

***The VERANDAH'S
COMMUNITY DEVELOPMENT DISTRICT***

Advanced Meeting Package

***Board of Supervisors
General Meeting***

***Wednesday
April 2, 2014***

8:00 a.m.

At:

***Florida Design Consultants
3030 Starkey Boulevard
New Port Richey, Florida***

Note: The Advanced Meeting Package is a working document and thus all materials are considered DRAFTS prior to presentation and Board acceptance, approval or adoption.

The Verandahs Community Development District

Development Planning and Financing Group
15310 Amberly Drive, Suite 175, Tampa, Florida 33647
Phone: 813-374-9105
Fax: 813-374-9106

March 26, 2014

Board of Supervisors
**The Verandahs Community
Development District**

Dear Board Members:

The Regular Meeting of the Board of Supervisors of The Verandahs CDD is scheduled for Wednesday, April 2, 2014 at **8:00 a.m.** in the offices of Florida Design Consultants, 3030 Starkey Boulevard, New Port Richey, Florida.

The advanced copy of the agenda for the meeting is attached along with associated documentation for your consideration. Any additional support material will be forward to you under separate cover or distributed at the meeting.

The balance of the agenda is routine in nature and staff will present their reports at the meeting. In the meantime if you have any questions, please contact me.

Sincerely,

Bruce St. Denis

Bruce St. Denis
District Manager

Enclosure

CC: Attorney
Engineer
District Records
HOA Manager

District: VERANDAHS COMMUNITY DEVELOPMENT DISTRICT
Date of Meeting: **Wednesday, April 2, 2014**
Time: **8:00 a.m.**
Location: Florida Design Consultants
3030 Starkey Boulevard
New Port Richey, Florida

Conference Call In No.: 712.432.1500
Code: 434537#

Agenda

- I.** Roll Call
- II.** Audience Comments on Agenda Items
- III.** Administrative Matters:
 - A. Approval of February 5, 2014 Minutes Exhibit 1
 - B. Acceptance of February Financial Statements Exhibit 2
- IV.** Business Matters:
 - A. Review of Updated Rules of Procedures and Setting of Public Hearing Exhibit 3
 - B. Discussion Items
 - Landscaping [Nancy]
 - Electric Lighting Project Entrance [Nancy]
 - Landscaping Project [Nancy]
 - Engineer's Review of Road Work on Jillian [Nancy]
 - C. Updates:
 - Additional Parking Feasibility
 - Street Drains
 - Fire Hazard Assessment
 - Street Light Installation on Chenwood
 - D. Additional Items
- V.** Staff Reports
 - A. Manager
 - B. Field Manager Report
 - C. Attorney
 - D. Engineer

- VI.** Audience Comments
- VII.** Supervisors Requests
- VIII.** Adjournment

EXHIBIT 1.

1 On MOTION by Mr. Fulghum, SECONDED by Mr. May, WITH ALL IN FAVOR, the
2 Board approved the Minutes of January 8, 2014 Meeting, as amended.

3
4 **B. Acceptance of the December Financial Statement**

5 Ms. Thibault stated in review of your financial statement for the period ending
6 December 31, 2013, which also is the first quarter of the fiscal year, you have an
7 unassigned fund balance of \$492,216. You are 88% collected for your assessments. The
8 debt service payment was made on November 1 and the next payment will be due on
9 May 1. You have approximately \$82,000 in your capital projects fund. The expenditures
10 for the month of December were nothing other than the routine expenses.

11 Ms. Smith stated you stated we are 88% collected and I was wondering if that is
12 the same as last year.

13 Ms. Thibault stated you are 89% collected at this time last year.

14 Ms. Smith stated I don't see the payments for the Supervisors' attendance for
15 November or December or January. Is there a problem with the payments?

16 Ms. Thibault responded we are looking at yours allocation from a tax point.

17 Mr. St. Denis stated I believe Mr. May has the same questions. What they are
18 asking is why their meeting attendance payments made for November and December
19 have not been made.

20 Ms. Thibault stated we were not given direction to make those payments.

21 Mr. St. Denis stated was that because of me and I will get that information to
22 Accounts Payable.

23 Mr. Fulghum asked what is the \$50,134 under liabilities for?

24 Ms. Thibault responded as we receive the tax assessment funds from the county
25 they are all in one check, and we need to bifurcate out debt services portion.

26
27 On MOTION by Ms. Smith, SECONDED by Mr. May, WITH ALL IN FAVOR, the
28 Board accepted the Financial Statements as of December 2013.

29
30 **C. Resolution 2014-3, Removing Richard Woodville as Assistant Secretary**

31 Mr. St. Denis introduced Resolution 2014-3 removing Richard Woodville as
32 Assistant Secretary as he is no longer employed by DPFG and requested a motion to
33 approve.

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On MOTION by Ms. Smith, SECONDED by Mr. May, WITH ALL IN FAVOR, the Board adopted Resolution 2014-3, Amending Resolution 2014-2 and Removing Richard Woodville as Assistant Secretary.

FOURTH ORDER OF BUSINESS - Business Matters

A. Landscaping Proposals

Ms. Roberts stated I have given copies of the landscaping proposals to the board and staff. We did receive a proposal from LMP regarding lowering their price and doing it all in one phase. The other proposals we received all followed the same criteria to avoid any confusion. As you can see LMP is still higher than Austin Outdoors and Bravo Landscaping. All three stated the irrigation that is currently installed will be able to be used. There may be some minor adjustments, but that would be included in the install. I have worked with all three vendors in the past.

A discussion was held regarding the responses received, unit price cost differences, and debris disposal costs, the light installations for March, the use of landscape design engineers, and scope of services for the informal bids.

Recommendation was for Ms. Roberts to ask LMP if they could reduce their rates and handle the additional work as a Change Order to their existing contract so the District can stay with the existing the landscape provider.

Ms. Thibault stated additionally Ms. Roberts should ask LMP to let the District pay for the supplies so that the District can realize the 7% tax savings due to the District being tax exempt.

Mr. St. Denis stated Ms. Thibault can also check on piggy backing on another government agency that has a purchase contract for the same landscaping supplies.

Mr. Fulghum stated we are looking at several big dollar projects. How much money is in the fund we could use for these projects?

Ms. Thibault responded you have \$82,282 in the Capital Project Fund as restricted. There is \$492,000 in the general fund and you can transfer some of that money to the Capital Projects Fund if the Board chooses. I would suggest that if we are going to use those funds that we set up a Operational Reserve Fund for the CDD so we can isolate those funds for the 1st three months of the year and that would be about \$75,000.

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B. Updates:

1. Additional Parking Feasibility

Mr. Denny stated we have been working with Pasco County on the additional parking spaces and there does not seem to be any problems doing this. The only thing that came up is they do not allow parallel parking which affects the north side as they do not allow on street parking. Additionally, we will have to make sure the pond which is associated with this project can handle the water runoff.

A discussion was held regarding dual purpose of the parking lot for visitors since there is no parking allowed on the road and parking for the pool; discussing the situation with bond counsel to ensure we are not doing anything to subject the tax exempt status of the bonds; acquiring the land from the HOA for the CDD to build the parking areas. It was discussed contacting the HOA to work together with the CDD for parking.

Mr. Fulghum asked what are the next steps in this feasibility?

Mr. Straley responded I will talk with Bond Counsel about what may be required and report back to the Board at the next meeting.

Ms. Thibault asked can we have the Chair or Vice Chair be authorized to sign the work authorization for the purchase order process and for the piggyback contracts?

Mr. St. Denis asked is there a charge for that if we don't find anything?

Ms. Thibault responded for the piggyback there is no charge if I can't anything; if I do, it is 10% of the savings I was able to obtain. As far as the purchase order, I need to look at the materials, talk to the vendors we have and charge based on those vendors.

Ms. Smith stated if LMP is willing to decrease their charges by 5% then I say let's not do anything else and move forward with LMP.

Mr. St. Denis stated we can go back to LMP and negotiate the contract decrease by 5%. If they are not willing, we can start negotiations with Austin Outdoors. In the meantime, we can continue this meeting for two weeks. If LMP is in agreement, the Chair/Vice Chair is authorized to sign the Change Order and we cancel the continued meeting. If not, we can bring back the proposal of Austin Outdoor at the continued meeting.

Following discussion,

1 On MOTION by Ms. Smith, SECONDED by Mr. Fulghum, WITH ALL IN FAVOR, the
2 Board directed Staff to ask LMP to Reduce Their Price by 5%; If LMP Agrees, the
3 Chair/Vice Chair was Authorized to Sign the Change Order; if LMP Does Not Agree,
4 Staff was Authorized to Negotiate with Austin Outdoors and Bring Back The Proposal at
5 the Continued February 18, 2014 Meeting

6
7 On MOTION by Ms. Smith, SECONDED by Mr. May, WITH ALL IN FAVOR, the
8 Board authorized Staff to Obtain Landscape Engineering Proposals.

9
10 *[Note: the remainder of the minutes are based on the written notes of the District*
11 *Manager, as there was no further audio record of the meeting.]*

12
13 **2. Street Drains**

14 A discussion was held regarding the street drains the Districts responsibilities.

15 Florida Design Consultants is to get pricing proposals on drain and roadway
16 repairs.

17
18 **3. Fires Hazard Assessment**

19 Mr. May reported he will continue to work on the fire hazard assessment and
20 there is no action recommended.

21
22 **4. Street Light Installation on Chenwood**

23 A discussion was held and Ms. Roberts will get proposals for the needed
24 directional boring in the amount not to exceed \$10,000.

25
26 **C. Additional Matters**

27 There being none, the next item followed.
28

29 **FIFTH ORDER OF BUSINESS – Staff Reports**

30 **A. Manager**

31 There being no report, the next item followed.
32

33 **B. Field Management**

34 Ms. Roberts provided the January, December, November, October, September,
35 August Field Management Report under separate cover, a copy of which is attached
36 hereto and made a part of the permanent record.

37 Mr. May reported that there are no longer ant beds.

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C. Attorney

There being no report, the next item followed.

D. Engineer

There being no report, the next item followed.

SIXTH ORDER OF BUSINESS - Audience Comments

There being none, the next item followed.

SEVENTH ORDER OF BUSINESS - Supervisor Request

There being none, the next item followed.

EIGHTH ORDER OF BUSINESS - Adjournment

Following discussion,

On MOTION by Ms. Smith, SECONDED by Mr. Fulghum, WITH ALL IN FAVOR, the meeting was CONTINUED to February 18, 2014 at 8:00 a.m. at the offices of Florida Design Consultants.

Note: The morning of February 13, 2014 it was determined by the Chairperson and District Manager that it was not necessary to convene the recessed meeting scheduled for February 18, 2014. Whereby, the February 5, 2014 was deemed adjourned.

**These minutes were prepared in summary format.*

**Each person who decides to appeal any decision made by the Board with respect to any matter considered at the meeting is advised that 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.*

1 **Meeting minutes were approved at a meeting by vote of the Board of Supervisors at a**
2 **publicly noticed meeting held on _____.**

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Signature

Signature

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Printed Name

Printed Name

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Title:

Title:

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Secretary

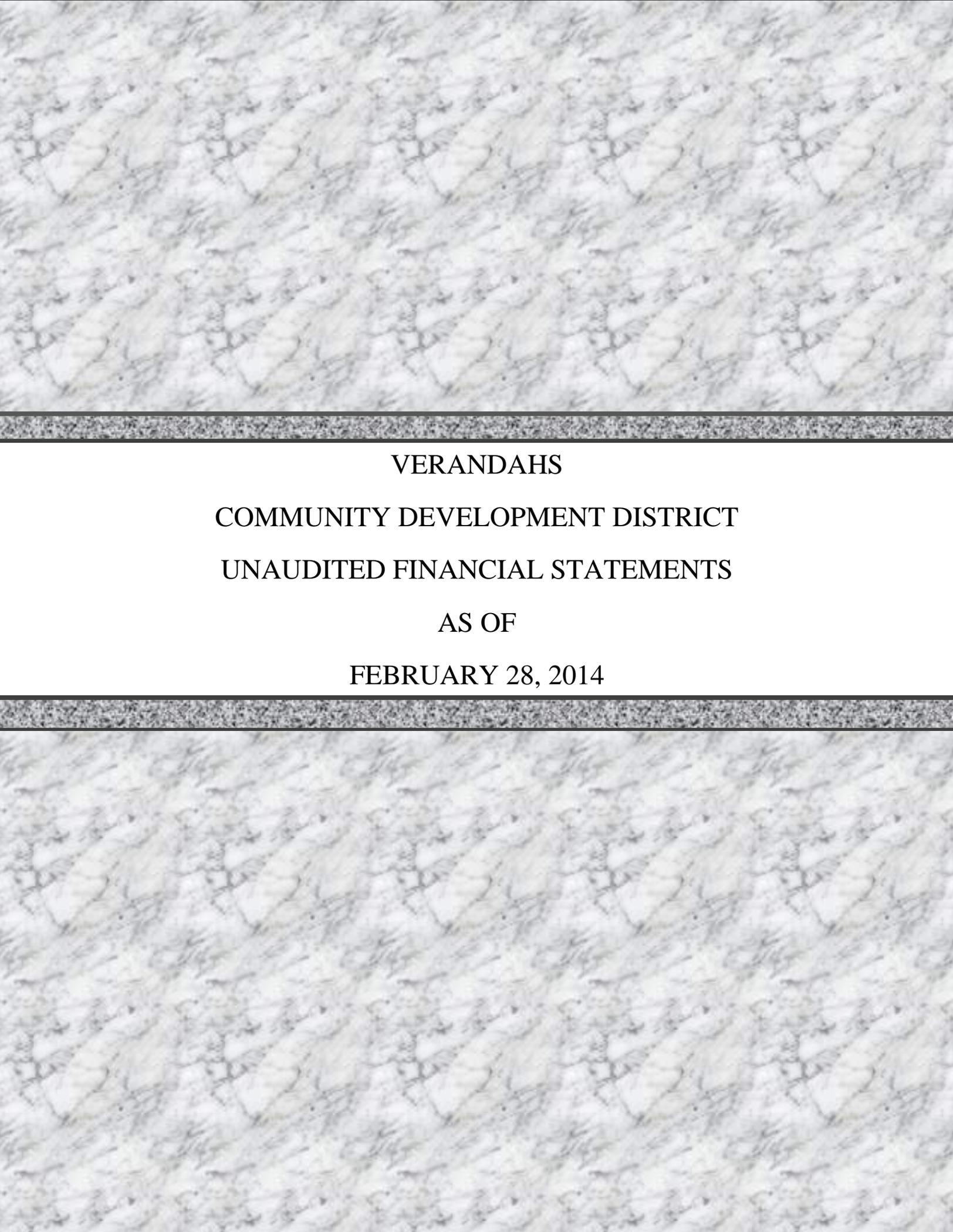
Chairman

13

Assistant Secretary

Vice Chairman

EXHIBIT 2.



VERANDAHS
COMMUNITY DEVELOPMENT DISTRICT
UNAUDITED FINANCIAL STATEMENTS
AS OF
FEBRUARY 28, 2014

VERANDAHS CDD
TABLE OF CONTENTS

I. Financial Statements

II. Bank Reconciliation

III. Check Register

VERANDAHS CDD

BALANCE SHEET FEBRUARY 28, 2014

	GENERAL FUND	DEBT SERVICE	CAPITAL PROJECTS	TOTAL
<u>ASSETS:</u>				
CASH	\$ 455,461	\$ -	\$ -	\$ 455,461
UTILITY DEPOSIT	12,932	-	-	12,932
INVESTMENTS:				
REVENUE	-	307,152	-	307,152
RESERVE	-	274,000 (a)	-	274,000
PREPAYMENT	-	-	-	-
DEF COST - ACQUISITION & CONST.	-	-	82,286 (a)	82,286
ACCOUNTS RECEIVABLE	-	-	-	-
ASSESSMENT RECEIVABLE	-	-	-	-
DUE FROM GF - IN TRANSIT	-	-	-	-
DUE FROM OTHER FUNDS	-	-	-	-
TOTAL ASSETS	\$ 468,393	\$ 581,152	\$ 82,286	\$ 1,131,831
<u>LIABILITIES:</u>				
ACCOUNTS PAYABLE	\$ 6,186	\$ -	\$ -	\$ 6,186
ACCRUED EXPENSES	-	-	-	-
DUE TO OTHER FUNDS	-	-	-	-
<u>FUND BALANCE:</u>				
NONSPENDABLE:				
PREPAID AND DEPOSITS	12,932	-	-	12,932
RESTRICTED FOR:				
DEBT SERVICE	-	581,152	-	581,152
CAPITAL PROJECTS	-	-	82,286	82,286
ASSIGNED:				
UNASSIGNED:	449,276	-	-	449,276
TOTAL LIABILITIES & FUND BALANCE	\$ 468,393	\$ 581,152	\$ 82,286	\$ 1,131,831

a) Following the November 1, 2013 debt service payment, the Trustee determined the excess reserves available for deferred costs. Subsequent to the Trustee's calculation, \$6,010 was transferred from the Debt Service Reserve Account to the Deferred Cost Account.

The financial footnotes are intended to provide additional information with respect to the status of the District. This is in no way intended to represent a complete list of the notes that would be required to be presented in accordance with generally accepted accounting principles. See the year-end District audit for additional information.

VERANDAHS CDD

GENERAL FUND STATEMENT OF REVENUES, EXPENDITURES AND CHANGE IN FUND BALANCE FOR THE PERIOD ENDING FEBRUARY 28, 2014

	FY 2014 ADOPTED BUDGET	BUDGET YEAR-TO-DATE	ACTUAL YEAR-TO-DATE	VARIANCE FAVORABLE (UNFAVORABLE)
I. REVENUE				
SPECIAL ASSESSMENTS - ON-ROLL	\$ 288,750	\$ 259,875	\$ 259,730 (a)	\$ (145)
INTEREST	-	-	115	115
LESS: DISCOUNT	(11,550)	-	-	-
FUND BALANCE FORWARD	20,350	-	-	-
TOTAL REVENUE	297,550	259,875	259,845	(30)
II EXPENDITURES				
ADMINISTRATIVE:				
PAYROLL - BOS	3,200	1,333	800	533
PAYROLL TAXES	297	124	66	58
ADP SERVICE FEES	800	333	551	(218)
HOA - SERVICE FEE/BOARD ATTENDANCE	1,000	417	200	217
MANAGEMENT CONSULTING SERVICES	46,000	19,167	19,167	-
GENERAL ADMINISTRATIVE EXPENSES	3,600	1,500	1,500	-
COUNTY COLLECTION FEES (ASSESSMENTS)	10,106	-	-	-
BANKING SERVICES	300	100	118	(18)
AUDITING	5,800	-	-	-
ASSESSMENT ADMINISTRATION	14,700	14,700	14,700	-
MISCELLANEOUS	597	249	-	249
REGULATORY AND PERMIT FEES	175	73	175	(102)
LEGAL ADVERTISEMENTS	3,000	1,250	120	1,130
ENGINEERING SERVICES	4,000	1,667	2,878	(1,211)
LEGAL SERVICES	5,000	2,083	2,494	(411)
TOTAL ADMINISTRATIVE	98,575	42,995	42,768	227
INSURANCE:				
INSURANCE (Liability, Property & Casualty)	6,000	6,000	5,665	335
TOTAL INSURANCE	6,000	6,000	5,665	335
DEBT SERVICE ADMINISTRATION:				
DISSEMINATION AGENT	5,000	5,000	5,000	-
TRUSTEE FEES	3,800	3,800	3,722	78
ARBITRAGE	500	500	500	-
TRUST FUNDS ACCOUNTING	3,675	1,531	1,531	-
TOTAL DEBT SERVICE ADMINISTRATION	12,975	10,831	10,753	78
FIELD OPERATIONS:				
IRRIGATION MAINTENANCE	10,000	4,167	868	3,298
MITIGATION SERVICES	5,000	2,083	-	2,083
LANDSCAPE MATERIALS & MISC	10,000	4,167	760	3,407
LANDSCAPING MAINTENANCE	48,855	20,356	20,356 (b)	-
TURF, SHRUBS & TREE TREATMENT	5,757	2,399	-	2,399
ELECTRICITY - STREETLIGHTS	50,000	20,833	19,797	1,037
LAKE (SURFACE WATER) MANAGEMENT	23,625	9,844	6,000	3,844
POND BANK REPAIR & WELL MAINT	15,000	6,250	-	6,250
FOUNTAIN MAINTENANCE	4,683	1,951	-	1,951
WELL MAINTENANCE	7,080	2,950	2,360	590
HOLIDAY LIGHTS	-	-	1,000	(1,000)
TOTAL FIELD OPERATIONS	180,000	75,000	51,141	23,859
TOTAL EXPENDITURES	297,550	134,827	110,327	24,500

VERANDAHS CDD

GENERAL FUND STATEMENT OF REVENUES, EXPENDITURES AND CHANGE IN FUND BALANCE FOR THE PERIOD ENDING FEBRUARY 28, 2014

EXCESS REVENUE OVER (UNDER) EXPEND.	-	125,048	149,518	24,470
FUND BALANCE - BEGINNING	-	-	312,689	-
FUND BALANCE - ENDING	<u>\$ -</u>	<u>\$125,048</u>	<u>\$462,208</u>	<u>\$24,470</u>

(a) Assessments On-Roll Adopted Budget reported at Gross, Budget Year-To-Date and actual assessments collected reported at net pending discount and collection information from the County.

b) Budd Group -for fertilization, tree replacement, tree trimming, fertilizing turf and shrubs and tree removal Impressions.

VERANDAHS CDD

2006A DEBT SERVICE

STATEMENT OF REVENUES, EXPENDITURES AND CHANGE IN FUND BALANCE FOR THE PERIOD ENDING FEBRUARY 28, 2014

	FY 2014 ADOPTED BUDGET	BUDGET YEAR-TO-DATE	ACTUAL YEAR-TO-DATE	VARIANCE FAVORABLE (UNFAVORABLE)
REVENUE				
SPECIAL ASSESSMENTS - TAX ROLL (GROSS)	\$ 331,800	\$ 276,224	\$ 298,454	\$ 22,230
INTEREST--INVESTMENT	-	-	10	10
LESS: ASSESSMENT DISCOUNT	(13,272)	-	-	-
FUND BALANCE FORWARD	3,597	-	-	-
TOTAL REVENUE	322,125	276,224	298,463	22,240
EXPENDITURES				
COUNTY COLLECTION FEES (3.50%)	11,613	-	-	-
INTEREST EXPENSE	215,512	107,756	107,756	(0)
PRINCIPAL RETIREMENT	95,000	-	-	-
TOTAL EXPENDITURES	322,125	107,756	107,756	(0)
EXCESS REVENUE OVER (UNDER) EXPENDITURES	-	168,468	190,707	22,240
OTHER FINANCING SOURCES (USES)				
TRANSFER-IN	-	-	-	-
TRANSFER-OUT	-	-	(6,014)	(6,014)
TOTAL OTHER FINANCING SOURCES (USES)	-	-	(6,014)	(6,014)
NET CHANGE IN FUND BALANCE	-	168,468	184,693	16,225
FUND BALANCE - BEGINNING	-	-	396,459	-
FUND BALANCE - ENDING	\$ -	\$ 168,468	\$ 581,152	\$ 16,225

(a) Assessments On-Roll Adopted Budget reported at Gross, Budget Year-To-Date and actual assessments collected reported at net pending discount and collection information from the County.

b) Following the November 1, 2013 debt service payment, the Trustee determined the excess reserves available for deferred costs. Subsequent to the Trustee's calculation, \$6,007 was transferred from the Debt Service Reserve Account to the Deferred Cost Account in addition to monthly transfers of interest income.

VERANDAHS CDD

2006A CAPITAL PROJECTS

STATEMENT OF REVENUES, EXPENDITURES AND CHANGE IN FUND BALANCE FOR THE PERIOD ENDING FEBRUARY 28, 2014

	<u>ACTUAL</u> <u>YEAR-TO-DATE</u>
REVENUE	
INTEREST--INVESTMENT	\$ 2
TOTAL REVENUE	<u>2</u>
EXPENDITURES	
CONSTRUCTION IN PROGRESS	-
LEGAL EXPENSES	-
TOTAL EXPENDITURES	<u>-</u>
EXCESS REVENUE OVER (UNDER) EXPENDITURES	2
OTHER FINANCING SOURCES (USES)	
TRANSFER-IN	6,014 (a)
TRANSFER-OUT	-
TOTAL OTHER FINANCING SOURCES (USES)	<u>6,014</u>
NET CHANGE IN FUND BALANCE	6,016
FUND BALANCE - BEGINNING	76,269
FUND BALANCE - ENDING	<u>\$ 82,286</u>

a) Following the November 1, 2013 debt service payment, the Trustee determined the excess reserves available for deferred costs. Subsequent to the Trustee's calculation, \$6,007 was transferred from the Debt Service Reserve Account to the Deferred Cost Account in addition to monthly transfers of interest income.

VERANDAHS CDD

Cash Reconciliation - General Fund February 28, 2014

Balance Per Bank Statement	\$ 460,461.23
Add: Transfers/Deposits in Transit	-
Less: Outstanding Checks	<u>(5,000.00)</u>
<i>Balance Per Bank</i>	<u>\$ 455,461.23</u>

Beginning Cash Balance Per Books	\$ 479,862.20
Cash Receipts	6,522.34
Bank Interest	25.38
Cash Disbursements	(30,542.85)
Payroll & PR Taxes	(216.50)
ADP Fee - BOS Mtg	(165.00)
Bank Charges	<u>(24.34)</u>
<i>Balance Per Books</i>	<u>\$ 455,461.23</u>

VERANDAHS CDD

CHECK REGISTER

FY 2014

CHECK NO.	DATE	PAYEE		AMOUNT PAID	DEPOSIT	BALANCE
EOM	9/30/2013	TOTAL		18,928.20	23.74	305,746.25
1977	10/1/2013	DPFG	CDD Mgmt Oct 2013	4,439.58		301,306.67
1978	10/1/2013	DPFG	Special Assessment FY 2014	14,700.00		286,606.67
1979	10/3/2013	Egis Insurance & Risk Advisors	FY 2014 Insurances	5,665.00		280,941.67
1980	10/3/2013	Landscape Maint. Professionals	Landscape Maint - Oct 2013	4,071.25		276,870.42
1981	10/10/2013	Rust-Off, Inc.	Pump Maint. Sept 2013	590.00		276,280.42
1982	10/10/2013	Times Publishing Co.	Legal Ad 9/26/2013	117.44		276,162.98
1983	10/28/2013	VOID		-		276,162.98
1984	10/28/2013	Blue Water Aquatics	Water Mgmt Sept 2013	1,200.00		274,962.98
1985	10/30/2013	Landscape Maint. Professionals	Irrigation Repairs - Oct 2013	486.59		274,476.39
1986	10/30/2013	The Verandahs at Pasco County	CDD Meeting Attend. Oct 2013	200.00		274,276.39
1987	10/30/2013	Times Publishing Co.	Legal Ad Oct 2013	119.66		274,156.73
1988	10/30/2013	Withlacoochee River	Streetlights Oct 2013	4,014.77		270,141.96
		Sun Trust Bank	Bank Charges	21.39		270,120.57
		Sun Trust Bank	Bank Interest		16.65	270,137.22
		ADP - BOS payroll	Payroll & PR Taxes	221.90		269,915.32
		ADP	ADP fee - sept	82.50		269,832.82
		ADP	ADP fee - oct	82.50		269,750.32
EOM	10/31/2013	TOTAL		35,930.08	16.65	269,750.32
1989	11/1/2013	DPFG	CDD Mgmt Nov 2013	4,439.58		265,310.74
	11/7/2013	Pasco County Tax Collector	Excess Fees - FY 2013		3,603.00	268,913.74
1990	11/19/2013	Florida Dept. of Economic Opportuni	Annual Filing Fee FY 2014	175.00		268,738.74
1991	11/19/2013	Florida Design Consultants	Engineering Svcs Oct 2013	1,005.00		267,733.74
1992	11/19/2013	void	Void - Printer Error	-		267,733.74
1993	11/19/2013	void	Void - Printer Error	-		267,733.74
1994	11/19/2013	void	Void - Printer Error	-		267,733.74
1995	11/19/2013	Landscape Maint. Professionals	Landscape - Annuals-Oct 2013	759.50		266,974.24
1996	11/19/2013	Rust-Off, Inc.	Pump & Well Maint. Oct 2013	590.00		266,384.24
1997	11/19/2013	Straley & Robin	Legal Svcs thru Oct 15, 2013	645.75		265,738.49
	11/21/2013	Tax Collector	Deposit - Tax Collector FY 2013		516.46	266,254.95
1998	11/26/2013	Blue Water Aquatics	Lake Maint. Nov 2013	1,200.00		265,054.95
1999	11/26/2013	Landscape Maint. Professionals	Landscape Maint Nov 2013	4,071.25		260,983.70
2000	11/26/2013	Withlacoochee River	Electricity - Nov 2013	4,014.77		256,968.93
		Sun Trust Bank	Bank Fees	21.96		256,946.97
		Sun Trust Bank	Interest		15.46	256,962.43
		ADP - BOS payroll	Payroll & PR Taxes	216.50		256,745.93
		ADP	ADP fee	82.50		256,663.43
EOM	11/30/2013	TOTAL		17,221.81	4,134.92	256,663.43
2001	12/2/2013	DPFG	CDD Mgmt Dec 2013	4,439.58		252,223.85
2002	12/4/2013	Bravo Fence	Install Fence Panel - Sept 2013	539.00		251,684.85
2003	12/4/2013	Rust-Off, Inc.	Well & Pump Maint. Aug 2013	590.00		251,094.85
	12/5/2013	Pasco County Tax Collector	Tax Collection - FY 2014		87,468.65	338,563.50
	12/5/2013	Withlacoochee River	Capital Credit Refund		394.67	338,958.17
	12/19/2013	Pasco County Tax Collector	Tax Collection - FY 2014		368,008.33	706,966.50
2004	12/23/2013	Blue Water Aquatics	Lake Maint	1,200.00		705,766.50
2005	12/23/2013	Landscape Maint. Professionals	Irrigation Repairs	128.00		705,638.50
2006	12/23/2013	Rust-Off, Inc.	Well & Pump Maint	590.00		705,048.50
2007	12/23/2013	Straley & Robin	Legal Svcs	391.00		704,657.50
2008	12/23/2013	Verandahs CDD	Tax Collection - FY 2014	245,664.90		458,992.60
2009	12/23/2013	Withlacoochee River	Electricity	4,014.77		454,977.83
	12/30/2013	Deposit	Tax Collection - FY 2014		93,763.15	548,740.98
2010	12/31/2013	Illuminations Holiday Lighting	Holiday Lights	1,000.00		547,740.98
2011	12/31/2013	Straley & Robin	Legal Svcs thru Dec 13, 2013	299.00		547,441.98
2012	12/31/2013	Vara Electric Corp	Electrical Outlet for Lights	155.00		547,286.98
2013	12/31/2013	Withlacoochee River	Streetlight Deposits (9 Poles)	4,862.00		542,424.98
		ADP	ADP Fee	82.50		542,342.48
		ADP	ADP Refund		5.40	542,347.88
		Sun Trust Bank	Bank Fees	24.11		542,323.77
		Sun Trust Bank	Bank Interest		26.20	542,349.97
EOM	12/31/2013	TOTAL		263,873.25	549,634.80	542,349.97
2014	1/1/2014	DPFG	CDD Mgmt Jan 2014	4,439.58		537,910.39
2015	1/20/2014	Blue Water Aquatics	Lake Maint Jan 2014	1,200.00		536,710.39
2016	1/20/2014	Florida Design Consultants	Engineering Svcs thru 12/27/13	402.5		536,307.89
2017	1/20/2014	Landscape Maint. Professionals	Landscape Maint Jan 2014	4,071.25		532,236.64
2018	1/20/2014	Rust-Off, Inc.	Pump Maint	590		531,646.64
2019	1/20/2014	US Bank	Trustee Fees	3,722.00		527,924.64
2020	1/20/2014	Verandahs CDD	Tax Collection Distribution	50,133.93		477,790.71
	1/21/2014	Deposit	Tax Collector		2,421.15	480,211.86
		ADP	Payroll & PR Taxes	216.5		479,995.36
		ADP	Fees	138.5		479,856.86
		Sun Trust Bank	Bank Fees	25.78		479,831.08
		Sun Trust Bank	Bank Interest		31.12	479,862.20
EOM	1/31/2014	TOTAL		64,940.04	2,452.27	479,862.20

VERANDAHS CDD

CHECK REGISTER

FY 2014

CHECK NO.	DATE	PAYEE		AMOUNT PAID	DEPOSIT	BALANCE
2021	2/1/2014	DPFG	CDD Mgmt Feb 2014	4,439.58		475,422.62
	2/7/2014	ADP	ADP PAYROLL FEE	82.50		475,340.12
	2/14/2014	Deposit	Tax Collector		6,522.34	481,862.46
2022	2/17/2014	Blue Water Aquatics	Lake Mgmt	1,200.00		480,662.46
2023	2/17/2014	Florida Design Consultants	Engineering Svcs	1,470.44		479,192.02
2024	2/17/2014	GNP Services, CPA	Audit FY 2013	500.00		478,692.02
2025	2/17/2014	Landscape Maint. Professionals	Landscape Maint/Irr/ Jan 2014	4,175.88		474,516.14
2026	2/17/2014	Landscape Maint. Professionals	Landscape Maint. Dec 2013	4,071.25		470,444.89
2027	2/17/2014	Prager & Co., LLC	Dissemination	5,000.00		465,444.89
2028	2/17/2014	Rust-Off, Inc.	Pump Maint.	590.00		464,854.89
2029	2/17/2014	Straley & Robin	Legal Svcs thru 1/15/2014	347.45		464,507.44
2030	2/17/2014	Verandahs CDD	Tax Collection Distribution	4,781.97		459,725.47
2031	2/17/2014	Withlacoochee River	Streetlights	3,966.28		455,759.19
	2/28/2014	ADP - BOS payroll	Payroll & PR Taxes-2/21/2014	216.50		455,542.69
	2/28/2014	ADP	ADP PAYROLL FEE	82.50		455,460.19
	2/21/2014	Sun Trust Bank	Bank Fees	24.34		455,435.85
	2/28/2014	Sun Trust Bank	Bank Interest		25.38	455,461.23
EOM		TOTAL		30,948.69	6,547.72	455,461.23

**VERANDAHS CDD
ACCOUNTS PAYABLE
February 28, 2014**

<u>VENDOR</u>	<u>AMOUNT</u>	<u>CK #</u>	<u>DATE PAID</u>
ACCOUNTS PAYABLE:			
BLUE WATER AQUATICS	1,200.00	2033	3/11/2014
LANDSCAPE MAINTENANCE	148.98	2034	3/11/2014
STRALEY & ROBIN	810.00	2035	3/11/2014
WITHLACOCHEE RIVER ELECTR	4,025.78	2036	3/11/2014
TOTAL API	<u>\$ 6,184.76</u>		

EXHIBIT 3.

RULES OF PROCEDURE

THE VERANDAHS COMMUNITY DEVELOPMENT DISTRICT

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**RULES OF PROCEDURE
THE VERANDAHS COMMUNITY DEVELOPMENT DISTRICT**

1.0 Organization

- (1) The Verandahs Community Development District (the “District”) was created pursuant to the provisions of Chapter 190, Florida Statutes and was established to provide for ownership, operation, maintenance, and provision of various capital facilities and services within its jurisdiction. The purpose of these rules (the “Rules”) is to describe the general operations of the District.
- (2) Definitions located within any section of the Rules shall be applicable within all other sections, unless specifically stated to the contrary.

Specific Authority: s.s. 190.011(5), 120.53(1)(a), Fla. Stat.

Law Implemented: s.s. 190.011(5), 120.53(1)(a), Fla. Stat.

1.1 Board of Supervisors: Officers and Voting.

- (1) Board of Supervisors. The Board of Supervisors of the District (the “Board”) shall consist of five (5) members. Members of the Board must be residents of the State of Florida and citizens of the United States of America. The Board shall exercise the powers granted to the District.
 - (a) Board members shall hold office for the term specified by Section 190.006, 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).
 - (b) Three (3) members of the Board physically present at the meeting location shall constitute a quorum for the purposes of conducting business and exercising its powers and for all other purposes. However, if three (3) or more vacancies occur at the same time, a quorum is not necessary to fill the vacancies. 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.
- (2) Officers. At the first Board meeting held after each election or appointment where the newly elected members take office, the Board shall select a Chairman, Vice-Chairman, Secretary, Assistant Secretary, and Treasurer.
 - (a) The Chairman must be a member of the Board. If the Chairman resigns from that office or ceases to be a member of the Board, the Board shall select a Chairman, after filling the vacancy. The Chairman serves at the

pleasure of the Board. The Chairman or Vice-Chairman shall be authorized to sign checks and warrants for the District, countersigned by the Treasurer. The Chairman shall convene and conduct all meetings of the Board. In the event the Chairman is unable to attend a meeting, the Vice-Chairman shall convene and conduct the meeting. The Chairman or Vice-Chairman may request the District Manager or other district staff to convene and conduct any meeting of the Board.

- (b) The Vice-Chairman shall be a member of the Board and shall have such duties and responsibilities as specifically designated by the Board from time to time. If the Vice-Chairman resigns from office or ceases to be a member of the Board, the Board shall select a Vice-Chairman, after filling the Board vacancy. The Vice-Chairman 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. The District Manager may serve as Secretary.
 - (d) The Treasurer need not be a member of the Board but must be a resident of Florida. The Treasurer shall perform duties described in Section 190.007(2) and (3), Florida statutes, as well as those assigned by the Board from time to time. The Treasurer shall serve at the pleasure of 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, 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 the District Office and shall be available for inspection by the public.
 - (5) Meetings. The Board shall establish each fiscal year, an annual schedule of regular meetings, which shall be submitted to the county and the state of Florida. All meetings of the Board shall be open to the public in accord with the provisions of Chapter 286, Florida Statutes.
 - (6) Voting Conflict of Interest. The Board shall comply with Section 112.3143, 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 Chapters 112 and 190, Florida Statutes, as amended from time to time.

- (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. 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 attached 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 they have 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 shall immediately be provided to other Board members and shall read publicly at the next meeting held subsequent to the filing of the written memorandum.

Specific Authority: s.s. 190.001, 190.011(5), Fla. Stat.

Law Implemented: s.s. 190.006, 190.007, 112.3143, Fla. Stat.

1.2 Public Information and Inspection of Records.

- (1) Public Records. All District public records within the meaning of Chapter 119, Florida Statutes, and not otherwise restricted by law, including the “Records of Proceedings”, may be copied or inspected at the District Office during regular business hours.
- (2) Copies. Copies of public records shall be made available to the requesting person at the current rate authorized under Section 119.07(4), Florida Statutes. The requesting person may be required to pay for any charges in advance.

Specific Authority: s.s. 190.011(5), 120.53, Fla.Stat.

Law Implemented: s.s. 190.006, 119.07, 120.53, Fla. Stat.

1.3 Public Meetings, Hearings, and Workshops.

- (1) Notice. Except in emergencies, or as otherwise required by Statute or these Rules, at least seven (7) days 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 shall state:
 - (a) The date, time and place of the meeting 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;
 - (d) Pursuant to the 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. If you are hearing or speech impaired, please contact Florida Relay Service at 1-800-955-8770, who can aid you in contacting the District Office.
 - (e) 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.
- (2) Agenda. The District Manager, under the guidance of the Chairman or those members of the Board calling for the meeting/hearing/workshop, shall prepare a notice and an agenda of the meeting/hearing/workshop. The notice and agenda shall be available to the public at least seven (7) days before the meeting/hearing/workshop except in an emergency. The agenda may be changed before or at the meeting/hearing/workshop by a vote of the Board.
 - (a) 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
 - Audience Questions and Comments on Agenda Items
 - Review of minutes
 - Specific items of old business
 - Specific items of new business

Staff reports

- (a) District Counsel
- (b) District Engineer
- (c) District Manager

Supervisor's requests and comments

Audience Questions and Comments

Adjournment

- (3) Minutes. The Secretary shall be responsible for keeping the minutes of each meeting of the Board. Minutes shall be corrected and approved by the Board at a subsequent meeting.
- (4) Receipt of Notice. 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.
- (5) Emergency Meetings. The Chairman, or Vice-Chairman if the Chairman is unavailable, may convene an emergency meeting of the Board without first having complied with subsections (1), (2), (4), and (6) to act on emergency matters that may affect the public health, safety or welfare. Whenever possible, the Chairman shall make reasonable efforts to notify all Board members of an emergency meeting twenty-four (24) hours in advance. Reasonable efforts may include telephone notification. 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. Whenever an emergency meeting is called, the District Manager shall be responsible for notifying at least one major newspaper of general circulation in the District. Actions taken at an emergency meeting may be ratified by the Board at a regularly noticed meeting subsequently held.
- (6) Public Comment. The public shall be provided the opportunity to be heard on any proposition that will come before the Board at a meeting. The Board shall set aside a reasonable amount of time for public comment on agenda items, and the time for public comment shall be identified in the agenda. Persons wishing to address the Board should notify the Secretary of the Board prior to the "Audience Comment" section of the agenda. Each person wishing to address the Board will be given a reasonable amount of time for their comments, in the interest of time and fairness to other speakers.
- (7) Budget Hearing. Notice of hearing on the annual budget(s) shall be in accord with Section 190.008, Florida statutes. Once adopted in accord with Section 190.008, 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.

- (8) Continuances. Any meeting of the Board or any item or matter included on the agenda for a meeting may be continued without re-notice or re-advertising provided that the continuance is to a specified date, time and location publicly announced at the meeting where the item or matter was included on the agenda.
- (9) Resident Committee Meetings. The Board may establish resident committees as needed. Such committee meetings shall be noticed to the public at least seven (7) days in advance. Notice shall be posted at the clubhouse and if available the District website.

Specific Authority: s.s. 190.005, 190.011(5), Fla. Stat.

Law Implemented: s.s. 190.007, 190.008, 120.53, 286.0105, 286.0114, 120.54, Fla. Stat.

2.0 Rulemaking Proceedings.

- (1) Commencement of Proceedings. Proceedings held for adoption, amendment, or repeal of a District rule shall be conducted according to the applicable provisions of Chapter 120, Florida Statutes, and these Rules. Rulemaking proceedings shall be deemed to have been initiated upon publication of notice by the District.
- (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 proposed rules 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 paragraph (3). The notice of rule development shall indicate the subject area to be addressed by rule development, provide short, plain explanation of the purpose and effect of the proposed rule, cite specific legal authority for the proposed rule, and a statement of how a person may promptly obtain a copy of any preliminary draft, if available.
 - (b) All rules shall be drafted in accord with Chapter 120, 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 or the Laws of Florida 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), 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; and a statement as to whether, based on the statement of the estimated regulatory costs or other information expressly relied upon and described by the District if no statement of regulatory costs is required, the proposed rule is expected to require legislative ratification pursuant to Section 120.541(3). The notice must state the procedure for requesting a public hearing on the proposed rule unless one is otherwise scheduled or required under Florida Statutes. Except when the intended action is the repeal of a rule, the notice must include a reference both to the date on which and to the place where the notice of rule development that is required by subsection (2) appeared.

- (b) The notice shall be published in a newspaper of general circulation in the 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 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. Notice will then be mailed to all persons whom, at least fourteen (14) days prior to such mailing, have made requests of the District for advance notice of its proceedings.
- (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 District Chairman 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 for the initiation of rulemaking proceedings pursuant to Section 120.54(7), Florida Statutes, must contain the name, address and telephone number of the Petitioner, specific action requested, specific reason for adoption, amendment, or repeal, the date submitted, and shall specify the text of the proposed rule and the facts showing that the Petitioner is regulated by the District, or has substantial interest in the rulemaking, shall be filed with the District. The Board shall then act on the petition in accordance with

Section 120.54(7), Florida Statutes, except that copies of the petition shall not be sent to the Administrative Procedure Committee, and notice may be given in a newspaper of general circulation in the county in which the District is located.

- (6) Rulemaking Materials. After the publication of the notice to initiate rulemaking, 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, Florida Statutes; and
 - (d) The published notice.
- (7) Rulemaking Proceedings – No Hearing. When no hearing is requested or required under Florida Statutes and the Board chooses not to initiate a hearing on its own, or if the rule relates exclusively to organization, practice or procedure, the Board may direct the proposed rule be filed with the District Office no less than twenty-eight (28) days following notice. Such direction may be given by the Board either before initiating the rule adoption process or after the expiration of the twenty-one (21) days during which affected persons may request a hearing.
- (8) Rulemaking Proceedings – Hearing. If the proposed rule does not relate exclusively to organization, practice or procedure, the District shall provide, upon request, 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. Any affected person may request a hearing within twenty-one (21) days after the date of publication of the notice of intent to adopt, amend or repeal a rule. When a public hearing is held, the District must ensure that the Board members are available to explain the District’s proposal and to respond to questions or comments regarding the rule. If one or more requested public hearings is scheduled, the Board shall conduct at least one of the public hearings itself and may not delegate this responsibility without the consent of those persons requesting the public hearing.
- (9) Request for Public Hearing.
 - (a) A request for a public hearing shall be in writing and shall specify how the person requesting the public hearing would be affected by the proposed rule. The request shall be submitted to the District within twenty-one (21)

days after notice of intent to adopt, amend, or repeal the rule is published as required by law, in accordance with the procedure for submitting requests for public hearing stated in the notice of intent to adopt, amend or repeal the rule.

- (b) If the notice of intent to adopt, amend, or repeal a rule did not notice a public hearing and the District determines to hold a public hearing, the District shall publish notice of a public hearing in a newspaper of general circulation within the District 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.
 - (c) Written statements may be submitted by any person within a specified period of time prior to or following the public hearing. All timely submitted written statements shall be considered by the District and made part of the rulemaking record.
- (10) 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.
- (11) Negotiated Rulemaking. The District may use negotiated rulemaking in developing and adopting rules pursuant to Section 120.54, Florida Statutes.
- (12) Variations and Waivers. Variations and waivers from District rules may be granted to the provisions and limitations contained in Section 120.542, Florida Statutes.

Specific Authority: s.s. 190.011(5), 190.011(15), 120.54, 190.035, Fla. Stat.

Law Implemented: s.s. 120.54, 190.035(2), Fla. Stat.

3.0 Decisions Determining Substantial Interests.

- (1) Conduct of Proceedings. Proceedings may be held by the District in response to a written request submitted by a substantially affected person within fourteen (14) days after written notice or published notice of District action or notice of District intent to render a decision. Notice of both action taken by the District and the

District's intent to render a decision shall state the time limit for requesting a hearing and shall reference the District's procedural rules. If a hearing is held, the Chairman shall designate any member of the Board (including the Chairman), District Manager, District General Counsel, or other person to conduct the hearing.

The person conducting the hearing may:

1. Administer oaths and affirmations;
 2. Rule upon offers of proof and receive relevant evidence;
 3. Regulate the course of the hearing, including any prehearing matters;
 4. Enter orders;
 5. Make or receive offers of settlement, stipulation, and adjustment.
- (a) The person conducting the hearing 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.
- (b) The District shall issue a final order within forty-five (45) days:
1. After the hearing is concluded, if conducted by the Board;
 2. After a recommended order is submitted to the Board and mailed to all parties, if the hearing is conducted by persons other than the Board; or
 3. After the Board has received the written and oral material it has authorized to be submitted, if there has been no hearing.
- (2) Eminent Domain. After determining the need to exercise the power of eminent domain pursuant to Subsection 190.11(11), Florida Statutes, the District shall follow those procedures prescribed in Chapters 73 and 74, Florida statutes. Prior to exercising the power of eminent domain, the District shall:
- (a) Adopt a resolution identifying the property to be taken;
 - (b) If the property is beyond the boundaries of the District, obtain approval by resolution of the governing body of the county if the taking will occur in

an unincorporated area, or of the municipality if the taking will occur within the municipality.

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

Law Implemented: s.s. 190.011(11), Fla. Stat.

4.0 Purchasing, Contracts, Construction and Maintenance.

- (1) Purpose and Scope. In order to comply with Sections 190.033(1) through (3), 287.055 and 287.017, Florida Statutes, the following procedures, definitions and rules are outlined for the purchase of professional, construction, maintenance, and contract services, and goods, supplies, materials, and insurance.
- (2) Definitions.
 - (a) “Continuing contract” is a contract for professional services (of a type described above), entered into in accordance with this Rule, between the District and a firm whereby the firm provides professional services for the District for work of a specified nature with no time limitation, except that the contract shall provide a termination clause.
 - (b) “Contractual services” means rendering time and effort rather than furnishing specific goods or commodities. Contractual services do not include legal (including attorneys, paralegals, court reporters and expert witnesses, including appraisers), artistic, auditing, health, or academic program services, or professional services (as defined in Section 287.055(2)(a), Florida Statutes and these Rules) and shall generally be considered the services referenced by Section 287.012(8), Florida Statutes. Contractual services do not include the extension of an existing contract for services if such extension is provided for in the contract terms.
 - (c) “Emergency purchases” means a purchase necessitated by a sudden unexpected turn of events (e.g. 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 solicitation would be detrimental to the interests of the District.
 - (d) “Goods, supplies and materials” do not include printing, insurance, advertising, or legal notices.
 - (e) “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 involved. It includes printed instructions

prescribing conditions for bidding, evaluation criteria, and provides for a manual signature of an authorized representative.

- (f) “Lowest Responsible bid/proposal” means, in the sole discretion of the Board, the bid or proposal (i) is submitted by a person or firm capable and qualified in all respects to perform fully the contract requirements and with the integrity and reliability to assure good faith performance, (ii) is responsive to the invitation to bid or request for proposal as determined by the Board, and (iii) is the lowest cost to the District. Minor variations in the bid may be waived by the Board. Mistakes in arithmetic extension of pricing may be corrected by the Board. Bids may not be modified after opening.
- (g) “Most Advantageous bid/proposal” means, in the sole discretion of the Board, the bid or proposal (i) is submitted by a person or firm capable and qualified in all respects to perform fully the contract requirements and with the integrity and reliability to assure good faith performance, (ii) is responsive to the invitation to bid or request for proposal as determined by the Board, and (iii) is the most advantageous bid or proposal to the District. Minor variations in the bid may be waived by the Board. Mistakes in arithmetic extension of pricing may be corrected by the Board. Bids may not be modified after opening.
- (h) “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 performed by an architect, professional engineer, landscape architect or registered surveyor and mapper, in connection with the firm’s or individual’s professional employment or practice.
- (i) “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, 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 from time to time by the State of Florida Department of Management Services to reflect inflation or other measures.
- (j) “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 government entity or political subdivision of the state.
- (k) “Request for Proposal” 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, proposal instructions, work detail analysis and evaluation criteria as necessary.

- (1) “Responsive bid/proposal” means a bid or proposal which conforms in all material respects to the specifications and conditions in the invitation to bid or request for proposal and these Rules, and the cost components of which are appropriately balanced. A bid/proposal is not responsive if the person or firm submitting the bid fails to meet any requirement relating to the qualifications, financial stability, or licensing of the bidder.

Specific Authority: s.s. 190.011(5), Fla. Stat.

Law Implemented: s.s. 190.033, Fla. Stat.

4.1 Purchase of Goods, Supplies, and Materials.

- (1) Purpose and Scope. All purchases of goods, supplies, or materials exceeding the amount provided in Section 287.017, Florida Statutes, for CATEGORY FOUR, as such category may be amended from time to time, shall be purchased under the terms of these Rules. Contracts for purchases of “goods, supplies, and materials” do not include printing, insurance, advertising or legal notices.
- (2) Procedure. When a purchase of goods, supplies or materials is within the scope of this Rule, the following is appropriate:
 - (a) The Board shall cause to prepare an Invitation to Bid or Request for Proposal, as appropriate.
 - (b) The Notice of Invitation to Bid or Request for Proposal shall be advertised at least once in a newspaper of general circulation within the District. The notice shall allow at least seven (7) days for submittal of bids, unless the Board, for good cause, determines a shorter period of time is appropriate.
 - (c) The District may maintain lists of persons interested in receiving notices of invitations to bid or requests for proposals. Persons who provide their name and address to the District Manager for inclusion on the list shall receive notices by mail.
 - (d) Bids or proposals shall be opened at the time and place noted on the Invitation to Bid or Request for Proposal. Bids and proposals shall be evaluated in accordance with the invitation or request and these Rules.
 - (e) The Most Advantageous Bid or Proposal shall be accepted; however, the Board shall have the right to reject all bids, either because they are too

high or because the Board determines that it is in the best interests of the District. In the event the bids exceed the amount of funds available to be allocated by the District for this purchase, the bids may be rejected. The board may require bidders to furnish performance and/or other bonds with a responsible surety to be approved by the Board.

- (f) Notice of award or 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, and by posting same in the District Office for seven (7) days.
- (g) If only one response to an Invitation to Bid or Request for Proposal is received, the District may proceed with the procurement of goods, supplies or materials. If no response to an Invitation to Bid or Request for Proposal is received, the District may take whatever steps reasonably necessary in order to proceed with the procurement of goods, supplies, and materials.
- (h) If the District does not receive a response to its competitive solicitation, the District may proceed to purchase such goods, supplies, materials, or construction services in the manner it deems in the best interests of the District.
- (i) 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: s.s. 190.011(5), Fla. Stat.

Law Implemented: s.s. 190.033, Fla. Stat.

4.2 Contracts for Construction of Authorized Project.

- (1) Scope. All contracts for the construction or improvement of any building, structure or other public construction works authorized by Chapter 190, 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, Florida Statutes, as that amount may be indexed or amended from time to time, shall be let under the terms of these Rules and comply with the bidding procedures of Section 255.20, Florida Statutes, as the same may be amended from time to time. In the event of conflict between these Rules and Section 255.20, Florida statutes, the latter shall control. A project shall not be divided solely to avoid the threshold bidding requirements.

(2) Procedure.

- (a) Notice of Invitation to Bid or Request for Proposal shall be advertised at least once in a newspaper of general circulation in the District. The notice shall allow at least twenty-one (21) days for submittal of sealed bids, unless the Board, for good cause, determines a shorter period of time is appropriate. Any project projected to cost more than \$500,000 must be noticed at least thirty (30) days prior to the date of submittal for bids.
- (b) The District may maintain lists of persons interested in receiving notices of Invitation to Bid or Requests for Proposals. Persons who provide their name and address to the District Office for inclusion on the list shall receive notices by mail.
- (c) To be eligible to submit a bid or proposal, a firm or individual must, at the time of receipt of its bid proposal:
 - 1. Hold all required applicable state professional licenses in good standing.
 - 2. Hold all required applicable federal licenses in good standing, if applicable.
 - 3. If the bidder is a corporation, hold a current and active Florida Corporate Charter or be authorized to do business in Florida in accordance with Chapter 607, Florida Statutes.
 - 4. Meet any special pre-qualification requirement set forth in the bid/proposal specifications.

Evidence of compliance with these Rules may be submitted with the bid or proposal, if required by the District.

- (d) Bids or proposals shall be opened at the time, date and place noted on the Invitation to Bid or Request for Proposals. Bids or proposals shall be evaluated in accordance with the Invitation to Bid or Request for Proposal and these Rules.
- (e) To assist in the determination of the most advantageous bidder, the District Representative may invite public presentation by firms regarding their qualifications, approach to the project, and ability to perform the contract in all respects.
- (f) In determining the most advantageous bidder, the District Representative may consider, in addition to the factors described in the invitation or request, the following:

1. The ability and adequacy of the professional personnel employed by each bidder or proposer.
 2. The past performance of each bidder or proposer for the District and in other professional employment settings.
 3. The willingness of each bidder or proposer to meet time and budget requirements.
 4. The geographic location of each bidder or proposer's headquarters or office in relation to the project.
 5. The recent, current, and project workloads of the bidder or proposer.
 6. The volume of work previously awarded to each bidder or proposer.
 7. Whether the cost components of each bid or proposal are appropriately balanced.
 8. Whether the bidder or proposer is a certified minority business enterprise.
- (g) The Most Advantageous Bid/Proposal shall be accepted; however, the Board shall have the right to reject all bids, either because they are too high or because the Board determines it is in the best interests of the District. The Board may require bidders or proposers to furnish performance bonds and/or other bonds with a responsive surety to be approved by the Board. If the Board receives fewer than three (3) responses to an Invitation to Proposal, the Board, may, in its discretion, re-advertise for additional bids without rejecting any submitted bid or proposal. In the event the bids exceed the amount of funds available to or allocated by the District for this purchase, the bids may be rejected. Bidders or proposers not receiving a contract award shall not be entitled to recover costs of bid or proposal preparation or submittal from the District.
- (h) Notice of the award or intent to award, including rejection of some or all bids, shall be provided in writing to all bidders or proposers by United States Mail, or by hand deliver, or by overnight delivery service, and by posting the same in the District Office for seven (7) days.

Specific Authority: s.s. 190.011(5), Fla. Stat.

Law Implemented: s.s. 190.033, 255.0525, Fla. Stat.

4.3 Contracts for Maintenance Service.

- (1) Scope. All contracts for maintenance of any District facility or project shall be let under the terms of these Rules if the cost exceeds the amount provided in Section 287.017, Florida Statutes, for CATEGORY FOUR, as such category may be amended from time to time by the State of Florida Department of Management Services. The maintenance of these facilities or projects may involve the purchase of contract services and /or goods, supplies or materials as defined herein. Where a contract for maintenance of such facility or project includes goods, supplies or materials and/or contract services, the District may in its sole discretion, award the contract according to the Rules in this subsection in lieu of separately bidding for maintenance, goods, supplies and materials, and contract services. However, a project shall not be divided solely in order to avoid the threshold bidding requirements.

- (2) Procedure.
 - (a) Notice of Invitation to Bid or Request for Proposal shall be advertised at least once in a newspaper of general circulation in the District. The notice shall allow at least seven (7) days for submittal of bids, unless the Board, for good cause, determines a shorter period of time is appropriate.

 - (b) The District may maintain lists of persons interested in receiving notices of Invitations to Bid or Requests for Proposals. Persons who provide their name and address to the District Office for inclusion on the list shall receive notices by mail.

 - (c) In order to be eligible to submit a bid or proposal, a firm or individual must, at the time of receipt of the bids or proposals:
 1. Hold the required applicable state and professional licenses in good standing.
 2. Hold all required applicable federal licenses in good standing, if any.
 3. Hold a current and active Florida Corporate Charter or be authorized to do business in Florida in accordance with Chapter 607, Florida Statutes, if the bidder is a corporation.
 4. Meet any special pre-qualification requirements set forth in the bid proposal specifications.

Evidence of compliance with these Rules may be submitted with the bid, if required by the District.

- (d) Bids or Proposals shall be opened at the time, date and place noted on the Invitation to Bid or Request for Proposal. Bids and Proposals shall be evaluated in accordance with the Invitation or Request and these Rules.
- (e) To assist in the determination of the Most Advantageous Bid or Proposal, the District Representative may invite public presentation by firms regarding their qualifications, approach to the project, and ability to perform the contract in all respects.
- (f) In determining the Most Advantageous Bid or Proposal, the District Representative may consider, in addition to the factors described in the Invitation or request, the following:
 - 1. The ability and adequacy of the professional personnel employed by each bidder or proposer.
 - 2. The past performance of each bidder or proposer for the District and in other professional employment settings.
 - 3. The willingness of each bidder or proposer to meet time and budget requirements.
 - 4. The geographic location of each bidder or proposer's headquarters or office in relation to the project.
 - 5. The recent, current, and project workloads of the bidder or proposer.
 - 6. The volume of work previously awarded to each bidder or proposer.
 - 7. Whether the cost components of each bid or proposal are appropriately balanced.
 - 8. Whether the bidder or proposer is a certified minority business enterprise.
- (g) The Most Advantageous Bid or Proposal may be accepted; however, the Board shall have the right to reject all bids or proposals, either because they are too high or because the Board determines it is in the best interests of the District. The Board may require bidders to furnish performance bonds and/or other bonds with a responsive surety to be approved by the Board. If the Board receives fewer than three (3) responses to an Invitation to Proposal, the Board, may, in its discretion, re-advertise for additional bids without rejecting any submitted bid or proposal. In the

event the bids or proposals exceed the amount of funds available to or allocated by the District for this purchase, the bids or proposals may be rejected. Bidders or proposers not receiving a contract award shall not be entitled to recover costs of bid or proposal preparation or submittal from the District.

- (h) Notice of the award or intent to award, including rejection of some or all bids or proposals, shall be provided in writing to all bidders or proposers by United States Mail, or by hand deliver, or by overnight delivery service, and by posting the same in the District Office for seven (7) days.

Specific Authority: s.s. 190.011(5), Fla. Stat.

Law Implemented: s.s. 190.033, Fla. Stat.

4.4 Purchase of Insurance.

- (1) Scope. The purchase of life, health, accident, hospitalization, legal expense, or annuity insurance, or all or any kind 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 these Rules. 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 Invitation to Bid may be advertised at least once in a newspaper of general circulation in the District. The notice shall allow at least seven (7) days for submittal of bids, unless the Board, for good cause, determines a shorter period of time is appropriate.
 - (c) The District may maintain a list of persons interested in receiving notices of Invitations to Bid. Persons who provide their name and address to the District Office for inclusion on the list shall receive notices by mail.
 - (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 to Bid 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 which 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, 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 need of the District, its officers, employees and/or dependents.
- (h) Notice of the award or 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 service, and by posting the same in the District Office for seven (7) days.

Specific Authority: s.s. 190.011(5), Fla. Stat.

Law Implemented: s.s. 112.08, Fla. Stat.

4.5 Procedure for Purchasing Contractual Services.

- (1) Scope. All purchases for contractual services (except for maintenance services) may, but are not required to, be made by competitive Invitation to Bid. If state or federal law prescribes with whom the District must contract, or established the rate of payment, then these Rules shall not apply. A contract involving both goods, supplies, and materials plus contractual services may, at the discretion of the Board, be treated as a contract for goods, supplies, and materials.
- (2) Procedure. When a purchase of contractual services is within the scope of this Rule (and the District has elected to follow this procedure), the following procedure shall be followed:
 - (a) The Board shall cause to be prepared a notice of Invitation to Bid or Request for Proposal, as appropriate.
 - (b) Notice of Invitation to Bid shall be advertised at least once in a newspaper of general circulation in the District. The notice shall allow at least seven (7) days for submittal of bids, unless the Board, for good cause, determines a shorter period of time is appropriate.

- (c) The District may maintain a list of persons interested in receiving notices of Invitations to Bid or Requests for Proposals. The District shall make a good faith effort to provide written notice, by United States Mail, to persons who provide their names and addresses to the District Office for inclusion on the list. However, failure of a person to receive the notice shall not invalidate any contract awarded in accordance with these Rules and shall not be the basis for a protest of any contract award.
 - (d) Bids or proposals shall be opened at the time and place noted on the Invitation to Bid and Request for Proposal. Bids and proposals shall be evaluated in accordance with Invitation to Bid or Request for Proposal and these Rules.
 - (e) If only one (1) response to an Invitation to Bid or Request for Proposal is received, the District may proceed with the procurement for contractual services from such bidder or proposer. If no response to an Invitation to Bid or Request for Proposal is received, the District may take whatever steps are reasonably necessary in order to proceed with the procurement of the needed contractual services.
 - (f) The Board has the right to reject any and all bids or proposals. The reservation regarding the right to reject shall be included in all solicitations and advertisements. If the bids or proposals exceed the amount of funds available to or allocated by the District for this purchase, the bids or proposals may be rejected. Bidders and proposers not receiving a contract award shall not be entitled to recover any costs of bid or proposal preparation or submittal from the District.
 - (g) The Most Advantageous Bid or Proposal may be accepted by the District. The Board may require bidders to furnish bid, performance and/or other bonds with a reasonable surety to be approved by the Board.
- (3) Notice. Notice of contract award, including the rejection of some or all bids or proposals, shall be provided in writing to all bidders or proposers by United States Mail, overnight delivery, or by hand delivery, and by posting same in the District Office for seven (7) days.
- (4) Contract Renewal. Renewal of a contract for contractual services shall be in writing and shall be subject to the same terms and conditions set forth in the initial contract, unless otherwise provided in the initial contract. Renewal shall be contingent upon satisfactory performance evaluations by the District.
- (5) Contract Manager and Contract Administrator. The Board may designate a representative to function as contract manager, who shall be responsible for enforcing performance of the contract terms and conditions and serve as the liaison with the contractor. The Board may also designate a representative to

function as contract administrator, who shall be responsible for maintaining all contract files and financial information. One person may serve as both contract manager and administrator.

- (6) Emergency Purchase. The District may make an emergency purchase of contractual services 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.
- (7) Continuing Contract. Nothing in this Rule shall prohibit a continuing contract between a firm or an individual and the District.

Specific Authority: s.s. 190.011(5), Fla. Stat.

Law Implemented: s.s. 190.033(3), Fla. Stat.

4.6 Procedure Under Consultant's Competitive Negotiations Act.

In order to comply with the requirements of Section 287.055, Florida Statutes (regarding certain types of professional services), the following procedures are outlined for selection of firms or individuals to provide professional services exceeding the thresholds herein described and in the negotiation of such contracts.

- (1) Qualifying Procedures. In order to be eligible to submit a bid or proposal, a firm must, at the time of receipt of the bid or proposal:
 - (a) Hold all required applicable state professional licenses in good standing.
 - (b) Hold all required applicable federal licenses in good standing, if any.
 - (c) If the bidder is a corporation, hold a current and active Florida Corporate Charter or be authorized to do business in Florida in accordance with Chapter 607, Florida Statutes.
 - (d) Meet any pre-qualification requirements set forth in the project or bid specifications. Qualification standards may include, but are not limited to, capability and adequacy of personnel, past record, and experience of the bidding entity.

Evidence of compliance with this Rule may be submitted with the bid, if requested by the District.

- (2) Public Announcement. Prior to a public announcement that professional services are required for a project, the Board shall identify the project as meeting the threshold requirement. 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 by publishing a notice providing a general description of the project and 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 District may maintain lists of persons interested in receiving such notices. These persons are encouraged to submit annually statements of qualifications and performance data. Persons who provide their name and address to the District Manager for inclusion on the list shall receive notices by mail. The Board has the right to reject any and all bids, and such reservation shall be included in the public announcement. Bidders not receiving a contract award shall not be entitled to recover any costs of bid preparation or submittal from the District.

(3) Competitive Selection.

(a) The Board shall review and evaluate the data submitted in response to the notice described above regarding qualifications and performance ability, as well as any statements of qualification of file. The Board shall conduct discussions with, and may require public presentation by firms regarding their qualifications, and/or public presentation, select and list the firms, 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:

1. The ability and adequacy of the professional personnel employed by each firm.
2. Each firm's past performance for the District in other professional employment settings.
3. The willingness of each firm to meet time and budget requirements.
4. The geographic location of each firm's headquarters or office in relation to the project.
5. The recent, current, and projected workloads of each firm.
6. The volume of work previously awarded to each firm.
7. Whether a firm is a certified minority business enterprise.

Nothing in these Rules shall prevent the District from evaluating and eventually selecting a firm if less than three (3) responses, including responses indicating a desire not to submit a formal bid on a given project, are received.

- (b) If the selection process is administered by a person 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.

(4) Competitive Negotiation.

- (a) After the Board has authorized the beginning of competitive negotiations, the District may begin such negotiations with the firm listed as the most qualified to perform the required professional services.
- (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, 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 within twenty-one (21) days 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 unless modified by the Board, 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 within twenty-one (21) days (unless modified by the Board to the contrary) 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 any of the selected firms within twenty-one (21) days (unless modified by the Board to the contrary) 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.
- (e) Once an agreement with a firm or individual is reached, notice of the award or intent to award, including the 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, and by posting same in the District Office for seven (7) days.

- (5) Continuing Contract. Nothing in this Rule shall prohibit a continuing contract between a firm or an individual and the District.
- (6) 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: s.s. 190.011(5), Fla. Stat.

Law Implemented: s.s. 190.011(3), 287.055, 190.033, Fla. Stat.

5.0 Bid Protests Under Consultants' Competitive Negotiations Act.

Notwithstanding any other provision in these Rules, the resolution of any protests regarding the decision to solicit or award a contract for a bid or proposal shall be in accordance with this section.

- (1) Notice. The District shall give all bidders written notice of its decision to award or intent to award a contract, including rejection of some or all bids, by United States Mail (which shall be deemed delivered two (2) days after delivery to the U.S. Postal Service), by certified/registered mail return receipt requested, by hand delivery, or by overnight delivery service (which shall be deemed delivered by the next business day), and by posting same in the District Office for seven (7) days. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Section 5.2 of the Rules of The Verandahs Community Development District shall constitute a waiver of proceedings under those Rules."
- (2) Filing. Any person who is affected adversely by the District's decision or intended decision shall file with the District a notice of protest within seventy-two (72) hours after the posting of the final bid tabulation or after receipt of the notice of the District decision or intended decision, and shall file a formal written protest within seven (7) days after the date of filing of the notice of protest. The notice of protest shall identify the procurement by title and number or any other language that will enable the District to identify it, shall state that the person intends to protest the decision, and shall state with particularity the law and facts upon which the protest is based. With respect to a protest of the specifications contained in an Invitation to Bid or in a Request for Proposals, the notice of protest shall be filed in writing within seventy-two (72) hours after the receipt of the notice of the project plans and specifications (or intended project plans and specifications) in an Invitation to Bid or Request for Proposals, and the formal written protest shall be filed within seven (7) days after the date when notice of protest is filed. Failure to file a notice of protest, or failure to file a formal written protest, shall constitute a waiver of all further proceedings.

- (3) Award Process. Upon a receipt of a notice of protest which has been timely filed, the District shall stop the bid solicitation process (or the contract and award process) until the subject of the protest is resolved. However, if the District sets forth in writing particular facts and circumstances which require the continuance of the process without delay in order to avoid immediate and serious danger to the public health, safety, or welfare, the award process may continue.
- (4) Mutual Agreement. The District, on its own initiative or upon the request of a protester, shall provide an opportunity to resolve the protest by mutual agreement between the parties within seven (7) days, excluding Saturdays, Sundays and legal holidays, upon receipt of a formal written request.
- (5) Proceedings. If the subject of a protest is not resolved by mutual agreement, a proceeding shall be conducted in accordance with the procedural guidelines set forth in Section 3.0.

Specific Authority: s.s. 120.57(3), 190.011(5) Fla. Stat.

Law Implemented: s.s. 120.57(3), 190.033, Fla. Stat.

5.1 Protests With Respect To Contracts Awarded Or Bid Documents.

The resolution of any protests regarding Bid Documents or the decision to award a contract for a bid or proposal shall be in accordance with section 5.1.

- (1) Notice. The District shall give all bidders or proposers written notice of a decision to award or to reject all bids by posting the notice in the District Office for seven (7) days, with a copy being provided to all submitting firms by United States Mail (which shall be deemed delivered two (2) days after delivery to the U.S. Postal Service), by certified/registered mail return receipt requested, or by hand delivery. The notice shall include the following statement: “Failure to file a written protest with the District within seventy-two (72) hours following the receipt of notice of the District’s decision to award a contract shall constitute a waiver of any objection to the award of such contract.”
- (2) Filing.
 - (a) Any firm or person who is affected adversely by a District decision to award a contract shall file with the District a written notice of protest within seventy-two (72) hours after receipt of the notice of the District’s decision, and shall file a formal written protest with the District within seven (7) calendar days after timely filing the initial notice of protest. For purposes of this Rule, wherever applicable, filing will be perfected and deemed to have occurred upon receipt of the District. 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 to or protest the District’s

decision or contract award. The formal written protest shall state with particularity the facts and law upon which the protest is based.

- (b) With respect to a protest regarding the Bid Documents, including specifications or other requirements contained in an Invitation to Bid or in a Request for Proposals, the notice of protest shall be filed in writing within seventy-two (72) hours after the receipt of the proposed project plans and specifications or other contract documents. 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 to or protest with respect to the aforesaid plans, specifications or contract documents.
- (3) Award Process. Upon receipt of a timely filed notice of protest, the District shall abate the contract award process until the protest is resolved by final Board action. However, if the District determines particular facts and circumstances require the continuance of the contract award process without delay in order to avoid immediate and serious danger to the public health, safety, or welfare, the contract award process may continue. In such circumstances, the contract awarded shall be conditioned on the outcome of the protest.
- (4) 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 posted in the office of the District not less than three (3) calendar days prior to such informal proceeding, with copy being mailed to the protestant and any substantially affected person or parties. Within fifteen (15) calendar days following the informal proceeding, the Board shall issue a written decision setting forth the factual, legal, and policy grounds for its decision.
- (5) 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 above, the District shall schedule a formal hearing to resolve the protest in accordance with the procedural guidelines set forth in Section 3.0.

Specific Authority: s.s. 120.57, 190 011(5), Fla. Stat.

Law Implemented: s.s. 190.033, Fla. Stat.

5.2 Bid Protests Relating to Any Other Award.

Notwithstanding any other provision in these Rules, the resolution of any protests regarding the decision to solicit or award a contract for a bid proposal under Sections 4.1, 4.2, or 4.5 shall be in accordance with Section 5.2.

- (1) Notice. The District shall give all bidders written notice of its decision to award or intent to award a contract, including rejection of some or all bids, by United States Mail (which shall be deemed delivered two (2) days after delivery to the U.S. Postal Service), by certified/registered mail return receipt requested, by hand delivery, or by overnight delivery service (which shall be deemed delivered on the next business day), and by posting same in the District Office for seven (7) calendar days.
- (2) Filing. Any person who is adversely affected by the District's decision or intended decision shall file with the District a notice of protest in writing within seventy-two (72) hours after the posting of the final bid tabulation or after receipt of the notice of the District decision or intended decision, and shall file a formal written protest within seven (7) days after the date of filing of the notice of protest. The formal written protest shall state with particularity facts and law upon which the protest is based. Failure to timely file a notice of protest or failure to timely file a formal written protest shall constitute a waiver of all further proceedings.
- (3) Award Process. Upon receipt of a notice of protest which has been timely filed, the District shall stop the bid solicitation process or the contract and award process until the subject of the protest is resolved. However, if the District sets forth in writing particular facts and circumstances which require the continuance of the process without delay in order to avoid an immediate and serious danger to the public health, safety, or welfare, the award process may continue.
- (4) Mutual Agreement. The District, on its own initiative or upon the request of a protester, shall provide an opportunity to resolve the protest by mutual agreement between the parties within five (5) days, excluding Saturdays, Sundays and legal holidays, of receipt of a formal written protest.
- (5) Hearing. If the subject of a protest is not resolved by mutual agreement, the District shall hold a proceeding in accordance with the procedural guidelines set forth in Section 3.0.

Specific Authority: s.s. 190.011(5), Fla. Stat.

Law Implemented: s.s. 190.033, Fla. Stat.

6.0 Design-Build Contract Competitive Proposal Selection Process.

- (1) Scope. The District may utilize design-build contracts for any public construction project for which the Board determines that use of such contracts in the best interest of the District. When letting a design/build contract, the District shall use the following procedure:
 - (a) The District shall utilize a design criteria professional meeting the requirements of Section 287.055(2)(k) when developing a design criteria package, evaluating the responses or bids 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 or may be retained using Section 4.6, Procedure Under Consultant's Competitive Negotiations Act.
 - (b) A design criteria package for the construction project shall be developed and sealed by the design criteria professional. The package shall include concise, performance –oriented drawings or specifications of the project, and shall include sufficient information to put interested firms on notice of substantially all of the requirements of the project. 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. All 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.
 - (c) The Board, in consultation with the design criteria professional, shall establish the standards and procedures for the evaluation of design-build proposals based on price, technical, and design aspects of the project, weighted for the project.
 - (d) After the 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 seven (7) days for submittal of proposals, unless the Board, for good cause, determines a shorter period of time is appropriate.
 2. The District may maintain qualifications information, including: capabilities, adequacy of personnel, past record, experience, whether the firm is a certified minority business enterprise as defined by the Florida Small Business and Minority Assistance Act

of 1985, and other factors, on design-build firms. Such firms shall receive a copy of the request for proposals by mail.

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 license in good standing, as defined by Section 287.055(2)(h), 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 Florida in accordance with Chapter 607, Florida Statutes, if the bidder is a corporation;
 - (d) Meet any special prequalification requirements set forth in the design criteria package.

Evidence of compliance with these Rules may be submitted with the bid, if required by the District.

- (e) The Board shall select no fewer than three (3) design-build firms as the most qualified, based on the information submitted in the response to the request for proposals, and in consultation with the design criteria professional, shall evaluate their proposals based on the evaluation standards and procedures established prior to the solicitation of requests for proposal.
- (f) 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 to be 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. Failing accord with the second most qualified firm, the Board must terminate negotiations. The Board shall then undertake negotiations with the third firm. 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.

- (g) After the Board contracts with a firm, the firm shall bring to the Board for approval, detailed working drawings of the project.
 - (h) The design criteria professional shall evaluate the compliance of the project construction with the design criteria package, and shall provide the Board with a report of the same.
- (2) 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.

Specific Authority: s.s. 190.011(5), Fla. Stat.

Law Implemented: s.s. 190.033, 255.20, Fla. Stat.

7.0 District Auditor Selection Procedures.

Prior to selecting an auditor to conduct the annual financial audit as required in section 218.39, Florida Statutes, the District shall use the auditor selection procedures as required under section 218.391, Florida Statutes.

Specific Authority: s. 190.011(5), Fla. Stat.

Law Implemented: s. 218.391, Fla. Stat.

8.0 Effective Date.

These Rules shall be effective _____, 2014.



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