

Agenda
Bayshore Gardens Park & Recreation District
Policy and Procedure Committee Meeting
Tuesday; April 12, 2022 at 7:00 P.M.

1. Roll Call
2. Marina Vessel Slip Deposit Contract - 1005SDC
3. Marina Slip Contract – 1005C
4. Review Legal Opinion for Swimming Pool Project
5. Additional Items as Needed
6. Adjourn

Pursuant to Section 286.26, Florida Statutes, and the Americans with Disabilities Act, any handicapped person desiring to attend this meeting should contact the District Manager at least 48 hours in advance of meeting to ensure that adequate accommodations are provided for access to the meeting.

Pursuant to Section 286.0105, Florida Statutes, should any person wish to appeal a decision of the Board with respect to any matter considered at this meeting, he or she will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is based.

BAYSHORE GARDENS PARK AND RECREATION DISTRICT
MARINA VESSEL SLIP DEPOSIT CONTRACT

1005SDC

DATE: _____

DEPOSIT PAID \$ _____

I/We _____ commit to leasing a marina vessel slip from Bayshore Gardens Park and Recreation District when a slip is available that will accommodate my vessel. I understand that this contract is nonrefundable after September 1, _____ if I do not rent the slip offered. This contract expires on September 30, _____. If a slip is not available my deposit will be refunded. *Marina contract must be completed by September 15, _____.*

Boat length _____ x # of Months _____ X rate _____ \$ _____
Any portion of a foot calculated to next foot. (See rate schedule)

Less Deposit: Resident: \$250.00 \$ _____
(Deposit to be applied to vessel contract when contract executed)

CONTRACT TOTAL: \$ _____

Balance Due When Slip Becomes Available: \$ _____

Lessee Name: _____ Email: _____

Local Street Address: _____ City: _____ State: _____ Zip Code: _____

Home Phone: () _____ Cell: () _____

Out of State Address: _____

When a space is available suitable for your vessel we will call or email you. Please specify your choice for contact. Phone: _____ Email: _____. You will have 7 days from notification a slip is available to execute a slip contract. When you come to the office to complete your contract make sure you have your registration and proof of insurance for your vessel and tow vehicle/s.

Lessee Signature

Date

District Representative

Date

Approved: _____
Effective: _____
Revised: _____

BAYSHORE GARDENS PARK AND RECREATION DISTRICT
MARINA VESSEL SLIP CONTRACT

1005 C

VESSEL SLIP #: _____ BOAT STICKER: Y__ N__ TOTAL CONTRACT FEE \$ _____
TRAILER SPACE #: _____ FOB #: _____ FOB #: _____ FOB #: _____
DECAL #: _____ DECAL #: _____ DECAL #: _____

Boat length _____ x Number of Months _____ x Rate _____ = \$ _____
Any portion of a foot calculated to next foot. (See rate schedule)

ADDITIONAL FOB(S): \$ _____
Sales Tax: \$ _____
Deposit \$250.00 Resident: \$ _____
Deposit \$500.00 Non- Residents: \$ _____

CONTRACT TOTAL: \$ _____

Lessee Name: _____ Email: _____

Lessee Name: _____ Email: _____

Lessee Name: _____ Email: _____

Local Street Address: _____ City: _____ State: _____ Zip Code: _____

Home Phone: () _____ Cell: () _____

Out of State Address: _____

Months at Out of State Address: _____ to _____

Boat Name: _____ Boat Description: _____

Make/Model: _____ Length: _____ ft. Mfg. Year: _____

Vessel Type: _____ Houseboat/Cruiser _____ Runabout _____ Pontoon _____ Sail

Registration State/No.: _____ Proof of Ownership Attached: Yes: _____ No: _____

Proof of \$100,000.00 Vessel Liability Insurance Attached: Yes: _____ No: _____

Each slip lessee is entitled to one Gate FOB, an additional FOB may be purchased for spouse and one for designees' use in an emergency. Lessee designates _____ to use Lessee's FOB to secure the vessel in Lessee's slip. Designee phone #: _____

The term of this lease shall be for the period commencing _____, _____ and ending on September 30, _____, with all payment due upon lease signing. Thereafter any renewals shall be for a period of 12 months commencing October 1st and ending September 30th. Resident shall have an annual lease, but may select a biannual payment. Lease entered into after Oct 1 will run from _____ to September 30, _____. The total number of month's _____ X rate _____ for a total of _____. Renewal will occur on Oct 1st _____.

Bayshore Gardens Park and Recreation District hereafter known as the District, does hereby enter into a contract with the undersigned vessel owner, hereinafter called "Lessee" one space for each boat as described below and said space shall be assigned by Dockmaster at his/her discretion, subject to such rules and regulations as are a part of this agreement. It is understood by the Lessee that District residents have priority consideration over Owner Non-Resident and Owner Non-Resident will have priority for space to a Non-Resident. Should a District owner require a slip leased to a Non-Resident, the Non-resident will be required to leave their leased space at the end of their rental term. District will make every effort to relocate the Lessee. Vessels are subject to be relocated for Residents and Non-Residents to another slip at the discretion of the Dockmaster.

Vacating Slip Under Contract

Non-Resident slip holder including Owner Non-Resident will not receive a refund for surrendering their boat slip early, this is an annual contract. The security deposit will be refunded.

Resident slip holder contract may be prorated and a refund of the unused portion of the contract if the District Office receives notification in writing at least 30 days before expected removal. The proration would be based on the date of removal stated in the 30-day notice and the vessel is removed per the 30-day notice.

The Lessee agrees that he/she shall not sublet the Marina slip or to allow another vessel for any reason to occupy the Lessee's slip space.

Sale of Vessel must be submitted to the District office by the contract holder in writing within 10 days of the sale. The new owner must apply for slip space within 15 days of the purchase. The slip holder of record will be responsible for the slip until new contract is recorded in the District office.

Should a breach of this agreement occur, including a violation of rules/regulations or a failure to remit within 15 days of date of renewal date, a fine of \$100.00 shall be added to amount due. If the amount due is not received within 30 days of renewal date, the vessel will be removed at owner's expense and the lease shall be terminated. The account shall be forwarded to Districts' attorney for action pursuant to Section 328.17, Florida Statutes.

Slip fees shall be set by the Board of Trustees on an annual basis.

MARINA RULES AND REGULATIONS

Lessee agrees to comply with all laws of the State of Florida.

1. The vessel must be measured by the Dockmaster and assigned a slip. If it is found that the vessel does not fit properly in the assigned slip, the renter agrees to remove the vessel from the slip into another slip assigned by the Dockmaster (if another slip is available).
2. The vessel (bow or stern) may not stick out beyond the end of their slip. The vessel (bow or stern) must not come closer than 12 inches to the dock. Boats docked at seawalls, must face the seawall.
3. Stainless steel lag screws, 3/8" in diameter, 6.5" in length will be placed approximately 8 inches down on the piling by the District. Renter may affix swivel block pulleys to lag eye screw, and attach one end of pulley rope weight (concrete blocks are the only acceptable form of weight in District's marina) for boat mooring purposes. Renter will affix the pulley ropes and weight blocks at their own expense and maintenance.
4. Lessee are required (as a bare minimum) to utilize 6 dock lines: 2 fore, 2 aft and 2 Spring Lines - 1 front and 1 back. Dock lines must be maintained in good condition and must be replaced when they begin to show wear. Boats under 27' in length, must use at least 3/8" diameter dock lines. Boats 27'- 30' in length must use at least 1/2" dock lines. Dockmaster may require additional lines for safety. When departing, dock lines are to be place on dock in a safe manner. No lines are to be left lying across walkways.

MARINA RULES AND REGULATIONS CONTINUED

5. Nothing can be constructed on the Pier without the written consent of the Board of Trustees.
6. Vessel must be maintained in operable condition.
7. Bayshore identification stickers will be issued and must be visible on the vessel.
8. While occupying or cruising in the marina area no garbage, refuse matter, sewage or waste material of any type may be thrown, discharged, deposited, or allowed to fall from any boat, car, or dock into the water or upon the docks, slips, spaces, or walkways. The slip area will be maintained neat and orderly at all times.
9. Vessels shall not be stored on trailer in Marina area at any time.
10. Lessee agrees that in case of emergency, the Lessee will move the vessel or cause it to be moved.
11. If an emergency occurs when a vessel is in distress, or is in danger of sinking, and/or causing harm to another vessel or the marina, an attempt to contact the owner will be made by the Dockmaster or District Office. If the Lessee cannot be reached or does not respond, the District may authorize measures to ensure the safety of Lessee's vessel and other vessels in the Marina. A minimum charge for the service will be \$100 for the first hour or any portion thereof: Additional charges may be incurred by Lessee. The District shall not be held responsible or liable for damages to the Lessee's boat.
12. Vessels must be operated in a safe manner at all times.
13. If you fuel in the Marina, you must use a proper gas can. Fuel with extreme caution and report all spills to the Dockmaster or District Office.
14. Air Conditioners may not be running unless someone is onboard the vessel.
15. Electrical supply must conform to current US Coast Guard regulations and/or applicable state and local electrical codes as may pertain to marinas. It is required that water be shut off when the boat is unoccupied. The power to the Marina will be shut off in the event of a storm.
16. No recreational swimming in the Marina.
17. No fishing allowed except in designated areas.
18. Only slip lessee and guests within ten feet of the docks.
19. No smoking or open fires within 50 feet of vessel fueling from approved containers.
20. Slip holder must notify District Office during normal business hours of any person(s) needing access without decal and gate key FOB.
21. No living on board any vessel.
22. No commercial use of any vessel in this marina.

The address of the lessee shown below shall be used for any required notice to a lessee/owner. It is the Lessee's responsibility to keep the contact information current.

Lessee shall present vessel registration at the time of Lease and upon renewal or as necessary to keep current registration on the vessel. Lessee must present proof of a minimum of \$100,000.00 vessel liability insurance at the time of the lease and maintain and provide a Certification of said insurance for the term of the lease and thereafter at each renewal.

PERSONAL INJURY & PROPERTY LOSS

The slip space is to be used at the sole risk of Lessee. Lessee including agents, heirs and assigns, hereby agrees to hold District harmless for any and all liability or damages for personal injury to himself or herself, family, employees, invitees, guests, and agents, arising out of, or in connection with the condition or use of the Lessee's boat, motor and accessories, or the use of the marina premises or facilities. The Lessee, for himself or herself, heirs or assigns, hereby releases, and agrees to indemnify and hold harmless the District from any and all liability for, or loss or damage to the above-described property or the contents thereof, due to fire, theft, collision, windstorm, accident, or like causes. District is not considered under this agreement as an insurer of the Lessee's property. The Lessee shall indemnify and hold harmless the District for any and all loss, injury, death, or damage caused by the leasing of the slip or use of the marina by Lessee or Lessee's guests. Lessee shall be responsible for such indemnity shall include District costs and expenses (including attorneys' fees). No warranty is made as to the condition of the District docks, walks or gangways, ramps, or other District equipment or facilities.

GOVERNING LAW: This lease is governed by the laws of the State of Florida and in the event of any dispute under this lease; venue shall be in the courts in and for Manatee County, Florida.

The Lessee of the boat described above hereby authorizes the District to proceed under Section 328.17, Florida Statutes, after termination or non-renewal of the lease.

All owners and parties on registration must sign this Agreement.

Lessee Signature: _____ Date: _____

Print Name: _____

Lessee Signature: _____ Date: _____

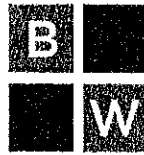
Print Name: _____

Lessee Signature: _____ Date: _____

Print Name: _____

Received By: _____ Date: _____

Date Approved: 8/21/18 *Sharon Denson*
Date Revised: 11/20/18 Revised: 6/18/19 Revised: 8/25/21 Revised: _____
Date Effective: 8/21/18 Retroactive To: 10/1/18



**BLALOCK
WALTERS**
ATTORNEYS AT LAW



RECEIVED
3-9-22

WE MAKE A DIFFERENCE

P.O. Box 469 • Bradenton, Florida 34206-0469
ph: 941.748.0100 fx: 941.745.2093

BAYSHORE GARDENS PARK & RECREATION DISTRICT
6919 26TH STREET WEST
BRADENTON, FL 34207

Page: 1
February 28, 2022
Account # 41972-000
Invoice # 41972-000-25

ATTN: GIA CRUZ

GENERAL REPRESENTATION

SER

For Professional Services Rendered Thru 02/28/2022

			HOURS	
02/07/2022	SER	Meet with Barbara Greenberg	1.00	250.00
02/09/2022	MJP	Research regarding pool request for production; advertising.	2.50	625.00
	MJP	Further review of issues relating to rfp for pool repair and maintenance; outline response to questions posed.	1.40	350.00
	MJP	Prepare written response to questions relating to request for proposal for pool repair and maintenance.	0.80	200.00
	SER	Review bidding issues	0.50	125.00
02/10/2022	MJP	Finalize response to Board regarding pool repair bid.	2.40	600.00
	MJP	Prepare revised response to Board regarding pool repair project.	1.10	275.00
	SER	Continue review of bidding issues, statutes and policies	0.40	100.00
02/14/2022	SER	Continue review follow-up statutes, etc., respond to email inquiry	0.50	125.00
02/15/2022	MJP	Review various communications regarding pool repair bid.	0.40	100.00
02/24/2022	SER	Review and respond to emails, review statutes	0.30	75.00
		TOTAL FOR THE ABOVE SERVICES	11.30	2,825.00
		TOTAL CURRENT WORK		2,825.00
		AMOUNT DUE (includes Previous Balance if shown above)		<u>\$2,825.00</u>



Important - Regarding Swimming Pool

10 messages

District Office <office@bayshoregardens.org>
To: Scott Rudacille <srudacille@blalockwalters.com>
Cc: Morris Raymer <seat04@bayshoregardens.org>

Tue, Feb 8, 2022 at 3:48 PM

Good Afternoon Scott,

I was asked to email you by Morris Raymer, the Chairman of the Board. We had a Special Meeting last night regarding major repairs on our swimming pool.

The Chairman of our House and Grounds Committee, Kyle Weatherly and myself called about 30 or more companies to try and get a quote for our pool which has a really bad leak in it. Everyone we called stated they either didn't have the employees to complete the job or didn't work on pools as large as ours. This was discussed at our January 26th Board Meeting. We were advised that we need to run an ad in the paper and get an RFP together. (Please see attached ad that was run and RFP that was put together)

We also ran an ad to have a Special Meeting on Monday, February 7, 2022, at 6pm to open any bids. (please see attached ad)

Of course, we are getting some push back regarding the way things were done. A resident brought up that it is in non compliance with FS 255.0525 (2), 189.016 (3) as well as 255.20 and the Board approved policy 1008P Procedures A and B. (I have attached all for your convenience)

The question being could this be classified as an emergency? Several residents and Board members felt that it was an emergency since the pool is currently sitting as we continue adding chemicals, when it potentially needs to be drained to fix some of the issues. We had a water bill that was over \$1600.00 because of this leak. We also aren't sure if this leak is causing any major damage underneath the surface. If we do not get this repair scheduled soon the pool will be closed for the upcoming season and some people have already paid for their access for the year.

Can you please look at the RFP that is attached and let us know what you think. Residents are saying the RFP should also have information regarding debris removal, that the contractor needs to be licensed and insured, the start and completion date of the project, and any over runs of funds should be added, but other are stating that these details should be in the contract and worked out before it's approved by the Board? Is there any other information in the RFP that should be added or omitted in your opinion?

To date with the phone calls that Kyle and I have made and with the ad that was placed we had one company that got back to us to look at the pool and provide us with a quote. The total cost for the repair is around \$310,000 and they could get us scheduled for March 1st to start the repairs. We know we have to get this done as soon as possible, but we want to make sure we are in compliance and following proper procedures.

Can you please let us know your opinion on this issue? Lastly, is there any chance you can attend the Board Work Session scheduled tomorrow at 7pm in the Rec. Hall? I know it is short notice and we understand if you can't make it, but if you would be able to at least get me some answers regarding this matter so the Board will have it available tomorrow, it would be greatly appreciated.

Thank you in advance for your help in this matter.

Thank you,

Gia Cruz

Pool R.F.P.

Price to Include:

- Material & Labor.
- No Sales Tax (Tax Exemption)
- New Jet Fittings & Main Drain Covers.
- At least 1 Year Limited Warranty On Work.
- Pool-School.

Scope of Work:

Interior Pool & Spa Finish

- Stonescapes white mini pebble series Throughout pool interior & perimeter gutter. - Drain all water, clean existing surface and apply a two-part bonding agent for proper adhesion. - Initial chemical dosage, surface exposure and power-up/circulation of equipment. - 12x12 VGBA pool main drain grate. - 2x4 pool perimeter gutter drain grates.

Additional Pool Prep

- Water blast and remove the current interior surface layer, exposing the substrate to satisfy proper bonding.

Pool Tile

- 6x6 waterline tile - 2x6 bullnose tile along pool gutter. - 2x6 non-skid bullnose tile along pool entry steps. - 2x2 Belly band tile designating the deep and shallow end of the pool. - 2x2 Lap lane tile along pool floor (6). - Remove all existing tile and prep for new install. - Includes all new current code tile depth markers.

Brick Pavers

- Brick pavers installed throughout area in select pattern/layout. - Grade entire surface area to set proper elevations and pitch. - 2" deco drains(w/removable top) replaced throughout pool deck where applicable.

Underground plumbing

- Demolish existing concrete pool deck around the entire perimeter of the pool. Where applicable, leave approximately 2' of concrete along the outside perimeter of the pool deck. - Underground plumbing lines installed for pool perimeter overflow gutter, water jets, and pool main drain. - No new plumbing within or beneath the surface area of the pool. New plumbing for pool will begin from outside of the pool beam/shell.

Ladders & Handrails

- 36" Three-step, cross braced commercial pool ladder. Stainless steel w/rubber treads - 4' Three-bend commercial pool handrail for entry steps. Stainless steel. - Anchors and cover plates provided.

Filtration System

- Replace vacuum DE filter grids in water pit holding tank. - Inspect stand pipe and all gaskets and change accordingly. - Recharge with DE powder.

Pool Lighting

- Pentair Intellibright LED pool Light. - Short electrical and niche seals.

Equipment Set

- New plumbing throughout equipment set including butterfly vales, flow meters, and feeder lines. - Water auto fill and PSI gauges. - Plumbing manifolds.

Well-Point System

- Establish a well point system around the perimeter of the pool to control hydrostatic pressure and ground-water table in the immediate area. - Prices may vary depending on usage, quantity and actual water table depth.

*Additional cost incurred beyond the set allowance will be added to the total price.

Attach. #2



Beaufort Gazette
Belleville News-Democrat
Bellingham Herald
Bradenton Herald
Centre Daily Times
Charlotte Observer
Columbus Ledger-Enquirer
Fresno Bee

The Herald - Rock Hill
Herald Sun - Durham
Idaho Statesman
Island Packet
Kansas City Star
Lexington Herald-Leader
Merced Sun-Star
Miami Herald

el Nuevo Herald - Miami
Modesto Bee
Raleigh News & Observer
The Olympian
Sacramento Bee
Fort Worth Star-Telegram
The State - Columbia
Sun Herald - Biloxi

Sun News - Myrtle Beach
The News Tribune Tacoma
The Telegraph - Macon
San Luis Obispo Tribune
Tri-City Herald
Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
23783	209515	Print Legal Ad - IPL0058346		\$31.59	1	26 L

Attention: Gia Cruz

BAYSHORE GARDENS
6919 26TH ST W
BRADENTON, FL 34207

REQUEST FOR PROPOSAL

Bayshore Gardens
District Pool
6919 26th Street W.
Bradenton, FL 34207

Bayshore Gardens Park & Recreation
District
requests sealed bids for the replumb-
ing and
pump repair of our Jr. Olympic sized
pool.
Scope of work will include plumbing,
electrical,
tile replacement and more. Bids are
due no later
than 3:00 p.m. on Monday; February
7, 2022.
For more information on the scope of
work,
Please contact the District Office at
941-755-1912
or by email at office@
bayshoregardens.org
IPL0058346
Jan 30 2022

THE STATE OF TEXAS COUNTY OF DALLAS

Before the undersigned authority personally appeared Ryan Dixon, who, on oath, says that she is a Legal Advertising Representative of The Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida; that the attached copy of the advertisement, being a Legal Advertisement in the matter of Public Notice, was published in said newspaper in the issue(s) of:

No. of Insertions: 1
Beginning Issue of: 01/30/2022
Ending Issue of: 01/30/2022

THE STATE OF FLORIDA COUNTY OF MANATEE

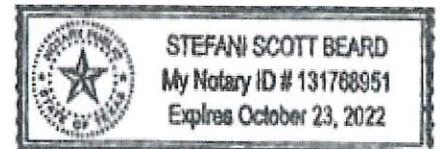
Affidavit further says that the said publication is a newspaper published at Bradenton, in said Manatee County, Florida, and that the said newspaper has heretofore been continuously published in said Manatee County, Florida, each day and has been entered as second-class mail matter at the post office in Bradenton, in said Manatee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Ryan Dixon

Sworn to and subscribed before me this 31st day of January in the year of 2022

Stefani Beard

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

Attach. #3



Beaufort Gazette
Belleville News-Democrat
Bellingham Herald
Bradenton Herald
Centre Daily Times
Charlotte Observer
Columbus Ledger-Enquirer
Fresno Bee

The Herald - Rock Hill
Herald Sun - Durham
Idaho Statesman
Island Packet
Kansas City Star
Lexington Herald-Leader
Merced Sun-Star
Miami Herald

el Nuevo Herald - Miami
Modesto Bee
Raleigh News & Observer
The Olympian
Sacramento Bee
Fort Worth Star-Telegram
The State - Columbia
Sun Herald - Biloxi

Sun News - Myrtle Beach
The News Tribune Tacoma
The Telegraph - Macon
San Luis Obispo Tribune
Tri-City Herald
Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
23783	209527	Print Legal Ad - IPL0058347		\$14.04	1	11 L

Attention: Gia Cruz
BAYSHORE GARDENS
6919 26TH ST W
BRADENTON, FL 34207

SPECIAL MEETING NOTICE

To open sealed pool bids,
Board of Trustee Special
Meeting Notice
Monday; February 7, 2022 at 6:00 PM
Located at Bayshore Gardens Park
& Recreation District Hall
6919 26th Street West
Bradenton, FL 34207
IPL0058347
Jan 30 2022

THE STATE OF TEXAS COUNTY OF DALLAS

Before the undersigned authority personally appeared Ryan Dixon, who, on oath, says that she is a Legal Advertising Representative of The Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida; that the attached copy of the advertisement, being a Legal Advertisement in the matter of Public Notice, was published in said newspaper in the issue(s) of:

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THE STATE OF FLORIDA COUNTY OF MANATEE

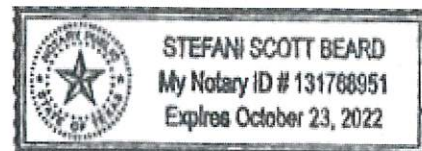
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Stefani Beard

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

Select Year: 2021 ▼

The 2021 Florida Statutes

Title XVIII
PUBLIC LANDS AND
PROPERTY

Chapter 255
PUBLIC PROPERTY AND PUBLICLY OWNED
BUILDINGS

[View Entire
Chapter](#)

255.0525 Advertising for competitive bids or proposals.—

(1) The solicitation of competitive bids or proposals for any state construction project that is projected to cost more than \$200,000 shall be publicly advertised once in the Florida Administrative Register at least 21 days prior to the established bid opening. For state construction projects that are projected to cost more than \$500,000, the advertisement shall be published in the Florida Administrative Register at least 30 days prior to the established bid opening and at least once in a newspaper of general circulation in the county where the project is located at least 30 days prior to the established bid opening and at least 5 days prior to any scheduled prebid conference. The bids or proposals shall be received and opened publicly at the location, date, and time established in the bid or proposal advertisement. In cases of emergency, the Secretary of Management Services may alter the procedures required in this section in any manner that is reasonable under the emergency circumstances.

(2) The solicitation of competitive bids or proposals for any county, municipality, or other political subdivision construction project that is projected to cost more than \$200,000 shall be publicly advertised at least once in a newspaper of general circulation in the county where the project is located at least 21 days prior to the established bid opening and at least 5 days prior to any scheduled prebid conference. The solicitation of competitive bids or proposals for any county, municipality, or other political subdivision construction project that is projected to cost more than \$500,000 shall be publicly advertised at least once in a newspaper of general circulation in the county where the project is located at least 30 days prior to the established bid opening and at least 5 days prior to any scheduled prebid conference. Bids or proposals shall be received and opened at the location, date, and time established in the bid or proposal advertisement. In cases of emergency, the procedures required in this section may be altered by the local governmental entity in any manner that is reasonable under the emergency circumstances.

(3) If the location, date, or time of the bid opening changes, written notice of the change must be given, as soon as practicable after the change is made, to all persons who are registered to receive any addenda to the plans and specifications.

(4) A construction project may not be divided into more than one project for the purpose of evading the requirements in this section.

(5) As used in this section, the term “emergency” means an unexpected turn of events that causes:

- (a) An immediate danger to the public health or safety;
- (b) An immediate danger of loss of public or private property; or
- (c) An interruption in the delivery of an essential governmental service.

History.—s. 26, ch. 95-196; s. 40, ch. 95-269; s. 21, ch. 2013-14.

Select Year: 2021 ▼

The 2021 Florida Statutes

[Title XIII](#)
PLANNING AND
DEVELOPMENT

[Chapter 189](#)
UNIFORM SPECIAL DISTRICT ACCOUNTABILITY
ACT

[View Entire
Chapter](#)

189.016 Reports; budgets; audits.—

(1) When a new special district is created, the district must forward to the department, within 30 days after the adoption of the special act, rule, ordinance, resolution, or other document that provides for the creation of the district, a copy of the document and a written statement that includes a reference to the status of the special district as dependent or independent and the basis for such classification. In addition to the document or documents that create the district, the district must also submit a map of the district, showing any municipal boundaries that cross the district's boundaries, and any county lines if the district is located in more than one county. The department must notify the local government or other entity and the district within 30 days after receipt of the document or documents that create the district as to whether the district has been determined to be dependent or independent.

(2) Any amendment, modification, or update of the document by which the district was created, including changes in boundaries, must be filed with the department within 30 days after adoption. The department may initiate proceedings against special districts as provided in s. [189.067](#) for failure to file the information required by this subsection. However, for the purposes of this section and s. [175.101\(1\)](#), the boundaries of a district shall be deemed to include an area that has been annexed until the completion of the 4-year period specified in s. [171.093\(4\)](#) or other mutually agreed upon extension, or when a district is providing services pursuant to an interlocal agreement entered into pursuant to s. [171.093\(3\)](#).

(3) The governing body of each special district shall adopt a budget by resolution each fiscal year. The total amount available from taxation and other sources, including balances brought forward from prior fiscal years, must equal the total of appropriations for expenditures and reserves. At a minimum, the adopted budget must show for each fund, as required by law and sound financial practices, budgeted revenues and expenditures by organizational unit which are at least at the level of detail required for the annual financial report under s. [218.32\(1\)](#). The adopted budget must regulate expenditures of the special district, and an officer of a special district may not expend or contract for expenditures in any fiscal year except pursuant to the adopted budget.

(4) The tentative budget must be posted on the special district's official website at least 2 days before the budget hearing, held pursuant to s. [200.065](#) or other law, to consider such budget and must remain on the website for at least 45 days. The final adopted budget must be posted on the special district's official website within 30 days after adoption and must remain on the website for at least 2 years. This subsection and subsection (3) do not apply to water management districts as defined in s. [373.019](#).

(5) The proposed budget of a dependent special district must be contained within the general budget of the local governing authority to which it is dependent and be clearly stated as the budget of the dependent district. However, with the concurrence of the local governing authority, a dependent district may be budgeted separately. The dependent district must provide any budget information requested by the local governing authority at the time and place designated by the local governing authority.

(6) The governing body of each special district at any time within a fiscal year or within 60 days following the end of the fiscal year may amend a budget for that year as follows:

- (a) Appropriations for expenditures within a fund may be decreased or increased by motion recorded in the minutes if the total appropriations of the fund do not increase.
- (b) The governing body may establish procedures by which the designated budget officer may authorize certain amendments if the total appropriations of the fund do not increase.
- (c) If a budget amendment is required for a purpose not specifically authorized in paragraph (a) or paragraph (b), the budget amendment must be adopted by resolution.
- (7) If the governing body of a special district amends the budget pursuant to paragraph (6)(c), the adopted amendment must be posted on the official website of the special district within 5 days after adoption and must remain on the website for at least 2 years.
- (8) A local general-purpose government may review the budget or tax levy of any special district located solely within its boundaries.
- (9) All special districts must comply with the financial reporting requirements of ss. 218.32 and 218.39. A local general-purpose government or governing authority may request, from any special district located solely within its boundaries, financial information in order to comply with its reporting requirements under ss. 218.32 and 218.39. The special district must cooperate with such request and provide the financial information at the time and place designated by the local general-purpose government or governing authority.
- (10) All reports or information required to be filed with a local general-purpose government or governing authority under ss. 189.014, 189.015, and 189.08 and subsection (8) must:
- (a) If the local general-purpose government or governing authority is a county, be filed with the clerk of the board of county commissioners.
- (b) If the district is a multicounty district, be filed with the clerk of the county commission in each county.
- (c) If the local general-purpose government or governing authority is a municipality, be filed at the place designated by the municipal governing body.

History.—s. 10, ch. 79-183; s. 16, ch. 81-167; s. 25, ch. 89-169; s. 13, ch. 96-324; s. 144, ch. 2001-266; s. 26, ch. 2002-1; s. 19, ch. 2004-305; s. 2, ch. 2009-217; s. 14, ch. 2011-144; s. 40, ch. 2014-22; s. 3, ch. 2016-22.

Note.—Former s. 189.006; s. 189.418.

Attach. #6

Select Year: 2021 ▼

The 2021 Florida Statutes

[Title XVIII](#)
PUBLIC LANDS AND
PROPERTY

[Chapter 255](#)
PUBLIC PROPERTY AND PUBLICLY OWNED
BUILDINGS

[View Entire
Chapter](#)

255.20 Local bids and contracts for public construction works; specification of state-produced lumber.—

(1) A county, municipality, special district as defined in chapter 189, or other political subdivision of the state seeking to construct or improve a public building, structure, or other public construction works must competitively award to an appropriately licensed contractor each project that is estimated to cost more than \$300,000. For electrical work, the local government must competitively award to an appropriately licensed contractor each project that is estimated to cost more than \$75,000. As used in this section, the term “competitively award” means to award contracts based on the submission of sealed bids, proposals submitted in response to a request for proposal, proposals submitted in response to a request for qualifications, or proposals submitted for competitive negotiation. This subsection expressly allows contracts for construction management services, design/build contracts, continuation contracts based on unit prices, and any other contract arrangement with a private sector contractor permitted by any applicable municipal or county ordinance, by district resolution, or by state law. For purposes of this section, cost includes employee compensation and benefits, except inmate labor, the cost of equipment and maintenance, insurance costs, and the cost of direct materials to be used in the construction of the project, including materials purchased by the local government, and other direct costs, plus a factor of 20 percent for management, overhead, and other indirect costs. Subject to the provisions of subsection (3), the county, municipality, special district, or other political subdivision may establish, by municipal or county ordinance or special district resolution, procedures for conducting the bidding process.

(a) Notwithstanding any other law, a governmental entity seeking to construct or improve bridges, roads, streets, highways, or railroads, and services incidental thereto, at a cost in excess of \$250,000 may require that persons interested in performing work under contract first be certified or qualified to perform such work. A contractor may be considered ineligible to bid if the contractor is behind by 10 percent or more on completing an approved progress schedule for the governmental entity at the time of advertising the work. A prequalified contractor considered eligible by the Department of Transportation to bid to perform the type of work described under the contract is presumed to be qualified to perform the work described. The governmental entity may provide an appeal process to overcome that presumption with de novo review based on the record below to the circuit court.

(b) For contractors who are not prequalified by the Department of Transportation, the governmental entity shall publish prequalification criteria and procedures prior to advertisement or notice of solicitation. Such publications must include notice of a public hearing for comment on such criteria and procedures prior to adoption. The procedures must provide for an appeal process within the authority for making objections to the prequalification process with de novo review based on the record below to the circuit court within 30 days.

(c) The provisions of this subsection do not apply:

1. If the project is undertaken to replace, reconstruct, or repair an existing public building, structure, or other public construction works damaged or destroyed by a sudden unexpected turn of events such as an act of God, riot, fire, flood, accident, or other urgent circumstances, and such damage or destruction creates:
 - a. An immediate danger to the public health or safety;
 - b. Other loss to public or private property which requires emergency government action; or

c. An interruption of an essential governmental service.

2. If, after notice by publication in accordance with the applicable ordinance or resolution, the governmental entity does not receive any responsive bids or proposals.

3. To construction, remodeling, repair, or improvement to a public electric or gas utility system if such work on the public utility system is performed by personnel of the system.

4. To construction, remodeling, repair, or improvement by a utility commission whose major contracts are to construct and operate a public electric utility system.

5. If the project is undertaken as repair or maintenance of an existing public facility. For the purposes of this paragraph, the term "repair" means a corrective action to restore an existing public facility to a safe and functional condition and the term "maintenance" means a preventive or corrective action to maintain an existing public facility in an operational state or to preserve the facility from failure or decline. Repair or maintenance includes activities that are necessarily incidental to repairing or maintaining the facility. Repair or maintenance does not include the construction of any new building, structure, or other public construction works or any substantial addition, extension, or upgrade to an existing public facility. Such additions, extensions, or upgrades shall be considered substantial if the estimated cost of the additions, extensions, or upgrades included as part of the repair or maintenance project exceeds the threshold amount in subsection (1) and exceeds 20 percent of the estimated total cost of the repair or maintenance project fully accounting for all costs associated with performing and completing the work, including employee compensation and benefits, equipment cost and maintenance, insurance costs, and the cost of direct materials to be used in the construction of the project, including materials purchased by the local government, and other direct costs, plus a factor of 20 percent for management, overhead, and other indirect costs. An addition, extension, or upgrade shall not be considered substantial if it is undertaken pursuant to the conditions specified in subparagraph 1. Repair and maintenance projects and any related additions, extensions, or upgrades may not be divided into multiple projects for the purpose of evading the requirements of this subparagraph.

6. If the project is undertaken exclusively as part of a public educational program.

7. If 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.

8. If the local government competitively awarded a project to a private sector contractor and the contractor abandoned the project before completion or the local government terminated the contract.

9. If the governing board of the local government complies with all of the requirements of this subparagraph, conducts a public meeting under s. 286.011 after public notice, and finds by majority vote of the governing board that it is in the public's best interest to perform the project using its own services, employees, and equipment. The public notice must be published at least 21 days before the date of the public meeting at which the governing board takes final action. The notice must identify the project, the components and scope of the work, and the estimated cost of the project fully accounting for all costs associated with performing and completing the work, including employee compensation and benefits, equipment cost and maintenance, insurance costs, and the cost of direct materials to be used in the construction of the project, including materials purchased by the local government, and other direct costs, plus a factor of 20 percent for management, overhead, and other indirect costs. The notice must specify that the purpose for the public meeting is to consider whether it is in the public's best interest to perform the project using the local government's own services, employees, and equipment. Upon publication of the public notice and for 21 days thereafter, the local government shall make available for public inspection, during normal business hours and at a location specified in the public notice, a detailed itemization of each component of the estimated cost of the project and documentation explaining the methodology used to arrive at the estimated cost. At the public meeting, any qualified contractor or vendor who could have been awarded the project had the project been competitively bid shall be provided with a reasonable opportunity to present evidence to the governing board regarding the project and the accuracy of the local government's estimated cost of the project. In deciding whether it is in the public's best interest for the local government to perform a project using its own services, employees, and equipment, the governing board must consider the

estimated cost of the project fully accounting for all costs associated with performing and completing the work, including employee compensation and benefits, equipment cost and maintenance, insurance costs, and the cost of direct materials to be used in the construction of the project, including materials purchased by the local government, and other direct costs, plus a factor of 20 percent for management, overhead, and other indirect costs, and the accuracy of the estimated cost in light of any other information that may be presented at the public meeting and whether the project requires an increase in the number of government employees or an increase in capital expenditures for public facilities, equipment, or other capital assets. The local government may further consider the impact on local economic development, the impact on small and minority business owners, the impact on state and local tax revenues, whether the private sector contractors provide health insurance and other benefits equivalent to those provided by the local government, and any other factor relevant to what is in the public's best interest. A report summarizing completed projects constructed by the local government pursuant to this subsection shall be publicly reviewed each year by the governing body of the local government. The report shall detail the estimated costs and the actual costs of the projects constructed by the local government pursuant to this subsection. The report shall be made available for review by the public. The Auditor General shall review the report as part of his or her audits of local governments.

10. If the governing board of the local government determines upon consideration of specific substantive criteria that it is in the best interest of the local government to award the project to an appropriately licensed private sector contractor pursuant to administrative procedures established by and expressly set forth in a charter, ordinance, or resolution of the local government adopted before July 1, 1994. The criteria and procedures must be set out in the charter, ordinance, or resolution and must be applied uniformly by the local government to avoid awarding a project in an arbitrary or capricious manner. This exception applies only if all of the following occur:

a. The governing board of the local government, after public notice, conducts a public meeting under s. 286.011 and finds by a two-thirds vote of the governing board that it is in the public's best interest to award the project according to the criteria and procedures established by charter, ordinance, or resolution. The public notice must be published at least 14 days before the date of the public meeting at which the governing board takes final action. The notice must identify the project, the estimated cost of the project, and specify that the purpose for the public meeting is to consider whether it is in the public's best interest to award the project using the criteria and procedures permitted by the preexisting charter, ordinance, or resolution.

b. The project is to be awarded by any method other than a competitive selection process, and the governing board finds evidence that:

(I) There is one appropriately licensed contractor who is uniquely qualified to undertake the project because that contractor is currently under contract to perform work that is affiliated with the project; or

(II) The time to competitively award the project will jeopardize the funding for the project, materially increase the cost of the project, or create an undue hardship on the public health, safety, or welfare.

c. The project is to be awarded by any method other than a competitive selection process, and the published notice clearly specifies the ordinance or resolution by which the private sector contractor will be selected and the criteria to be considered.

d. The project is to be awarded by a method other than a competitive selection process, and the architect or engineer of record has provided a written recommendation that the project be awarded to the private sector contractor without competitive selection, and the consideration by, and the justification of, the government body are documented, in writing, in the project file and are presented to the governing board prior to the approval required in this paragraph.

11. To projects subject to chapter 336.

(d) If the project:

1. Is to be awarded based on price, the contract must be awarded to the lowest qualified and responsive bidder in accordance with the applicable county or municipal ordinance or district resolution and in accordance with the applicable contract documents. The county, municipality, or special district may reserve the right to reject all bids and to rebid the project, or elect not to proceed with the project. This subsection is not intended to restrict the rights of any local government to reject the low bid of a nonqualified or nonresponsive bidder and to

award the contract to any other qualified and responsive bidder in accordance with the standards and procedures of any applicable county or municipal ordinance or any resolution of a special district.

2. Uses a request for proposal or a request for qualifications, the request must be publicly advertised and the contract must be awarded in accordance with the applicable local ordinances.

3. Is subject to competitive negotiations, the contract must be awarded in accordance with s. 287.055.

(e) If a construction project greater than \$300,000, or \$75,000 for electrical work, is started after October 1, 1999, is to be performed by a local government using its own employees in a county or municipality that issues registered contractor licenses, and the project would require a contractor licensed under chapter 489 if performed by a private sector contractor, the local government must use a person appropriately registered or certified under chapter 489 to supervise the work.

(f) If a construction project greater than \$300,000, or \$75,000 for electrical work, is started after October 1, 1999, is to be performed by a local government using its own employees in a county that does not issue registered contractor licenses, and the project would require a contractor licensed under chapter 489 if performed by a private sector contractor, the local government must use a person appropriately registered or certified under chapter 489 or a person appropriately licensed under chapter 471 to supervise the work.

(g) Projects performed by a local government using its own services and employees must be inspected in the same manner required for work performed by private sector contractors.

(h) A construction project provided for in this subsection may not be divided into more than one project for the purpose of evading this subsection.

(i) This subsection does not preempt the requirements of any small-business or disadvantaged-business enterprise program or any local-preference ordinance.

(j) A county, municipality, special district as defined in s. 189.012, or any other political subdivision of the state that owns or operates a public-use airport as defined in s. 332.004 is exempt from this section when performing repairs or maintenance on the airport's buildings, structures, or public construction works using the local government's own services, employees, and equipment.

(k) A local government that owns or operates a port identified in s. 403.021(9)(b) is exempt from this section when performing repairs or maintenance on the port's buildings, structures, or public construction works using the local government's own services, employees, and equipment.

(l) A local government that owns or operates a public transit system as defined in s. 343.52, a public transportation system as defined in s. 343.62, or a mass transit system described in s. 349.04(1)(b) is exempt from this section when performing repairs or maintenance on the buildings, structures, or public construction works of the public transit system, public transportation system, or mass transit system using the local government's own services, employees, and equipment.

(m) Any contractor may be considered ineligible to bid by the governmental entity if the contractor has been found guilty by a court of any violation of federal labor or employment tax laws regarding subjects such as safety, tax withholding, workers' compensation, reemployment assistance or unemployment tax, social security and Medicare tax, wage or hour, or prevailing rate laws within the past 5 years.

(2) The threshold amount of \$300,000 for construction or \$75,000 for electrical work, as specified in subsection (1), must be adjusted by the percentage change in the Engineering News-Record's Building Cost Index from January 1, 2009, to January 1 of the year in which the project is scheduled to begin.

(3)(a) All county officials, boards of county commissioners, school boards, city councils, city commissioners, and all other public officers of state boards or commissions that are charged with the letting of contracts for public work, for the construction of public bridges, buildings, and other structures must specify in the contract lumber, timber, and other forest products produced and manufactured in this state, if wood is a component of the public work, and if such products are available and their price, fitness, and quality are equal.

(b) This subsection does not apply:

1. To plywood specified for monolithic concrete forms.

2. If the structural or service requirements for timber for a particular job cannot be supplied by native species.

3. If the construction is financed in whole or in part from federal funds with the requirement that there be no restrictions as to species or place of manufacture.

4. To transportation projects for which federal aid funds are available.

(4) Any qualified contractor or vendor who could have been awarded the project had the project been competitively bid has standing to challenge a local government's actions to determine if the local government has complied with this section. The prevailing party in such action is entitled to recover its reasonable attorney's fees.

History.—s. 1, ch. 61-495; s. 1, ch. 94-175; s. 4, ch. 95-310; s. 5, ch. 95-341; s. 1, ch. 99-181; s. 62, ch. 2002-20; s. 9, ch. 2003-286; s. 1, ch. 2009-210; s. 54, ch. 2012-30; s. 4, ch. 2013-193; s. 81, ch. 2014-22; s. 2, ch. 2020-154.

BAYSHORE GARDENS PARK AND RECREATION DISTRICT
PROCUREMENT/CONTRACTING POLICY

Attach #7

1008P

All contracts for construction, maintenance, goods, supplies, or materials exceeding the amount provided in Section 287.017, Florida Statutes, for Category one (\$20,000.00), as such category may be amended from time to time, shall be contracted under the terms of these rules. Contracts for construction, maintenance, goods, supplies, and/or materials do not include printing, insurance, advertising, or legal service.

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 or Qualification" is a written solicitation for sealed proposals or qualifications 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 and absolute discretion of the District whether or not reasonable 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 District Board, and (iii) is the lowest cost to the District. Minor variations in the bid may be waived by the District Board. Mistakes in arithmetic extension of pricing may be corrected by the Board. Bids may not be modified after opening.
- (e) "Construction, Maintenance, Goods, Supplies, and Materials" do not include printing, insurance, advertising, or legal services, including attorney, paralegal, expert witness, appraisal, or mediator services.
- (f) "Purchase" means acquisition by sale, rent, lease, lease/purchase, or

- G. If *only* one response to an Invitation to Bid or Request for Proposal or Qualifications is received, the Board may proceed with the procurement for construction, maintenance, goods, supplies, or materials. If no response to an Invitation to Bid or Request for Proposal or Qualification is received, the Board may take whatever steps are reasonably necessary in order to proceed with the procurement of construction, maintenance, goods, supplies, or materials in the best interests of the District.
- H. The Board may make an emergency purchase without complying with these Rules. The definition of emergency is found in the Bylaws of the District. The fact that an emergency purchase has occurred or is necessary shall be ratified and recorded in the minutes of the next Board meeting.
- I. Notwithstanding anything contained herein to the contrary, the Board shall not effect a contract for construction, maintenance, goods, supplies or materials from any party who is presently employed by the District or who is employed by any other quasi-governmental agency operating within the Bayshore Gardens Park and recreation District.

SPECIFICATIONS

1. The Authority Board 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 Authority office for inclusion on the list shall receive notices by mail.
2. 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, liability insurance and be in good standing.
 2. Hold all required applicable federal licenses in good standing.
 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. 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.

NOTICE TO ALL BIDDERS

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 Board for this contract, 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.

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 on the Bayshore Gardens website for thirty (30) days.

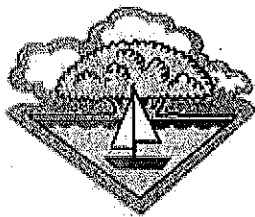
§ 190.011(5), Fla. Stat

Date Approved 12/18/18 *Sharon Denson*

Revised _____

Date Effective 12/18/18

District Office Manager



Bayshore Gardens Park & Recreation District

6919 26th Street W.

Bradenton, FL 34207

office@bayshoregardens.org

Phone: (941) 755-1912

Fax: (941) 739-3515

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7 attachments



Pool RFP.docx

16K



Proof of Publication - Request for Proposal.pdf

170K



Proof of Publication - Special Meeting.pdf

140K



F.S. 255.0525.pdf

66K



F.S. 189.016.pdf

89K



F.S. 255.20.pdf

162K



Policy 1008P.pdf

138K

Scott Rudacille <srudacille@blalockwalters.com>
To: District Office <office@bayshoregardens.org>
Cc: Morris Raymer <seat04@bayshoregardens.org>

Tue, Feb 8, 2022 at 6:18 PM

Gia, I have City meetings scheduled to last most of the day tomorrow, and this will take a little bit of time to review. I am also not available to attend tomorrow's workshop. I will see if one of my partners can take a look so that we can hopefully get you some responses tomorrow before the workshop.

Scott E. Rudacille



802 11th Street West | Bradenton, FL 34205
2 North Tamiami Trail, #400 | Sarasota, FL 34236

Office 941.748.0100 | Facsimile 941.745.2093
srudacille@blalockwalters.com

To ensure compliance with Treasury Department regulations, we advise you that, unless otherwise expressly indicated, any tax advice contained in this communication (including any attachments) was not intended or written to be used, and cannot be used, for the purpose of (i) avoiding tax-related penalties under the Internal Revenue Code or applicable state or local tax law provisions or (ii) promoting, marketing or recommending to another party any tax-related matters addressed herein.

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[Quoted text hidden]

District Office <office@bayshoregardens.org>
To: Scott Rudacille <srudacille@blalockwalters.com>
Cc: Morris Raymer <seat04@bayshoregardens.org>

Wed, Feb 9, 2022 at 8:32 AM

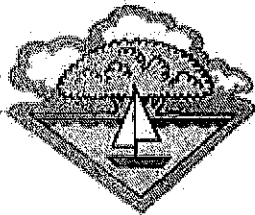
Thank you so much Scott for your assistance in this matter. Anything is greatly appreciated as we understand this is last minute.

Have a great day!

Thank you,

Gia Cruz

District Office Manager



Bayshore Gardens Park & Recreation District

6919 26th Street W.

Bradenton, FL 34207

office@bayshoregardens.org

Phone: (941) 755-1912

Fax: (941) 739-3515

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

[Quoted text hidden]

Marisa Powers <mpowers@blalockwalters.com>
To: "office@bayshoregardens.org" <office@bayshoregardens.org>
Cc: Scott Rudacille <srudacille@blalockwalters.com>

Thu, Feb 10, 2022 at 3:45 PM

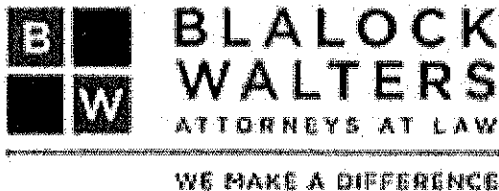
Gia,

The process that was used raises a number of questions, both under the statute and the District's policy. Depending on all of the facts, there may be some legal arguments that could be made, but unless there is a significant time exigency, we would recommend that the District just re-bid the project.

Attached please find an ITB we prepared for another special district client, which the District can use as a form. Please note the District's policies and procedures have specific requirements relating to the bidding process to which the Board will need to adhere, including, but not limited to, specific terms to include within the ITB and 30 day period for the allowance of submittals responsive to the ITB. Also, please note that pursuant to Florida Statutes, the bids should be opened in a public meeting on the date and time advertised, and the names of each bidder and the amount of the bid must be publicly announced at that time.

We are happy to assist with the process, so please feel free to use us as a resource.

Marisa J. Powers



802 11th Street West | Bradenton, FL 34205
2 North Tamiami Trail, #408 | Sarasota, FL 34236

Office 941.748.0100 | Facsimile 941.745.2093
mpowers@blalockwalters.com

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From: District Office <office@bayshoregardens.org>
Sent: Tuesday, February 08, 2022 3:48 PM
To: Scott Rudacille <srudacille@blalockwalters.com>
Cc: Morris Raymer <seat04@bayshoregardens.org>
Subject: Important - Regarding Swimming Pool

Good Afternoon Scott,

[Quoted text hidden]

[Quoted text hidden]

<Pool RFP.docx>

<Proof of Publication - Request for Proposal.pdf>

<Proof of Publication - Special Meeting.pdf>

<F.S. 255.0525.pdf>

<F.S. 189.016.pdf>

<F.S. 255.20.pdf>

<Policy 1008P.pdf>



Invitation to Bid - Installation of Water Main Line(2599262.1).docx

37K

District Office <office@bayshoregardens.org>

Fri, Feb 11, 2022 at 2:33 PM

To: Terry Zimmerly <Seat07@bayshoregardens.org>, Barbara Greenberg <seat09@bayshoregardens.org>, Barbara Susdorf <seat08@bayshoregardens.org>, Belle Baxter <seat03@bayshoregardens.org>, Dan Rawlinson <seat05@bayshoregardens.org>, Jeanne Murphy <seat02@bayshoregardens.org>, Kyle Weatherly <seat01@bayshoregardens.org>, Melanie Woodruff <seat06@bayshoregardens.org>, Morris Raymer <seat04@bayshoregardens.org>

Good Afternoon All,

Please see the email from our attorney regarding the pool.

If you have any more questions or you would like answers from the attorney, please email me just the office by Sunday evening. That way I can reply to this email on Monday morning.

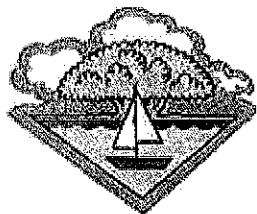
Please do not reply all, with any of your questions for the attorney.

I hope everyone has a great weekend!

Thank you,

Gia Cruz

District Office Manager



Bayshore Gardens Park & Recreation District

6919 26th Street W.

Bradenton, FL 34207


office@bayshoregardens.org

Phone: (941) 755-1912

Fax: (941) 739-3515

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 **Invitation to Bid - Installation of Water Main Line(2599262.1).docx**
37K

Barbara Greenberg <seat09@bayshoregardens.org>
To: office@bayshoregardens.org

Mon, Feb 14, 2022 at 8:00 AM

Did you get this?
Yes I did

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

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<Policy 1008P.pdf>y

2 attachments



WE MAKE A DIFFERENCE

 **Invitation to Bid - Installation of Water Main Line(2599262.1).docx**
37K

District Office <office@bayshoregardens.org>
To: Marisa Powers <mpowers@blalockwalters.com>
Cc: Scott Rudacille <srudacille@blalockwalters.com>

Mon, Feb 14, 2022 at 1:22 PM

Good Afternoon,

I was asked to get confirmation by Chairman Raymer.

Our pool is in such disrepair that our only option is to have it totally re-done.

There is a leak which requires us to keep the water and it costs us \$1600 per month or we are not able to run the pump at all due to the water level being too low. It's not clear if this leak is causing major damage beneath the surface. The plumbing is the original ABS pipe which is deteriorating.

If the Board votes to consider this action an emergency, they can then vote to approve the funds to be spent, approve the RFP, and decide how long they wish to run the ad (which can be less than the 21-day stated in the F.S. and less than the 30 as stated in our policy)?

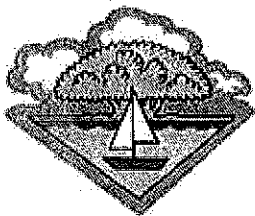
Are there any other steps the Board needs to take to protect themselves from any unforeseen issues?

Can you please advise if any of these Florida Statutes are applicable to this project F.S. 255.0525 (2), 189.016 (3) and 255.20? (I have attached them again for you to reference)

Thank you,

Gia Cruz

District Office Manager



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4 attachments

 **F.S. 189.016.pdf**

89K

 **Policy 1008P.pdf**
138K

 **F.S. 255.20.pdf**
162K

 **F.S. 255.0525.pdf**
66K

Scott Rudacille <srudacille@blalockwalters.com>

Mon, Feb 14, 2022 at 3:17 PM

To: District Office <office@bayshoregardens.org>, Marisa Powers <mpowers@blalockwalters.com>

Gia,

Section 255.20 is clearly applicable to the District. Subsection (2) provides for the \$300k bidding threshold to be adjusted based on the change to a specified cost index since 2009. We have not done that calculation, so it's unclear if the project would meet the current bidding threshold. Other exemptions, including repair/maintenance, may be applicable.

Section 255.0525 appears to be applicable to the District, but the term "political subdivision" is not defined under that statute. We would assume it is applicable until determined otherwise.

Section 189.016(3) is applicable to the District, but it relates to expenditures being in accordance with the budget, so I'm not sure what the specific question is in regard to this procurement.

In order to proceed with the procurement as you have described, I would recommend that there is support placed into the record in terms of documentation and discussion, and that the Board makes a formal vote to declare this an emergency purchase and explain the reasoning. Note that the statutes discussed and the District's policy have different standards related to what constitutes an "emergency", so all of those standards should be addressed in the record of that meeting.

Scott E. Rudacille



802 11th Street West | Bradenton, FL 34205
2 North Tamiami Trail, #400 | Sarasota, FL 34236

Office 941.748.0100 | Facsimile 941.745.2093
srudacille@blalockwalters.com

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From: District Office <office@bayshoregardens.org>
Sent: Monday, February 14, 2022 1:23 PM
To: Marisa Powers <mpowers@blalockwalters.com>
Cc: Scott Rudacille <srudacille@blalockwalters.com>
Subject: Re: Important - Regarding Swimming Pool

Good Afternoon,

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Our pool is in such disrepair that our only option is to have it totally re-done.

There is a leak which requires us to keep the water and it costs us \$1600 per month or we are not able to run the pump at all due to the water level being too low. It's not clear if this leak is causing major damage beneath the surface. The plumbing is the original ABS pipe which is deteriorating.

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Thank you,

Gia Cruz

District Office Manager

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[Quoted text hidden]

District Office <office@bayshoregardens.org>

Tue, Feb 15, 2022 at 10:56 AM

To: Terry Zimmerly <Seat07@bayshoregardens.org>, Barbara Greenberg <seat09@bayshoregardens.org>, Barbara Susdorf <seat08@bayshoregardens.org>, Belle Baxter <seat03@bayshoregardens.org>, Dan Rawlinson <seat05@bayshoregardens.org>, Jeanne Murphy <seat02@bayshoregardens.org>, Kyle Weatherly <seat01@bayshoregardens.org>, Melanie Woodruff <seat06@bayshoregardens.org>, Morris Raymer <seat04@bayshoregardens.org>

Good Morning All,

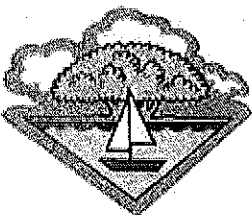
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Gia Cruz

District Office Manager



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