

TURNBULL CREEK
COMMUNITY DEVELOPMENT DISTRICT

The Turnbull Creek Community Development District RFP Committee met Tuesday, January 27, 2015 at 1:30 p.m. at the offices of GMS, LLC, 475 West Town Place, Suite 114, St. Augustine, Florida.

Committee Members present were:

Aage G. Schroder, III
Chuck Labanowski
Ralph DeFranzo
Philip Sweeting
Matt Durkee

Also Present were:

Dave deNagy
Mike Eckert
Preston Doub
Alvaro Rios

The following is a summary of the minutes of the January 27, 2015 RFP Committee meeting. A copy of the proceedings can be obtained by contacting the District Manager.

FIRST ORDER OF BUSINESS

Roll Call

Mr. deNagy called the committee meeting to order at 1:40 p.m.

SECOND ORDER OF BUSINESS

Audience Comments

There being none, the next item followed.

THIRD ORDER OF BUSINESS

Distribution of Proposals Received in Response to Published RFP

Mr. Doub distributed the one proposal received in response to the RFP for the pond bank reconstruction.

Mr. deNagy stated the RFP committee will meet again next Monday, February 2, 2015 at 1:00 p.m. at the amenity center and at that time we will go over in more detail the proposal that

has been submitted today to give an opportunity for the committee to review the proposal between now and next Monday. We will look for the RFP Committee to evaluate and score the proposal. At 6:00 p.m. on that Monday we have a CDD board meeting and that will be when the RFP Committee will present its recommendation to the board of supervisors who will make the ultimate decision as to who will do the pond bank reconstruction.

Mr. Eckert stated a final award may or may not be made at the meeting on the 2nd. The ranking will be presented then it is up to the board what to do after that.

Mr. Sweeting asked will the engineer look at this proposal to make sure they meet the minimum qualifications?

Mr. Doub responded we will look at it and Mike's office will look at it and we will compare notes and if we find anything that is a problem from the submittal standpoint advise the board of that.

Mr. Sweeting stated I assume you are going to ensure they meet the minimum qualifications.

Mr. Doub responded yes we are going to go through that and we will put together a spreadsheet and go through each item and see if it is there or not there and if it fits the criteria.

Mr. Sweeting asked what happens if they don't meet the minimum qualifications?

Mr. Eckert stated in our rules if you have less than three bids on any proposal the board has the right to reject those bids and go out for another bid process if they so choose. If something is non-responsive, the board would look to see whether it is material or not material in this case it may be a little bit different test because the definition of material is whether or not it creates a competitive advantage or not and we only have one proposal. They can waive minor irregularities if they are not material but again materiality deals with the competitiveness and with only one submission I have to look at what that actually means. You can take this home to review and keep them private until such time as the board has decided what it is going to do with the bids. The board is going to either accept or reject the bid and once it rejects and rebids there is another standard that applies as to when it becomes public.

Normally we would talk about how we would rank them and things of that nature, here there is no reason to go through any exercise of ranking or declaring somebody no. 1 because it is the only proposal. I do think the committee should have a discussion on whether or not you think it would be helpful to review the bid so you can talk to the board about we have looked at it

and we are comfortable with these aspects of it or we are not comfortable at all with this bid for these particular reasons. The committee can decide what you would like to do and when we have our board meeting tonight we will tell the board here is what is happening do you want to disband the committee or do you want them to go through this exercise of trying to evaluate to give you advice?

Mr. Sweeting stated in light of there only being one submittal it is pointless for me to go through it because I have nothing to compare it to. You are not going to offend me if you decide to do that because ultimately Mr. Doub and Mr. Eckert will give their opinion and the CDD board is going to have to make a decision if these guys are qualified.

Mr. deNagy stated you had mentioned disbanding the RFP committee. Would that then task the board with evaluating and scoring this bid?

Mr. Eckert stated I'm not suggesting that you do that, I'm saying when we go to the board tonight they are likely to ask what are the options when you only get one bid and you could reject it and redo the process, tell the committee thank you we don't need you to evaluate it, we will evaluate this one or they could say we would like the committee to be the ones who spend the time evaluating it and then give a recommendation to us whether or not they think it is responsive and they feel comfortable with it or if they don't feel comfortable with it should we redo the process. It is really the board's decision on that.

Mr. deNagy stated if the board decides to retain the committee the RFP committee between now and the time they meet next week the committee members cannot talk amongst themselves about this. If there are questions that need to go to Preston or Mike maybe they could filter them through me and can I get them out to the other committee members or is that permitted?

Mr. Eckert stated you can't have discussions but if there is a question asked of Preston, Preston can then just provide information that says in reviewing the bid you should keep this issue in mind.

Mr. DeFranzo stated we have one bid. What do we review? I'm think the board is typically concerned with the bottom line. This number can change based on the quantities and unit prices we may extend work as necessary in the field.

Mr. Doub stated yes, for the base bid this number should be fixed. We have also identified in the specs that if we or the contractor identifies additional unsuitable materials

deeper than the 18" in the bid specs we said contact us and we will work with you to identify that quantity and based on this unit price as part of your bid we will reach agreement on the quantity and a change order for that additional work. As we get out there and are working we may have areas that fail or see stuff that we didn't see in our initial field review and we may add work to the contract.

Mr. Schroder stated one of the things we put a lot of weight on was we want to know the approach the contractor is going to take because that was important with work being close to houses, equipment issues, open paths, etc.

Mr. Eckert stated I think I'm hearing that the committee wants to take the opportunity to evaluate it and provide a recommendation to the board if the board wants to hear it. If we had more than one bidder we would not be asking questions and we would not be going through any of this. I know it is helpful to the committee but it is odd.

Mr. Sweeting stated with only one bid I'm going to look at the prices and rely on the engineer's input to evaluate this company absent me going through records and making sure they have licenses and insurance. It is up to the board I'm not going to be offended if the CDD board disbanded the committee.

Mr. Eckert stated we have a meeting tonight and I am not going to recommend that they disband the committee because this is the first three ponds of many and if you are going to train people on it you might as well keep them on. It is the kind of thing if you had five or six bids you would have a whole lot more to do.

Mr. Doub stated I think you need to stick with the plan and that is you have one bid, evaluate it, get back together so we can make a recommendation.

Mr. Labanowski asked if you are awarded the contract how fast can you come out and tell us your access points? We have homeowners we need to notify and we have to make sure the fences and any major landscaping is out of the way.

Mr. Schroder stated we would like to avoid a situation where we make someone who is not having any work done behind them but is only affected by to and from and make them move their fence and the contractor doesn't utilize that for access and they have done it for nothing.

Mr. Labanowski stated the meeting for the community is scheduled for February 9th and we are looking at next week sometime to send a letter out to all the homeowners. Maybe at that

point we have the contractor come out and he can pinpoint at that meeting with the homeowners the access points.

Mr. DeFranzo stated if we give a notice to proceed he has the right to continue the work on that project and if somebody's fence is still in the way he can hold us responsible for delay.

Mr. Eckert stated this timeline is going to slip a little bit and the meeting with the homeowners could go to February 15th or something like that and I think that would be okay on our timeline. We wanted to do the work before the rainy season and the only proposal we have has 150 days that takes it all the way through the summer. We are rushing to get it done with the hope that it would be a 60 to 90 day project and I'm not being critical of the contractor but that is what we were hoping.

A discussion ensued regarding removal of irrigation and improvements from easement areas.

Mr. Doub stated in item 10 we included protection, maintenance, restoration, replacement of any improvements such as irrigation, landscape or other improvements.

Mr. DeFranzo asked when he starts the project and submits his first request for payment are we looking at \$32,000?

Mr. Doub responded no it is paid on the percentage of completion.

Mr. deNagy stated we are going to meet next Monday at 1:00 p.m. at the amenity center.

Mr. DeFranzo stated I would ask counsel and the engineer how much time will it take for your to review this bid.

Mr. Eckert responded I will have my review done by Thursday afternoon.

Mr. Doub stated I will have it done by Thursday.

Mr. Eckert stated I suggest if you have questions send it to Preston or me in an email. Do not copy the other committee members and then Preston and I will look at it.

The meeting adjourned at 2:55 p.m.