### Knightsbridge Community Development District

Agenda

*October 3, 2022* 

## **AGENDA**

### Knightsbridge

#### Community Development District

219 E. Livingston Street, Orlando, Florida 32801 Phone: 407-841-5524 – Fax: 407-839-1526

September 26, 2022

Board of Supervisors Bridgewalk Community Development District

Dear Board Members:

The meeting of the Board of Supervisors of the Bridgewalk Community Development District will be held Monday, October 3, 2022 at 2:00 p.m. at the Oasis Club at ChampionsGate, 1520 Oasis Club Blvd., ChampionsGate, FL 33896. Following is the advance agenda for the regular meeting:

#### Landowners' Meeting

- 1. Determination of Number of Voting Units Represented
- 2. Call to Order
- 3. Election of Chairman for the Purpose of Conducting Landowners' Meeting
- 4. Nominations for the Positions of Supervisors (5)
- 5. Casting of Ballots
- 6. Tabulation of Ballots and Announcement of Results
- 7. Adjournment

#### **Board of Supervisors Meeting**

- 1. Roll Call
- 2. Public Comment Period
- 3. Organizational Matters
  - A. Administration of Oaths of Office to Newly Elected Supervisors
  - B. Consideration of Resolution 2023-01 Canvassing and Certifying the Results of Landowners' Election
  - C. Election of Officers
  - D. Consideration of Resolution 2023-02 Electing Officers
- 4. Approval of Minutes of the August 1, 2022 Meeting
- 5. Public Hearings
  - A. Rules of Procedure
    - Consideration of Resolution 2023-03 Adopting the District's Rules of Procedure
  - B. Uniform Method of Collection
    - i. Consideration of Resolution 2023-04 Expressing the District's Intent to Utilize the Uniform Method of Collection
  - C. Fiscal Year 2022 & Fiscal Year 2023 Budgets
    - i. Consideration of Resolution 2023-05 Adopting the Fiscal Years 2022 & 2023 Budgets and Relating to the Annual Appropriations
- 6. Financing Matters

- A. Consideration of Engineer's Report
- B. Consideration of Master Assessment Methodology Report
- C. Consideration of Resolution 2023-06 Declaring Special Assessments
- D. Consideration of Resolution 2022-07 Setting a Public Hearing for Special Assessments
- 7. Authorization to Re-Issue Engineering RFQ
- 8. Discussion of Pending Plat Conveyances
- 9. Staff Reports
  - A. Attorney
  - B. Engineer
  - C. District Manager's Report
- 10. Other Business
- 11. Supervisor's Requests
- 12. Adjournment

Immediately preceding the Board of Supervisors meeting will be a landowners' meeting of the Bridgewalk Community Development District.

The balance of the agenda will be discussed at the meeting. In the meantime, if you should have any questions, please contact me.

Sincerely,

George S. Flint

George S. Flint District Manager

Cc: Jan Carpenter, District Counsel
Davie Reid, Interim District Engineer

**Enclosures** 

# SECTION III

# SECTION A

#### **RESOLUTION 2023-01**

A RESOLUTION CANVASSING AND CERTIFYING THE RESULTS OF THE LANDOWNERS' ELECTION OF THE KNIGHTSBRIDGE COMMUNITY DEVELOPMENT DISTRICT HELD PURSUANT TO SECTION 190.006(2), FLORIDA STATUTES

WHEREAS, pursuant to Section 190.006(2), Florida Statute, a landowners' meeting is required to be held within 90 days of the District's creation and every two years following the creation of a Community Development District for the purpose of electing five (5) supervisors for the District; and

WHEREAS, following proper notice of once a week for 2 consecutive weeks in a newspaper of general circulation in the area of the District, the last day of such publication to be not fewer than 14 days or more than 28 days before the date of the election, such landowners meeting was held on October 3, 2022, at which the below-recited persons were duly elected by virtue of the votes cast in their respective favor; and

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

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

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

Supervisor	# of Votes	<u>Terms</u>	
	-	4 Year Term	
	-	4 Year Term	
		2 Year Term	
S	<del></del>	2 Year Term	
		2 Year Term	

2.	The terms of office shall commence adoption of this Resolution:	e immediately upon the
Adopted	this 3 <sup>rd</sup> day of October, 2022.	
Secretary	/ Assistant Secretary	Chairman/Vice Chairman

## SECTION D

#### **RESOLUTION 2023-02**

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE KNIGHTSBRIDGE COMMUNITY DEVELOPMENT DISTRICT ELECTING THE OFFICERS OF THE DISTRICT AND PROVIDING FOR AN EFFECTIVE DATE

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

WHEREAS, the Board of Supervisors of the District ("Board") desires to elect the Officers of the District.

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

is elected Chairperson.

Section 1.

Secretary/Assistant	Secretary Chairperson/Vice-Chairperson	
ATTEST:	KNIGHTSBRIDGE COMMUNITY DEVELOPMENT DISTRICT	
PASSED A	ND ADOPTED this 3 <sup>rd</sup> day of October, 2022.	
Section 7.	This Resolution shall become effective immediately upon its adoption.	
Section 6.	is elected Assistant Treasurer.	
Section 5.	is elected Treasurer.	
	is elected Assistant Secretary.	
	is elected Assistant Secretary.	
Section 4.	is elected Assistant Secretary. is elected Assistant Secretary.	
Section 3.	is elected Secretary.	
Section 2.	is elected Vice-Chairperson.	

## **MINUTES**

## MINUTES OF MEETING KNIGHTSBRIDGE COMMUNITY DEVELOPMENT DISTRICT

The Organizational meeting of the Board of Supervisors of the Knightsbridge Community Development District was held Monday, August 1, 2022 at 2:00 p.m. at the Oasis Club at ChampionsGate at 1520 Oasis Club Blvd., ChampionsGate, Florida.

#### Present and constituting a quorum were:

Adam Morgan Chairman
Rob Bonin Vice Chairman
Logan Lantrip Assistant Secretary
Steve Greene by phone, joined late Assistant Secretary

Also present were:

George Flint District Manager
Kristen Trucco District Counsel

David Reid Interim District Engineer

Amanda Udstad Hamilton Engineering & Surveying

Steve Sanford by phone Bond Counsel

Phil Gildan by phone Developer's Counsel

#### FIRST ORDER OF BUSINESS

#### Introduction

#### A. Call to Order

Mr. Flint called the meeting to order and called the roll. Three Board members were present constituting a quorum.

#### **B.** Public Comment Period

Mr. Flint: There are no members of the public here to provide comment.

#### C. Oath of Office

Mr. Flint: We need to administer the oath of office. We've got three Board members here. We may have one or two calling in. I've administered the oath prior to the meeting to Mr. Bonin, Mr. Morgan, and Mr. Lantrip. We have those three gentleman sworn in and we have a quorum.

#### SECOND ORDER OF BUSNESS

#### **Organizational Matters**

#### A. Confirmation of Notice of Meeting

Mr. Flint: Next is confirmation of the notice of meeting. You'll see the meeting notice in. your agenda. It ran at least seven days before the meeting today.

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

Mr. Flint: We provided some general information on Community Development Districts and Board member responsibilities as public officials under chapter 190. I think District Counsel had a conversation with Mr. Lantrip prior to the meeting going over that information. Mr. Bonin and Mr. Morgan have been on other Boards and are on other Boards currently, so they are familiar with those requirements.

#### C. Election of Officers

#### 1. Consideration of Resolution 2022-01 Designating Officers

\*Steve Greene joined the meeting at this time.

Mr. Flint: Steve, you were named in the petition as one of the original Board members, but since you're not here I can't swear you in. You can participate in the decisions of the meeting, but you can't officially vote until you are sworn in.

Mr. Greene: Okay.

Mr. Flint: We will move on to Resolution 2022-01 which elects officers, and it provides for a Chair, Vice Chair, Secretary, Treasure, Assistant Treasurer, and Assistant Secretaries. We can take each seat individually, or if a Board member wants to make a motion to elect a slate, we can do it on one motion.

Mr. Morgan: I'd like to motion to make Adam Morgan Chair, Rob Bonin Vice Chair, George Flint as Secretary, whoever you appoint from the management company as Treasurer, and the other three Board members would be Assistant Secretaries.

Mr. Flint: As far as Treasurer, I would recommend Jill Burns, and then Assistant Treasurer would be Katie Costa. Is there a motion to approve the resolution with those names inserted into the resolution in the agenda package?

On MOTION by Mr. Morgan, seconded by Mr. Bonin, with all in favor, Resolution 2022-01 Designation Officers with Mr. Morgan as Chairman, Mr. Bonin as Vice Chairman, Mr. Flint as Secretary, Ms. Burns as Treasurer, Ms. Costa as Assistant Treasurer, and Mr. Lantrip and Mr. Greene as Assistant Secretaries, was approved.

#### THIRD ORDER OF BUSINESS

#### **Retention of District Staff**

#### A. Consideration of Contract for District Management Services

Mr. Flint: You have the contract with Governmental Management Services for District Management Services. Any questions on the contract? Hearing none,

On MOTION by Mr. Morgan, seconded by Mr. Bonin, with all in favor, the Contract for District Management Services, was approved.

#### B. Consideration of Appointment of District Counsel

Mr. Flint: Next is an engagement letter with District Counsel. Kristen Trucco is here today. Are there any questions on the engagement letter?

On MOTION by Mr. Morgan, seconded by Mr. Bonin, with all in favor, the Appointment of District Counsel, was approved.

#### C. Consideration of Resolution 2022-02 Designating a Registered Agent and Office

Mr. Flint: Next is Resolution 2022-02 designating a registered agent and office. I think we filled the resolution in with Jan Carpenter as the registered agent and her office in downtown Orlando as the registered office. Is there a motion to approve that?

On MOTION by Mr. Morgan, seconded by Mr. Bonin, with all in favor, Resolution 2022-02 Designating a Registered Agent and Office, was approved.

## D. Consideration of Interim District Engineering Agreement with Hamilton Engineering & Surveying, Inc.

Mr. Flint: Next is an agreement for an interim District engineering services with Hamilton Engineering. Engineering falls under the CCNA which requires it to be bid, but in the interim, we are recommending you appoint Hamilton as your interim District engineer.

On MOTION by Mr. Morgan, seconded by Mr. Bonin, with all in favor, the Interim District Engineering Agreement with Hamilton Engineering & Surveying, was approved.

#### E. Request Authorization to Issue RFQ for Engineering Services

Mr. Flint: Is there a motion to also authorize us to issue an RFQ for engineering services? Mr. Morgan: I will make a motion.

On MOTION by Mr. Morgan, seconded by Mr. Bonin, with all in favor, the Request Authorization to Issue RFQ for Engineering Services, was approved.

#### FOURTH ORDER OF BUSINESS

Designation of Meetings and Hearing Dates

#### A. Designation of Regular Monthly Meeting Date, Time, and Location

Mr. Flint: Next is designation of meetings and hearing dates. The first would be your regularly monthly meeting and we would suggest you meet the first Monday of the month in this location at 2:00 p.m. with the exception of January and July which conflict with holidays and September would be pushed a week later to September 11<sup>th</sup>.

On MOTION by Mr. Morgan, seconded by Mr. Bonin, with all in favor, Designation of Regular Monthly Meeting Date, Time, and Location, was approved.

#### B. Designation of Landowner's Meeting Date, Time, and Location

Mr. Flint: The Board is required to have your initial landowner's election within 90 days of formation of the District. We would recommend you go ahead and schedule this for your October 3<sup>rd</sup> meeting.

On MOTION by Mr. Morgan, seconded by Mr. Bonin, with all in favor, Designation of Landowner's Meeting for October 3, 2022 at 2:00 p.m., was approved.

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

1. Consideration of Resolution 2022-03 Setting a Public Hearing to Consider the Proposed Rules of the District

Mr. Flint: Next is designating a date to adopt the District's rules. The statutes require you to hold a rule hearing which requires a 29 and 28-day notice. We recommend you schedule this for your October meeting as well.

On MOTION by Mr. Morgan, seconded by Mr. Bonin, with all in favor, Resolution 2022-03 Setting a Public Hearing to Consider the Proposed Rules of the District for October 3, 2022 at 2:00 p.m., was approved.

### D. Designation of Date of Public Hearing on the Budgets for Fiscal Years 2021-2022 & 2022-2023

## 1. Consideration of Resolution 2022-04 Setting the Public Hearing and Approving the Proposed Fiscal Year 2021-2022 Budget

Mr. Flint: Next is designation of the date of the public hearings to consider the budget for the current year which ends on September 30<sup>th</sup> and then adoption of your 2023 budget. Resolution 2022-04 sets the public hearing and approves the proposed budget for Fiscal Year 2022, and we suggest you have that on your October 3<sup>rd</sup> agenda.

On MOTION by Mr. Morgan, seconded by Mr. Bonin, with all in favor, Resolution 2022-04 Setting the Public Hearing for October 3, 2022 and Approving the Proposed Fiscal Year 2021-2022 Budget, was approved.

### 2. Consideration of Resolution 2022-05 Setting the Public Hearing and Approving the Proposed Fiscal Year 2022-2023

Mr. Flint: Next is Resolution 2022-05 setting the public hearing for next year's budget and we would recommend that also be considered at your October 3<sup>rd</sup> meeting.

On MOTION by Mr. Morgan, seconded by Mr. Bonin, with all in favor, Resolution 2022-05 Setting the Public Hearing for October 3, 2022 and Approving the Proposed Fiscal Year 2022-2023 Budget, was approved.

### 3. Approval of the Fiscal Year 2022 & 2023 Developer Funding Agreement

Mr. Flint: We have a funding agreement which is a standard funding agreement in lieu of imposing assessments. This would fund the costs in each of the proposed budgets that the Board just approved. Is there a motion to approve the funding agreement?

On MOTION by Mr. Morgan, seconded by Mr. Bonin, with all in favor, the Fiscal Year 2022 and 2023 Developer Funding Agreement, was approved.

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

Mr. Flint: Next is designation of the public hearing date to use the 197 process which is the uniform collection method to be able to use the tax bill. To collect your O&M and debt assessments, we have to hold a public hearing which requires four consecutive notices run a week apart, so we would recommend your October 3<sup>rd</sup> meeting for that.

On MOTION by Mr. Morgan, seconded by Mr. Bonin, with all in favor, Designation of Date of Public Hearing for October 3, 2022 Expressing the District's Intent to Utilize the Uniform method of Levying, Collecting, and Enforcing Non-Ad-Valorem Assessments in accordance with Section 197.3632 Florida Statutes, was approved.

#### FIFTH ORDER OF BUSINESS

#### **Other Organizational Matters**

#### A. Selection of District Depository

Mr. Flint: Next is other organizational matters and the first item is the selection of a District depository. We're recommending the Board designate Truist as your District depository.

On MOTION by Mr. Morgan, seconded by Mr. Bonin, with all in favor, Selection of District Depository Designating Truist Bank as the District Depository, was approved.

#### B. Authorization of Bank Account Signatories

Mr. Flint: Next is authorized bank account signers and we would recommend that you authorize the Secretary, Treasurer, and Assistant Treasurer as signers.

On MOTION by Mr. Morgan, seconded by Mr. Bonin, with all in favor, Authorizing George Flint, Jill Burns, and Katie Costa as Bank Account Signatories, was approved.

#### C. Consideration of Resolution 2022-06 Relating to Defense of Board Members

Mr. Flint: Next is Resolution 2022-06 relating to the defense of Board members.

Ms. Trucco: This resolution, like George said, relates to the legal representation of the Board of Supervisor members. In summary, basically the District will pay for your legal defense so long as you are not acting outside of the scope of your role as a Supervisor and you're not acting with malicious disregard for the safety or existence of others and their property. So, that's to say if you ever get served with any type of legal document, please notify my firm or George immediately. This is just setting forth the policy. There is a presumption that the CDD will pay for your legal representation unless in pursuant of paragraph seven, you're acting with willful disregard or you're acting outside of the scope of your role as a Board of Supervisor.

On MOTION by Mr. Morgan, seconded by Mr. Bonin, with all in favor, Resolution 2022-06 Relating to Defense of Board Members, was approved.

### D. Consideration of Resolution 2022-07 Authorizing Use of Electronic Documents and Signatures

Mr. Flint: Next resolution authorizes us to use electronic documents and signatures on documents that legal we are allowed to.

Ms. Trucco: So, that will exclude things like deeds that are required to have an actual signature. But otherwise, the Florida legislature is permitting electronic signatures. Other CDDs are adapting similar policies, so we are comfortable recommending approval for electronic signatures on a number of documents and agreements.

On MOTION by Mr. Morgan, seconded by Mr. Bonin, with all in favor, Resolution 2022-07 Authorizing Use of Electronic Documents and Signatures, was approved.

## E. Consideration of Resolution 2022-08 Authorizing District Counsel Recording the "Notice of Establishment" in the Property Records of Osceola County in Accordance with Chapter 190.0485, Florida Statutes

Mr. Flint: Next is Resolution 2022-08; Kristen, have you already filed the notice of establishment?

Ms. Trucco: I think we have filed a notice of establishment, but for purposes of today, I'll just have them approve it.

Mr. Flint: This resolution will either authorize or ratify the recording of the notice of establishment.

Ms. Trucco: Which is a requirement under Florida law that we file a piece of paper in the property of records to put the world on notice that there is a CDD here over this property. We also attached the reported ordinances as well.

Mr. Morgan: I make a motion to approve the resolution.

Ms. Trucco: And actually we have not filed them. We were waiting for the ordinance and approval today.

On MOTION by Mr. Morgan, seconded by Mr. Bonin, with all in favor, Resolution 2022-08 Authorizing District Counsel Recording the "Notice of Establishment" in the Property Records of Osceola County in Accordance with Chapter 190.0485, Florida Statutes, was approved.

#### F. Consideration of Resolution 2022-09 Adopting Investment Guidelines

Mr. Flint: Next is Resolution 2022-09 approving investment guidelines for the District and the District has the option of developing their own investment policy or defaulting to the policy in Section 218.41517 Florida Statutes. We are recommending you default to what is called the alternative investment guidelines which limit our investments in the four categories that are listed there in your resolution.

On MOTION by Mr. Morgan, seconded by Mr. Bonin, with all in favor, Resolution 2022-09 Adopting Alternative Investment Guidelines, was approved.

## G. Consideration of Resolution 2022-10 Authorizing Execution of Public Depositor Report

Mr. Flint: Resolution 2022-10 authorizes execution of the depositor report.

On MOTION by Mr. Morgan, seconded by Mr. Bonin, with all in favor, Resolution 2022-10 Authorizing Execution of Public Depositor Report, was approved.

#### H. Consideration of Resolution 2022-11 Designating a Policy for Public Comment

Mr. Flint: Resolution 2022-11 designates a policy for public comment. It also addresses public decorum and some other issues.

On MOTION by Mr. Morgan, seconded by Mr. Bonin, with all in favor, Resolution 2022-11 Designating a Policy for Public Comment, was approved.

#### I. Consideration of Resolution 2022-12 Adopting a Travel and Reimbursement Policy

Mr. Flint: Resolution 2022-12 adopts a travel and reimbursement policy that largely mirrors the state policy as far milage and per diem reimbursement.

On MOTION by Mr. Morgan, seconded by Mr. Bonin, with all in favor, Resolution 2022-12 Adopting a Travel and Reimbursement Policy, was approved.

#### J. Consideration of Resolution 2022-13 Adopting a Records Retention Policy

Mr. Flint: Resolution 2022-13 adopts a records retention policy. It basically says that we are going to keep all records. Later on, we can modify the policy to allow us to dispose of certain records based on the type of record and the time frames, but right now we are just recommending that you adopt a policy saying that we will keep everything.

On MOTION by Mr. Morgan, seconded by Mr. Bonin, with all in favor, Resolution 2022-13 Adopting a Records Retention Policy, Option 2 Retaining All Records, was approved.

#### K. Consideration of Website Services Agreement

Mr. Flint: Item K is the District is required to have an ADA compliant website and there is a proposal from a firm in your agenda to create the website for a onetime fee of \$1,750.00. We recommend you just approve the creation and not the ADA compliance audits.

On MOTION by Mr. Morgan, seconded by Mr. Bonin, with all in, Consideration of Website Services Agreement, was approved.

#### L. Consideration of Compensation of Board Members

Mr. Flint: Under Chapter 190 you're entitled to \$200 a meeting for a maximum of \$4,800 a year. For the record, we want to know if the Board members accept or wave compensation.

Mr. Morgan: Accept.

Mr. Bonin: Accept.

Mr. Lantrip: Accept.

Mr. Flint: Let the record reflect that the Board members in attendance have elected to receive compensation.

#### M. Selection of District Records Office Within Osceola County

Mr. Flint: Item four is selection of a District of Records office within Osceola County. I guess we get to select your office again.

Mr. Bonin: Okay sure.

Mr. Flint: What's the address?

Mr. Bonin: It's 1408 Hamlin Ave., Unit E, St. Cloud Florida 34771.

Mr. Flint: Is there a motion to approve that as the local records office?

On MOTION by Mr. Morgan, seconded by Mr. Bonin, with all in favor, Selection of District Record Office Within Osceola County as 1408 Hamlin Ave., St. Cloud, Florida, was approved.

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

Mr. Flint: Next is authorization to prepare and file the public facilities report with Osceola County.

On MOTION by Mr. Morgan, seconded by Mr. Bonin, with all in favor, Authorization for staff to prepare a Public Facilities Report in Accordance with Chapter 189.08 Florida Statutes to Coincide with Special District Filing Date of August 1<sup>st</sup> in Osceola County, was approved.

#### SIXTH ORDER OF BUSINESS

**Capital Improvements** 

A. Appointment of the Financing Team

1. Bond Counsel

Mr. Flint: We have Steve Sanford from Greenberg Traurig on the phone. He has provided an engagement letter that is in your agenda. Any questions for Steve or on the engagement letter?

Mr. Morgan: This looks fairly standard from everything else that he does for us, I make a motion.

On MOTION by Mr. Morgan, seconded by Mr. Bonin, with all in favor, the Agreement with Greenberg Traurig to Serve as Bond Counsel, was approved.

#### 2. Interim Engineer

Mr. Flint: Interim engineer you've already retained previously.

#### 3. Underwriter

Mr. Flint: You should have an engagement letter from FMS in your agenda.

Mr. Morgan: I have it right here.

Mr. Flint: This is their proposed engagement letter as well as their G17 disclosure. They serve as underwriter at your other Districts.

On MOTION by Mr. Morgan, seconded by Mr. Bonin, with all in favor, the Underwriter Agreement and Disclosure Document with FMS, was approved.

#### 4. Assessment Administrator

Mr. Flint: Assessment administration is covered under our district management agreement, so there is no further action required on that.

#### 5. Trustee

Mr. Flint: You have a proposal from US Bank to serve as the District's Trustee. Any questions on their proposal?

Mr. Morgan: No.

Mr. Flint: Is there a motion to approve it?

On MOTION by Mr. Morgan, seconded by Mr. Bonin, with all in favor, the Agreement from US Bank to Serve as the Trustee, was approved.

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

Mr. Flint: Next is a Bond Team Financing Funding Agreement. Many other professionals get compensated out of the cost of issuant accounts and work on a contingent basis and are compensated once bonds are issues. Some of the professionals in the event that we don't issue, are still entitled to be compensated and for some reason if we don't issue bonds this funding agreement would cover those expenses.

On MOTION by Mr. Morgan, seconded by Mr. Bonin, with all in favor, the Financing Team Funding Agreement with Lennar Homes, LLC., was approved.

#### SEVENTH ORDER OF BUSINESS

#### **Financing Matters**

## A. Consideration of Resolution 2022-14 Authorizing the Issuance of Bonds and Authorizing the Commencement of Validation Proceedings

Mr. Flint: Under financing matters, Resolution 2022-14 authorizes the issuance of bonds and commencement of validation proceedings. Steve, do you want to present the resolution?

Mr. Sanford: Yes, of course I'll go through it. Good afternoon, everyone. This is Steve Sanford with Greenberg Traurig serving as the District Bond Counsel. The resolution before you, 2022-14 is a necessary step that the Board has to take in order to issue the bonds under the CDD statutes. Bonds that have a maturity of more than five years have to be validated in the circuit court. In order to get into circuit court, the Board has to adopt a resolution authorizing bonds. That is what this resolution is doing. It's authorizing up to \$30 million in special assessment bonds to be issued in one or more series. It does not bind the Board to issue that amount of bonds, that is just a not to exceed amount. It also authorizes the validation of the bonds and asks the Board to approve two exhibits which are basically substantial form. Obviously, we don't know anything about the terms of the bonds at this point. It's a Master Trust Indenture and Supplemental Indenture. Both of them are between the District and US Bank serving as the trustee. We will come back again when we get closer to the first one with another resolution that has more specificity as far as the bonds and the terms. After any questions, I would recommend moving to adopt 2022-14.

Mr. Morgan: Thank you, Steve. I make a motion to adopt.

On MOTION by Mr. Morgan, seconded by Mr. Bonin, with all in favor, Resolution 2022-14 Authorizing the Issuance of Bonds and Authorizing the Commencements of Validation Proceedings, was approved.

#### EIGHTH ORDER OF BUSINESS

**Business Items** 

There being none, the next item followed.

#### NINTH ORDER OF BUSINESS

Other Business

#### A. Staff Reports

#### 1. Attorney

Mr. Flint: We have staff reports, anything else Kristen?

Ms. Trucco: No, that's it for me. Thank you.

#### 2. Manager

There being none, the next item following.

#### **B.** Supervisors Requests

There being none, the next item followed.

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

Mr. Flint: The last item is your funding request #1 and this would allow us to open the bank account, pay for the initial legal advertising, and bind your liability insurance.

On MOTION by Mr. Morgan, seconded by Mr. Bonin, with all in favor, Funding Request No. 1, was approved.

#### TENTH ORDER OF BUSINESS

#### Adjournment

Mr. Flint: I think that's all we had on the agenda. If there is nothing else, is there a motion to adjourn?

On MOTION by Mr. Morgan, seconded by Mr. Bonin, with all in favor, the meeting was adjourned.		
Secretary/Assistant Secretary	Chairman/Vice Chairman	

## SECTION V

# SECTION A

## SECTION 1

#### **RESOLUTION 2023-03**

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

WHEREAS, the Knightsbridge Community Development District ("District") is a local unit of special purpose government created and existing pursuant to Chapter 190, *Florida Statutes*, being situated in the City of Kissimmee, Osceola County, Florida; and

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

WHEREAS, the Board of Supervisors finds that it is in the best interests of the District to adopt by resolution the Rules of Procedure attached hereto as Exhibit A for immediate use and application, and to replace those Rules of Procedure previously adopted by the District; and

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

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

**SECTION 1.** The attached Rules of Procedure are hereby adopted. These Rules of Procedure shall stay in full force and effect until such time as the Board of Supervisors may amend these rules in accordance with Chapter 190, *Florida Statutes*, and shall replace and supersede any previously adopted Rules of Procedure.

**SECTION 2.** This resolution shall become effective upon its passage and shall remain in effect unless rescinded or repealed.

PASSED AND ADOPTED this 3<sup>rd</sup> day of October, 2022.

ATTEST:	KNIGHTSBRIDGE DEVELOPMENT DISTRICT	COMMUNITY
Print Name: Secretary/Assistant Secretary	Chairman/Vice Chairman	

**Exhibit A:** Rules of Procedure

#### RULES OF PROCEDURE KNIGHTSBRIDGE COMMUNITY DEVELOPMENT DISTRICT

EFFECTIVE AS OF \_\_\_\_\_\_\_, 2022

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#### Rule 1.0 General.

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

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

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

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

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

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

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

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

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

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

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat. Law Implemented: §§ 112.3143, 190.006, 190.007, Fla. Stat.

- Rule 1.2 District Offices; Public Information and Inspection of Records; Policies; Service Contract Requirements; Financial Disclosure Coordination.
  - (1) <u>District Offices.</u> Unless otherwise designated by the Board, the official District office shall be the District Manager's office identified by the District Manager. If the District Manager's office is not located within the county in which the District is located, the Board shall designate a local records office within such county which shall at a minimum contain, but not be limited to, the following documents:
    - (a) Agenda packages for prior 24 months and next meeting;
    - (b) Official minutes of meetings, including adopted resolutions of the Board;
    - (c) Names and addresses of current Board members and District Manager, unless such addresses are protected from disclosure by law;
    - (d) Adopted engineer's reports;
    - (e) Adopted assessment methodologies/reports;
    - (f) Adopted disclosure of public financing;
    - (g) Limited Offering Memorandum for each financing undertaken by the District;
    - (h) Proceedings, certificates, bonds given by all employees, and any and all corporate acts;
    - (i) District policies and rules;
    - (j) Fiscal year end audits; and
    - (k) Adopted budget for the current fiscal year.

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

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

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

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

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

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

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

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

# Rule 1.3 Public Meetings, Hearings, and Workshops.

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

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

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

Call to order
Roll call
Public comment
Organizational matters
Review of minutes
Specific items of old business
Specific items of new business
Staff reports

- (a) District Counsel
- (b) District Engineer
- (c) District Manager
  - 1. Financial Report
  - 2. Approval of Expenditures

Supervisor's requests and comments Public comment Adjournment

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

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

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

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

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

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

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

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

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

### Rule 2.0 Rulemaking Proceedings.

(1) Commencement of Proceedings. Proceedings held for adoption, amendment, or repeal of a District rule shall be conducted according to these Rules. Rulemaking proceedings shall be deemed to have been initiated upon publication of notice by the District. A "rule" is a District statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedure or practice requirements of the District ("Rule"). Nothing herein shall be construed as requiring the District to consider or adopt rules unless required by Chapter 190 of the Florida Statutes. Policies adopted by the District which do not consist of rates, fees, rentals or other monetary charges may be, but are not required to be, implemented through rulemaking proceedings.

#### (2) Notice of Rule Development.

- (a) Except when the intended action is the repeal of a Rule, the District shall provide notice of the development of a proposed rule by publication of a Notice of Rule Development in a newspaper of general circulation in the District before providing notice of a proposed rule as required by section (3) of this Rule. Consequently, the Notice of Rule Development shall be published at least twenty-nine (29) days prior to the public hearing on the proposed Rule. The Notice of Rule Development shall indicate the subject area to be addressed by rule development, provide a short, plain explanation of the purpose and effect of the proposed rule, cite the specific legal authority for the proposed rule, and include a statement of how a person may promptly obtain, without cost, a copy of any preliminary draft, if available.
- (b) All rules as drafted shall be consistent with Sections 120.54(1)(g) and 120.54(2)(b) of the Florida Statutes.

#### (3) Notice of Proceedings and Proposed Rules.

(a) Prior to the adoption, amendment, or repeal of any rule other than an emergency rule, the District shall give notice of its intended action, setting forth a short, plain explanation of the purpose and effect of the proposed action, a reference to the specific rulemaking authority pursuant to which the rule is adopted, and a reference to the section or subsection of the Florida Statutes being implemented, interpreted, or made specific. The notice shall include a summary of the District's statement of the estimated regulatory costs, if one has been prepared, based on the factors set forth in Section 120.541(2) of the Florida Statutes, and a statement that any person who wishes to provide the District with a lower cost regulatory alternative as provided by Section 120.541(1), must do so in writing within twenty-one (21) days after publication of the notice. The notice shall additionally include a statement that any affected person may request a public hearing

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

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

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

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

#### (11) Petitions to Challenge Existing Rules.

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

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

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

- The Board shall grant or deny a petition for variance or waiver and shall (d) announce such disposition at a publicly held meeting of the Board, within ninety (90) days after receipt of the original petition, the last item of timely requested additional material, or the petitioner's written request to finish processing the petition. The District's statement granting or denying the petition shall contain a statement of the relevant facts and reasons supporting the District's action.
- Rates. Fees. Rentals and Other Charges. All rates, fees, rentals, or other charges (13)shall be subject to rulemaking proceedings. Policies adopted by the District which do not consist of rates, fees, rentals or other charges may be, but are not required to be, implemented through rulemaking proceedings.

Specific Authority: §§ 190.011(5), 190.011(15), 190.035, Fla. Stat. Law Implemented: §§ 190.011(5), 190.035(2), Fla. Stat.

# Rule 3.0 Competitive Purchase.

- (1) Purpose and Scope. In order to comply with Sections 190.033(1) through (3), 287.055 and 287.017 of the Florida Statutes, the following provisions shall apply to the purchase of Professional Services, insurance, construction contracts, design-build services, goods, supplies, and materials, Contractual Services, and maintenance services.
- (2) <u>Board Authorization.</u> Except in cases of an Emergency Purchase, a competitive purchase governed by these Rules shall only be undertaken after authorization by the Board.

# (3) <u>Definitions.</u>

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

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

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

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

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

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

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat. Law Implemented: §§ 190.033, 255.20, 287.055, Fla. Stat.

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

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

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

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

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

#### (4) Competitive Selection.

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

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

## (5) <u>Competitive Negotiation.</u>

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

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

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

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

#### Rule 3.2 Procedure Regarding Auditor Selection.

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

#### (1) Definitions.

- (a) "Auditing Services" means those services within the scope of the practice of a certified public accounting firm licensed under Chapter 473 of the Florida Statutes, and qualified to conduct audits in accordance with government auditing standards as adopted by the Florida Board of Accountancy.
- (b) "Committee" means the auditor selection committee appointed by the Board as described in section (2) of this Rule.
- Establishment of Auditor Selection Committee. Prior to a public announcement under section (4) of this Rule that Auditing Services are required, the Board shall establish an auditor selection committee ("Committee"), the primary purpose of which is to assist the Board in selecting an auditor to conduct the annual financial audit required by Section 218.39 of the Florida Statutes. The Committee shall include at least three individuals, at least one of which must also be a member of the Board. The establishment and selection of the Committee must be conducted at a publicly noticed and held meeting of the Board. The Chairperson of the Committee must be a member of the Board. An employee, a chief executive officer, or a chief financial officer of the District may not serve as a member of the Committee; provided however such individual may serve the Committee in an advisory capacity.
- (3) Establishment of Minimum Qualifications and Evaluation Criteria. Prior to a public announcement under section (4) of this Rule that Auditing Services are required, the Committee shall meet at a publicly noticed meeting to establish minimum qualifications and factors to use for the evaluation of Auditing Services to be provided by a certified public accounting firm licensed under Chapter 473 of the Florida Statutes, and qualified to conduct audits in accordance with government auditing standards as adopted by the Florida Board of Accountancy.
  - (a) <u>Minimum Qualifications</u>. In order to be eligible to submit a proposal, a firm must, at all relevant times including the time of receipt of the proposal by the District:

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

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

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

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

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

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

(6) Committee's Evaluation of Proposals and Recommendation. The Committee shall meet at a publicly held meeting that is publicly noticed for a reasonable time in advance of the meeting to evaluate all qualified proposals and may, as part of the evaluation, require that each interested firm provide a public presentation where the Committee may conduct discussions with the firm, and where the firm may present information, regarding the firm's qualifications. At the public meeting, the Committee shall rank and recommend in order of preference no fewer than three firms deemed to be the most highly qualified to perform the required services after considering the factors established pursuant to subsection (3)(b) of this Rule. If fewer than three firms respond to the RFP or if no firms respond to the RFP, the Committee shall recommend such firm as it deems to be the most highly qualified. Notwithstanding the foregoing, the Committee may recommend that any and all proposals be rejected.

#### (7) Board Selection of Auditor.

- (a) Where compensation was not selected as a factor used in evaluating the proposals, the Board shall negotiate with the firm ranked first and inquire of that firm as to the basis of compensation. If the Board is unable to negotiate a satisfactory agreement with the first ranked firm at a price deemed by the Board to be fair, competitive, and reasonable, then negotiations with that firm shall be terminated and the Board shall immediately begin negotiations with the second ranked firm. If a satisfactory agreement with the second ranked firm cannot be reached, those negotiations shall be terminated and negotiations with the third ranked firm shall be undertaken. The Board may reopen formal negotiations with any one of the three top-ranked firms, but it may not negotiate with more than one firm at a time. If the Board is unable to negotiate a satisfactory agreement with any of the selected firms, the Committee shall recommend additional firms in order of the firms' respective competence and qualifications. Negotiations shall continue, beginning with the first-named firm on the list, until an agreement is reached or the list of firms is exhausted.
- (b) Where compensation was selected as a factor used in evaluating the proposals, the Board shall select the highest-ranked qualified firm or document in its public records the reason for not selecting the highest-ranked qualified firm.
- (c) In negotiations with firms under this Rule, the Board may allow the District Manager, District Counsel, or other designee to conduct negotiations on its behalf.

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

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

#### Rule 3.3 Purchase of Insurance.

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

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

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

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

Law Implemented: § 112.08, Fla. Stat.

#### Rule 3.4 Pre-qualification

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

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

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

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

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

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

#### (3) Suspension, Revocation, or Denial of Qualification

- (a) The District, for good cause, may deny, suspend, or revoke a prequalified vendor's pre-qualified status. A suspension, revocation, or denial for good cause shall prohibit the vendor from bidding on any District construction contract for which qualification is required, shall constitute a determination of non-responsibility to bid on any other District construction or maintenance contract, and shall prohibit the vendor from acting as a material supplier or subcontractor on any District contract or project during the period of suspension, revocation, or denial. Good cause shall include the following:
  - i. One of the circumstances specified under Section 337.16(2), Fla. Stat., has occurred.
  - ii. Affiliated contractors submitted more than one proposal for the same work. In this event the pre-qualified status of all of the affiliated bidders will be revoked, suspended, or denied. All bids of affiliated bidders will be rejected.
  - iii. The vendor made or submitted false, deceptive, or fraudulent statements, certifications, or materials in any claim for payment or any information required by any District contract.
  - iv. The vendor or its affiliate defaulted on any contract or a contract surety assumed control of financial responsibility for any contract of the vendor.
  - v. The vendor's qualification to bid is suspended, revoked, or denied by any other public or semi-public entity, or the vendor has been the subject of a civil enforcement proceeding or settlement involving a public or semi-public entity.
  - vi. The vendor failed to comply with contract or warranty requirements or failed to follow District direction in the performance of a contract.

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

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

Examples of factors affecting the seriousness of a deficiency are:

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

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

# Rule 3.5 Construction Contracts, Not Design-Build.

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

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

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

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

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

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

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

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

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

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

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

(1) Scope. The District may utilize Design-Build Contracts for any public construction project for which the Board determines that use of such contract is in the best interest of the District. When letting a Design-Build Contract, the District shall use the following procedure:

#### (2) Procedure.

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

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

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

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

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

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

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

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

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

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

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

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

#### **Rule 3.7** Payment and Performance Bonds.

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

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat. Law Implemented: § 255.05, Fla. Stat.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### Rule 3.10 Contractual Services.

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

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat. Law Implemented: §§ 119.0701, 190.011(3), 190.033, Fla. Stat.

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

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

#### (1) Filing.

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

- 3.4, 3.5, 3.6, 3.8, or 3.9, any person who files a notice of protest must post the protest bond. The amount of the protest bond shall be determined by District staff after consultation with the Board and within the limits, if any, imposed by Florida law. In the event the protest is successful, the protest bond shall be refunded to the protestor. In the event the protest is unsuccessful, the protest bond shall be applied towards the District's costs, expenses, and attorney's fees associated with hearing and defending the protest. In the event the protest is settled by mutual agreement of the parties, the protest bond shall be distributed as agreed to by the District and protestor.
- (d) The District does not accept documents filed by electronic mail or facsimile transmission. Filings are only accepted during normal business hours.
- (2) Contract Execution. Upon receipt of a notice of protest which has been timely filed, the District shall not execute the contract under protest until the subject of the protest is resolved. However, if the District sets forth in writing particular facts and circumstances showing that delay incident to protest proceedings will jeopardize the funding for the project, will materially increase the cost of the project, or will create an immediate and serious danger to the public health, safety, or welfare, the contract may be executed.
- (3) Informal Proceeding. If the Board determines a protest does not involve a disputed issue of material fact, the Board may, but is not obligated to, schedule an informal proceeding to consider the protest. Such informal proceeding shall be at a time and place determined by the Board. Notice of such proceeding shall be sent via facsimile, United States Mail, or hand delivery to the protestor and any substantially affected persons or parties not less than three (3) calendar days prior to such informal proceeding. Within thirty (30) calendar days following the informal proceeding, the Board shall issue a written decision setting forth the factual, legal, and policy grounds for its decision.
- (4) Formal Proceeding. If the Board determines a protest involves disputed issues of material fact or if the Board elects not to use the informal proceeding process provided for in section (3) of this Rule, the District shall schedule a formal hearing to resolve the protest. The Chairperson shall designate any member of the Board (including the Chairperson), District Manager, District Counsel, or other person as a hearing officer to conduct the hearing. The hearing officer may:
  - (a) Administer oaths and affirmations;
  - (b) Rule upon offers of proof and receive relevant evidence:
  - (c) Regulate the course of the hearing, including any pre-hearing matters;

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

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

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

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

Law Implemented: § 190.033, Fla. Stat.

#### Rule 4.0 Effective Date.

These Rules shall be effective \_\_\_\_\_\_, 2022, except that no election of officers required by these Rules shall be required until after the next regular election for the Board.

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

## SECTION B

# SECTION 1

#### **RESOLUTION 2023-04**

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

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

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

WHEREAS, pursuant to Section 197.3632, Florida Statutes, the District has caused notice of a public hearing to be advertised weekly in a newspaper of general circulation within Osceola County for four (4) consecutive weeks prior to such hearing; and

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

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

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

**SECTION 1.** The Knightsbridge Community Development District, upon conducting its public hearing as required by Section 197.3632, *Florida Statutes*, hereby

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

**SECTION 2.** This Resolution shall become effective upon its passage and the District's Secretary is authorized and directed to provide the Property Appraiser and Tax Collector of Osceola County and the Department of Revenue of the State of Florida with a copy of this Resolution.

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

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

**PASSED AND ADOPTED** this 3<sup>rd</sup> day of October, 2022.

ATTEST:	KNIGHTSBRIDGE COMMUNITY DEVELOPMENT DISTRICT			
Secretary/Assistant Secretary	Chair/Vice Chair, Board of Supervisors			
Print Name				
Exhibit A: Legal Description				

#### Exhibit "A"

#### Legal Description of the Knightsbridge Community Development District

#### **LEGAL DESCRIPTION:**

A TRACT OF LAND, BEING A PORTION OF LAND SITUATED WITHIN SECTIONS 35 AND 36, TOWNSHIP 25 SOUTH, RANGE 28 EAST. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF POINCIANA OFFICE AND INDUSTRIAL PARK, SECTION B. AS RECORDED IN PLAT BOOK 3, PAGES 236 - 238. THENCE SOUTH 00°23'35" EAST, ALONG THE EAST LINE OF SAID POINCIANA OFFICE AND INDUSTRIAL PARK, SECTION B. A DISTANCE OF 53.80 FEET TO THE POINT OF BEGINNING: THENCE DEPARTING SAID EAST LINE, NORTH 88"46"24" EAST A DISTANCE OF 753.97 FEET; THENCE SOUTH 62"09"48" EAST A DISTANCE OF 238 27 FEET; THENCE NORTH 34\*11\*40" EAST, A DISTANCE OF 115.03 FEET; THENCE SOUTH 47\*12\*32" EAST, A DISTANCE OF 23.27 FEET;
THENCE NORTH 36\*11\*40" EAST, A DISTANCE OF 115.03 FEET; THENCE SOUTH 37\*66\*07" EAST, A DISTANCE OF 01.80 FEET;
THENCE SOUTH 27\*08\*34" EAST, A DISTANCE OF 143.07 FEET; THENCE SOUTH 16\*24\*16" EAST, A DISTANCE OF 110.06 FEET;
THENCE SOUTH 97\*46\*12" WEST, A DISTANCE OF 68.05 FEET; THENCE SOUTH 60\*03\*22" WEST, A DISTANCE OF 64.32 FEET. THENCE NORTH 85°55'10' WEST, A DISTANCE OF 43.62 FEET; THENCE NORTH 74°45'52' WEST, A DISTANCE OF 70.87 FEET. THENCE NORTH 47'30'56' WEST, A DISTANCE OF 101.15 FEET; THENCE NORTH 27'55'09' WEST. A DISTANCE OF 59.74 FEET; THENCE NORTH 39'42'52' WEST, A DISTANCE OF 44 80 FEET; THENCE NORTH 45'01'34' WEST, A DISTANCE OF 20 30 FEET; THENCE SOUTH 59'59'34' WEST, A DISTANCE OF 34.19 FEET; THENCE SOUTH 59'59'34' WEST, A DISTANCE OF 77.65 FEET; THENCE SOUTH 61°55°24° WEST, A DISTANCE OF 140.25 FEET; THENCE SOUTH 40°37°26° WEST, A DISTANCE OF 57.28 FEET; THENCE SOUTH 33°42°40° WEST, A DISTANCE OF 55.32 FEET; THENCE SOUTH 51°51°54° WEST, A DISTANCE OF 55.32 FEET. THENCE SOUTH 76°46°08° WEST, A DISTANCE OF 54.27 FEET; THENCE SOUTH 46°01°22° WEST, A DISTANCE OF 43.93 FEET; THENCE SOUTH 55°38'27" WEST, A DISTANCE OF 71.63 FEET; THENCE SOUTH 40°50'16" WEST, A DISTANCE OF 90.30 FEET. THENCE SOUTH 50'45'48' WEST, A DISTANCE OF 71.03 FEET; THENCE SOUTH 50'95'70' WEST, A DISTANCE OF 80 30 FEET. THENCE SOUTH 50'45'48' WEST, A DISTANCE OF 83.24 FEET; THENCE SOUTH 50'95'3' WEST, A DISTANCE OF 83.24 FEET: THENCE SOUTH 51'01'83' WEST, A DISTANCE OF 83.24 FEET; THENCE SOUTH 53'38'15' WEST, A DISTANCE OF 73.33 FEET; THENCE SOUTH 00'47'32' EAST, A DISTANCE OF 81.38 FEET; THENCE SOUTH 20'35'11' EAST, A DISTANCE OF 111 11 FEET; THENCE SOUTH 00'02'4' EAST, A DISTANCE OF 140.02 FEET; THENCE SOUTH 08'58'55' EAST, A DISTANCE OF 91 41 FEET: THENCE SOUTH 36"03'09" EAST, A DISTANCE OF 64.65 FEET. THENCE SOUTH 37'95'38' EAST, A DISTANCE OF 77 96 FEET; THENCE SOUTH 30'16'44' EAST, A DISTANCE OF 88.42 FEET; THENCE SOUTH 24'47'44' EAST, A DISTANCE OF 68.05 FEE; THENCE SOUTH 00'00'00' EAST. A DISTANCE OF 47.52 FEET; THENCE SOUTH 17'21'80' WEST, A DISTANCE OF 79.67 FEET; SOUTH 23'58'45' WEST, A DISTANCE OF 46.81 FEET; THENCE SOUTH 60\*1951' WEST, A DISTANCE OF 68.58 FEET; THENCE SOUTH 53\*00'07' WEST, A DISTANCE OF 65.09 FEET; THENCE SOUTH 60\*03\*15' WEST, A DISTANCE OF 68.58 FEET; THENCE SOUTH 60\*03\*15' WEST, A DISTANCE OF 71 32 FEET; THENCE SOUTH 60\*03\*15' WEST, A DISTANCE OF 76.84 FEET; THENCE SOUTH 60\*27\*30' WEST, A DISTANCE OF 162.53 FEET; THENCE SOUTH 60\*27\*30' WEST, A DISTANCE OF 162.53 FEET; THENCE SOUTH 70\*21\*36' WEST, A DISTANCE OF 141.40 FEET; THENCE SOUTH 39'39'01' WEST, A DISTANCE OF 30.64 FEET: THENCE SOUTH 77'58'40' WEST, A DISTANCE OF 50.14 FEET. THENCE NORTH 50°55'55' WEST, A DISTANCE OF 33.14 FEET. THENCE SOUTH 50°28'07' WEST, A DISTANCE OF 34.20 FEET; THENCE SOUTH 30°23'56' WEST, A DISTANCE OF 81.02 FEET; THENCE SOUTH 80°00'34' WEST, A DISTANCE OF 107.67 FEET; THENCE SOUTH 69'37'35' WEST, A DISTANCE OF 103.60 FEET, THENCE SOUTH 73'03'33' WEST, A DISTANCE OF 111.23 FEET; THENCE NORTH 85°31'15" WEST, A DISTANCE OF 82.25 FEET. THENCE SOUTH 71°10'30" WEST, A DISTANCE OF 72.20 FEET, THENCE NORTH 86"08"22" WEST, A DISTANCE OF 59.63 FEET; THENCE SOUTH 62"31"10" WEST. A DISTANCE OF 142.63 FEET; THENCE SOUTH 72"11"37" WEST, A DISTANCE OF 66.88 FEET; THENCE SOUTH 58"38"04" WEST, A DISTANCE OF 46.37 FEET. THENCE SOUTH 02'332' EAST. A DISTANCE OF 157.48 FEET; THENCE SOUTH 41'45'05' EAST. A DISTANCE OF 62.70 FEET; THENCE SOUTH 45'90'11' EAST. A DISTANCE OF 127.48 FEET; THENCE SOUTH 43'50'51' EAST. A DISTANCE OF 112.87 FEET; THENCE SOUTH 43'50'51' EAST. A DISTANCE OF 112.87 FEET; THENCE SOUTH 45'03'03' EAST. A DISTANCE OF 105.16 FEET. THENCE NORTH 57'40'44' EAST. A DISTANCE OF 65.91 FEET. THENCE NORTH 57'11'13' EAST. A DISTANCE OF 65.91 FEET: THENCE SOUTH 07\*5025' WEST, A DISTANCE OF 30.81 FEET; THENCE SOUTH 50\*40\*14' WEST, A DISTANCE OF 50.91 FEET; THENCE SOUTH 07\*5025' WEST, A DISTANCE OF 74.76 FEET; THENCE SOUTH 09\*1334' WEST, A DISTANCE OF 31.51 FEET; THENCE NORTH 37\*00\*34' WEST, A DISTANCE OF 450.20 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 453.34 FEET, CHORD BEARING OF NORTH 43\*46"M' WEST AND A CHORD LENGTH OF 622.71 FEET; THENCE RUN ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 86"45"18" FOR A DISTANCE OF 686.43 FEET TO THE POINT OF TANGENCY AND A POINT ON SAID EAST LINE OF POINCIANA OFFICE AND INDUSTRIAL PARK, SECTION B; THENCE RUN NORTH 00"23"35" WEST, ALONG SAID EAST LINE, FOR A DISTANCE OF 2551 22 FEET TO THE POINT OF BEGINNING

THE ABOVE DESCRIBED TRACT OF LAND LIES IN OSCEOLA COUNTY, FLORIDA AND CONTAINS 114.62 ACRES MORE OR LESS.



LEGAL DESCRIPTION
KNIGHTSBRIDGE COMMUNITY DEVELOPMENT DISTRICT

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## SECTION C

# SECTION 1

#### **RESOLUTION 2023-05**

THE ANNUAL APPROPRIATION RESOLUTION OF THE KNIGHTSBRIDGE COMMUNITY DEVELOPMENT DISTRICT (THE "DISTRICT") RELATING TO THE ANNUAL APPROPRIATIONS AND ADOPTING THE BUDGETS FOR THE FISCAL YEARS BEGINNING OCTOBER 1, 2021, AND ENDING SEPTEMBER 30, 2022 AND BEGINNING OCTOBER 1, 2022, AND ENDING SEPTEMBER 30, 2023; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the District Manager has submitted to the Board of Supervisors (the "Board") a proposed budget for the Fiscal Years 2021/2022 & 2022/2023 along with an explanatory and complete financial plan for each fund of the Knightsbridge Community Development District, pursuant to the provisions of Section 190.008(2)(a), Florida Statutes; and

WHEREAS, prior to the adoption of the proposed annual budgets (the "Proposed Budgets"), the District filed a copy of the Proposed Budgets with the local governing authorities having jurisdiction over the area included in the District pursuant to the provisions of Section 190.008(2)(b), Florida Statutes; and

WHEREAS, the Board set October 3, 2022, as the date for a public hearing thereon and caused notice of such public hearing to be given by publication pursuant to Section 190.008(2)(a), Florida Statutes; and

WHEREAS, the District Manager posted the Proposed Budgets on the District's website at least two days before the public hearing; and

WHEREAS, Section 190.008(2)(a), Florida Statutes, requires that, prior to October 1<sup>st</sup> of each year, the District Board, by passage of the Annual Appropriation Resolution, shall adopt a budget for the current and ensuing fiscal year and appropriate such sums of money as the Board deems necessary to defray all expenditures of the District during the ensuing fiscal year; and

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

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

#### Section 1. Budget

a. That the Board of Supervisors has reviewed the District Manager's Proposed Budgets, a copy of which is on file with the office of the District Manager and at the

District's Records Office, and hereby approves certain amendments thereto, as shown in Section 2 below.

- b. That the District Manager's Proposed Budget, attached hereto as Exhibit "A," as amended by the Board, is hereby adopted in accordance with the provisions of Section 190.008(2)(a), Florida Statutes, and incorporated herein by reference; provided, however, that the comparative figures contained in the adopted budget may be subsequently revised as deemed necessary by the District Manager to reflect actual revenues and expenditures for Fiscal Year 2022 and/or revised projections for Fiscal Year 2023.
- c. That the adopted budget, as amended, shall be maintained in the office of the District Manager and at the District's Records Office and identified as "The Budget for the Knightsbridge Community Development District for the Fiscal Years Ending September 30, 2022 and September 30, 2023," as adopted by the Board of Supervisors on October 3, 2022.
- d. The final adopted budgets shall be posted by the District Manager on the District's official website within thirty (30) days after adoption.

#### Section 2. Appropriations

There is hereby appropriated out of the revenues of the Knightsbridge Community Development District, for the fiscal year beginning October 1, 2021, and ending September 30, 2022, and for the fiscal year beginning October 1, 2022, and ending September 30, 2023, the sums of \$\sqrt{\synt{\sqrt{\sqrt{\sq}\sqrt{\sqrt{\sq}}\sqrt{\sqrt{\synt{\sqrt{\synt{\sqrt{\sqrt{\syn

#### Section 3. Supplemental Appropriations

Pursuant to Section 189.418(6), Florida Statutes, the following provisions govern amendments to the budget(s) for any particular fund(s) listed above:

- a. The Board may authorize an increase or decrease in line item appropriations within a fund by motion recorded in the minutes if the total appropriations of the fund do not increase.
- b. The District Manager or Treasurer may authorize an increase or decrease in line item appropriations within a fund if the total appropriations of the fund do not increase and if the aggregate change in the original appropriation item does not exceed \$10,000 or 10% of the original appropriation.

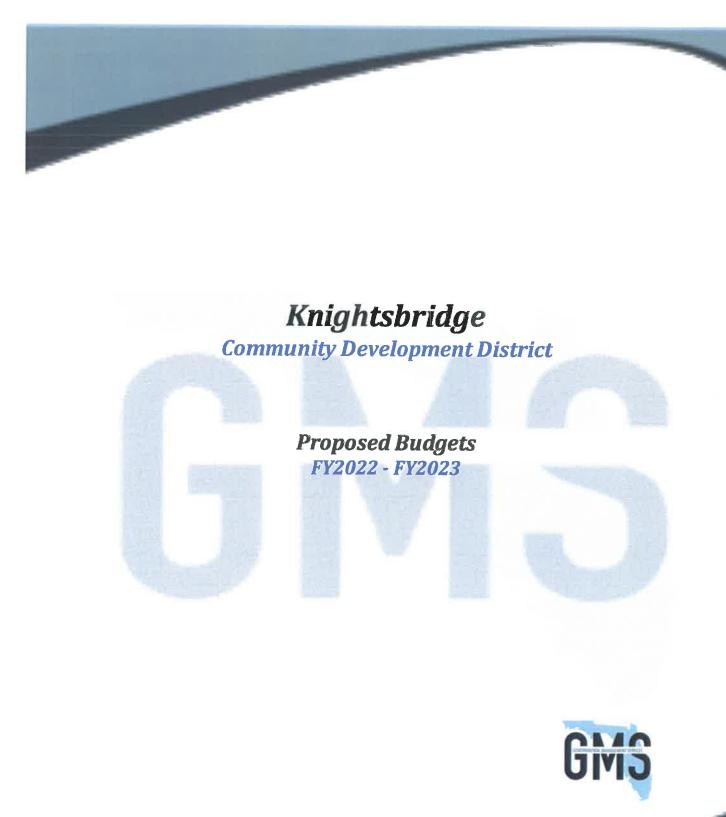
- c. By resolution, the Board may increase any appropriation item and/or fund to reflect receipt of any additional unbudgeted monies and make the corresponding change to appropriations or the unappropriated balance.
- d. Any other budget amendments shall be adopted by resolution and consistent with Florida law.

The District Manager or Treasurer must establish administrative procedures to ensure that any budget amendments are in compliance with this Section 3 and Section 189.418 of the Florida Statutes, among other applicable laws.

Introduced, considered favorably, and adopted this 3<sup>rd</sup> day of October, 2022.

KNIGHTSBRIDGE	COMMUNITY			
DEVELOPMENT DISTRICT				
Chairperson, Board of S	upervisors			
	KNIGHTSBRIDGE DEVELOPMENT DIS  Chairperson, Board of S			

Exhibit A: Fiscal Year 2021/2022 and 2022/2023 Budgets



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2-4	General Fund Narrative		

## **Community Development District**

## **Proposed Budgets General Fund**

Description	Proposed Budget FY2022*	1	Proposed Budget FY2023
Revenues			
Developer Contributions	\$ 41,676	\$	143,178
Total Revenues	\$ 41,676	\$	143,178
Expenditures			
General & Administrative			
Supervisor Fees	\$ 2,000	\$	12,000
FICA Expenditures	\$ 153	\$	918
Engineering	\$ 2,500	\$	15,000
Attorney	\$ 4,167	\$	25,000
Annual Audit	\$ -	\$	4,000
Assessment Administration	\$ -	\$	5,000
Arbitrage	\$ -	\$	450
Dissemination	\$ -	\$	5,000
Trustee Fees	\$ -	\$	4,050
Management Fees	\$ 6,667	\$	40,000
Information Technology	\$ 300	\$	1,800
Website Maintenance **	\$ 1,950	\$	1,200
Telephone	\$ 50	\$	300
Postage & Delivery	\$ 500	\$	1,000
Insurance	\$ 5,000	\$	5,000
Printing & Binding	\$ 500	\$	1,000
Legal Advertising	\$ 15,000	\$	15,000
Other Current Charges	\$ 2,500	\$	5,000
Office Supplies	\$ 104	\$	625
Travel Per Diem	\$ 110	\$	660
Dues, Licenses & Subscriptions	\$ 175	\$	175
Total Expenditures	\$ 41,676	\$	143,178
Excess Revenues/(Expenditures)	\$	\$	A DE LA

<sup>\*</sup>Budget is prorated from August 2022 to September 2022.

<sup>\*\*</sup> FY22 Budget amount includes a one-time website creation fee.

#### **Community Development District**

#### **General Fund Narrative**

#### **Revenues:**

#### **Developer Contributions**

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

#### **Expenditures:**

#### General & Administrative:

#### Supervisor Fees

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

#### FICA Expenditures

Represents the Employer's share of Social Security and Medicare taxes withheld from Board of Supervisors checks.

#### **Engineering**

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

#### **Attorney**

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

#### Annual Audit

The District is required by Florida Statutes to arrange for an independent audit of its financial records on an annual basis.

#### Assessment Administration

The District will contract to levy and administer the collection of non-ad valorem assessment on all assessable property within the District.

#### **Arbitrage**

The District will contract with an independent certified public accountant to annually calculate the District's Arbitrage Rebate Liability on an anticipated bond issuance.

#### **Community Development District**

#### **General Fund Narrative**

#### Dissemination

The District is required by the Security and Exchange Commission to comply with Rule 15c2-12(b)(5) which relates to additional reporting requirements for unrated bond issues. This cost is based upon an anticipated bond issuance.

#### Trustee Fees

The District will incur trustee related costs with the issuance of its' issued bonds.

#### Management Fees

The District receives Management, Accounting and Administrative services as part of a Management Agreement with Governmental Management Services-Central Florida, LLC. The services include but are not limited to, recording and transcription of board meetings, administrative services, budget preparation, all financial reports, annual audits, etc.

#### Information Technology

Represents costs with Governmental Management Services – Central Florida, LLC related to the District's information systems, which include but are not limited to video conferencing services, cloud storage services and servers, security, accounting software, etc.

#### Website Maintenance

Represents the costs with Governmental Management Services – Central Florida, LLC associated with monitoring and maintaining the District's website created in accordance with Chapter 189, Florida Statutes. These services include site performance assessments, security and firewall maintenance, updates, document uploads, hosting and domain renewals, website backups, etc.

#### Telephone

Telephone and fax machine.

#### Postage & Delivery

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

#### Insurance

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

#### Printing & Binding

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

#### Legal Advertising

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

## **Community Development District**

#### **General Fund Narrative**

#### Other Current Charges

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

#### Office Supplies

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

#### Travel Per Diem

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

#### Dues, Licenses & Subscriptions

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

## SECTION VI

# SECTION A



### **DRAFT**

### Knightsbridge

### **Community Development District**

**Engineer's Report** 

August 1, 2022

**Prepared For:** 

The Board of Supervisors **Knightsbridge Community Development District** City of Kissimmee, Osceola County, Florida

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### **Knightsbridge Community Development District Engineer's Report**

#### 1.0 Introduction

Knightsbridge (the "Development") is a 114.62 acres single-family residential development located within the city of Kissimmee, Florida. It is located on the north side of Sunrail Old State Road No. 2 and on the southeast side of Poinciana Boulevard in Sections 35 and 36, Township 25 South, Range 28 East. The Development is accessed directly from Poinciana Boulevard.

The Development is being developed by Lennar Homes, LLC (the "Master Developer") and is approved for 419 single-family detached residential units. Table 1 on this page identifies the overall development program for the project as defined below.

The Knightsbridge Community Development District (the "District") has been established for the purposes of financing the acquisition and/or construction of certain public infrastructure necessary for funding and to support the orderly development of the District (see Exhibit 1). The District is intending to issue its Special Assessment Bonds, Series 2023 (the "Bonds"), to partially fund improvements for the Development (the "Project").

#### 2.0 Purpose

The purpose of this report is to generally describe the public infrastructure improvements that may be funded by the District in one or more series of bonds/notes and provide an estimate of the engineer's opinion of probable costs for those improvements. Such improvements are necessary for the Development.

The total acreage contemplated for the District is 114.62 acres, and the boundaries are coterminous with the boundaries of the Development.

#### 3.0 Land Use and Zoning

The Development is zoned Low Density Residential (LDR) with Short-Term Rental Planned Development (SRPUD). This zoning district allows for short-term rental development as a permitted use. Development standards are established by the SRPUD zoning district (see Exhibit 3).

The Development will include 419 single-family detached units to be developed in two phases. A recreational amenity is anticipated to be constructed by the Master Developer to serve the Development. Such recreational amenity will be available for use only by the residents of the Development and is not part of the Project.

Table 1 on this page summarizes the development program and land use for the Development.

#### 4.0 Existing Conditions

The Development is located on vacant lands with a portion of the site lying within the 100-yr flood plain in zones X and AE. The engineering design requires the developed area of the site be filled to remove it from the flood plain. Fill for the project will be obtained from on-site stormwater detention ponds. No costs of transporting the fill or use to or for the private lots will be funded by the District. Other areas of the site will be excavated to provide compensating storage to balance the fill placed within the flood prone areas. There are eight (8) on-site isolated wetlands that will be impacted by the Development. The adjacent preserved wetlands are not included in the District.

Land Use	Areas	Residential Single Family	Total Units
	(acres)	50-ft	
LDR	35.66	127	127
LDR	78.96	292	292
	114.62		419
	LDR	LDR 35.66 LDR 78.96	Land Use         Areas (acres)         Single Family           50-ft         127           LDR         78.96         292

#### 5.0 Infrastructure Improvements

The District will finance with a portion of the net proceeds of the Bonds the construction and/or acquisition of certain public infrastructure improvements constituting the Project. Some of the infrastructure financed by the District will be transferred to other local governments or public entities for ownership and maintenance as applicable pursuant to the service provided. This section of the report details the infrastructure improvements that may be financed and acquired and/or constructed by the District.

#### 5.1 Site Work and Drainage

Grading and drainage improvements include grading necessary for constructing the roadways, drainage and utility systems, perimeter landscape buffers and excavating and grading stormwater management ponds. Individual lot grading will be funded by the Master Developer or other private funding sources.

#### 5.2 Roadway Improvements

#### Offsite Roadways - Poinciana Boulevard

Offsite roadway improvements include the construction of Poinciana Boulevard intersection turn lane improvements to serve the Development.

#### **On-Site Public Roadways**

The Development's main public roadway access will connect to Poinciana Boulevard on the north. Roadway improvements consist of the construction of 2,500 LF of 4-lane entry roadway, 4,628 LF of 2-lane Phase 1 roadways, and 10,250 LF of 2-lane Phase 2 roadways. All internal roadways are planned to be public and will be constructed to the City of Kissimmee standards and specifications.

Public rights-of-way improvements funded by the District may consist of asphalt surface course, base, stabilization, curb and gutters, inlets and culverts, signing, striping, sidewalks and water and sewer utilities within the roadway rights-of-way or dedicated utility easements.

#### 5.3 Stormwater Management

The primary stormwater management system includes the acquisition and/or construction of the stormwater management ponds, culverts, control structures, and outfall swales. The stormwater ponds include seven (7) wet detention ponds constructed with the site improvements. Stormwater runoff will be routed to the detention ponds for water quality treatment and peak storm attenuation. Discharge will be through permitted control structures and spreader swales.

#### 5.4 Utilities

The Development is within the service area of the Toho Water Authority ("TWA") and the utilities will be designed to TWA standards. Upon clearance for use and acceptance by TWA, the District intends to convey these utilities to TWA for ownership, operation and maintenance.

The water main system includes mains, laterals, fittings, valves, and fire hydrants connecting to the existing 24-inch water main on the west side of Poinciana Boulevard.

The reclaimed water main system includes reclaimed water mains, laterals, fittings, valves, and service tees for irrigation of the landscaping along the roads. The reuse system will connect to an offsite 20-inch reuse main on Poinciana Boulevard. Individual lot services are not funded by the District.

The sanitary sewer system includes gravity sanitary sewer mains and manholes, as well as two (2) lift stations and the force mains necessary to connect to the existing 10-inch force main along Poinciana Boulevard (see Exhibit 3). Off-site force main improvements include approximately 2,400 LF of 8-ich PVC offsite force main improvements.

The Development is also within the service areas of Kissimmee Utility Authority (KUA), Spectrum, CenturyLink and TECO Peoples Gas. These utility providers will provide electric power, telephone, cable services and gas to the Disrict within the District roadway corridors and will be operated and maintained by such utility providers. Only the differential cost between overhead and underground construction of electric utilities may be financed by the District. Phone and cable utility costs will be funded by the Master Developer or by other private funding sources.

#### 5.5 Landscaping and Hardscape

Landscaping includes landscaping within the Project's entry drive rights of way and perimeter buffers.

Entry features consisting of landscaping and hardscape will be constructed within the public access roadway and landscape parcels and will be financed by the District with a portion of the net proceeds from the Bonds.

#### 6.0 Estimate of Probable Construction Cost

Table 2 below summarizes the engineer's opinion of the estimate of the total probable construction costs for the District financed components of the Project.

These estimates are based on the engineer's understanding of the proposed development program and District activities, and recent experience with construction costs in the vicinity. They are an opinion only. Future events may occur (including construction means, methods, and materials; changes in regulatory criteria; market demands; development program changes; etc.) which could alter these estimates significantly.

The total estimated opinion of probable construction cost for the District-financed Phase 1 is \$9,546,190. The total estimated opinion of probable construction cost for the District-financed Phase 2 is \$15,343,339.

The total estimated opinion of probable cost for the Project is \$24,889,529. These costs are categorized in Table 2, below.

Item	Description	Phase 1	Phase 2	Total Estimated Budget
1	Earthwork, Survey, Stormwater Ponds & Erosion Control	\$555,400	\$1,314,000	\$1,869,400
2	CDD Local Roads <sup>1</sup>	\$1,157,000	\$2,562,500	\$3,719,500
3	Storm Drainage	\$1,333,500	\$3,346,200	\$4,679,700
4	Potable Water	\$596,900	\$1,430,000	\$2,026,900
5	Sanitary Sewer	\$762,000	\$1,887,600	\$2,649,600
6	Reclaimed Water	\$381,000	\$943,800	\$1,324,800
7	Landscaping, Irrigation, Sod for Ponds	\$180,200	\$72,000	\$252,200
8	Hardscape Features	\$250,000	\$0	\$250,000
9	Offsite Roadway and Utility Improvements	\$2,400,000	\$0	\$2,400,000
10	Prof Fees - Eng. Design, Permitting, Surveying, Testing & Inspection <sup>2</sup>	\$317,500	\$715,000	\$1,032,500
11	Water and Sewer Utility Impact Fees³	\$744,855	\$1,677,390	\$2,422,24
12	Clubhouse and Recreation Amenity	\$0	\$0	\$(
	Sub-Total	\$8,678,355	\$13,948,490	\$22,626,84
	Contingency	\$867,835	\$1,394,849	\$2,262,684
	Total	\$9,546,190	\$15,343,339	\$24,889,529

<sup>1.</sup> Roadway improvements will be open to the public and will be built in public rights-of-way.

 $<sup>2. \ \, \</sup>text{Only fees relating to the District's Project are included}.$ 

<sup>3.</sup> Fees paid upfront to the TWA by the Master Developer on behalf of the District.

#### 7.0 Ownership and Maintenance Authority

Table 3 below lists the Phase 1 and 2 Infrastructure and the future ownership and maintenance authorities.

Table 3 – Proposed District Infrastructure							
No.	Infrastructure	Financed By	Maintenance	Ownership			
1	Stormwater Ponds	CDD	CDD	CDD			
2	Stormwater Conveyance System	CDD	CDD	CDD			
3	Utilities – Water, Reclaimed Water and Sanitary Sewer	CDD	TWA	TWA			
4	Landscape Buffer Parcels and Irrigation	CDD	CDD	CDD			
5	On-Site Public Roadways	CDD	CDD	CDD			
6	Offsite Roadway – Poinciana Boulevard	CDD	Osceola County	Osceola County			

#### 8.0 Status of Permits and Approvals

Phase 1 of the Development has been permitted by the City of Kissimmee, the TWA, the Florida Department of Environmental Protection (FDP), and the South Florida Water Management District (SFWMD). All permits/approvals necessary for construction of Phase 1 have been obtained or are expected to be obtained in the ordinary course of development. All permits for maintenance will be obtained and transferred to the District or other public agencies.

#### 9.0 Conclusion and Engineer's Opinion

It is our opinion that the costs to complete the District's infrastructure improvements for the Project as described in this report are reasonable and that these infrastructure improvements will benefit and add value to the lands within the District in excess of the costs of such improvements, and these infrastructure costs are for public improvements or community facilities as set forth in Section 190.012(1) and (2) of the Florida Statutes.

The estimate of probable cost of the listed improvements is only an estimate and not a guaranteed maximum price and is only for those District funded portions of the Project. It is not intended as an estimate of the total cost to construct all private and public improvements for the planned project. The estimated cost is based on contract prices and current construction costs for similar public work in Osceola County as may be applied

to the Project. Due to material cost fluctuations and differences in contractor bids at the time the Project may be constructed, the final cost may be more or less than this estimate. Changes in the scope of work or final construction plans may also result in changes to the estimated construction cost.

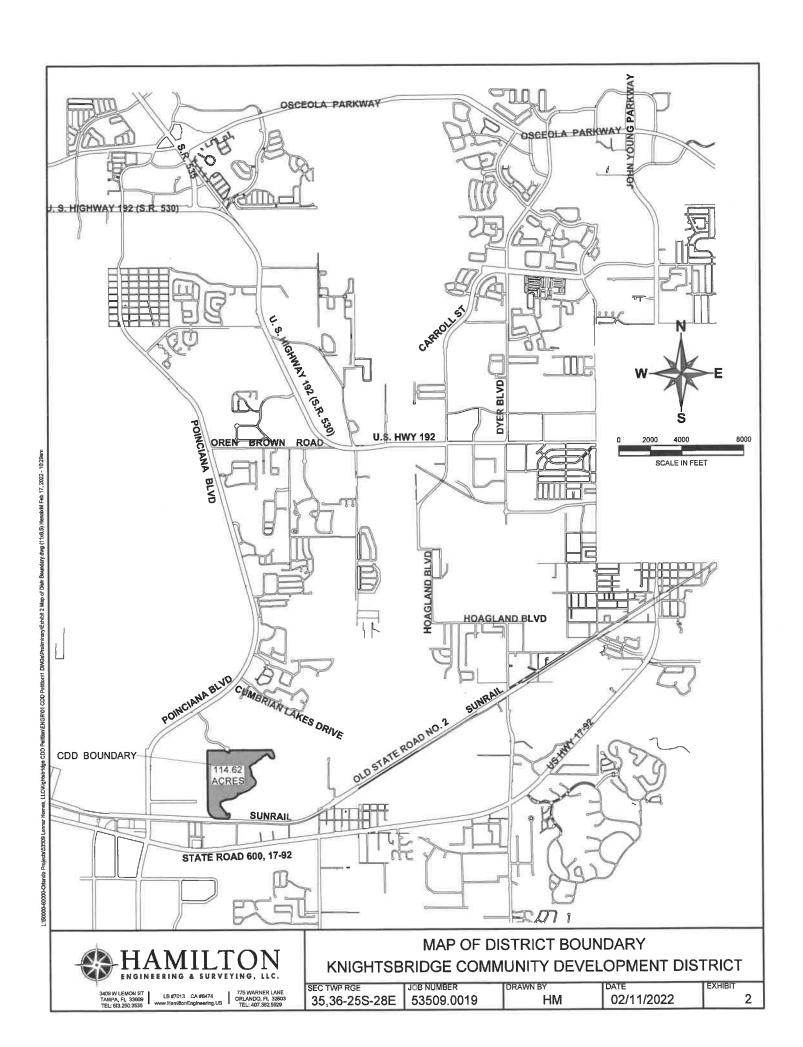
All real property interests and infrastructure improvements purchased by the District will be the lower of actual cost or fair market value.

All public improvements described herein and financed by the District will be on land owned by the District or other unit of local government or for which the District or other unit of local government has a perpetual easement.

As long as the development within the Development remains consistent with the approved construction plans, it is my opinion that the proposed infrastructure improvements can be completed within the estimate of probable cost for those portions of the Project funded by the District.

David A. Reid, PE Florida PE License #38794

Hamilton Engineering & Surveying, LLC. Eng. Business Certificate of Authorization No. 847



#### **LEGAL DESCRIPTION:**

A TRACT OF LAND, BEING A PORTION OF LAND SITUATED WITHIN SECTIONS 35 AND 36, TOWNSHIP 25 SOUTH, RANGE 28 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF POINCIANA OFFICE AND INDUSTRIAL PARK, SECTION B, AS RECORDED IN PLAT BOOK 3, PAGES 236 - 238, THENCE SOUTH 00°23'35" EAST, ALONG THE EAST LINE OF SAID POINCIANA OFFICE AND INDUSTRIAL PARK, SECTION B, A DISTANCE OF 53.80 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID EAST LINE, NORTH 89°46'24" EAST A DISTANCE OF 753.97 FEET; THENCE SOUTH 62°09'48" EAST A DISTANCE OF 238.27 FEET; THENCE NORTH 34°11'40" EAST, A DISTANCE OF 115.03 FEET; THENCE NORTH 47°12'32" EAST, A DISTANCE OF 25.38 FEET; THENCE NORTH 89°48'21" EAST, A DISTANCE OF 1804.32' FEET; THENCE SOUTH 37°56'07" EAST, A DISTANCE OF 61.89 FEET; THENCE SOUTH 27°08'34" EAST, A DISTANCE OF 143.07 FEET; THENCE SOUTH 16°24'16" EAST, A DISTANCE OF 110.06 FEET; THENCE SOUTH 07°46'12" WEST, A DISTANCE OF 68.95 FEET; THENCE SOUTH 59°03'22" WEST, A DISTANCE OF 54.32 FEET; THENCE NORTH 85°55'10" WEST, A DISTANCE OF 43.62 FEET; THENCE NORTH 74°45'52" WEST, A DISTANCE OF 70.87 FEET; THENCE NORTH 47°30'56" WEST, A DISTANCE OF 101.15 FEET; THENCE NORTH 27°55'09" WEST, A DISTANCE OF 59.74 FEET; THENCE NORTH 33°42'52" WEST, A DISTANCE OF 44.80 FEET; THENCE NORTH 45°01'34" WEST, A DISTANCE OF 26.36 FEET; THENCE SOUTH 89°59'54" WEST, A DISTANCE OF 34.19 FEET; THENCE SOUTH 53°52'22" WEST, A DISTANCE OF 77.65 FEET; THENCE SOUTH 61°55'24" WEST, A DISTANCE OF 140.25 FEET; THENCE SOUTH 40°37'26" WEST, A DISTANCE OF 57.28 FEET; THENCE SOUTH 33°42'40" WEST, A DISTANCE OF 44.80 FEET; THENCE SOUTH 51°51'54" WEST, A DISTANCE OF 55.32 FEET; THENCE SOUTH 76°46'08" WEST, A DISTANCE OF 54.27 FEET; THENCE SOUTH 45°01'22" WEST, A DISTANCE OF 43.93 FEET; THENCE SOUTH 55°38'27" WEST, A DISTANCE OF 71.53 FEET; THENCE SOUTH 40°50'16" WEST, A DISTANCE OF 90.30 FEET; THENCE SOUTH 59°45'48" WEST, A DISTANCE OF 43.17 FEET; THENCE SOUTH 59°57'04" WEST, A DISTANCE OF 68.22 FEET; THENCE SOUTH 74°03'57" WEST, A DISTANCE OF 45.25 FEET; THENCE SOUTH 51°01'53" WEST, A DISTANCE OF 83.94 FEET; THENCE SOUTH 53°38'15" WEST, A DISTANCE OF 73.33 FEET; THENCE SOUTH 09°47'32" EAST, A DISTANCE OF 91.38 FEET; THENCE SOUTH 26°35'11" EAST, A DISTANCE OF 111.11 FEET; THENCE SOUTH 08°09'24" EAST, A DISTANCE OF 146.02 FEET; THENCE SOUTH 08°58'55" EAST, A DISTANCE OF 91.41 FEET; THENCE SOUTH 36°03'09" EAST, A DISTANCE OF 64.65 FEET; THENCE SOUTH 37°35'38" EAST, A DISTANCE OF 77.96 FEET; THENCE SOUTH 36°16'44" EAST, A DISTANCE OF 88.42 FEET; THENCE SOUTH 24°47'44" EAST, A DISTANCE OF 68.05 FEE; THENCE SOUTH 00°00'06" EAST, A DISTANCE OF 47.52 FEET; THENCE SOUTH 17°21'59" WEST, A DISTANCE OF 79.67 FEET; SOUTH 23°58'45" WEST, A DISTANCE OF 46.81 FEET; THENCE SOUTH 56°19'51" WEST, A DISTANCE OF 68.58 FEET; THENCE SOUTH 53°09'07" WEST, A DISTANCE OF 95.09 FEET; THENCE SOUTH 46°52'13" WEST, A DISTANCE OF 104.27 FEET; THENCE SOUTH 53°09'07" WEST, A DISTANCE OF 71.32 FEET; THENCE SOUTH 66°03'15" WEST, A DISTANCE OF 46.84 FEET; THENCE SOUTH 59°45'48" WEST, A DISTANCE OF 66.06 FEET; THENCE SOUTH 69°27'30" WEST, A DISTANCE OF 162.53 FEET; THENCE SOUTH 70°21'36" WEST, A DISTANCE OF 141.40 FEET; THENCE SOUTH 39°39'01" WEST, A DISTANCE OF 30.64 FEET; THENCE SOUTH 77°58'40" WEST, A DISTANCE OF 50.14 FEET; THENCE NORTH 50°55'55" WEST, A DISTANCE OF 33.14 FEET; THENCE SOUTH 09°28'07" WEST, A DISTANCE OF 34.20 FEET; THENCE SOUTH 30°23'56" WEST, A DISTANCE OF 81.02 FEET; THENCE SOUTH 60°00'34" WEST, A DISTANCE OF 107.67 FEET; THENCE SOUTH 68°37'35" WEST, A DISTANCE OF 103.60 FEET; THENCE SOUTH 73°03'33" WEST, A DISTANCE OF 111.23 FEET; THENCE NORTH 85°31'15" WEST, A DISTANCE OF 82.25 FEET; THENCE SOUTH 71°10'30" WEST, A DISTANCE OF 72.20 FEET; THENCE NORTH 86°08'22" WEST, A DISTANCE OF 59.63 FEET; THENCE SOUTH 62°31'10" WEST, A DISTANCE OF 142.63 FEET; THENCE SOUTH 72°11'37" WEST, A DISTANCE OF 66.88 FEET; THENCE SOUTH 58°38'04" WEST, A DISTANCE OF 46.37 FEET; THENCE SOUTH 00°23'32" EAST, A DISTANCE OF 157.48 FEET; THENCE SOUTH 41°45'05" EAST, A DISTANCE OF 62.70 FEET; THENCE SOUTH 35°01′18" EAST, A DISTANCE OF 211.27 FEET; THENCE SOUTH 43°50′51" EAST, A DISTANCE OF 112.87 FEET; THENCE SOUTH 16°03′03" EAST, A DISTANCE OF 104.34 FEET; THENCE NORTH 57°49′44" EAST, A DISTANCE OF 105.16 FEET; THENCE NORTH 87°11'13" EAST, A DISTANCE OF 37.98 FEET; THENCE SOUTH 10°59'14" EAST, A DISTANCE OF 65.91 FEET; THENCE SOUTH 07°50'25" WEST, A DISTANCE OF 109.61 FEET; THENCE SOUTH 59°40'41" WEST, A DISTANCE OF 74.76 FEET; THENCE SOUTH 00°13'34" WEST, A DISTANCE OF 31.51 FEET; THENCE NORTH 87°08'54" WEST, A DISTANCE OF 459.20 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 453.34 FEET, CHORD BEARING OF NORTH 43°46'14" WEST AND A CHORD LENGTH OF 622.71 FEET; THENCE RUN ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 86°45'19" FOR A DISTANCE OF 686.43 FEET TO THE POINT OF TANGENCY AND A POINT ON SAID EAST LINE OF POINCIANA OFFICE AND INDUSTRIAL PARK, SECTION B; THENCE RUN NORTH 00°23'35" WEST, ALONG SAID EAST LINE, FOR A DISTANCE OF 2551.22 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT OF LAND LIES IN OSCEOLA COUNTY, FLORIDA AND CONTAINS 114.62 ACRES MORE OR LESS.



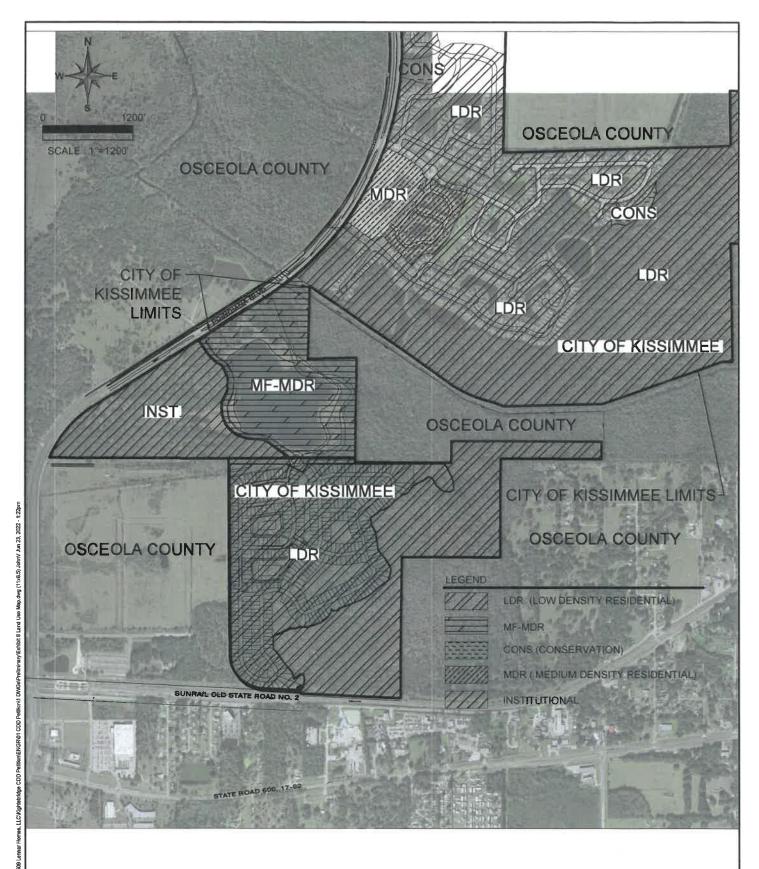
## LEGAL DESCRIPTION KNIGHTSBRIDGE COMMUNITY DEVELOPMENT DISTRICT

35,36-25S-28E JOB NUMBER 53509.0019

HM 02/11/2022

EXHIBIT

3





## FUTURE LAND USE MAP KNIGHTSBRIDGE COMMUNITY DEVELOPMENT DISTRICT

35,36-25S-28E

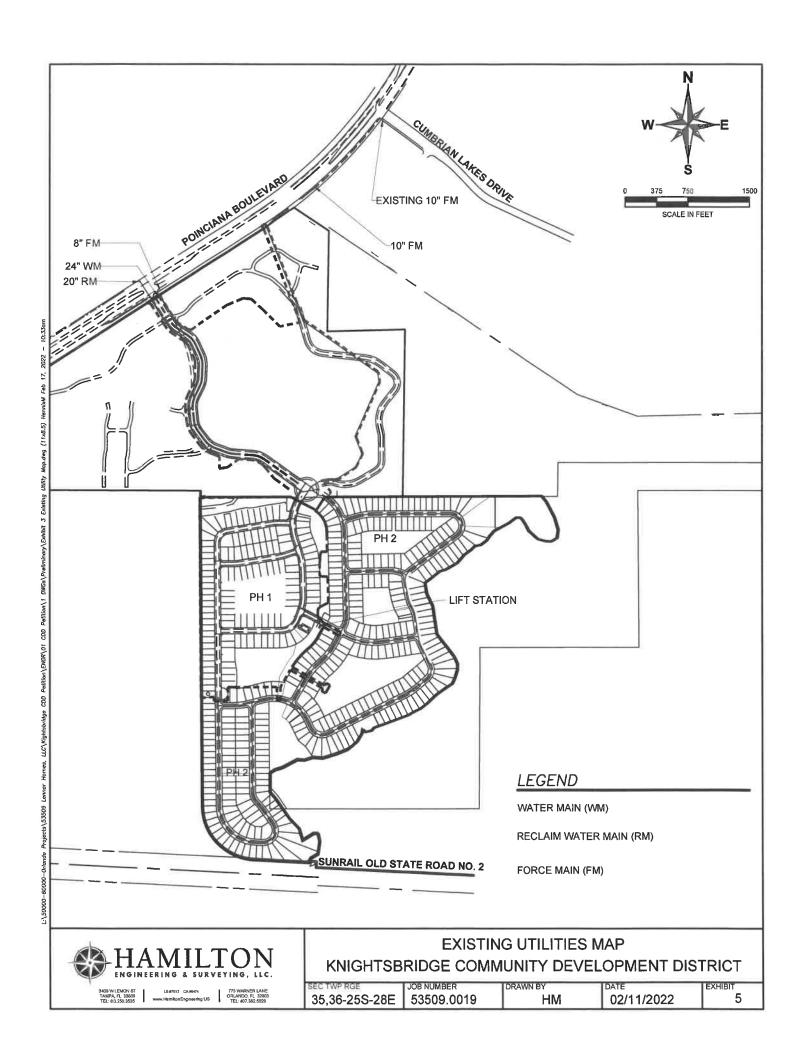
53509.0019

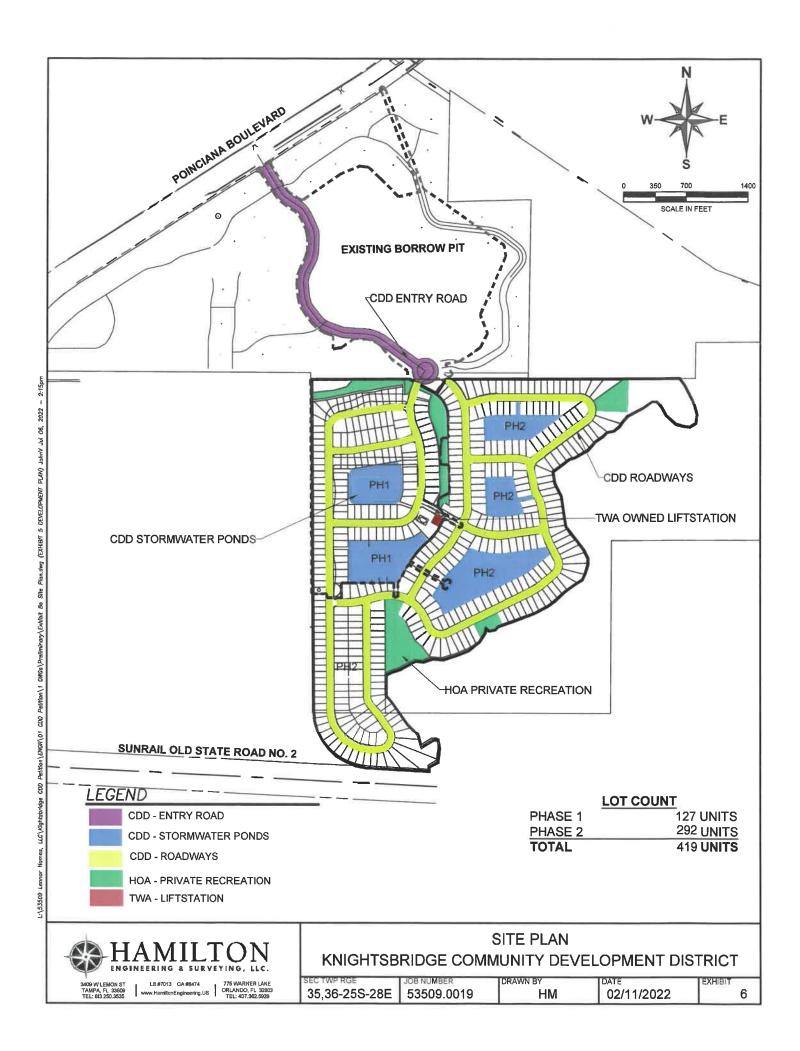
DRAWN BY

06/23/2022

EXHIBIT

F-1536





## SECTION B

#### **MASTER**

#### ASSESSMENT METHODOLOGY

#### **FOR**

#### KNIGHTSBRIDGE

### COMMUNITY DEVELOPMENT DISTRICT

Date: October 3, 2022

Prepared by

Governmental Management Services - Central Florida, LLC 219 E. Livingston Street Orlando, FL 32801



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GMS-CF, LLC does not represent the Knightsbridge Community Development
District as a Municipal Advisor or Securities Broker nor is GMS-CF, LLC registered to
provide such services as described in Section 15B of the Securities and Exchange Act
of 1934, as amended. Similarly, GMS-CF, LLC does not provide the Knightsbridge
Community Development District with financial advisory services or offer
investment advice in any form.

#### 1.0 Introduction

The Knightsbridge Community Development District is a local unit of special-purpose government organized and existing under Chapter 190, Florida Statutes, as amended (the "District"). The District plans to issue up to \$30,360,000 of tax exempt bonds in one or more series (the "Bonds") for the purpose of financing certain infrastructure improvements within the District, more specifically described in the Master Engineer's Report dated August 1, 20202 prepared by Hamilton Engineering & Surveying, Inc. as may be amended and supplemented from time to time (the "Engineer's Report"). The District anticipates the construction of public infrastructure improvements consisting of improvements that benefit property owners within the District.

#### 1.1 Purpose

This Master Assessment Methodology Report (the "Assessment Report") provides for an assessment methodology for allocating the debt to be incurred by the District to benefiting properties within the District. This Assessment Report allocates the debt to properties based on the special benefits each receives from the District's capital improvement plan ("CIP"). This Assessment Report will be supplemented with one or more supplemental methodology reports to reflect the actual terms and conditions at the time of the issuance of each series of Bonds. This Assessment Report is designed to conform to the requirements of Chapters 190, 197 and 170, Florida Statutes with respect to special assessments and is consistent with our understanding of case law on this subject.

The District intends to impose non ad valorem special assessments on the benefited lands within the District based on this Assessment Report. It is anticipated that all of the proposed special assessments will be collected through the Uniform Method of Collection described in Chapter 197.3632, Florida Statutes or any other legal means of collection available to the District. It is not the intent of this Assessment Report to address any other assessments, if applicable, that may be levied by the District, a homeowner's association, or any other unit of government.

#### 1.2 Background

The District currently includes approximately 114.62 acres within the City of Kissimmee, Osceola County, Florida. The development program currently envisions approximately 419 residential units (herein the "Development"). The proposed Development program is depicted in Table 1. It is recognized that such land use plan may change, and this Assessment Report will be modified accordingly.

The public improvements contemplated by the District in the CIP will provide facilities that benefit certain property within the District. The CIP is delineated in the Engineer's Report. Specifically, the District will construct and/or acquire certain earthwork, survey, stormwater management ponds & erosion, CDD local roads, storm drainage, potable water, sanitary sewer, reclaimed water, landscaping, irrigation, sod for ponds, hardscape features, offisite roadway and utility improvements, professional fees, water and sewer utility impact fees, clubhouse and recreation amenity, and contingency. The CIP estimated acquisition and construction costs are summarized in Table 2.

The assessment methodology is a four-step process.

- 1. The District Engineer must first determine the public infrastructure improvements that may be provided by the District and the costs to implement the CIP.
- 2. The District Engineer determines the assessable acres that benefit from the District's CIP.
- 3. A calculation is made to determine the funding amounts necessary to acquire and/or construct CIP.
- 4. This amount initially divided equally among the benefited properties on a provided gross acreage basis. Ultimately, as land is platted, site planned, or subjected to a declaration of condominiums, this amount will be assigned to each of the benefited properties based on an ERU basis.

#### 1.3 Special Benefits and General Benefits

Improvements undertaken by the District create special and peculiar benefits to the assessable property, different in kind and degree than general benefits, for properties outside it's borders as well as general benefits to the public at large.

However, as discussed within this Assessment Report, these general benefits are incidental in nature and are readily distinguishable from the special and peculiar benefits, which accrue to the assessable property within the District. The implementation of the CIP enables properties within its boundaries to be developed. Without the District's CIP, there would be no infrastructure to support development of land within the District. Without these improvements, the proposed Development of the property within the District would be prohibited by law.

There is no doubt that the general public and property owners outside the District will benefit from the provision of the District's CIP. However, these benefits will be incidental to the District's CIP, which is designed solely to meet the needs of property within the District. Properties outside the District boundaries do not depend upon the

District's CIP. The property owners within the District are therefore receiving special benefits not received by those outside the District's boundaries.

#### 1.4 Requirements of a Valid Assessment Methodology

There are two requirements under Florida law for a valid special assessment:

- The properties must receive a special benefit from the improvements being paid for.
- 2) The assessments must be fairly and reasonably allocated to the properties being assessed.

Florida law provides for a wide application of special assessments that meet these two requirements for valid special assessments.

#### 1.5 Special Benefits Exceed the Costs Allocated

The special benefits provided to the property owners within the District are greater than the costs associated with providing these benefits. The District Engineer estimates that the District's CIR that is necessary to support full development of property will cost approximately \$24,889,529. The District's Underwriter projects that financing costs required to fund the infrastructure improvements, including project costs, the cost of issuance of the Bonds, the funding of debt service reserves and capitalized interest, will be approximately \$30,360,000. Additionally, funding required to complete the CIR which is not financed with Bonds will be funded by Lennar Homes, LLC or a related entity (the "Developer"). Without the CIP, the property would not be able to be developed per the Development program and occupied by future residents of the community.

#### 2.0 Assessment Methodology

#### 2.1 Overview

The District is planning to issue up to \$30,360,000 in Bonds, in one or more series to fund the District's CIP, provide for capitalized interest, a debt service reserve account and cost of issuance. It is the purpose of this Assessment Report to allocate the \$30,360,000 in debt to the properties benefiting from the CIP.

Table 1 identifies the proposed land uses as identified by the Developer and current landowners of the land within the District. The District has relied on the Engineer's Report to develop the costs of the CIP needed to support the Development, these construction costs are outlined in Table 2. The improvements needed to support the Development are described in detail in the Engineer's Report and are estimated to cost \$24,889,529. Based on the estimated costs, the size of the Bond issue under current

market conditions needed to generate funds to pay for the CIP and related costs was determined by the District's Underwriter to total approximately \$30,360,000. Table 3 shows the breakdown of the bond sizing.

#### 2.2 Allocation of Debt

Allocation of debt is a continuous process until the Development plan is completed. The CIP funded by District Bonds benefits all developable acres within the District.

The initial assessments will be levied on an equal basis to all acres within the District. A fair and reasonable methodology allocates the debt incurred by the District proportionately to the properties receiving the special benefits. At this point all of the lands within the District are benefiting from the improvements.

Once platting, site planning, or the recording of declaration of condominium, ("Assigned Properties") has begun, the assessments will be allocated to the Assigned Properties based on the benefits they receive. The Unassigned Properties, defined as property that has not been platted, assigned development rights or subjected to a declaration of condominium, will continue to be assessed on a per acre basis ("Unassigned Properties"). Eventually the Development plan will be completed and the debt relating to the Bonds will be allocated to the planned 419 residential units within the District, which are the beneficiaries of the CIP, and depicted in Table 5 and Table 6. If there are changes to the Development plan, a true up of the assessment will be calculated to determine if a debt reduction or true up payment from the Developer is required. The process is outlined in Section 3.0

The assignment of debt in this Assessment Report sets forth the process by which debt is apportioned. As mentioned herein, this Assessment Report will be supplemented from time to time.

#### 2.3 Allocation of Benefit

The CIP consists of earthwork, survey, stormwater management ponds & erosion, CDD local roads, storm drainage, potable water, sanitary sewer, reclaimed water, landscaping, irrigation, sod for ponds, hardscape features, offisite roadway and utility improvements, professional fees, water and sewer utility impact fees, clubhouse and recreation amenity, and contingency. There is <u>one</u> residential product types within the planned Development. The single family 50' home has been set as the base unit and has been assigned one equivalent residential unit ("ERU"). Table 4 shows the allocation of the CIP costs and Bond debt to the particular land uses. It is important to note that the benefit derived from the improvements on the particular units exceeds the cost that the units will be paying for such benefits.

#### 2.4 Lienability Test: Special and Peculiar Benefit to the Property

Construction and/or acquisition by the District of its proposed CIP will provide several types of systems, facilities and services for its residents. These include earthwork, survey, stormwater management ponds & erosion, CDD local roads, storm drainage, potable water, sanitary sewer, reclaimed water, landscaping, irrigation, sod for ponds, hardscape features, offisite roadway and utility improvements, professional fees, water and sewer utility impact fees, clubhouse and recreation amenity, and contingency. These improvements accrue in differing amounts and are somewhat dependent on the type of land use receiving the special benefits peculiar to those properties, which flow from the logical relationship of the improvements to the properties.

Once these determinations are made, they are reviewed in the light of the special benefits peculiar to the property, which flow to the properties as a result of their logical connection from the improvements in fact actually provided.

For the provision of CIP, the special and peculiar benefits are:

- 1) the added use of the property,
- 2) added enjoyment of the property, and
- 3) the probability of increased marketability and value of the property.

These special and peculiar benefits are real and ascertainable, but are not yet capable of being calculated as to value with mathematical certainty. However, each is more valuable than either the cost of, or the actual non-ad valorem special assessment levied for the improvement or the debt as allocated.

## 2.5 Lienability Test: Reasonable and Fair Apportionment of the Duty to Pay Non-Ad Valorem Assessments

A reasonable estimate of the proportion of special and peculiar benefits received from the public improvements described in the Engineer's Report is delineated in Table 5 (expressed as Allocation of Par Debt per Product Type).

The determination has been made that the duty to pay the non-ad valorem special assessments is fairly and reasonably apportioned because the special and peculiar benefits to the property derived from the acquisition and/or construction of the District's CIP have been apportioned to the property according to reasonable estimates of the special and peculiar benefits provided consistent with the land use categories.

Accordingly, no acre or parcel of property within the boundaries of the District will have a lien for the payment of any non-ad valorem special assessment more than the

determined special benefit peculiar to that property and therefore, the debt allocation will not be increased more than the debt allocation set forth in this Assessment Report.

In accordance with the benefit allocation suggested for the product types in Table 4, a total debt per unit and an annual assessment per unit have been calculated for each product type (Table 6). These amounts represent the preliminary anticipated per unit debt allocation assuming all anticipated units are built and sold as planned, and the entire proposed CIP is developed or acquired and financed by the District.

#### 3.0 True Up Mechanism

Although the District does not process plats, declaration of condominiums, site plans or revisions thereto for the Developer, it does have an important role to play during the course of platting and site planning. Whenever a plat, declaration of condominium or site plan is processed, the District must allocate a portion of its debt to the property according to this Assessment Report outlined herein. In addition, the District must also prevent any buildup of debt on Unassigned Property. Otherwise, the land could be fully conveyed and/or platted without all of the debt being allocated. To preclude this, at the time Unassigned Properties become Assigned Properties, the District will determine the amount of anticipated assessment evenue that remains on the Unassigned Properties, taking into account the proposed plat, or site plan approval. If the total anticipated assessment revenue to be generated from the Assigned and Unassigned Properties is greater than or equal to the maximum annual debt service then no adjustment is required. In the case that the revenue generated is less than the required amount then a debt reduction or true-up payment by the landowner in the amount necessary to reduce the par amount of the outstanding Bonds plus accrued interest to a level that will be supported by the new net annual debt service assessments will be required.

#### 4.0 Assessment Roll

The District will initially distribute the liens across the property within the District boundaries on a gross acreage basis. As Assigned Property becomes known with certainty, the District will refine its allocation of debt from a per acre basis to a per unit basis as shown in Table 7. If the land use plan changes, then the District will update Tables 1.4, 5 & 6 to reflect the changes. As a result, the assessment liens are neither fixed nor are they determinable with certainty on any acre of land in the District prior to the time final Assigned Properties become known. At this time the debt associated with the District's CIP will be distributed evenly across the acres within the District. As the development process occurs, the debt will be distributed against the Assigned Property in the manner described in this Assessment Report. The current assessment roll is depicted in Table 7.

TABLE 1
KNIGHTSBRIDGE COMMUNITY DEVELOPMENT DISTRICT
DEVELOPMENT PROGRAM
MASTER ASSESSMENT METHODOLOGY

ypes No. of Units * Totals ERUs per Unit (1) Total ERUs	nily 50' 419 419 1 419	s 419 419 419
Product Types	Single Family 50'	Total Units

(1) Benefit is allocated on an ERU basis; based on density of planned development, with a 50' Single Family unit equal to 1 ERU

\* Unit mix is subject to change based on marketing and other factors

Prepared by: Governmental Management Services - Central Florida, LLC

TABLE 2
KNIGHTSBRIDGE COMMUNITY DEVELOPMENT DISTRICT
INFRASTRUCTURE COST ESTIMATES
MASTER ASSESSMENT METHODOLOGY

Capital Improvement Plan ("CIP") (1)	Total Cost Estimate
Earthwork, Survey, Stormwater Ponds & Erosion Control	\$1,869,400
CDD Local Roads	\$3,719,500
Storm Drainage	\$4,679,700
Potable Water	\$2,026,900
Sanitary Sewer	\$2,649,600
Reclaimed Water	\$1,324,800
Landscaping, Irrigation, Sod for Ponds & Swales	\$252,200
Hardscape Features	\$250,000
Offistie Roadway and Utility Improvements	\$2,400,000
Professional Fees - Eng. Design, Permitting, Surveying, Testing & Inspection	\$1,032,500
Water and Sewer Utility Impact Fees	\$2,422,245
Clubhouse and Recreation Amenity	\$0
Contingency	\$2,262,684
	\$24,889,529

(1) A detailed description of these improvements is provided in the Master Engineer's Report dated August 1, 2022

Prepared by: Governmental Management Services - Central Florida, LLC

TABLE 3 KNIGHTSBRIDGE COMMUNITY DEVELOPMENT DISTRICT BOND SIZING MASTER ASSESSMENT METHODOLOGY

Description	Total
Construction Funds	\$24,889,529
Debt Service Reserve	\$2,488,953
Capitalized Interest	\$1,973,400
Underwriters Discount	\$607,200
Cost of Issuance	\$400,000
Rounding	\$918
Par Amount*	\$30,360,000

Par Amount*	\$30,360,000
Bond Assumptions:	
Average Coupon	8.50%
Amortization	30 years
Capitalized Interest	12 months
Debt Service Reserve	Max Annual D/S
Underwriters Discount	2%

<sup>\*</sup> Par amount is subject to change based on the actual terms at the sale of the Bonds

Prepared by: Governmental Management Services - Central Florida, LLC

TABLE 4
KNIGHTSBRIDGE COMMUNITY DEVELOPMENT DISTRICT
ALLOCATION OF BENEFIT
MASTER ASSESSMENT METHODOLOGY

Î			۰		1
		Improvement	Costs Per Unit	\$59,402	
Total	Improvements	Costs Per Product	Type	\$24,889,529	\$24,889,529
		% of Total	ERUs	100.00%	100.00%
		Total	ERUs	419	419
		ERU	Units * Factor	1.0	
		No. of	Units *	419	419
			Product Types	Single Family 50'	Totals

<sup>\*</sup> Unit mix is subject to change based on marketing and other factc

Prepared by: Governmental Management Services - Central Florida, LLC

TABLE 5
KNIGHTSBRIDGE COMMUNITY DEVELOPMENT DISTRICT
ALLOCATION OF TOTAL BENEFIT/PAR DEBT TO EACH PRODUCT TYPE
MASTER ASSESSMENT METHODOLOGY

		Total Improvements	Allocation of Par	
		Costs Per Product	Debt Per Product	Par Debt
Product Types No.	No. of Units *	Туре	Туре	Per Unit
Single Family 50'	419	\$24,889,529	\$30,360,000	\$72,458
Totals	419	\$24,889,529	\$30,360,000	

<sup>\*</sup> Unit mix is subject to change based on marketing and other factors

Prepared by: Governmental Management Services - Central Florida, LLC

KNIGHTSBRIDGE COMMUNITY DEVELOPMENT DISTRICT
PAR DEBT AND ANNUAL ASSESSMENTS FOR EACH PRODUCT TYPE
MASTER ASSESSMENT METHODOLOGY

TABLE 6

	<b>Gross Annual Debt</b>	Assessment Per Unit	(1)	\$6,319.38		
Net Annual	Debt	Assessment	Per Unit	\$2,488,953 \$5,940.22		
	Maximum	Annual Debt	Service	\$2,488,953	\$2,488,953	
	Total Par	Debt Per	Unit	\$72,458		
	Allocation of	Par Debt Per	Units * Product Type	\$30,360,000 \$72,458	\$30,360,000	
		No. of	Units *	419	419	
			Product Types	Single Family 50 419	Totals	

(1) This amount includes collection fees and early payment discounts when collected on the County Tax Bill

Prepared by: Governmental Management Services - Central Florida, LLC

<sup>\*</sup> Unit mix is subject to change based on marketing and other factors

TABLE 7
KNIGHTSBRIDGE COMMUNITY DEVELOPMENT DISTRICT
PRELIMINARY ASSESSMENT ROLL
MASTER ASSESSMENT METHODOLOGY

			Total Par Debt		Net Annual Debt Gross Annual	Gross Annual
			Allocation Per	Total Par Debt	Assessment	Debt Assessment
Owner	Property*	Net Acres	Acre	Allocated	Allocation	Allocation (1)
Lennar	Knightsbridge CDD	114.62	\$264,875	\$30,360,000	\$2,488,953	\$2,647,822
Totals		114.62		\$30,360,000		\$2,488,953 \$2,647,822

(1) This amount includes 6% to cover collection fees and early payment discounts when collected utilizing the uniform method.

Annual Assessment Periods	30
Average Coupon Rate (%)	6.50%
Maximum Annual Debt Service	\$2,488,953

\* - See Metes and Bounds, attached as Exhibit A

Prepared by: Governmental Management Services - Central Florida, LLC

#### LEGAL DESCRIPTION:

A TRACT OF LAND, BEING A PORTION OF LAND SITUATED WITHIN SECTIONS 35 AND 36, TOWNSHIP 25 SOUTH, RANGE 28 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF POINCIANA OFFICE AND INDUSTRIAL PARK, SECTION B, AS RECORDED IN PLAT BOOK 3, PAGES 236 - 238, THENCE SOUTH 00°23'35" EAST, ALONG THE EAST LINE OF SAID POINCIANA OFFICE AND INDUSTRIAL PARK, SECTION B, A DISTANCE OF 53.80 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID EAST LINE, NORTH 89°46'24" EAST A DISTANCE OF 753.97 FEET; THENCE SOUTH 62°09'48" EAST A DISTANCE OF 238.27 FEET; THENCE NORTH 34°11'40" EAST, A DISTANCE OF 115.03 FEET; THENCE NORTH 47°12'32" EAST, A DISTANCE OF 25.38 FEET THENCE NORTH 89°48'21" EAST, A DISTANCE OF 1804.32' FEET; THENCE SOUTH 37°56'07" EAST, A DISTANCE OF 61.89 FEET; THENCE SOUTH 27°08'34" EAST, A DISTANCE OF 143.07 FEET; THENCE SOUTH 16°24'16" EAST, A DISTANCE OF 110.06 FEET; THENCE SOUTH 07°46'12" WEST, A DISTANCE OF 68.95 FEET; THENCE SOUTH 59°03'22" WEST, A DISTANCE OF 54.32 FEET; THENCE NORTH 85°55'10" WEST, A DISTANCE OF 43.62 FEET; THENCE NORTH 74°45'52" WEST, A DISTANCE OF 70.87 FEET; THENCE NORTH 47°30'56" WEST, A DISTANCE OF 101.15 FEET; THENCE NORTH 27°55'09" WEST, A DISTANCE OF 59.74 FEET; THENCE NORTH 33°42'52" WEST, A DISTANCE OF 44.80 FEET; THENCE NORTH 45°01'34" WEST, A DISTANCE OF 26.36 FEET; THENCE SOUTH 89°59'54" WEST, A DISTANCE OF 34.19 FEET; THENCE SOUTH 53°52'22" WEST, A DISTANCE OF 77.65 FEET; THENCE SOUTH 61°55'24" WEST, A DISTANCE OF 140.25 FEET; THENCE SOUTH 40°37'26" WEST, A DISTANCE OF 57.28 FEET; THENCE SOUTH 33°42'40" WEST, A DISTANCE OF 44.80 FEET; THENCE SOUTH 51°51'54" WEST, A DISTANCE OF 55.32 FEET; THENCE SOUTH 76°46'08" WEST, A DISTANCE OF 54.27 FEET; THENCE SOUTH 45°01'22" WEST, A DISTANCE OF 43.93 FEET: THENCE SOUTH 55°38'27" WEST, A DISTANCE OF 71.53 FEET; THENCE SOUTH 40°50'16" WEST, A DISTANCE OF 90.30 FEET; THENCE SOUTH 59°45'48" WEST, A DISTANCE OF 43.17 FEET; THENCE SOUTH 59°57'04" WEST, A DISTANCE OF 68.22 FEET; THENCE SOUTH 74°03'57" WEST, A DISTANCE OF 45.25 FEET; THENCE SOUTH 51°01'53" WEST, A DISTANCE OF 83.94 FEET; THENCE SOUTH 53°38'15" WEST, A DISTANCE OF 73.33 FEET; THENCE SOUTH 09°47'32" EAST, A DISTANCE OF 91.38 FEET; THENCE SOUTH 26°35'11" EAST, A DISTANCE OF 111.11 FEET; THENCE SOUTH 08°09'24" EAST, A DISTANCE OF 146.02 FEET; THENCE SOUTH 08°58'55" EAST, A DISTANCE OF 91.41 FEET; THENCE SOUTH 36°03'09" EAST, A DISTANCE OF 64.65 FEET; THENCE SOUTH 37°35'38" EAST, A DISTANCE OF 77.96 FEET; THENCE SOUTH 36°16'44" EAST, A DISTANCE OF 88.42 FEET; THENCE SOUTH 24°47'44" EAST, A DISTANCE OF 68.05 FEE; THENCE SOUTH 00°00'06" EAST, A DISTANCE OF 47.52 FEET; THENCE SOUTH 17°21'59" WEST, A DISTANCE OF 79.67 FEET; SOUTH 23°58'45" WEST, A DISTANCE OF 46.81 FEET; THENCE SOUTH 56°19'51" WEST, A DISTANCE OF 68.58 FEET; THENCE SOUTH 53°09'07" WEST, A DISTANCE OF 95.09 FEET; THENCE SOUTH 46°52'13" WEST, A DISTANCE OF 104.27 FEET; THENCE SOUTH 53°09'07" WEST, A DISTANCE OF 71.32 FEET; THENCE SOUTH 66°03'15" WEST, A DISTANCE OF 46.84 FEET; THENCE SOUTH 59°45'48" WEST, A DISTANCE OF 66.06 FEET; THENCE SOUTH 69°27'30" WEST, A DISTANCE OF 162.53 FEET; THENCE SOUTH 70°21'36" WEST, A DISTANCE OF 141.40 FEET; THENCE SOUTH 39°39'01" WEST, A DISTANCE OF 30.64 FEET; THENCE SOUTH 77°58'40" WEST, A DISTANCE OF 50.14 FEET; THENCE NORTH 50°55'55" WEST, A DISTANCE OF 33.14 FEET; THENCE SOUTH 09°28'07" WEST, A DISTANCE OF 34.20 FEET; THENCE SOUTH 30°23'56" WEST, A DISTANCE OF 81.02 FEET; THENCE SOUTH 60°00'34" WEST, A DISTANCE OF 107.67 FEET; THENCE SOUTH 68°37'35" WEST, A DISTANCE OF 103.60 FEET; THENCE SOUTH 73°03'33" WEST, A DISTANCE OF 111.23 FEET; THENCE NORTH 85°31'15" WEST, A DISTANCE OF 82.25 FEET; THENCE SOUTH 71°10'30" WEST, A DISTANCE OF 72.20 FEET; THENCE NORTH 86°08'22" WEST, A DISTANCE OF 59.63 FEET; THENCE SOUTH 62°31'10" WEST, A DISTANCE OF 142.63 FEET; THENCE SOUTH 72°11'37" WEST, A DISTANCE OF 66.88 FEET; THENCE SOUTH 58°38'04" WEST, A DISTANCE OF 46.37 FEET; THENCE SOUTH 00°23'32" EAST, A DISTANCE OF 157.48 FEET; THENCE SOUTH 41°45'05" EAST, A DISTANCE OF 62.70 FEET; THENCE SOUTH 35°01'18" EAST, A DISTANCE OF 211.27 FEET; THENCE SOUTH 43°50'51" EAST, A DISTANCE OF 112.87 FEET; THENCE SOUTH 16°03'03" EAST, A DISTANCE OF 104.34 FEET; THENCE NORTH 57°49'44" EAST, A DISTANCE OF 105.16 FEET; THENCE NORTH 87°11'13" EAST, A DISTANCE OF 37.98 FEET; THENCE SOUTH 10°59'14" EAST, A DISTANCE OF 65.91 FEET; THENCE SOUTH 07°50'25" WEST, A DISTANCE OF 109.61 FEET; THENCE SOUTH 59°40'41" WEST, A DISTANCE OF 74.76 FEET; THENCE SOUTH 00°13'34" WEST, A DISTANCE OF 31.51 FEET; THENCE NORTH 87°08'54" WEST, A DISTANCE OF 459.20 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 453.34 FEET, CHORD BEARING OF NORTH 43°46'14" WEST AND A CHORD LENGTH OF 622.71 FEET; THENCE RUN ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 86°45'19" FOR A DISTANCE OF 686.43 FEET TO THE POINT OF TANGENCY AND A POINT ON SAID EAST LINE OF POINCIANA OFFICE AND INDUSTRIAL PARK, SECTION B; THENCE RUN NORTH 00°23'35" WEST, ALONG SAID EAST LINE, FOR A DISTANCE OF 2551.22 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT OF LAND LIES IN OSCEOLA COUNTY, FLORIDA AND CONTAINS 114.62 ACRES MORE OR LESS.



## LEGAL DESCRIPTION KNIGHTSBRIDGE COMMUNITY DEVELOPMENT DISTRICT

EXH BIT

## SECTION C

#### **RESOLUTION NO. 2023-06**

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE KNIGHTSBRIDGE COMMUNITY DEVELOPMENT DISTRICT DECLARING SPECIAL ASSESSMENTS ON PROPERTY WITHIN THE DISTRICT; INDICATING THE LOCATION, NATURE AND ESTIMATED COST OF THOSE IMPROVEMENTS WHOSE COST IS TO BE DEFRAYED BY THE SPECIAL ASSESSMENTS; PROVIDING THE ESTIMATED COST OF THE IMPROVEMENTS TO BE PARTIALLY DEFRAYED BY THE SPECIAL ASSESSMENTS; PROVIDING THE MANNER IN WHICH SUCH SPECIAL ASSESSMENTS SHALL BE MADE; PROVIDING WHEN SUCH SPECIAL ASSESSMENTS SHALL BE MADE; DESIGNATING LANDS UPON WHICH THE SPECIAL ASSESSMENTS SHALL BE **PROVIDING** LEVIED: FOR ASSESSMENT PLAT; ADOPTING A PRELIMINARY ASSESSMENT ROLL; PROVIDING FOR A PUBLIC HEARING TO CONSIDER THE ADVISABILITY AND PROPRIETY OF SAID ASSESSMENTS AND THE RELATED IMPROVEMENTS; PROVIDING FOR NOTICE OF SAID PUBLIC HEARING; PROVIDING FOR PUBLICATION OF THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of Supervisors of the Knightsbridge Community Development District ("Board") hereby determines to undertake, install, plan, establish, construct or reconstruct, enlarge or extend, equip, acquire, operate, and/or maintain certain public infrastructure improvements referred to as the Capital Improvement Plan ("Capital Improvement Plan") described in the Knightsbridge Community Development District Engineer's Report, dated \_\_\_\_\_\_\_\_, 2022, attached hereto as Exhibit "A" and incorporated by reference (the "Engineer's Report"); and

WHEREAS, the Board has determined that the Knightsbridge Community Development District ("District") shall defray the cost of the Capital Improvement Plan by the levy of non-ad valorem special assessments pursuant on the properties within District in pursuant to Chapter 190, *Florida Statutes* ("Assessments"); and

WHEREAS, the District is empowered by Chapter 190, the Uniform Community Development District Act, Chapter 170, Supplemental Alternative Method of Making Local and Municipal Improvements, and Chapter 197, *Florida Statutes*, to finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain the Improvements and to impose, levy and collect the Assessments; and

WHEREAS, the District hereby determines that benefits will accrue to the property improved, the amount of those benefits, and that special assessments will be made in proportion to the benefits received as set forth in the Master Assessment Methodology for Knightsbridge Community Development District, dated \_\_\_\_\_\_\_, 2022, attached hereto as Exhibit "B" and incorporated by reference (the "Assessment Report") and on file at 219 E. Livingston Street, Orlando, Florida 32801 ("District Records Office"); and

**WHEREAS**, the District hereby determines that the Assessments to be levied will not exceed the benefits to the property improved.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE KNIGHTSBRIDGE COMMUNITY DEVELOPMENT DISTRICT IN THE CITY OF KISSIMMEE, OSCEOLA COUNTY, FLORIDA:

- 1. Assessments shall be levied to defray the cost of the Capital Improvement Plan.
- 2. The Board hereby approves and adopts the Engineer's Report, which may be amended from time to time by this Board.
- 3. The general nature of the Capital Improvement Plan is more specifically described in the Engineer's Report and in certain plans and specifications on file at the District Records Office.
- 4. The general location of the Capital Improvement Plan is shown in the Engineer's Report and in plans and specifications on file at the District Records Office.
- 5. The estimated cost of the Capital Improvement Plan is approximately \$\_\_\_\_\_ (hereinafter collectively referred to as the "Estimated Cost").
- 6. The Assessments will defray approximately \$\_\_\_\_\_\_ for the Capital Improvement Plan, which includes the Estimated Cost, plus financing related costs, capitalized interest and, debt service reserve.
- 7. The manner in which the Assessments shall be made is contained within the Assessment Report, which is attached hereto as Exhibit "B", and is also available at the District Records Office.
- 8. The Assessments shall be levied on all lots and lands within the District which are adjoining to, contiguous with or bounding and abutting upon the Capital Improvement Plan or specially benefited thereby and are further designated on the assessment plat referenced below.
- 9. There is on file at the District Records Office, an assessment plat showing the area to be assessed, together with plans and specifications describing the Capital Improvement Plan and the Estimated Cost, which shall be open to inspection by the public.
- 10. The District Manager has caused to be made a preliminary assessment roll, in accordance with the method of assessment described in Exhibit "B" hereto, which shows the lots and lands assessed, the amount of benefit to and the assessment against each lot or parcel of land and the number of annual installments into which the assessment may be divided, which is hereby adopted and approved as the District's preliminary assessment roll.

- 11. Commencing with the year in which the Assessments are confirmed, the Assessments shall be paid in accordance with the Assessment Report, but in no event in more than thirty annual installments payable at the same time and in the same manner as are ad-valorem taxes and as prescribed by Chapter 197, *Florida Statutes*; provided, however, that in the event the non ad-valorem assessment method of collecting the Assessments is not available to the District in any year, or the District determines not to utilize the provisions of Chapter 197, *Florida Statutes*, the Assessments may be collected as is otherwise permitted by law.
- 12. The Board shall adopt a subsequent resolution to fix a time and place at which the owners of property to be assessed or any other persons interested therein may appear before the Board and be heard as to the propriety and advisability of the assessments or the making of the Capital Improvement Plan, the cost thereof, the manner of payment therefore, or the amount thereof to be assessed against each property as improved.
- 13. The District Manager is hereby directed to cause this Resolution to be published twice (once a week for two (2) weeks) in a newspaper of general circulation within Osceola County, Florida and to provide such other notice as may be required by law or desired in the best interests of the District.
  - 14. This Resolution shall become effective upon its passage.
- 15. Any capitalized terms used herein and not defined, shall have the meanings set forth in the Assessment Report.

PASSED A	AND A	<b>ADOPTED</b>	this	day of	, 2022

[Signatures provided on following page.]

## SIGNATURE PAGE TO RESOLUTION NO. 2023-06

ATTEST:	KNIGHTSBRIDGE COMMUNITY DEVELOPMENT DISTRICT, a Florida community development district
By:	By:
Name:Secretary / Assistant Secretary	Name: Chairman / Vice Chairman

#### Exhibit "A"

Knightsbridge Community Devel	lopment District Engineer's Report,
dated	, 2022

#### Exhibit "B"

Master Assessment Methodology f	or Knightsbridge Community Development District,
dated	, 2022
	[See attached.]

## SECTION D

#### **RESOLUTION 2023-07**

**WHEREAS**, the Knightsbridge Community Development District (the "District) is a local unit of special-purpose government duly organized and existing under the provisions of the Uniform Community Development District Act of 1980, Chapter 190, *Florida Statutes*, as amended (the "Act"); and

WHEREAS, the District has previously adopted Resolution 2023-06, entitled:

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE KNIGHTSBRIDGE **COMMUNITY DEVELOPMENT** DISTRICT DECLARING SPECIAL ASSESSMENTS ON PROPERTY WITHIN THE DISTRICT; INDICATING THE LOCATION, NATURE AND ESTIMATED COST OF THOSE IMPROVEMENTS WHOSE COST IS TO BE DEFRAYED BY THE SPECIAL ASSESSMENTS; PROVIDING THE ESTIMATED COST OF THE IMPROVEMENTS TO BE PARTIALLY DEFRAYED BY THE SPECIAL ASSESSMENTS; PROVIDING THE MANNER IN WHICH SUCH SPECIAL ASSESSMENTS SHALL BE MADE; PROVIDING WHEN SUCH SPECIAL ASSESSMENTS SHALL BE MADE: DESIGNATING LANDS UPON WHICH THE SPECIAL **PROVIDING** ASSESSMENTS SHALL BE LEVIED: FOR ASSESSMENT PLAT; ADOPTING A PRELIMINARY ASSESSMENT ROLL; PROVIDING FOR A PUBLIC HEARING TO CONSIDER THE ADVISABILITY AND PROPRIETY OF SAID ASSESSMENTS AND THE RELATED IMPROVEMENTS; PROVIDING FOR NOTICE OF SAID PUBLIC HEARING; PROVIDING FOR PUBLICATION OF THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in accordance with Resolution No. 2023-06, a preliminary assessment roll has been prepared and all other conditions precedent set forth in Chapter 170, 197 and 190, *Florida Statutes*, to the holding of the aforementioned public hearing have been satisfied, and the roll and related documents are available for public inspection at 219 E. Livingston Street, Orlando, Florida 32801 (the "District Records Office").

## NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF KNIGHTSBRIDGE COMMUNITY DEVELOPMENT DISTRICT AS FOLLOWS:

	1	. In	<b>NCORPO</b>	DRATION OF R	RECIT	ALS. The	recita	ıls st	tated above	ve are	true	and	correct and
by	this	referen	ce are	incorporated	l by	reference	as	a n	naterial	part	of th	iis	Resolution.

- 2. DECLARATION OF PUBLIC HEARING. The District hereby declares a public hearing to be held on \_\_\_\_\_\_, 2022, at \_\_\_\_\_\_ A.M./P.M. at the Oasis Club at ChampionsGate, 1520 Oasis Club Boulevard, ChampionsGate, Florida 33896, for the purpose of hearing comment and objection to the proposed special assessment program for community improvements as identified in the Master Assessment Methodology, dated \_\_\_\_\_\_\_, 2022 (the "Assessment Report") attached hereto as Exhibit "A" and the preliminary assessment roll, available at the District Records Office. Affected parties may appear at the hearing or submit their comments in writing prior to the meeting to the attention of the District Manager at the District Records Office.
- 3. ADVERTISING OF PUBLIC HEARING. Notice of said hearing shall be advertised in accordance with Chapter 170, 190, and 197, Florida Statutes, and the District Manager is hereby authorized and directed to place said notice in a newspaper of general circulation within Osceola County, Florida (by two publications one week apart with the last publication at least one week prior to the date of the hearing established herein). The District Manager shall file a publisher's affidavit with the District Secretary verifying such publication of notice. The District Manager is further authorized and directed to give thirty (30) days' written notice by mail of the time and place of this hearing to the owners of all property to be assessed and include in such notice the amount of the assessment for each such property owner, a description of the areas to be improved and notice that information concerning all assessments may be ascertained at the District Records Office. The District Manager shall file proof of such mailing by affidavit with the District Secretary.
- 4. SEVERABILITY. If any section, paragraph, clause or provision of this Resolution shall be held to be invalid or ineffective for any reason, the remainder of this Resolution shall continue in full force and effect, it being expressly hereby found and declared that the remainder of this Resolution would have been adopted despite the invalidity or ineffectiveness of such section, paragraph, clause or provision.
- **5. CONFLICTS.** All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, superseded and repealed.
  - **6. EFFECTIVE DATE.** This Resolution shall take effect immediately upon its adoption.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

#### **SIGNATURE PAGE FOR RESOLUTION 2023-07**

ADOPTED this day	of, 2022.
	KNIGHTSBRIDGE COMMUNITY DEVELOPMENT DISTRICT
Attest:	Chairperson or Vice Chairperson, Board of Supervisors
Its: Secretary	

#### **EXHIBIT "A"**

#### ASSESSMENT REPORT

Master Assessment Methodology f	for Knightsbridge	Community	Development	District,
dated		2022		

[ATTACHED ON FOLLOWING PAGES]

## SECTION VII

### REQUEST FOR QUALIFICATIONS FOR ENGINEERING SERVICES FOR THE KNIGHTSBRIDGE COMMUNITY DEVELOPMENT DISTRICT

RFQ for Engineering Services

The Knightsbridge Community Development District ("District"), located in the City of Kissimmee, Osceola County, Florida announces that professional engineering services will be required on a continuing basis for the District's capital improvements which may include work related to stormwater management system, stormwater retention ponds, stormwater collection infrastructure, lift stations, public roadways and other public improvements authorized by Chapter 190, *Florida Statutes*. The engineering firm selected will act in the general capacity of District Engineer and provide District engineering services, as required.

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

The District will review all Applicants and will comply with Florida law, including the Consultant's Competitive Negotiations Act, Chapter 287, Florida Statutes ("CCNA"). All applicants interested must submit one (1) original and one (1) electronic version of Standard Form No. 330 and Qualification Statement by 12:00 PM on \_\_\_\_\_\_\_\_ to the attention of Mr. George S. Flint, c/o Governmental Management Services-Central Florida, LLC, 219 E. Livingston Street, Orlando, Florida 32801 ("District Manager's Office").

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

The District reserves the right to reject any and all Qualification Statements. Additionally, there is no express or implied obligation for the District to reimburse Applicants for any expenses associated with the preparation and submittal of the Qualification Statements in response to this request.

Any protest regarding the terms of this Notice, or the evaluation criteria on file with the District Manager, must be filed in writing, within seventy-two (72) hours (excluding weekends) after the publication of this Notice. The formal protest setting forth with particularity the facts and law upon which the protest is based shall be filed within seven (7) calendar days after the initial notice of protest was filed. Failure to timely file a notice of protest or failure to timely file a formal written protest shall constitute a waiver of any right to object or protest with respect to aforesaid Notice or evaluation criteria provisions. Any person who files a notice of protest shall provide to the District, simultaneous with the filing of the notice, a protest bond with a responsible surety to be approved by the District and in the amount of Ten Thousand Dollars (\$10,000.00). Additional information and requirements regarding protests are set forth in the District's Rules of Procedure, which are available from the District Manager.

#### KNIGHTSBRIDGE COMMUNITY DEVELOPMENT DISTRICT

#### DISTRICT ENGINEER PROPOSALS

#### COMPETITIVE SELECTION CRITERIA

#### 1) Ability and Adequacy of Professional Personnel

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

(Weight: 25 Points)

(Weight: 25 Points)

(Weight: 20 Points)

(Weight: 15 Points)

(Weight: 5 Points)

(Weight: 5 Points)

(Weight: 5 Points)

#### 2) Consultant's Past Performance

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

#### 3) Geographic Location

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

#### 4) Willingness to Meet Time and Budget Requirements

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

#### 5) Certified Minority Business Enterprise

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

#### 6) Recent, Current and Projected Workloads

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

#### 7) Volume of Work Previously Awarded to Consultant by District

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