REVISED 4.23.25

FIDDLER'S CREEK COMMUNITY DEVELOPMENT DISTRICT #2
RULES OF PROCEDURE
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1.1 General Introduction.

1) The Fiddler's Creek Community Development District #2 (the "District") was initially established by Collier County Ordinance No. 02-61, pursuant to the provisions of Chapter 190, Florida Statutes, to provide for the ownership, operation, maintenance, and provision of various improvements, facilities and services within its jurisdiction. The purpose of these Rules of Procedure (the "Rules" or "Rule") is to describe the general operations of the District. Any conflict or need for clarification arising out of the following Rules shall be resolved, where applicable, by law. These Rules are adopted to guide the District through its primary operations and functions. Within parameters and authority provided in Florida Statutes and case law, they are designed to provide the structure needed to conduct District business while also maintaining the flexibility needed to efficiently and effectively carry out the public business as circumstances may dictate.

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

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

Law Implemented: Sec. 190.011, Fla. Stat.

1.2 Standards of Civil Discourse.

1) The District encourages public participation and civil discourse at its meetings . As the Board conducts the business of the District, rules of civility shall apply. District Board Supervisors, Staff members, and members of the public should communicate respectfully. It is preferred that persons speak only when recognized by the Board Chair and, at that time, refrain from engaging in personal attacks or derogatory or offensive language. Persons who are deemed to be disruptive and negatively impact the efficient operation of the meeting shall be subject to removal after two (2) verbal warnings.

Specific Authority: Sec. 190.011(5), F.S.

Law Implemented: Sec. 190.011(5), F.S.

1.3 Board of Supervisors; District Manager, Officers, and Voting.

1) Board of Supervisors. The Board of Supervisors of the District (the "Board") shall exercise the powers granted to the District.

2) District Manager. The Board shall employ and fix the compensation of a District Manager. The District Manager shall have charge and supervision of the works of the District and shall be responsible for preserving and maintaining any improvement or facility acquired, constructed or erected pursuant to the provisions of State Statutes, for maintaining and operating the equipment owned by the District, and for performing such other duties as may be prescribed within the legal purview of the Board.

3) The Board may adopt resolutions concerning the limits of authority and procurement thresholds for the District Manager and establishing a performance review process for the District Manager, District Engineer and District Counsel.

4) Term of Supervisors; Vacancies. Board Supervisors shall hold office pursuant to Section 190.006, Florida Statutes.

   If, during the term of office of any Board Supervisor(s), one or more vacancies occur, the remaining member(s) of the Board shall fill the vacancies by appointment for the remainder of the unexpired term(s). The remaining members of the Board will strive in good faith to fill the vacancy within sixty (60) calendar days.

   In the event of such a vacancy, the Board may solicit qualified applicants from the District to serve the remainder of the unexpired term. The Board of Supervisors may utilize a ballot process to cast their vote for the respective applicant which will be signed and provided to the District Manager. The District Manager will announce the individual ballot results and make them available by inspection as part of the public record. The applicant receiving the majority of votes shall take the oath of office following a formal nomination and vote by the Board and assume their duties as a Board Supervisor.

5) Compensation. Each Board Supervisor is entitled to receive compensation in accordance with Florida Statutes.

6) Quorum. Three (3) members of the Board physically present in the same location shall constitute a quorum for the purposes of conducting its business and exercising its powers and for all other purposes, unless otherwise provided by Florida law or as may otherwise be lawfully provided or authorized. When a quorum is not present, the meeting may be cancelled in accordance with the Board's established policy or if provided in the notice of meeting the members present may continue the meeting to a time certain the following day. However, if three (3) or more vacancies on the Board occur at the same time, a quorum is not necessary to fill the vacancies. Action taken by the Board shall be upon a majority vote of the members present, in person or remotely, unless otherwise provided in these Rules or required by State Statutes.

7) Officers. As soon as practicable after each election or appointment where the newly elected or appointed members take office, the Board shall select a Chair, Vice Chair, Treasurer and Secretary. The District Manager may serve as Secretary and Treasurer.

   a. The Chair must be a member of the Board. If the Chair resigns from that office or ceases to be a member of the Board, the Vice Chair shall assume the role of Board Chair. The Chair may be authorized to sign checks and warrants for the District, countersigned by the Treasurer or other persons authorized by the Board. The Chair may convene and conduct all meetings of the Board. In the event the Chair is unable to attend a meeting, the Vice Chair or other member of the Board may convene and conduct the meeting. If the Chair resigns from that office the Board shall select a Chair to serve the remainder of the term.

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

8) Committees. The Board may establish committees of the District or provide representation on established committees by formal motion, either on a permanent or temporary basis, to perform specifically designated functions. Committees may include individuals who are not members of the Board. Committee representation may be reviewed annually at the October Board Meeting following the beginning of a new fiscal year.

9) Record Book. The District shall keep a permanent record book entitled "Record of Proceedings of the Fiddler's Creek Community Development District #2" in which shall be recorded minutes of all meetings, resolutions, proceedings, certificates, bonds and corporate acts.

10) Meetings. The Board shall establish a schedule of regular meetings and may also meet upon call of the Chair or three (3) Board Supervisors. Nothing herein shall prevent the Board from holding other meetings as it deems necessary or from canceling any regularly scheduled meetings. A previously noticed regular meeting may be canceled. Meetings will be cancelled in accordance with the Board's policy adopted via resolution. All meetings and workshops of the Board shall be open to the public and governed by the provisions of Chapter 286, Florida Statutes, except as may otherwise be provided by Florida law.

11) Voting Conflict of Interest. The members of the Board shall comply with Part III of Chapter 112, Florida Statutes, the Code of Ethics For Public Offices and Employees, to in part ensure the proper disclosure of conflicts of interests on matters coming before the Board. For the purposes of this section, "voting conflict of interest" shall be governed by Part III of Chapter 112 and Chapter 190, Florida Statutes, as amended from time to time.

12) Board Supervisor Conduct. Other than the Chair, no individual Board Supervisor shall direct the District Manager or District Staff to perform extensive research, take action on a policy matter, or make representations on behalf of the Board without formal direction or approval from the collective Board of Supervisors at a meeting. Nothing in this Rule is to be construed to limit or restrict a Board Supervisor from acting in his or her official capacity from coordinating with the District Manager, District Counsel, or District Engineer in answering or responding to correspondence or communications relative to the business of the District.

Specific Authority: Sec. 190.011(5), Fla. Stat.

Law Implemented: Sec. 112.3143, 190.006, 190.007, 286.012, Fla. Stat.

1.4 Public Information and Inspection of Records.

1) Public Records. All District public records within the meaning of Chapter 119, Florida Statutes, and not otherwise restricted by law, including the "Record of Proceedings of the Fiddler's Creek Community Development District #2," may be copied or inspected in accordance with Chapter 119, Florida Statutes.

2) Copies. The custodian of public records upon request shall furnish a copy or a certified copy of a record, that is not exempt or confidential under Florida law, for a fee as authorized by Chapter 119, Florida Statutes. The District reserves the right to provide informational copies of public records without charge when it, in its discretion, chooses to do so.

Specific Authority: Sec. 190.011(5), Fla. Stat.

Law Implemented: Sec. 119.07, 190.006, Fla. Stat.

1.5 Meetings and Workshops.

1) Notice. Except in emergencies, or as otherwise required by Florida Statutes, at least seven (7) days public notice shall be given of any meeting or workshop of the Board of Supervisors. Public notice shall be given by publication in a newspaper of general circulation in the District or as otherwise authorized by Florida law. The meeting/hearing/workshop may be continued in progress without additional notice to a time, date and location stated on the record.

2) Agenda. The District Manager shall prepare a notice of the meeting or workshop and an agenda. The agenda shall be available to the public in the offices of the District Manager prior to each regularly scheduled meeting or workshop and on the District website. Minutes shall be taken and reviewed and approved by the Board at a subsequent meeting. In accordance with State Statutes, the agenda will be available electronically seven (7) days in advance of the meeting.

3) Procedures for Including Items on Agenda. Items to be included on the agenda may be submitted by an individual Board Supervisor and will be addressed under the "Supervisor Comments" section of the agenda for discussion purposes; if formal action is desired, unless a majority of the Board votes to add the item to the agenda for formal action, the item will be presented on the agenda at the following regularly scheduled Board Meeting. In order for an item to be included on the agenda, a request must be submitted to the District Manager no later than ten (10) business days in advance of the next regularly scheduled meeting. Nothing in this Rule is to be construed to limit or restrict a Board Supervisor from discussing items not included on the agenda during Supervisor Comments.

4) Consent Agenda. The Board may provide for consent agenda items. Content of items on the consent agenda shall be limited to routine items that normally do not require discussion such as the minutes, resolutions, payment requests and reports from committees, etc. During the reading of the consent agenda, any Board Supervisor or the District Manager, may pull an item for separate discussion and action.

5) Resolutions. Board action shall be taken by resolution when required by law and in those instances where an expression of policy more formal than a motion is desired. All resolutions shall be reduced to writing.

6) Reconsideration of Action Previously Taken. A motion to reconsider shall be allowed at any time by any Board Supervisor who voted on the prevailing side during a meeting at which the action was taken, except when a motion on some other subject is pending. After a motion to reconsider has been adopted by a majority vote, a Board Supervisor may move to rescind action previously taken.

7) Public Comments. The Board shall provide for public comment in accordance with Florida Statutes. The District's Board Chair, or such other person conducting a District public meeting ("Chair"), shall ensure that there is at least one period of time, "Public Comments", on the agenda whereby the public has an opportunity to address the Board. Additionally, members of the public, in accordance with applicable Florida Statutes, shall be given a reasonable opportunity to be heard prior to the Board taking action on any proposition

before the Board. Speakers shall be permitted to address any agenda item or non-agenda matter of personal or general concern, during the Public Comments period. If the Chair determines that discussion of an issue will be better facilitated by having public comments made at the time the matter appears on the agenda, the Chair may ask those wishing to make public comments to wait until that time and public comments shall be allowed at such time.

Members of the audience making public comments shall address all comments to the Chair. Public input shall be limited to three (3) minutes for each person in any public comments period. This time shall not include time spent by the speaker responding to questions posed by the Board or Staff. Potential speakers are not permitted to assign their time allotment to extend another speaker's time. The Chair may extend or reduce the time periods set forth in this section in order to facilitate orderly and efficient District business; provided, however, that a reasonable opportunity for public comments shall be provided consistent with the requirements of Section 286.0114, Florida Statutes. The Chair may also elect to establish additional Public Comments periods if he or she deems it appropriate with respect to any agenda item or otherwise. The Board is not required to respond to any speaker but may elect to address a speaker in its discretion. Matters raised during any Public Comments period which are not set for consideration on the current agenda may be deferred to the agenda for a subsequent meeting.

In the event large groups or factions of individuals desire to speak (i.e., consisting of more than five (5) individuals), the Board Chair may request each group or faction to designate a representative to speak on behalf of such group or faction but shall allow such representative at least ten (10) minutes to address the Board. Any speaker speaking on behalf of a group shall indicate such person's representative capacity and shall cite the source of such authority, whether by request, petition, vote or otherwise.

The Chair may alter the procedures set forth in this public comments section for public hearings and other special proceedings that may require different procedures under Florida law.

8) Quasi-Judicial Hearings
   a. Order of Testimony
      i. The Board Chair shall announce and open the Public Hearing.
      ii. All persons testifying, including Staff, shall be sworn in prior to providing testimony.
      iii. Staff shall provide an overview of the subject of the Public Hearing and provide any relevant evidence, witnesses or testimony.
      iv. The Board Chair shall then receive testimony, evidence and hear witnesses of the interested parties.
      v. Persons providing testimony shall approach the microphone, state their name and address for the record, and respond to questions posed by the parties, Board Supervisors or District Counsel. Cross-examination shall be limited to matters about which the witness testified. Members of the public will not be permitted to cross-examine.
      vi. Comments shall be limited to the subject of the Public Hearing only.
      vii. Upon determination of no additional public comments and no additional

questions from the Board to the witnesses, parties, or Staff, the Board Chair shall close the Public Hearing and restrict discussion to members of the Board.

viii. Upon completion of the discussion, the Board Chair shall entertain such action as the Board may desire.

b. Ex Parte Communication

i. To eliminate the presumption of prejudice, a Board member who receives ex parte communications, should disclose the subject of the communication and the identity of the person, group, or entity with whom the communication took place, and such communication shall be made a part of the record before final action on the matter. Disclosure should be made before or during the Public Hearing at which a vote is taken on, so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to rebut or respond to the communication.

9) Receipt of Notice. Persons wishing to receive, by mail or email, notices or agendas of meetings may advise the District Manager or Secretary in writing at the District Manager's office. Such persons shall furnish an address in writing and may be required to pay the cost of copying and mailing.

10) Emergency Meeting. The Chair, or the Vice Chair if the Chair is unavailable, may convene an emergency meeting of the Board without first having complied with Subsection 1) to act on emergency matters that may affect the public health, safety or welfare. Emergency meetings shall be afforded the most appropriate and effective notice under the circumstances including if possible, notifying a newspaper of general circulation in the District and be held at a reasonable hour. Notice of the emergency meeting shall be posted on the District's website. Whenever possible, the District Manager shall make reasonable efforts to notify all Board Supervisors of an emergency meeting twenty-four (24) hours in advance. Reasonable efforts may include telephone, text or email notification.

After an emergency meeting, the Board shall publish in a newspaper of general circulation in the District, the time, date, and place of the emergency meeting, the reasons why an emergency meeting was necessary, and a description of the action taken. Whenever an emergency meeting is called, the District Manager shall be responsible for notifying at least one newspaper of general circulation in the District.

11) Budget Amendment. Once adopted in accordance with Section 190.008, Florida Statutes, the annual budget(s) may be amended from time to time by action of the Board. A budget resolution is required for approval by the Board if the budget total will change. In the case of an emergency expenditure affecting the health, safety or welfare of the District, its residents, or landowners, such expenditures must be approved in advance by the District Manager.

13) Continuances. Any meeting of the Board or any item or matter included on the agenda or coming before the Board at a noticed meeting may be continued without re-notice or re-advertising provided that;

a. The Board identifies on the record at the original meeting a reasonable need for a continuance;
b. The continuance is to a specified date, time and location publicly announced at the original meeting; and
c. The public notice for the original meeting states that the meeting may be continued to a date and time that states that the date, time and location of any continuance shall be publicly announced at the original meeting date and posted on the District website immediately following the original meeting.

14) Parliamentary Procedures. Deviations from provisions pertaining to parliamentary procedures may be permitted by the Board Chair unless objected to by a Board Supervisor. Any point of order must be raised prior to the adjournment of a Board Meeting, or it is waived.

Specific Authority: Sec. 190.011(5), Fla. Stat.

Law Implemented: Sec. 119.006, 190.007, 190.008, 286.0105, 286.011, 286.0114, Fla. Stat.

1.6 Variances and Waivers

1) Variances and waivers from District Rules may be granted subject to the provisions and limitations according to the applicable provisions of Florida Statutes including, but not limited to, Chapter 120, Florida Statutes.

Specific Authority: Sec. 190.011(5), Fla. Stat. ; Sec. 120.54. Fla. Stat.; Section 120.81, Fla. Stat. Law Implemented: Sec. 190.011(5), Fla. Stat.

1.7 Purchasing Policies and Procedures.

1) Purchasing Policy. The District shall conduct its purchasing activities in accordance with this Rule and any purchasing policy adopted to implement this Rule, adopted by Board resolution, which complies with all applicable state, local, and federal laws.

2) Approved Thresholds. The Board of Supervisors shall approve formal contracts in excess of the budgeted amount or in excess of $10,000 having a binding effect upon the District, and delegates to the District Manager or designees, the authority to approve contracts or agreements and amendments, extensions, and renewals of such contracts or agreements, including change orders, work orders, and other ancillary documents, providing the total amount of District expenditure for any such contract or agreement does not exceed $10,000 unless otherwise specified by action of the Board of Supervisors.

The $10,000 limitation set forth above shall be determined by the following:

a. the per fiscal year dollar total expenditure for term contracts,
b. the per fiscal year dollar expenditure for fixed-fee agreements,
c. the per fiscal year dollar expenditure for lease agreements,
d. the total dollar expenditure included in the contract for lump-sum or specific project agreements.

Following formal action taken by the Board of Supervisors on purchases greater than the formal competitive threshold, the Board delegates to the District Manager or designee the authority to carry out the administrative and ministerial actions necessary to effectuate the Board's action, including but not limited to the subsequent issuance of work orders or purchase orders.

A purchase shall not be artificially divided or split to qualify under this or any other section of this Rule or purchasing policy. All small purchase quotes will be obtained by the District Manager or Staff without competition by a single quote, with documentation, and generally be processed using a regular purchase order.

The District Manager should make all reasonable efforts to purchase goods and services under Board approved contracts. In the event a contract is not available or able to be utilized, Staff will procure the highest quality items or services at the least expense to the District, the District Manager will seek the best value for the purchase.

The District Manager may, for strategic purchasing reasons, direct all purchases of a specific nature (for example, office supplies or industrial supplies) to one or more specific vendors regardless of the individual or aggregate purchasing volume.

Informal Competition (Purchases $25,000) Request for Quote (RFQ)

Three (3) written quotes will be sought by the District Manager or Staff for purchases exceeding $10,000 but not greater than $25,000. The District Manager will seek the lowest quote obtained (based on quote identified unit or total price), from the responsive (submits all information requested, agrees to meet timeline, terms, and conditions, etc.) and responsible (has references that check, current licenses, certifications, demonstrated years of experience with equipment and staff to perform the work, etc.) bidder. All written quotes will only be valid for at least thirty (30) days prior to issuance of a Purchase Order.

Where the District Manager is unsuccessful in securing three (3) comparable quotes, it may be determined by the Board that a good faith effort was conducted, and an award may be made with fewer than three (3) quotes. The Board may recommend that additional sourcing and soliciting are required by either the District Manager or Staff.

A purchase shall not be artificially divided or split to qualify under this or any other section of this Rule or purchasing policy. The District Manager should make all reasonable efforts to purchase goods and services under Board approved contracts. In the event a contract is not available, or the District Manager demonstrates that the price under contract exceeds the price on a non-contract, the District Manager will procure the highest quality items or services at the least expense to the District.

The District Manager or Staff requesting quotes are to conduct themselves in a fair and equitable fashion by providing the same information, under the same conditions, to all vendors in a fair and open competitive process. The District Manager must advertise for a minimum of ten (10) calendar days. The District Manager should be monitoring bid submittals and as the bid due date/time approaches, if three (3) quotes are not received, the due date should be extended at least a week to promote competition.

Procurement Methods (Purchases In Excess Of Statutory Thresholds

The Board of Supervisors has established the statutory thresholds as the District's threshold for formal competitive solicitations to include Invitation to Bid (ITB), Request for Proposal (RFP), Request for Professional Services (RPS), Invitation to Negotiate (ITN), Invitation for Qualifications (IFQ) Request For Qualifications (RFQ), ("Competitive Solicitation") administered under the supervision of the District Manager. Award of any resulting agreements or contracts shall be made by the Board except where otherwise provided for in the purchasing policy, or unless an exception is granted by the Board.

The advertising period for all formal competitive solicitation methods is the greater of thirty (30) days, or the period required by Florida law. The advertising period may be increased by the District Manager should unusual circumstances require it. All advertising will take place using advertising platforms or publications as required by Florida law and other formats as deemed necessary by the District Manager.

3) Protests. The resolution of any protests with respect to purchasing shall be in accordance with this Rule.

Filing of Protests.

a. With respect to a protest regarding qualifications, specifications, documentation, or other requirements contained in a Competitive Solicitation issued by the District, the notice of protest shall be filed in writing within forty-eight (48) hours (excluding Saturdays, Sundays, and state holidays) after the first advertisement of the Competitive Solicitation. A formal protest setting forth with particularity the facts and law upon which the protest is based shall be filed within seven (7) calendar days (including Saturdays, Sundays, and state holidays) after the initial notice of protest was filed. For purposes of this Rule, wherever applicable, filing will be perfected and deemed to have occurred upon receipt by the District Manager. Failure to timely and properly file a notice of protest shall constitute a waiver of all rights to protest any information contained in the District's Competitive Solicitation. Failure to file a formal written protest shall constitute an abandonment of the protest proceedings and shall automatically terminate the protest proceedings.

b. Any party, firm or person that has timely responded to a Competitive Solicitation and who is affected adversely by a District's ranking or intended award or action and desires to contest the District's ranking or intended award or action, shall file with the District Manager a written notice of protest within forty-eight (48) hours (excluding Saturdays, Sundays, and state holidays) after receipt of the notice of the District's ranking or intended award. A written formal protest setting forth with particularity the facts and law upon which the protest is based shall be filed within seven (7) calendar days (including Saturdays, Sundays, and state holidays) after the initial notice of protest was filed. For purposes of this Rule, wherever applicable, filing will be deemed to have occurred upon receipt by the District Manager. Failure to timely file a notice of protest shall constitute a waiver of all rights to protest the District's ranking or intended award or action. Failure to timely and properly file a formal written protest shall constitute an abandonment of the protest proceedings and shall automatically terminate the protest proceedings.

c. If the requirement for the posting of a protest bond and the amount of the protest bond, which may be expressed by a percentage of the contract to be awarded or a set amount, is disclosed in the District's Competitive Solicitation documents, any person who files a notice of protest must post the protest bond at the same time. The amount of the protest bond shall be determined by District Staff after consultation with the District Counsel and within the limits, if any, imposed by Florida law. In the event the protest is successful, the protest bond shall be refunded to the protestor. In the event the protest is unsuccessful, the protest bond shall be applied towards the District's costs, expenses, and attorney's fees associated with hearing and defending the protest. In the event the protest is settled by mutual agreement of the parties, the protest bond shall be distributed as agreed to by the District and protestor.

d. Filings are only accepted during normal business hours of the District Manager.

Contract Execution Upon Filing. Upon receipt of a formal written notice of protest which has been timely and properly filed, the District shall not execute the contract under protest until the subject of the protest is resolved. However, if the District sets forth in writing particular facts and circumstances showing that delay due to protest proceedings will jeopardize the funding for the project, will materially increase the cost of the project, or will create an immediate and serious danger to the public health, safety, or welfare, the contract may be executed.

Informal Proceeding. If the Board determines a timely and properly filed written protest does not involve a disputed issue of material fact, the Board may, but is not obligated to, schedule an informal proceeding to consider the protest. Such informal proceeding shall be at a time and place determined by the Board. Notice of such proceeding shall be sent via email, facsimile, United States Mail, or hand delivery to the protestor and any substantially affected persons or parties not less than three (3) calendar days prior to such informal proceeding. Within thirty (30) calendar days following the informal proceeding, the Board shall issue a written decision setting forth the factual, legal, and policy grounds for its decision.

Formal Proceeding. If the Board determines a timely and properly filed written protest involves disputed issues of material fact or if the Board elects not to use the informal proceeding process provided for above in this Rule, the District shall schedule a formal hearing to resolve the protest. The Chair shall designate any member of the Board (including the Chair), District Manager, District Counsel, or other person as a hearing officer to conduct the hearing.
The hearing officer may:

i. Administer oaths and affirmations;
ii. Rule upon offers of proof and receive relevant evidence;
iii. Regulate the course of the hearing, including any pre-hearing matters;
iv. Enter orders; and
v. Make or receive offers of settlement, stipulation, and adjustment.

The hearing officer shall, within thirty (30) days after the hearing or receipt of the hearing transcript, whichever is later, file a recommended order which shall include a caption, time and place of hearing, appearances entered at the hearing, statement of the issues, findings of fact and conclusions of law, separately stated, and a recommendation to the Board for final District action. The District shall allow each party five (5) days in which to submit written exceptions to the recommended order. The District shall issue a final order within thirty (30) days after the filing of the recommended order.

Intervenors. Other substantially affected persons may join the proceedings as intervenors on appropriate terms which shall not unduly delay the proceedings.

Rejection of all qualifications, bids, proposals, replies and responses after receipt of notice of protest. If the Board determines there was a violation of law, defect, or an irregularity in the Competitive Solicitation process, the bids, proposals, replies, and responses are too high, or if the Board determines it is otherwise in the District's best interest, the Board may reject all qualifications, bids, proposals, replies, and responses and start the competitive solicitation process anew. If the Board decides to reject all qualifications, bids, proposals,

replies, and responses and start the competitive solicitation process anew, any pending protests shall automatically terminate.

Settlement. Nothing herein shall preclude the settlement of any protest under this Rule at any time.

4) Suspension. The District desires to solicit offers from, award contracts to, and consent to subcontracts only with, vendors known to be reliable, ethical and responsible. To that end, and as set forth below, the District may suspend or debar a vendor for cause. The District shall not accept any solicitation from, nor contract with, a vendor while it is suspended or debarred. The serious nature of suspension or debarment requires that such sanction be imposed only when it is in the District's best interest. Such suspension or debarment shall be imposed in accordance with the procedures contained herein.

Automatic Suspension. Any vendors on a State or federal convicted vendor's list, or which are ineligible for contracting with a local government entity as provided by Section 287.135, Florida Statutes (entitled "Prohibition against contracting with scrutinized companies") are automatically suspended by the District, without the necessity of a hearing or further notice, until (1) that vendor is no longer on such list or ineligible and (2) such vendor is reinstated in accordance with this Policy.

Application to Principals, Agents, and Affiliates. Suspension or debarment applies to all officers, managers, principals, directors, partners, qualifiers, divisions, subsidiaries, or other organizational elements of the suspended or debarred vendor or any other entity in which the suspended or debarred vendor or person is an officer, manager, principal, director, partner, qualifier, division, subsidiary, or other organizational element. The suspension or debarment applies to any existing or future affiliates of the vendor.

Additional Causes for Suspension: A vendor may be suspended for cause. Any of the following constitute cause:

i. Material failure to fully comply with the conditions, specifications, or terms of a contract with the District.
ii. Failure to substantially fulfill a Bid, Proposal or Quotation upon Award.
iii. Commission of any misrepresentation in connection with a Bid, Quotation or Proposal.
iv. A charge of a crime relating to obtaining or the performance of a public or private contract or subcontract; or a charge of a crime of dishonesty or moral turpitude, or any other criminal offense indicating a lack of business integrity or business honesty. If charges are dismissed or the vendor is found not guilty, the suspension shall be lifted automatically upon written notification and proof of final court disposition provided by the vendor to the District.
v. Vendor becomes insolvent, proceedings in bankruptcy regarding the vendor are filed or, vendor compounds its debts or assigns over its estate or effects for payment thereof, or has a receiver or trustee appointed over its property.
vi. Commission of any act or omission to perform any act that is grounds for debarment.
vii. Any other cause the District Manager determines to be compelling as to affect the responsibility of a vendor as a District contractor materially and adversely, including but not limited to, suspension or debarment by another governmental entity.

viii. Violation of the any provision of this policy or any ethical standards set forth in local, state or federal law.

ix. Suspension or debarment by another local government with which the District routinely participates in joint solicitations for goods or services.

Debarment: A debarment is an indefinite suspension. A vendor may be debarred for the following:

i. Failure to comply with the conditions, specifications, or terms of a contract with the District.

ii. Failure to perform in accordance with a Bid, Proposal or Quotation after Award.

iii. Conviction of a crime relating to obtaining or the performance of a public or private contract or subcontract; or conviction of a crime of dishonesty or moral turpitude, or any other criminal offense indicating a lack of business integrity or business honesty. If the conviction or judgment is reversed through the appellate process, the debarment shall be removed immediately upon written notification and proof of final court disposition from the vendor to the District.

Effect of Suspension and Debarment. The District will not solicit offers from, award contracts or purchase orders to, or consent to subcontracts with suspended or debarred vendors unless the District Manager or designee determines that an emergency exists justifying such action. Such vendors are also excluded from conducting business with the District as agents, representatives, subcontractors, or partners of other vendors.

Suspension and Debarment Process: The following procedures shall be utilized for the suspension or debarment of a vendor:

i. The District Manager or their designee may make a Staff level determination of suspension or debarment and the period thereof. The Staff level determination shall be in writing and include the facts justifying the suspension or debarment and provide for an opportunity for the vendor to make a written response. When the initial determination is made, the vendor and the Board shall be given written notice by the District Manager.

ii. If the vendor chooses to appeal a final staff level determination to the Board, the vendor shall have three (3) business days after written notice of the final staff level determination to file a notice of appeal with the District Manager; otherwise, any objection is waived. Due process shall be afforded to the vendor; the determination of the District Board after a properly noticed public hearing regarding a suspension or debarment shall be the final and conclusive administrative decision by the District.

Suspension or Debarment Period

i. Suspension. The term of a suspension shall be established consistent with the District's policies. The Board may shorten the term of a suspension in its discretion.

ii. Debarment. Debarment shall remain in effect unless and until the vendor is reinstated.

Reinstatement. A suspended or debarred vendor may apply for reinstatement at any time in accordance with procedures established by the Board. Due process shall be afforded to the

vendor; the determination of the Board regarding a reinstatement shall be the final and conclusive administrative decision by the District.

5) Improper Lobbying. No bidder may engage in any effort, either directly or indirectly, to influence the actions of the Board with respect to a pending award of an agreement for which a solicitation was issued except as set forth in this section. Any bidder engaging in a protest to the District Board as allowed under this section, shall comply strictly with the requirements and restrictions of this section. Any attempt by any bidder to communicate with any District Board member, directly or indirectly, whether in person or through agents, employees, or lobbyists, or otherwise to influence the vote of any District Board member, in connection with any pending award of an agreement for which a solicitation has been issued, in any manner not strictly in compliance with the requirements and restrictions of this section shall be deemed in violation of the blackout period restriction. The District Board may disqualify a bid or proposal in connection with a procurement matter where District Board members have been lobbied in violation of the blackout period restrictions.

1.8 Effective Date.

1) These Rules shall be effective April 23, 2025

Specific Authority: Sec. 190.011(5), Fla. Stat.

Law Implemented: Sec. 190.011(5), Fla. Stat.