

WATERSIDE

COMMUNITY DEVELOPMENT DISTRICT

July 6, 2022

BOARD OF SUPERVISORS

PUBLIC HEARINGS &

REGULAR MEETING

AGENDA

Waterside Community Development District
OFFICE OF THE DISTRICT MANAGER
2300 Glades Road, Suite 410W•Boca Raton, Florida 33431
Phone: (561) 571-0010•Toll-free: (877) 276-0889•Fax: (561) 571-0013

June 29, 2022

ATTENDEES:

Please identify yourself each time you speak to facilitate accurate transcription of meeting minutes.

Board of Supervisors
Waterside Community Development District

Dear Board Members:

The Board of Supervisors of the Waterside Community Development District will hold Multiple Public Hearings and a Regular Meeting on July 6, 2022 at 10:00 a.m., at the Courtyard by Marriott Stuart, 7615 SW Lost River Road, Stuart, Florida 34997. The agenda is as follows:

1. Call to Order/Roll Call
2. Public Comments
3. Administration of Oath of Office to Elected Board of Supervisors *(the following will be provided in a separate package)*
 - A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees
 - B. Membership, Obligations and Responsibilities
 - C. Chapter 190, Florida Statutes
 - D. Financial Disclosure Forms
 - I. Form 1: Statement of Financial Interests
 - II. Form 1X: Amendment to Form 1, Statement of Financial Interests
 - III. Form 1F: Final Statement of Financial Interests
 - E. Form 8B: Memorandum of Voting Conflict
4. Consideration of Resolution 2022-27, 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
5. Consideration of Resolution 2022-28, Designating Certain Officers of the District, and Providing for an Effective Date

6. Public Hearing to Hear Public Comments and Objections to the Adoption of the Rules of Procedure, Pursuant to Sections 120.54 and 190.035, Florida Statutes
 - A. Affidavits of Publication
 - B. Consideration of Resolution 2022-29, Adopting Rules of Procedure; Providing a Severability Clause; and Providing an Effective Date
7. Public Hearing on Adoption of Fiscal Year 2021/2022 Budget
 - A. Affidavit of Publication
 - B. Consideration of Resolution 2022-30, Relating to the Annual Appropriations and Adopting the Budget(s) for the Fiscal Year Beginning October 1, 2021, and Ending September 30, 2022; Authorizing Budget Amendments; and Providing an Effective Date
8. Public Hearing on Adoption of Fiscal Year 2022/2023 Budget
 - A. Affidavit of Publication
 - B. Consideration of Resolution 2022-31, Relating to the Annual Appropriations and Adopting the Budget(s) for the Fiscal Year Beginning October 1, 2022, and Ending September 30, 2023; Authorizing Budget Amendments; and Providing an Effective Date
9. Consideration of Response(s) to Request for Qualifications (RFQ) for Engineering Services
 - A. Affidavit of Publication
 - B. RFQ Package
 - C. Respondent: The Osborne Engineering Company
 - D. Competitive Selection Criteria/Ranking
 - E. Award of Contract
10. Consideration of Resolution 2022-07, Designating the Primary Administrative Office and Principal Headquarters of the District and Providing an Effective Date
11. Consideration of Resolution 2022-14, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2021/2022 and Providing for an Effective Date

12. Consideration of Resolution 2022-32, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2022/2023 and Providing for an Effective Date
13. Consideration of the Following Bond Financing Related Matters:
 - A. Bond Financing Team Funding Agreement
 - B. Engagement of Bond Financing Professionals
 - I. Underwriter/Investment Banker: *FMSbonds, Inc.*
 - II. Bond Counsel: *Greenberg Traurig, P.A.*
 - III. Trustee, Paying Agent and Registrar: *U.S. Bank Trust Company, N.A.*
 - C. Resolution 2022-24, Designating a Date, Time, and Location of a Public Hearing Regarding the District's Intent to Use the Uniform Method for the Levy, Collection, and Enforcement of Non-Ad Valorem Special Assessments as Authorized by Section 197.3632, Florida Statutes; Authorizing the Publication of the Notice of Such Hearing; and Providing an Effective Date
 - D. Presentation of Engineer's Report
 - E. Presentation of Master Special Assessment Methodology Report
 - F. Resolution 2022-25, Declaring Special Assessments; Designating The Nature And Location of The Proposed Improvements; Declaring The Total Estimated Cost of the Improvements, the Portion to be Paid By Assessments, and the Manner and Timing in Which The Assessments are to be Paid; Designating the Lands Upon Which The Assessments Shall Be Levied; Providing for an Assessment Plat and a Preliminary Assessment Roll; Addressing the Setting of Public Hearings; Providing for Publication of this Resolution; and Addressing Conflicts, Severability and an Effective Date
 - G. Resolution 2022-26, Authorizing the Issuance of Not to Exceed \$_____ Waterside Community Development District Capital Improvement Revenue Bonds, in One or More Series; Approving the Form of a Master Trust Indenture; Appointing a Trustee, Registrar and Paying Agent; Approving a Capital Improvement Program; Authorizing the Commencement of Validation Proceedings Relating to the Bonds; and Providing an Effective Date
14. Acceptance of Unaudited Financial Statements as of May 31, 2022
15. Approval of Minutes
 - A. April 4, 2022 Organizational Meeting

B. May 6, 2022 Landowners' Meeting

16. Staff Reports

- A. District Counsel: *KE Law Group, PLLC*
- B. District Engineer (Interim): *The Osborne Engineering Company*
- C. District Manager: *Wrathell, Hunt and Associates, LLC*

- NEXT MEETING DATE:

- QUORUM CHECK

Timothy Smith	☐ IN PERSON	☐ PHONE	☐ NO
Candice Smith	☐ IN PERSON	☐ PHONE	☐ NO
James P. Harvey	☐ IN PERSON	☐ PHONE	☐ NO
Jon Seifel	☐ IN PERSON	☐ PHONE	☐ NO
Michael Caputo	☐ IN PERSON	☐ PHONE	☐ NO

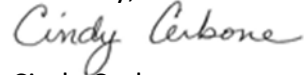
17. Board Members' Comments/Requests

18. Public Comments

19. Adjournment

If you should have any questions or concerns, please do not hesitate to contact me directly at (561) 346-5294.

Sincerely,



Cindy Cerbone
District Manager

FOR BOARD MEMBERS AND STAFF TO ATTEND BY TELEPHONE

CALL-IN NUMBER: 1-888-354-0094

PARTICIPANT PASSCODE: 801 901 3513

WATERSIDE

COMMUNITY DEVELOPMENT DISTRICT

4

RESOLUTION 2022-27

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE WATERSIDE 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 Waterside 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 Martin 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 (2) years following the creation of the District for the purpose of electing supervisors of the District; and

WHEREAS, such landowners meeting was held at which the below recited persons were duly elected by virtue of the votes cast in their favor; and

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

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

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

Timothy Smith	Seat 1	180 Votes
Candice Smith	Seat 2	180 Votes
James P. Harvey	Seat 3	179 Votes
Jon Seifel	Seat 4	179 Votes
Michael Caputo	Seat 5	179 Votes

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

Timothy Smith	Seat 1	4-Year Term
Candice Smith	Seat 2	4-Year Term
James P. Harvey	Seat 3	2-Year Term
Jon Seifel	Seat 4	2-Year Term
Michael Caputo	Seat 5	2-Year Term

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

PASSED AND ADOPTED this 6th day of July, 2022.

Attest:

**WATERSIDE COMMUNITY DEVELOPMENT
DISTRICT**

Secretary/Assistant Secretary

Chair/Vice Chair, Board of Supervisors

WATERSIDE

COMMUNITY DEVELOPMENT DISTRICT

5

RESOLUTION 2022-28

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE WATERSIDE
COMMUNITY DEVELOPMENT DISTRICT DESIGNATING CERTAIN OFFICERS
OF THE DISTRICT, AND PROVIDING FOR AN EFFECTIVE DATE**

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

WHEREAS, the Board of Supervisors of the District desires to designate certain Officers of the District.

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

SECTION 1. _____ is appointed Chair.

SECTION 2. _____ is appointed Vice Chair.

SECTION 3. **Craig Wrathell** is appointed Secretary.

_____ is appointed Assistant Secretary.

_____ is appointed Assistant Secretary.

_____ is appointed Assistant Secretary.

Cindy Cerbone is appointed Assistant Secretary.

SECTION 4. This Resolution supersedes any prior appointments made by the Board for Chair, Vice Chair, Secretary and Assistant Secretaries; however, prior appointments by the Board for Treasurer and Assistant Treasurer(s) remain unaffected by this Resolution.

SECTION 5. This Resolution shall become effective immediately upon its adoption.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

PASSED AND ADOPTED this 6th day of July, 2022.

ATTEST:

**WATERSIDE COMMUNITY
DEVELOPMENT DISTRICT**

Secretary/Assistant Secretary

Chair/Vice Chair, Board of Supervisors

WATERSIDE

COMMUNITY DEVELOPMENT DISTRICT

6A

Miscellaneous Notices



Published in Stuart News on June 6, 2022

Location

Martin County, Florida

Notice Text

NOTICE OF RULE DEVELOPMENT BY THE WATERSIDE COMMUNITY DEVELOPMENT DISTRICT In accord with Chapters 120 and 190, Florida Statutes, the Waterside Community Development District ("District") hereby gives notice of its intention to develop Rules of Procedure to govern the operations of the District. The Rules of Procedure will address such areas as the Board of Supervisors, officers and voting, district offices, public information and inspection of records, policies, public meetings, hearings and workshops, rulemaking proceedings and competitive purchase including procedure under the Consultants Competitive Negotiation Act, procedure regarding auditor selection, purchase of insurance, pre-qualification, construction contracts, goods, supplies and materials, maintenance services, contractual services and protests with respect to proceedings, as well as any other area of the general operation of the District. The purpose and effect of the Rules of Procedure is to provide for efficient and effective District operations and to ensure compliance with recent changes to Florida law. The legal authority for the adoption of the proposed Rules of Procedure includes sections 190.011(5), 190.011(15) and 190.035, Florida Statutes (2019). The specific laws implemented in the Rules of Procedure include, but are not limited to, sections 112.08, 112.3143, 112.31446, 112.3145, 119.07, 119.0701, 189.053, 189.069(2)(a)16, 190.006, 190.007, 190.008, 190.011(3), 190.011(5), 190.011(15), 190.033, 190.035, 218.33, 218.391, 255.05, 255.0518, 255.0525, 255.20, 286.0105, 286.011, 286.0113, 286.0114, 287.017, 287.055 and 287.084, Florida Statutes (2019). A copy of the proposed Rules of Procedure may be obtained by contacting the District Manager, c/o Wrathell, Hunt & Associates, LLC, 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431. District Manager Waterside Community Development District Pub June 6, 2022 TCN5285177

Treasure Coast Newspapers

PART OF THE USA TODAY NETWORK

Stuart News

1801 U.S. 1, Vero Beach, FL 32960

AFFIDAVIT OF PUBLICATION

WATERSIDE COMMUNITY DEVELOPMENT DISTRICT
2300 GLADES RD STE 410W

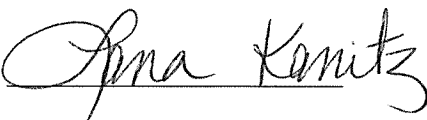
BOCA RATON, FL 33431

STATE OF WISCONSIN
COUNTY OF BROWN

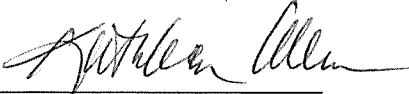
Before the undersigned authority personally appeared, said legal clerk, who on oath says that he/she is a legal clerk of the Stuart News, a daily newspaper published at Stuart in Martin County, Florida: that the attached copy of advertisement was published in the Stuart News in the following issues below. Affiant further says that the said Stuart News is a newspaper published in Stuart in said Martin County, Florida, and that said newspaper has heretofore been continuously published in said Martin County, Florida, daily and distributed in Martin County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid or promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper. The Stuart News has been entered as Periodical Matter at the Post Offices in Stuart, Martin County, Florida and has been for a period of one year next preceding the first publication of the attached copy of advertisement.

Issue(s) dated before where the dates are noted or by publication on the newspaper's website, if authorized, on :

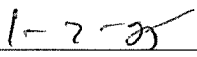
06/07/2022



Subscribed and sworn to before on June 7, 2022:



Notary, State of WI, County of Brown



My commission expires

KATHLEEN ALLEN
Notary Public
State of Wisconsin

Publication Cost: \$237.69
Ad No: 0005285167
Customer No: 8772760889
PO #: Rulemaking

**NOTICE OF RULEMAKING
REGARDING THE RULES OF
PROCEDURE OF THE
WATERSIDE COMMUNITY
DEVELOPMENT DISTRICT**

A public hearing will be conducted by the Board of Supervisors of the Waterside Community Development District ("District") on July 6, 2022 at 10:00 a.m., at the Courtyard by Marriott Stuart, 7615 SW Lost River Road, Stuart, Florida 34997.

In accord with Chapters 120 and 190, Florida Statutes, the District hereby gives the public notice of its intent to adopt its proposed Rules of Procedure. The purpose and effect of the proposed Rules of Procedure is to provide for efficient and effective District operations and to ensure compliance with recent changes to Florida law. Prior notice of rule development was published in the Treasure Coast Newspaper on June 6, 2022.

The Rules of Procedure may address such areas as the Board of Supervisors, officers and voting, district offices, public information and inspection of records, policies, public meetings, hearings and workshops, rulemaking proceedings and competitive purchase including procedure under the Consultants Competitive Negotiation Act, procedure regarding auditor selection, purchase of insurance, pre-qualification, construction contracts, goods, supplies and materials, maintenance services, contractual services and protests with respect to proceedings, as well as any other area of the general operation of the District.

Specific legal authority for the adoption of the proposed Rules of Procedure includes Sections 190.011(5), 190.011(15) and 190.035, Florida Statutes (2019). The specific laws implemented in the Rules of Procedure include, but are not limited to, Sections 112.08, 112.3143, 112.31446, 112.3145, 119.07, 119.0701, 189.053, 189.069(2)(a)16, 190.006, 190.007, 190.008, 190.011(3), 190.011(5), 190.011(15), 190.033, 190.035, 218.33, 218.391, 255.05, 255.0518, 255.0525, 255.20, 286.0105, 286.011, 286.0113, 286.0114, 287.017, 287.055 and 287.084, Florida Statutes (2019).

A copy of the proposed Rules of Procedure may be obtained by contacting the District Manager's Office at c/o Wrathell, Hunt & Associates, LLC, 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431 (877)276-0889 ("District Manager's Office").

Any person who wishes to provide the District with a proposal for a lower cost regulatory alternative as provided by Section 120.541(1), Florida Statutes, must do so in writing within twenty one (21) days after publication of this notice to the District Manager's Office.

This public hearing may be continued to a date, time, and place to be specified on the record at the hearing without

additional notice. If anyone chooses to appeal any decision of the Board with respect to any matter considered at a public hearing, such person will need a record of the proceedings and should accordingly ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which such appeal is to be based. At the hearing, staff or Supervisors may participate in the public hearing by speaker telephone.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the District Manager's Office at least forty-eight (48) hours prior to the meeting. If you are hearing or speech impaired, please contact the Florida Relay Service at 1-800-955-8771 or 1-800-955-8770 for aid in contacting the District Office.

District Manager
Waterside Community Development District
Pub June 7, 2022
TCN5285167

WATERSIDE

COMMUNITY DEVELOPMENT DISTRICT

6B

RESOLUTION 2022-29

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

WHEREAS, the Waterside 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 unincorporated Martin 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 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 WATERSIDE 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 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 6th day of July, 2022.

ATTEST:

**WATERSIDE COMMUNITY DEVELOPMENT
DISTRICT**

Secretary/Assistant Secretary

Chair/Vice Chair, Board of Supervisors

Exhibit A
Rules of Procedure

**RULES OF PROCEDURE
WATERSIDE COMMUNITY DEVELOPMENT DISTRICT**

EFFECTIVE AS OF JULY 6, 2022

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Rule 1.0 General.

- (1) The Waterside Community Development District (“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 (“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 ("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 authorized or required by statute or these Rules, at least seven (7) 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. A newspaper is deemed to be a newspaper of "general circulation" within the District and county in which the District is located if such newspaper has been in existence for two (2) years at the time of publication of the applicable notice (unless no newspaper within the county has been published for such length) and satisfies the criteria of section 50.011(1), Florida Statutes, or if such newspaper is a direct successor of a newspaper which has been so published, as such provisions may be amended from time to time by law. The annual meeting notice required to be published by Section 189.015 of the Florida Statutes, shall be published as provided in Chapter 50, Florida Statutes, and such notice published consistent with Chapter 50 shall satisfy the requirement to give at least seven (7) days' public notice stated herein. 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 561-571-0010. 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.”

The date, time, and place of each meeting, hearing, or workshop of the Board shall additionally be posted on the District’s website at least seven (7) days before each meeting, hearing, or workshop.

- (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: §§ 50.011, 50.031, 189.015, 189.069(2)(a)15, 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 Responsive 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 Responsive 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 July 6, 2022 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.

WATERSIDE

COMMUNITY DEVELOPMENT DISTRICT

7A

Miscellaneous Notices



Published in Stuart News on June 16, 2022

Location

Martin County, Florida

Notice Text

WATERSIDE COMMUNITY DEVELOPMENT DISTRICT NOTICE OF PUBLIC HEARING TO CONSIDER THE ADOPTION OF THE FISCAL YEAR 2021/2022 AND THE FISCAL YEAR 2022/2023 BUDGETS; AND NOTICE OF REGULAR BOARD OF SUPERVISORS' MEETING. The Board of Supervisors ("Board") of the Waterside Community Development District ("District") will hold public hearings on July 6, 2022 at 10:00 a.m., at the Courtyard by Marriott Stuart, 7615 SW Lost River Road, Stuart, Florida 34997, for the purpose of hearing comments and objections on the adoption of the proposed budgets ("Proposed Budgets") of the District for the remainder of the fiscal year ending September 30, 2022 ("Fiscal Year 2021/2022") and the fiscal year beginning October 1, 2022 and ending September 30, 2023 ("Fiscal Year 2022/2023"). A regular board meeting of the District will also be held at that time where the Board may consider any other business that may properly come before it. A copy of the agenda and Proposed Budgets may be obtained by contacting the offices of the District Manager, Wrathell Hunt & Associates, 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431, (877) 276-0889 ("District Manager's Office"), during normal business hours. The public hearings and meeting are open to the public and will be conducted in accordance with the provisions of Florida law. The public hearings and meeting may be continued to a date, time, and place to be specified on the record at the public hearings or meeting. Any person requiring special accommodations at this meeting and/or public hearings or requiring assistance connecting to any communications media technology because of a disability or physical impairment should contact the District Manager's Office at least forty-eight (48) hours prior to the meeting and public hearing. If you are hearing or speech impaired, please contact the Florida Relay Service by dialing 7-1-1, or 1-800-955-8771 (TTY) / 1-800-955-8770 (Voice), for aid in contacting the District Manager's Office. Any person who decides to appeal any decision made by the Board with respect to any matter considered at the public hearing or meeting is advised that person will need a record of 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 such appeal is to be based. District Manager Publish: June 16 & 23, 2022 TCN5290942

WATERSIDE

COMMUNITY DEVELOPMENT DISTRICT

7B

RESOLUTION 2022-30

THE ANNUAL APPROPRIATION RESOLUTION OF THE WATERSIDE COMMUNITY DEVELOPMENT DISTRICT ("DISTRICT") RELATING TO THE ANNUAL APPROPRIATIONS AND ADOPTING THE BUDGET(S) FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021, AND ENDING SEPTEMBER 30, 2022; AUTHORIZING BUDGET AMENDMENTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the District Manager has, prior to the fifteenth (15th) day in June, 2022, submitted to the Board of Supervisors ("**Board**") of the Waterside Community Development District ("**District**") proposed budget(s) ("**Proposed Budget**") for the fiscal year beginning October 1, 2021 and ending September 30, 2022 ("**Fiscal Year 2021/2022**") along with an explanatory and complete financial plan for each fund of the District, pursuant to the provisions of Section 190.008(2)(a), *Florida Statutes*; and

WHEREAS, at least sixty (60) days prior to the adoption of the Proposed Budget, the District filed a copy of the Proposed Budget with the local governing authorities having jurisdiction over the area included in the District pursuant to the provisions of Section 190.008(2)(b), *Florida Statutes*; 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, prior to October 1st of each year, 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 WATERSIDE 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; provided, however, that the comparative figures contained in the Adopted Budget may be subsequently revised as deemed necessary by the District Manager to reflect actual revenues and expenditures.
- 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 Waterside Community Development District for the Fiscal Year Ending September 30, 2022."
- 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.

SECTION 2. APPROPRIATIONS

There is hereby appropriated out of the revenues of the District, for Fiscal Year 2021/2022, the sums set forth in **Exhibit A** to be raised by the levy of assessments, a funding agreement and/or otherwise. Such sums are deemed by the Board to be necessary to defray all expenditures of the District during said budget year, and are to be divided and appropriated in the amounts set forth in **Exhibit A**.

SECTION 3. BUDGET AMENDMENTS

Pursuant to Section 189.016, *Florida Statutes*, the District at any time within Fiscal Year 2021/2022 or within 60 days following the end of the Fiscal Year 2021/2022 may amend its Adopted Budget for that fiscal year as follows:

- a. A line-item appropriation for expenditures within a fund may be decreased or increased by motion of the Board recorded in the minutes, and approving the expenditure, if the total appropriations of the fund do not increase.
- b. The District Manager or Treasurer may approve an expenditure that would increase or decrease a line-item appropriation for expenditures within a fund if the total appropriations of the fund do not increase and if either (i) the aggregate change in the original appropriation item does not exceed the greater of \$15,000 or 15% of the original appropriation, or (ii) such expenditure is authorized by separate disbursement or spending resolution.
- c. Any other budget amendments shall be adopted by resolution and consistent with Florida law.

The District Manager or Treasurer must ensure that any amendments to the budget under paragraph c. 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 6TH DAY OF JULY, 2022.

ATTEST:

**WATERSIDE COMMUNITY DEVELOPMENT
DISTRICT**

Secretary/Assistant Secretary

Chair/Vice Chair, Board of Supervisors

Exhibit A: Fiscal Year 2021/2022 Budget(s)

**WATERSIDE
COMMUNITY DEVELOPMENT DISTRICT
PROPOSED BUDGET
FISCAL YEAR 2022**

**WATERSIDE
COMMUNITY DEVELOPMENT DISTRICT
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**WATERSIDE
COMMUNITY DEVELOPMENT DISTRICT
GENERAL FUND BUDGET
FISCAL YEAR 2022**

	Proposed Budget FY 2022
REVENUES	
Landowner contribution	\$ 66,582
Total revenues	<u>66,582</u>
EXPENDITURES	
Professional & administrative	
Management/accounting/recording	24,000
Legal	25,000
Engineering	2,000
Audit	-
Arbitrage rebate calculation*	-
Dissemination agent**	167
Trustee***	-
Telephone	100
Postage	500
Printing & binding	250
Legal advertising	6,500
Annual special district fee	175
Insurance	5,500
Contingencies/bank charges	500
Website	
Hosting & maintenance	1,680
ADA compliance	210
Total expenditures	<u>66,582</u>
Net increase/(decrease) of fund balance	-
Fund balance - beginning (unaudited)	-
Fund balance - ending (projected)	<u>\$ -</u>

*This expense will be realized the year after the issuance of bonds.

**This expense will be realized when bonds are issued

***This expense is paid from the costs of issuance in the initial year. Thereafter, this will be a budgeted expense.

**WATERSIDE
COMMUNITY DEVELOPMENT DISTRICT
DEFINITIONS OF GENERAL FUND EXPENDITURES**

EXPENDITURES

Professional & administrative

Management/accounting/recording	\$ 24,000
Wrathell, Hunt and Associates, LLC (WHA), specializes in managing community development districts by combining the knowledge, skills and experience of a team of professionals to ensure compliance with all of the District's governmental requirements. WHA develops financing programs, administers the issuance of tax exempt bond financings, operates and maintains the assets of the community.	
Legal	25,000
General counsel and legal representation, which includes issues relating to public finance, public bidding, rulemaking, open meetings, public records, real property dedications, conveyances and contracts.	
Engineering	2,000
The District's Engineer will provide construction and consulting services, to assist the District in crafting sustainable solutions to address the long term interests of the community while recognizing the needs of government, the environment and maintenance of the District's facilities.	
Audit	-
Statutorily required for the District to undertake an independent examination of its books, records and accounting procedures.	
Arbitrage rebate calculation	-
To ensure the District's compliance with all tax regulations, annual computations are necessary to calculate the arbitrage rebate liability.	
Dissemination agent	167
The District must annually disseminate financial information in order to comply with the requirements of Rule 15c2-12 under the Securities Exchange Act of 1934. Wrathell, Hunt & Associates serves as dissemination agent.	
Trustee	-
Annual fee for the service provided by trustee, paying agent and registrar.	
Telephone	100
Telephone and fax machine.	
Postage	500
Mailing of agenda packages, overnight deliveries, correspondence, etc.	
Printing & binding	250
Letterhead, envelopes, copies, agenda packages, etc.	
Legal advertising	6,500
The District advertises for monthly meetings, special meetings, public hearings, public bids, etc.	
Annual special district fee	175
Annual fee paid to the Florida Department of Economic Opportunity.	
Insurance	5,500
The District will obtain public officials and general liability insurance.	
Contingencies/bank charges	500
Bank charges and other miscellaneous expenses incurred during the year.	
Website	
Hosting & maintenance	
	1,680
ADA compliance	
	210
Total expenditures	<u><u>\$ 66,582</u></u>

WATERSIDE

COMMUNITY DEVELOPMENT DISTRICT

8A

Miscellaneous Notices



Published in Stuart News on June 16, 2022

Location

Martin County, Florida

Notice Text

WATERSIDE COMMUNITY DEVELOPMENT DISTRICT NOTICE OF PUBLIC HEARING TO CONSIDER THE ADOPTION OF THE FISCAL YEAR 2021/2022 AND THE FISCAL YEAR 2022/2023 BUDGETS; AND NOTICE OF REGULAR BOARD OF SUPERVISORS' MEETING. The Board of Supervisors ("Board") of the Waterside Community Development District ("District") will hold public hearings on July 6, 2022 at 10:00 a.m., at the Courtyard by Marriott Stuart, 7615 SW Lost River Road, Stuart, Florida 34997, for the purpose of hearing comments and objections on the adoption of the proposed budgets ("Proposed Budgets") of the District for the remainder of the fiscal year ending September 30, 2022 ("Fiscal Year 2021/2022") and the fiscal year beginning October 1, 2022 and ending September 30, 2023 ("Fiscal Year 2022/2023"). A regular board meeting of the District will also be held at that time where the Board may consider any other business that may properly come before it. A copy of the agenda and Proposed Budgets may be obtained by contacting the offices of the District Manager, Wrathell Hunt & Associates, 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431, (877) 276-0889 ("District Manager's Office"), during normal business hours. The public hearings and meeting are open to the public and will be conducted in accordance with the provisions of Florida law. The public hearings and meeting may be continued to a date, time, and place to be specified on the record at the public hearings or meeting. Any person requiring special accommodations at this meeting and/or public hearings or requiring assistance connecting to any communications media technology because of a disability or physical impairment should contact the District Manager's Office at least forty-eight (48) hours prior to the meeting and public hearing. If you are hearing or speech impaired, please contact the Florida Relay Service by dialing 7-1-1, or 1-800-955-8771 (TTY) / 1-800-955-8770 (Voice), for aid in contacting the District Manager's Office. Any person who decides to appeal any decision made by the Board with respect to any matter considered at the public hearing or meeting is advised that person will need a record of 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 such appeal is to be based. District Manager Publish: June 16 & 23, 2022 TCN5290942

WATERSIDE

COMMUNITY DEVELOPMENT DISTRICT

8B

RESOLUTION 2022-31

THE ANNUAL APPROPRIATION RESOLUTION OF THE WATERSIDE COMMUNITY DEVELOPMENT DISTRICT ("DISTRICT") RELATING TO THE ANNUAL APPROPRIATIONS AND ADOPTING THE BUDGET(S) FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022, AND ENDING SEPTEMBER 30, 2023; AUTHORIZING BUDGET AMENDMENTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the District Manager has, prior to the fifteenth (15th) day in June, 2022, submitted to the Board of Supervisors ("**Board**") of the Waterside Community Development District ("**District**") proposed budget(s) ("**Proposed Budget**") for the fiscal year beginning October 1, 2022 and ending September 30, 2023 ("**Fiscal Year 2022/2023**") along with an explanatory and complete financial plan for each fund of the District, pursuant to the provisions of Section 190.008(2)(a), *Florida Statutes*; and

WHEREAS, at least sixty (60) days prior to the adoption of the Proposed Budget, the District filed a copy of the Proposed Budget with the local governing authorities having jurisdiction over the area included in the District pursuant to the provisions of Section 190.008(2)(b), *Florida Statutes*; 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, prior to October 1st of each year, 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 WATERSIDE 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; provided, however, that the comparative figures contained in the Adopted Budget may be subsequently revised as deemed necessary by the District Manager to reflect actual revenues and expenditures.
- 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 Waterside Community Development District for the Fiscal Year Ending September 30, 2023."
- 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.

SECTION 2. APPROPRIATIONS

There is hereby appropriated out of the revenues of the District, for Fiscal Year 2022/2023, the sums set forth in **Exhibit A** to be raised by the levy of assessments, a funding agreement and/or otherwise. Such sums are deemed by the Board to be necessary to defray all expenditures of the District during said budget year, and are to be divided and appropriated in the amounts set forth in **Exhibit A**.

SECTION 3. BUDGET AMENDMENTS

Pursuant to Section 189.016, *Florida Statutes*, the District at any time within Fiscal Year 2022/2023 or within 60 days following the end of the Fiscal Year 2022/2023 may amend its Adopted Budget for that fiscal year as follows:

- a. A line-item appropriation for expenditures within a fund may be decreased or increased by motion of the Board recorded in the minutes, and approving the expenditure, if the total appropriations of the fund do not increase.
- b. The District Manager or Treasurer may approve an expenditure that would increase or decrease a line-item appropriation for expenditures within a fund if the total appropriations of the fund do not increase and if either (i) the aggregate change in the original appropriation item does not exceed the greater of \$15,000 or 15% of the original appropriation, or (ii) such expenditure is authorized by separate disbursement or spending resolution.
- c. Any other budget amendments shall be adopted by resolution and consistent with Florida law.

The District Manager or Treasurer must ensure that any amendments to the budget under paragraph c. 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 6TH DAY OF JULY, 2022.

ATTEST:

**WATERSIDE COMMUNITY DEVELOPMENT
DISTRICT**

Secretary/Assistant Secretary

Chair/Vice Chair, Board of Supervisors

Exhibit A: Fiscal Year 2022/2023 Budget(s)

**WATERSIDE
COMMUNITY DEVELOPMENT DISTRICT
PROPOSED BUDGET
FISCAL YEAR 2023**

**WATERSIDE
COMMUNITY DEVELOPMENT DISTRICT
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**WATERSIDE
COMMUNITY DEVELOPMENT DISTRICT
GENERAL FUND BUDGET
FISCAL YEAR 2023**

	Proposed Budget FY 2023
REVENUES	
Landowner contribution	\$ 96,290
Total revenues	<u>96,290</u>
EXPENDITURES	
Professional & administrative	
Management/accounting/recording	48,000
Legal	25,000
Engineering	2,000
Audit	5,000
Arbitrage rebate calculation*	500
Dissemination agent**	1,000
Trustee***	5,000
Telephone	200
Postage	500
Printing & binding	500
Legal advertising	1,500
Annual special district fee	175
Insurance	5,500
Contingencies/bank charges	500
Website	
Hosting & maintenance	705
ADA compliance	210
Total expenditures	<u>96,290</u>
Net increase/(decrease) of fund balance	-
Fund balance - beginning (unaudited)	-
Fund balance - ending (projected)	<u>\$ -</u>

*This expense will be realized the year after the issuance of bonds.

**This expense will be realized when bonds are issued

***This expense is paid from the costs of issuance in the initial year. Thereafter, this will be a budgeted expense.

**WATERSIDE
COMMUNITY DEVELOPMENT DISTRICT
DEFINITIONS OF GENERAL FUND EXPENDITURES**

EXPENDITURES

Professional & administrative

Management/accounting/recording	\$ 48,000
Wrathell, Hunt and Associates, LLC (WHA), specializes in managing community development districts by combining the knowledge, skills and experience of a team of professionals to ensure compliance with all of the District's governmental requirements. WHA develops financing programs, administers the issuance of tax exempt bond financings, operates and maintains the assets of the community.	
Legal	25,000
General counsel and legal representation, which includes issues relating to public finance, public bidding, rulemaking, open meetings, public records, real property dedications, conveyances and contracts.	
Engineering	2,000
The District's Engineer will provide construction and consulting services, to assist the District in crafting sustainable solutions to address the long term interests of the community while recognizing the needs of government, the environment and maintenance of the District's facilities.	
Audit	5,000
Statutorily required for the District to undertake an independent examination of its books, records and accounting procedures.	
Arbitrage rebate calculation	500
To ensure the District's compliance with all tax regulations, annual computations are necessary to calculate the arbitrage rebate liability.	
Dissemination agent	1,000
The District must annually disseminate financial information in order to comply with the requirements of Rule 15c2-12 under the Securities Exchange Act of 1934. Wrathell, Hunt & Associates serves as dissemination agent.	
Trustee	5,000
Annual fee for the service provided by trustee, paying agent and registrar.	
Telephone	200
Telephone and fax machine.	
Postage	500
Mailing of agenda packages, overnight deliveries, correspondence, etc.	
Printing & binding	500
Letterhead, envelopes, copies, agenda packages, etc.	
Legal advertising	1,500
The District advertises for monthly meetings, special meetings, public hearings, public bids, etc.	
Annual special district fee	175
Annual fee paid to the Florida Department of Economic Opportunity.	
Insurance	5,500
The District will obtain public officials and general liability insurance.	
Contingencies/bank charges	500
Bank charges and other miscellaneous expenses incurred during the year.	
Website	
Hosting & maintenance	
	705
ADA compliance	
	210
Total expenditures	<u><u>\$ 96,290</u></u>

WATERSIDE

COMMUNITY DEVELOPMENT DISTRICT

9A

Miscellaneous Notices



Published in St. Lucie News Tribune on June 10, 2022

Location

St. Lucie County, Florida

Notice Text

REQUEST FOR QUALIFICATIONS FOR ENGINEERING SERVICES FOR THE WATERSIDE COMMUNITY DEVELOPMENT DISTRICT RFQ for Engineering Services The Waterside Community Development District ("District"), located in Martin County, Florida, announces that professional engineering services will be required on a continuing basis for the District's stormwater systems, and other public improvements authorized by Chapter 190, Florida Statutes. The engineering firm selected will act in the general capacity of District Engineer and will provide District engineering services, as required. Any firm or individual ("Applicant") desiring to provide professional services to the District must: 1) hold applicable federal, state and local licenses; 2) be authorized to do business in Florida in accordance with Florida law; and 3) furnish a statement ("Qualification Statement") of its qualifications and past experience on U.S. General Service Administration's "Architect-Engineer Qualifications, Standard Form No. 330," with pertinent supporting data. Among other things, Applicants must submit information relating to: a) the ability and adequacy of the Applicant's professional personnel; b) whether the Applicant is a certified minority business enterprise; c) the Applicant's willingness to meet time and budget requirements; d) the Applicant's past experience and performance, including but not limited to past experience as a District Engineer for any community development districts and past experience in Martin County, Florida; e) the geographic location of the Applicant's headquarters and offices; f) the current and projected workloads of the Applicant; and g) the volume of work previously awarded to the Applicant by the District. Further, each Applicant must identify the specific individual affiliated with the Applicant who would be handling District meetings, construction services, and other engineering tasks. The District will review all Applicants and will comply with Florida law, including the Consultant's Competitive Negotiations Act, Chapter 287, Florida Statutes ("CCNA"). All Applicants interested must submit electronic copies of Standard Form No. 330 and the Qualification Statement by 12:00 p.m., on June 24, 2022 by email to gillyardd@whhassociates.com ("District Manager's Office"). The Board shall select and rank the Applicants using the requirements set forth in the CCNA and the evaluation criteria on file with the District Manager, and the highest ranked Applicant will be requested to enter into contract negotiations. If an agreement cannot be reached between the District and the highest ranked Applicant, negotiations will cease and begin with the next highest ranked Applicant, and if these negotiations are unsuccessful, will continue to the third highest ranked Applicant. The District reserves the right to reject any and all Qualification Statements. Additionally, there is no express or implied obligation for the District to reimburse Applicants for any expenses associated with the preparation and submittal of the Qualification Statements in response to this request. Any protest regarding the terms of this Notice, or the evaluation criteria on file with the District Manager, must be filed in writing, within seventy-two (72) hours (excluding weekends) after the publication of this Notice. The formal protest setting forth with particularity the facts and law upon which the protest is based shall be filed within seven (7) calendar days after the initial notice of protest was filed. Failure to timely file a notice of protest or failure to timely file a formal written protest shall constitute a waiver of any right to object or protest with respect to aforesaid Notice or evaluation criteria provisions. Any person who files a notice of protest shall provide to the District, simultaneous with the filing of the notice, a protest bond with a responsible surety to be approved by the District and in the amount of Twenty Thousand Dollars (\$20,000.00). District Manager Publish: June 10, 2022 TCN5290956

WATERSIDE

COMMUNITY DEVELOPMENT DISTRICT

9B

**REQUEST FOR QUALIFICATIONS FOR ENGINEERING SERVICES
FOR THE WATERSIDE COMMUNITY DEVELOPMENT DISTRICT**

RFQ for Engineering Services

The Waterside Community Development District ("**District**"), located in Martin County, Florida, announces that professional engineering services will be required on a continuing basis for the District's stormwater systems, and other public improvements authorized by Chapter 190, *Florida Statutes*. The engineering firm selected will act in the general capacity of District Engineer and will provide District engineering services, as required.

Any firm or individual ("**Applicant**") desiring to provide professional services to the District must: 1) hold applicable federal, state and local licenses; 2) be authorized to do business in Florida in accordance with Florida law; and 3) furnish a statement ("**Qualification Statement**") of its qualifications and past experience on U.S. General Service Administration's "Architect-Engineer Qualifications, Standard Form No. 330," with pertinent supporting data. Among other things, Applicants must submit information relating to: a) the ability and adequacy of the Applicant's professional personnel; b) whether the Applicant is a certified minority business enterprise; c) the Applicant's willingness to meet time and budget requirements; d) the Applicant's past experience and performance, including but not limited to past experience as a District Engineer for any community development districts and past experience in Martin County, Florida; e) the geographic location of the Applicant's headquarters and offices; f) the current and projected workloads of the Applicant; and g) the volume of work previously awarded to the Applicant by the District. Further, each Applicant must identify the specific individual affiliated with the Applicant who would be handling District meetings, construction services, and other engineering tasks.

The District will review all Applicants and will comply with Florida law, including the Consultant's Competitive Negotiations Act, Chapter 287, *Florida Statutes* ("**CCNA**"). All Applicants interested must submit electronic copies of Standard Form No. 330 and the Qualification Statement by 12:00 p.m., on June 24, 2022 by email to gillyardd@whhassociates.com ("**District Manager's Office**").

The Board shall select and rank the Applicants using the requirements set forth in the CCNA and the evaluation criteria on file with the District Manager, and the highest ranked Applicant will be requested to enter into contract negotiations. If an agreement cannot be reached between the District and the highest ranked Applicant, negotiations will cease and begin with the next highest ranked Applicant, and if these negotiations are unsuccessful, will continue to the third highest ranked Applicant.

The District reserves the right to reject any and all Qualification Statements. Additionally, there is no express or implied obligation for the District to reimburse

Applicants for any expenses associated with the preparation and submittal of the Qualification Statements in response to this request.

Any protest regarding the terms of this Notice, or the evaluation criteria on file with the District Manager, must be filed in writing, within seventy-two (72) hours (excluding weekends) after the publication of this Notice. The formal protest setting forth with particularity the facts and law upon which the protest is based shall be filed within seven (7) calendar days after the initial notice of protest was filed. Failure to timely file a notice of protest or failure to timely file a formal written protest shall constitute a waiver of any right to object or protest with respect to aforesaid Notice or evaluation criteria provisions. Any person who files a notice of protest shall provide to the District, simultaneous with the filing of the notice, a protest bond with a responsible surety to be approved by the District and in the amount of Twenty Thousand Dollars (\$20,000.00).

WATERSIDE COMMUNITY DEVELOPMENT DISTRICT

DISTRICT ENGINEER PROPOSALS

COMPETITIVE SELECTION CRITERIA

1) Ability and Adequacy of Professional Personnel (Weight: 25 Points)

Consider the capabilities and experience of key personnel within the firm including certification, training, and education; affiliations and memberships with professional organizations; etc.

2) Consultant's Past Performance (Weight: 25 Points)

Past performance for other Community Development Districts in other contracts; amount of experience on similar projects; character, integrity, reputation, of respondent; etc.

3) Geographic Location (Weight: 20 Points)

Consider the geographic location of the firm's headquarters, offices and personnel in relation to the project.

4) Willingness to Meet Time and Budget Requirements (Weight: 15 Points)

Consider the consultant's ability and desire to meet time and budget requirements including rates, staffing levels and past performance on previous projects; etc.

5) Certified Minority Business Enterprise (Weight: 5 Points)

Consider whether the firm is a Certified Minority Business Enterprise. Award either all eligible points or none.

6) Recent, Current and Projected Workloads (Weight: 5 Points)

Consider the recent, current and projected workloads of the firm.

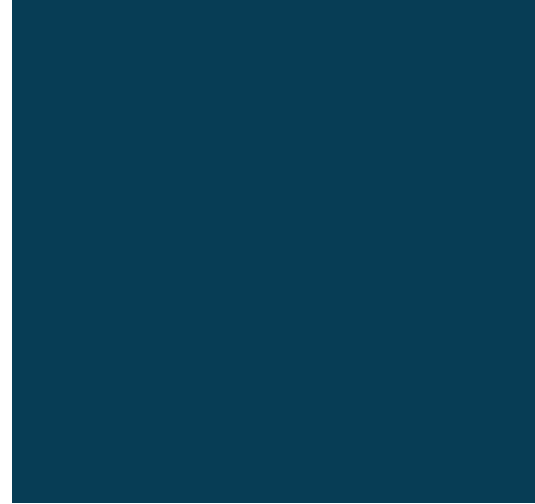
7) Volume of Work Previously Awarded to Consultant by District (Weight: 5 Points)

Consider the desire to diversify the firms that receive work from the District; etc.

WATERSIDE

COMMUNITY DEVELOPMENT DISTRICT

9C



Waterside Community Development District

**Continuing Engineering Services
District Engineer**

July 2, 2022



LETTER OF INTEREST

P20221023.000

July 2, 2022

Daphne Gillyard, Director of Administrative Services
Waterside Community Development District
c/o Wrathell, Hunt & Associates, LLC
400 South Fort Harrison Avenue
Annex Building, 6th Floor
Clearwater, Florida 33756

Re: Waterside Community Development District Request for Qualifications for Engineering Services

Dear Members of the Selection Committee:

Osborn Engineering appreciates this opportunity to present our qualifications for consideration of becoming the District Engineer for the Waterside Community Development District. Our current and previous work with the KL Waterside LLC South Florida Gateway PUD Mixed-Use Development and our Interim Engineer status with the Waterside Community Development District has established a foundation for working together and has allowed us to demonstrate our service approach. We would be pleased to be named the District Engineer for this contract, furthering our relationship and expanding our service offerings.

In the following pages, we have outlined the key individuals who would work with the District to advance your goals. Osborn Engineering has an impressive history of providing continuing engineering services through contracts with a variety of organizations including manufacturing/industrial, commercial, local, state and federal governments, airport authorities, healthcare systems and more.

Jonathan Gotwald, who would serve as the Project Manager for this project, has over 40 years of Civil Engineering experience and an extensive list of commercial/industrial site development, continuing services contracts, large campus master planning, and core urban infrastructure redevelopment projects. He has worked with all types of stakeholders, contractors, architects, engineers, municipalities and agencies, which translates into a well-rounded consultant to assist the District in reaching its goals.

If you have any questions about any of the information presented, Jonathan Gotwald will serve as your main point of contact to provide you with answers and can be reached at (727) 209-0436 extension 6305.

Respectfully submitted,



Jonathan J. Gotwald, PE
Director of Civil Engineering | Project Manager



Scott A. Vura, PE, LEED AP
Executive Vice President



EXECUTIVE SUMMARY

Our Foundation | Established over a century ago in 1892, Osborn Engineering is proud to be one of the nation's oldest engineering firms, continuing a tradition of excellence through outstanding quality in engineering.

Osborn's founder, Frank Osborn, developed new methods for concrete testing and authored a forerunner of today's American Institute of Steel Construction Manual (The Osborn Tables). These and other innovations dramatically increased the efficiency of structural and civil engineering design and consequently made the landmark projects of the twentieth century possible.

Osborn's reputation as a firm is based upon the character of our employees and by providing the latest advancements in engineering to our clients.

Today | Osborn is a fully integrated multi-disciplined design firm that uses a specialized team approach to engineering projects. These teams are comprised of a staff of 260+ professionals that provide designs for all phases of a wide range of projects. Osborn has specialists in water resources, transportation, civil, structural, mechanical, electrical, plumbing, fire protection/life safety, technology engineering and commissioning.

Building on our Cleveland origins, our Civil Engineering and Water Resources practice has expanded to Detroit, Pittsburgh, Columbus, Cincinnati and most recently, Florida. We have offices in St. Petersburg, Tampa, Orlando, Deerfield Beach and most recently, Cape Canaveral, with a staff of 60+ professionals in the state. As an employee-owned firm, each Osborn employee is committed to education and advancement, ensuring that every project is completed with a sense of pride.

Service Team | In preparing our proposal, we have selected the key professionals with extensive experience in agency coordination, with the authority to engage the broader range of Osborn team members across the entire firm. Our past experience working in both private developments as well as municipal settings makes Osborn an ideal firm to provide and support the Waterside CDD as your District Engineer.

Jonathan Gotwald, PE, our proposed project manager, with over 40 years of experience in working with agencies throughout the state of Florida, will be instrumental in assembling the specific civil, structural and MEP engineers that would be required for tasks throughout the course of the contract.

Project and Management Approach | Osborn Engineering is excited by the opportunity to expand our service offering to the District. We have developed both a technical and management approach tailored specifically for continuing engineering services contracts, and will tailor our approach to meet the District's needs. Our management approach will focus on delivering all task assignments for the contract within an agreed-upon budget and schedule. Further detail on this approach is included in **"Additional Information."**

Quality Control | Our Quality System was initially developed to comply with the ISO-9001-2K certification requirements with a robust process of independent audits for "architectural and engineering design and consulting." Over time, we discontinued the ISO certification and created our own internal manual, the Osborn Quality Assurance Manual, based upon the program process and requirements.

Our staff re-commits annually to this quality system, which is clearly documented and then communicated across all offices, disciplines, and market segments.



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CONTRACT SPECIFIC QUALIFICATIONS

ARCHITECT - ENGINEER QUALIFICATIONS

PART I - CONTRACT-SPECIFIC QUALIFICATIONS

A. CONTRACT INFORMATION

1. TITLE AND LOCATION <i>(City and State)</i> Waterside Community Development District - Continuing Engineering Services (Martin County, Florida)	
2. PUBLIC NOTICE DATE June 2022	3. SOLICITATION OR PROJECT NUMBER

B. ARCHITECT-ENGINEER POINT OF CONTACT

4. NAME AND TITLE Jonathan Gotwald, Director of Civil Engineering, Florida		
5. NAME OF FIRM The Osborn Engineering Company		
6. TELEPHONE NUMBER (727) 209-0436 x6305	7. FAX NUMBER	8. E-MAIL ADDRESS jgotwald@osborn-eng.com

C. PROPOSED TEAM

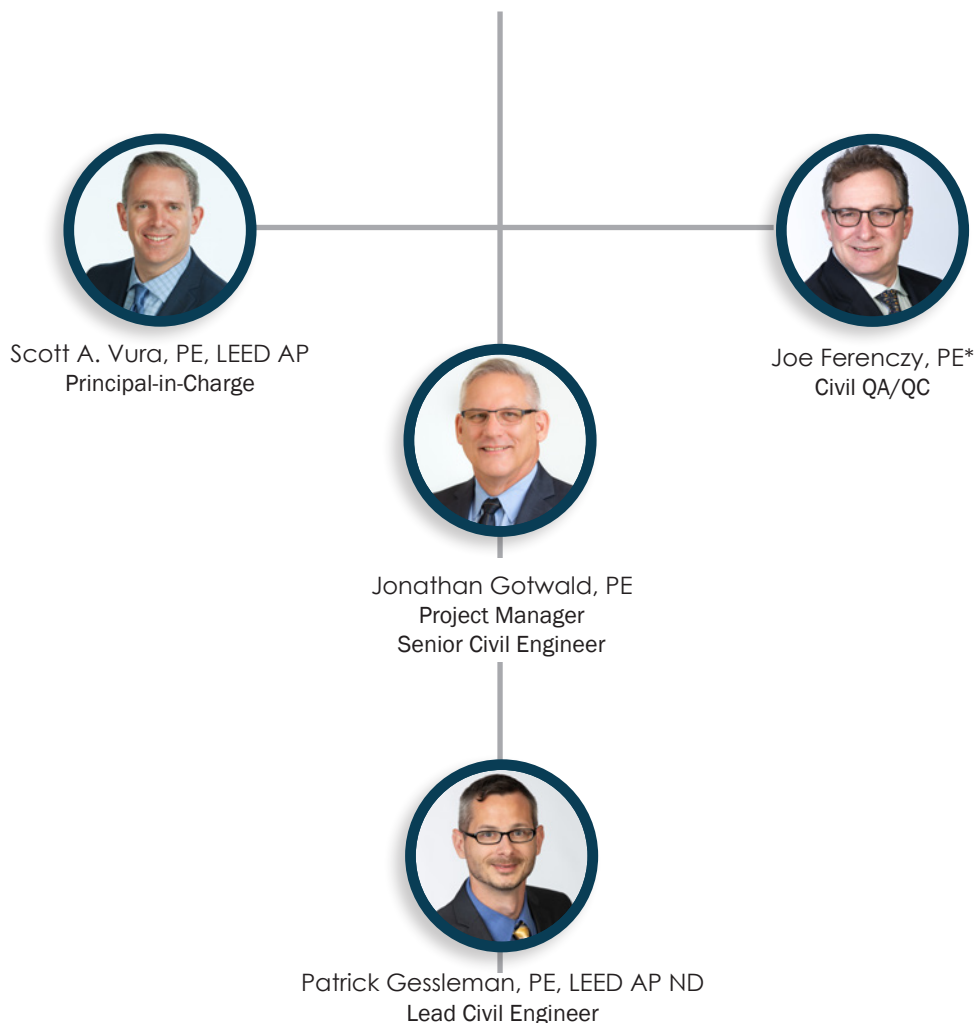
(Complete this section for the prime contractor and all key subcontractors.)

	(Check)			9. FIRM NAME	10. ADDRESS	11. ROLE IN THIS CONTRACT
	PRIME	JV	PARTNER SUBCON- TRACTOR			
a.	☒			Osborn Engineering ☒ CHECK IF BRANCH OFFICE	360 Central Avenue, Suite 1150 St. Petersburg, Florida 33701	Prime, Civil Engineering
b.	☒			Osborn Engineering ☒ CHECK IF BRANCH OFFICE	102 Columbia Drive, Suite 105 Cape Canaveral, Florida 32920	Structural Engineering
c.	☒			Osborn Engineering ☐ CHECK IF BRANCH OFFICE	400 North Tampa Street, Suite 2230 Tampa, Florida 33602	MEP Engineering
d.	☒			Osborn Engineering ☒ CHECK IF BRANCH OFFICE	15 W. Church Street, Suite 201 Orlando, Florida 32801	MEP Structural Building Technology Engineering
e.	☒			Osborn Engineering ☒ CHECK IF BRANCH OFFICE	600 West Hillsboro Blvd, Suite 102 Deerfield Beach, Florida 33441	MEP Engineering
f.	☒			Osborn Engineering ☐ CHECK IF BRANCH OFFICE	1100 Superior Avenue, Suite 300 Cleveland, Ohio 44114	Full Service Engineering Support and Additional Consulting Specialists

D. ORGANIZATIONAL CHART OF PROPOSED TEAM

☒ (Attached)

Waterside Community Development District



Osborn Additional Florida Division Service Team Professionals

Structural	Mechanical	Plumbing & Fire Protection	Civil	Electrical	Low Voltage
Matthew Furjanic, PE	Kyle Hanrahan, PE	Durvall Pedro	Jeff Denny, PE	Todd Vincent-Myrick	Sebastian Forbis, RCDD
Shane O'Brien, PE	Erik Walter, PE	Daton Ulett	Jorge Hernandez, PE	Christopher Durham, PE	Grant Ramsay
Rey Buencamino, PE	David Gotwald, PE	Victor Colón	Shane Kapoi	Stephen Russell, PE	Ken Hamilton
Santiago Rivera	Jarrod Tatum	Jason Pillsbury	Sassan Khalajestani	Erika Imhoff	
Byron Evetts, PE	Justin Mahone	Tony Bowers, PE	Jonathan Stephenson	Adam Bench	
George Tatsis, PE	Alex Lee			Thales Almagro	
James Hoyle	Santiago Diaz			Andy Dobrasz	
Stan Lockard	Omar Delgado, PE			Alberto Maldonado	
	PJ Ming			Keiran Smith, EI	
	John DiRoberto			Joao Fachini	
	Shuvam Pochi, EI			Brian Yi	
	Clayton Scelzi			Phil Bates	

E. RESUMES OF KEY PERSONNEL PROPOSED FOR THIS CONTRACT

(Complete one Section E for each key person.)

12. NAME Jonathan J. Gotwald, PE	13. ROLE IN THIS CONTRACT Project Manager	14. YEARS EXPERIENCE <table border="1"> <tr> <td>a. TOTAL 43</td> <td>b. WITH CURRENT FIRM 3</td> </tr> </table>		a. TOTAL 43	b. WITH CURRENT FIRM 3
a. TOTAL 43	b. WITH CURRENT FIRM 3				
15. FIRM NAME AND LOCATION (City and State) Osborn Engineering (St. Petersburg, Florida)					
16. EDUCATION (Degree and Specialization) Master of Engineering Management, University of Florida, 2002 BSCE, University of Toledo, 1979		17. CURRENT PROFESSIONAL REGISTRATION (State and Discipline) Professional Engineer (Florida, Civil)			
18. OTHER PROFESSIONAL QUALIFICATIONS (Publications, Organizations, Training, Awards, etc.) FL Engineering Society State Director; FL Education Facilities Planner's Association; Leadership St. Pete Alumni Association; FES Engineer of the Year Award (2011, 2017), FES Outstanding Service to the Engineering Profession Award (2010, 2020)					

19. RELEVANT PROJECTS

(1) TITLE AND LOCATION (City and State) KL Waterside - South Florida Gateway PUD Mixed-Use Development (Stuart, Florida)	(2) YEAR COMPLETED <table border="1"> <tr> <td>PROFESSIONAL SERVICES 2022</td> <td>CONSTRUCTION (if applicable) 2023</td> </tr> </table>		PROFESSIONAL SERVICES 2022	CONSTRUCTION (if applicable) 2023
PROFESSIONAL SERVICES 2022	CONSTRUCTION (if applicable) 2023			
a. (3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE ☒ Check if performed with current firm Civil design services for a 499.4-acre multi-use development including residential, commercial, and industrial phases. Phase 1 for 184-acres included 5,500 LF each of new sanitary sewer force main and water line extensions in SR 76. Also included over 5,000 LF of a combination of gravity sewer and low-pressure force mains to optimize sanitary service to the individual properties in the development. New Water main and Fire Protection main networks designed to serve the multi-use development. Stormwater management included a series of water quality and attenuation ponds. Permitting and approvals obtained. Role: Project Manager.				
(1) TITLE AND LOCATION (City and State) Pinellas County Schools - Continuing Engineering Services Contract (Civil) (Various Locations throughout Pinellas County, Florida)	(2) YEAR COMPLETED <table border="1"> <tr> <td>PROFESSIONAL SERVICES ongoing</td> <td>CONSTRUCTION (if applicable) ongoing</td> </tr> </table>		PROFESSIONAL SERVICES ongoing	CONSTRUCTION (if applicable) ongoing
PROFESSIONAL SERVICES ongoing	CONSTRUCTION (if applicable) ongoing			
b. (3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE ☒ Check if performed with current firm Osborn Engineering is a continuing engineering services provider for Civil, Structural and MEP Services. Task orders to date include track assessments at 16 different schools, an HVAC replacement at the Coachman Service Center, a 49th Street Bus Compound Fuel Tank relocation. Additionally, larger civil projects for the school system include Tyrone Middle School, Lakewood High School Renovations/Additions, 74th Elementary Campus improvements, Mildred Helms Elementary School Campus improvements and a new Leadership Incubator Facility. Role: Client Manager.				
(1) TITLE AND LOCATION (City and State) Cleveland Division of Water, Water Mains Replacement Programs - I, II, III (Cleveland, Ohio)	(2) YEAR COMPLETED <table border="1"> <tr> <td>PROFESSIONAL SERVICES 2018-ongoing</td> <td>CONSTRUCTION (if applicable) ongoing</td> </tr> </table>		PROFESSIONAL SERVICES 2018-ongoing	CONSTRUCTION (if applicable) ongoing
PROFESSIONAL SERVICES 2018-ongoing	CONSTRUCTION (if applicable) ongoing			
c. (3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE ☒ Check if performed with current firm Design, perform the transmission main inspection/condition assessment, and perform construction administration services for three separate contracts with the Division of Water. Each contract has an estimated total of 20,000 hours of engineering work in order to inspect, replace, and rehabilitate local water mains. The water system consists of nine hydraulic districts that cover an area of 620 square miles and includes 5,500 miles of water mains. The water mains range in size from 4 inches to 60 inches in its distribution system - concrete (multiple types), ductile iron, steel and cast iron. I - \$19.2 M; II - \$20.1 M; III - \$20.5 M; I - 41,976 LF; II - 51,837 LF; III - 50,000 LF. Role: QA/QC Plan Review & Technical Advisor.				
(1) TITLE AND LOCATION (City and State) Pinellas County Jail - Master Planning and Secure Entry Center (Largo, FL)	(2) YEAR COMPLETED <table border="1"> <tr> <td>PROFESSIONAL SERVICES 2022</td> <td>CONSTRUCTION (if applicable) Est 2023</td> </tr> </table>		PROFESSIONAL SERVICES 2022	CONSTRUCTION (if applicable) Est 2023
PROFESSIONAL SERVICES 2022	CONSTRUCTION (if applicable) Est 2023			
d. (3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE ☒ Check if performed with current firm Osborn Engineering is providing design civil engineering services to relocate the Secure Entry Center (SEC) within the Pinellas County Jail complex to improve the safety and security at the main jail entrance. Relocation and new construction of over 2,500 LF of underground piping and utilities, including water, reclaimed, sewer, storm, fiberoptic, power and security systems will be required to construct a new building and 295 associated parking spaces. Project is within the Master Planned Jail Complex, designed and permitted by Mr. Gotwald as Phase 4 improvements to enhance safety and security.				
(1) TITLE AND LOCATION (City and State) University of South Florida St. Petersburg - Campus Master Plan and Continuing Services Contract Management (St. Petersburg, Florida)	(2) YEAR COMPLETED <table border="1"> <tr> <td>PROFESSIONAL SERVICES Multiple Tasks</td> <td>CONSTRUCTION (if applicable) Multiple Tasks</td> </tr> </table>		PROFESSIONAL SERVICES Multiple Tasks	CONSTRUCTION (if applicable) Multiple Tasks
PROFESSIONAL SERVICES Multiple Tasks	CONSTRUCTION (if applicable) Multiple Tasks			
e. (3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE ☐ Check if performed with current firm USFSP Civil Engineering services for university campus master plan update beginning for the 2000 plan. Subsequent assistance with the updates in 2005, 2010 and 2015 were provided. Sections of the updated master plan included: General Infrastructure Element (Stormwater Management, Sanitary Sewer Systems, Potable Water Systems, Solid Waste), Conservation Element, Coastal Management Element, General Infrastructure Site Maps. Multiple task assignments under a Continuing Services Agreement as Campus Engineer including utility relocations/upgrades, Parking facilities, recreation trails, stormwater management, permitting and construction.				

E. RESUMES OF KEY PERSONNEL PROPOSED FOR THIS CONTRACT

(Complete one Section E for each key person.)

12. NAME Scott A. Vura PE, LEED AP	13. ROLE IN THIS CONTRACT Principal in Charge	14. YEARS EXPERIENCE <table border="1"> <tr> <td>a. TOTAL 28</td> <td>b. WITH CURRENT FIRM 25</td> </tr> </table>		a. TOTAL 28	b. WITH CURRENT FIRM 25
a. TOTAL 28	b. WITH CURRENT FIRM 25				
15. FIRM NAME AND LOCATION (City and State) Osborn Engineering (Cleveland, Ohio)					
16. EDUCATION (Degree and Specialization) BS, Civil Engineering / Structural, The Ohio State University, 1994	17. CURRENT PROFESSIONAL REGISTRATION (State and Discipline) Professional Engineer (Florida 62115, Civil) Professional Engineer (Ohio 63375, Civil) Also registered in Additional States				
18. OTHER PROFESSIONAL QUALIFICATIONS (Publications, Organizations, Training, Awards, etc.) American Planning Association - Top 5 Great Public Spaces Award (2018) for Public Square Redevelopment Project. Cleveland Engineering Society - New Large Project Award (2017) for Cleveland Clinic Cancer Institute Project. ACEC Ohio Engineering Excellence - Honor Award (2021) for NOACA Net Zero Cool Project.					

19. RELEVANT PROJECTS

(1) TITLE AND LOCATION (City and State) Cleveland Division of Water, Water Mains Replacement Programs - I, II, III (Cleveland, Ohio)	(2) YEAR COMPLETED	
	PROFESSIONAL SERVICES 2018-ongoing	CONSTRUCTION (if applicable) 2023
a. (3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE Design, perform the transmission main inspection/condition assessment, and perform construction administration services for three separate contracts with the Division of Water. Each contract has an estimated total of 20,000 hours of engineering work in order to inspect, replace, and rehabilitate local watermains. The water system consists of nine hydraulic districts that cover an area of 620 square miles and includes 5,500 miles of water mains. The watermains range in size from 4 inches to 60 inches in its distribution system – concrete (multiple types), ductile iron, steel and cast iron. I - \$19.2 M; II - \$20.1 M; III - \$20.5 M; I - 41,976 LF; II - 51,837 LF; III - 50,000 LF. Role: Principal in Charge	☒ Check if performed with current firm	
(1) TITLE AND LOCATION (City and State) NEORSD General Engineering Services 6 and 9 Civil, Structural, Architectural (Cleveland, Ohio)	(2) YEAR COMPLETED	
	PROFESSIONAL SERVICES 2018 - Ongoing	CONSTRUCTION (if applicable) Ongoing
b. (3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE Principal in Charge for a hillside investigation as part of this GES contract. Contract includes a variety of tasks at the Northeast Ohio Regional Sewer District's three wastewater treatment plants (Southerly, Easterly and Westerly), including miscellaneous surveying projects; structural support for trickling filters at the Westerly plant; a davits and bridge assessment at the Cuyahoga River boat launch; and repair of concrete columns at the Southerly plant. \$1 M. Role: Principal in Charge	☒ Check if performed with current firm	
(1) TITLE AND LOCATION (City and State) Cleveland Division of Water - General Engineering Services XII (Cleveland, Ohio)	(2) YEAR COMPLETED	
	PROFESSIONAL SERVICES 2020 - Ongoing	CONSTRUCTION (if applicable) Ongoing
c. (3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE Civil engineering design services for a 184 acre multi use development including a residential. Design services included a 5,500 liner feet of a new sanitary sewer forcemain and water line to service the development. The design services also included over 5,000 linear feet of a combination of gravity sewer and low pressure forcemains to optimize sanitary service to the individual properties within the development as well as watermains. Stormwater management included a series of water quality ponds. Permitting and approvals were obtained. Project Manager.	☒ Check if performed with current firm	
(1) TITLE AND LOCATION (City and State) Irishtown Town Bend Development - Hillside Slope Stabilization & Rehabilitation (Cleveland, Ohio)	(2) YEAR COMPLETED	
	PROFESSIONAL SERVICES 2021	CONSTRUCTION (if applicable) 2023
d. (3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE Principal in Charge for hillside slope stabilization and bulkhead installation at the historic Irishtown Bend in Cleveland, Ohio. A main goal of the project is to prevent a landslide into the Cuyahoga River that would hinder shipping lanes. The scope of work also includes repair of the Westerly low level interceptor in conjunction with NEORSD and roadway improvements. \$36 M. Role: Principal in Charge	☒ Check if performed with current firm	
(1) TITLE AND LOCATION (City and State) Public Square Redevelopment City of Cleveland, OH	(2) YEAR COMPLETED	
	PROFESSIONAL SERVICES 2014	CONSTRUCTION (if applicable) 2016
e. (3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE Principal in Charge - the project involved detailed coordination with 23 different utility companies, touching almost every one of their facilities, as well as ongoing RTA transit hub coordination throughout the design and construction phases. The design encompassed extensive grading, retaining wall structures, various pavement types, storm water management, an NEORSD underground rainwater harvesting system, a new fountain installation and the associated equipment, piping and systems, new building foundations, a maintenance of traffic scheme with three different designated outer rings, traffic signal system upgrades and all new site lighting. \$50 M. Role: Principal in Charge	☒ Check if performed with current firm	

E. RESUMES OF KEY PERSONNEL PROPOSED FOR THIS CONTRACT

(Complete one Section E for each key person.)

12. NAME Joseph K. Ferenczy, PE	13. ROLE IN THIS CONTRACT Director of Water Resources	14. YEARS EXPERIENCE a. TOTAL 26 b. WITH CURRENT FIRM 7	
15. FIRM NAME AND LOCATION (City and State) Osborn Engineering (Cleveland, Ohio)			
16. EDUCATION (Degree and Specialization) BS, Cleveland State University, Civil Engineering		17. CURRENT PROFESSIONAL REGISTRATION (State and Discipline) Professional Engineer (Ohio, Civil) Professional Engineer (West Virginia, Civil)	
18. OTHER PROFESSIONAL QUALIFICATIONS (Publications, Organizations, Training, Awards, etc.) American Society of Civil Engineers (ASCE) Member. Training: Green Infrastructure, Utility & Roadway Design; Hydrology & Hydraulics; Storm Water Management (including Ohio EPA and NPDES construction storm water permit requirements)			

19. RELEVANT PROJECTS

(1) TITLE AND LOCATION (City and State) Cleveland Division of Water - Water Mains Replacement Programs - I, II, III (Cleveland, Ohio)	(2) YEAR COMPLETED PROFESSIONAL SERVICES 2018-ongoing CONSTRUCTION (if applicable) ongoing	
a. (3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE ☒ Check if performed with current firm Design, perform the transmission main inspection/condition assessment and construction administration services for three separate contracts. Each has an estimated total of 20,000 hours of engineering work in order to inspect, replace, and rehabilitate local water-mains. The water system consists of nine hydraulic districts that cover an area of 620 square miles and includes 5,500 miles of water mains. The watermains range in size from 4 inches to 60 inches in its distribution system – concrete (multiple types), ductile iron, steel and cast iron. I - \$19.2 M; II - \$20.1 M; III - \$20.5 M; I - 41,976 LF; II - 51,837 LF; III - 50,000 LF. Role: Project Director-QA/QC.		
(1) TITLE AND LOCATION (City and State) Cleveland Water Pollution Control - East 85 Street/Chester Avenue Area Sewer Project (Cleveland, Ohio)	(2) YEAR COMPLETED PROFESSIONAL SERVICES 2018 CONSTRUCTION (if applicable) 2019	
b. (3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE ☒ Check if performed with current firm Osborn provided services to plan and design a 36-inch diameter bypass sewer using trenchless technologies to minimize disruption to the 25- to 30-foot deep sewer. The final design included a 36-inch CCFRPM pipe with a 54-inch steel casing pipe with three boring pits for the 835 feet of sewer along Chester Parkway. Additional project details included sizing of the launching and receiving pits, a geotechnical data report, utility relocations, maintenance of traffic, permitting and junction chamber for the outlet connection. The project was delivered as a design-bid-build project costing \$3.5M with construction completed in 2020. Role: QA/QC.		
(1) TITLE AND LOCATION (City and State) Cleveland Division of Water - General Engineering Services XII (Cleveland, Ohio)	(2) YEAR COMPLETED PROFESSIONAL SERVICES 2020-ongoing CONSTRUCTION (if applicable) ongoing	
c. (3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE ☒ Check if performed with current firm Civil engineering design services for a 184 acre multi use development including a residential. Design services included a 5,500 linear feet of a new sanitary sewer forcemain and water line to service the development. The design services also included over 5,000 linear feet of a combination of gravity sewer and low pressure forcemains to optimize sanitary service to the individual properties within the development as well as watermains. Stormwater management included a series of water quality ponds. Permitting and approvals were obtained. Project Manager.		
(1) TITLE AND LOCATION (City and State) Cuyahoga Community College - East Quad - Town Center Engineering Services (Highland Hills, OH)	(2) YEAR COMPLETED PROFESSIONAL SERVICES 2018-2022 CONSTRUCTION (if applicable) 2019-ongoing	
d. (3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE ☒ Check if performed with current firm An 80+ acre redevelopment of the eastern campus at Tri-C over three phases. The design intent is to create a university (4 year) campus including student housing, a center quad, pedestrian walkways, trails, athletic facility upgrades and future educational facilities on the eastern campus. Osborn serves as the overall project manager for the infrastructure planning and design including the roads, parking lots, pedestrian walks, utilities (public and private), stormwater management and site amenities. Role: Project Manager.		
(1) TITLE AND LOCATION (City and State) ODRC - Trumbull Correctional Institution - Water Distribution Repairs and Site Repairs (Youngstown, Ohio)	(2) YEAR COMPLETED PROFESSIONAL SERVICES 2022 CONSTRUCTION (if applicable) 2023	
e. (3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE ☒ Check if performed with current firm Trumbull Correctional Institution is a medium security facility, housing approximately 1,520 inmates. Osborn Engineering, alongside DS Architecture, was hired to prepare a Program of Requirements to assess facility deficiencies, recommend solutions and associated costs, prioritize improvements, and to provide full design and construction administration for those improvements. Role: Project Principal.		

E. RESUMES OF KEY PERSONNEL PROPOSED FOR THIS CONTRACT

(Complete one Section E for each key person.)

12. NAME Patrick M. Gessleman, PE, LEED AP ND	13. ROLE IN THIS CONTRACT Civil Engineer Civil Lead	14. YEARS EXPERIENCE	
		a. TOTAL 17	b. WITH CURRENT FIRM 2
15. FIRM NAME AND LOCATION (City and State) Osborn Engineering (St. Petersburg, Florida)			
16. EDUCATION (Degree and Specialization) BSCE, Morgan State University, 2011 AAS, Engineering, Harford Community College, 2003		17. CURRENT PROFESSIONAL REGISTRATION (State and Discipline) Professional Engineer (FL, MD, Civil)	
18. OTHER PROFESSIONAL QUALIFICATIONS (Publications, Organizations, Training, Awards, etc.) LEED AP Neighborhood Development; Leadership St. Pete, Class of 2020			

19. RELEVANT PROJECTS

(1) TITLE AND LOCATION (City and State)	(2) YEAR COMPLETED	
KL Waterside - South Florida Gateway PUD Mixed-Use Development (Stuart, Florida)	PROFESSIONAL SERVICES 2022	CONSTRUCTION (if applicable) 2023
a. (3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE ☒ Check if performed with current firm Civil design services for a 499.4-acre multi-use development including residential, commercial, and industrial phases. Phase 1 for 184-acres included 5,500 LF each of new sanitary sewer force main and water line extensions in SR 76. Also included over 5,000 LF of a combination of gravity sewer and low-pressure force mains to optimize sanitary service to the individual properties in the development. New Water main and Fire Protection main networks designed to serve the multi-use development. Stormwater management included a series of water quality and attenuation ponds. Permitting and approvals obtained. Role: Project Engineer.		
(1) TITLE AND LOCATION (City and State)	(2) YEAR COMPLETED	
Pinellas County Schools - Continuing Engineering Services Contract (Civil) (Various Locations throughout Pinellas County, Florida)	PROFESSIONAL SERVICES ongoing	CONSTRUCTION (if applicable) ongoing
b. (3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE ☒ Check if performed with current firm Osborn Engineering is a continuing engineering services provider for Civil, Structural and MEP Services. Task orders to date include track assessments at 16 different schools, an HVAC replacement at the Coachman Service Center, a 49th Street Bus Compound Fuel Relocation. Additionally, larger civil projects for the school system include Tyrone Middle School, Lakewood High School Renovations/Additions, 74th Elementary Campus improvements, Mildred Helms Elementary School improvements and a new Leadership Incubator Facility. Role: Project Engineer.		
(1) TITLE AND LOCATION (City and State)	(2) YEAR COMPLETED	
Pinellas County Jail - Master Planning and Secure Entry Center (Largo, FL)	PROFESSIONAL SERVICES 2022	CONSTRUCTION (if applicable) 2023
c. (3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE ☒ Check if performed with current firm Osborn Engineering is providing design civil engineering services to relocate the Secure Entry Center (SEC) within the Pinellas County Jail complex to improve the safety and security at the main jail entrance. Relocation and new construction of over 2,500 LF of underground piping and utilities, including water, reclaimed, sewer, storm, fiberoptic, power and security systems will be required to construct a new building and 295 associated parking spaces. Role: Project Manager.		
(1) TITLE AND LOCATION (City and State)	(2) YEAR COMPLETED	
Curaleaf - Civil Engineering Consulting Services (Various locations throughout the state of Florida)	PROFESSIONAL SERVICES ongoing	CONSTRUCTION (if applicable) ongoing
d. (3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE ☒ Check if performed with current firm Osborn is the acting civil engineering project manager for multiple project sites throughout Florida. Current project sites include Miami, Tampa and Mt. Dora. Types of services/projects include parking improvements, stormwater management, sanitary sewer system upgrades/modifications, a 20,000 SF processing plant expansion, grow operations development, permitting and construction. Role: Project Manager.		
(1) TITLE AND LOCATION (City and State)	(2) YEAR COMPLETED	
Pinellas County Sheriff's Office Hangar Expansion at the St. Pete-Clearwater International Airport (PIE, Clearwater, FL)	PROFESSIONAL SERVICES 2020	CONSTRUCTION (if applicable) 2021
e. (3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE ☒ Check if performed with current firm Prepared a design criteria package for replacement of the existing hangar including relocation of utilities and storm drainage, new utility extensions while the existing hangar remains in use throughout construction of the new hangar. 38,000 SF hangar building. Relocation of 1,734 LF of existing pipelines and structures. Role: Project Manager.		

PR SOUTH FLORIDA GATEWAY PUD MIXED-USE DEVELOPMENT

F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT

(Present as many projects as requested by the agency, or 10 projects, if not specified. Complete one Section F for each project.)

20. EXAMPLE PROJECT KEY NUMBER

1

21. TITLE AND LOCATION (City and State)

South Florida Gateway PUD Mixed-Use Development
(Stuart, FL)

22. YEARS COMPLETED

PROFESSIONAL SERVICES
ongoing

CONSTRUCTION (If applicable)
2022 estimated

23. PROJECT OWNER'S INFORMATION

a. PROJECT OWNER

KL Waterside LLC

b. POINT OF CONTACT NAME

Jim Harvey, President

c. POINT OF CONTACT TELEPHONE NUMBER

813.615.1244

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

Development of approximately 499.4 Acres of unplatted agricultural land with the intent to replat the property to allow for redevelopment for industrial, retail/commercial, single- and multi-family residential users. The development is subdivided in approximately the following breakdown based:

- Residential: 315.24 Acres (1,000+ Units)
- Retail/Commercial: 39.75 Acres
- Industrial: 144.41 Acres

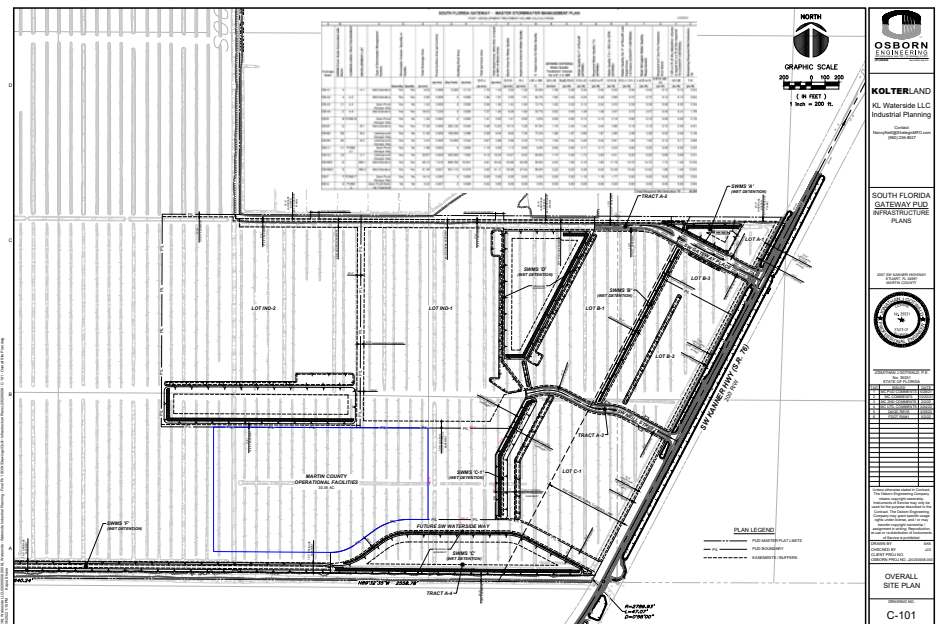
The initial phase of development required the 5,500 LF extension of County water and sanitary force mains along SR 76 to serve the project development. The phased development of the remaining property would expand upon the initial design phases.

As Part of Increment 1 - PUD Master Plan and Initial Infrastructure Site Plan, Osborn is providing:

- PUD Master Plan
- Phase I Infrastructure Improvements Plan
- Stormwater Management
- Gravity and Low Pressure (force main) sanitary collection systems
- Potable and Fire water main distribution systems

Increment 2: Residential Development
Increment 3: Commercial Development
along State Road 76

Project Cost: \$10 Million (estimated)



25. FIRMS FROM SECTION C INVOLVED WITH THIS PROJECT

a. (1) FIRM NAME Osborn Engineering	(2) FIRM LOCATION (City and State) St. Petersburg, FL	(3) ROLE Civil Engineer
b. (1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE

GENERAL ENGINEERING SERVICES XII

F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT

(Present as many projects as requested by the agency, or 10 projects, if not specified. Complete one Section F for each project.)

20. EXAMPLE PROJECT KEY NUMBER

2

21. TITLE AND LOCATION (City and State) General Engineering Services XII (Cleveland, OH)	22. YEARS COMPLETED	
	PROFESSIONAL SERVICES 2018-ongoing	CONSTRUCTION (If applicable) ongoing

23. PROJECT OWNER'S INFORMATION

a. PROJECT OWNER City of Cleveland, Division of Water	b. POINT OF CONTACT NAME Ghassan Ali, PE	c. POINT OF CONTACT TELEPHONE NUMBER 216.664.2444
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24. BRIEF DESCRIPTION OF PROJECT AND RELEVANCE TO THIS CONTRACT (Include scope, size, and cost)

Osborn Engineering as subconsultant to Wade Trim is providing civil, mechanical and electrical engineering for a general engineering services contract for the Cleveland Division of Water.

The task work scopes include numerous studies, alternatives analyses and improvement plan preparation. The tasks currently include:-

- Various Arc Flash Studies within the plants and secondary facilities
- Harvard Dennison 42" transmission main rehab and structural liner
- Highland Tribusky 42" transmission main relining
- Twinsburg Pump Station HVAC Repairs
- Motor Starting Study
- UPS upgrades and various CWD facilities
- One line Diagrams
- Various CWD Plants

Project Cost: \$2.5M - Total (\$400k Osborn)



25. FIRMS FROM SECTION C INVOLVED WITH THIS PROJECT

a.	(1) FIRM NAME Osborn Engineering	(2) FIRM LOCATION (City and State) Cleveland, OH	(3) ROLE Civil Engineer
b.	(1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE

WATERMAINS REPLACEMENT PROGRAMS

F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT

(Present as many projects as requested by the agency, or 10 projects, if not specified. Complete one Section F for each project.)

20. EXAMPLE PROJECT KEY NUMBER

3

21. TITLE AND LOCATION (City and State) Watermains Replacement Programs - Phases I, II, & III (Cleveland, OH)	22. YEARS COMPLETED PROFESSIONAL SERVICES 2018-Ongoing	CONSTRUCTION (If applicable) Ongoing
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23. PROJECT OWNER'S INFORMATION

a. PROJECT OWNER City of Cleveland, Division of Water	b. POINT OF CONTACT NAME Jose Hernandez	c. POINT OF CONTACT TELEPHONE NUMBER 216.664.2444
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24. BRIEF DESCRIPTION OF PROJECT AND RELEVANCE TO THIS CONTRACT (Include scope, size, and cost)

Osborn Engineering has been contracted to design water main replacements, perform transmission main inspection/condition assessments and provide construction administration services for the 2018-2019, 2020-2021 & 2022-2023 Water Mains Renewal Programs, Phase I, II and III.

Each program has an estimated total of 20,000 hours of engineering work in order to inspect, replace, and rehabilitate local water mains. The water system consists of nine hydraulic districts that cover an area of 620 square miles and includes 5,500 miles of water mains. The water mains range in size from 4 inches to 60 inches in its distribution and transmission systems – concrete (multiple types), ductile iron, steel and cast iron. All three contracts include Water Main A-B-C Replacements, large diameter (42 - 60") inspections and assessments, flushing stations, extensions, mapping projects, testing programs, and data analyses and GIS compilation.

Project Cost:

- PHASE I TASKS: 24 tasks; 41,976 LF; Project Cost: \$19.2 Million
- PHASE II TASKS: 17 tasks; 51,837 LF; Project Cost: \$20.1 Million
- PHASE III TASKS: 20 tasks projected; approx 50,000 LF; Project Cost: \$20.5 Million

A majority of the design included replacement of watermains in dense residential areas including maintaining water service during construction



25. FIRMS FROM SECTION C INVOLVED WITH THIS PROJECT

a. (1) FIRM NAME Osborn Engineering	(2) FIRM LOCATION (City and State) Cleveland, OH	(3) ROLE Civil Engineer
b. (1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE

SEWER RELOCATION

F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT

(Present as many projects as requested by the agency, or 10 projects, if not specified. Complete one Section F for each project.)

20. EXAMPLE PROJECT KEY NUMBER

4

21. TITLE AND LOCATION (City and State) Cleveland Water Pollution Control - Sewer Relocation (Cleveland, OH)	22. YEARS COMPLETED	
	PROFESSIONAL SERVICES 2018	CONSTRUCTION (If applicable) 2021

23. PROJECT OWNER'S INFORMATION

a. PROJECT OWNER City of Cleveland	b. POINT OF CONTACT NAME Cecilia Mazzei	c. POINT OF CONTACT TELEPHONE NUMBER 216.664.2513
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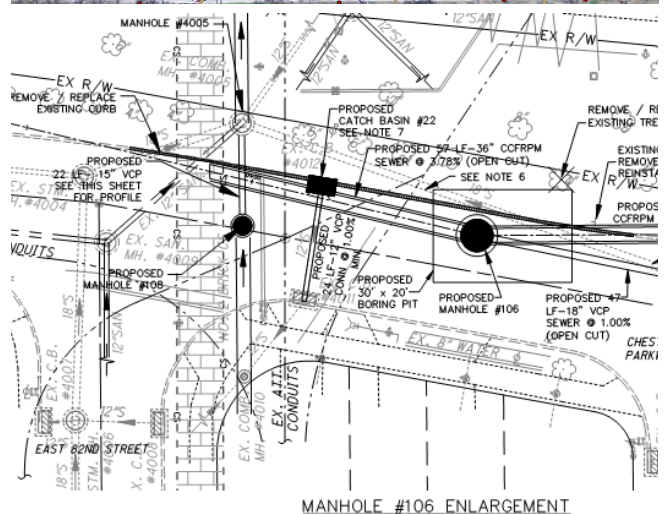
24. BRIEF DESCRIPTION OF PROJECT AND RELEVANCE TO THIS CONTRACT (Include scope, size, and cost)

Between 2001 and 2005, a culvert known as the Spring Brook Culvert, was modified to convey CSO discharge through a weir to alleviate flooding conditions. Dry weather flows were rerouted through a new 36" reinforced concrete pipe combined sewer connecting to the existing combined system to the north while wet weather flows were conveyed through the old culvert. However, this intensified some localized basement flooding and it was found that the downstream culvert was collapsed causing surcharged conditions in the upstream sections of the sewer.

Osborn Engineering was contracted by the City of Cleveland, Water Pollution Control in 2016 to develop a series of alternatives and perform a combination of field work, preliminary SWMM modeling and research to analyze these alternatives to mitigate the surcharged conditions. The work included the preparation of multiple alignment alternatives and a recommendation for a preferred alternative in a basis of design report. The preferred alternative extended 1,000 feet of a new 36" combined sewer to an existing 10' diameter Northeast Ohio Regional Sewer District interceptor and construction of a new 15" diameter combined sewer to collect and reroute the residential properties in the area. The project also included the installation of a new weir to convey wet weather flows. In the basis of design report, Osborn evaluated various methods of construction and it was ultimately determined that a jack and bore tunnel was the most effective solution for the 36" sewer and open cut construction for the local 15" sewer.

Preliminary and final engineering documents were developed including plans specifications and a cost estimate. The improvement plans included plan and profiles, boring details, boring/receiving pit plans, general notes and details, restoration, and maintenance of traffic plans. The work included the reconnection of approximately 15 residential properties for the local combined sewer. Osborn Engineering assisted and supported WPC through the bid and award process answering contractors' RFIs and performing reference checks. Once a contractor is awarded the project, Osborn Engineering will provide field engineering services to verify that the contractor is installing the project in accordance with the approved and permitted utility improvements drawings.

Project Cost: \$3,000,000



25. FIRMS FROM SECTION C INVOLVED WITH THIS PROJECT

a. (1) FIRM NAME Osborn Engineering	(2) FIRM LOCATION (City and State) Cleveland, OH	(3) ROLE Civil Engineer
b. (1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE

PINELLAS COUNTY SCHOOLS - CONTINUING ENGINEERING

F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT

(Present as many projects as requested by the agency, or 10 projects, if not specified. Complete one Section F for each project.)

20. EXAMPLE PROJECT KEY NUMBER

5

21. TITLE AND LOCATION (City and State)	22. YEARS COMPLETED	
Pinellas County Schools - Continuing Engineering Services - Civil, MEP, Structural (Various Locations throughout Pinellas County, FL)	PROFESSIONAL SERVICES Ongoing	CONSTRUCTION (If applicable) Ongoing

23. PROJECT OWNER'S INFORMATION

a. PROJECT OWNER Pinellas County Schools	b. POINT OF CONTACT NAME Doug Pollei, AIA	c. POINT OF CONTACT TELEPHONE NUMBER 727.547.7113
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24. BRIEF DESCRIPTION OF PROJECT AND RELEVANCE TO THIS CONTRACT (Include scope, size, and cost)

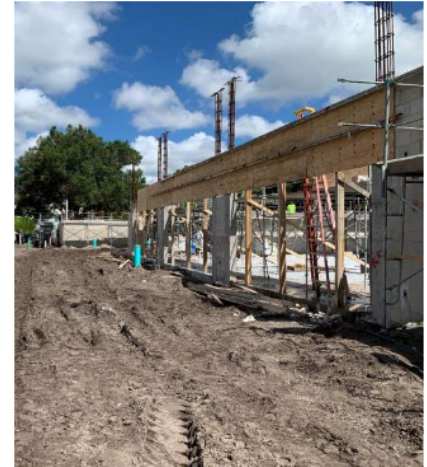
Osborn Engineering is a continuing engineering services provider for Civil, Structural and MEP Services for projects under \$4 Million in construction and \$400,000 in consulting fees. We have been a continuing contract holder since 2020 and our contract extends through 2024.

Task orders to date include:

- Track assessments at 16 different schools
- HVAC replacement at the Coachman Service Center
- 49th Street Bus Compound Fuel Tank relocation.

Additionally, larger civil projects for the school system include:

- Tyrone Middle School
- Lakewood High School Renovations/Additions
- 74th Elementary Campus Site Improvements
- Mildred Helms Elementary School Campus Improvements
- Leadership Incubator Facility.



25. FIRMS FROM SECTION C INVOLVED WITH THIS PROJECT

a.	(1) FIRM NAME Osborn Engineering	(2) FIRM LOCATION (City and State) St. Petersburg, FL	(3) ROLE Civil, MEP and Structural Engineer
b.	(1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE

CITY OF COLUMBUS - EXECUTIVE ENGINEER

F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT

(Present as many projects as requested by the agency, or 10 projects, if not specified. Complete one Section F for each project.)

20. EXAMPLE PROJECT KEY NUMBER

6

21. TITLE AND LOCATION (City and State) Division of Water Safety Improvements (Columbus, OH)	22. YEARS COMPLETED	
	PROFESSIONAL SERVICES 2022	CONSTRUCTION (If applicable) 2023

23. PROJECT OWNER'S INFORMATION

a. PROJECT OWNER City of Columbus	b. POINT OF CONTACT NAME Lisa Wilson	c. POINT OF CONTACT TELEPHONE NUMBER 614.645.7433
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24. BRIEF DESCRIPTION OF PROJECT AND RELEVANCE TO THIS CONTRACT (Include scope, size, and cost)

The City of Columbus Division of Water partnered with Osborn to address a multitude of safety hazards at their three water plants and watershed sites. The City provided to us a list of over 100 individual safety issues that needed to be addressed to ensure safety of the water department personnel. Osborn surveyed each item and developed a conceptual repair for consideration by the owner. The repair items were prioritized by criticality of safety, cost, and inclusion in a common bid package for like work. Our scope required that our site survey team be trained in the unique safety measures at each plant prior to us making the site visit. Our deliverable consisted of a report that included the prioritized list of repairs, recommendations, cost estimate and photos for tracking completion of items as they are addressed.

Project Cost: Varies by site



25. FIRMS FROM SECTION C INVOLVED WITH THIS PROJECT

a.	(1) FIRM NAME Osborn Engineering	(2) FIRM LOCATION (City and State) Cleveland, OH	(3) ROLE Civil Engineer
b.	(1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE

METROHEALTH - EXECUTIVE ENGINEER

F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT

(Present as many projects as requested by the agency, or 10 projects, if not specified. Complete one Section F for each project.)

20. EXAMPLE PROJECT KEY NUMBER

7

21. TITLE AND LOCATION (City and State) Executive Engineer for Transformation (Cleveland, OH)	22. YEARS COMPLETED PROFESSIONAL SERVICES Ongoing CONSTRUCTION (If applicable) Ongoing
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23. PROJECT OWNER'S INFORMATION

a. PROJECT OWNER MetroHealth	b. POINT OF CONTACT NAME Karen Detloff	c. POINT OF CONTACT TELEPHONE NUMBER 216.299.5913
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24. BRIEF DESCRIPTION OF PROJECT AND RELEVANCE TO THIS CONTRACT (Include scope, size, and cost)

Osborn is working as Executive Engineer with HKS Architects (Executive Architect) to study, develop, program, design and lead a master campus renewal plan for the long term development and renewal of MetroHealth's facilities. To date Osborn has performed the following services for the 2.5 million gsf, \$946 million transformation project:

- Osborn's civil team worked directly with HGA's architecture and civil team to develop SD, DD and CD sets of plans for the main hospital transformation. Osborn was responsible for the coordination with local permitting authorities, utility and stormwater management design, calculations and implementation, coordination with HGA's team and participation in OAC meetings, construction administration.
- Developed Criteria Engineering Design Documents for a new \$82 million, 88 patient bed, 100,000 square foot, vertical expansion of the existing Critical Care Pavilion. Expansion occurred over top of existing ground level Emergency Department and 1st floor, 20 suite Surgery unit. Mechanical design included a 15,000 square foot expansion of the existing 2nd floor mechanical room to house new central station air handlers, medical gas equipment and necessary infrastructure. A new chilled water plant was designed to supplement the existing water cooled system as well as extension and design for a new high pressure steam pressured reducing station and steam service and heating water heat exchangers. HVAC and plumbing distribution served the patient rooms and support spaces. Provided Owner representative support, EOR peer review and Commissioning services throughout design and construction.
- Evaluated existing HVAC, Plumbing, Electrical, Technology and Fire Protection Systems.
- Evaluated existing building automation system (BAS).
- Evaluated existing central utility plant and distribution infrastructure; forecast future utility demand profiles; evaluated options for new central utility plan including combined heat and power; developed concept central plant layouts, siting and utility corridors and life cycle cost analysis.
- Developed Criteria Engineering Design Documents for a new central utility plant including an 8,000 ton central chilled water plant; 150,000 pph steam plant and 12 MW of standby power.
- Developed Criteria Engineering Design Documents for a new Building Automation System (BAS) to serve the Main Campus as well as regional facilities.
- Developed Engineering Design Standards for Transformation including BAS.

Project Cost: \$946,000,000



25. FIRMS FROM SECTION C INVOLVED WITH THIS PROJECT

a. (1) FIRM NAME Osborn Engineering	(2) FIRM LOCATION (City and State) Cleveland, OH	(3) ROLE Executive Engineer - Civil, Structural, Mechanical and Electrical Engineering
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STANDARD FORM 330 (REV. 8/2016) PAGE 3

WAREHOUSE ARTS DISTRICT REDEVELOPMENT (THE FACTORY)

F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT

(Present as many projects as requested by the agency, or 10 projects, if not specified. Complete one Section F for each project.)

20. EXAMPLE PROJECT KEY NUMBER

8

21. TITLE AND LOCATION (City and State)

Warehouse Arts District - Redevelopment for The Factory
(St. Petersburg, FL)

22. YEARS COMPLETED

PROFESSIONAL SERVICES
2020

CONSTRUCTION (If applicable)
2021

23. PROJECT OWNER'S INFORMATION

a. PROJECT OWNER

Guru & Gaia LLC

b. POINT OF CONTACT NAME

Kara Behar

c. POINT OF CONTACT TELEPHONE NUMBER

727.800.5300

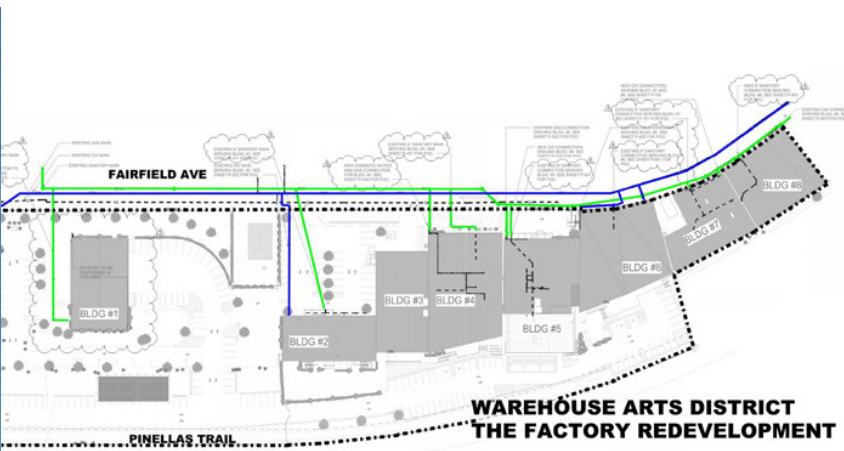
24. BRIEF DESCRIPTION OF PROJECT AND RELEVANCE TO THIS CONTRACT (Include scope, size, and cost)

Osborn Engineering performed civil engineering services to accommodate redevelopment of 2-1/2 blocks of light industrial property between Fairfield Ave and the Pinellas Trail, in St Petersburg, Florida as a part of the Economic Redevelopment of the Warehouse Arts District in the South St Petersburg Community Redevelopment Area.

Repurposing existing warehouse and light manufacturing buildings totaling 71,178 SF required evaluation of the capacities and connections of over 1,000 LF of utility services and the city-maintained gravity sewers in Fairfield Ave S. Existing infrastructure including water distribution, fire protection, natural gas, storm drainage and stormwater management requiring new construction, upgrades or verification of capacity and permit status were addressed in the design and permitting of this project.

Project Cost: Site Infrastructure cost estimate: \$300K

Project Size: 6.49 Acres, 71,178 SF building renovations



25. FIRMS FROM SECTION C INVOLVED WITH THIS PROJECT

a. (1) FIRM NAME Osborn Engineering	(2) FIRM LOCATION (City and State) St. Petersburg, FL	(3) ROLE Civil, MEP, Fire Protection Engineer
b. (1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE

JAIL SECURE ENTRY CENTER - MASTER PLANNING

F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT

(Present as many projects as requested by the agency, or 10 projects, if not specified. Complete one Section F for each project.)

20. EXAMPLE PROJECT KEY NUMBER

9

21. TITLE AND LOCATION (City and State) Pinellas County Jail - Master Planning and Secure Entry Center (Largo, FL)	22. YEARS COMPLETED PROFESSIONAL SERVICES 2023 est	CONSTRUCTION (If applicable) 2023 est.
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23. PROJECT OWNER'S INFORMATION

a. PROJECT OWNER Pinellas County Dept. of Admin Services	b. POINT OF CONTACT NAME Derek A. Weaver, RA, NCARB, LEED AP	c. POINT OF CONTACT TELEPHONE NUMBER 727.464.5309
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24. BRIEF DESCRIPTION OF PROJECT AND RELEVANCE TO THIS CONTRACT (Include scope, size, and cost)

Osborn Engineering is providing design civil engineering services to relocate the Secure Entry Center (SEC) within the Pinellas County Jail complex to improve the safety and security at the main jail entrance. Relocation and new construction of over 2,500 LF of underground piping and utilities, including water, reclaimed, sewer, storm, fiberoptic, power and security systems will be required to construct a new building and 295 associated parking spaces.

Osborn is working under the Williamson Design Associates contract with Pinellas County for this project assignment.

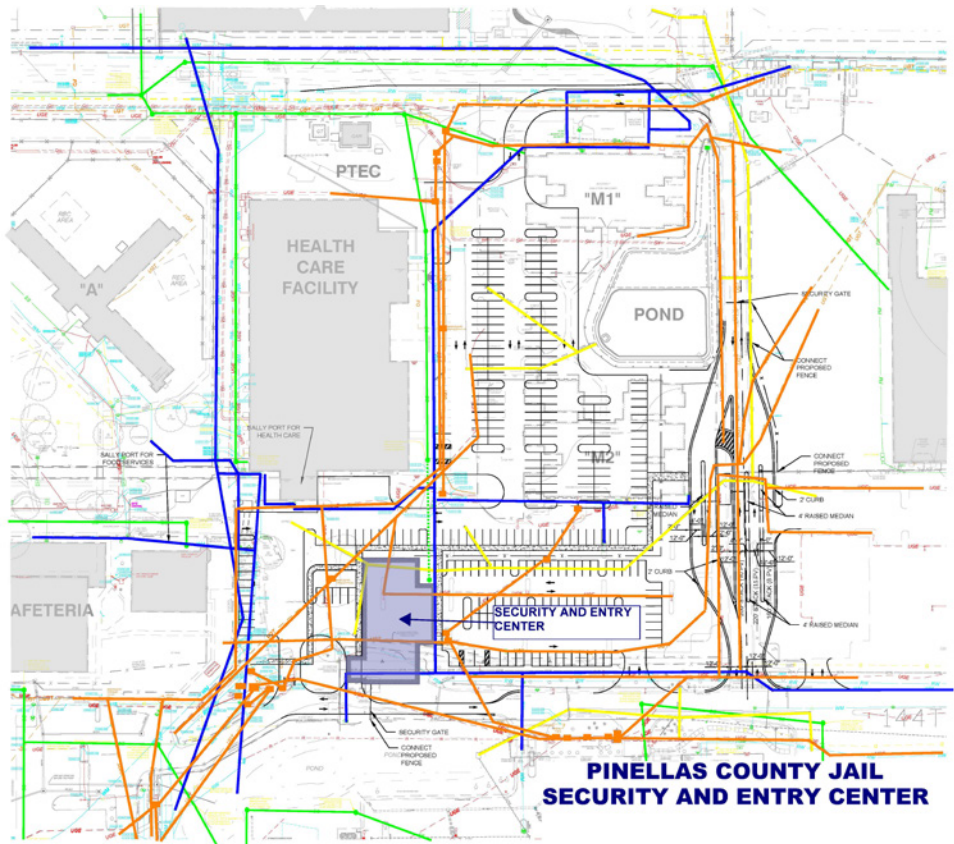
The pre-construction demolition plan design will provide for the assessment and removal of underground utilities with will be impacted by the proposed building. Sanitary sewer, water systems and drainage systems will be relocated or removed, maintaining continuous operation of the Jail Campus.

Final design of near facilities will reconnect to the on-site relocated utilities without disrupting Jail Operations.

Project size: 20K SF Building.

Approximately 2,500 LF pipeline reconstruction.

Project Cost: (estimated, not complete):
\$7M budget.
\$1M site costs.



25. FIRMS FROM SECTION C INVOLVED WITH THIS PROJECT

a. (1) FIRM NAME Osborn Engineering	(2) FIRM LOCATION (City and State) St. Petersburg, FL	(3) ROLE Civil Engineer
b. (1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE

PUBLIC SQUARE REDEVELOPMENT

F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT

(Present as many projects as requested by the agency, or 10 projects, if not specified. Complete one Section F for each project.)

20. EXAMPLE PROJECT KEY NUMBER

10

21. TITLE AND LOCATION (City and State) Public Square Redevelopment (Cleveland, OH)	22. YEARS COMPLETED PROFESSIONAL SERVICES 2014	CONSTRUCTION (If applicable) 2016
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23. PROJECT OWNER'S INFORMATION

a. PROJECT OWNER City of Cleveland	b. POINT OF CONTACT NAME Richard Kennedy, James Corner Field Operations	c. POINT OF CONTACT TELEPHONE NUMBER 212.433.1450 x223
---------------------------------------	--	---

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

Osborn Engineering provided engineering design services for the redevelopment of Cleveland's Public Square in conjunction with James Corner Field Operations. James Corner Field Operations provided planning and Landscape Architecture services for this project at the direction of LANDstudio, a Cleveland non-profit organization focused on enhancing public spaces.

The project has involved detailed coordination with 23 different utility companies, touching almost every one of their facilities, as well as ongoing RTA transit hub coordination throughout the design and construction phases. The engineering design has encompassed extensive grading, retaining wall structures, various pavement types, storm water management, a new fountain installation and the associated equipment, piping and systems, new building foundations, a maintenance of traffic scheme, traffic signal upgrades and all new site lighting.

In order to comply with the Northeast Ohio Regional Sewer District's (NEORS) regulation to reduce the amount of storm water being outletted to the combined sewers near the project, Osborn designed a Rain Water Harvesting System. A large majority of the rain water that falls on the site is captured and conveyed to a large underground holding tank for irrigation. This water is held until needed and then cleaned via a filter and UV system prior to use in the irrigation system.

Project Cost: \$50,000,000



25. FIRMS FROM SECTION C INVOLVED WITH THIS PROJECT

a. (1) FIRM NAME Osborn Engineering	(2) FIRM LOCATION (City and State) Cleveland, OH	(3) ROLE Civil, Structural, MEPT, Construction Admin Prime
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KEY PERSONNEL PARTICIPATION IN EXAMPLE PROJECTS

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	South Florida Gateway PUD Mixed-Use	6	City of Columbus - Executive Engineer
2	General Engineering Services XII	7	MetroHealth - Executive Engineer
3	Watermains Replacement Programs	8	Warehouse Arts District Redevelopment (The Factory)
4	Sewer Relocation	9	Jail Secure Entry Center - Master Planning
5	Pinellas County Schools Continuing Engineering	10	Public Square Redevelopment

ADDITIONAL INFORMATION

H. ADDITIONAL INFORMATION

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

1. ABILITY AND ADEQUACY OF PROFESSIONAL PERSONNEL

Osborn Engineering | Established over a century ago in 1892, Osborn is proud to continue the tradition of quality design and engineering excellence throughout the nation.

Today, Osborn is a fully integrated multi-disciplined design firm that uses a specialized team approach to engineering projects. These teams are comprised of a staff of over 280+ professionals that provide designs for all phases of a wide range of projects. Osborn has specialists in civil, structural, electrical, mechanical and technology engineering along with fire protection, commissioning, and construction services. As an employee-owned firm, each Osborn employee is committed to education and advancement - ensuring that each project is completed with a sense of pride. Osborn's strength lies with its people. Our staff are innovative thinkers; ready to creatively overcome challenges and push the boundaries of design.

Civil Engineering was the founding design discipline of Osborn Engineering in 1892. Since that time, Osborn has taken the lead on hundreds of site design projects throughout the country. Our Civil Engineering Department in our Infrastructure Group performs planning, design and construction administration services over a broad array of specialties including civil/site development, stormwater systems, utility improvements and municipal facilities. Osborn performs feasibility studies, condition surveys and master planning to help clients make important decisions early in the project design phase.

Project Management Lead | JONATHAN GOTWALD, PE | PROJECT MANAGER



Project management is a critical component to the successful completion of continuing service contract projects. Osborn's Project Manager, Jonathan Gotwald, provides a single point of contact for the District. Jon will follow District project management guidelines, as well as the enhanced management procedure, guidelines and tools that are components of Osborn's Quality System.

Jon has extensive experience managing continuing service contracts throughout the state. His responsibilities involve directing design efforts to meet schedules and budgets as well as extensive construction phase services supporting his experience in understanding what works and fails for facilities projects. He will remain active on each project and stay aware of all on-going technical tasks. He will be Osborn's first level of formal quality control, in his role as Project Manager, and will review all major deliverable documents, reports, and data prepared and generated under this contract.

Jonathan is accustomed to coordinating his team to work together. From past experience with similar projects, communication is the greatest tool he has to help manage the team. Keeping the proper people up to date as to schedule, results of design reviews, and expectations are all critical in managing our internal team and subconsultants. Jonathan and the team will bring their experience working together and on similar projects.

83

Registered
Professional
Engineers

48

Registered
in 48
States

260+

Total
Osborn
Employees

I. AUTHORIZED REPRESENTATIVE

The foregoing is a statement of facts.

31. SIGNATURE



32. DATE

7/2/2022

33. NAME AND TITLE

Scott A. Vura, PE, LEED AP, Executive Vice President

2. CONSULTANT'S PAST PERFORMANCE

To ensure this project is setup for success, Osborn has considered our past work with you and taken into account the additional information provided in your Request for Qualifications. We are prepared to work as a teaming partner with the District to help bring your vision to reality. We have included ten (10) projects in Section F that feature our team's experience with similar engineering task order contracts, public improvement and stormwater system projects.

Osborn is well-positioned, prepared, and equipped to provide you with the leadership, management, and expert design services needed to make your continuing service projects successful. The engineering professionals that we have assembled have significant previous experience executing continuing service contracts. Osborn is uniquely qualified with most major engineering disciplines in-house for ease in project coordination on awarded task orders. We recognize that the success of each assignment will hinge on our expertise in providing an innovative, complete, coordinated design and on-time responses to remain on schedule. Communication is one of the most important aspects to ensure this and our team with operations from five Florida office locations will allow convenient meeting availability when needed.

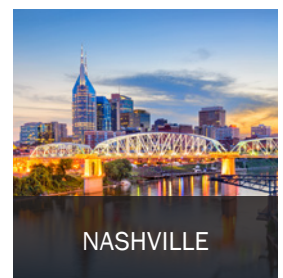
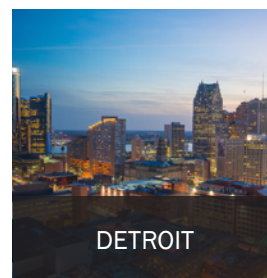
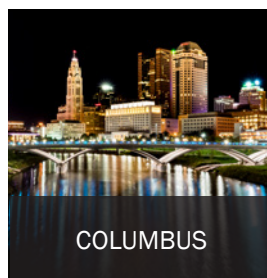
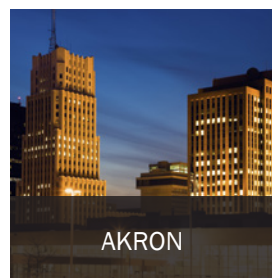
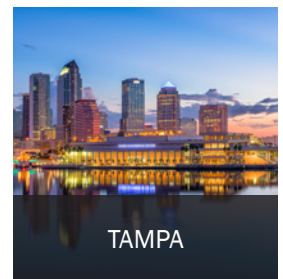
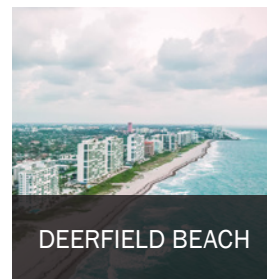
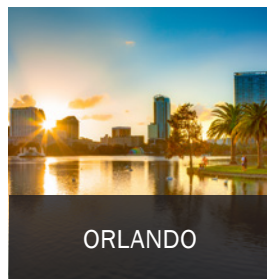
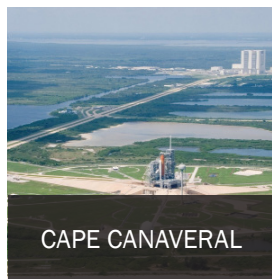
On-Call programs are a favored form of client service at Osborn. We are a firm that is well suited for these contracts given both our successful track record fulfilling such assignments and our strong, multi-disciplinary staff. A majority of our steady workload is made up of similar assignments that must be performed in a timely manner. Osborn Engineering has worked with numerous clients with IDIQ and minor project contracts through the years including Pinellas County Schools, Miami Dade College, Florida Polytechnic University, Nova Southeastern University, Broward County, City of Pompano Beach, City of Lauderhill, City of Oakland Park, and Florida Atlantic University.

3. GEOGRAPHIC LOCATION

Osborn's corporate headquarters are in Cleveland, Ohio. We have expanded to ten regional offices in four states and operate with the philosophy of 'One Osborn.'

We plan to manage the project in our St. Petersburg office with engineering support from our additional four office locations in Florida, including Cape Canaveral, Deerfield Beach, Orlando and Tampa. Our multiple office locations allow us to be on site quickly to support this project.

Our growth in Florida, which started with five employees in 2016, to over 60 in 2022, is continuing with additional new professionals planned for all of our offices before the end of the year. Osborn's staff will grow, adding new professionals as needs arise in managing the District's contract as the Waterside CDD grows and expands its engineering requirements in the Martin County location.



4. WILLINGNESS TO MEET TIME AND BUDGET REQUIREMENTS

Establishing and maintaining an accurate schedule will be vital to the project's success.

“

Maintaining the provided project schedule is critical to ending up with a successful project.

We will meet the design phase milestones agreed upon with the District for each task assignment. In addition, we will evaluate the dedicated time shown for the construction phase for each task. Using our contractor relationships we can conclusively verify if the allotted time for construction is adequate and will partner with you to ensure that all project deadlines are achieved.

Cost, quality and schedule controls are a continuous process. This process involves:

- the establishment of the project scope and objectives
- methods and procedures to execute the work
- initial cost and schedule targets
- detailed formal cost estimates to confirm or refine on-track performance
- evaluations at regular intervals as each task assignment evolves.

At the beginning of each task, we establish the milestones for critical work and the date of deliverables. These dates are built into our schedule and manpower resources forecast. Projects are reviewed weekly at staff meetings, and actual hours are recorded every day. Osborn's project managers adhere to the philosophy of “no surprises.”



5. CERTIFIED MINORITY BUSINESS ENTERPRISE

Osborn Engineering is not a certified business enterprise, however, we make every effort to use sub-consultants that satisfy certification requirements and will meet or exceed the Florida Statutes' goals.

Osborn has graduated from many business assistance programs throughout its history, most recently as a Small Business in the City of Cleveland. As such, we understand the importance of these efforts and strive to involve firms that are certified through these programs. Osborn Engineering takes pride in our workplace and project teaming diversity. We are always committed to hiring MBE, WBE and DBE firms and have years of history working on private and public projects that set diversity requirements that we have willingly met.

6. RECENT, CURRENT AND PROJECTED WORKLOADS

Osborn is well positioned and available to work with the Waterside Community Development District. We have a staff of over 280, of which we have specifically selected our team that will provide the leadership, management and expert design services necessary to meet the project requirements. Their past experience on similar projects and working in coordination with each other will allow them to go above and beyond what will be required to make this project a success.

Our team has an acute understanding of the balance that must be present between available resources and the project expectations. Our knowledge and expertise in serving in similar roles coupled with our overall continuing services experience will eliminate the potential learning curve and allow us to focus on more creative solutions. Through a combination of smart planning, efficient and innovative design, we will maximize added value to the District in every decision.

We use Microsoft Project to establish and monitor schedules throughout the project. This allows us the opportunity to know our resources and when we need to increase or decrease staff for a project. This process has resulted in nearly 100% of even our most complex projects being completed on time. We understand that schedule is extremely important to a governmental project with funding sources and construction time allotments. Our dedicated team is ready to begin work on this project immediately. They will continue with the project through completion.

Significant projects that Osborn is currently working on include:

South Florida Gateway PUD - Phase 1 Infrastructure

Estimated Completion – March 2023

Pinellas County Schools Continuing Services Contract

Estimated Completion – October 2023

Baptist Health Jacksonville MOB

Estimated Completion – September 2022

University of Miami Health System – SoLe Mia Medical Center

Estimated Completion – November 2024

Newport Hospitality – Beachside Hotel, Miami

Estimated Completion – August 2022

Fort Partners – Seaway Hotel and Residences

Estimated Completion – September 2022

ASM Global Jacksonville Jaguars Field Gates/Canopy Renovation

Estimated Completion – July 2022

7. VOLUME OF WORK PREVIOUSLY AWARDED TO CONSULTANT BY DISTRICT

To date, Osborn has been awarded \$1,600 by Waterside Community Development District. Serving as the interim District Engineer, Osborn involvement has included attendance at the initial CDD board meeting.

PROJECT UNDERSTANDING AND APPROACH

DETAILED APPROACH

Osborn follows a logical critical path approach to continuing professional services contracts, which is outlined below. As with all task related contracts, some variation may be necessary depending on the assigned scope of work for the particular assignments, but could include the following:

- Meet with the District Project Manager and develop an understanding of the assignment scope, budget, and requirements.
- Identify any District required outside consultant services that will be required to complete the assignment
- Determine and assign the staff required to properly complete the assignment per the schedule.
- Obtain all relevant information on file including drawings, previous project specifications, maintenance information, and test reports if available.
- Perform field inspections, assimilate relevant site information, review District provided record drawings, and qualify all information and materials obtained as relevant and accurate.
- Research and determine applicable code requirements.
- Identify assignment scope in relation to the approved UD plans and permitted documents.
- Research previous permit activities, if applicable.
- Develop a design approach and progress through schematic design documents. Review the approach and SD's with the District Project Manager and other applicable stakeholders.
- Prepare Cost Estimates on a milestone basis, if determined necessary, and adjust the design to stay within budget.
- Prepare bid documents for the indicated work items. These documents shall include detailed plans and specifications.
- Assist the District in preparing bid documents and solicitation of bids.
- Assist during the bidding process by handling questions from prospective bidders, conducting pre-bid meetings, and assisting during the bid opening and evaluation process as required.
- Conduct pre-construction conferences and sign contracts as required.
- Review and recommend action for approval of the contractor's construction schedule.
- Assist in the review of shop drawings, submittals, and other submissions by the contractor to ensure substantial compliance with the contract documents.
- Conduct progress observation weekly or as dictated by the progress of construction.
- Prepare weekly inspection reports to document any findings during the progress observations.
- Maintain a photographic record of the work in progress.
- Prepare, recommend, and justify change orders as required.
- Review and recommend progress payments.
- Prepare final inspection reports and recommend final payment.
- Prepare record drawings from contractor provided mark-ups.
- Facilitate the project closeout.

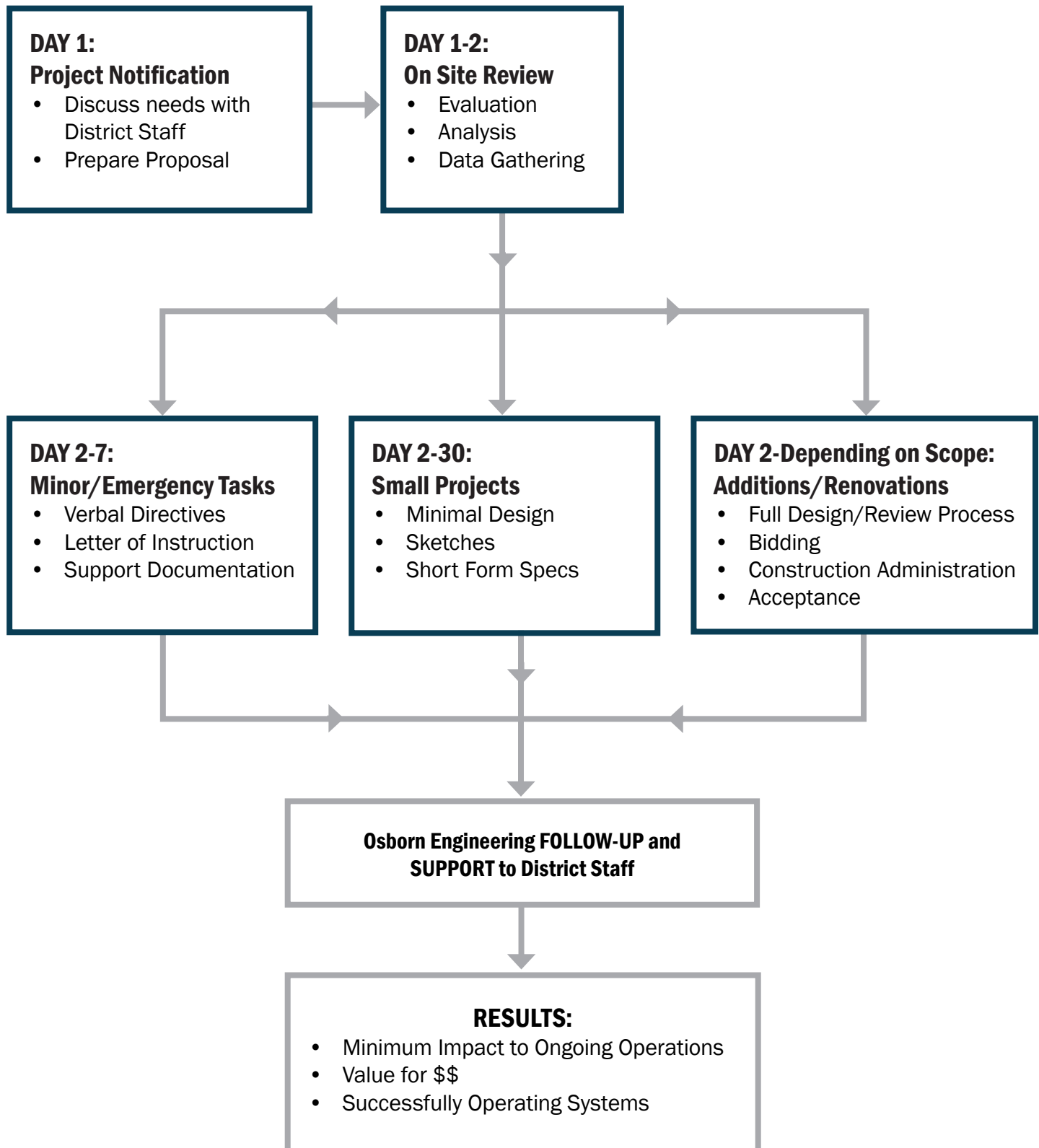
ADMINISTRATING CONTRACTS UNDER \$100,000

Contracts for smaller projects (under \$100,000 construction) are less likely to have multiple disciplines involved and many times do not require agency permitting and can be streamlined versus larger projects. Our Approach of the Firm flow chart on the following page illustrates the three processes for Minor/Emergency Tasks, Small Projects, and Larger Additions/Renovations which will directly affect the project proposal and implementation. Our goal for each task assignment is to be as efficient as possible in performing the tasks at hand, while providing professional services at a responsible fee.

PROJECT UNDERSTANDING AND APPROACH

SETTING PRIORITIES TO MANAGE PROJECTS

As it relates to minor and emergency tasks, small projects and additions or renovations, Osborn's approach for setting up priorities and timeframes for tasks is outlined in the chart below, with expected general turnaround timeframes for each type of task. Our full-service Florida team handles our Florida client needs, tapping into firm-wide department designers and corporate support personnel whenever weekly demand surges to higher than normal or anticipated levels. This combination allows us to produce design documents within tight time frames as demanded by minor projects.



ARCHITECT-ENGINEER QUALIFICATIONS

1. SOLICITATION NUMBER (If any)

PART II - GENERAL QUALIFICATIONS

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

2a. FIRM (or Branch Office) NAME Osborn Engineering			3. YEAR ESTABLISHED 1892		4. UNIQUE ENTITY IDENTIFIER 046629960	
2b. STREET 360 Central Avenue, Suite 1150			5. OWNERSHIP			
2c. CITY St. Petersburg		2d. STATE FL	2e. ZIP CODE 33701		a. TYPE C Corporation	
6a. POINT OF CONTACT NAME AND TITLE Jonathan Gotwald, PE, Director of Civil Engineering, Florida Division			b. SMALL BUSINESS STATUS N/A			
6b. TELEPHONE NUMBER (727) 209-0436 x6305			6c. E-MAIL ADDRESS jgotwald@osborn-eng.com		7. NAME OF FIRM (If Block 2a is a Branch Office) The Osborn Engineering Company	
8a. FORMER FIRM NAME(S) (If any) N/A			8b. YEAR ESTABLISHED N/A		8c. UNIQUE ENTITY IDENTIFIER N/A	

9. EMPLOYEES BY DISCIPLINE				10. PROFILE OF FIRM'S EXPERIENCE AND ANNUAL AVERAGE REVENUE FOR LAST 5 YEARS		
a. Function Code	b. Discipline	c. Number of Employees		a. Profile Code	b. Experience	c. Revenue Index Number (see below)
		(1) FIRM	(2) BRANCH			
02	Administrative	35	1	A06	Airports; Terminals and Hangars	4
06	Architects	19		B02	Bridges	3
08	CADD/BIM Technicians	14	1	C10	Commercial Building, Shop. Ctrs.	5
12	Civil Engineers	38	6	C12	Communications Systems; TV	4
13	Comm./Technology Engineers	13		C13	Computer Facilities/Service	1
21	Electrical Engineers	37	3	E02	Educational Facilities; Classrooms	5
25	Fire Protection Engineers	5		F02	Field Houses; Gyms; Stadiums	4
42	Mechanical Engineers	50	4	G01	Garages; Vehicle Main. Facilities	4
48	Project Manager	7	1	H01	Harbors; Jetties; Piers, Ship Term.	6
57	Structural Engineers	32		H07	Highways; Streets; Airfield Paving	6
60	Transportation Engineers	10		H09	Hospital & Medical Facilities	7
				H10	Hotels; Motels	5
				H11	Housing	4
				I01	Industrial Buildings, Man. Plants	5
				J01	Judicial and Courtroom Facilities	5
				L04	Libraries; Museums; Galleries	5
				O01	Office Buildings; Industrial Parks	5
				P08	Prisons & Correctional Facilities	3
				P13	Public Safety Facilities	4
				R04	Recreation Facilities	2
				T03	Traffic & Transportation Eng.	3
				W02	Water Resources; Hydrology	5
	Other Employees	4				
	Total	264	16			

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	2	1. Less than \$100,000	6. \$2 million to less than \$5 million
b. Non-Federal Work	8	2. \$100,000 to less than \$250,000	7. \$5 million to less than \$10 million
c. Total Work	8	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

The foregoing is a statement of facts.

a. SIGNATURE 	b. DATE 07/02/2022
c. NAME AND TITLE Jonathan Gotwald, PE Director of Civil Engineering, Florida Division	

ARCHITECT-ENGINEER QUALIFICATIONS

1. SOLICITATION NUMBER (If any)

PART II - GENERAL QUALIFICATIONS

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

2a. FIRM (or Branch Office) NAME Osborn Engineering			3. YEAR ESTABLISHED 1892		4. UNIQUE ENTITY IDENTIFIER 046629960	
2b. STREET 1100 Superior Avenue, Suite 300			5. OWNERSHIP			
2c. CITY Cleveland		2d. STATE OH	2e. ZIP CODE 44114		a. TYPE C Corporation	
6a. POINT OF CONTACT NAME AND TITLE Jonseph Ferency, PE, Director of Water Resources			b. SMALL BUSINESS STATUS N/A			
6b. TELEPHONE NUMBER (216) 861-2020 x3090			6c. E-MAIL ADDRESS jferency@osborn-eng.com		7. NAME OF FIRM (If Block 2a is a Branch Office) The Osborn Engineering Company	
8a. FORMER FIRM NAME(S) (If any) N/A			8b. YEAR ESTABLISHED N/A		8c. UNIQUE ENTITY IDENTIFIER N/A	

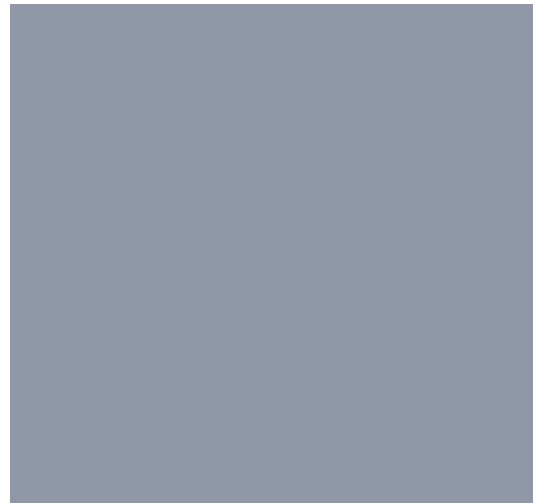
9. EMPLOYEES BY DISCIPLINE				10. PROFILE OF FIRM'S EXPERIENCE AND ANNUAL AVERAGE REVENUE FOR LAST 5 YEARS		
a. Function Code	b. Discipline	c. Number of Employees		a. Profile Code	b. Experience	c. Revenue Index Number (see below)
		(1) FIRM	(2) BRANCH			
02	Administrative	35	26	A06	Airports; Terminals and Hangars	4
06	Architects	19	10	B02	Bridges	3
08	CADD/BIM Technicians	14	6	C10	Commercial Building, Shop. Ctrs.	5
12	Civil Engineers	38	24	C12	Communications Systems; TV	4
13	Comm./Technology Engineers	13	8	C13	Computer Facilities/Service	1
21	Electrical Engineers	37	11	E02	Educational Facilities; Classrooms	5
25	Fire Protection Engineers	5	1	F02	Field Houses; Gyms; Stadiums	4
42	Mechanical Engineers	50	24	G01	Garages; Vehicle Main. Facilities	4
48	Project Manager	7	5	H01	Harbors; Jetties; Piers, Ship Term.	6
57	Structural Engineers	32	16	H07	Highways; Streets; Airfield Paving	6
60	Transportation Engineers	10	2	H09	Hospital & Medical Facilities	7
				H10	Hotels; Motels	5
				H11	Housing	4
				I01	Industrial Buildings, Man. Plants	5
				J01	Judicial and Courtroom Facilities	5
				L04	Libraries; Museums; Galleries	5
				O01	Office Buildings; Industrial Parks	5
				P08	Prisons & Correctional Facilities	3
				P13	Public Safety Facilities	4
				R04	Recreation Facilities	2
				T03	Traffic & Transportation Eng.	3
				W02	Water Resources; Hydrology	5
	Other Employees	4	1			
	Total	264	134			

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	2	1. Less than \$100,000	6. \$2 million to less than \$5 million
b. Non-Federal Work	8	2. \$100,000 to less than \$250,000	7. \$5 million to less than \$10 million
c. Total Work	8	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

The foregoing is a statement of facts.

a. SIGNATURE 	b. DATE 07/02/2022
c. NAME AND TITLE SCOTT A. VURA, PE, LEED AP Executive Vice President	



WATERSIDE

COMMUNITY DEVELOPMENT DISTRICT

9D

Waterside Community Development District
Request for Qualifications – District Engineering Services

Competitive Selection Criteria

	Ability and Adequacy of Professional Personnel	Consultant's Past Performance	Geographic Location	Willingness to Meet Time and Budget Requirements	Certified Minority Business Enterprise	Recent, Current and Projected Workloads	Volume of Work Previously Awarded to Consultant by District	TOTAL SCORE
	<i>weight factor</i>	25	25	20	15	5	5	100
	NAME OF RESPONDENT							
1	<i>The Osborne Engineering Company</i>							

Board Member's Signature

Date

WATERSIDE

COMMUNITY DEVELOPMENT DISTRICT

10

RESOLUTION 2022-07

**A RESOLUTION BY THE BOARD OF SUPERVISORS OF THE WATERSIDE
COMMUNITY DEVELOPMENT DISTRICT DESIGNATING THE PRIMARY
ADMINISTRATIVE OFFICE AND PRINCIPAL HEADQUARTERS OF THE DISTRICT
AND PROVIDING AN EFFECTIVE DATE**

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

WHEREAS, the District desires to designate its primary administrative office as the location where the District's public records are routinely created, sent, received, maintained, and requested, for the purposes of prominently posting the contact information of the District's Record's Custodian in order to provide citizens with the ability to access the District's records and ensure that the public is informed of the activities of the District in accordance with Chapter 119, *Florida Statutes*; and

WHEREAS, the District additionally desires to specify the location of the District's principal headquarters for the purpose of establishing proper venue under the common law home venue privilege applicable to the District.

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

1. PRIMARY ADMINISTRATIVE OFFICE. The District's primary administrative office for purposes of Chapter 119, *Florida Statutes*, shall be located at 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431.

2. PRINCIPAL HEADQUARTERS. The District's principal headquarters for purposes of establishing proper venue shall be located at the offices of _____,
and within Martin County, Florida.

3. EFFECTIVE DATE. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 6th day of July, 2022.

ATTEST:

**WATERSIDE COMMUNITY DEVELOPMENT
DISTRICT**

Secretary/Assistant Secretary

Chair/Vice Chair, Board of Supervisors

WATERSIDE

COMMUNITY DEVELOPMENT DISTRICT

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RESOLUTION 2022-14

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE WATERSIDE COMMUNITY DEVELOPMENT DISTRICT DESIGNATING DATES, TIMES AND LOCATIONS FOR REGULAR MEETINGS OF THE BOARD OF SUPERVISORS OF THE DISTRICT FOR FISCAL YEAR 2021/2022 AND PROVIDING FOR AN EFFECTIVE DATE

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

WHEREAS, the District is required by Section 189.015, *Florida Statutes*, to file quarterly, semi-annually, or annually a schedule (including date, time, and location) of its regular meetings with local governing authorities; and

WHEREAS, further, in accordance with the above-referenced statute, the District shall also publish quarterly, semi-annually, or annually the District's regular meeting schedule in a newspaper of general paid circulation in the county in which the District is located.

WHEREAS, the Board desires to adopt the Fiscal Year 2021/2022 meeting schedule attached as **Exhibit A**.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE WATERSIDE COMMUNITY DEVELOPMENT DISTRICT:

1. **ADOPTING FISCAL YEAR 2021/2022 ANNUAL MEETING SCHEDULE.** The Fiscal Year 2021/2022 annual meeting schedule attached hereto and incorporated by reference herein as **Exhibit A** is hereby approved and shall be published in accordance with the requirements of Florida law and also provided to applicable governing authorities.

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

PASSED AND ADOPTED this 6th day of July, 2022.

ATTEST:

**WATERSIDE COMMUNITY DEVELOPMENT
DISTRICT**

Secretary/Assistant Secretary

Chair/Vice Chair, Board of Supervisors

EXHIBIT "A"

WATERSIDE COMMUNITY DEVELOPMENT DISTRICT		
BOARD OF SUPERVISORS FISCAL YEAR 2021/2022 MEETING SCHEDULE		
LOCATION		
<i>TBD</i>		
DATE	POTENTIAL DISCUSSION/FOCUS	TIME
August __, 2022	Regular Meeting	__:__ AM/PM
September __, 2022	Regular Meeting	__:__ AM/PM

WATERSIDE

COMMUNITY DEVELOPMENT DISTRICT

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RESOLUTION 2022-32

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE WATERSIDE COMMUNITY DEVELOPMENT DISTRICT DESIGNATING DATES, TIMES AND LOCATIONS FOR REGULAR MEETINGS OF THE BOARD OF SUPERVISORS OF THE DISTRICT FOR FISCAL YEAR 2022/2023 AND PROVIDING FOR AN EFFECTIVE DATE

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

WHEREAS, the District is required by Section 189.015, *Florida Statutes*, to file quarterly, semi-annually, or annually a schedule (including date, time, and location) of its regular meetings with local governing authorities; and

WHEREAS, further, in accordance with the above-referenced statute, the District shall also publish quarterly, semi-annually, or annually the District’s regular meeting schedule in a newspaper of general paid circulation in the county in which the District is located.

WHEREAS, the Board desires to adopt the Fiscal Year 2022/2023 meeting schedule attached as **Exhibit A**.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE WATERSIDE COMMUNITY DEVELOPMENT DISTRICT:

1. **ADOPTING FISCAL YEAR 2022/2023 ANNUAL MEETING SCHEDULE.** The Fiscal Year 2022/2023 annual meeting schedule attached hereto and incorporated by reference herein as **Exhibit A** is hereby approved and shall be published in accordance with the requirements of Florida law and also provided to applicable governing authorities.

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

PASSED AND ADOPTED this 6th day of July, 2022.

ATTEST:

**WATERSIDE COMMUNITY DEVELOPMENT
DISTRICT**

Secretary/Assistant Secretary

Chair/Vice Chair, Board of Supervisors

EXHIBIT "A"

WATERSIDE COMMUNITY DEVELOPMENT DISTRICT		
BOARD OF SUPERVISORS FISCAL YEAR 2022/2023 MEETING SCHEDULE		
LOCATION <i>TBD</i>		
DATE	POTENTIAL DISCUSSION/FOCUS	TIME
October __, 2022	Regular Meeting	__:__ AM/PM
November __, 2022	Regular Meeting	__:__ AM/PM
December __, 2022	Regular Meeting	__:__ AM/PM
January __, 2023	Regular Meeting	__:__ AM/PM
February __, 2023	Regular Meeting	__:__ AM/PM
March __, 2023	Regular Meeting	__:__ AM/PM
April __, 2023	Regular Meeting	__:__ AM/PM
May __, 2023	Regular Meeting	__:__ AM/PM
June __, 2023	Regular Meeting	__:__ AM/PM
July __, 2023	Regular Meeting	__:__ AM/PM
August __, 2023	Regular Meeting	__:__ AM/PM
September __, 2023	Regular Meeting	__:__ AM/PM

WATERSIDE

COMMUNITY DEVELOPMENT DISTRICT

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**WATERSIDE
COMMUNITY DEVELOPMENT DISTRICT
FINANCIAL STATEMENTS
UNAUDITED
MAY 31, 2022**

**WATERSIDE
COMMUNITY DEVELOPMENT DISTRICT
BALANCE SHEET
GOVERNMENTAL FUNDS
MAY 31, 2022**

	General Fund	Total Governmental Funds
ASSETS		
Due from Landowner	\$ 15,413	\$ 15,413
Total assets	<u>\$ 15,413</u>	<u>\$ 15,413</u>
LIABILITIES AND FUND BALANCES		
Liabilities:		
Accounts payable	\$ 9,413	\$ 9,413
Landowner advance	6,000	6,000
Total liabilities	<u>15,413</u>	<u>15,413</u>
DEFERRED INFLOWS OF RESOURCES		
Deferred receipts	9,413	9,413
Total deferred inflows of resources	<u>9,413</u>	<u>9,413</u>
Fund balances:		
Unassigned	<u>(9,413)</u>	<u>(9,413)</u>
Total fund balances	<u>(9,413)</u>	<u>(9,413)</u>
Total liabilities, deferred inflows of resources and fund balances	<u>\$ 15,413</u>	<u>\$ 15,413</u>

**WATERSIDE
COMMUNITY DEVELOPMENT DISTRICT
GENERAL FUND
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
FOR THE PERIOD ENDED MAY 31, 2022**

	Current Month	Year to Date	Budget	% of Budget
REVENUES				
Landowner contribution	\$ -	\$ -	\$ 66,582	0%
Total revenues	-	-	66,582	0%
EXPENDITURES				
Professional & administrative				
Management/accounting/recording	4,000	8,000	24,000	33%
Legal	466	1,136	25,000	5%
Engineering	-	-	2,000	0%
Dissemination agent**	-	-	167	0%
Telephone	-	-	100	0%
Postage	-	-	500	0%
Printing & binding	-	-	250	0%
Legal advertising	277	277	6,500	4%
Annual special district fee	-	-	175	0%
Insurance	-	-	5,500	0%
Contingencies/bank charges	-	-	500	0%
Website				
Hosting & maintenance	-	-	1,680	0%
ADA compliance	-	-	210	0%
Total professional & administrative	4,743	9,413	66,582	14%
Excess/(deficiency) of revenues over/(under) expenditures	(4,743)	(9,413)	-	
Fund balances - beginning	(4,670)	-	-	
Fund balances - ending	\$ (9,413)	\$ (9,413)	\$ -	

*These items will be realized after the issuance of bonds.

**WHA will charge a reduced management fee of \$2,000 per month until bonds are issued.

WATERSIDE

COMMUNITY DEVELOPMENT DISTRICT

15A

DRAFT

**MINUTES OF MEETING
WATERSIDE COMMUNITY DEVELOPMENT DISTRICT**

An Organizational Meeting of the Waterside Community Development District was held on April 4, 2022 at 10:00 a.m., at the Courtyard by Marriott Stuart, 7615 SW Lost River Road, Stuart, Florida 34997.

Present at the meeting were:

Michael Caputo	Chair
Tim Smith	Vice Chair
Jon Seifel	Assistant Secretary
John Csapo	Assistant Secretary

Also present were:

Craig Wrathell	District Manager
Andrew Kantarzhi	Wrathell, Hunt and Associates, LLC
Jere Earlywine (via telephone)	District Counsel
Meredith Hammock (via telephone)	KE Law Group, LLC
John Gotwald	Interim District Engineer

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Wrathell called the meeting to order at 10:07 a.m.

Mr. Michael Caputo, Mr. Tim Smith, Mr. Jon Seifel and Mr. John Csapo, who were named in the Petition to Establish the District as the Initial Board of Supervisors, were present, in person. Mr. James Harvey, who was also named in the Petition to Establish the District as the Initial Board of Supervisors, was not present.

SECOND ORDER OF BUSINESS

Public Comments

No members of the public spoke.

GENERAL DISTRICT ITEMS

THIRD ORDER OF BUSINESS

Administration of Oath of Office to Initial Board of Supervisors (*the following will be provided in a separate package*)

Mr. Wrathell, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Caputo, Mr. Smith, Mr. Seifel and Mr. Csapo. The Supervisors were advised to submit Form 8B to disclose their continuing conflict as Developer representatives serving on the CDD Board. Each Supervisor's Form 8B will be kept on file and attached to executed meeting minutes.

A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees

B. Membership, Obligations and Responsibilities

C. Chapter 190, Florida Statutes

D. Financial Disclosure Forms

I. Form 1: Statement of Financial Interests

II. Form 1X: Amendment to Form 1, Statement of Financial Interests

III. Form 1F: Final Statement of Financial Interests

E. Form 8B: Memorandum of Voting Conflict

FOURTH ORDER OF BUSINESS

**Consideration of Resolution 2022-01,
Designating Certain Officers of the District,
and Providing for an Effective Date**

Mr. Wrathell presented Resolution 2022-01. Mr. Caputo nominated the following slate of officers:

Chair	Michael Caputo
Vice Chair	Tim Smith
Secretary	Craig Wrathell
Assistant Secretary	James Harvey
Assistant Secretary	Jon Seifel
Assistant Secretary	John Csapo
Assistant Secretary	Cindy Cerbone
Treasurer	Craig Wrathell
Assistant Treasurer	Jeff Pinder

No other nominations were made.

On MOTION by Mr. Csapo and seconded by Mr. Caputo, with all in favor, Resolution 2022-01, Designating Certain Officers of the District, as nominated, and Providing for an Effective Date, was adopted.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2022-02, Designating a Date, Time, and Location for Landowners' Meeting of the District, and Providing for an Effective Date

Mr. Wrathell presented Resolution 2022-02.

On MOTION by Mr. Smith and seconded by Mr. Csapo, with all in favor, Resolution 2022-02, Designating a Date, Time, and Location of May 6, 2022 at 10:00 a.m., at the Courtyard by Marriott Stuart, 7615 SW Lost River Road, Stuart, Florida 34997, for a Landowners' Meeting of the District, and Providing for an Effective Date, was adopted.

ORGANIZATIONAL MATTERS

SIXTH ORDER OF BUSINESS

Consideration of the Following Organizational Matters:

A. Resolution 2022-03, Appointing and Fixing the Compensation of the District Manager and Methodology Consultant; Providing an Effective Date

- Agreement for District Management Services: *Wrathell, Hunt and Associates, LLC*

Mr. Wrathell presented Resolution 2022-03. He presented the Fee Schedule and Management Agreement and stated, as discussed with Mr. Smith before the meeting, the contractual management fee would be charged for the first three months and then, following the last hearing in July 2022, a \$1,000 monthly fee will go into effect until normal CDD activities resume, at which time the customary management fee would resume.

On MOTION by Mr. Caputo and seconded by Mr. Smith with all in favor, Resolution 2022-03, Appointing and Fixing the Compensation of Wrathell, Hunt and Associates, LLC as the District Manager and Methodology Consultant; Providing an Effective Date, was adopted.

B. Resolution 2022-04, Appointing District Counsel for the District, and Authorizing Compensation; and Providing for an Effective Date

- **Fee Agreement: *KE Law Group, PLLC***

Mr. Wrathell presented Resolution 2022-04 and the Fee Agreement.

On MOTION by Mr. Caputo and seconded by Mr. Csapo, with all in favor, Resolution 2022-04, Appointing KE Law Group, PLLC as District Counsel for the District, and Authorizing Compensation; and Providing for an Effective Date, was adopted.

C. Resolution 2022-05, Designating a Registered Agent and Registered Office of the District, and Providing for an Effective Date

Mr. Wrathell presented Resolution 2022-05.

On MOTION by Mr. Smith and seconded by Mr. Seifel, with all in favor, Resolution 2022-05, Designating Craig Wrathell as the Registered Agent and 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431 as the Registered Office of the District, and Providing for an Effective Date, was adopted.

D. Resolution 2022-06, Appointing an Interim District Engineer for the Waterside Community Development District, Authorizing Its Compensation and Providing an Effective Date

- **Interim Engineering Services Agreement: *The Osborn Engineering Company***

Mr. Wrathell presented Resolution 2022-06 and the Interim Engineering Services Agreement and accompanying Exhibits.

On MOTION by Mr. Csapo and seconded by Mr. Caputo, with all in favor, Resolution 2022-06, Appointing The Osborn Engineering Company as Interim District Engineer for the Waterside Community Development District, Authorizing Its Compensation and Providing an Effective Date, was adopted.

E. Authorization of Request for Qualifications (RFQ) for Engineering Services

Mr. Wrathell presented the RFQ for Engineering Services and Competitive Selection Criteria.

On MOTION by Mr. Csapo and seconded by Mr. Smith, with all in favor, the Request for Qualifications (RFQ) for Engineering Services and Competitive Selection Criteria and authorizing Staff to advertise, was approved.

F. Board Member Compensation: 190.006 (8), F.S.

The Board Members declined the allowable compensation.

G. Resolution 2022-07, Designating the Primary Administrative Office and Principal Headquarters of the District; Designating the Location of the Local District Records Office; and Providing an Effective Date

This item was deferred.

H. Resolution 2022-08, Setting Forth the Policy of the District Board of Supervisors with Regard to the Support and Legal Defense of the Board of Supervisors and District Officers, and Providing for an Effective Date

- **Authorization to Obtain General Liability and Public Officers' Insurance**

Mr. Wrathell presented Resolution 2022-08.

On MOTION by Mr. Caputo and seconded by Mr. Csapo, with all in favor, Resolution 2022-08, Setting Forth the Policy of the District Board of Supervisors with Regard to the Support and Legal Defense of the Board of Supervisors and District Officers, and Providing for an Effective Date, was adopted.

On MOTION by Mr. Caputo and seconded by Mr. Smith, with all in favor, authorizing Staff to obtain General Liability and Public Officers' Insurance, was approved.

I. Resolution 2022-09, Providing for the Public's Opportunity to Be Heard; Designating Public Comment Periods; Designating a Procedure to Identify Individuals Seeking to Be Heard; Addressing Public Decorum; Addressing Exceptions; and Providing for Severability and an Effective Date

Mr. Wrathell presented Resolution 2022-09. This Resolution sets forth the CDD's policy for public comments at meetings and outlines the procedures for public comments.

On MOTION by Mr. Smith and seconded by Mr. Caputo, with all in favor, Resolution 2022-09, Providing for the Public's Opportunity to Be Heard; Designating Public Comment Periods; Designating a Procedure to Identify Individuals Seeking to Be Heard; Addressing Public Decorum; Addressing Exceptions; and Providing for Severability and an Effective Date, was adopted.

- J. Resolution 2022-10, Providing for the Appointment of a Records Management Liaison Officer; Providing the Duties of the Records Management Liaison Officer; Adopting a Records Retention Policy; and Providing for Severability and Effective Date

Mr. Wrathell presented Resolution 2022-10.

On MOTION by Mr. Caputo and seconded by Mr. Smith, with all in favor, Resolution 2022-10, Providing for the Appointment of a Records Management Liaison Officer; Providing the Duties of the Records Management Liaison Officer; Adopting a Records Retention Policy; and Providing for Severability and Effective Date, was adopted.

- K. Resolution 2022-11, Granting the Chair and Vice Chair the Authority to Execute Real and Personal Property Conveyance and Dedication Documents, Plats and Other Documents Related to the Development of the District's Improvements; Approving the Scope and Terms of Such Authorization; Providing a Severability Clause; and Providing an Effective Date

Mr. Wrathell presented Resolution 2022-11. This Resolution grants the Chair and Vice Chair the authority to work with the District Engineer, District Counsel and District Staff and to execute certain documents in between meetings, to avoid delays in construction.

On MOTION by Mr. Caputo and seconded by Mr. Csapo, with all in favor, Resolution 2022-11, Granting the Chair and Vice Chair the Authority to Execute Real and Personal Property Conveyance and Dedication Documents, Plats and Other Documents Related to the Development of the District's Improvements; Approving the Scope and Terms of Such Authorization; Providing a Severability Clause; and Providing an Effective Date, was adopted.

- L. Resolution 2022-12, Ratifying, Confirming and Approving the Recording of the Notice of Establishment of the District, and Providing for an Effective Date

Mr. Wrathell presented Resolution 2022-12.

On MOTION by Mr. Caputo and seconded by Mr. Seifel, with all in favor, Resolution 2022-12, Ratifying, Confirming and Approving the Recording of the Notice of Establishment of the District, and Providing for an Effective Date, was adopted.

M. Authorization of Request for Proposals (RFP) for Annual Audit Services

Mr. Wrathell presented the RFP For Annual Audit Services.

- **Designation of Board of Supervisors as Audit Committee**

On MOTION by Mr. Caputo and seconded by Mr. Smith, with all in favor, the Request for Proposals for Annual Auditing Services, authorizing the District Manager to advertise and designating the Board of Supervisors as the Audit Committee, was approved.

N. Strange Zone, Inc., Quotation #M22-1014 for District Website Design, Maintenance and Domain Web-Site Design Agreement

Mr. Wrathell presented the Strange Zone, Inc. (SZI) proposal.

On MOTION by Mr. Caputo and seconded by Mr. Csapo, with all in favor, the Strange Zone, Inc., Quotation #M22-1014 for District Website Design, Maintenance and Domain Web-Site Design Agreement, in the amount of \$1,679.99, was approved.

O. ADA Site Compliance Proposal for Website Compliance Shield, Accessibility Policy and One (1) Annual Technological Audit

Mr. Wrathell presented the ADA Site Compliance (ADASC) proposal.

On MOTION by Mr. Caputo and seconded by Mr. Smith, with all in favor, the ADA Site Compliance Proposal for Website Compliance Shield, Accessibility Policy and One (1) Annual Technological Audit, in the amount of \$210 per year, was approved.

P. Resolution 2022-13, to Designate Date, Time and Place of Public Hearing and Authorization to Publish Notice of Such Hearing for the Purpose of Adopting Rules of Procedure; and Providing an Effective Date

I. Rules of Procedure

II. Notices [Rule Development and Rulemaking]

These items were included for informational purposes.

Mr. Wrathell presented Resolution 2022-13.

On MOTION by Mr. Csapo and seconded by Mr. Smith, with all in favor, Resolution 2022-13, to Designate Date, Time and Place of July 6, 2022 at 10:00 a.m., at the Courtyard by Marriott Stuart, 7615 SW Lost River Road, Stuart, Florida 34997, Public Hearing and Authorization to Publish Notice of Such Hearing for the Purpose of Adopting Rules of Procedure; and Providing an Effective Date, was adopted.

Q. Resolution 2022-14, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2021/2022 and Providing for an Effective Date

This item was deferred.

R. Resolution 2022-15, Approving the Florida Statewide Mutual Aid Agreement; Providing for Severability; and Providing for an Effective Date

Mr. Wrathell presented Resolution 2022-15.

On MOTION by Mr. Caputo and seconded by Mr. Smith, with all in favor, Resolution 2022-15, Approving the Florida Statewide Mutual Aid Agreement; Providing for Severability; and Providing for an Effective Date, was adopted.

S. Stormwater Management Needs Analysis Reporting Requirements

Mr. Wrathell stated new legislation requires CDDs to prepare a 20-year Stormwater Management Needs Analysis Report to document the CDD's anticipated future stormwater system needs. Discussion ensued regarding when the CDD would take on stormwater facilities and maintenance responsibilities and how this requirement might be addressed.

Ms. Hammock stated a letter could be submitted stating that the CDD recognizes the requirement but does not own or operate a stormwater system at this time and that, upon receipt or construction of such facilities, the Report will be prepared and submitted.

BANKING MATTERS**SEVENTH ORDER OF BUSINESS****Consideration of the Following Banking Matters:****A. Resolution 2022-16, Designating a Public Depository for Funds of the District and Providing an Effective Date**

Mr. Wrathell presented Resolution 2022-16. Funding requests will be sent to Mr. Smith.

On MOTION by Mr. Caputo and seconded by Mr. Csapo, with all in favor, Resolution 2022-16, Designating Truist Bank as Public Depository for Funds of the District and Providing an Effective Date, was adopted.

B. Resolution 2022-17, Directing the District Manager to Appoint Signors on the Local Bank Account; and Providing an Effective Date

Mr. Wrathell presented Resolution 2022-17.

On MOTION by Mr. Smith and seconded by Mr. Caputo, with all in favor, Resolution 2022-17, Directing the District Manager to Appoint Signors on the Local Bank Account; and Providing an Effective Date, was adopted.

BUDGETARY MATTERS**EIGHTH ORDER OF BUSINESS****Consideration of the Following Budgetary Matters:****A. Resolution 2022-18, Approving a Proposed Budget for Fiscal Year 2021/2022 and Fiscal Year 2022/2023 and Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing for an Effective Date**

Mr. Wrathell presented Resolution 2022-18. He presented the proposed Fiscal Year 2022 and Fiscal Year 2023 budgets, which will be Landowner-funded, with expenses funded as they are incurred.

On MOTION by Mr. Caputo and seconded by Mr. Smith, with all in favor, Resolution 2022-18, Approving a Proposed Budget for Fiscal Year 2021/2022 and Fiscal Year 2022/2023 and Setting a Public Hearing Thereon Pursuant to Florida Law for July 6, 2022 at 10:00 a.m., at the Courtyard by Marriott Stuart, 7615 SW Lost River Road, Stuart, Florida 34997; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing for an Effective Date, was adopted.

B. Fiscal Year Budget Funding Agreements [2021/2022 and 2022/2023]

Mr. Wrathell presented the Budget Funding Agreements.

On MOTION by Mr. Csapo and seconded by Mr. Smith, with all in favor, the Fiscal Year 2021/2022 and 2022/2023 Budget Funding Agreements, were approved.

C. Resolution 2022-19, Adopting the Alternative Investment Guidelines for Investing Public Funds in Excess of Amounts Needed to Meet Current Operating Expenses, in Accordance with Section 218.415(17), Florida Statutes

Mr. Wrathell presented Resolution 2022-19.

On MOTION by Mr. Caputo and seconded by Mr. Csapo, with all in favor, Resolution 2022-19, Adopting the Alternative Investment Guidelines for Investing Public Funds in Excess of Amounts Needed to Meet Current Operating Expenses, in Accordance with Section 218.415(17), Florida Statutes, was adopted.

D. Resolution 2022-20, Authorizing the Disbursement of Funds for Payment of Certain Continuing Expenses Without Prior Approval of the Board of Supervisors; Authorizing the Disbursement of Funds for Payment of Certain Non-Continuing Expenses Without Prior Approval of the Board of Supervisors; Providing for a Monetary Threshold; and Providing for an Effective Date

Mr. Wrathell presented Resolution 2022-20.

On MOTION by Mr. Caputo and seconded by Mr. Smith, with all in favor, Resolution 2022-20, Authorizing the Disbursement of Funds for Payment of Certain Continuing Expenses Without Prior Approval of the Board of Supervisors; Authorizing the Disbursement of Funds for Payment of Certain Non-Continuing Expenses Without Prior Approval of the Board of Supervisors; Providing for a Monetary Threshold; and Providing for an Effective Date, was adopted.

- E. Resolution 2022-21, Adopting a Policy for Reimbursement of District Travel Expenses; and Providing for Severability and an Effective Date**

Mr. Wrathell presented Resolution 2022-21.

On MOTION by Mr. Caputo and seconded by Mr. Smith, with all in favor, Resolution 2022-21, Adopting a Policy for Reimbursement of District Travel Expenses; and Providing for Severability and an Effective Date, was adopted.

- F. Resolution 2022-22, Adopting Prompt Payment Policies and Procedures Pursuant to Chapter 218, Florida Statutes; Providing a Severability Clause; and Providing an Effective Date**

Mr. Wrathell presented Resolution 2022-22.

On MOTION by Mr. Caputo and seconded by Mr. Smith, with all in favor, Resolution 2022-22, Adopting Prompt Payment Policies and Procedures Pursuant to Chapter 218, Florida Statutes; Providing a Severability Clause; and Providing an Effective Date, was adopted.

- G. Resolution 2022-23, Adopting an Internal Controls Policy Consistent with Section 218.33, Florida Statutes; Providing an Effective Date**

Mr. Wrathell presented Resolution 2022-23

On MOTION by Mr. Caputo and seconded by Mr. Smith, with all in favor, Resolution 2022-23, Adopting an Internal Controls Policy Consistent with Section 218.33, Florida Statutes; Providing an Effective Date, was adopted.

H. Consideration of E-Verify Memo with MOU

Mr. Wrathell presented District Counsel's E-Verify Memo related to the requirement for all employers to verify employment eligibility utilizing the E-Verify System and the requirement for the CDD to enroll with E-Verify and execute a Memorandum of Understanding (MOU) with E-Verify.

On MOTION by Mr. Caputo and seconded by Mr. Smith, with all in favor, acknowledging the E-Verify Memo requirements, as set forth in the KE Law Group PLLC Memorandum, and authorizing enrollment and utilization of the E-Verify program, was approved.

BOND FINANCING RELATED MATTERS**NINTH ORDER OF BUSINESS****Consideration of the Following Bond
Financing Related Matters:**

The following items were deferred:

A. Bond Financing Team Funding Agreement**B. Engagement of Bond Financing Professionals**

I. Underwriter//Investment Banker: *FMSbonds, Inc.*

II. Bond Counsel: *Greenberg Traurig, P.A.*

III. Trustee, Paying Agent and Registrar: *U.S. Bank Trust Company, N.A.*

C. Resolution 2022-24, Designating a Date, Time, and Location of a Public Hearing Regarding the District's Intent to Use the Uniform Method for the Levy, Collection, and Enforcement of Non-Ad Valorem Special Assessments as Authorized by Section 197.3632, Florida Statutes; Authorizing the Publication of the Notice of Such Hearing; and Providing an Effective Date

D. Presentation of Engineer's Report**E. Presentation of Master Special Assessment Methodology Report**

F. Resolution 2022-25, Declaring Special Assessments; Designating The Nature And Location of The Proposed Improvements; Declaring The Total Estimated Cost of the Improvements, the Portion to be Paid By Assessments, and the Manner and Timing in Which The Assessments are to be Paid; Designating the Lands Upon Which The Assessments Shall Be Levied; Providing for an Assessment Plat and a Preliminary

Assessment Roll; Addressing the Setting of Public Hearings; Providing for Publication of this Resolution; and Addressing Conflicts, Severability and an Effective Date

- G. Resolution 2022-27, Authorizing the Issuance of Not to Exceed \$_____ Waterside Community Development District Capital Improvement Revenue Bonds, in One or More Series; Approving the Form of a Master Trust Indenture; Appointing a Trustee, Registrar and Paying Agent; Approving a Capital Improvement Program; Authorizing the Commencement of Validation Proceedings Relating to the Bonds; and Providing an Effective Date

TENTH ORDER OF BUSINESS

Staff Reports

- A. District Counsel: *KE Law Group, PLLC*

There was no report.

- B. District Engineer (Interim): *The Osborne Engineering Company*

Mr. Gotwald asked if the Draft Engineer's Report is acceptable and if any additional information is required. Mr. Wrathell believed that further revisions would not be necessary until the CDD is ready to move forward with financing.

Ms. Hammock concurred.

- C. District Manager: *Wrathell, Hunt and Associates, LLC*

There was no report.

ELEVENTH ORDER OF BUSINESS

Board Members' Comments/Requests

There were no Board Members' comments or requests.

TWELFTH ORDER OF BUSINESS

Public Comments

No members of the public spoke.

THIRTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Csapo and seconded by Mr. Seifel, with all in favor, the meeting adjourned at 10:50 p.m.

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Secretary/Assistant Secretary

Chair/Vice Chair

WATERSIDE

COMMUNITY DEVELOPMENT DISTRICT

15B

DRAFT

**MINUTES OF MEETING
WATERSIDE
COMMUNITY DEVELOPMENT DISTRICT**

A Landowners' Meeting of the Waterside Community Development District was held on May 6, 2022 at 10:00 a.m., at the Courtyard by Marriott Stuart, 7615 SW Lost River Road, Stuart, Florida 34997.

Present at the meeting:

Cindy Cerbone	District Manager/Proxy Holder
Jamie Sanchez	Wrathell, Hunt and Associates, LLC
Andrew Kantarzhi	Wrathell, Hunt and Associates, LLC
Sallie Lay	Member of the Public

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Ms. Cerbone called the meeting to order at 10:00 a.m.

SECOND ORDER OF BUSINESS

Affidavit/Proof of Publication

The affidavit of publication was included for informational purposes.

THIRD ORDER OF BUSINESS

Election of Chair to Conduct Landowners' Meeting

Ms. Cerbone served as Chair to conduct the Landowners' meeting.

Ms. Cerbone stated the Landowner, KL Waterside LLC, owns two parcels totaling 179.983 acres. As the Landowner was unable to attend in person, Ms. Cerbone was designated the Proxy Holder. KL Waterside LLC's managing company, KL Waterside Funding LLC, is associated with the Kolter Group LLC and Mr. Ryan Mosher, Manager of those entities, allowed Mr. James Harvey to be the signatory on the proxy designating Ms. Cerbone as the Proxy Holder.

Ms. Cerbone stated that, as the designated Proxy Holder, she is authorized to cast up to 180 votes per seat.

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38 **FOURTH ORDER OF BUSINESS****Election of Supervisors [All Seats]**

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40 **A. Nominations**

41 Ms. Cerbone nominated the following:

42 Seat 1 Timothy Smith

43 Seat 2 Candice Smith

44 Seat 3 James P. Harvey

45 Seat 4 Jon Seifel

46 Seat 5 Michael Caputo

47 No other nominations were made.

48 **B. Casting of Ballots**49 • **Determine Number of Voting Units Represented**

50 A total of 180 voting units were represented.

51 • **Determine Number of Voting Units Assigned by Proxy**

52 All 180 voting units represented were assigned by proxy to Ms. Cerbone.

53 Ms. Cerbone cast the following votes:

54 Seat 1 Timothy Smith 180 votes

55 Seat 2 Candice Smith 180 votes

56 Seat 3 James P. Harvey 179 votes

57 Seat 4 Jon Seifel 179 votes

58 Seat 5 Michael Caputo 179 votes

59 **C. Ballot Tabulation and Results**

60 The ballot tabulation, results and term lengths were as follows:

61 Seat 1 Timothy Smith 180 votes 4-Year Term

62 Seat 2 Candice Smith 180 votes 4-Year Term

63 Seat 3 James P. Harvey 179 votes 2-Year Term

64 Seat 4 Jon Seifel 179 votes 2-Year Term

65 Seat 5 Michael Caputo 179 votes 2-Year Term

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68 **FIFTH ORDER OF BUSINESS**

Landowners' Questions/Comments

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70 There were no Landowners' questions or comments.

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72 **SIXTH ORDER OF BUSINESS**

Adjournment

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74 There being nothing further to discuss, the meeting adjourned at 10:03 a.m.

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77 [SIGNATURES APPEAR ON THE FOLLOWING PAGE]

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Secretary/Assistant Secretary

Chair/Vice Chair