

DRAFT (14 March 2007)

Adopted 3/26/07

**Proposed
Rules of
Procedure**

**COLONIAL COUNTRY
CLUB
COMMUNITY
DEVELOPMENT
DISTRICT**

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COLONIAL COUNTRY CLUB
COMMUNITY DEVELOPMENT DISTRICT
GENERAL AND PROCEDURAL RULES

1.1 General.

(1) The Colonial Country Club Community Development District (the "District") was created by law and established by ordinance, pursuant to the provisions of Chapter 190, Florida Statutes, (hereinafter also referred to as the "Act"), to provide for the management of providing various systems, facilities and services within its jurisdiction and the related powers to finance its single, limited and special purpose. The purpose of these rules (the "Rules") is to describe the general operations of the District.

(2) These District rules, and as they are amended, must comply and not be inconsistent with the Act.

(3) Definitions located within any section of these rules shall be applicable within all other sections, unless specifically stated to the contrary.

(4) If any provision, including definitions, of these rules, including as amended, is inconsistent with the Act, or violates or does not comply with the Act, then the terms and provisions of the Act control at all times.

(5) These rules may be amended from time to time and any written policies, approved and adopted specifically by the Board of Supervisors to be added to the rules, may be attached to and referenced in any provision of the rules, including as amended.

(6) These and any amended, deleted or additional rules hereto are promulgated locally and not through the state as authorized by law.

(7) These rules and any deletions, additions or amendments thereto are promulgated to:

a. Maintain and enhance the credibility of, and public confidence in, the District and its operations; and

b. Insure that no requirements of law or policy are overlooked or are applied ineffectively;

c. Guard against, prevent and defend frivolous litigation;

d. Induce high quality, accountable and responsive management and administrative innovation and uniform but flexibility; and

e. See to it that the single special purpose of this District and its severely limited powers and projects are implemented and not undermined or violated.

Specific Authority:

Sections 190.012(3); 190.005; 190.011(5);
and 190.012; Florida Statutes ; and Section 120.53(4),
Florida Statutes.

Law Implemented:

Sections 190.005; 190.012; 190.001 and
190.012(3), Florida Statutes; Section 120.53(4), Florida
Statutes.

1.2 Board of Supervisors; Officers and Voting.

(1) Board of Supervisors. The Board of Supervisors of the District (the "Board") shall exercise the powers granted to the District by law. The Board shall consist of five members. Members of the Board must be residents of Florida and citizens of the United States.

(2) Term of Officers. Board members shall hold office pursuant to Section 190.006(2)-(41), Florida Statutes. If, during the term of office of any Board member(s), one or more vacancies occur, the remaining member(s) of the Board shall fill the vacancies by appointment for the remainder of the unexpired term(s).

(3) Vacancies: Quorum. Three members of the Board physically present in the same location (as duly advertised) shall constitute a quorum for the purposes of conducting its business and exercising its powers and for all other purposes. However, if three or more vacancies occur at the same time, a quorum is not necessary to fill the vacancies. Action taken by the Board shall be upon a majority vote of the members present, unless otherwise provided in these Rules or required by law. Members of the Board, as well as staff or employees of the District, may be present for good cause by telephone, provided that quorum is present at the meeting location and that such telephone attendance is accomplished by speaker-so that all present may hear and respond to the comments of the party attending by telephone. Nothing herein shall require the District to permit members of the public to attend a Board meeting by telephone.

(4) Officers. At any Board meeting held after each election where the newly elected members take office, the Board may select a chair, vice chair/treasurer/assistant secretaries, and secretary. Such selection may be deferred to subsequent meetings.

(a) The chair must be a member of the Board. If the chair resigns from that office or ceases to be a member of the Board, the Board shall select a chair to serve the remaining portion of the term, after filling the board vacancy. The chair may be authorized to sign checks and warrants for the District, countersigned by the treasurer or other persons authorized by the Board. The chair may convene and conduct all meetings of the Board. In the event the chair is unable to attend a meeting, the vice chair or other member of the Board may convene and conduct the meeting.

(b) The vice chair shall be a member of the Board and shall have such duties and responsibilities as specifically designated by the Board from time to time. If the vice chair resigns from that office or ceases to be a member of the Board, the Board shall select a vice chair to serve the remainder of the term, after filling the Board vacancy.

(c) The secretary of the Board serves at the pleasure of the Board and need not be a member of the Board. The secretary shall be responsible for maintaining the minutes of Board meetings and may have other duties assigned by the Board from time to time. The District Manager may serve as secretary.

d) The treasurer need not be a member of the Board but must be a resident of Florida and a United States citizen. The treasurer shall perform duties described in Section 190.006(6), 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 District Manager may serve as Treasurer.

(5) Committees and task forces. The Board may establish committees and task forces by chair appointment or by formal action, motion or other procedures referencing the Act and this rule, either on a permanent or temporary basis, to perform specifically-designated functions. Committees and task forces may include individuals who are not members of the Board. The Florida "Government in The Sunshine Law" applies, Chapter 286, Florida Statutes.

(6) Record Book. The Board shall keep a permanent record book entitled "Record of Proceedings of the Colonial Country Club Community Development District," in which shall be recorded minutes of all meetings, resolutions, proceedings, certificates, bonds and corporate acts. The Record Book shall be kept and maintained at the District office and any other office if and as designated by the Board of Supervisors. If and when a District website is set-up, then it should note on the site that where the District records are available. The Board may also provide for duplicate copies of records to be maintained at the office of the landowner or any other appropriate location in Lee County if the District office is not in Lee County where records may be maintained.

(7) Meetings. The Board shall establish a schedule of regular meetings and may also meet upon call of the chair or of three Board members but pursuant to normal published notice. Nothing herein shall prevent the Board from holding other meetings as it deems necessary or from canceling any regularly scheduled meetings. A previously noticed regular meeting may be canceled, provided that notice of cancellation when and as practicable shall be given in substantially the same manner as notice for the meeting or in such other manner as may provide substantially equivalent notice of cancellation. If it is not practicable to notice the cancellation in substantially the same manner as meetings are noticed, then a prominent written notice shall be posted at the noticed meeting site that to the effect that the meeting was cancelled pursuant to law and district rules. Special meetings of the Board which are based on a perceived emergency are to be determined upon consultation of the Board and Manager of the District. All meetings of the Board shall be open to the public and governed by the provisions of Chapter 286, Florida Statutes.

(8) Voting Conflict of Interest. The Board shall comply with Section 112.3143, FLORIDA STATUTES, so as to ensure the proper disclosure of conflicts of interests on matters coming before the Board for a vote. Nothing in this Rule shall prohibit the Board member with a voting conflict of interest from voting on a matter. For the purposes of this section, "voting conflict of interest" shall be governed by Chapter 112, Florida Statutes, and Chapter 190, Florida

Statutes, as amended from time to time.

(a) When a Board member knows that he/she 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 of the meeting. The member may then vote. The Board's member shall prepare a memorandum of voting conflict which shall then be signed by the Board member that had the conflict.

(b) If a Board member inadvertently votes on a matter and later learns he or she has a conflict thereon, the member shall notify the Board's secretary immediately. Within fifteen days (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 Secretary shall notify the members of the Board of the conflict as soon as practicable.

The memorandum shall be provided immediately to other Board members and shall be read publicly at the next meeting held subsequent to the filing of the written memorandum. The Board member's vote shall be unaffected by this filing.

(9) District Office. The District office shall be designated by the Board of Supervisors.

(10) District Manager. The District Manager shall be either an employee of or independent contractor with the Board of Supervisors of the District.

Specific Authority:

Sections 190.011(5) and
190.012(3), Florida Statutes; Section 120.53(4),
Florida Statutes.

Law Implemented:

Sections 190.011(15);
190.006; 190.007 and 190.008, Florida Statutes;
Section 120.53(4), Florida Statutes.

1.3 Public Information and Inspection of Records.

(1) Public Records. All District public records within the meaning of Chapter 119, FLORIDA STATUTES, and not otherwise restricted by law, including the "Record of Proceedings of the Colonial Country Club Community Development District," may be copied or inspected at the offices of the District Manager at 5726 Corporation Circle, Fort Myers, FL 33905, during regular business hours.

Deleted: Manager or at the Offices of
Severn Trent Services, Inc., 210 North
University Drive, Suite 702, Coral
Springs, Florida 33071

(2) Copies. Copies of public records shall be made available to the requesting person in conformance with applicable state law and any related rules or regulations of the State of Florida.

Specific Authority:

Sections 190.011(5) and
190.012(3), Florida Statutes; Section 120.53(4),
Florida Statutes.

Law Implemented:

Sections 190.006(7); Chapter
119, Florida Statutes; Section 120.53(4), Florida
Statutes.

1.4 Meetings and Workshops.

(1) Notice. Except in emergencies, or as otherwise provided in these Rules, at least seven (7) days' public notice shall be given of any meeting or workshop of the Board or any Committee or Task Force. Public notice shall be given by publication in a newspaper of general circulation in the District and shall state:

- (a) The date, time, and place of the meeting or workshop;
- (b) A brief description of the nature, subjects and purposes of the meeting or workshop;
- (c) The address where persons may obtain a copy of the agenda and a statement in the notice that the agenda is also available on the District website.
- (d) The notice shall state that if a person decides to seek review of any official decision made at the Board meeting, a record of the proceedings will be required and the person intending to appeal will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence necessary for the appeal.
- (e) When a previously noticed meeting is canceled, when and as practicable, notice of cancellation shall be given in substantially the same manner as notice for the meeting or in any manner that will give adequate notice of cancellation.

(2) Agenda. The District Manager shall prepare a preliminary agenda and circulate it to the Board of Supervisors for its review at least fourteen days prior to each meeting. Notice of the meeting or workshop and the final agenda shall be available to the public in the offices of the District Manager at least seven days before each meeting of the Board, and shall also be posted on the community bulleting board and website. Minutes shall be considered and approved by the Board at a subsequent meeting.

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(3) Receipt of Notice. Persons wishing to receive notices or agendas of meetings, may advise the District Manager or secretary at the District's office. Such persons shall furnish a mailing address or electronic mail address in writing and may be required to pay the cost of copying and mailing.

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(4) Emergency Meeting. The chair, or the vice-chair if the chair is unavailable, may convene an emergency meeting of the Board without first having complied with Subsections (1),(2), and (3) herein, to act on emergency matters that may affect the public health, safety, or welfare. Whenever possible, the chair shall make reasonable efforts to notify all Board members of an emergency meeting 24 hours in advance. Reasonable efforts may include telephone notification. After an emergency meeting, the District Manager shall circulate to the Board members draft unapproved minutes of the emergency meeting and post them on the website. Whenever an emergency meeting is called, the District Manager shall be responsible for notifying at least one newspaper of general circulation in the District. Actions taken at an emergency meeting may be ratified by the Board at a regularly noticed meeting subsequently held.

(5) Public Comment. The Board shall set aside a reasonable amount of time at each regular meeting for public comment, which time for audience comment shall be identified in the agenda. Persons wishing to address the Board may be required to notify the secretary of the Board prior to the "audience comment" section on the agenda. In its discretion, the Board may limit the length of time available to any one speaker in the interest of time or fairness to other speakers.

(6) Budget Hearing: Budget Amendment. Notice of hearing on the annual budget(s) shall be in accordance with Section 190.008, Florida Statutes. Once adopted in accordance with Section 190.008, Florida Statutes, the annual budget(s) may be amended from time to time by action of the Board. Approval of invoices by the Board in excess of the funds allocated to a particular budgeted line item shall serve to amend the budgeted line item. All expenditures in excess of \$2,500.00 or 10% of the applicable line item in the budget, whichever is less, must be approved by the Board in advance of incurring such expense; however, in the case of an emergency expenditure affecting the health, safety or welfare of the District, its residents, or landowners, such expenditures must be approved in advance by the chair, or in the absence of the chair, the vice chair or, if applicable, any other member of the Board.

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(7) Continuances. Any meeting of the Board or any item or matter included on the agenda or coming before the Board at a noticed meeting may be continued without re-notice or re-advertising provided that the continuance is to a specified date, time and location publicly announced at the Board meeting where the item or matter came before the Board.

Specific Authority:

Sections 190.011(5) and 190.012(3), Florida Statutes; Sections 120.525; 120-53(4); and 120.54(5) Florida Statutes.

Law Implemented:

Sections 190.008, Florida Statutes; Sections 120.525; 120.53(4) and 120.54 Florida Statutes.

1.5 Rulemaking Proceedings.

(1) Commencement of Proceedings. Proceedings held for adoption, amendment, or repeal of a District rule shall be conducted according to the applicable provisions of the Act, Chapter 120, FLORIDA STATUTES, and these Rules, as applicable. Rulemaking proceedings shall be deemed to have been initiated upon publication of notice by the District.

(2) Notice of Rule Development.

(a) Except when the intended action is the repeal of a rule, the District shall provide notice of the development of proposed rules by publication of a notice of rule development in a newspaper of general circulation in the District before providing notice of a proposed rule as required by paragraph (3). The notice of rule development shall indicate the subject 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 a statement of how a person may promptly obtain a copy of any preliminary draft, if available.

(b) All rules should be drafted in accordance with the Act, and Chapter 120, Florida Statutes, as applicable.

(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 law 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), 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 21 days after publication of the notice. The notice must state the procedure for requesting a public hearing on the proposed rule unless one is otherwise scheduled. Except when the intended action is the repeal of a rule, the notice shall include a reference both to the date on which, and to the place where, the notice of rule development that is required by subsection (2) appeared.

(b) The notice shall be published in a newspaper of general circulation in the District not less than 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. Any person may file a written request with the District Manager or secretary at the Board's office to receive notice by mail of District proceedings to adopt, amend or repeal a rule. Such persons must furnish a mailing address and may be required to pay the cost of copying and mailing. Notice will then be mailed to all persons whom, at least 14 days prior to such mailing, have made requests of the district for advance notice of its proceedings.

(4) Rule Development Workshops. Whenever requested in writing by any affected person, the District must either conduct a rule development workshop (prior to proposing rules for adoption or the District Chair) or must explain in writing why a workshop is unnecessary. The District may initiate a rule development workshop but is not required to do so.

(5) Petitions to Initiate Rulemaking. All petitions for the initiation of rulemaking proceedings pursuant to the Act, and Section 120.54(7), FLORIDA STATUTES, must contain the name, address, and telephone number of the Petitioner, specific action requested, specific reason for adoption, amendment, or repeal, the date submitted, and shall specify the text of the proposed rule and the facts showing that the Petitioner is regulated by the District or has a substantial interest in the rule or action requested. Petitions to initiate rulemaking shall be filed with the District. The Board shall then act on the petition in accordance with Section 120.54(7), Florida Statutes (2006), except that copies of the petition shall not be sent to the State Administrative Procedures Committee because this Rule is not a State Rule, and notice may be given in a newspaper of general circulation in the county in which the District is located.

(6) Rulemaking Materials. After the publication of the notice to initiate rulemaking, the Board shall make available for public inspection and shall provide, upon request and payment of 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; and
- (d) The published notice.

(7) Rulemaking Proceedings - No Hearing. When no hearing is requested and the Board chooses not to initiate a hearing on its own, or if the rule relates exclusively to organization, practice or procedure, the Board may direct the proposed rule be filed with the

District Office no less than twenty-eight (28) days following notice. Such direction may be given by the Board either before initiating the rule-adoption process or after the expiration of the twenty-one (21) days during which affected persons may request a hearing.

(8) Rulemaking Proceedings - Hearing. If the proposed rule does not relate exclusively to organization, practice or procedure, the District shall provide (upon request) a public hearing for the presentation of information, argument and oral statements, within the reasonable conditions and limitations imposed by the District to avoid duplication, irrelevant comments, unnecessary delay or disruption of the proceedings. Any affected person may request a hearing within twenty-one (21) days after the date of publication of the notice of intent to adopt, amend or repeal a rule.

(9) Request for a Public Hearing.

(a) A request for a public hearing shall be in writing and shall specify how the person requesting the public hearing would be affected by the proposed rule but only subject to the limited power and single purpose of the District. The request shall be submitted to the District within 21 days after notice of intent to adopt, amend, or repeal the rule is published as required by law, in accordance with the procedure for submitting requests for public hearing stated in the notice of intent to adopt, amend, or repeal the rule.

(b) If the notice of intent to adopt, amend, or repeal a rule did not notice a public hearing and the District determines to hold a public hearing, the District shall publish notice of a public hearing in a newspaper of general circulation within the District at least 7 days before the scheduled public hearing. The notice shall specify the date, time, and location of the public hearing, and the name, address, and telephone number of the District contact person who can provide information about the public hearing.

(c) Written statements may be submitted by any person within twenty (20) days prior to or following the public hearing. All timely submitted written statements shall be considered by the District and made a part of the rulemaking record.

(10) Emergency Rule Adoption. The Board may adopt an emergency rule if it finds subject to its jurisdiction and single purpose under the Act 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 practical 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 subject to and as limited by its jurisdiction and single purpose under the Act and otherwise complies with these provisions

(11) Negotiated Rulemaking. The District may use negotiated rulemaking in developing and adopting rules pursuant to Section 120.54, FLORIDA STATUTES.

(12) Variances and Waivers. Variances and waivers from District rules may be granted subject to the provisions and limitations contained in Section 120.542, FLORIDA STATUTES.

Specific Authority:

Sections 190.001(5) and 190.012;
Section 120.53(4), Florida Statutes.

Law Implemented:

Section 190.012(3), Florida Statutes;
Sections 120.525; 120.53(4) and 120.54 FLORIDA
STATUTES.

1.6 Decisions Determining Substantial Interests.

(1) Conduct of Proceedings. Proceedings may be held by the District in response to a written request submitted by a substantially affected person (but only subject to and as limited by the District's special single purpose) within fourteen (14) days after written notice or published notice of District action or notice of District intent to render a decision. Notice of both action taken by the District and the District's intent to render a decision shall state the time limit for requesting a hearing and shall reference the District's procedural rules. If a hearing is held, the chair shall designate any member of the Board (including the Chair), District Manager, District General Counsel, or other person to conduct the hearing.

The person conducting the hearing may:

1. Administer oaths and affirmations;
2. Rule upon offers of proof and receive relevant evidence;
3. Regulate the course of the hearing, including any prehearing matters;
4. Enter orders;
5. Make or receive offers of settlement, stipulation, and adjustment.

(a) The person conducting the hearing shall, within thirty (30) days after the hearing or receipt of the hearing transcript, whichever is later, file a recommended order with the Secretary which shall include a caption, time and place of hearing, appearances entered at the hearing, statement of the issues, findings of fact and conclusions of law, separately stated, and a recommendation for final District action.

(b) The District shall issue a final order within forty-five (45) days:

1. After the hearing is concluded, if conducted by the Board;
2. After a recommended order is submitted to the Board and mailed to all parties, if the hearing is conducted by persons other than the Board; or
3. After the Board has received the written and oral material it has authorized to be submitted, if there has been no hearing.

(2) Eminent Domain. After determining the need to exercise the limited power of eminent domain pursuant to Section 190.011(11), Florida Statutes, the District shall follow those procedures prescribed in Chapters 73 and 74, FLORIDA STATUTES. Prior to exercising the power of eminent domain, the District shall:

- (a) Adopt a resolution identifying the property to be taken;

(b) If the property is beyond the boundaries of the District, obtain approval by resolution of the governing body of the county if taking will occur in an unincorporated area, or of the municipality if the taking will occur within the municipality.

Specific Authority:

Sections 190.011(5) and 190.012(3),
Florida Statutes; Section 120.53(4), FLORIDA
STATUTES.

Law Implemented:

Section 190.011(11), Florida Statutes;
Sections 120.525; 120.53(4) and 120.54 FLORIDA
STATUTES.

1.7 Procedure Under Consultants' Competitive Negotiations Act.

In order to comply with the requirements of Sections 190.003(2) and 287.055, FLORIDA STATUTES (regarding certain types of professional services), the following procedures are outlined for selection of firms or individuals to provide professional services exceeding the thresholds herein described and in the negotiation of such contracts.

(1) Definitions.

(a) "Professional services" means those services within the scope of the practice of architecture, professional engineering, landscape architecture or registered surveying and mapping, as defined by the laws of Florida, or those performed by any architect, professional engineer, landscape architect or registered surveyor and mapper, in connection with the firm's or individual's professional employment or practice.

(b) "Project" means that fixed capital outlay study or planning activity when basic construction cost is estimated by the District to exceed the threshold amount provided in Section 287.017, FLORIDA STATUTES, for CATEGORY FIVE (\$250,000.00), 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 (\$25,000.00), as such categories may be amended from time to time by the State of Florida Department of Management Services to reflect inflation or other measures.

(c) A "continuing contract" is a contract for professional services (of a type described above), entered into in accordance with this rule, between the District and a firm whereby the firm provides professional services for the District for work of a specified nature with no time limitation, except that the contract shall provide a termination clause.

(d) "Emergency purchase" is a purchase necessitated by a sudden unexpected turn of events (e.g., acts of God, riot, fires, floods, hurricanes, accidents or any circumstances or cause beyond the control of the Board in the normal conduct of its business) where the delay incident to competitive bidding would be detrimental to the interests of the District in implementing its single, special purpose.

(e) These definitions are limited by and subject to the limited, special and single purpose and to the power of the District under the Act.

(2) Qualifying Procedures. In order to be eligible to submit a bid proposal, a firm must, at the time of receipt of the bid:

(a) Hold all required applicable state professional licenses in good standing.

(b) Hold all required applicable federal licenses in good standing, if any.

(c) If the bidder is a corporation, hold a current and active Florida corporate charter or be authorized to do business in Florida in accordance with Chapter 607, FLORIDA STATUTES.

(d) Meet any prequalification requirements set forth in the project or bid specifications. Qualification standards may include but are not limited to, capability and adequacy of personnel, past record, and experience of the bidding entity.

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

(3) Public Announcement. Prior to a public announcement that professional services are required for a project, the Board shall identify the project as meeting the threshold requirement. Except in cases of valid public emergencies as certified by the Board, the District shall announce each occasion when professional services are required for a project by publishing a notice providing a general description of the project and the method for interested consultants to apply for consideration. The notice shall appear in at least one newspaper of general circulation in the District and in such other places as the District deems appropriate. The District may maintain lists of persons interested in receiving such notices. These persons are encouraged to submit annually statements of qualifications and performance data. Persons who provide their name and address to the District office for inclusion on the list shall receive notices by mail. The Board has the right to reject any and all bids, and such reservation shall be included in the public announcement. Bidders not receiving a contract award shall not be entitled to recover any costs of bid preparation or submittal from the District.

(4) Competitive Selection.

(a) The Board shall review and evaluate the data submitted in response to the notice described above regarding qualifications and performance ability, as well as any statements of qualifications on file. The Board may conduct discussions with, and may require public presentation by firms regarding their qualifications, and/or public presentation, select and list the firms, in order of preference, deemed to be the most highly capable and qualified to perform the required professional services, after considering these and other appropriate criteria:

1. The ability and adequacy of the professional personnel employed by each firm.
2. Each firm's past performance for the District in other professional employment settings.
3. The willingness of each firm to meet time and budget requirements.
4. The geographic location of each firm's headquarters or office in relation to the project.
5. The recent, current and projected workloads of each firm.

6. The volume of work previously awarded to each firm.

7. Whether a firm is a certified minority business enterprise.

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

(c) If the selection process is administered by any person other than the full Board, the selection made will be presented to the full Board with a recommendation that competitive negotiations be instituted with the selected firms in order of preference listed.

(5) Competitive Negotiation.

(a) After the Board has authorized the beginning of competitive negotiations, the District may begin such negotiations with the firm listed as most qualified to perform the required professional services.

(b) In negotiating a lump-sum or cost-plus-a-fixed-fee professional contract for more than the threshold amount provided in Section 287.017, FLORIDA STATUTES, for CATEGORY FOUR (\$150,000.00), the firm receiving the award shall be required to execute a truth-in-negotiation certificate stating that "wage rates and other factual unit costs supporting the compensation are accurate, complete, and current at the time of contracting." In addition, any professional service contract under which such a certificate is required, shall contain a provision that "the original contract price and any additions thereto, shall be adjusted to exclude any significant sums by which the Board determines the contract price was increased due to inaccurate, incomplete, or noncurrent wage rates and other factual unit costs.

(c) Should the District within twenty-one (21) days be unable to negotiate a satisfactory agreement with the firm determined to be the most qualified at a price deemed by the District to be fair, competitive and reasonable then unless modified by the Board, negotiations with that firm shall be terminated and the District shall immediately begin negotiations with the second most qualified firm. If a satisfactory agreement with the second firm cannot be reached within twenty-one (21) days (unless modified by the Board to the contrary) those negotiations shall be terminated and negotiations with the third most qualified firm shall be undertaken.

(d) Should the District be unable to negotiate a satisfactory agreement with any of the selected firms within the specified time frame (unless modified by the Board to the contrary) additional firms shall be selected by the District, in order of their competence and qualifications. Negotiations shall continue, beginning with the first-named firm on the list, until an agreement is reached or the list of firms is exhausted.

(e) Once an agreement with a firm or individual is reached, notice of the award or intent to award, including the rejection of some or all bids, shall be provided in writing to all

bidders by United States Mail, by hand delivery, or by overnight delivery service, and by posting same in the District office for seven (7) days.

(6) Continuing Contract. Nothing in this Rule shall prohibit a continuing contract between a firm or an individual and the District.

(7) Emergency Purchase. The District may make an emergency purchase without complying with these Rules. The fact that an emergency purchase has occurred or is necessary shall be noted in the minutes of the next Board meeting.

Specific Authority: Section 190.011(5) and 190.012(3),
Florida Statutes; Section 120.53(4), FLORIDA
STATUTES.

Law Implemented: Sections 287.055 and 190.033(2),
Florida Statutes; Sections 120.525; 120.53(4) and
120.54 FLORIDA STATUTES.

1.8 Purchase of Goods, Supplies or Materials.

(1) Scope. All purchases of goods, supplies or materials exceeding the amount provided in Sections 190.033(1) and 287.017, Florida Statutes, for category four (\$150,000.00), as such category may be amended from time to time, shall be purchased under the terms of these Rules. Contracts for purchases of "goods, supplies and materials" do not include printing, insurance, advertising or legal notices.

(2) Definitions.

(a) "Invitation to Bid" is a written solicitation for sealed bids with the title, date and hour of the public bid opening designated specifically and defining the commodity involved. It includes printed instructions prescribing conditions for bidding, evaluation criteria, and provides for a manual signature of an authorized representative.

(b) "Request for Proposal" is a written solicitation for sealed proposals with the title, date and hour of the public opening designated and requiring the manual signature of an authorized representative. It may provide general information, applicable laws and rules, statement of work, functional or general specifications, proposal instructions, work detail analysis and evaluation criteria as necessary.

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

(d) "Lowest responsible bid/proposal" means, in the sole discretion of the Board, the bid or proposal (i) submitted by a person or firm capable and qualified in all respects to perform fully the contract requirements and with the integrity and reliability to assure good faith performance, (ii) is responsive to the invitation to bid or request for proposal as determined by the Board, and (iii) is the lowest cost to the District. Minor variations in the bid may be waived by the Board. Mistakes in arithmetic extension of pricing may be corrected by the Board. Bids may not be modified after opening.

(e) "Goods, supplies and materials" do not include printing, insurance, advertising, or legal notices.

(f) "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.

(g) "Emergency purchase" means a purchase necessitated by a sudden unexpected turn of events (e.g. acts of God, riot, fires, floods, hurricanes, accidents, or any circumstances or cause beyond the control of the Board in the normal conduct of its business), where the Board finds that the delay incident to competitive bidding would be detrimental to the interests of the District.

(h) These definitions are limited by and subject to the limited, special and single purpose and to the power of the District under the Act.

(3) Procedure. When a purchase of goods, supplies or materials is within the scope of this Rule, the following is appropriate:

(a) The Board shall cause to be prepared an Invitation to Bid or Request for Proposal, as appropriate.

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

(c) The District may maintain lists of persons interested in receiving notices of invitations to bid or requests for proposals. Persons who provide their name and address to the District office for inclusion on the list shall receive notices by mail.

(d) Bids or proposals shall be opened at the time and place noted on the Invitation to Bid or Request for Proposal. Bids and proposals shall be evaluated in accordance with the invitation or request and these Rules.

(e) The Lowest Responsive and Responsible Bid or Proposal shall be accepted; however, the Board shall have the right to reject all bids, either because they are too high or

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

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

(g) If only one response to an Invitation to Bid or Request for Proposal is received, the District may proceed with the procurement for goods, supplies or materials. If no response to an Invitation to Bid or Request for Proposal is received, the District may take whatever steps are reasonably necessary in order to proceed with the procurement of goods, supplies or materials.

(h) 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:

Sections 190.011(5) and 190.012(3),
Florida Statutes; Section 120.53(4), FLORIDA
STATUTES.

Law Implemented:

Sections 190.033(1) and 287.017,
Florida Statutes; Sections 120.525; 120.53(4) and
120.54 FLORIDA STATUTES.

1.9 Contracts for Construction of Authorized Project.

(1) Scope. All contracts for the construction or improvement of any building, structure or other public construction works authorized by Section 190.033(1), Florida Statutes, the costs of which are estimated by the District in accordance with generally accepted cost accounting principles to be in excess of the threshold amount for applicability of Section 255.20, FLORIDA STATUTES, as that amount may be indexed or amended from time to time, shall be let under the terms of these Rules and comply with the bidding procedures of Section 255.20, FLORIDA STATUTES, as the same may be amended from time to time. In the event of conflict between these Rules and Section 255.20, FLORIDA STATUTES, the later shall control. A project shall not be divided solely to avoid the threshold bidding requirements.

(2) Procedure.

(a) Notice of Invitation to Bid or Request for Proposals shall be advertised at least once in a newspaper of general circulation in the District. The notice shall allow at least twenty-one (21) days for submittal of sealed bids, unless the Board, for good cause, determines a shorter period of time is appropriate. Any project projected to cost more than \$500,000 must be noticed at least 30 days prior to the date for submittal of bids.

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

(c) To be eligible to submit a bid or proposal, a firm or individual must, at the time of receipt of its bid or proposal:

1. Hold all required applicable state professional licenses in goodstanding.
2. Hold all required applicable federal licenses in good standing, if any.

3. If the bidder is a corporation, hold a current and active Florida corporate charter or be authorized to do business in Florida in accordance with Chapter 607, FLORIDA STATUTES.

4. Meet any special prequalification requirements set forth in the bid/proposal specifications.

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

(d) Bids or proposals shall be opened at the time, date and place noted on the Invitation to Bid or Request for Proposals. Bids and proposals shall be evaluated in accordance with the Invitation or Request and these Rules.

(e) To assist in the determination of the lowest responsive and responsible bidder, the District may invite public presentation by firms regarding their qualifications, approach to the project, and ability to perform the contract in all respects.

(f) In determining the lowest responsive and responsible bidder, the District may consider, in addition to factors described in the Invitation to Bid or Request for Proposal, the following:

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

(g) The Lowest Responsive and Responsible Bid/Proposal shall be accepted; however, the Board shall have the right to reject all bids, either because they are too high or because the Board determines it is in the best interests of the District. The Board may require bidders to furnish performance and/or other bonds with a responsible surety to be approved by the Board. If the Board receives fewer than three responses to an Invitation to Bid or Request for Proposal, the Board, may, in its discretion, re-advertise for additional bids without rejecting any submitted bid. In the event the bids exceed the amount of funds available to or allocated by the District for this purchase, the bids may be rejected. Bidders not receiving a contract award shall not be entitled to recover any costs of bid preparation or submittal from the District.

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

Specific Authority:

Sections 190.011(5) and 190.012(3),
Florida Statutes; Section 120.53(4), FLORIDA
STATUTES.

Law Implemented:

Sections 255.20 and 190.033(1),
Florida Statutes; Sections 120.525; 120.53(4) and
120.54 FLORIDA STATUTES.

1.10 Contracts for Maintenance Services.

(1) Scope. All contracts for maintenance of any District facility or project shall be let under the terms of these Rules in compliance with the Act and if the cost exceeds the amount provided in Sections 287.017, FLORIDA STATUTES, for CATEGORY FOUR (\$150,000.00), Sections 190.033(3) and 190.033(1), Florida Statutes, as such category may be indexed or amended from time to time by the State of Florida Department of Management Services. The maintenance of these facilities or projects may involve the purchase of contractual services and/or goods, supplies or materials as defined in herein. Where a contract for maintenance of such a facility or project includes goods, supplies or materials and/or contractual services, the District may, in its sole discretion, award the contract according to the Rules in this subsection in lieu of separately bidding for maintenance, goods, supplies or materials, and contractual services. However, a project shall not be divided solely in order to avoid the threshold bidding requirements.

(2) Procedure.

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

(b) The District may maintain lists of persons interested in receiving notices of invitations to bid or requests for proposals. Persons who provide their name and address to the District office for inclusion on the list shall receive notices by mail.

(c) In order to be eligible to submit a bid or proposal, a firm or individual must, at the time of receipt of the bids or proposals:

1. Hold the required applicable state professional license in good standing.
2. Hold all required applicable federal licenses in good standing, if any.
3. Hold a current and active Florida corporate charter or be authorized to do business in Florida in accordance with Chapter 607, FLORIDA STATUTES if the bidder is a corporation.

4. Meet any special prequalification requirements set forth in the bid proposal specifications.

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

(d) Bids or proposals shall be opened at the time, date and place noted on the Invitation to Bid or Request for Proposal. Bids and proposals shall be evaluated in accordance with the invitation or request and these Rules.

(e) To assist in the determination of the lowest responsive and responsible bidder, the District Representative may invite public presentation by firms regarding their qualifications, approach to the project, and ability to perform the contract in all respects.

(f) In determining the lowest responsive and responsible bidder, the District Representative may consider, in addition to factors described in the Invitation to Bid or Request for Proposal, the following:

1. The ability and adequacy of the professional personnel employed by each bidder or proposer.

2. The past performance of each bidder or proposer for the District and in other professional employment settings.

3. The willingness of each bidder or proposer to meet time and budget requirements.

4. The geographic location of each bidder or proposer's headquarters or office in relation to the project.

5. The recent, current and projected workloads of the bidder or proposer.

6. The volume of work previously awarded to each bidder or proposer.

7. Whether the cost components of each bid or proposal are appropriately balanced

8. Whether a bidder or proposer is a certified minority business enterprise.

(g) The lowest responsive and responsible bid/proposal shall be accepted; however, the Board shall have the right to reject all bids, either because they are too high or because the Board determines it is in the best interests of the District. The Board may require bidders or proposers to furnish performance and/or other bonds with a responsible surety. If the Board receives fewer than three responses, the Board may, in its discretion, re-advertise for additional

bids or proposals without rejecting any submitted bid or proposal. In the event the bids or proposals exceed the amount of funds available to or allocated by the District for this purchase, all bids/proposals may be rejected. Bidders or proposers not receiving a contract award shall not be entitled to recover any costs of bid/proposal preparation or submittal from the District.

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

Specific Authority: Sections 190.011(5) and 190.012(3),
Florida Statutes; Section 120.53(4), FLORIDA
STATUTES.

Law Implemented: Sections 190.033(3) and (1) and
287.017, Florida Statutes; Sections 120.525;
120.53(4) and 120.54 FLORIDA STATUTES.

1.11 Design Build Contract Competitive Proposal Selection Process

(1) Scope.

The District may utilize design/build contracts for any public construction project for which the Board determines that use of such 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) when developing a design criteria package, evaluating the responses or bids submitted by design-build firms, and determining compliance of the project construction with the design criteria package. The design criteria professional may be an employee of the District or may be retained using Rule 1.7, Procedure under Consultants' Competitive Negotiations Act.

(b) A design criteria package for the construction project shall be developed and sealed by the design criteria professional. The package shall include concise, performance-oriented drawings or specifications of the project, and shall include sufficient information to put interested firms on notice of substantially all of the requirements of the project. If the project utilizes existing plans, the design criteria professional shall create a design criteria package by supplementing the plans with project specific requirements, if any. All design criteria packages shall require firms to submit information regarding the qualifications, availability, and past work of the firms, including the partners and members thereof.

(c) The Board, in consultation with the design criteria professional, shall establish the standards and procedures for the evaluation of design-build proposals based on price, technical, and design aspects of the project, weighted for the project.

(d) After 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 seven (7) days for submittal of proposals, unless the Board, for good cause, determines a shorter period of time is appropriate.

2. The District may maintain qualification information, including: capabilities, adequacy of personnel, past record, experience, whether the firm is a certified minority business enterprise as defined by the Florida Small and Minority Business Assistance Act of 1985, and other factors, on design-build firms. Such firms shall receive a copy of the request for proposals by mail.

3. In order to be eligible to submit a proposal: a firm must, at the time of receipt of the proposals:

a. Hold the required applicable state professional license in good standing, as defined by 287.055 (2) (h);

b. Hold all required applicable federal licenses in good standing, if any;

c. Hold a current and active Florida corporate charter or be authorized to do business in Florida in accordance with Chapter 607, FLORIDA STATUTES, if the bidder is a corporation;

d. Meet any special prequalification requirements set forth in the design criteria package.

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

(e) Unless sole source procedures under the law apply, the board shall select no fewer than three design-build firms as the most qualified and responsive, based on the information submitted in the response to the request for proposals, and in consultation with the design criteria professional, shall evaluate their proposals based on the evaluation standards and procedures established prior to the solicitation of requests for proposal.

(f) The board shall negotiate a contract with the firm ranking the highest based on the evaluation standards, and shall establish a price which the board determines 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. Failing accord with the second most qualified firm, the board must terminate negotiations. The board shall then undertake negotiations with the third firm. Should the board be unable to negotiate a satisfactory contract with any of the selected firms, the board shall select additional firms in order of their rankings based on the evaluation standards and continue negotiations until an agreement is reached.

(g) After the board contracts with a firm, the firm shall bring to the Board for approval, detailed working drawings of the project.

(h) The design criteria professional shall evaluate the compliance of the project construction with the design criteria package, and shall provide the Board with a report of the same.

(3) Emergency Purchase. The Board may, in case of public emergency, declare an emergency and immediately proceed with negotiations with the best qualified design-build firm available at the time. The fact that an emergency purchase has occurred shall be noted in the minutes of the next board meeting.

Specific Authority:

Sections 190.011(5) and 190.012(3),
Florida Statutes; Section 120.53(4), FLORIDA
STATUTES.

Law Implemented:

Section 190.011(15), Florida Statutes;
Sections 120.525; 120.53(4) and 120.54 FLORIDA
STATUTES.

1.12 Purchase of Insurance.

(1) Scope. The purchase of life, health, accident, hospitalization, legal expense or annuity insurance, or all or any kind of such insurance for the officers and employees of the District, and for health, accident, hospitalization and legal expense insurance for the dependents of such officers and employees upon a group insurance plan by the District, shall be governed by the Act and these Rules. This rule section does not apply to independent contractors. Nothing in this Rules shall require the District to purchase insurance.

(2) Procedure. For a purchase of insurance within the scope of these Rules, the following procedure shall be followed:

(a) The Board shall cause to be prepared a Notice of Invitation to Bid.

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

(c) The District may maintain a list of persons interested in receiving notices of invitations to bid. Persons who provide their name and address to the District office for inclusion on the list shall receive notices by mail.

(d) Bids shall be opened at the time and place noted on the Invitation to Bid.

(e) If only one response to an Invitation to Bid is received, the District may proceed with the purchase. If no response to an Invitation to Bid is received, the District may take whatever steps are reasonably necessary in order to proceed with the purchase.

(f) The Board has the right to reject any and all bids and such reservations shall be included in all solicitations and advertisements.

(g) Simultaneously with the review of the submitted bids, the District may undertake negotiations with those companies which have submitted reasonable and timely bids and, in the opinion of the District, are fully qualified and capable of meeting all services and requirements. Bid responses shall be evaluated in accordance with the specifications and criteria contained in the Invitation to Bid; in addition, the total cost to the District, the cost, if any, to District officers, employees, or their dependents, the geographic location of the company's headquarters and offices in relation to the District, past performance for the District, and the ability of the company to guarantee premium stability may be considered. A contract to purchase insurance shall be awarded to that company whose response to the Invitation to Bid best meets the overall need of the District, its officers, employees and/or dependents.

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

Specific Authority:

Sections 190.011(5) and 190.012(3);
Section 120.53(4), FLORIDA STATUTES.

Law Implemented:

Section 190.011(15), Florida Statutes;
Sections 112.08; 120.525; 120.53(4) and 120.54
FLORIDA STATUTES.

1.13 Bid Protests Under Consultants' Competitive Negotiations Act.

Notwithstanding any other provision in these Rules, and limited by and subject to Section 190.033(2), Florida Statutes, the resolution of any protests regarding the decision to solicit or award a contract for a bid or proposal under Sections 1.7 or 1.11 of these Rules shall be in accordance with this section.

(1) Notice. The District shall give all bidders written notice of its decision to award or intent to award a contract (including rejection of some or all bids) by United States Mail, by hand delivery, or by overnight delivery service, and by posting same in the District office for seven (7) days. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 1.14 of the Rules of the Colonial Country Club Community Development District shall constitute a waiver of proceedings under those Rules."

(2) Filing. Any person who is affected adversely by the District's decision or intended decision shall file with the District a notice of protest within seventy-two (72) hours after the posting of the final bid tabulation or after receipt of the notice of the District decision or intended decision, and shall file a formal written protest within seven (7) days after the date of filing of the notice of protest. The notice of protest shall identify the procurement by title and number or any other language that will enable the District to identify it, shall state that the person intends to protest the decision, and shall state with particularity the law and facts upon which the protest is based. With respect to a protest of the specifications contained in an Invitation to Bid or in a Request for Proposals, the notice of protest shall be filed in writing within seventy-two (72) hours after the receipt of notice of the project plans and specifications (or intended project plans and specifications) in an Invitation to Bid or Request for Proposals, and the formal written protest shall be filed within seven (7) days after the date when notice of protest is filed. Failure to file a notice of protest (or failure to file a formal written protest) shall constitute a waiver of all further proceedings.

(3) Award Process. Upon receipt of a notice of protest which has been timely filed, the District shall stop the bid solicitation process (or the contract and award process) until the subject of the protest is resolved. However, if the District sets forth in writing particular facts and circumstances which require the continuance of the process without delay in order to avoid an immediate and serious danger to the public health, safety, or welfare, the award process may continue.

(4) Mutual Agreement. The District, on its own initiative or upon the request of a protester, shall provide an opportunity to resolve the protest by mutual agreement between the parties within (7) days (excluding Saturdays, Sundays and legal holidays) upon receipt of a formal written request.

(5) Proceedings. If the subject of a protest is not resolved by mutual agreement, a proceeding shall be conducted in accordance with the procedural guidelines set forth in Section 1.6.

Specific Authority:

Sections 190.011(5) and 190.012(3),
Florida Statutes; Section 120.53(4), FLORIDA
STATUTES.

Law Implemented:

Sections 190.011(15) and 190.033(2),
Florida Statutes; Section 120.53(4), FLORIDA
STATUTES.

1.14 Bid Protests Relating to Any Other Award.

Notwithstanding any other provision in these Rules, and subject to and in compliance with Chapter 190, Florida Statutes, the resolution of any protests regarding the decision to solicit or award a contract for a bid or proposal under Sections 1.8, 1.9, 1.10, or 1.11 of these Rules shall be in accordance with this Section 1.14.

(1) Notice. The District shall give all bidders written notice of its decision to award or intent to award a contract --including rejection of some or all bids--by United States Mail, by hand delivery, or by overnight delivery service, and by posting same in the District office for seven (7) days.

(2) Filing. Any person who is affected adversely by the District's decision or intended decision shall file with the District a notice of protest in writing within seventy-two (72) hours after the posting of the final bid tabulation or after receipt of the notice of the District decision or intended decision, and shall file a formal written protest within seven (7) days after the date of filing of the notice of protest. The formal written protest shall state with particularity facts and law upon which the protest is based. Failure to timely file a notice of protest or failure to timely file a formal written protest shall constitute a waiver of all further proceedings.

(3)Award Process. Upon receipt of a notice of protest which has been timely filed, the District shall stop the bid solicitation process or the contract and award process until the subject of the protest is resolved. However, if the District sets forth in writing particular facts and circumstances which require the continuance of the process without delay in order to avoid an immediate and serious danger to the public health, safety, or welfare, the award process may continue.

(4)Mutual Agreement. The District, on its own initiative or upon the request of a protester, shall provide an opportunity to resolve the protest by mutual agreement between the parties within five (5) days (excluding Saturdays, Sundays and legal holidays) of receipt of a formal written protest.

(5)Hearing. If the subject of a protest is not resolved by mutual agreement, the District shall hold a proceeding in accordance with the procedural guidelines set forth in Section 1.6.

Specific Authority:

Sections 190.011(5) and 190.012(3),
Florida Statutes; Section 120.53(4), FLORIDA
STATUTES.

Law Implemented:

Sections 190.011(15) and 190.033,
Florida Statutes; Section 120.53(4), FLORIDA
STATUTES.

1.15 Continuing and Full Disclosure of Public Financing, Other Disclosures and Related Reports and Notice of Establishment.

Continuing and Full Disclosure of Public Financing involves both general matters (including definitions) and specific matters.

(1) Applicability; Rulemaking; Purpose. The Board of the District shall apply these rules to provide continuing and full disclosure of public financing and of maintenance of improvements of the District pursuant to and as limited by Chapter 190, Florida Statutes.

1-1.002 Definitions.

(2) Definitions.

(a) "Charter" means the Charter of the District as created by and expressly set forth in Section 190.004(4), Florida Statutes; Sections 190.006 – 190.041, Florida Statutes, and as confirmed by Section 189.4031(2), Florida Statutes.

(b) "Continuing full disclosure" means full disclosure no less frequently than annually or as major, relevant and material information changes.

(c) "Developer" means a person(s), including an individual(s), partnership(s), or corporation(s), limited liability companies, limited liability limited partnerships, limited liability partnerships, or other business organization(s), or a family(ies) who undertakes the preparation of land for residential development or who is either a home builder or contracts with home builders for the construction of the residential units on the land being prepared, or who builds or contracts to build other residential subdivisions within the boundaries and jurisdiction of the District.

(d) "Full disclosure" means the making known, pursuant to this rule, District public financing information at a level of detail that is fair, understandable and reasonable, with notification where details and backup information can be obtained, and this disclosure shall be in good faith as of the date disclosed and is subject to change from time to time pursuant to noticed public hearings and legal procedure. This disclosure is to be made to those persons set forth in (e) below.

(e) Definitions of those to whom this disclosure is to be made known:

1. "Prospective resident(s)" means any person of the general public who by telephone, email, facsimile, U.S. mail or by in person visit to a developer or a landowner or the District or its officers, employees, agents or representatives makes inquiries before there is any interest in negotiating a contract contacts for purchase;

2. "Prospective initial purchaser" is a prospective resident who is ready to and is interested in negotiating for an initial purchase contract to be signed;

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and 3. "Parties to a contract" means those who execute a contract for purchase;

4. "Existing residents" means those residents, both landowners and non-landowners, who live within the boundaries of, and subject to, the jurisdiction of the District.

Deleted:

(f) "Public financing" or "district public financing" means all revenues levied by the Board of the District and any indebtedness issued or entered into by the Board on behalf of the District, in order to carry out its single purpose and to exercise its powers under its charter, including but not limited to such revenues as those which are liens on the real property (either ad valorem taxes or non-ad valorem assessments) and those which are non-lienable and user-based (service charges or fees); the bonds or debt financing, if any, to which these revenues apply to amortize the debt borrowed; the specific on-going maintenance cost to which the revenues may be applied; the fact that other or additional revenue and any related debt may be levied and issued from time to time in the future and the related notices and opportunities to review materials and to approve materials or to ask questions as noticed board hearings before any such levy or issue is decided upon.

(g) "Maintenance of improvements to real property" means the function by the District to manage, and the related financing of such management, of the basic systems, facilities, services, projects and improvements to the property over the long term at sustained levels of quality.

(h) "Notice of creation and establishment" means the document known as the "Notice of Creation and Establishment of the Colonial Country Club Community Development District" recorded in the Property Records in Lee County, which shall at a minimum include the legal description of the land area subject to the jurisdiction of the District and copy of the Disclosure Statement which must attend any contract for the initial purchase of property within the District, all as provided in Section 190.0485, Florida Statutes.

(i) "Public Facilities Report" means the report submitted annually to the Lee County Board of County Commissioners pursuant to Section 189.415(2), FLORIDA STATUTES.

(3) The District. The District, pursuant to its Charter, makes it the express responsibility of the Chair of the Board of Supervisors of the District, or his or her designee, who may be the manager of the District, to administer this rule and to report a minimum of every six (6) months to the Board on the status of continuing full disclosure and to make recommendations on how to improve the continuing full disclosure requirement.

(4) Availability of Forms and Records; Inspection. The Manager and Secretary of the District shall maintain all records and applicable forms and may be contacted for the purpose of obtaining information as to access to forms or records, including public financing records, and maintenance of records as may be required for purposes of this rule. All District records are public and shall be made available for inspection and copying pursuant to applicable general law of Florida.

(5) Pursuant to this rule, the Chair of the Board or her or his designee shall make a presentation every six (6) months to the Board of Supervisors for a determination of what constitutes "Public Financing" for the purpose of continuing full disclosure. The Board shall give the Chair or his or her designee authority and the duty to add specific information in good faith as it becomes available during each six month period, so long as copies are given timely to the Board members.

(6) Forms. Public financing as defined and determined under the Rule shall be reduced to a printed form adopted by the Board and as updated on a continual basis as provided in this Rule. The forms shall be available and distributed along with any applicable brochures or any other documents which may be available from time to time.

(7) Availability of District Public Financing Information to Existing Residents. District public financing forms, as defined and determined under this Rule, shall be available physically as updated at the District office for inspection under Florida law and by web site if and when available.

(8) Availability of District Public Financing Information to Prospective Residents of the District. District public financing forms shall be provided by the District Manager for distribution to all prospective residents at the time requested.

(9) Availability of District Public Financing Information to All Existing Residents of the District. District financing forms and related brochures shall be made available by the District Manager to all existing residents on at least an annualized basis as approved by the Board.

(10) The Public Facilities Report of the District shall be sent with a letter of transmittal to the Chair of the Lee County Board of County Commissioners from the Chair of the District Board of Supervisors (or her or his written designee).

Specific Authority:

Sections 190.011(5) and 190.012(3),
Florida Statutes; Section 120.53(4), FLORIDA
STATUTES

Law Implemented:

Sections 190.009; 190.0485; and
190.048, Florida Statutes; Section 120.53,
FLORIDA STATUTES

Deleted:

Deleted: and again at the time of execution of the contract for sale with a receipt signed and returned for filing with the purchase contract

Deleted: (9) . Availability of District Public Financing Information to Prospective Initial Purchasers. District public financing forms and/or brochures shall be provided by the District Manager for distribution at all respective initial purchasers outlining the short term and long term benefits of the District and how those benefits are financed and disclosed to anyone who becomes an existing resident of the District. ¶

Deleted: (10) . Availability of District Public Financing and Maintenance of Improvements Information to Parties to a Contract for Purchase at the Time of Execution of the Contract. District public financing forms and brochures shall be provided by the District Manager for distribution to all parties who are present to sign the contract for purchase at the time of signing and of execution of the contract for sale with the specific disclosure requirements of Section 190.048, Florida Statutes, in bold face and conspicuous type in the contract for sale immediately above the signature block. ¶

Deleted: 11

Deleted: (12) . Procedures for the District to Furnish Each Developer of a Residential Development within the District copies of the District Public Financing Information for provision to each Prospective Purchaser. The District Manager shall provide a current and updated copy of the District public financing form to each developer as defined in this Rule with a letter of instruction to each such developer on the duty to disclose District public financing information to each prospective purchaser as defined in this Rule. ¶

(13) . District Public Financing Information shall be included in any Public Offering Statement of a Developer when said Developer is required by law to provide a Public Offering Statement. The District Manager shall, by letter, in such form and substances as approved especially by the Board of Supervisors of the District, at least once annually, inform any developer of lands within the District who is required by law to provide a Public Offering Statement. The requirement from the District Board of Supervisors that said developer shall include in any such Public Offerin ... [1]

Deleted: 14

1.16 Vendor Purchase Policy.

(1) The District shall adopt a Vendor Purchase Policy (and attached to and pursuant to these Rules) to promote public confidence and protect the interest of landowners and residents and help implement the single and specialized purpose of the District. To the extent practicable, the terms of this policy shall be incorporated into any other written agreements between vendor and District but this policy shall govern to the extent of any inconsistency with any other written provisions between vendor and District.

(2) "Vendor" or "Vendors" other than the District manager, engineer or general counsel shall mean those persons selling goods or services including professional services to the Colonial Country Club Community Development District ("District") pursuant to written agreement or otherwise.

(3) The District shall ensure that each vendor receives a copy of its adopted policy and agrees to abide by its terms as indicated by the vendor's signature.

Specific Authority:

Sections 190.011(5) and 190.012(3),
Florida Statutes; Section 120.53(4), FLORIDA
STATUTES

Law Implemented:

Section 190.011(15), Florida
Statutes; Section 120.53(4), FLORIDA STATUTES

1.17 Effective Date.

These Rules shall be effective as of the date of adoption and official promulgation

(12) Procedures for the District to Furnish Each Developer of a Residential Development within the District copies of the District Public Financing Information for provision to each Prospective Purchaser. The District Manager shall provide a current and updated copy of the District public financing form to each developer as defined in this Rule with a letter of instruction to each such developer on the duty to disclose District public financing information to each prospective purchaser as defined in this Rule.

(13) District Public Financing Information shall be included in any Public Offering Statement of a Developer when said Developer is required by law to provide a Public Offering Statement. The District Manager shall, by letter, in such form and substances as approved especially by the Board of Supervisors of the District, at least once annually, inform any developer of lands within the District who is required by law to provide a Public Offering Statement. The requirement from the District Board of Supervisors that said developer shall include in any such Public Offering Statement District public financing information and a requirement that proof thereof be provided to the District Manager for filing in the District records.