select a Chairperson, Vice-Chairperson, Secretary, Assistant Secretary, and Treasurer.
  - (a) The Chairperson must be a member of the Board. If the Chairperson resigns from that office or ceases to be a member of the Board, the Board shall select a Chairperson. The Chairperson serves at the pleasure of the Board. The Chairperson shall be authorized to execute resolutions and contracts on the District’s behalf. The Chairperson shall convene and conduct all meetings of the Board. In the event the Chairperson is unable

to attend a meeting, the Vice-Chairperson shall convene and conduct the meeting. The Chairperson or Vice-Chairperson may delegate the responsibility of conducting the meeting to the District's manager ("District Manager") or District Counsel, in whole or in part.

- (b) The Vice-Chairperson shall be a member of the Board and shall have such duties and responsibilities as specifically designated by the Board from time to time. The Vice-Chairperson has the authority to execute resolutions and contracts on the District's behalf in the absence of the Chairperson. If the Vice-Chairperson resigns from office or ceases to be a member of the Board, the Board shall select a Vice-Chairperson. The Vice-Chairperson serves at the pleasure of the Board.
- (c) The Secretary of the Board serves at the pleasure of the Board and need not be a member of the Board. The Secretary shall be responsible for maintaining the minutes of Board meetings and may have other duties assigned by the Board from time to time. An employee of the District Manager may serve as Secretary. The Secretary shall be bonded by a reputable and qualified bonding company in at least the amount of one million dollars (\$1,000,000), or have in place a fidelity bond, employee theft insurance policy, or a comparable product in at least the amount of one million dollars (\$1,000,000) that names the District as an additional insured.
- (d) The Treasurer need not be a member of the Board but must be a resident of the State of Florida. The Treasurer shall perform duties described in Section 190.007(2) and (3) of the Florida Statutes, as well as those assigned by the Board from time to time. The Treasurer shall serve at the pleasure of the Board. The Treasurer shall either be bonded by a reputable and qualified bonding company in at least the amount of one million dollars (\$1,000,000), or have in place a fidelity bond, employee theft insurance policy, or a comparable product in at least the amount of one million dollars (\$1,000,000) that names the District as an additional insured.
- (e) In the event that both the Chairperson and Vice-Chairperson are absent from a Board meeting and a quorum is present, the Board may designate one of its members or a member of District staff to convene and conduct the meeting. In such circumstances, any of the Board members present are authorized to execute agreements, resolutions, and other documents approved by the Board at such meeting. In the event that the Chairperson and Vice-Chairperson are both unavailable to execute a document previously approved by the Board, the Secretary or any Assistant Secretary may execute such document.

- (f) The Board may assign additional duties to District officers from time to time, which include, but are not limited to, executing documents on behalf of the District.
  - (g) The Chairperson, Vice-Chairperson, and any other person authorized by District Resolution may sign checks and warrants for the District, countersigned by the Treasurer or other persons authorized by the Board.
- (3) Committees. The Board may establish committees of the Board, either on a permanent or temporary basis, to perform specifically designated functions. Committees may include individuals who are not members of the Board. Such functions may include, but are not limited to, review of bids, proposals, and qualifications, contract negotiations, personnel matters, and budget preparation.
- (4) Record Book. The Board shall keep a permanent record book entitled "Record of Proceedings," in which shall be recorded minutes of all meetings, resolutions, proceedings, certificates, and corporate acts. The Records of Proceedings shall be located at a District office and shall be available for inspection by the public.
- (5) Meetings. For each fiscal year, the Board shall establish a schedule of regular meetings, which shall be published in a newspaper of general circulation in the county in which the District is located and filed with the local general-purpose governments within whose boundaries the District is located. All meetings of the Board and Committees serving an advisory function shall be open to the public in accord with the provisions of Chapter 286 of the Florida Statutes.
- (6) Voting Conflict of Interest. The Board shall comply with Section 112.3143 of the Florida Statutes, so as to ensure the proper disclosure of conflicts of interest on matters coming before the Board for a vote. For the purposes of this section, "voting conflict of interest" shall be governed by the Florida Constitution and Chapters 112 and 190 of the Florida Statutes, as amended from time to time. Generally, a voting conflict exists when a Board member is called upon to vote on an item which would inure to the Board member's special private gain or loss or the Board member knows would inure to the special private gain or loss of a principal by whom the Board member is retained, the parent organization or subsidiary of a corporate principal, a business associate, or a relative including only a father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law.
  - (a) When a Board member knows the member has a conflict of interest on a matter coming before the Board, the member should notify the Board's Secretary prior to participating in any discussion with the Board on the matter. The member shall publicly announce the conflict of interest at the meeting. This announcement shall appear in the minutes.

If the Board member was elected at a landowner's election or appointed to fill a vacancy of a seat last filled at a landowner's election, the Board member may vote or abstain from voting on the matter at issue. If the Board member was elected by electors residing within the District, the Board member is prohibited from voting on the matter at issue. In the event that the Board member intends to abstain or is prohibited from voting, such Board member shall not participate in the discussion on the item subject to the vote.

The Board's Secretary shall prepare a Memorandum of Voting Conflict (Form 8B) which shall then be signed by the Board member, filed with the Board's Secretary, and provided for attachment to the minutes of the meeting within fifteen (15) days of the meeting.

- (b) If a Board member inadvertently votes on a matter and later learns he or she has a conflict on the matter, the member shall immediately notify the Board's Secretary. Within fifteen (15) days of the notification, the member shall file the appropriate Memorandum of Voting Conflict, which will be attached to the minutes of the Board meeting during which the vote on the matter occurred. The Memorandum of Voting Conflict shall immediately be provided to other Board members and shall be read publicly at the next meeting held subsequent to the filing of the Memorandum of Voting Conflict. The Board member's vote is unaffected by this filing.
- (c) It is not a conflict of interest for a Board member, the District Manager, or an employee of the District to be a stockholder, officer or employee of a landowner or of an entity affiliated with a landowner.
- (d) In the event that a Board member elected at a landowner's election or appointed to fill a vacancy of a seat last filled at a landowner's election, has a continuing conflict of interest, such Board member is permitted to file a Memorandum of Voting Conflict at any time in which it shall state the nature of the continuing conflict. Only one such continuing Memorandum of Voting Conflict shall be required to be filed for each term the Board member is in office.

**Specific Authority:** §§ 190.011(5), 190.011(15), Fla. Stat.

**Law Implemented:** §§ 112.3143, 190.006, 190.007, Fla. Stat.

**Rule 1.2      District Offices; Public Information and Inspection of Records; Policies; Service Contract Requirements; Financial Disclosure Coordination.**

- (1)    District Offices. Unless otherwise designated by the Board, the official District office shall be the District Manager's office identified by the District Manager. If the District Manager's office is not located within the county in which the District is located, the Board shall designate a local records office within such county which shall at a minimum contain, but not be limited to, the following documents:
- (a)    Agenda packages for prior 24 months and next meeting;
  - (b)    Official minutes of meetings, including adopted resolutions of the Board;
  - (c)    Names and addresses of current Board members and District Manager, unless such addresses are protected from disclosure by law;
  - (d)    Adopted engineer's reports;
  - (e)    Adopted assessment methodologies/reports;
  - (f)    Adopted disclosure of public financing;
  - (g)    Limited Offering Memorandum for each financing undertaken by the District;
  - (h)    Proceedings, certificates, bonds given by all employees, and any and all corporate acts;
  - (i)    District policies and rules;
  - (j)    Fiscal year end audits; and
  - (k)    Adopted budget for the current fiscal year.

The District Manager shall ensure that each District records office contains the documents required by Florida law.

- (2)    Public Records. District public records include all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received in connection with the transaction of official business of the District. All District public records not otherwise restricted by law may be copied or inspected at the District Manager's office during regular business hours. Certain District records can also be inspected and copied at the District's local records office during regular business hours. All written public records requests shall be directed to the Secretary who by these rules is appointed



as the District's records custodian. Regardless of the form of the request, any Board member or staff member who receives a public records request shall immediately forward or communicate such request to the Secretary for coordination of a prompt response. The Secretary, after consulting with District Counsel as to the applicability of any exceptions under the public records laws, shall be responsible for responding to the public records request. At no time can the District be required to create records or summaries of records, or prepare opinions regarding District policies, in response to a public records request.

- (3) Service Contracts. Any contract for services, regardless of cost, shall include provisions required by law that require the contractor to comply with public records laws. The District Manager shall be responsible for initially enforcing all contract provisions related to a contractor's duty to comply with public records laws.
- (4) Fees; Copies. Copies of public records shall be made available to the requesting person at a charge of \$0.15 per page for one-sided copies and \$0.20 per page for two-sided copies if not more than 8 ½ by 14 inches. For copies of public records in excess of the sizes listed in this section and for outside duplication services, the charge shall be equal to the actual cost of reproduction. Certified copies of public records shall be made available at a charge of one dollar (\$1.00) per page. If the nature or volume of records requested requires extensive use of information technology resources or extensive clerical or supervisory assistance, the District may charge, in addition to the duplication charge, a special service charge that is based on the cost the District incurs to produce the records requested. This charge may include, but is not limited to, the cost of information technology resource, employee labor, and fees charged to the District by consultants employed in fulfilling the request. In cases where the special service charge is based in whole or in part on the costs incurred by the District due to employee labor, consultant fees, or other forms of labor, those portions of the charge shall be calculated based on the lowest labor cost of the individual(s) who is/are qualified to perform the labor, taking into account the nature or volume of the public records to be inspected or copied. The charge may include the labor costs of supervisory and/or clerical staff whose assistance is required to complete the records request, in accordance with Florida law. For purposes of this Rule, the word "extensive" shall mean that it will take more than 15 minutes to locate, review for confidential information, copy and re-file the requested material. In cases where extensive personnel time is determined by the District to be necessary to safeguard original records being inspected, the special service charge provided for in this section shall apply. If the total fees, including but not limited to special service charges, are anticipated to exceed twenty-five dollars (\$25.00), then, prior to commencing work on the request, the District will inform the person making the public records request of the estimated cost, with the understanding that the final cost may vary from that estimate. If the person making the public records request decides to proceed with the request, payment of the estimated cost is required in advance. Should the person fail to pay the estimate, the District is under no duty to produce

the requested records. After the request has been fulfilled, additional payments or credits may be due. The District is under no duty to produce records in response to future records requests if the person making the request owes the District for past unpaid duplication charges, special service charges, or other required payments or credits.

- (5) Records Retention. The Secretary of the District shall be responsible for retaining the District's records in accordance with applicable Florida law.
- (6) Policies. The Board may adopt policies related to the conduct of its business and the provision of services either by resolution or motion.
- (7) Financial Disclosure Coordination. Unless specifically designated by Board resolution otherwise, the Secretary shall serve as the Financial Disclosure Coordinator ("Coordinator") for the District as required by the Florida Commission on Ethics ("Commission"). The Coordinator shall create, maintain and update a list of the names, e-mail addresses, physical addresses, and names of the agency of, and the office or position held by, all Supervisors and other persons required by Florida law to file a statement of financial interest due to his or her affiliation with the District ("Reporting Individual"). The Coordinator shall provide this list to the Commission by February 1 of each year, which list shall be current as of December 31 of the prior year. Each Supervisor and Reporting Individual shall promptly notify the Coordinator in writing if there are any changes to such person's name, e-mail address, or physical address. Each Supervisor and Reporting Individual shall promptly notify the Commission in the manner prescribed by the Commission if there are any changes to such person's e-mail address.

**Specific Authority:** §§ 190.011(5), 190.011(15), Fla. Stat.

**Law Implemented:** §§ 112.31446(3), 112.3145(8)(a)1., 119.07, 119.0701, 190.006, Fla. Stat.

### **Rule 1.3      Public Meetings, Hearings, and Workshops.**

- (1) Notice. Except in emergencies, or as otherwise required by statute or these Rules, at least seven (7) days, but no more than thirty (30) days public notice shall be given of any public meeting, hearing or workshop of the Board. Public notice shall be given by publication in a newspaper of general circulation in the District and in the county in which the District is located. "General circulation" means a publication that is printed and published at least once a week for the preceding year, offering at least 25% of its words in the English language, qualifies as a periodicals material for postal purposes in the county in which the District is located, is for sale to the public generally, is available to the public generally for the publication of official or other notices, and is customarily containing information of a public character or of interest or of value to the residents or owners of property in the county where published, or of interest or of value to the general public. The annual meeting notice required to be published by Section 189.015 of the Florida Statutes, shall be published in a newspaper not of limited subject matter, which is published at least five days a week, unless the only newspaper in the county is published less than five days a week. Each Notice shall state, as applicable:
  - (a) The date, time and place of the meeting, hearing or workshop;
  - (b) A brief description of the nature, subjects, and purposes of the meeting, hearing, or workshop;
  - (c) The District office address for the submission of requests for copies of the agenda, as well as a contact name and telephone number for verbal requests for copies of the agenda; and
  - (d) The following or substantially similar language: "Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting/hearing/workshop is asked to advise the District Office at least forty-eight (48) hours before the meeting/hearing/workshop by contacting the District Manager at (407) 841-5524. If you are hearing or speech impaired, please contact the Florida Relay Service at 1 (800) 955-8770 or 1 (800) 955-8771, who can aid you in contacting the District Office."
  - (e) The following or substantially similar language: "A person who decides to appeal any decision made at the meeting/hearing/workshop with respect to any matter considered at the meeting/hearing/workshop is advised that person will need a record of the proceedings and that accordingly, the person may need to ensure that a verbatim record of the proceedings is made including the testimony and evidence upon which the appeal is to be based."

- (f) The following or substantially similar language: “The meeting [or hearing or workshop] may be continued in progress without additional notice to a time, date, and location stated on the record.”
- (2) Mistake. In the event that a meeting is held under the incorrect assumption that notice required by law and these Rules has been given, the Board at its next properly noticed meeting shall cure such defect by considering the agenda items from the prior meeting individually and anew.
- (3) Agenda. The District Manager, under the guidance of District Counsel and the Chairperson or Vice-Chairperson, shall prepare an agenda of the meeting/hearing/workshop. The agenda and any meeting materials available in an electronic format, excluding any confidential and any confidential and exempt information, shall be available to the public at least seven days before the meeting/hearing/workshop, except in an emergency. Meeting materials shall be defined as, and limited to, the agenda, meeting minutes, resolutions, and agreements of the District that District staff deems necessary for Board approval. Inclusion of additional materials for Board consideration other than those defined herein as “meeting materials” shall not convert such materials into “meeting materials.” For good cause, the agenda may be changed after it is first made available for distribution, and additional materials may be added or provided under separate cover at the meeting. The requirement of good cause shall be liberally construed to allow the District to efficiently conduct business and to avoid the expenses associated with special meetings.

The District may, but is not required to, use the following format in preparing its agenda for its regular meetings:

- Call to order
- Roll call
- Public comment
- Organizational matters
- Review of minutes
- Specific items of old business
- Specific items of new business
- Staff reports
  - (a) District Counsel
  - (b) District Engineer
  - (c) District Manager
    - 1. Financial Report
    - 2. Approval of Expenditures
- Supervisor’s requests and comments
- Public comment
- Adjournment

- (4) Minutes. The Secretary shall be responsible for preparing and keeping the minutes of each meeting of the Board. Minutes shall be corrected and approved by the Board at a subsequent meeting. The Secretary may work with other staff members in preparing draft minutes for the Board's consideration.
- (5) Special Requests. Persons wishing to receive, by mail, notices or agendas of meetings, may so advise the District Manager or Secretary at the District Office. Such persons shall furnish a mailing address in writing and shall be required to pre-pay the cost of the copying and postage.
- (6) Emergency Meetings. The Chairperson, or Vice-Chairperson if the Chairperson is unavailable, upon consultation with the District Manager and District Counsel, if available, may convene an emergency meeting of the Board without first having complied with sections (1) and (3) of this Rule, to act on emergency matters that may affect the public health, safety, or welfare. Whenever possible, the District Manager shall make reasonable efforts to provide public notice and notify all Board members of an emergency meeting twenty-four (24) hours in advance. Reasonable efforts may include telephone notification. Notice of the emergency meeting must be provided both before and after the meeting on the District's website, if it has one. Whenever an emergency meeting is called, the District Manager shall be responsible for notifying at least one newspaper of general circulation in the District. After an emergency meeting, the Board shall publish in a newspaper of general circulation in the District, the time, date and place of the emergency meeting, the reasons why an emergency meeting was necessary, and a description of the action taken. Actions taken at an emergency meeting may be ratified by the Board at a regularly noticed meeting subsequently held.
- (7) Public Comment. The Board shall set aside a reasonable amount of time at each meeting for public comment and members of the public shall be permitted to provide comment on any proposition before the Board. The portion of the meeting generally reserved for public comment shall be identified in the agenda. Policies governing public comment may be adopted by the Board in accordance with Florida law.
- (8) Budget Hearing. Notice of hearing on the annual budget(s) shall be in accord with Section 190.008 of the Florida Statutes. Once adopted in accord with Section 190.008 of the Florida Statutes, the annual budget(s) may be amended from time to time by action of the Board. Approval of invoices by the Board in excess of the funds allocated to a particular budgeted line item shall serve to amend the budgeted line item.
- (9) Public Hearings. Notice of required public hearings shall contain the information required by applicable Florida law and by these Rules applicable to meeting notices and shall be mailed and published as required by Florida law. The District Manager shall ensure that all such notices, whether mailed or published, contain the information required by Florida law and these Rules and are mailed and

published as required by Florida law. Public hearings may be held during Board meetings when the agenda includes such public hearing.

- (10) Participation by Teleconference/Videoconference. District staff may participate in Board meetings by teleconference or videoconference. Board members may also participate in Board meetings by teleconference or videoconference if in the good judgment of the Board extraordinary circumstances exist; provided however, at least three Board members must be physically present at the meeting location to establish a quorum. Such extraordinary circumstances shall be presumed when a Board member participates by teleconference or videoconference, unless a majority of the Board members physically present determines that extraordinary circumstances do not exist.
- (11) Board Authorization. The District has not adopted Robert's Rules of Order. For each agenda item, there shall be discussion permitted among the Board members during the meeting. Unless such procedure is waived by the Board, approval or disapproval of resolutions and other proposed Board actions shall be in the form of a motion by one Board member, a second by another Board member, and an affirmative vote by the majority of the Board members present. Any Board member, including the Chairperson, can make or second a motion.
- (12) Continuances. Any meeting or public hearing of the Board may be continued without re-notice or re-advertising provided that:
  - (a) The Board identifies on the record at the original meeting a reasonable need for a continuance;
  - (b) The continuance is to a specified date, time, and location publicly announced at the original meeting; and
  - (c) The public notice for the original meeting states that the meeting may be continued to a date and time and states that the date, time, and location of any continuance shall be publicly announced at the original meeting and posted at the District Office immediately following the original meeting.
- (13) Attorney-Client Sessions. An Attorney-Client Session is permitted when the District's attorneys deem it necessary to meet in private with the Board to discuss pending litigation to which the District is a party before a court or administrative agency or as may be authorized by law. The District's attorney must request such session at a public meeting. Prior to holding the Attorney-Client Session, the District must give reasonable public notice of the time and date of the session and the names of the persons anticipated to attend the session. The session must commence at an open meeting in which the Chairperson or Vice-Chairperson announces the commencement of the session, the estimated length of the session, and the names of the persons who will be attending the session. The discussion during the session is confined to settlement negotiations or strategy related to

litigation expenses or as may be authorized by law. Only the Board, the District's attorneys (including outside counsel), the District Manager, and the court reporter may attend an Attorney-Client Session. During the session, no votes may be taken and no final decisions concerning settlement can be made. Upon the conclusion of the session, the public meeting is reopened, and the Chairperson or Vice-Chairperson must announce that the session has concluded. The session must be transcribed by a court-reporter and the transcript of the session filed with the District Secretary within a reasonable time after the session. The transcript shall not be available for public inspection until after the conclusion of the litigation.

- (14) Security and Firesafety Board Discussions. Portions of a meeting which relate to or would reveal a security or firesafety system plan or portion thereof made confidential and exempt by section 119.071(3)(a), Florida Statutes, are exempt from the public meeting requirements and other requirements of section 286.011, Florida Statutes, and section 24(b), Article 1 of the State Constitution. Should the Board wish to discuss such matters, members of the public shall be required to leave the meeting room during such discussion. Any records of the Board's discussion of such matters, including recordings or minutes, shall be maintained as confidential and exempt records in accordance with Florida law.

**Specific Authority:** §§ 190.011(5), 190.011(15), Fla. Stat.

**Law Implemented:** §§ 189.069(2)(a)16, 190.006, 190.007, 190.008, 286.0105, 286.011, 286.0113, 286.0114, Fla. Stat.

**Rule 1.4      Internal Controls to Prevent Fraud, Waste and Abuse**

- (1)    Internal Controls. The District shall establish and maintain internal controls designed to:
- (a)    Prevent and detect “fraud,” “waste” and “abuse” as those terms are defined in section 11.45(1), Florida Statutes; and
  - (b)    Promote and encourage compliance with applicable laws, rules contracts, grant agreements, and best practices; and
  - (c)    Support economical and efficient operations; and
  - (d)    Ensure reliability of financial records and reports; and
  - (e)    Safeguard assets.
- (2)    Adoption. The internal controls to prevent fraud, waste and abuse shall be adopted and amended by the District in the same manner as District policies.

**Specific Authority:** §§ 190.011(5), 190.011(15), Fla. Stat.  
**Law Implemented:** § 218.33(3), Fla. Stat.



## **Rule 2.0      Rulemaking Proceedings.**

- (1) Commencement of Proceedings. Proceedings held for adoption, amendment, or repeal of a District rule shall be conducted according to these Rules. Rulemaking proceedings shall be deemed to have been initiated upon publication of notice by the District. A “rule” is a District statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedure or practice requirements of the District (“Rule”). Nothing herein shall be construed as requiring the District to consider or adopt rules unless required by Chapter 190 of the Florida Statutes. Policies adopted by the District which do not consist of rates, fees, rentals or other monetary charges may be, but are not required to be, implemented through rulemaking proceedings.
- (2) Notice of Rule Development.
  - (a) Except when the intended action is the repeal of a Rule, the District shall provide notice of the development of a proposed rule by publication of a Notice of Rule Development in a newspaper of general circulation in the District before providing notice of a proposed rule as required by section (3) of this Rule. Consequently, the Notice of Rule Development shall be published at least twenty-nine (29) days prior to the public hearing on the proposed Rule. The Notice of Rule Development shall indicate the subject area to be addressed by rule development, provide a short, plain explanation of the purpose and effect of the proposed rule, cite the specific legal authority for the proposed rule, and include a statement of how a person may promptly obtain, without cost, a copy of any preliminary draft, if available.
  - (b) All rules as drafted shall be consistent with Sections 120.54(1)(g) and 120.54(2)(b) of the Florida Statutes.
- (3) Notice of Proceedings and Proposed Rules.
  - (a) Prior to the adoption, amendment, or repeal of any rule other than an emergency rule, the District shall give notice of its intended action, setting forth a short, plain explanation of the purpose and effect of the proposed action, a reference to the specific rulemaking authority pursuant to which the rule is adopted, and a reference to the section or subsection of the Florida Statutes being implemented, interpreted, or made specific. The notice shall include a summary of the District’s statement of the estimated regulatory costs, if one has been prepared, based on the factors set forth in Section 120.541(2) of the Florida Statutes, and a statement that any person who wishes to provide the District with a lower cost regulatory alternative as provided by Section 120.541(1), must do so in writing within twenty-one (21) days after publication of the notice. The notice shall additionally include a statement that any affected person may request a public hearing

by submitting a written request within twenty-one (21) days after the date of publication of the notice. Except when intended action is the repeal of a rule, the notice shall include a reference to both the date on which and the place where the Notice of Rule Development required by section (2) of this Rule appeared.

- (b) The notice shall be published in a newspaper of general circulation in the District and each county in which the District is located not less than twenty-eight (28) days prior to the intended action. The proposed rule shall be available for inspection and copying by the public at the time of the publication of notice.
  - (c) The notice shall be mailed to all persons named in the proposed rule and to all persons who, at least fourteen (14) days prior to such mailing, have made requests of the District for advance notice of its rulemaking proceedings. Any person may file a written request with the District Manager to receive notice by mail of District proceedings to adopt, amend, or repeal a rule. Such persons must furnish a mailing address and may be required to pay the cost of copying and mailing.
- (4) Rule Development Workshops. Whenever requested in writing by any affected person, the District must either conduct a rule development workshop prior to proposing rules for adoption or the Chairperson must explain in writing why a workshop is unnecessary. The District may initiate a rule development workshop but is not required to do so.
- (5) Petitions to Initiate Rulemaking. All Petitions to Initiate Rulemaking proceedings must contain the name, address, and telephone number of the petitioner, the specific action requested, the specific reason for adoption, amendment, or repeal, the date submitted, the text of the proposed rule, and the facts showing that the petitioner is regulated by the District or has a substantial interest in the rulemaking. Not later than sixty (60) calendar days following the date of filing a petition, the Board shall initiate rulemaking proceedings or deny the petition with a written statement of its reasons for the denial. If the petition is directed to an existing policy that the District has not formally adopted as a rule, the District may, in its discretion, notice and hold a public hearing on the petition to consider the comments of the public directed to the policy, its scope and application, and to consider whether the public interest is served adequately by the application of the policy on a case-by-case basis, as contrasted with its formal adoption as a rule. However, this section shall not be construed as requiring the District to adopt a rule to replace a policy.
- (6) Rulemaking Materials. After the publication of the notice referenced in section (3) of this Rule, the Board shall make available for public inspection and shall provide, upon request and payment of the cost of copies, the following materials:

- (a) The text of the proposed rule, or any amendment or repeal of any existing rules;
  - (b) A detailed written statement of the facts and circumstances justifying the proposed rule;
  - (c) A copy of the statement of estimated regulatory costs if required by Section 120.541 of the Florida Statutes; and
  - (d) The published notice.
- (7) Hearing. The District may, or, upon the written request of any affected person received within twenty-one (21) days after the date of publication of the notice described in section (3) of this Rule, shall, provide a public hearing for the presentation of evidence, argument, and oral statements, within the reasonable conditions and limitations imposed by the District to avoid duplication, irrelevant comments, unnecessary delay, or disruption of the proceedings. The District shall publish notice of the public hearing in a newspaper of general circulation within the District either in the text of the notice described in section (3) of this Rule or in a separate publication at least seven (7) days before the scheduled public hearing. The notice shall specify the date, time, and location of the public hearing, and the name, address, and telephone number of the District contact person who can provide information about the public hearing. Written statements may be submitted by any person prior to or at the public hearing. All timely submitted written statements shall be considered by the District and made part of the rulemaking record.
- (8) Emergency Rule Adoption. The Board may adopt an emergency rule if it finds that immediate danger to the public health, safety, or welfare exists which requires immediate action. Prior to the adoption of an emergency rule, the District Manager shall make reasonable efforts to notify a newspaper of general circulation in the District. Notice of emergency rules shall be published as soon as possible in a newspaper of general circulation in the District. The District may use any procedure which is fair under the circumstances in the adoption of an emergency rule as long as it protects the public interest as determined by the District and otherwise complies with these provisions.
- (9) Negotiated Rulemaking. The District may use negotiated rulemaking in developing and adopting rules pursuant to Section 120.54(2)(d) of the Florida Statutes, except that any notices required under Section 120.54(2)(d) of the Florida Statutes, may be published in a newspaper of general circulation in the county in which the District is located.
- (10) Rulemaking Record. In all rulemaking proceedings, the District shall compile and maintain a rulemaking record. The record shall include, if applicable:

- (a) The texts of the proposed rule and the adopted rule;
- (b) All notices given for a proposed rule;
- (c) Any statement of estimated regulatory costs for the rule;
- (d) A written summary of hearings, if any, on the proposed rule;
- (e) All written comments received by the District and responses to those written comments; and
- (f) All notices and findings pertaining to an emergency rule.

(11) Petitions to Challenge Existing Rules.

- (a) Any person substantially affected by a rule may seek an administrative determination of the invalidity of the rule on the ground that the rule is an invalid exercise of the District's authority.
- (b) The petition seeking an administrative determination must state with particularity the provisions alleged to be invalid with sufficient explanation of the facts or grounds for the alleged invalidity and facts sufficient to show that the person challenging a rule is substantially affected by it.
- (c) The petition shall be filed with the District. Within 10 days after receiving the petition, the Chairperson shall, if the petition complies with the requirements of subsection (b) of this section, designate any member of the Board (including the Chairperson), District Manager, District Counsel, or other person as a hearing officer who shall conduct a hearing within 30 days thereafter, unless the petition is withdrawn or a continuance is granted by agreement of the parties. The failure of the District to follow the applicable rulemaking procedures or requirements in this Rule shall be presumed to be material; however, the District may rebut this presumption by showing that the substantial interests of the petitioner and the fairness of the proceedings have not been impaired.
- (d) Within 30 days after the hearing, the hearing officer shall render a decision and state the reasons therefor in writing.
- (e) Hearings held under this section shall be de novo in nature. The petitioner has a burden of proving by a preponderance of the evidence that the existing rule is an invalid exercise of District authority as to the objections raised. The hearing officer may:
  - (i) Administer oaths and affirmations;

- (ii) Rule upon offers of proof and receive relevant evidence;
    - (iii) Regulate the course of the hearing, including any pre-hearing matters;
    - (iv) Enter orders; and
    - (v) Make or receive offers of settlement, stipulation, and adjustment.
  - (f) The petitioner and the District shall be adverse parties. Other substantially affected persons may join the proceedings as intervenors on appropriate terms which shall not unduly delay the proceedings.
- (12) Variances and Waivers. A “variance” means a decision by the District to grant a modification to all or part of the literal requirements of a rule to a person who is subject to the rule. A “waiver” means a decision by the District not to apply all or part of a rule to a person who is subject to the rule. Variances and waivers from District rules may be granted subject to the following:
- (a) Variances and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statute will be or has been achieved by other means by the person, and when application of the rule would create a substantial hardship or would violate principles of fairness. For purposes of this section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance or waiver. For purposes of this section, "principles of fairness" are violated when the literal application of a rule affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule.
  - (b) A person who is subject to regulation by a District Rule may file a petition with the District, requesting a variance or waiver from the District’s Rule. Each petition shall specify:
    - (i) The rule from which a variance or waiver is requested;
    - (ii) The type of action requested;
    - (iii) The specific facts that would justify a waiver or variance for the petitioner; and
    - (iv) The reason why the variance or the waiver requested would serve the purposes of the underlying statute.
  - (c) The District shall review the petition and may request only that information needed to clarify the petition or to answer new questions

raised by or directly related to the petition. If the petitioner asserts that any request for additional information is not authorized by law or by Rule of the District, the District shall proceed, at the petitioner's written request, to process the petition.

- (d) The Board shall grant or deny a petition for variance or waiver and shall announce such disposition at a publicly held meeting of the Board, within ninety (90) days after receipt of the original petition, the last item of timely requested additional material, or the petitioner's written request to finish processing the petition. The District's statement granting or denying the petition shall contain a statement of the relevant facts and reasons supporting the District's action.

- (13) Rates, Fees, Rentals and Other Charges. All rates, fees, rentals, or other charges shall be subject to rulemaking proceedings. Policies adopted by the District which do not consist of rates, fees, rentals or other charges may be, but are not required to be, implemented through rulemaking proceedings.

**Specific Authority:** §§ 190.011(5), 190.011(15), 190.035, Fla. Stat.

**Law Implemented:** §§ 190.011(5), 190.035(2), Fla. Stat.

### **Rule 3.0      Competitive Purchase.**

- (1) Purpose and Scope. In order to comply with Sections 190.033(1) through (3), 287.055 and 287.017 of the Florida Statutes, the following provisions shall apply to the purchase of Professional Services, insurance, construction contracts, design-build services, goods, supplies, and materials, Contractual Services, and maintenance services.
- (2) Board Authorization. Except in cases of an Emergency Purchase, a competitive purchase governed by these Rules shall only be undertaken after authorization by the Board.
- (3) Definitions.
  - (a) “Competitive Solicitation” means a formal, advertised procurement process, other than an Invitation to Bid, Request for Proposals, or Invitation to Negotiate, approved by the Board to purchase commodities and/or services which affords vendors fair treatment in the competition for award of a District purchase contract.
  - (b) “Continuing Contract” means a contract for Professional Services entered into in accordance with Section 287.055 of the Florida Statutes, between the District and a firm, whereby the firm provides Professional Services to the District for projects in which the costs do not exceed two million dollars (\$2,000,000), for a study activity when the fee for such Professional Services to the District does not exceed two hundred thousand dollars (\$200,000), or for work of a specified nature as outlined in the contract with the District, with no time limitation except that the contract must provide a termination clause (for example, a contract for general District engineering services). Firms providing Professional Services under Continuing Contracts shall not be required to bid against one another.
  - (c) “Contractual Service” means the rendering by a contractor of its time and effort rather than the furnishing of specific commodities. The term applies only to those services rendered by individuals and firms who are independent contractors. Contractual Services do not include auditing services, Maintenance Services, or Professional Services as defined in Section 287.055(2)(a) of the Florida Statutes, and these Rules. Contractual Services also do not include any contract for the furnishing of labor or materials for the construction, renovation, repair, modification, or demolition of any facility, building, portion of building, utility, park, parking lot, or structure or other improvement to real property entered into pursuant to Chapter 255 of the Florida Statutes, and Rules 3.5 or 3.6.

- (d) “Design-Build Contract” means a single contract with a Design-Build Firm for the design and construction of a public construction project.
- (e) “Design-Build Firm” means a partnership, corporation or other legal entity that:
  - (i) Is certified under Section 489.119 of the Florida Statutes, to engage in contracting through a certified or registered general contractor or a certified or registered building contractor as the qualifying agent; or
  - (ii) Is certified under Section 471.023 of the Florida Statutes, to practice or to offer to practice engineering; certified under Section 481.219 of the Florida Statutes, to practice or to offer to practice architecture; or certified under Section 481.319 of the Florida Statutes, to practice or to offer to practice landscape architecture.
- (f) “Design Criteria Package” means concise, performance-oriented drawings or specifications for a public construction project. The purpose of the Design Criteria Package is to furnish sufficient information to permit Design-Build Firms to prepare a bid or a response to the District’s Request for Proposals, or to permit the District to enter into a negotiated Design-Build Contract. The Design Criteria Package must specify performance-based criteria for the public construction project, including the legal description of the site, survey information concerning the site, interior space requirements, material quality standards, schematic layouts and conceptual design criteria of the project, cost or budget estimates, design and construction schedules, site development requirements, provisions for utilities, stormwater retention and disposal, and parking requirements applicable to the project. Design Criteria Packages shall require firms to submit information regarding the qualifications, availability, and past work of the firms, including the partners and members thereof.
- (g) “Design Criteria Professional” means a firm who holds a current certificate of registration under Chapter 481 of the Florida Statutes, to practice architecture or landscape architecture, or a firm who holds a current certificate as a registered engineer under Chapter 471 of the Florida Statutes, to practice engineering, and who is employed by or under contract to the District to provide professional architect services, landscape architect services, or engineering services in connection with the preparation of the Design Criteria Package.
- (h) “Emergency Purchase” means a purchase necessitated by a sudden unexpected turn of events (for example, acts of God, riot, fires, floods, hurricanes, accidents, or any circumstances or cause beyond the control of the Board in the normal conduct of its business), where the Board finds



that the delay incident to competitive purchase would be detrimental to the interests of the District. This includes, but is not limited to, instances where the time to competitively award the project will jeopardize the funding for the project, will materially increase the cost of the project, or will create an undue hardship on the public health, safety, or welfare.

- (i) “Invitation to Bid” is a written solicitation for sealed bids with the title, date, and hour of the public bid opening designated specifically and defining the commodity or service involved. It includes printed instructions prescribing conditions for bidding, qualification, evaluation criteria, and provides for a manual signature of an authorized representative. It may include one or more bid alternates.
- (j) “Invitation to Negotiate” means a written solicitation for competitive sealed replies to select one or more vendors with which to commence negotiations for the procurement of commodities or services.
- (k) “Negotiate” means to conduct legitimate, arm’s length discussions and conferences to reach an agreement on a term or price.
- (l) “Professional Services” means those services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered surveying and mapping, as defined by the laws of Florida, or those services performed by any architect, professional engineer, landscape architect, or registered surveyor and mapper, in connection with the firm's or individual's professional employment or practice.
- (m) “Proposal (or Reply or Response) Most Advantageous to the District” means, as determined in the sole discretion of the Board, the proposal, reply, or response that is:
  - (i) Submitted by a person or firm capable and qualified in all respects to perform fully the contract requirements, who has the integrity and reliability to assure good faith performance;
  - (ii) The most responsive to the Request for Proposals, Invitation to Negotiate, or Competitive Solicitation as determined by the Board; and
  - (iii) For a cost to the District deemed by the Board to be reasonable.
- (n) “Purchase” means acquisition by sale, rent, lease, lease/purchase, or installment sale. It does not include transfer, sale, or exchange of goods, supplies, or materials between the District and any federal, state, regional or local governmental entity or political subdivision of the State of Florida.

- (o) “Request for Proposals” or “RFP” is a written solicitation for sealed proposals with the title, date, and hour of the public opening designated and requiring the manual signature of an authorized representative. It may provide general information, applicable laws and rules, statement of work, functional or general specifications, qualifications, proposal instructions, work detail analysis, and evaluation criteria as necessary.
- (p) “Responsive and Responsible Bidder” means an entity or individual that has submitted a bid that conforms in all material respects to the Invitation to Bid and has the capability in all respects to fully perform the contract requirements and the integrity and reliability that will assure good faith performance. “Responsive and Responsible Vendor” means an entity or individual that has submitted a proposal, reply, or response that conforms in all material respects to the Request for Proposals, Invitation to Negotiate, or Competitive Solicitation and has the capability in all respects to fully perform the contract requirements and the integrity and reliability that will assure good faith performance. In determining whether an entity or individual is a Responsive and Responsible Bidder (or Vendor), the District may consider, in addition to factors described in the Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation, the following:
  - (i) The ability and adequacy of the professional personnel employed by the entity/individual;
  - (ii) The past performance of the entity/individual for the District and in other professional employment;
  - (iii) The willingness of the entity/individual to meet time and budget requirements;
  - (iv) The geographic location of the entity’s/individual’s headquarters or office in relation to the project;
  - (v) The recent, current, and projected workloads of the entity/individual;
  - (vi) The volume of work previously awarded to the entity/individual;
  - (vii) Whether the cost components of the bid or proposal are appropriately balanced; and
  - (viii) Whether the entity/individual is a certified minority business enterprise.

- (q) “Responsive Bid,” “Responsive Proposal,” “Responsive Reply,” and “Responsive Response” all mean a bid, proposal, reply, or response which conforms in all material respects to the specifications and conditions in the Invitation to Bid, Request for Proposals, Invitations to Negotiate, or Competitive Solicitation document and these Rules, and the cost components of which, if any, are appropriately balanced. A bid, proposal, reply or response is not responsive if the person or firm submitting it fails to meet any material requirement relating to the qualifications, financial stability, or licensing of the bidder.

**Specific Authority:** §§ 190.011(5), 190.011(15), Fla. Stat.

**Law Implemented:** §§ 190.033, 255.20, 287.055, Fla. Stat.

### **Rule 3.1      Procedure Under the Consultants' Competitive Negotiations Act.**

- (1) Scope. The following procedures are adopted for the selection of firms or individuals to provide Professional Services exceeding the thresholds herein described, for the negotiation of such contracts, and to provide for protest of actions of the Board under this Rule. As used in this Rule, "Project" means that fixed capital outlay study or planning activity when basic construction cost is estimated by the District to exceed the threshold amount provided in Section 287.017 of the Florida Statutes, for CATEGORY FIVE, or for a planning study activity when the fee for Professional Services is estimated by the District to exceed the threshold amount provided in Section 287.017 for CATEGORY TWO, as such categories may be amended or adjusted from time to time.
- (2) Qualifying Procedures. In order to be eligible to provide Professional Services to the District, a consultant must, at the time of receipt of the firm's qualification submittal:
  - (a) Hold all required applicable state professional licenses in good standing;
  - (b) Hold all required applicable federal licenses in good standing, if any;
  - (c) Hold a current and active Florida corporate charter or be authorized to do business in the State of Florida in accordance with Chapter 607 of the Florida Statutes, if the consultant is a corporation; and
  - (d) Meet any qualification requirements set forth in the District's Request for Qualifications.

Evidence of compliance with this Rule may be submitted with the qualifications, if requested by the District. In addition, evidence of compliance must be submitted any time requested by the District.

- (3) Public Announcement. Except in cases of valid public emergencies as certified by the Board, the District shall announce each occasion when Professional Services are required for a Project or a Continuing Contract by publishing a notice providing a general description of the Project, or the nature of the Continuing Contract, and the method for interested consultants to apply for consideration. The notice shall appear in at least one (1) newspaper of general circulation in the District and in such other places as the District deems appropriate. The notice must allow at least fourteen (14) days for submittal of qualifications from the date of publication. The District may maintain lists of consultants interested in receiving such notices. These consultants are encouraged to submit annually statements of qualifications and performance data. The District shall make reasonable efforts to provide copies of any notices to such consultants, but the failure to do so shall not give such consultants any bid protest or other rights or otherwise disqualify any otherwise valid procurement process. The Board has the

right to reject any and all qualifications, and such reservation shall be included in the published notice. Consultants not receiving a contract award shall not be entitled to recover from the District any costs of qualification package preparation or submittal.

(4) Competitive Selection.

- (a) The Board shall review and evaluate the data submitted in response to the notice described in section (3) of this Rule regarding qualifications and performance ability, as well as any statements of qualifications on file. The Board shall conduct discussions with, and may require public presentation by consultants regarding their qualifications, approach to the Project, and ability to furnish the required services. The Board shall then select and list the consultants, in order of preference, deemed to be the most highly capable and qualified to perform the required Professional Services, after considering these and other appropriate criteria:
  - (i) The ability and adequacy of the professional personnel employed by each consultant;
  - (ii) Whether a consultant is a certified minority business enterprise;
  - (iii) Each consultant's past performance;
  - (iv) The willingness of each consultant to meet time and budget requirements;
  - (v) The geographic location of each consultant's headquarters, office and personnel in relation to the project;
  - (vi) The recent, current, and projected workloads of each consultant; and
  - (vii) The volume of work previously awarded to each consultant by the District.
- (b) Nothing in these Rules shall prevent the District from evaluating and eventually selecting a consultant if less than three (3) Responsive qualification packages, including packages indicating a desire not to provide Professional Services on a given Project, are received.
- (c) If the selection process is administered by any person or committee other than the full Board, the selection made will be presented to the full Board with a recommendation that competitive negotiations be instituted with the selected firms in order of preference listed.

- (d) Notice of the rankings adopted by the Board, including the rejection of some or all qualification packages, shall be provided in writing to all consultants by United States Mail, hand delivery, facsimile, or overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.11 of the Rules of the District shall constitute a waiver of proceedings under those Rules," or wording to that effect. Protests of the District's ranking decisions under this Rule shall be in accordance with the procedures set forth in Rule 3.11.

(5) Competitive Negotiation.

- (a) After the Board has authorized the beginning of competitive negotiations, the District may begin such negotiations with the firm listed as most qualified to perform the required Professional Services at a rate or amount of compensation which the Board determines is fair, competitive, and reasonable.
- (b) In negotiating a lump-sum or cost-plus-a-fixed-fee professional contract for more than the threshold amount provided in Section 287.017 of the Florida Statutes, for CATEGORY FOUR, the firm receiving the award shall be required to execute a truth-in-negotiation certificate stating that "wage rates and other factual unit costs supporting the compensation are accurate, complete and current at the time of contracting." In addition, any professional service contract under which such a certificate is required, shall contain a provision that "the original contract price and any additions thereto, shall be adjusted to exclude any significant sums by which the Board determines the contract price was increased due to inaccurate, incomplete, or noncurrent wage rates and other factual unit costs."
- (c) Should the District be unable to negotiate a satisfactory agreement with the firm determined to be the most qualified at a price deemed by the District to be fair, competitive, and reasonable, then negotiations with that firm shall be terminated and the District shall immediately begin negotiations with the second most qualified firm. If a satisfactory agreement with the second firm cannot be reached, those negotiations shall be terminated and negotiations with the third most qualified firm shall be undertaken.
- (d) Should the District be unable to negotiate a satisfactory agreement with one of the top three (3) ranked consultants, additional firms shall be selected by the District, in order of their competence and qualifications. Negotiations shall continue, beginning with the first-named firm on the list, until an agreement is reached or the list of firms is exhausted.

- (6) Contracts; Public Records. In accordance with Florida law, each contract entered into pursuant to this Rule shall include provisions required by law that require the contractor to comply with public records laws.
- (7) Continuing Contract. Nothing in this Rule shall prohibit a Continuing Contract between a consultant and the District.
- (8) Emergency Purchase. The District may make an Emergency Purchase without complying with these Rules. The fact that an Emergency Purchase has occurred or is necessary shall be noted in the minutes of the next Board meeting.

**Specific Authority:** §§ 190.011(5), 190.011(15), Fla. Stat.

**Law Implemented:** §§ 119.0701, 190.011(3), 190.033, 287.055, Fla. Stat.

### **Rule 3.2      Procedure Regarding Auditor Selection.**

In order to comply with the requirements of Section 218.391 of the Florida Statutes, the following procedures are outlined for selection of firms or individuals to provide Auditing Services and for the negotiation of such contracts. For audits required under Chapter 190 of the Florida Statutes but not meeting the thresholds of Chapter 218 of the Florida Statutes, the District need not follow these procedures but may proceed with the selection of a firm or individual to provide Auditing Services and for the negotiation of such contracts in the manner the Board determines is in the best interests of the District.

(1)    Definitions.

- (a)    "Auditing Services" means those services within the scope of the practice of a certified public accounting firm licensed under Chapter 473 of the Florida Statutes, and qualified to conduct audits in accordance with government auditing standards as adopted by the Florida Board of Accountancy.
- (b)    "Committee" means the auditor selection committee appointed by the Board as described in section (2) of this Rule.

(2)    Establishment of Auditor Selection Committee. Prior to a public announcement under section (4) of this Rule that Auditing Services are required, the Board shall establish an auditor selection committee ("Committee"), the primary purpose of which is to assist the Board in selecting an auditor to conduct the annual financial audit required by Section 218.39 of the Florida Statutes. The Committee shall include at least three individuals, at least one of which must also be a member of the Board. The establishment and selection of the Committee must be conducted at a publicly noticed and held meeting of the Board. The Chairperson of the Committee must be a member of the Board. An employee, a chief executive officer, or a chief financial officer of the District may not serve as a member of the Committee; provided however such individual may serve the Committee in an advisory capacity.

(3)    Establishment of Minimum Qualifications and Evaluation Criteria. Prior to a public announcement under section (4) of this Rule that Auditing Services are required, the Committee shall meet at a publicly noticed meeting to establish minimum qualifications and factors to use for the evaluation of Auditing Services to be provided by a certified public accounting firm licensed under Chapter 473 of the Florida Statutes, and qualified to conduct audits in accordance with government auditing standards as adopted by the Florida Board of Accountancy.

- (a)    Minimum Qualifications. In order to be eligible to submit a proposal, a firm must, at all relevant times including the time of receipt of the proposal by the District:



- (i) Hold all required applicable state professional licenses in good standing;
- (ii) Hold all required applicable federal licenses in good standing, if any;
- (iii) Hold a current and active Florida corporate charter or be authorized to do business in the State of Florida in accordance with Chapter 607 of the Florida Statutes, if the proposer is a corporation; and
- (iv) Meet any pre-qualification requirements established by the Committee and set forth in the RFP or other specifications.

If requested in the RFP or other specifications, evidence of compliance with the minimum qualifications as established by the Committee must be submitted with the proposal.

- (b) Evaluation Criteria. The factors established for the evaluation of Auditing Services by the Committee shall include, but are not limited to:
  - (i) Ability of personnel;
  - (ii) Experience;
  - (iii) Ability to furnish the required services; and
  - (iv) Such other factors as may be determined by the Committee to be applicable to its particular requirements.

The Committee may also choose to consider compensation as a factor. If the Committee establishes compensation as one of the factors, compensation shall not be the sole or predominant factor used to evaluate proposals.

- (4) Public Announcement. After identifying the factors to be used in evaluating the proposals for Auditing Services as set forth in section (3) of this Rule, the Committee shall publicly announce the opportunity to provide Auditing Services. Such public announcement shall include a brief description of the audit and how interested firms can apply for consideration and obtain the RFP. The notice shall appear in at least one (1) newspaper of general circulation in the District and the county in which the District is located. The public announcement shall allow for at least seven (7) days for the submission of proposals.
- (5) Request for Proposals. The Committee shall provide interested firms with a Request for Proposals (“RFP”). The RFP shall provide information on how proposals are to be evaluated and such other information the Committee

determines is necessary for the firm to prepare a proposal. The RFP shall state the time and place for submitting proposals.

- (6) Committee's Evaluation of Proposals and Recommendation. The Committee shall meet at a publicly held meeting that is publicly noticed for a reasonable time in advance of the meeting to evaluate all qualified proposals and may, as part of the evaluation, require that each interested firm provide a public presentation where the Committee may conduct discussions with the firm, and where the firm may present information, regarding the firm's qualifications. At the public meeting, the Committee shall rank and recommend in order of preference no fewer than three firms deemed to be the most highly qualified to perform the required services after considering the factors established pursuant to subsection (3)(b) of this Rule. If fewer than three firms respond to the RFP or if no firms respond to the RFP, the Committee shall recommend such firm as it deems to be the most highly qualified. Notwithstanding the foregoing, the Committee may recommend that any and all proposals be rejected.
- (7) Board Selection of Auditor.
  - (a) Where compensation was not selected as a factor used in evaluating the proposals, the Board shall negotiate with the firm ranked first and inquire of that firm as to the basis of compensation. If the Board is unable to negotiate a satisfactory agreement with the first ranked firm at a price deemed by the Board to be fair, competitive, and reasonable, then negotiations with that firm shall be terminated and the Board shall immediately begin negotiations with the second ranked firm. If a satisfactory agreement with the second ranked firm cannot be reached, those negotiations shall be terminated and negotiations with the third ranked firm shall be undertaken. The Board may reopen formal negotiations with any one of the three top-ranked firms, but it may not negotiate with more than one firm at a time. If the Board is unable to negotiate a satisfactory agreement with any of the selected firms, the Committee shall recommend additional firms in order of the firms' respective competence and qualifications. Negotiations shall continue, beginning with the first-named firm on the list, until an agreement is reached or the list of firms is exhausted.
  - (b) Where compensation was selected as a factor used in evaluating the proposals, the Board shall select the highest-ranked qualified firm or document in its public records the reason for not selecting the highest-ranked qualified firm.
  - (c) In negotiations with firms under this Rule, the Board may allow the District Manager, District Counsel, or other designee to conduct negotiations on its behalf.

- (d) Notwithstanding the foregoing, the Board may reject any or all proposals. The Board shall not consider any proposal, or enter into any contract for Auditing Services, unless the proposed agreed-upon compensation is reasonable to satisfy the requirements of Section 218.39 of the Florida Statutes, and the needs of the District.
- (8) Contract. Any agreement reached under this Rule shall be evidenced by a written contract, which may take the form of an engagement letter signed and executed by both parties. The written contract shall include all provisions and conditions of the procurement of such services and shall include, at a minimum, the following:
  - (a) A provision specifying the services to be provided and fees or other compensation for such services;
  - (b) A provision requiring that invoices for fees or other compensation be submitted in sufficient detail to demonstrate compliance with the terms of the contract;
  - (c) A provision setting forth deadlines for the auditor to submit a preliminary draft audit report to the District for review and to submit a final audit report no later than June 30 of the fiscal year that follows the fiscal year for which the audit is being conducted;
  - (d) A provision specifying the contract period, including renewals, and conditions under which the contract may be terminated or renewed. The maximum contract period including renewals shall be five (5) years. A renewal may be done without the use of the auditor selection procedures provided in this Rule but must be in writing.
  - (e) Provisions required by law that require the auditor to comply with public records laws.
- (9) Notice of Award. Once a negotiated agreement with a firm or individual is reached, or the Board authorizes the execution of an agreement with a firm where compensation was a factor in the evaluation of proposals, notice of the intent to award, including the rejection of some or all proposals, shall be provided in writing to all proposers by United States Mail, hand delivery, facsimile, or overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.11 of the Rules of the District shall constitute a waiver of proceedings under those Rules," or wording to that effect. Protests regarding the award of contracts under this Rule shall be as provided for in Rule 3.11. No proposer shall be entitled to recover any costs of proposal preparation or submittal from the District.

**Specific Authority:** §§ 190.011(5), 190.011(15), Fla. Stat.  
**Law Implemented:** §§ 119.0701, 218.33, 218.391, Fla. Stat.

### **Rule 3.3      Purchase of Insurance.**

- (1) Scope. The purchases of life, health, accident, hospitalization, legal expense, or annuity insurance, or all of any kinds of such insurance for the officers and employees of the District, and for health, accident, hospitalization, and legal expenses upon a group insurance plan by the District, shall be governed by this Rule. This Rule does not apply to the purchase of any other type of insurance by the District, including but not limited to liability insurance, property insurance, and directors and officers insurance. Nothing in this Rule shall require the District to purchase insurance.
- (2) Procedure. For a purchase of insurance within the scope of these Rules, the following procedure shall be followed:
  - (a) The Board shall cause to be prepared a Notice of Invitation to Bid.
  - (b) Notice of the Invitation to Bid shall be advertised at least once in a newspaper of general circulation within the District. The notice shall allow at least fourteen (14) days for submittal of bids.
  - (c) The District may maintain a list of persons interested in receiving notices of Invitations to Bid. The District shall make reasonable efforts to provide copies of any notices to such persons, but the failure to do so shall not give such consultants any bid protest or other rights or otherwise disqualify any otherwise valid procurement process.
  - (d) Bids shall be opened at the time and place noted in the Invitation to Bid.
  - (e) If only one (1) response to an Invitation is received, the District may proceed with the purchase. If no response to an Invitation to Bid is received, the District may take whatever steps are reasonably necessary in order to proceed with the purchase.
  - (f) The Board has the right to reject any and all bids and such reservations shall be included in all solicitations and advertisements.
  - (g) Simultaneously with the review of the submitted bids, the District may undertake negotiations with those companies that have submitted reasonable and timely bids and, in the opinion of the District, are fully qualified and capable of meeting all services and requirements. Bid responses shall be evaluated in accordance with the specifications and criteria contained in the Invitation to Bid; in addition, the total cost to the District, the cost, if any, to the District officers, employees, or their dependents, the geographic location of the company's headquarters and offices in relation to the District, and the ability of the company to guarantee premium stability may be considered. A contract to purchase

insurance shall be awarded to that company whose response to the Invitation to Bid best meets the overall needs of the District, its officers, employees, and/or dependents.

- (h) Notice of the intent to award, including rejection of some or all bids, shall be provided in writing to all bidders by United States Mail, by hand delivery, or by overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.11 of the Rules of the District shall constitute a waiver of proceedings under those Rules," or wording to that effect. Protests of the District's procurement of insurance under this Rule shall be in accordance with the procedures set forth in Rule 3.11.

**Specific Authority:** §§ 190.011(5), 190.011(15), Fla. Stat.

**Law Implemented:** § 112.08, Fla. Stat.

### **Rule 3.4      Pre-qualification**

- (1) Scope. In its discretion, the District may undertake a pre-qualification process in accordance with this Rule for vendors to provide construction services, goods, supplies, and materials, Contractual Services, and maintenance services.
- (2) Procedure. When the District seeks to pre-qualify vendors, the following procedures shall apply:
  - (a) The Board shall cause to be prepared a Request for Qualifications.
  - (b) For construction services exceeding the thresholds described in Section 255.20 of the Florida Statutes, the Board must advertise the proposed pre-qualification criteria and procedures and allow at least seven (7) days notice of the public hearing for comments on such pre-qualification criteria and procedures. At such public hearing, potential vendors may object to such pre-qualification criteria and procedures. Following such public hearing, the Board shall formally adopt pre-qualification criteria and procedures prior to the advertisement of the Request for Qualifications for construction services.
  - (c) The Request for Qualifications shall be advertised at least once in a newspaper of general circulation within the District and within the county in which the District is located. The notice shall allow at least seven (7) days for submittal of qualifications for goods, supplies and materials, Contractual Services, maintenance services, and construction services under two hundred fifty thousand dollars (\$250,000). The notice shall allow at least twenty-one (21) days for submittal of qualifications for construction services estimated to cost over two hundred fifty thousand dollars (\$250,000) and thirty (30) days for construction services estimated to cost over five hundred thousand dollars (\$500,000).
  - (d) The District may maintain lists of persons interested in receiving notices of Requests for Qualifications. The District shall make a good faith effort to provide written notice, by electronic mail, United States Mail, hand delivery, or facsimile, to persons who provide their name and address to the District Manager for inclusion on the list. However, failure of a person to receive the notice shall not invalidate any pre-qualification determination or contract awarded in accordance with these Rules and shall not be a basis for a protest of any pre-qualification determination or contract award.
  - (e) If the District has pre-qualified vendors for a particular category of purchase, at the option of the District, only those persons who have been pre-qualified will be eligible to submit bids, proposals, replies or

responses in response to the applicable Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation.

- (f) In order to be eligible to submit qualifications, a firm or individual must, at the time of receipt of the qualifications:
  - (i) Hold all required applicable state professional licenses in good standing;
  - (ii) Hold all required applicable federal licenses in good standing, if any;
  - (iii) Hold a current and active Florida corporate charter or be authorized to do business in the State of Florida in accordance with Chapter 607 of the Florida Statutes, if the vendor is a corporation; and
  - (iv) Meet any special pre-qualification requirements set forth in the Request for Qualifications.

Evidence of compliance with these Rules must be submitted with the qualifications if required by the District. Failure to submit evidence of compliance when required may be grounds for rejection of the qualifications.

- (g) Qualifications shall be presented to the Board, or a committee appointed by the Board, for evaluation in accordance with the Request for Qualifications and this Rule. Minor variations in the qualifications may be waived by the Board. A variation is minor if waiver of the variation does not create a competitive advantage or disadvantage of a material nature.
- (h) All vendors determined by the District to meet the pre-qualification requirements shall be pre-qualified. To assure full understanding of the responsiveness to the requirements contained in a Request for Qualifications, discussions may be conducted with qualified vendors. Vendors shall be accorded fair treatment prior to the submittal date with respect to any opportunity for discussion and revision of qualifications. For construction services, any contractor pre-qualified and considered eligible by the Department of Transportation to bid to perform the type of work the project entails shall be presumed to be qualified to perform the project.
- (i) The Board shall have the right to reject all qualifications if there are not enough to be competitive or if rejection is determined to be in the best interest of the District. No vendor shall be entitled to recover any costs of qualification preparation or submittal from the District.

(j) Notice of intent to pre-qualify, including rejection of some or all qualifications, shall be provided in writing to all vendors by United States Mail, electronic mail, hand delivery, facsimile, or overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.11 of the Rules of the District shall constitute a waiver of proceedings under those Rules," or wording to that effect. Protests of the District's pre-qualification decisions under this Rule shall be in accordance with the procedures set forth in Rule 3.11; provided however, protests related to the pre-qualification criteria and procedures for construction services shall be resolved in accordance with section (2)(b) of this Rule and Section 255.20(1)(b) of the Florida Statutes.

(3) Suspension, Revocation, or Denial of Qualification

(a) The District, for good cause, may deny, suspend, or revoke a prequalified vendor's pre-qualified status. A suspension, revocation, or denial for good cause shall prohibit the vendor from bidding on any District construction contract for which qualification is required, shall constitute a determination of non-responsibility to bid on any other District construction or maintenance contract, and shall prohibit the vendor from acting as a material supplier or subcontractor on any District contract or project during the period of suspension, revocation, or denial. Good cause shall include the following:

- i. One of the circumstances specified under Section 337.16(2), Fla. Stat., has occurred.
- ii. Affiliated contractors submitted more than one proposal for the same work. In this event the pre-qualified status of all of the affiliated bidders will be revoked, suspended, or denied. All bids of affiliated bidders will be rejected.
- iii. The vendor made or submitted false, deceptive, or fraudulent statements, certifications, or materials in any claim for payment or any information required by any District contract.
- iv. The vendor or its affiliate defaulted on any contract or a contract surety assumed control of financial responsibility for any contract of the vendor.
- v. The vendor's qualification to bid is suspended, revoked, or denied by any other public or semi-public entity, or the vendor has been the subject of a civil enforcement proceeding or settlement involving a public or semi-public entity.
- vi. The vendor failed to comply with contract or warranty requirements or failed to follow District direction in the performance of a contract.



- vii. The vendor failed to timely furnish all contract documents required by the contract specifications, special provisions, or by any state or federal statutes or regulations. If the vendor fails to furnish any of the subject contract documents by the expiration of the period of suspension, revocation, or denial set forth above, the vendor's pre-qualified status shall remain suspended, revoked, or denied until the documents are furnished.
  - viii. The vendor failed to notify the District within 10 days of the vendor, 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 or semi-public agency.
  - ix. The vendor did not pay its subcontractors or suppliers in a timely manner or in compliance with contract documents.
  - x. The vendor 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, uncooperative attitude, contract litigation, inflated claims or defaults.
  - xi. An affiliate of the vendor has previously been determined by the District to be non-responsible, and the specified period of suspension, revocation, denial, or non-responsibility remains in effect.
  - xii. The vendor or affiliate(s) has been convicted of a contract crime.
    - 1. The term "contract crime" means any violation of state or federal antitrust laws with respect to a public contract or any violation of any state or federal law involving fraud, bribery, collusion, conspiracy, or material misrepresentation with respect to a public contract.
    - 2. The term "convicted" or "conviction" means a finding of guilt or a conviction of a contract crime, with or without an adjudication of guilt, in any federal or state trial court of record as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere.
- (b) A denial, suspension, or revocation shall prohibit the vendor from being a subcontractor on District work during the period of denial, suspension, or revocation, except when a prime contractor's bid has used prices of a subcontractor who becomes disqualified after the bid, but before the request for authorization to sublet is presented.

- (c) The District shall inform the vendor in writing of its intent to deny, suspend, or revoke its pre-qualified status and inform the vendor of its right to a hearing, the procedure which must be followed, and the applicable time limits. If a hearing is requested within 10 days after the receipt of the notice of intent, the hearing shall be held within 30 days after receipt by the District of the request for the hearing. The decision shall be issued within 15 days after the hearing.
- (d) Such suspension or revocation shall not affect the vendor's obligations under any preexisting contract.
- (e) In the case of contract crimes, the vendor's pre-qualified status under this Rule shall be revoked indefinitely. For all violations of Rule 3.4(3)(a) other than for the vendor's conviction for contract crimes, the revocation, denial, or suspension of a vendor's pre-qualified status under this Rule shall be for a specific period of time based on the seriousness of the deficiency.

Examples of factors affecting the seriousness of a deficiency are:

- i. Impacts on project schedule, cost, or quality of work;
- ii. Unsafe conditions allowed to exist;
- iii. Complaints from the public;
- iv. Delay or interference with the bidding process;
- v. The potential for repetition;
- vi. Integrity of the public contracting process;
- vii. Effect on the health, safety, and welfare of the public.

**Specific Authority:** §§ 190.011(5), 190.011(15), Fla. Stat.  
**Law Implemented:** §§ 190.033, 255.0525, 255.20, Fla. Stat.

### **Rule 3.5      Construction Contracts, Not Design-Build.**

- (1) Scope. All contracts for the construction or improvement of any building, structure, or other public construction works authorized by Chapter 190 of the Florida Statutes, the costs of which are estimated by the District in accordance with generally accepted cost accounting principles to be in excess of the threshold amount for applicability of Section 255.20 of the Florida Statutes, as that amount may be indexed or amended from time to time, shall be let under the terms of these Rules and the procedures of Section 255.20 of the Florida Statutes, as the same may be amended from time to time. A project shall not be divided solely to avoid the threshold bidding requirements.
- (2) Procedure. When a purchase of construction services is within the scope of this Rule, the following procedures shall apply:
  - (a) The Board shall cause to be prepared an Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation.
  - (b) Notice of the Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation shall be advertised at least once in a newspaper of general circulation in the District and in the county in which the District is located. The notice shall also include the amount of the bid bond, if one is required. The notice shall allow at least twenty-one (21) days for submittal of sealed bids, proposals, replies, or responses, unless the Board, for good cause, determines a shorter period of time is appropriate. Any project projected to cost more than five hundred thousand dollars (\$500,000) must be noticed at least thirty (30) days prior to the date for submittal of bids, proposals, replies, or responses. If the Board has previously pre-qualified contractors pursuant to Rule 3.4 and determined that only the contractors that have been pre-qualified will be permitted to submit bids, proposals, replies, and responses, the Notice of Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation need not be published. Instead, the Notice of Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation shall be sent to the pre-qualified contractors by United States Mail, hand delivery, facsimile, or overnight delivery service.
  - (c) The District may maintain lists of persons interested in receiving notices of Invitations to Bid, Requests for Proposals, Invitations to Negotiate, and Competitive Solicitations. The District shall make a good faith effort to provide written notice, by electronic mail, United States Mail, hand delivery, or facsimile, to persons who provide their name and address to the District Manager for inclusion on the list. However, failure of a person to receive the notice shall not invalidate any contract awarded in accordance with this Rule and shall not be a basis for a protest of any contract award.

- (d) If the District has pre-qualified providers of construction services, then, at the option of the District, only those persons who have been pre-qualified will be eligible to submit bids, proposals, replies, or responses to Invitations to Bid, Requests for Proposals, Invitations to Negotiate, and Competitive Solicitations.
- (e) In order to be eligible to submit a bid, proposal, reply, or response, a firm or individual must, at the time of receipt of the bids, proposals, replies, or responses:
  - (i) Hold all required applicable state professional licenses in good standing;
  - (ii) Hold all required applicable federal licenses in good standing, if any;
  - (iii) Hold a current and active Florida corporate charter or be authorized to do business in the State of Florida in accordance with Chapter 607 of the Florida Statutes, if the bidder is a corporation; and
  - (iv) Meet any special pre-qualification requirements set forth in the Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation.

Any contractor that has been found guilty by a court of any violation of federal labor or employment tax laws regarding subjects including but not limited to, reemployment assistance, safety, tax withholding, worker's compensation, unemployment tax, social security and Medicare tax, wage or hour, or prevailing rate laws within the past 5 years may be considered ineligible by the District to submit a bid, response, or proposal for a District project.

Evidence of compliance with these Rules must be submitted with the bid, proposal, reply, or response, if required by the District. Failure to submit evidence of compliance when required may be grounds for rejection of the bid, proposal, reply, or response.

- (f) Bids, proposals, replies, and responses, or the portions of which that include the price, shall be publicly opened at a meeting noticed in accordance with Rule 1.3, and at which at least one district representative is present. The name of each bidder and the price submitted in the bid shall be announced at such meeting and shall be made available upon request. Minutes should be taken at the meeting and maintained by the District. Bids, proposals, replies, and responses shall be evaluated in

accordance with the respective Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation and these Rules. Minor variations in the bids, proposals, replies, or responses may be waived by the Board. A variation is minor if waiver of the variation does not create a competitive advantage or disadvantage of a material nature. Mistakes in arithmetic extension of pricing may be corrected by the Board. Bids and proposals may not be modified or supplemented after opening; provided however, additional information may be requested and/or provided to evidence compliance, make non-material modifications, clarifications, or supplementations, and as otherwise permitted by Florida law.

- (g) The lowest Responsive Bid submitted by a Responsive and Responsible Bidder in response to an Invitation to Bid shall be accepted. In relation to a Request for Proposals, Invitation to Negotiate, or Competitive Solicitation, the Board shall select the Responsive Proposal, Reply, or Response submitted by a Responsive and Responsible Vendor which is most advantageous to the District. To assure full understanding of the responsiveness to the solicitation requirements contained in a Request for Proposals, Invitation to Negotiate, or Competitive Solicitation, discussions may be conducted with qualified vendors. Vendors shall be accorded fair treatment prior to the submittal date with respect to any opportunity for discussion, preparation, and revision of bids, proposals, replies, and responses.
- (h) The Board shall have the right to reject all bids, proposals, replies, or responses because they exceed the amount of funds budgeted for the purchase, if there are not enough to be competitive, or if rejection is determined to be in the best interest of the District. No contractor shall be entitled to recover any costs of bid, proposal, response, or reply preparation or submittal from the District.
- (i) The Board may require potential contractors to furnish bid bonds, performance bonds, and/or other bonds with a responsible surety to be approved by the Board.
- (j) Notice of intent to award, including rejection of some or all bids, proposals, replies, or responses, shall be provided in writing to all contractors by United States Mail, hand delivery, facsimile, or overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.11 of the Rules of the District shall constitute a waiver of proceedings under those Rules," or wording to that effect. Protests of the District's purchase of construction services under this Rule shall be in accordance with the procedures set forth in Rule 3.11.

- (k) If less than three (3) Responsive Bids, Proposals, Replies, or Responses are received, the District may purchase construction services or may reject the bids, proposals, replies, or responses for a lack of competitiveness. If no Responsive Bid, Proposal, Reply, or Response is received, the District may proceed with the procurement of construction services, in the manner the Board determines is in the best interests of the District, which may include but is not limited to a direct purchase of the construction services without further competitive selection processes.
- (3) Sole Source; Government. Construction services that are only available from a single source are exempt from this Rule. Construction services provided by governmental agencies are exempt from this Rule. This Rule shall not apply to the purchase of construction services, which may include goods, supplies, or materials, that are purchased under a federal, state, or local government contract that has been competitively procured by such federal, state, or local government in a manner consistent with the material procurement requirements of these Rules. A contract for construction services is exempt from this Rule if state or federal law prescribes with whom the District must contract or if the rate of payment is established during the appropriation process.
- (4) Contracts; Public Records. In accordance with Florida law, each contract entered into pursuant to this Rule shall include provisions required by law that require the contractor to comply with public records laws.
- (5) Emergency Purchases. The District may make an Emergency Purchase without complying with these rules. The fact that an Emergency Purchase has occurred or is necessary shall be noted in the minutes of the next Board Meeting.
- (6) Exceptions. This Rule is inapplicable when:
  - (a) The project is undertaken as repair or maintenance of an existing public facility;
  - (b) The funding source of the project will be diminished or lost because the time required to competitively award the project after the funds become available exceeds the time within which the funding source must be spent;
  - (c) The District has competitively awarded a project and the contractor has abandoned the project or the District has terminated the contract; or
  - (d) The District, after public notice, conducts a public meeting under Section 286.011 of the Florida Statutes, and finds by a majority vote of the Board that it is in the public's best interest to perform the project using its own services, employees, and equipment.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: §§ 119.0701, 189.053, 190.033, 255.0518, 255.0525, 255.20, 287.055, Fla. Stat.

**Rule 3.6      Construction Contracts, Design-Build.**

- (1) Scope. The District may utilize Design-Build Contracts for any public construction project for which the Board determines that use of such contract is in the best interest of the District. When letting a Design-Build Contract, the District shall use the following procedure:
- (2) Procedure.
  - (a) The District shall utilize a Design Criteria Professional meeting the requirements of Section 287.055(2)(k) of the Florida Statutes, when developing a Design Criteria Package, evaluating the proposals and qualifications submitted by Design-Build Firms, and determining compliance of the project construction with the Design Criteria Package. The Design Criteria Professional may be an employee of the District, may be the District Engineer selected by the District pursuant to Section 287.055 of the Florida Statutes, or may be retained pursuant to Rule 3.1. The Design Criteria Professional is not eligible to render services under a Design-Build Contract executed pursuant to the Design Criteria Package.
  - (b) A Design Criteria Package for the construction project shall be prepared and sealed by the Design Criteria Professional. If the project utilizes existing plans, the Design Criteria Professional shall create a Design Criteria Package by supplementing the plans with project specific requirements, if any.
  - (c) The Board may either choose to award the Design-Build Contract pursuant to the competitive proposal selection process set forth in Section 287.055(9) of the Florida Statutes, or pursuant to the qualifications-based selection process pursuant to Rule 3.1.
    - (i) Qualifications-Based Selection. If the process set forth in Rule 3.1 is utilized, subsequent to competitive negotiations, a guaranteed maximum price and guaranteed completion date shall be established.
    - (ii) Competitive Proposal-Based Selection. If the competitive proposal selection process is utilized, the Board, in consultation with the Design Criteria Professional, shall establish the criteria, standards and procedures for the evaluation of Design-Build Proposals based on price, technical, and design aspects of the project, weighted for the project. After a Design Criteria Package and the standards and procedures for evaluation of proposals have been developed, competitive proposals from qualified firms shall be solicited pursuant to the design criteria by the following procedure:

1. A Request for Proposals shall be advertised at least once in a newspaper of general circulation in the county in which the District is located. The notice shall allow at least twenty-one (21) days for submittal of sealed proposals, unless the Board, for good cause, determines a shorter period of time is appropriate. Any project projected to cost more than five hundred thousand dollars (\$500,000) must be noticed at least thirty (30) days prior to the date for submittal of proposals.
2. The District may maintain lists of persons interested in receiving notices of Requests for Proposals. The District shall make a good faith effort to provide written notice, by electronic mail, United States Mail, hand delivery, or facsimile, to persons who provide their name and address to the District Manager for inclusion on the list. However, failure of a person to receive the notice shall not invalidate any contract awarded in accordance with this Rule and shall not be a basis for a protest of any contract award.
3. In order to be eligible to submit a proposal, a firm must, at the time of receipt of the proposals:
  - a. Hold the required applicable state professional licenses in good standing, as defined by Section 287.055(2)(h) of the Florida Statutes;
  - b. Hold all required applicable federal licenses in good standing, if any;
  - c. Hold a current and active Florida corporate charter or be authorized to do business in the State of Florida in accordance with Chapter 607 of the Florida Statutes, if the proposer is a corporation;
  - d. Meet any special pre-qualification requirements set forth in the Request for Proposals and Design Criteria Package.

Any contractor that has been found guilty by a court of any violation of federal labor or employment tax laws regarding subjects including but not limited to reemployment assistance, safety, tax withholding, worker's compensation, unemployment tax, social security and Medicare tax, wage or hour, or prevailing rate laws within the past 5 years may



be considered ineligible by the District to submit a bid, response, or proposal for a District project.

Evidence of compliance with these Rules must be submitted with the proposal if required by the District. Failure to submit evidence of compliance when required may be grounds for rejection of the proposal.

4. The proposals, or the portions of which that include the price, shall be publicly opened at a meeting noticed in accordance with Rule 1.3, and at which at least one district representative is present. The name of each bidder and the price submitted in the bid shall be announced at such meeting and shall be made available upon request. Minutes should be taken at the meeting and maintained by the District. In consultation with the Design Criteria Professional, the Board shall evaluate the proposals received based on evaluation criteria and procedures established prior to the solicitation of proposals, including but not limited to qualifications, availability, and past work of the firms and the partners and members thereof. The Board shall then select no fewer than three (3) Design-Build Firms as the most qualified.
5. The Board shall have the right to reject all proposals if the proposals are too high, or rejection is determined to be in the best interest of the District. No vendor shall be entitled to recover any costs of proposal preparation or submittal from the District.
6. If less than three (3) Responsive Proposals are received, the District may purchase design-build services or may reject the proposals for lack of competitiveness. If no Responsive Proposals are received, the District may proceed with the procurement of design-build services in the manner the Board determines is in the best interests of the District, which may include but is not limited to a direct purchase of the design-build services without further competitive selection processes.
7. Notice of the rankings adopted by the Board, including the rejection of some or all proposals, shall be provided in writing to all consultants by United States Mail, hand delivery, facsimile, or overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.11 of the

Rules of the District shall constitute a waiver of proceedings under those Rules," or wording to that effect. Protests of the District's rankings under this Rule shall be in accordance with the procedures set forth in Rule 3.11.

8. The Board shall negotiate a contract with the firm ranking the highest based on the evaluation standards and shall establish a price which the Board determines is fair, competitive and reasonable. Should the Board be unable to negotiate a satisfactory contract with the firm considered to be the most qualified at a price considered by the Board to be fair, competitive, and reasonable, negotiations with that firm must be terminated. The Board shall then undertake negotiations with the second most qualified firm, based on the ranking by the evaluation standards. Should the Board be unable to negotiate a satisfactory contract with the firm considered to be the second most qualified at a price considered by the Board to be fair, competitive, and reasonable, negotiations with that firm must be terminated. The Board shall then undertake negotiations with the third most qualified firm. Should the Board be unable to negotiate a satisfactory contract with the firm considered to be the third most qualified at a price considered by the Board to be fair, competitive, and reasonable, negotiations with that firm must be terminated. Should the Board be unable to negotiate a satisfactory contract with any of the selected firms, the Board shall select additional firms in order of their rankings based on the evaluation standards and continue negotiations until an agreement is reached or the list of firms is exhausted.
  9. After the Board contracts with a firm, the firm shall bring to the Board for approval, detailed working drawings of the project.
  10. The Design Criteria Professional shall evaluate the compliance of the detailed working drawings and project construction with the Design Criteria Package and shall provide the Board with a report of the same.
- (3) Contracts; Public Records. In accordance with Florida law, each contract entered into pursuant to this Rule shall include provisions required by law that require the contractor to comply with public records laws.
  - (4) Emergency Purchase. The Board may, in case of public emergency, declare an emergency and immediately proceed with negotiations with the best qualified

Design-Build Firm available at the time. The fact that an Emergency Purchase has occurred shall be noted in the minutes of the next Board meeting.

(5) Exceptions. This Rule is inapplicable when:

- (a) The project is undertaken as repair or maintenance of an existing public facility;
- (b) The funding source of the project will be diminished or lost because the time required to competitively award the project after the funds become available exceeds the time within which the funding source must be spent;
- (c) The District has competitively awarded a project and the contractor has abandoned the project or the District has terminated the contractor; or
- (d) The District, after public notice, conducts a public meeting under Section 286.011 of the Florida Statutes, and finds by a majority vote of the Board that it is in the public's best interest to perform the project using its own services, employees, and equipment.

**Specific Authority:** §§ 190.011(5), 190.011(15), Fla. Stat.

**Law Implemented:** §§ 119.0701, 189.053, 190.033, 255.0518, 255.0525, 255.20, 287.055, Fla. Stat.

**Rule 3.7      Payment and Performance Bonds.**

- (1)    Scope.    This Rule shall apply to contracts for the construction of a public building, for the prosecution and completion of a public work, or for repairs upon a public building or public work and shall be construed in addition to terms prescribed by any other Rule that may also apply to such contracts.
  
- (2)    Required Bond.    Upon entering into a contract for any of the services described in section (1) of this Rule in excess of \$200,000, the Board should require that the contractor, before commencing the work, execute and record a payment and performance bond in an amount equal to the contract price. Notwithstanding the terms of the contract or any other law, the District may not make payment to the contractor until the contractor has provided to the District a certified copy of the recorded bond.
  
- (3)    Discretionary Bond.    At the discretion of the Board, upon entering into a contract for any of the services described in section (1) of this Rule for an amount not exceeding \$200,000, the contractor may be exempted from executing a payment and performance bond.

**Specific Authority:** §§ 190.011(5), 190.011(15), Fla. Stat.

**Law Implemented:** § 255.05, Fla. Stat.

### **Rule 3.8      Goods, Supplies, and Materials.**

- (1) Purpose and Scope. All purchases of goods, supplies, or materials exceeding the amount provided in Section 287.017 of the Florida Statutes, for CATEGORY FOUR, shall be purchased under the terms of this Rule. Contracts for purchases of “goods, supplies, and materials” do not include printing, insurance, advertising, or legal notices. A contract involving goods, supplies, or materials plus maintenance services may, in the discretion of the Board, be treated as a contract for maintenance services. However, a purchase shall not be divided solely in order to avoid the threshold bidding requirements.
- (2) Procedure. When a purchase of goods, supplies, or materials is within the scope of this Rule, the following procedures shall apply:
  - (a) The Board shall cause to be prepared an Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation.
  - (b) Notice of the Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation shall be advertised at least once in a newspaper of general circulation within the District and within the county in which the District is located. The notice shall also include the amount of the bid bond, if one is required. The notice shall allow at least seven (7) days for submittal of bids, proposals, replies, or responses.
  - (c) The District may maintain lists of persons interested in receiving notices of Invitations to Bid, Requests for Proposals, Invitations to Negotiate, or Competitive Solicitations. The District shall make a good faith effort to provide written notice, by electronic mail, United States Mail, hand delivery, or facsimile, to persons who provide their name and address to the District Manager for inclusion on the list. However, failure of a person to receive the notice shall not invalidate any contract awarded in accordance with this Rule and shall not be a basis for a protest of any contract award.
  - (d) If the District has pre-qualified suppliers of goods, supplies, and materials, then, at the option of the District, only those persons who have been pre-qualified will be eligible to submit bids, proposals, replies, or responses.
  - (e) In order to be eligible to submit a bid, proposal, reply, or response, a firm or individual must, at the time of receipt of the bids, proposals, replies, or responses:
    - (i) Hold all required applicable state professional licenses in good standing;
    - (ii) Hold all required applicable federal licenses in good standing, if any;

- (iii) Hold a current and active Florida corporate charter or be authorized to do business in the State of Florida in accordance with Chapter 607 of the Florida Statutes, if the vendor is a corporation; and
- (iv) Meet any special pre-qualification requirements set forth in the Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation.

Evidence of compliance with these Rules must be submitted with the bid, proposal, reply or response if required by the District. Failure to submit evidence of compliance when required may be grounds for rejection of the bid, proposal, reply, or response.

Any firm or individual whose principal place of business is outside the State of Florida must also submit a written opinion of an attorney at law licensed to practice law in that foreign state, as to the preferences, if any or none, granted by the law of that foreign state to business entities whose principal places of business are in that foreign state, in the letting of any or all public contracts. Failure to submit such a written opinion or submission of a false or misleading written opinion may be grounds for rejection of the bid, proposal, reply, or response.

- (f) Bids, proposals, replies, and responses shall be publicly opened at the time and place noted on the Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation. Bids, proposals, replies, and responses shall be evaluated in accordance with the respective Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation, and this Rule. Minor variations in the bids, proposals, replies, or responses may be waived by the Board. A variation is minor if waiver of the variation does not create a competitive advantage or disadvantage of a material nature. Mistakes in arithmetic extension of pricing may be corrected by the Board. Bids and proposals may not be modified or supplemented after opening; provided however, additional information may be requested and/or provided to evidence compliance, make non-material modifications, clarifications, or supplementations, and as otherwise permitted by Florida law.
- (g) The lowest Responsive Bid, after taking into account the preferences provided for in this subsection, submitted by a Responsive and Responsible Bidder in response to an Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation shall be accepted. If the lowest Responsive Bid is submitted by a Responsive and Responsible Bidder whose principal place of business is located in a foreign state which does not grant a preference in competitive purchase to businesses whose principal place of business are in that foreign state, the

lowest Responsible and Responsive Bidder whose principal place of business is in the State of Florida shall be awarded a preference of five (5) percent. If the lowest Responsive Bid is submitted by a Responsive and Responsible Bidder whose principal place of business is located in a foreign state which grants a preference in competitive purchase to businesses whose principal place of business are in that foreign state, the lowest Responsible and Responsive Bidder whose principal place of business is in the State of Florida shall be awarded a preference equal to the preference granted by such foreign state.

To assure full understanding of the responsiveness to the solicitation requirements contained in an Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation, discussions may be conducted with qualified vendors. Vendors shall be accorded fair treatment prior to the submittal date with respect to any opportunity for discussion, preparation, and revision of bids, proposals, replies, and responses.

- (h) The Board shall have the right to reject all bids, proposals, replies, or responses because they exceed the amount of funds budgeted for the purchase, if there are not enough to be competitive, or if rejection is determined to be in the best interest of the District. No vendor shall be entitled to recover any costs of bid, proposal, reply, or response preparation or submittal from the District.
- (i) The Board may require bidders and proposers to furnish bid bonds, performance bonds, and/or other bonds with a responsible surety to be approved by the Board.
- (j) Notice of intent to award, including rejection of some or all bids, proposals, replies, or responses shall be provided in writing to all vendors by United States Mail, hand delivery, facsimile, or overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.11 of the Rules of the District shall constitute a waiver of proceedings under those Rules," or wording to that effect. Protests of the District's purchase of goods, supplies, and materials under this Rule shall be in accordance with the procedures set forth in Rule 3.11.
- (k) If less than three (3) Responsive Bids, Proposals, Replies, or Responses are received, the District may purchase goods, supplies, or materials, or may reject the bids, proposals, replies, or responses for a lack of competitiveness. If no Responsive Bid, Proposal, Reply, or Response is received, the District may proceed with the procurement of goods, supplies, and materials, in the manner the Board determines is in the best interests of the District, which may include but is not limited to a direct

purchase of the goods, supplies, and materials without further competitive selection processes.

- (3) Goods, Supplies, and Materials included in a Construction Contract Awarded Pursuant to Rule 3.5 or 3.6. There may be occasions where the District has undergone the competitive purchase of construction services which contract may include the provision of goods, supplies, or materials. In that instance, the District may approve a change order to the contract and directly purchase the goods, supplies, and materials. Such purchase of goods, supplies, and materials deducted from a competitively purchased construction contract shall be exempt from this Rule.
- (4) Exemption. Goods, supplies, and materials that are only available from a single source are exempt from this Rule. Goods, supplies, and materials provided by governmental agencies are exempt from this Rule. A contract for goods, supplies, or materials is exempt from this Rule if state or federal law prescribes with whom the District must contract or if the rate of payment is established during the appropriation process. This Rule shall not apply to the purchase of goods, supplies or materials that are purchased under a federal, state, or local government contract that has been competitively procured by such federal, state, or local government in a manner consistent with the material procurement requirements of these Rules.
- (5) Renewal. Contracts for the purchase of goods, supplies, and/or materials subject to this Rule may be renewed for a maximum period of five (5) years.
- (6) Emergency Purchases. The District may make an Emergency Purchase without complying with these rules. The fact that an Emergency Purchase has occurred or is necessary shall be noted in the minutes of the next Board meeting.

**Specific Authority:** §§ 190.011(5), 190.011(15), Fla. Stat.

**Law Implemented:** §§ 189.053, 190.033, 287.017, 287.084, Fla. Stat.



### **Rule 3.9      Maintenance Services.**

- (1) Scope. All contracts for maintenance of any District facility or project shall be set under the terms of this Rule if the cost exceeds the amount provided in Section 287.017 of the Florida Statutes, for CATEGORY FOUR. A contract involving goods, supplies, and materials plus maintenance services may, in the discretion of the Board, be treated as a contract for maintenance services. However, a purchase shall not be divided solely in order to avoid the threshold bidding requirements.
- (2) Procedure. When a purchase of maintenance services is within the scope of this Rule, the following procedures shall apply:
  - (a) The Board shall cause to be prepared an Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation.
  - (b) Notice of the Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation shall be advertised at least once in a newspaper of general circulation within the District and within the county in which the District is located. The notice shall also include the amount of the bid bond, if one is required. The notice shall allow at least seven (7) days for submittal of bids, proposals, replies, or responses.
  - (c) The District may maintain lists of persons interested in receiving notices of Invitations to Bid, Requests for Proposals, Invitations to Negotiate, and Competitive Solicitations. The District shall make a good faith effort to provide written notice, by electronic mail, United States Mail, hand delivery, or facsimile, to persons who provide their name and address to the District Manager for inclusion on the list. However, failure of a person to receive the notice shall not invalidate any contract awarded in accordance with this Rule and shall not be a basis for a protest of any contract award.
  - (d) If the District has pre-qualified suppliers of maintenance services, then, at the option of the District, only those persons who have been pre-qualified will be eligible to submit bids, proposals, replies, and responses.
  - (e) In order to be eligible to submit a bid, proposal, reply, or response, a firm or individual must, at the time of receipt of the bids, proposals, replies, or responses:
    - (i) Hold all required applicable state professional licenses in good standing;
    - (ii) Hold all required applicable federal licenses in good standing, if any;

- (iii) Hold a current and active Florida corporate charter or be authorized to do business in the State of Florida in accordance with Chapter 607 of the Florida Statutes, if the vendor is a corporation; and
- (iv) Meet any special pre-qualification requirements set forth in the Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation.

Evidence of compliance with these Rules must be submitted with the bid, proposal, reply, or response if required by the District. Failure to submit evidence of compliance when required may be grounds for rejection of the bid, proposal, reply, or response.

- (f) Bids, proposals, replies, and responses shall be publicly opened at the time and place noted on the Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation. Bids, proposals, replies, and responses shall be evaluated in accordance with the respective Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation, and these Rules. Minor variations in the bids, proposals, replies, and responses may be waived by the Board. A variation is minor if waiver of the variation does not create a competitive advantage or disadvantage of a material nature. Mistakes in arithmetic extension of pricing may be corrected by the Board. Bids and proposals may not be modified or supplemented after opening; provided however, additional information may be requested and/or provided to evidence compliance, make non-material modifications, clarifications, or supplementations, and as otherwise permitted by Florida law.
- (g) The lowest Responsive Bid submitted in response to an Invitation to Bid by a Responsive and Responsible Bidder shall be accepted. In relation to a Request for Proposals, Invitation to Negotiate or Competitive Solicitation the Board shall select the Responsive Proposal, Reply, or Response submitted by a Responsive and Responsible Vendor which is most advantageous to the District. To assure full understanding of the responsiveness to the solicitation requirements contained in a Request for Proposals, Invitation to Negotiate, or Competitive Solicitation, discussions may be conducted with qualified vendors. Vendors shall be accorded fair treatment prior to the submittal date with respect to any opportunity for discussion, preparation, and revision of bids, proposals, replies, or responses.
- (h) The Board shall have the right to reject all bids, proposals, replies, or responses because they exceed the amount of funds budgeted for the purchase, if there are not enough to be competitive, or if rejection is determined to be in the best interest of the District. No Vendor shall be

entitled to recover any costs of bid, proposal, reply, or response preparation or submittal from the District.

- (i) The Board may require bidders and proposers to furnish bid bonds, performance bonds, and/or other bonds with a responsible surety to be approved by the Board.
  - (j) Notice of intent to award, including rejection of some or all bids, proposals, replies, or responses shall be provided in writing to all vendors by United States Mail, hand delivery, facsimile, or overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.11 of the Rules of the District shall constitute a waiver of proceedings under those Rules," or wording to that effect. Protests of the District's procurement of maintenance services under this Rule shall be in accordance with the procedures set forth in Rule 3.11.
  - (k) If less than three (3) Responsive Bids, Proposals, Replies, or Responses are received, the District may purchase the maintenance services or may reject the bids, proposals, replies, or responses for a lack of competitiveness. If no Responsive Bid, Proposal, Reply, or Response is received, the District may proceed with the procurement of maintenance services, in the manner the Board determines is in the best interests of the District, which may include but is not limited to a direct purchase of the maintenance services without further competitive selection processes.
- (3) Exemptions. Maintenance services that are only available from a single source are exempt from this Rule. Maintenance services provided by governmental agencies are exempt from this Rule. A contract for maintenance services is exempt from this Rule if state or federal law prescribes with whom the District must contract or if the rate of payment is established during the appropriation process.
  - (4) Renewal. Contracts for the purchase of maintenance services subject to this Rule may be renewed for a maximum period of five (5) years.
  - (5) Contracts; Public Records. In accordance with Florida law, each contract entered into pursuant to this Rule shall include provisions required by law that require the contractor to comply with public records laws.
  - (6) Emergency Purchases. The District may make an Emergency Purchase without complying with these rules. The fact that an Emergency Purchase has occurred or is necessary shall be noted in the minutes of the next Board meeting.

**Specific Authority:** §§ 190.011(5), 190.011(15), 190.033, Fla. Stat.  
**Law Implemented:** §§ 119.0701, 190.033, 287.017, Fla. Stat.

**Rule 3.10 Contractual Services.**

- (1) Exemption from Competitive Purchase. Pursuant to Section 190.033(3) of the Florida Statutes, Contractual Services shall not be subject to competitive purchasing requirements. If an agreement is predominantly for Contractual Services, but also includes maintenance services or the purchase of goods and services, the contract shall not be subject to competitive purchasing requirements. Regardless of whether an advertisement or solicitation for Contractual Services is identified as an Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation, no rights or remedies under these Rules, including but not limited to protest rights, are conferred on persons, firms, or vendors proposing to provide Contractual Services to the District.
- (2) Contracts; Public Records. In accordance with Florida law, each contract for Contractual Services shall include provisions required by law that require the contractor to comply with public records laws.

**Specific Authority:** §§ 190.011(5), 190.011(15), Fla. Stat.

**Law Implemented:** §§ 119.0701, 190.011(3), 190.033, Fla. Stat.

**Rule 3.11      Protests with Respect to Proceedings under Rules 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.8, and 3.9.**

The resolution of any protests with respect to proceedings under Rules 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.8, and 3.9 shall be in accordance with this Rule.

(1)      Filing.

- (a)      With respect to a protest regarding qualifications, specifications, documentation, or other requirements contained in a Request for Qualifications, Request for Proposals, Invitation to Bid, or Competitive Solicitation issued by the District, the notice of protest shall be filed in writing within seventy-two (72) calendar hours (excluding Saturdays, Sundays, and state holidays) after the first advertisement of the Request for Qualifications, Request for Proposals, Invitation to Bid, or Competitive Solicitation. A formal protest setting forth with particularity the facts and law upon which the protest is based shall be filed within seven (7) calendar days (including Saturdays, Sundays, and state holidays) after the initial notice of protest was filed. For purposes of this Rule, wherever applicable, filing will be perfected and deemed to have occurred upon receipt by the District. Failure to file a notice of protest shall constitute a waiver of all rights to protest the District's intended decision. Failure to file a formal written protest shall constitute an abandonment of the protest proceedings and shall automatically terminate the protest proceedings.
- (b)      Except for those situations covered by subsection (1)(a) of this Rule, any firm or person who is affected adversely by a District's ranking or intended award under Rules 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.8, or 3.9 and desires to contest the District's ranking or intended award, shall file with the District a written notice of protest within seventy-two (72) calendar hours (excluding Saturdays, Sundays, and state holidays) after receipt of the notice of the District's ranking or intended award. A formal protest setting forth with particularity the facts and law upon which the protest is based shall be filed within seven (7) calendar days (including Saturdays, Sundays, and state holidays) after the initial notice of protest was filed. For purposes of this Rule, wherever applicable, filing will be perfected and deemed to have occurred upon receipt by the District. Failure to file a notice of protest shall constitute a waiver of all rights to protest the District's ranking or intended award. Failure to file a formal written protest shall constitute an abandonment of the protest proceedings and shall automatically terminate the protest proceedings.
- (c)      If the requirement for the posting of a protest bond and the amount of the protest bond, which may be expressed by a percentage of the contract to be awarded or a set amount, is disclosed in the District's competitive solicitation documents for a particular purchase under Rules 3.1, 3.2, 3.3,

3.4, 3.5, 3.6, 3.8, or 3.9, any person who files a notice of protest must post the protest bond. The amount of the protest bond shall be determined by District staff after consultation with the Board and within the limits, if any, imposed by Florida law. In the event the protest is successful, the protest bond shall be refunded to the protestor. In the event the protest is unsuccessful, the protest bond shall be applied towards the District's costs, expenses, and attorney's fees associated with hearing and defending the protest. In the event the protest is settled by mutual agreement of the parties, the protest bond shall be distributed as agreed to by the District and protestor.

- (d) The District does not accept documents filed by electronic mail or facsimile transmission. Filings are only accepted during normal business hours.
- (2) Contract Execution. Upon receipt of a notice of protest which has been timely filed, the District shall not execute the contract under protest until the subject of the protest is resolved. However, if the District sets forth in writing particular facts and circumstances showing that delay incident to protest proceedings will jeopardize the funding for the project, will materially increase the cost of the project, or will create an immediate and serious danger to the public health, safety, or welfare, the contract may be executed.
- (3) Informal Proceeding. If the Board determines a protest does not involve a disputed issue of material fact, the Board may, but is not obligated to, schedule an informal proceeding to consider the protest. Such informal proceeding shall be at a time and place determined by the Board. Notice of such proceeding shall be sent via facsimile, United States Mail, or hand delivery to the protestor and any substantially affected persons or parties not less than three (3) calendar days prior to such informal proceeding. Within thirty (30) calendar days following the informal proceeding, the Board shall issue a written decision setting forth the factual, legal, and policy grounds for its decision.
- (4) Formal Proceeding. If the Board determines a protest involves disputed issues of material fact or if the Board elects not to use the informal proceeding process provided for in section (3) of this Rule, the District shall schedule a formal hearing to resolve the protest. The Chairperson shall designate any member of the Board (including the Chairperson), District Manager, District Counsel, or other person as a hearing officer to conduct the hearing. The hearing officer may:
  - (a) Administer oaths and affirmations;
  - (b) Rule upon offers of proof and receive relevant evidence;
  - (c) Regulate the course of the hearing, including any pre-hearing matters;

- (d) Enter orders; and
- (e) Make or receive offers of settlement, stipulation, and adjustment.

The hearing officer shall, within thirty (30) days after the hearing or receipt of the hearing transcript, whichever is later, file a recommended order which shall include a caption, time and place of hearing, appearances entered at the hearing, statement of the issues, findings of fact and conclusions of law, separately stated, and a recommendation for final District action. The District shall allow each party fifteen (15) days in which to submit written exceptions to the recommended order. The District shall issue a final order within sixty (60) days after the filing of the recommended order.

- (5) Intervenors. Other substantially affected persons may join the proceedings as intervenors on appropriate terms which shall not unduly delay the proceedings.
- (6) Rejection of all Qualifications, Bids, Proposals, Replies and Responses after Receipt of Notice of Protest. If the Board determines there was a violation of law, defect, or an irregularity in the competitive solicitation process, the Bids, Proposals, Replies, and Responses are too high, or if the Board determines it is otherwise in the District's best interest, the Board may reject all qualifications, bids, proposals, replies, and responses and start the competitive solicitation process anew. If the Board decides to reject all qualifications, bids, proposals, replies, and responses and start the competitive solicitation process anew, any pending protests shall automatically terminate.
- (7) Settlement. Nothing herein shall preclude the settlement of any protest under this Rule at any time.

**Specific Authority:** §§ 190.011(5), 190.011(15), Fla. Stat.  
**Law Implemented:** § 190.033, Fla. Stat.

**Rule 4.0      Effective Date.**

These Rules shall be effective \_\_\_\_\_, 20\_\_, except that no election of officers required by these Rules shall be required until after the next regular election for the Board.

**Specific Authority:** §§ 190.011(5), 190.011(15), Fla. Stat.

**Law Implemented:** §§ 190.011(5), 190.011(15), Fla. Stat.



## SECTION B

# SECTION 1

## RESOLUTION 2020-34

### **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE ASTONIA COMMUNITY DEVELOPMENT DISTRICT EXPRESSING ITS INTENT TO UTILIZE THE UNIFORM METHOD OF LEVYING, COLLECTING, AND ENFORCING NON-AD VALOREM ASSESSMENTS WHICH MAY BE LEVIED BY THE ASTONIA COMMUNITY DEVELOPMENT DISTRICT IN ACCORDANCE WITH SECTION 197.3632, FLORIDA STATUTES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Astonia Community Development District (“District”) was established pursuant to the provisions of Chapter 190, *Florida Statutes*, which authorizes the District to levy certain assessments which include benefit and maintenance assessments and further authorizes the District to levy special assessments pursuant to Chapters 170 and 197, *Florida Statutes*, for the acquisition, maintenance, construction, or reconstruction of assessable improvements authorized by Chapter 190, *Florida Statutes*; and

**WHEREAS**, the above referenced assessments are non-ad valorem in nature and, therefore, may be levied and collected under the provisions of Section 197.3632, *Florida Statutes*, in which the State of Florida has provided a uniform method for the levying, collecting, and enforcing such non-ad valorem assessments (the “Uniform Method”); and

**WHEREAS**, the Board has previously adopted Resolution 2020-11 declaring the intent to use the Uniform Method for the levy, collection and enforcement of non-ad valorem special assessments authorized by Section 197.3632, *Florida Statutes*, over certain lands within the District as described therein; and

**WHEREAS**, pursuant to Section 197.3632, *Florida Statutes*, the District has caused notice of a public hearing on the District’s intent to use the Uniform Method to be advertised weekly in a newspaper of general circulation within Polk County for four (4) consecutive weeks prior to such hearing; and

**WHEREAS**, the District has held a public hearing pursuant to Section 197.3632, *Florida Statutes*, where public and landowners were allowed to give testimony regarding the use of the Uniform Method; and

**WHEREAS**, the District desires to use the Uniform Method for the levy, collection and enforcement of non-ad valorem special assessments authorized by Section 197.3632, *Florida Statutes*, for special assessments, including benefit and maintenance assessments, over all the lands in the District as further described in **Exhibit A**.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD  
OF SUPERVISORS OF THE ASTONIA COMMUNITY  
DEVELOPMENT DISTRICT:**

**SECTION 1.** The Astonia Community Development District upon conducting its public hearing as required by Section 197.3632, *Florida Statutes*, hereby expresses its need and intent to use the Uniform Method of collecting assessments imposed by the District over the lands described in **Exhibit A**, as provided in Chapters 170 and 190, *Florida Statutes*, each of which are non-ad valorem assessments which may be collected annually pursuant to the provisions of Chapter 190, *Florida Statutes*, for the purpose of paying principal and interest on any and all of its indebtedness and for the purpose of paying the cost of operating and maintaining its assessable improvements. The legal description of the boundaries of the real property subject to a levy of assessments is attached and made a part of this Resolution as **Exhibit A**. The non-ad valorem assessments and the District's use of the uniform method of collecting its non-ad valorem assessment(s) may continue in any given year when the Board of Supervisors determines that use of the uniform method for that year is in the best interests of the District.

**SECTION 2.** The District's Secretary is authorized to provide the Property Appraiser and Tax Collector of Polk County and the Department of Revenue of the State of Florida with a copy of this Resolution and enter into any agreements with the Property Appraiser and/or Tax Collector necessary to carry out the provisions of this Resolution.

**SECTION 3.** If any provision of this Resolution is held to be illegal or invalid, the other provisions shall remain in full force and effect.

**SECTION 4.** This Resolution shall become effective upon its passage and shall remain in effect unless rescinded or repealed.

**PASSED AND ADOPTED** this 11<sup>th</sup> day of March, 2020.

ATTEST:

**ASTONIA COMMUNITY  
DEVELOPMENT DISTRICT**

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Secretary/Assistant Secretary

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Chairperson, Board of Supervisors

**Exhibit A:** Legal Description of Astonia Community Development District

**EXHIBIT A**  
**Legal Description of Astonia Community Development District**

BEGIN AT THE NW CORNER OF THE NE 1/4 OF THE NW 1/4 OF SECTION 22, TOWNSHIP 26 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA; THENCE RUN N89°38'14"E ALONG THE NORTH LINE OF SAID SECTION 22 A DISTANCE OF 708.93 FEET; THENCE S02°00'48"E A DISTANCE OF 31.96 FEET TO A CURVE TURNING TO THE LEFT WITH A DELTA ANGLE OF 28°43'45", WITH A RADIUS OF 1385.00 FEET, WITH A CHORD BEARING OF S16°22'40"E, WITH A CHORD LENGTH OF 687.21 FEET; THENCE RUN ALONG SAID CURVE AN ARC LENGTH OF 694.46 FEET; THENCE N57°11'19"E A DISTANCE OF 285.23 FEET TO A POINT ON THE WEST RIGHT OF WAY OF ERNIE CALDWELL BOULEVARD, SAID POINT ALSO BEING ON A CURVE TURNING TO THE LEFT WITH A DELTA ANGLE OF 05°12'38", WITH A RADIUS OF 1100.00 FEET, WITH A CHORD BEARING OF S32°48'41"E, WITH A CHORD LENGTH OF 100.00 FEET; THENCE RUN ALONG SAID CURVE AN ARC LENGTH OF 100.03 FEET; THENCE LEAVING SAID RIGHT OF WAY RUN S57°11'19"W A DISTANCE OF 285.23 FEET TO A CURVE TURNING TO THE LEFT WITH A DELTA ANGLE OF 21°30'05", WITH A RADIUS OF 1385.00 FEET, WITH A CHORD BEARING OF S45°37'51"E, WITH A CHORD LENGTH OF 516.70 FEET; THENCE RUN ALONG SAID CURVE AN ARC LENGTH OF 519.75 FEET; THENCE S00°34'03"E A DISTANCE OF 1126.63 FEET TO THE NORTH MAINTAINED RIGHT OF WAY OF LITTLE ZION ROAD; THENCE RUN ALONG SAID NORTH RIGHT OF WAY THE FOLLOWING 29 COURSES; 1) N86°53'43"W A DISTANCE OF 12.69 FEET; 2) THENCE N87°23'02"W A DISTANCE OF 65.40 FEET; 3) THENCE S87°44'53"W A DISTANCE OF 34.73 FEET; 4) THENCE S82°19'26"W A DISTANCE OF 41.07 FEET; 5) THENCE S73°10'25"W A DISTANCE OF 16.81 FEET; 6) THENCE S70°46'24"W A DISTANCE OF 24.09 FEET; 7) THENCE S70°28'57"W A DISTANCE OF 16.64 FEET; 8) THENCE S61°58'48"W A DISTANCE OF 36.62 FEET; 9) THENCE S57°16'53"W A DISTANCE OF 63.50 FEET; 10) THENCE S46°20'51"W A DISTANCE OF 35.85 FEET; 11) THENCE S35°40'32"W A DISTANCE OF 14.37 FEET; 12) THENCE S35°36'06"W A DISTANCE OF 15.07 FEET; 13) THENCE S29°16'16"W A DISTANCE OF 33.67 FEET; 14) THENCE S28°02'33"W A DISTANCE OF 100.08 FEET; 15) THENCE S29°35'32"W A DISTANCE OF 41.20 FEET; 16) THENCE S37°51'45"W A DISTANCE OF 60.25 FEET; 17) THENCE S48°18'53"W A DISTANCE OF 16.90 FEET; 18) THENCE S56°17'21"W A DISTANCE OF 18.08 FEET; 19) THENCE S62°22'59"W A DISTANCE OF 10.29 FEET; 20) THENCE S89°37'17"W A DISTANCE OF 165.14 FEET; 21) THENCE S00°24'07"E A DISTANCE OF 17.27 FEET; 22) THENCE S89°49'44"W A DISTANCE OF 51.17 FEET; 23) THENCE S89°15'22"W A DISTANCE OF 100.01 FEET; 24) THENCE S89°42'52"W A DISTANCE OF 100.00 FEET; 25) THENCE S89°25'40"W A DISTANCE OF 100.00 FEET; 26) THENCE S89°18'48"W A DISTANCE OF 100.00 FEET; 27) THENCE S89°35'59"W A DISTANCE OF 100.00 FEET; 28) THENCE S89°42'52"W A DISTANCE OF 100.00 FEET; 29) THENCE S89°35'59"W A DISTANCE OF 11.74 FEET; THENCE LEAVING SAID NORTH RIGHT OF WAY RUN S00°31'51"E A DISTANCE OF 672.83 FEET; THENCE S89°33'56"W A DISTANCE OF 663.12 FEET; THENCE S00°30'40"E A DISTANCE OF 661.24 FEET TO THE SOUTH LINE OF THE NW 1/4 OF THE SW 1/4 OF SAID SECTION 22; THENCE S89°31'59"W ALONG SAID SOUTH LINE A DISTANCE OF 663.35 FEET TO THE WEST LINE OF SAID SECTION 22; THENCE RUN ALONG SAID WEST LINE THE FOLLOWING 3 COURSES; 1) N00°29'28"W A DISTANCE OF 1323.24 FEET; 2) THENCE N00°09'33"W A DISTANCE OF 1322.55 FEET; 3) THENCE N00°09'33"W A DISTANCE OF 792.10 FEET TO THE NORTH LINE OF THE SOUTH 24 ACRES OF THE NW 1/4 OF THE NW 1/4 OF SAID SECTION 22; THENCE N89°37'27"E ALONG SAID NORTH LINE A DISTANCE OF 1318.54 FEET TO THE WEST LINE OF THE NE 1/4 OF THE NW 1/4 OF SAID SECTION 22; THENCE N00°20'51"W ALONG SAID WEST LINE A DISTANCE OF 529.36 FEET RETURNING TO THE POINT OF BEGINNING, LESS MAINTAINED RIGHT OF WAY FOR LITTLE ZION ROAD.

CONTAINING AN AREA OF 159.93 ACRES MORE OR LESS.

# SECTION C

# SECTION 1

## RESOLUTION 2020-35

### **THE ANNUAL APPROPRIATION RESOLUTION OF THE ASTONIA COMMUNITY DEVELOPMENT DISTRICT (“DISTRICT”) RELATING TO THE ANNUAL APPROPRIATIONS AND ADOPTING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019, AND ENDING SEPTEMBER 30, 2020; AUTHORIZING BUDGET AMENDMENTS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Astonia Community Development District (the “District”) was established by Ordinance No. 2020-002, adopted by the County Commission of Polk County, Florida, effective as of January 7, 2020; and

**WHEREAS**, the District Manager has prepared and submitted to the Board of Supervisors of the Astonia Community Development District (the “Board”) the proposed budget for the Fiscal Year 2019-2020, which concludes September 30, 2020; and

**WHEREAS**, the Board set a public hearing thereon and caused notice of such public hearing to be given by publication pursuant to Section 190.008(2)(a), *Florida Statutes*; and

**WHEREAS**, the District Manager posted the Proposed Budget on the District’s website at least two days before the public hearing; and

**WHEREAS**, Section 190.008(2)(a), *Florida Statutes*, requires that the Board, by passage of the Annual Appropriation Resolution, shall adopt a budget for the ensuing fiscal year and appropriate such sums of money as the Board deems necessary to defray all expenditures of the District during the ensuing fiscal year; and

**WHEREAS**, the District Manager has prepared a Proposed Budget, whereby the budget shall project the cash receipts and disbursements anticipated during a given time period, including reserves for contingencies for emergency or other unanticipated expenditures during the fiscal year.

### **NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE ASTONIA COMMUNITY DEVELOPMENT DISTRICT:**

#### **SECTION 1. BUDGET**

- a. The Board has reviewed the Proposed Budget, a copy of which is on file with the office of the District Manager and at the District’s Local Records Office, and hereby approves certain amendments thereto, as shown in Section 2 below.
- b. The Proposed Budget, attached hereto as **Exhibit “A,”** as amended by the Board, is hereby adopted in accordance with the provisions of Section 190.008(2)(a), *Florida Statutes* (“**Adopted Budget**”), and incorporated herein by reference;



- c. The Adopted Budget, as amended, shall be maintained in the office of the District Manager and at the District's Local Records Office and identified as "The Budget for the Astoria Community Development District for the Fiscal Year Ending September 30, 2020."
- d. The Adopted Budget shall be posted by the District Manager on the District's official website within thirty (30) days after adoption, and shall remain on the website for at least 2 years.

There is hereby appropriated out of the revenues of the District, for Fiscal Year 2019/2020, the sum of \$ \_\_\_\_\_ to be raised by the levy of assessments and/or otherwise, which sum is deemed by the Board to be necessary to defray all expenditures of the District during said budget year, to be divided and appropriated in the following fashion:

TOTAL GENERAL FUND	\$
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Pursuant to Section 189.016, *Florida Statutes*, the District at any time within Fiscal Year 2019/2020 or within 60 days following the end of the Fiscal Year 2019/2020 may amend its Adopted Budget for that fiscal year as follows:

- a. The Board may authorize an increase or decrease in line item appropriations within a fund by motion recorded in the minutes if the total appropriations of the fund do not increase.
- b. The District Manager or Treasurer may authorize an increase or decrease in line item appropriations within a fund if the total appropriations of the fund do not increase and if the aggregate change in the original appropriation item does not exceed \$10,000 or 10% of the original appropriation.
- c. By resolution, the Board may increase any appropriation item and/or fund to reflect receipt of any additional unbudgeted monies and make the corresponding change to appropriations or the unappropriated balance.
- d. Any other budget amendments shall be adopted by resolution and consistent with Florida law.

The District Manager or Treasurer must establish administrative procedures to ensure that any budget amendments are in compliance with this Section 3 and Section 189.016, *Florida Statutes*, among other applicable laws. Among other procedures, the District Manager or Treasurer must ensure that any amendments to budget under subparagraphs c. and d. above are posted on the District's website within 5 days after adoption and remain on the website for at least 2 years.

**SECTION 4. EFFECTIVE DATE.** This Resolution shall take effect immediately upon adoption.

**PASSED AND ADOPTED** this 11<sup>th</sup> day of March, 2020.

ATTEST:

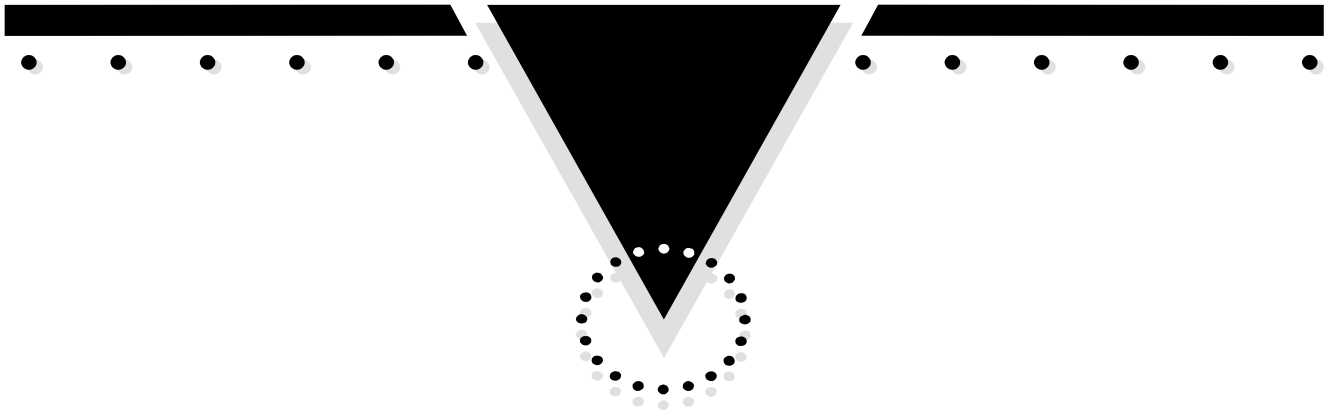
**ASTONIA COMMUNITY  
DEVELOPMENT DISTRICT**

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Secretary/Assistant Secretary

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Chairperson, Board of Supervisors



**Astonia**  
**Community Development District**

**Proposed Budget**  
**FY 2020**



# Table of Contents

**1** General Fund

**2-3** General Fund Narrative

# Astonia

## Community Development District

### Proposed Budget General Fund

Description	Proposed Budget FY2020
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#### Revenues

Developer Contributions	\$91,696
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<b>Total Revenues</b>	<b>\$91,696</b>
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#### Expenditures

##### Administrative

Supervisor Fees	\$9,000
Engineering	\$11,250
Attorney	\$18,750
Management Fees	\$26,250
** Information Technology	\$3,475
Telephone	\$225
Postage	\$750
Insurance	\$5,000
Printing & Binding	\$750
Legal Advertising	\$10,000
Other Current Charges	\$5,000
Office Supplies	\$521
Travel Per Diem	\$550
Dues, Licenses & Subscriptions	\$175

<b>Total Expenditures</b>	<b>\$91,696</b>
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<b>Excess Revenues/(Expenditures)</b>	<b>\$0</b>
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\* Budget is prorated from January 2020 to September 2020.

\*\* Budget amount includes a one-time website creation fee.

**Astonia**  
**Community Development District**  
GENERAL FUND BUDGET

**REVENUES:**

*Developer Contributions*

The District will enter into a Funding Agreement with the Developer to fund the General Fund expenditures for the Fiscal Year.

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**EXPENDITURES:**

**Administrative:**

*Supervisor Fees*

Chapter 190, Florida Statutes, allows for each Board member to receive \$200 per meeting, not to exceed \$4,800 per year paid to each Supervisor for the time devoted to District business and meetings.

*Engineering*

The District's engineer will be providing general engineering services to the District, e.g. attendance and preparation for monthly board meetings, review invoices and various projects as directed by the Board of Supervisors and the District Manager.

*Attorney*

The District's legal counsel will be providing general legal services to the District, e.g. attendance and preparation for meetings, preparation and review of agreements, resolutions, etc. as directed by the Board of Supervisors and the District Manager.

*Management Fees*

The District will incur costs for Management, Accounting and Administrative services during the Fiscal Year.

*Information Technology*

Represents costs related to the District's accounting and information systems, District's website creation and maintenance, electronic compliance with Florida Statutes and other electronic data requirements.

*Telephone*

Telephone and fax machine.

*Postage*

The District incurs charges for mailing of Board meeting agenda packages, overnight deliveries, correspondence, etc.

**Astoria**  
**Community Development District**  
GENERAL FUND BUDGET

Insurance

The District's general liability, public official's liability insurance and property insurance coverages.

Printing & Binding

Printing and Binding agenda packages for board meetings, printing of computerized checks, stationary, envelopes etc.

Legal Advertising

The District is required to advertise various notices for monthly Board meetings, public hearings, etc. in a newspaper of general circulation.

Other Current Charges

Bank charges and any other miscellaneous expenses incurred during the year.

Office Supplies

Any supplies that may need to be purchased during the fiscal year, e.g., paper, minute books, file folders, labels, paper clips, etc.

Travel Per Diem

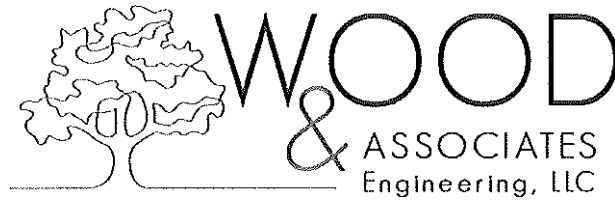
The Board of Supervisors can be reimbursed for travel expenditures related to the conducting of District business.

Dues, Licenses & Subscriptions

The District is required to pay an annual fee to the Florida Department of Economic Opportunity for \$175. This is the only expense under this category for the District.

## SECTION VI





February 6, 2020

Jill Burns  
Governmental Management Services  
Central Florida, LLC  
219 East Livingston Street  
Orlando, FL 32801

Re: RFQ for Engineering Services  
Astonia CDD

Dear Ms. Burns:

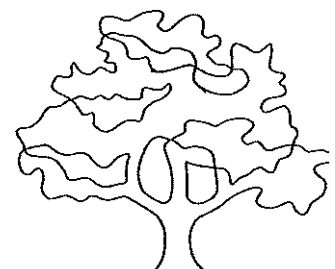
This letter is in response for the Request for Qualifications (RFQ) for engineering services for Astonia Community Development District. Wood & Associates Engineering, LLC (Formerly Dennis Wood Engineering, LLC) would like to offer our services to the District. The following addresses the key points in the RFQ advertisement.

1. Wood & Associates Engineering, LLC holds applicable federal, state, and local licenses to practice engineering in the State of Florida.
2. Wood & Associates Engineering, LLC is authorized to do business in the State of Florida in accordance with Florida Law.
3. Standard Form No. 330 has been completed and is attached which addresses qualifications and past experience. As requested, there are (8) copies enclosed.

Wood Engineering & Associates, LLC (formerly Dennis Wood Engineering, LLC) has planned, designed, and permitted many projects in the City of Davenport, City of Haines City, City of Winter Haven, and Polk County in the area of the Astonia Community Development District. As the Principal Engineer for Wood & Associates Engineering, I have worked closely with the Astonia Community Development District in its organization, and presently serve as the Interim District Engineer.

Wood & Associates Engineering, LLC (formerly Dennis Wood Engineering, LLC) has completed or we are completing the planning, design, permitting, and coordinating platting for the following single-family subdivisions that are part or will be part of a Community Development District.

- Highland Meadows Phase 2A
- Highland Meadows Phase 2B
- Highland Meadows Phase 3
- Highland Meadows Phase 4A
- Highland Meadows Phase 4B/4C
- Highland Meadows Phase 5



- Highland Meadows Phase 6
- Highland Meadows Ph 7
- Citrus Isles
- Citrus Landing
- Citrus Reserve
- Citrus Pointe
- North Boulevard Estates Phase 1
- North Boulevard Estates Phase 2
- Orchid Grove
- Villamar Phase 1 & 2
- Madison Place
- Orchid Grove
- Orchid Terrace
- Hammock Reserve
- Eden Hills
- Forest Lake

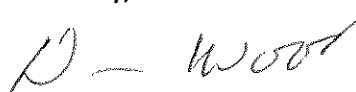
All these projects are located in the City of Davenport, City of Haines City, City of Winter Haven, or will be annexed into these municipalities upon completion of the platting in the County. Our continual work within the area of the Astoria Community Development District provides us with the knowledge of the local codes and contacts to successfully manage the District's engineering services.

I have worked directly as the District Engineer for the following Community Development Districts:

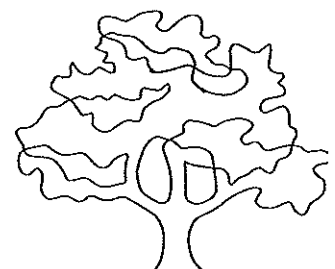
- Highland Meadows II CDD
- Holly Hill Road East CDD
- North Boulevard CDD
- Davenport Road South CDD
- Highland Meadows West CDD
- Lucerne Park CDD
- Villamar CDD
- Forest Lake CDD
- Hammock Reserve CDD
- Eden Hills CDD

Thank you in advance for considering Wood & Associates Engineering, LLC for the Districts' Engineering services.

Sincerely,



Dennis L. Wood, P.E.



# ARCHITECT - ENGINEER QUALIFICATIONS

## PART I - CONTRACT-SPECIFIC QUALIFICATIONS

Astoria CDD

### A. CONTRACT INFORMATION

1. TITLE AND LOCATION (City and State)

1-17-2020

2. PUBLIC NOTICE DATE

3. SOLICITATION OR PROJECT NUMBER

### B. ARCHITECT-ENGINEER POINT OF CONTACT

Dennis Wood/Interim District Engineer

4. NAME AND TITLE

Wood & Associates Engineering, LLC

5. NAME OF FIRM

863-940-2040

6. TELEPHONE NUMBER

7. FAX NUMBER

863-940-2044

8. E-MAIL ADDRESS

dennis@woodcivil.com

### C. PROPOSED TEAM

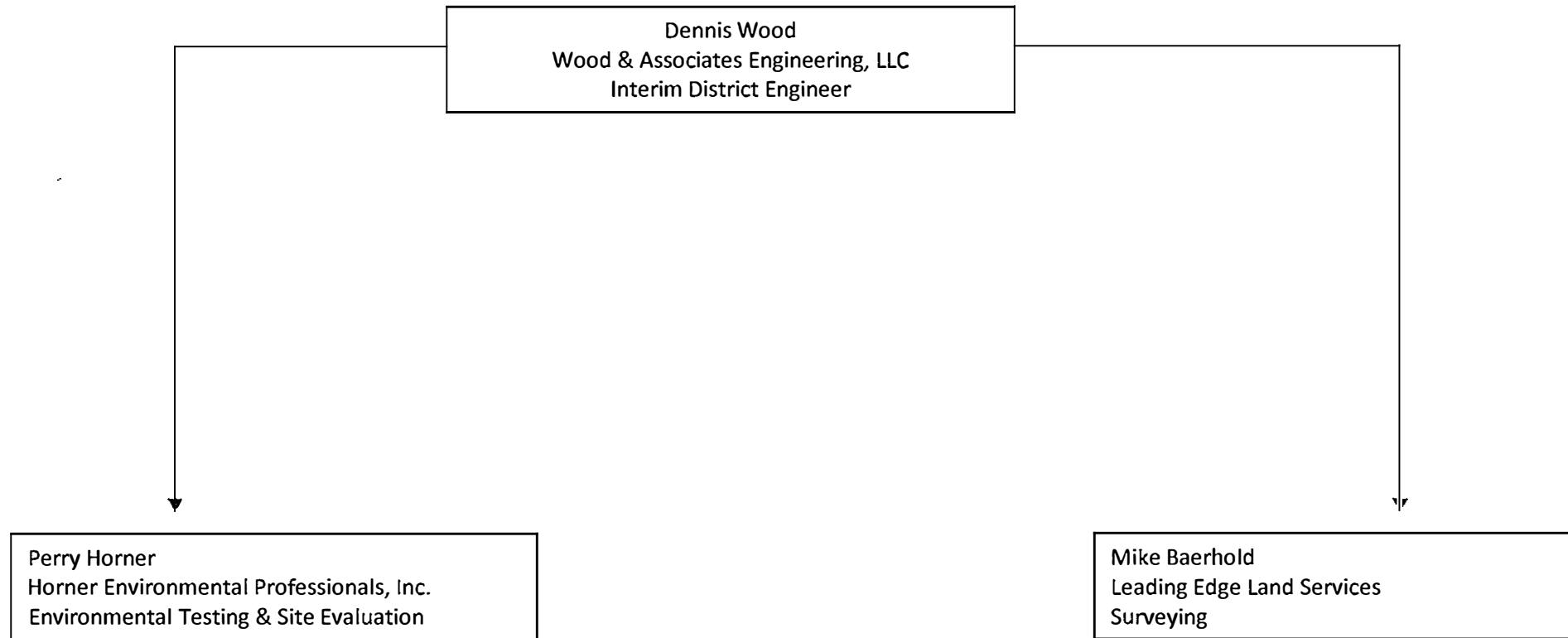
(Complete this section for the prime contractor and all key subcontractors.)

	(Check)			9. FIRM NAME	10. ADDRESS	11. ROLE IN THIS CONTRACT
	PRIME	J-V	PARTNER SUBCON- TRACTOR			
a.				Wood & Associates Engineering, LLC <input type="checkbox"/> CHECK IF BRANCH OFFICE	1925 Bartow Road Suite 100 Lakeland, FL 33801	Interim District Engineer
b.				Horner Environmental Professionals, Inc. <input type="checkbox"/> CHECK IF BRANCH OFFICE	4252 Hay Road Lutz, FL 33559	Environmental Testing
c.				Leading Edge Land Services, Inc.. <input type="checkbox"/> CHECK IF BRANCH OFFICE	8802 Exchange Drive Orlando, FL 32809	Surveying
d.				<input type="checkbox"/> CHECK IF BRANCH OFFICE		
e.				<input type="checkbox"/> CHECK IF BRANCH OFFICE		
f.				<input type="checkbox"/> CHECK IF BRANCH OFFICE		

### D. ORGANIZATIONAL CHART OF PROPOSED TEAM

☒ (Attached)

## D. ORGANIZATION CHART



# **E. RESUMES OF KEY PERSONNEL PROPOSED FOR THIS CONTRACT**

*(Complete one Section E for each key person.)*

12. NAME  Dennis Wood	13. ROLE IN THIS CONTRACT  District Civil Engineer	14. YEARS EXPERIENCE	
		a. TOTAL 35	b. WITH CURRENT FIRM 2
15. FIRM NAME AND LOCATION <i>(City and State)</i> Wood & Associates Engineering, LLC Lakeland, Florida			
16. EDUCATION <i>(Degree and Specialization)</i> Graduated from Polk Community College and the University of Florida with a degree in Civil Engineering (BSCE) in 1972.		17. CURRENT PROFESSIONAL REGISTRATION <i>(State and Discipline)</i> Registered Professional Engineer in Florida License # 17646	
18. OTHER PROFESSIONAL QUALIFICATIONS <i>(Publications, Organizations, Training, Awards, etc.)</i>			

## **19. RELEVANT PROJECTS**

(1) TITLE AND LOCATION <i>(City and State)</i> Grace Ranch Subdivision Haines City, FL	(2) YEAR COMPLETED	
	PROFESSIONAL SERVICES Design, Surveying, & Plat	CONSTRUCTION <i>(If applicable)</i> Under Construction
a. (3) BRIEF DESCRIPTION <i>(Brief scope, size, cost, etc.)</i> AND SPECIFIC ROLE 217 single family subdivision. Planning, design, permitting, and construction overview for the project. <input checked="" type="checkbox"/> Check If project performed with current firm		
(1) TITLE AND LOCATION <i>(City and State)</i> Citrus Reserve Davenport, FL	(2) YEAR COMPLETED	
	PROFESSIONAL SERVICES Design, Surveying, & Plat	CONSTRUCTION <i>(If applicable)</i> Under Construction
b. (3) BRIEF DESCRIPTION <i>(Brief scope, size, cost, etc.)</i> AND SPECIFIC ROLE 142 single family subdivision. Planning, design, permitting, and construction overview for the project. <input checked="" type="checkbox"/> Check If project performed with current firm		
(1) TITLE AND LOCATION <i>(City and State)</i> Citrus Landing Davenport, FL	(2) YEAR COMPLETED	
	PROFESSIONAL SERVICES Design, Surveying, & Plat	CONSTRUCTION <i>(If applicable)</i> Under Construction
c. (3) BRIEF DESCRIPTION <i>(Brief scope, size, cost, etc.)</i> AND SPECIFIC ROLE 182 single family subdivision. Planning, design, permitting, and construction overview for the project. <input checked="" type="checkbox"/> Check If project performed with current firm		
(1) TITLE AND LOCATION <i>(City and State)</i> Villamar Ph 1 Winter Haven, FL	(2) YEAR COMPLETED	
	PROFESSIONAL SERVICES Design, Surveying, & Plat	CONSTRUCTION <i>(If applicable)</i> Under Construction
d. (3) BRIEF DESCRIPTION <i>(Brief scope, size, cost, etc.)</i> AND SPECIFIC ROLE 206 lot single family subdivision. Planning, design, permitting, and construction overview for the project. <input checked="" type="checkbox"/> Check If project performed with current firm		
(1) TITLE AND LOCATION <i>(City and State)</i> Villamar Ph 2 Winter Haven, Florida	(2) YEAR COMPLETED	
	PROFESSIONAL SERVICES Design, Surveying, & Plat	CONSTRUCTION <i>(If applicable)</i> Under Construction
e. (3) BRIEF DESCRIPTION <i>(Brief scope, size, cost, etc.)</i> AND SPECIFIC ROLE 128 lot single family subdivision. Planning, design, permitting, and construction overview for the project. <input checked="" type="checkbox"/> Check If project performed with current firm		

**E. RESUMES OF KEY PERSONNEL PROPOSED FOR THIS CONTRACT***(Complete one Section E for each key person.)*

12. NAME  Perry Horner	13. ROLE IN THIS CONTRACT  Environmental Testing	14. YEARS EXPERIENCE	
		a. TOTAL 33	b. WITH CURRENT FIRM 26
15. FIRM NAME AND LOCATION <i>(City and State)</i> Horner Environmental Lutz, Florida			
16. EDUCATION <i>(Degree and Specialization)</i>		17. CURRENT PROFESSIONAL REGISTRATION <i>(State and Discipline)</i>	
18. OTHER PROFESSIONAL QUALIFICATIONS <i>(Publications, Organizations, Training, Awards, etc.)</i>			

**19. RELEVANT PROJECTS**

(1) TITLE AND LOCATION <i>(City and State)</i>  Waters Edge at Lake Gibson Townhomes	(2) YEAR COMPLETED	
	PROFESSIONAL SERVICES Environmental Testing	CONSTRUCTION <i>(If applicable)</i> Under Construction
a. (3) BRIEF DESCRIPTION <i>(Brief scope, size, cost, etc.)</i> AND SPECIFIC ROLE 40 lot multi-family subdivision. Provided Environmental Testing and Site Evaluation. <input checked="" type="checkbox"/> Check if project performed with current firm		
(1) TITLE AND LOCATION <i>(City and State)</i>  Citrus Landing Davenport, FL	(2) YEAR COMPLETED	
	PROFESSIONAL SERVICES Environmental Testing	CONSTRUCTION <i>(If applicable)</i> Under Construction
b. (3) BRIEF DESCRIPTION <i>(Brief scope, size, cost, etc.)</i> AND SPECIFIC ROLE 182 lot single family subdivision. Provided Environmental Testing and Site Evaluation. <input checked="" type="checkbox"/> Check if project performed with current firm		
(1) TITLE AND LOCATION <i>(City and State)</i>  Lucerne Park Reserve Winter Haven, FL	(2) YEAR COMPLETED	
	PROFESSIONAL SERVICES Construction Testing	CONSTRUCTION <i>(If applicable)</i> under construction
c. (3) BRIEF DESCRIPTION <i>(Brief scope, size, cost, etc.)</i> AND SPECIFIC ROLE 346 lot single family subdivision. Provided Environmental Testing and Site Evaluation. <input checked="" type="checkbox"/> Check if project performed with current firm		
(1) TITLE AND LOCATION <i>(City and State)</i>  Horton Subdivision, Haines City, FL	(2) YEAR COMPLETED	
	PROFESSIONAL SERVICES Construction Testing	CONSTRUCTION <i>(If applicable)</i> Under Construction
d. (3) BRIEF DESCRIPTION <i>(Brief scope, size, cost, etc.)</i> AND SPECIFIC ROLE 367 lot single family subdivision. Provided Environmental Testing and Site Evaluation. <input checked="" type="checkbox"/> Check if project performed with current firm		
(1) TITLE AND LOCATION <i>(City and State)</i>  Orchid Terrace Phase 1 & 2	(2) YEAR COMPLETED	
	PROFESSIONAL SERVICES Construction Testing	CONSTRUCTION <i>(If applicable)</i> Under Construction
e. (3) BRIEF DESCRIPTION <i>(Brief scope, size, cost, etc.)</i> AND SPECIFIC ROLE 266 single family lot subdivision. Provided Environmental Testing and Site Evaluation. <input checked="" type="checkbox"/> Check if project performed with current firm		

# **E. RESUMES OF KEY PERSONNEL PROPOSED FOR THIS CONTRACT**

(Complete one Section E for each key person.)

12. NAME  Mike Baerhold,	13. ROLE IN THIS CONTRACT  Surveying	14. YEARS EXPERIENCE	
		a. TOTAL	b. WITH CURRENT FIRM

15. FIRM NAME AND LOCATION (City and State)

Leading Edge Land Services, Inc.

16. EDUCATION (Degree and Specialization)

17. CURRENT PROFESSIONAL REGISTRATION (State and Discipline)

18. OTHER PROFESSIONAL QUALIFICATIONS (Publications, Organizations, Training, Awards, etc.)

## **19. RELEVANT PROJECTS**

(1) TITLE AND LOCATION (City and State) Citrus Pointe Davenport, FL	(2) YEAR COMPLETED	
	PROFESSIONAL SERVICES Surveying	CONSTRUCTION (If applicable) Completed
a. (3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE 100 lot single-family subdivision. Prepared water, sewer, and drainage as-built surveys		<input checked="" type="checkbox"/> Check if project performed with current firm
(1) TITLE AND LOCATION (City and State) Orchid Terrace Phase 1 Haines City, FL	(2) YEAR COMPLETED	
	PROFESSIONAL SERVICES Surveying	CONSTRUCTION (If applicable) Under Construction
b. (3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE 266 single family lot subdivision. Prepared water & sewer as-builts surveys.		<input checked="" type="checkbox"/> Check if project performed with current firm
(1) TITLE AND LOCATION (City and State) Lucerne Park Reserve Winter Haven, FL	(2) YEAR COMPLETED	
	PROFESSIONAL SERVICES Surveying	CONSTRUCTION (If applicable) under construction
c. (3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE 346 lot single family subdivision. Prepared water and sewer as-built surveys.		<input checked="" type="checkbox"/> Check if project performed with current firm
(1) TITLE AND LOCATION (City and State) Madison Place Townhomes Ph 1	(2) YEAR COMPLETED	
	PROFESSIONAL SERVICES Surveying	CONSTRUCTION (If applicable) Completed
d. (3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE 346 multi-family townhome subdivision. Prepared water, sewer, and drainage as-built surveys.		<input checked="" type="checkbox"/> Check if project performed with current firm
(1) TITLE AND LOCATION (City and State)	(2) YEAR COMPLETED	
	PROFESSIONAL SERVICES	CONSTRUCTION (If applicable)
e. (3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE		<input checked="" type="checkbox"/> Check if project performed with current firm

<b>F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT</b> <i>(Present as many projects as requested by the agency, or 10 projects, if not specified. Complete one Section F for each project.)</i>		<b>20. EXAMPLE PROJECT KEY NUMBER</b> 1		
<b>21. TITLE AND LOCATION (City and State)</b> Madison Place Townhomes, Davenport, FL		<b>22. YEAR COMPLETED</b> <table border="1"> <tr> <td>PROFESSIONAL SERVICES Design, Surveying,</td> <td>CONSTRUCTION (If applicable) Under Construction</td> </tr> </table>	PROFESSIONAL SERVICES Design, Surveying,	CONSTRUCTION (If applicable) Under Construction
PROFESSIONAL SERVICES Design, Surveying,	CONSTRUCTION (If applicable) Under Construction			

**23. PROJECT OWNER'S INFORMATION**

<b>a. PROJECT OWNER</b> Kalogridis East, LLC	<b>b. POINT OF CONTACT NAME</b> Steve Cassidy	<b>c. POINT OF CONTACT TELEPHONE NUMBER</b> 863-324-3698
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**24. BRIEF DESCRIPTION OF PROJECT AND RELEVANCE TO THIS CONTRACT** *(Include scope, size, and cost)*

This project includes 346 multifamily lots which included the design, permitting, and construction review during construction. The project shows the familiarity with all aspects of residential subdivision design (planning, surveying, design, and construction review).

**25. FIRMS FROM SECTION C INVOLVED WITH THIS PROJECT**

<b>a.</b>	(1) FIRM NAME Wood & Associates Engineering, LLC/ Dennis Wood Engineering, LLC	(2) FIRM LOCATION (City and State) Lakeland, Florida	(3) ROLE Civil Engineer involved with the planning, design, permitting, and construction services.
<b>b.</b>	(1) FIRM NAME Leading Edge Land Services	(2) FIRM LOCATION (City and State) Orlando, FL	(3) ROLE Prepared Asbuilt Surveys
<b>c.</b>	(1) FIRM NAME Horner Environmental Professionals	(2) FIRM LOCATION (City and State) Lutz, FL	(3) ROLE Prepared site evaluation and environmental testing
<b>d.</b>	(1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE
<b>e.</b>	(1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE
<b>f.</b>	(1) FIRMNAME	(2) FIRM LOCATION (City and State)	(3) ROLE



<b>F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT</b> <i>(Present as many projects as requested by the agency, or 10 projects, if not specified. Complete one Section F for each project.)</i>		<b>20. EXAMPLE PROJECT KEY NUMBER</b> 2
<b>21. TITLE AND LOCATION (City and State)</b>  Lucerne Park Reserve Winter Haven, FL	<b>22. YEAR COMPLETED</b>	
	<b>PROFESSIONAL SERVICES</b> Design, Surveying,	<b>CONSTRUCTION (If applicable)</b> Under Construction

**23. PROJECT OWNER'S INFORMATION**

<b>a. PROJECT OWNER</b> Lucerne Park Development, LLC	<b>b. POINT OF CONTACT NAME</b> Rennie Heath	<b>c. POINT OF CONTACT TELEPHONE NUMBER</b> 863-324-3698
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**24. BRIEF DESCRIPTION OF PROJECT AND RELEVANCE TO THIS CONTRACT** *(Include scope, size, and cost)*

This project includes 346 single family lots which included the design, permitting, and construction review during construction. The project shows the familiarity with all aspects of residential subdivision design (planning, surveying, design, and construction review).

**25. FIRMS FROM SECTION C INVOLVED WITH THIS PROJECT**

<b>a.</b> (1) FIRM NAME Wood & Associates Engineering, LLC/ Dennis Wood Engineering, LLC	(2) FIRM LOCATION (City and State) Lakeland, Florida	(3) ROLE Civil Engineer involved with the planning, design, permitting, and construction services.
<b>b.</b> (1) FIRM NAME Horner Environmental Professionals	(2) FIRM LOCATION (City and State) Lutz, Florida	(3) ROLE Prepared site evaluation and environmental testing
<b>c.</b> (1) FIRM NAME Leading Edge Land Services Inc.	(2) FIRM LOCATION (City and State) Orlando, FL	(3) ROLE Prepared as-built survey
<b>d.</b> (1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE
<b>e.</b> (1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE
<b>f.</b> (1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE

<b>F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT</b> <i>(Present as many projects as requested by the agency, or 10 projects, if not specified. Complete one Section F for each project.)</i>		<b>20. EXAMPLE PROJECT KEY NUMBER</b> <p style="text-align: center;">3</p>		
<b>21. TITLE AND LOCATION (City and State)</b> Waters Edge at Lake Gibson Townhomes, Lakeland, Florida		<b>22. YEAR COMPLETED</b> <table border="1"> <tr> <td>PROFESSIONAL SERVICES Design, Surveying, &amp; Plat</td> <td>CONSTRUCTION (If applicable) Under Construction</td> </tr> </table>	PROFESSIONAL SERVICES Design, Surveying, & Plat	CONSTRUCTION (If applicable) Under Construction
PROFESSIONAL SERVICES Design, Surveying, & Plat	CONSTRUCTION (If applicable) Under Construction			
<b>23. PROJECT OWNER'S INFORMATION</b>				
<b>a. PROJECT OWNER</b> Waters Edge at Lake Gibson, LLC	<b>b. POINT OF CONTACT NAME</b> Joe Goldsmith	<b>c. POINT OF CONTACT TELEPHONE NUMBER</b> 352-359-2693		
<b>24. BRIEF DESCRIPTION OF PROJECT AND RELEVANCE TO THIS CONTRACT</b> <i>(Include scope, size, and cost)</i>				

Waters Edge at Lake Gibson consists of 40 multi-family townhomes which includes the design, permitting and construction review during construction. The project shows the familiarity with all aspects of residential design, (planning, surveying, design, and construction review. The project is located in the City of Lakeland and shows that the Engineer has a full understanding of the permitting in City of Lakeland.

25. FIRMS FROM SECTION C INVOLVED WITH THIS PROJECT			
a.	(1) FIRM NAME Wood & Associates Engineering/ Dennis Wood Engineering, LLC	(2) FIRM LOCATION (City and State) Lakeland, Florida	(3) ROLE Civil Engineering involved with the planning, design, permitting, & construction services
b.	(1) FIRM NAME Horner Environmental Professionals	(2) FIRM LOCATION (City and State) Lutz, Florida	(3) ROLE Prepare site evaluation and environmental report
c.	(1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE
d.	(1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE
e.	(1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE
f.	(1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE

<b>F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT</b> <i>(Present as many projects as requested by the agency, or 10 projects, if not specified. Complete one Section F for each project.)</i>		<b>20. EXAMPLE PROJECT KEY NUMBER</b> 4
<b>21. TITLE AND LOCATION (City and State)</b> Citrus Landing Davenport, FL	<b>22. YEAR COMPLETED</b>	
	<b>PROFESSIONAL SERVICES</b> Design, Surveying,	<b>CONSTRUCTION (If applicable)</b> Under Construction

**23. PROJECT OWNER'S INFORMATION**

<b>a. PROJECT OWNER</b> JMBI Real Estate, LLC	<b>b. POINT OF CONTACT NAME</b> Rennie Heath	<b>c. POINT OF CONTACT TELEPHONE NUMBER</b> 863-324-3698
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**24. BRIEF DESCRIPTION OF PROJECT AND RELEVANCE TO THIS CONTRACT** *(Include scope, size, and cost)*

This project includes 182 single family lots which included the design, permitting, and construction review during construction. The project shows the familiarity with all aspects of residential subdivision design (planning, surveying, design, and construction review).

**25. FIRMS FROM SECTION C INVOLVED WITH THIS PROJECT**

<b>a.</b> (1) FIRM NAME Wood & Associates Engineering, LLC/ Dennis Wood Engineering, LLC	(2) FIRM LOCATION <i>(City and State)</i> Lakeland, Florida	(3) ROLE Civil Engineer involved with the planning, design, permitting, and construction services.
<b>b.</b> (1) FIRM NAME Horner Environmental Professionals, Inc.	(2) FIRM LOCATION <i>(City and State)</i> Lutz, Florida	(3) ROLE Prepared environmental and site evaluation.
<b>c.</b> (1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
<b>d.</b> (1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
<b>e.</b> (1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
<b>f.</b> (1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE

<b>F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT</b> <i>(Present as many projects as requested by the agency, or 10 projects, if not specified. Complete one Section F for each project.)</i>		20. EXAMPLE PROJECT KEY NUMBER 5
21. TITLE AND LOCATION <i>(City and State)</i>  Grace Ranch, Haines City, FL	22. YEAR COMPLETED	
	PROFESSIONAL SERVICES Design, Surveying,	CONSTRUCTION <i>(If applicable)</i> Under Construction

**23. PROJECT OWNER'S INFORMATION**

a. PROJECT OWNER JMBI Real Estate, LLC	b. POINT OF CONTACT NAME Rennie Heath	c. POINT OF CONTACT TELEPHONE NUMBER 863-324-3698
---	--	--

**24. BRIEF DESCRIPTION OF PROJECT AND RELEVANCE TO THIS CONTRACT** *(Include scope, size, and cost)*

This project includes 217 single family lots which included the design, permitting, and construction review during construction. The project shows the familiarity with all aspects of residential subdivision design (planning, surveying, design, and construction review).

**25. FIRMS FROM SECTION C INVOLVED WITH THIS PROJECT**

a. (1) FIRM NAME Wood & Associates Engineering, LLC/ Dennis Wood Engineering, LLC	(2) FIRM LOCATION <i>(City and State)</i> Lakeland, Florida	(3) ROLE Civil Engineer involved with the planning, design, permitting, and construction services.
b. (1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
c. (1) FIRMNAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
d. (1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
e. (1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
f. (1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE

<b>F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT</b> <i>(Present as many projects as requested by the agency, or 10 projects, if not specified. Complete one Section F for each project.)</i>		<b>20. EXAMPLE PROJECT KEY NUMBER</b>  <div style="font-size: 1.2em; margin-top: 10px;">6</div>		
<b>21. TITLE AND LOCATION (City and State)</b>  Horton Property Subdivision - Haines City, FL	<b>22. YEAR COMPLETED</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">PROFESSIONAL SERVICES Design, Surveying, &amp; Plat</td> <td style="width: 50%; padding: 2px;">CONSTRUCTION (If applicable) Under Construction</td> </tr> </table>		PROFESSIONAL SERVICES Design, Surveying, & Plat	CONSTRUCTION (If applicable) Under Construction
PROFESSIONAL SERVICES Design, Surveying, & Plat	CONSTRUCTION (If applicable) Under Construction			
<b>23. PROJECT OWNER'S INFORMATION</b>				
<b>a. PROJECT OWNER</b> JMBI Real Estate, LLC	<b>b. POINT OF CONTACT NAME</b> Warren K. Heath	<b>c. POINT OF CONTACT TELEPHONE NUMBER</b> 863-324-3698		
<b>24. BRIEF DESCRIPTION OF PROJECT AND RELEVANCE TO THIS CONTRACT</b> <i>(Include scope, size, and cost)</i>				

Horton Subdivision consists of 367 single family lots which includes the design, permitting and construction review during construction. The project shows the familiarity with all aspects of residential design, (planning, surveying, design, and construction review. The project is located in the City of Haines City and shows that the Engineer has a full understanding of the permitting in City of Haines City.

25. FIRMS FROM SECTION C INVOLVED WITH THIS PROJECT		
<b>a.</b>	<b>(1) FIRM NAME</b> Wood & Associates Engineering/ Dennis Wood Engineering, LLC	<b>(2) FIRM LOCATION (City and State)</b> Lakeland, Florida
<b>b.</b>	<b>(1) FIRM NAME</b> Horner Environmental Professionals	<b>(2) FIRM LOCATION (City and State)</b> Lutz, FL
<b>c.</b>	<b>(1) FIRM NAME</b>	<b>(2) FIRM LOCATION (City and State)</b>
<b>d.</b>	<b>(1) FIRM NAME</b>	<b>(2) FIRM LOCATION (City and State)</b>
<b>e.</b>	<b>(1) FIRM NAME</b>	<b>(2) FIRM LOCATION (City and State)</b>
<b>f.</b>	<b>(1) FIRM NAME</b>	<b>(2) FIRM LOCATION (City and State)</b>

<b>F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT</b> <i>(Present as many projects as requested by the agency, or 10 projects, if not specified. Complete one Section F for each project.)</i>		20. EXAMPLE PROJECT KEY NUMBER 7
21. TITLE AND LOCATION <i>(City and State)</i> Orchid Terrace Phase 1 & 2 - Haines City, fl		22. YEAR COMPLETED PROFESSIONAL SERVICES Design, Surveying, & Plat CONSTRUCTION <i>(If applicable)</i> Under Construction
<b>23. PROJECT OWNER'S INFORMATION</b>		
a. PROJECT OWNER HMD West, LLC	b. POINT OF CONTACT NAME JD Alexander	c. POINT OF CONTACT TELEPHONE NUMBER 863-528-4272
24. BRIEF DESCRIPTION OF PROJECT AND RELEVANCE TO THIS CONTRACT <i>(Include scope, size, and cost)</i>		

Orchid Terrace Phase 1 & 2 consists of 266 single family lots which includes the design, permitting, and construction review. The project shows the familiarity with all aspects of residential subdivision design (planning, surveying, design, and construction review).

Additionally the project is located in the City of Haines City and shows that the Engineer has a full understanding of the permitting in the City of Haines City.

25. FIRMS FROM SECTION C INVOLVED WITH THIS PROJECT			
a.	(1) FIRM NAME Wood & Associates Engineering/ Dennis Wood Engineering, LLC	(2) FIRM LOCATION <i>(City and State)</i> Lakeland, Florida	(3) ROLE Civil Engineering involved with the planning, design, permitting, & construction services
b.	(1) FIRM NAME Leading Edge Land Services	(2) FIRM LOCATION <i>(City and State)</i> Orlando, Florida	(3) ROLE Prepared asbuilts for Ph 1
c.	(1) FIRM NAME Horner Environmental Professionals	(2) FIRM LOCATION <i>(City and State)</i> Lutz, FL	(3) ROLE Prepared environmental and site evaluation.
d.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
e.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
f.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE

<b>F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT</b> <i>(Present as many projects as requested by the agency, or 10 projects, if not specified. Complete one Section F for each project.)</i>		<b>20. EXAMPLE PROJECT KEY NUMBER</b> <p style="text-align: center;">8</p>		
<b>21. TITLE AND LOCATION (City and State)</b> <p>Villamar Phase 1</p>		<b>22. YEAR COMPLETED</b> <table border="1"> <tr> <td>PROFESSIONAL SERVICES Design, Surveying, &amp; Plat</td> <td>CONSTRUCTION (If applicable) Under Construction</td> </tr> </table>	PROFESSIONAL SERVICES Design, Surveying, & Plat	CONSTRUCTION (If applicable) Under Construction
PROFESSIONAL SERVICES Design, Surveying, & Plat	CONSTRUCTION (If applicable) Under Construction			
<b>23. PROJECT OWNER'S INFORMATION</b>				
<b>a. PROJECT OWNER</b> Paint Creek, LLC	<b>b. POINT OF CONTACT NAME</b> Rennie Heath	<b>c. POINT OF CONTACT TELEPHONE NUMBER</b> 863-324-3698		
<b>24. BRIEF DESCRIPTION OF PROJECT AND RELEVANCE TO THIS CONTRACT (Include scope, size, and cost)</b>				

Villamar Phase 1 consists of 206 single family lots which includes the design, permitting and construction review during construction. The project shows the familiarity with all aspects of residential design, (planning, surveying, design, and construction review. The project is located in the City of Winter Haven and shows that the Engineer has a full understanding of the permitting in City of Winter Haven.

25. FIRMS FROM SECTION C INVOLVED WITH THIS PROJECT			
a.	(1) FIRM NAME Wood & Associates Engineering/ Dennis Wood Engineering, LLC	(2) FIRM LOCATION (City and State) Lakeland, Florida	(3) ROLE Civil Engineering, Design, Permitting, & construction services
b.	(1) FIRM NAME Horner Environmental Professionals	(2) FIRM LOCATION (City and State) Lutz, Florida	(3) ROLE Prepared site evaluation and environmental report.
c.	(1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE
d.	(1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE
e.	(1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE
f.	(1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE

<b>F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT</b> <i>(Present as many projects as requested by the agency, or 10 projects, if not specified. Complete one Section F for each project.)</i>		<b>20. EXAMPLE PROJECT KEY NUMBER</b> <p style="text-align: center;">9</p>		
<b>21. TITLE AND LOCATION (City and State)</b> Villamar Phase 2		<b>22. YEAR COMPLETED</b> <table border="1"> <tr> <td>PROFESSIONAL SERVICES Design, Surveying, &amp; Plat</td> <td>CONSTRUCTION (If applicable) Under Construction</td> </tr> </table>	PROFESSIONAL SERVICES Design, Surveying, & Plat	CONSTRUCTION (If applicable) Under Construction
PROFESSIONAL SERVICES Design, Surveying, & Plat	CONSTRUCTION (If applicable) Under Construction			
<b>23. PROJECT OWNER'S INFORMATION</b>				
<b>a. PROJECT OWNER</b> Highland Sumner, LLC	<b>b. POINT OF CONTACT NAME</b> Rennie Heath	<b>c. POINT OF CONTACT TELEPHONE NUMBER</b> 863-324-3698		
<b>24. BRIEF DESCRIPTION OF PROJECT AND RELEVANCE TO THIS CONTRACT</b> <i>(Include scope, size, and cost)</i>				

Villamar Phase 2 consists of 128 single family lots which includes the design, permitting and construction review during construction. The project shows the familiarity with all aspects of residential design, (planning, surveying, design, and construction review. The project is located in the City of Winter Haven and shows that the Engineer has a full understanding of the permitting in City of Winter Haven.

25. FIRMS FROM SECTION C INVOLVED WITH THIS PROJECT		
<b>a.</b> (1) FIRM NAME Wood & Associates Engineering/ Dennis Wood Engineering, LLC	(2) FIRM LOCATION (City and State) Lakeland, Florida	(3) ROLE Civil Engineering involved with the planning, design, permitting, & construction services
<b>b.</b> (1) FIRM NAME Horner Environmental Professionals	(2) FIRM LOCATION (City and State) Lutz, Florida	(3) ROLE Prepare site evaluation and environmental report
<b>c.</b> (1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE
<b>d.</b> (1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE
<b>e.</b> (1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE
<b>f.</b> (1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE



<b>F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT</b> <i>(Present as many projects as requested by the agency, or 10 projects, if not specified. Complete one Section F for each project.)</i>		<b>20. EXAMPLE PROJECT KEY NUMBER</b>  10
<b>21. TITLE AND LOCATION (City and State)</b>  Highland Meadows Phase 6 & 6A - Haines City, FL	<b>22. YEAR COMPLETED</b> PROFESSIONAL SERVICES Design, Surveying, & Plat	
	CONSTRUCTION (If applicable) Completed 2017	

### 23. PROJECT OWNER'S INFORMATION

<b>a. PROJECT OWNER</b> HHSMI, LLC	<b>b. POINT OF CONTACT NAME</b> Rennie Heath	<b>c. POINT OF CONTACT TELEPHONE NUMBER</b> 863-324-3698
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### 24. BRIEF DESCRIPTION OF PROJECT AND RELEVANCE TO THIS CONTRACT *(Include scope, size, and cost)*

This phase included 128 single family lots which included the design, permitting, and construction review during construction. The project shows the familiarity with all aspects of residential subdivision design (planning, surveying, design, and construction review.

Additionally, the project is located in the City of Haines City and shows that the Engineer has a full understanding of the permitting in the City of Davenport, City of Haines City, and Polk County.

### 25. FIRMS FROM SECTION C INVOLVED WITH THIS PROJECT

<b>a.</b>	<b>(1) FIRM NAME</b> Dennis Wood Engineering, LLC	<b>(2) FIRM LOCATION (City and State)</b> Lakeland, Florida	<b>(3) ROLE</b> Civil Engineering involved with planning, design, permitting, and construction overview.
<b>b.</b>	<b>(1) FIRM NAME</b> Leading Edge Land Services	<b>(2) FIRM LOCATION (City and State)</b> Orlando, Florida	<b>(3) ROLE</b> Prepared as-built surveys.
<b>c.</b>	<b>(1) FIRM NAME</b>	<b>(2) FIRM LOCATION (City and State)</b>	<b>(3) ROLE</b>
<b>d.</b>	<b>(1) FIRM NAME</b>	<b>(2) FIRM LOCATION (City and State)</b>	<b>(3) ROLE</b>
<b>e.</b>	<b>(1) FIRM NAME</b>	<b>(2) FIRM LOCATION (City and State)</b>	<b>(3) ROLE</b>
<b>f.</b>	<b>(1) FIRM NAME</b>	<b>(2) FIRM LOCATION (City and State)</b>	<b>(3) ROLE</b>

### G. KEY PERSONNEL PARTICIPATION IN EXAMPLE PROJECTS

[illegible]

## 29. EXAMPLE PROJECTS KEY

NUMBER	TITLE OF EXAMPLE PROJECT <i>(From Section F)</i>	NUMBER	TITLE OF EXAMPLE PROJECT <i>(From Section F)</i>
1	Madison Place Townhomes	6	Horton Subdivision
2	Lucerne Park Reserve	7	Orchid Terrace Ph 1 & 2
3	Waters Edge at Lake Gibson	8	Villamar Phase 1
4	Citrus Landing	9	Villamar Phase 2
5	Grace Ranch	10	Highland Meadows Phase 6 & 6A

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**H. ADDITIONAL INFORMATION**

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30. PROVIDE ANY ADDITIONAL INFORMATION REQUESTED BY THE AGENCY. ATTACH ADDITIONAL SHEETS AS NEEDED.

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**I. AUTHORIZED REPRESENTATIVE**

*The foregoing is a statement of facts.*

31. SIGNATURE

*D. Wood*

32. DATE

*2-6-20*

33. NAME AND TITLE

*Dennis Wood - Principal Engineer*


## 1. SOLICITATION NUMBER (If any)

*(If a firm has branch offices, complete for each specific branch office seeking work.)*

8a. FORMER FIRM NAME(S) (If any)	8b. YEAR ESTABLISHED	8c. UNIQUE ENTITY IDENTIFIER
Dennis Wood Engineering, LLC	6	
ECON (formerly McVay-Wood Engineering)	20	

[illegible]

11. ANNUAL AVERAGE PROFESSIONAL SERVICES REVENUES OF FIRM FOR LAST 3 YEARS (Insert revenue index number shown at right)		PROFESSIONAL SERVICES REVENUE INDEX NUMBER			
a. Federal Work				1. Less than \$100,000	6. \$2 million to less than \$5 million
b. Non-Federal Work	4	4	5	2. \$100,000 to less than \$250,000	7. \$5 million to less than \$10 million
c. Total Work	4	4	5	3. \$250,000 to less than \$500,000	8. \$10 million to less than \$25 million
				4. \$500,000 to less than \$1 million	9. \$25 million to less than \$50 million
				5. \$1 million to less than \$2 million	10. \$50 million or greater

12. AUTHORIZED REPRESENTATIVE <i>The foregoing is a statement of facts.</i>	
a. SIGNATURE 	b. DATE 2-6-20
c. NAME AND TITLE Dennis Wood, President	



## SECTION VII

**Astoria Subdivision**  
**Bid Evaluation**

Owner: Astoria CDD  
 Engineer: Wood & Associates Engineering, LLC



		EVALUATION CRITERIA						
		Personell	Experience	Understanding of Scope	Financial Capability	Schedule	Price	Total
	<b>Points Available</b>	(5)	(15)	(20)	(10)	(25)	(25)	(100)
<u>Rank</u>	<u>Contractor</u>	<u>POINTS AWARDED</u>						
1	Tucker	5.00	15.00	20.00	9.00	22.75	25.00	96.75
2	Blue Ox	4.50	15.00	17.60	8.50	25.00	22.00	92.60
3	RIPA	4.50	15.00	13.20	9.50	21.75	16.50	80.45
4	Jr. Davis	4.50	15.00	10.00	10.00	19.00	12.50	71.00

## Astoria Subdivision

### Bid Ranking by Cost

Astoria CDD  
Wood & Associates Engineering, LLC



<u>Ranking</u>	<u>Contractor</u>	<u>Bid Amount</u>	<u>Adjusted Bid</u>
1	Tucker	\$10,681,612.00	\$10,367,268.88
2	Blue Ox	\$11,185,181.50	\$10,894,942.95
3	RIPA	\$12,149,999.00	\$11,869,709.00
4	Jr. Davis	\$13,159,250.53	\$12,570,483.92



## Astonia Subdivision

## BID COMPARISON

Owner: Astonia CDD  
 Engineer: Wood & Associates Engineering, LLC



Contractor	Sidewalk	ADA/Ramps	TV/Storm	Stack Stone	Hand Rail	Well Abandonment
Tucker	-\$135,650.45	-\$ 79,615.86	-\$83,370.57	-\$15,706.24	-0-	-0-
Blue Ox	-\$114,878.25	-\$122,184.40	-0-	-\$8,880.20	-\$2,295.70	-\$42,000.00
Jr Davis	-\$284,590.95	-\$163,620.00	-\$104,755.66	-0-	-0-	-\$35,800.00
Ripa	-\$233,750.00	-\$46,540.00	-0-	-0-	-0-	\$-0-

ADJUSTED BID PRICES APPLIES TO APPLES

Contractor	Bid	Adjust	Adjusted Bid
Tucker	\$10,681,612.00	-\$135,650.45, -\$79,615.86, -\$83,370.57, -\$15,706.24	\$10,367,268.88
Blue Ox	\$11,185,181.50	-\$114,878.25, -\$122,184.40, -\$8,880.20, -\$2,295.70, -\$42,000.00	\$10,894,942.95
Jr Davis	\$13,159,250.53	-\$284,590.95, -\$163,620.00, -\$104,755.66, -\$35,800.00	\$12,570,483.92
RIPA	\$12,149,999.00	-\$233,750.00, - \$46,540.00	\$11,869,709.00

	<u>PRICE</u>	
Tucker	$15 + 10$	25.00
Blue Ox	$15 \times .88 + 10 \times .88$	22.00
RIPA	$15 \times .66 + 10 \times .66$	16.50
Jr. Davis	$15 \times .50 + 10 \times .50$	12.50
	<u>SCHEDULE</u>	
	<u>Days</u>	<u>Points</u>
Tucker	345 .91 x 25	22.75
Blue Ox	314 1.0 x 25	25.00
RIPA	360 .87 x 25	21.75
Jr. Davis	415 .76 x 25	19.00
	<u>FINANCIAL</u>	
Tucker	Bonding Limit \$45,000,000	9.00
Blue Ox	Bonding Limit \$30,000,000	8.50
RIPA	Bonding Limit \$250,000,000	9.50
Jr. Davis	Bonding Limit \$500,000,000	10.00
	<u>UNDERSTANDING SCOPE</u>	
Tucker	$20 \times 1.0$	20.00
Blue Ox	$20 \times .88$	17.60
RIPA	$20 \times .66$	13.20
Jr. Davis	$20 \times .50$	10.00
	<u>EXPERIENCE</u>	
Tucker		15.00
Blue Ox		15.00
RIPA		15.00
Jr. Davis		15.00
	<u>PERSONNEL</u>	
Tucker	$5 \times 1.0$	5.00
Blue Ox	$5 \times .85$	4.25
RIPA	$5 \times .9$	4.50
Jr. Davis	$5 \times .9$	4.50