

MINUTES OF MEETING

***HIGHLANDS COMMUNITY DEVELOPMENT DISTRICT
CONTINUED BOARD OF SUPERVISORS MEETING***

Tuesday, October 29, 2015 at 2:00 p.m.

Ayersworth Glen Clubhouse

11102 Ayersworth Glen Blvd.

Wimauma, Florida 33598

Board Members present at roll call:

Robert Garcia	Board Member
Al Thomka	Board Member
Justin Fuller	Board Member
Scott Shapiro	Board Member
Evelyn Blue	Board Member (via phone)

Also Present:

Roy Van Wyk	Hopping Green & Sams, P.A.
Todd Amaden	Landmark Engineering
Jane Gaarlandt	Fishkind & Associates, Inc.
Sue Presley	Fishkind & Associates, Inc.
Rick Rehart	The Kearney Companies
Chuck Thomka	Member of the Public
Sarah Warren	Hopping Green & Sams, P.A. (via phone)

FIRST ORDER OF BUSINESS

Call to Order and Roll Call

Ms. Gaarlandt called to order the continued meeting of the Highlands Community Development District Board of Supervisor's Meeting at approximately 2:00 p.m. The Board Members and staff in attendance are outlined above.

SECOND ORDER OF BUSINESS

**Consideration of the Bids Received
for Construction Services for Phase
3**

Mr. Van Wyk asked Mr. Amaden to go over the bids that the District received and the bids that the District is going to consider for being non-responsive. Mr. Amaden noted that Phase 3A is the next phase in development which is immediately south of the clubhouse. It includes 227 lots. The District plans to issue bonds to pay for the infrastructure. The

phase has been designed and there are construction plans for the infrastructure, and the District solicited bids for construction services for that infrastructure. The District received 6 bids in response to the request for proposals. After opening the bids the District Engineer determined that two of the bids did not have unit pricing and only gave an overall summary of pricing. Mr. Amaden noted that part of the evaluation criteria is the reasonableness of unit bids and the District needs unit pricing in case it has to do Change Orders or adjust quantities. Mr. Amaden recommended that the Board consider the two bids that did not provide individual unit prices non-responsive bids. The Board agreed and decided not to consider those two bids. Mr. Amaden stated that he went through and analyzed the 4 other bids. Mr. Van Wyk stated that the first thing they will have to do as a Board is to find those two bidders, South End Civil and Watson Civil, non-responsive to the RFP. The RFP required the provision of unit prices and they did not provide those. Mr. Van Wyk requested a motion to find those two bidders non-responsive.

On MOTION by Mr. Thomka, seconded by Mr. Garcia, with all in favor, the Board found the bids from South End Civil and Watson Civil non-responsive.

Mr. Amaden reviewed the compilation of the four remaining bids and noted that the quantities varied slightly from contractor to contractor. Mr. Amaden stated that the low bidder was Kearney with an amount of \$3,882,883.00 and RIPA was second lowest with an amount of \$4,137,752.00. Mr. Amaden gave the Board a line item from the delta from the low bid and noted that the first spread is \$254,000.00. QGS had an amount of \$4,245,000.00 and Phillips had \$4,751,000.00. The compilation also showed a break down per lot so that the Board can understand the cost per lot cost. From a cost stand point this was presented to the Board to show that from quantities and dollars Kearney is the low bidder, however, the cost is only 25% of the scoring under the evaluation criteria. The last ranking on the bid comparison is the schedule. Kearney provided a schedule of 214 days, RIPA provided a schedule of 210 days, QGS provided a schedule of 171 days, and Phillips provided a schedule of 195 days. Mr. Shapiro noted that the only discrepancy he sees is whether the schedules are based on work days or calendar days. Reviewing the rankings, Mr. Amaden noted that between cost and calendar days the cost is probably more important because they do not have a pending hard date by which the District is trying to complete the project. Mr. Amaden explained that evaluation criteria to the Board as follows; Personnel is worth 5 points, Experience is 15 points, Understanding of the Scope of Work, Financial Capability, Schedule is 25 points, Price is 25 points of which 10 points are allocated for the reasonableness of the unit prices and the balance of the bid and the other 15 points are prorated based on the difference in the low bidder at the lowest price. Mr. Amaden explained that on the ranking sheet for the first four categories he attested that all four of the bidders were qualified Contractors and they should all be awarded the full point value. They all have sufficient personnel to do the job, they all have sufficient experience, they all demonstrated understanding of the scope of work thoroughly and the financials

were all strong and solid with bonding capability. For the Schedule QGS had the shortest schedule reported so he awarded them full value, Phillips & Jordan were second with 24 points awarded, and Kearney and RIPA were each awarded 23 points. For price Kearney was the lowest bidder and so they were awarded 25 points and for the other 3 companies the points were prorated down based on the totals, RIPA was awarded 23 points, QGS was awarded 20 points, and Phillips & Jordan were awarded 16 points. The Board had not comments to the points awarded for price. Mr. Amaden noted that the totals came in with Kearney for 98 points, RIPA for 96 points, QGS for 95 points, and Phillips & Jordan for 90 points. Mr. Amaden recommended that the Board make a motion to nominate Kearney as the most qualified bidder. Mr. Thomka asked if Kearney had worked on this particular project previously. Mr. Amaden responded that they have not. RIPA did the Phase 2 work. Mr. Thomka finds it important that RIPA has built in this area but stated that he is not basing his decision on that. Mr. Shapiro stated that the type of work being done which is pod infrastructure versus master infrastructure is very similar to other conditions in South Hillsborough County. Mr. Amaden noted that is a fair statement and that all of these companies demonstrated experience in Hillsborough County and very similar work and CDD work in their bid packages. Mr. Garcia stated that he takes into account the schedule and assumes that most of the work will be done during the dry season. Mr. Amaden responded that it is anticipated to start this calendar year and will be substantially complete by the time the wet season arrives. The draft contract has language that contemplates Change Orders in the event that there is an unusual rain event and it extends the dates out and there is a process by which the timeframes can be adjusted. Mr. Shapiro noted that an argument could be made that Kearney could actually be faster than QGS because of the time line schedule that was filled out differently. Mr. Van Wyk suggested that the Board go through the chart and asked the Board Members if they have any different rankings that they would like to assign. For Kearney the Board was comfortable accepting the recommended rankings for full points for, personnel, experience, scope, and financials. Mr. Shapiro believes that Kearney should be awarded another point on the schedule because he thinks it is closer to the shortest schedule. The Board elected to award 24 points for the schedule to Kearney and the full 25 points for the price. For RIPA 5 points were awarded for personnel, 15 points were awarded for experience, 20 points were awarded for scope, 10 points were awarded for financials, 24 points was awarded for schedule, 23 points were awarded for price. For QGS 5 points were awarded for personnel, 15 points were awarded for experience, 20 points were awarded for scope, 10 points were awarded for financials. Mr. Amaden stated that he did give QGS the full points for schedule and asked the Board if they wanted to change that. The Board agreed to award 25 points to QGS for schedule and points for total price, which was prorated. Phillips & Jordan were awarded 5 points for personnel, 15 points were awarded for experience, 20 points were awarded for scope, 10 points were awarded for financials, 24 points were awarded for schedule, and 16 points were awarded for total price, which was prorated. Kearney was awarded 99 total points, RIPA was awarded 97 total points, QGS was awarded 95 points, and Phillips & Jordan was awarded 90 total points. Mr. Shapiro noted that ranking the bids is important if something comes up and the Board needs to go to the next bidder. Mr. Van Wyk stated that he has

had instances where the number one bidder has said that they do not want the contract and the District has then moved to the next ranked bidder. Mr. Thomka asked how soon prior to the start date the Contractor could change their mind. Mr. Van Wyk responded that they can challenge it and try not to enter into the contract, however, if they enter into the contract and then say they do not want to do it they would be in breach of the contract. There is a 3 day appeal period from the time the District provides notice of its intent to award the contract for the other contractors to appeal. Mr. Van Wyk requested a motion to authorize District staff to enter into a contract with Kearney and issue a notice of intent to award that contract.

On MOTION by Mr. Thomka, seconded by Mr. Garcia, with all in favor, the Board authorized District Staff to Enter into a Contract with Kearney for the Development of Phase 3 and Issue Intent to Award the Contract Notices.

Ms. Warren asked Ms. Gaarlandt to confirm the ranking once more. Ms. Gaarlandt confirmed the ranking as follows;

- 1) Kearney
- 2) RIPA
- 3) QGS
- 4) Philips & Jordan

Mr. Thomka asked how staff will formally notify Kearney of the intent to award the contract to them. Mr. Van Wyk stated that they will both fax and mail them a notice of intent to award the contract to them today, if possible. Mr. Van Wyk stated there is a 3 day appeal period and then they need to get the insurance in place and the payment performance bond issued. Mr. Amaden noted that some site permits are also required.

THIRD ORDER OF BUSINESS

Staff Reports

District Counsel – No Report

District Engineer – No Report

District Manager – Ms. Gaarlandt noted that there were issues at the last meeting with the audience not being able to hear what was going on and asked if the Board wanted to consider a sound system and speaker phone. The cost of the system would be between \$220.00 and \$350.00. Mr. Shapiro noted arranging the chairs closer to the front should help. Mr. Thomka stated that the cost of buying enough chairs will be more than a sound system. Ms. Blue noted that they need to take into

consideration how many people that building can actually hold and if they to a point where there are more people than code allows then they will have to change locations. According to the fire code no more than 50 people are allowed in the building. Ms. Presley stated that the phone available on location is not adequate. Ms. Gaarlandt noted that they will have to remind the audience throughout the meeting to let them know if there are issues hearing. Mr. Rehart suggested renting chairs. Ms. Presley stated that would be too costly. Mr. Thomka noted that once the residents become aware of the meetings the room will be packed. The Board will re-assess after the next meeting.

FOURTH ORDER OF BUSINESS

Supervisor Requests and Audience Comments

Mr. Shapiro noted that one of the residents brought up pressure washing the boulevard at the last meeting. Ms. Presley solicited 3 bids and put together a spreadsheet analysis. Gladiator was the cheapest and will do all of the sidewalks, curbs, and islands for 3,995.00, all 6 monument walls and curbing for \$525.00, the PVC fence around pond 1 for \$350.00, and the PVC fence at the pond behind the Lochness area for \$950 for a total cost of \$5,800.00. The Proposal from Peter is for \$10,220.00, and Chris Joyner's proposal was for \$6,336.00 but did not include the monument walls and PVC fence.

Mr. Shapiro noted that he reviewed the District's budget and the main line items and noticed that he submitted the lower amount for security in error and would like the Board to approve a higher amount and take the difference out of the contingency line item. Mr. Van Wyk stated that they can move monies from line item to line item but they cannot create a new line item. Mr. Shapiro reviewed the items that have already been completed and which ones still need to be completed. Mr. Shapiro stated that if they did everything on the list the District would have another \$28,000.00 to spend on other things and still leave the \$36,785.00 for contingency so there is enough money to do the pressure washing now. Mr. Thomka and Ms. Blue stated that they wanted to do the entire scope of work of the Gladiator power washing proposal. Mr. Amaden noted that there is a lot of brush back by the PVC fence and Mr. Shapiro said they will not schedule the power washing of the PVC fencing until that has been removed.

On MOTION by Mr. Thomka, seconded by Mr. Fuller, with all in favor, the Board approved the pressure washing bid from Gladiator for the full scope of work.

Mr. Garcia asked if they were having a Safety Committee meeting following the Board meeting. Noting that they are adjusting the budget up \$4,000.00 for security, Mr. Garcia asked if they should consider adding more hours consistently throughout the year to balance the 6400 hours of security that is currently in the peak season. Mr. Shapiro responded that he did not want to take away any hours from the peak season as the security guard also serves as pool attendant, but wants to see if additional hours were needed for the non-peak time. Mr. Garcia suggested getting someone to monitor the surveillance system. Mr. Shapiro responded that it is not as flexible as having a security guard on the property. Having someone on site has helped and he thinks that keeping the 20 hours per week is good for right now and they will keep watching and see later on if they need to increase it.

On MOTION by Mr. Shapiro, seconded by Mr. Thomka, with all in favor, the Board approved increasing the Security Budget to \$20,000.00 and reducing the Contingency Budget by \$4,000.00.

Mr. Shapiro asked the Board to consider updating the gate system and the benefit of a key fob system. A key fob system would monitor which residents are coming in and out, and if there is an issue they can tell which resident's key was used. Mr. Garcia suggested researching a system that uses a driver's license instead because it is a little bit more personal than a key fob. Mr. Shapiro noted that added light would help as well and asked the Board to make a motion to allow District staff including Ms. Presley to pursue lighting proposals not to exceed a certain amount.

On MOTION by Mr. Thomka, seconded by Mr. Garcia, with all in favor, the Board authorized District Staff to Solicit Proposals for Lighting behind the Clubhouse.

The next scheduled meeting is November 11, 2015. Mr. Thomka asked when the fishing signs were going to be put up. The company providing the fish recommended not putting the signs up right away because it will actually promote fishing too soon and they want to wait for 6 months to 1 year so that the fish can grow. Ms. Presley noted that 6 months to 1 year down the line is the most appropriate time to put the signs in if they decide to do that. Ms. Presley said that the only other concern from residents is if people will be walking into their back yards to access the ponds. People are allowed on CDD property, but if it is on private property it is up to the residents. Mr. Garcia noted that most of the big ponds have public access through a common area and suggested that when they put up the catch and release fishing signs there should be a sign that indicates the proper access to the ponds. The next two meetings are scheduled for November and January. Mr. Shapiro suggested

moving the meeting to a week later. The Board decided to keep the November 11, 2015 meeting date.

FIFTH ORDER OF BUSINESS

Adjournment

There were no other questions or comments.

ON MOTION by Mr. Shapiro, seconded by Mr. Thomka, with all in favor, the Board adjourned the Continued October 29, 2015 Board of Supervisors Meeting for Highlands Community Development District.



Secretary / Assistant Secretary



Chairman / Vice Chairman