

**SOUTH BROWARD DRAINAGE DISTRICT  
GOVERNING BOARD MEETING MINUTES  
MAY 31, 2012**

**Present:**

Scott Hodges, Chairperson  
Vicki Minnaugh, Treasurer  
Robert E. Goggin, IV, Secretary  
Alanna Mersinger, Commissioner  
Thomas Good, Commissioner  
Mercedes Santana-Woodall, Commissioner

Kevin M. Hart, District Director  
Douglas R. Bell, Legal Counsel  
Reina Muniz, Recording Secretary  
Carol Morris, SFWMD  
General Public: See Attached List

**Absent:**

James Ryan, Vice Chairperson

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**01. CALL TO ORDER/PLEDGE OF ALLEGIANCE**

Meeting called to order at 8:15 A.M., followed by the Pledge of Allegiance.

**02. PUBLIC COMMENT**

None.

**03. APPROVAL OF MINUTES**

Commissioner Minnaugh moved for approval of the minutes of the April 26, 2012, South Broward Drainage District Board meeting. Motion was seconded by Commissioner Mersinger and was carried unanimously.

**04. DIRECTOR'S REPORT**

**A. ANNUAL CONTRACT FOR ACCOUNTING SERVICES**

SBDD received a quote for accounting services from the accounting firm of Margolies, Fink and Wichrowski, Certified Public Accounts (MFW). MFW has been providing accounting services to the District for the past 17 years.

The quote submitted by MFW is for \$25,000 and includes complete accounting services for the next fiscal year, including the preparation of the annual, audited

financial statements for the year ending September 30, 2012. The proposed quote represents a decrease in fees from the previous year of \$1,000.00. This decrease is attributed to additional responsibilities performed in-house by Susan Iratzoqui.

District Director Hart recommended that the District award the contract for the annual accounting services to Margolies, Fink and Wichrowski, Certified Public Accounts in the amount of \$25,000.00.

Commissioner Minnaugh moved for approval to award the contract for the annual accounting services to Margolies, Fink and Wichrowski, CPA in the amount of \$25,000.00. Motion was seconded by Commissioner Mersinger for discussion.

Commissioner Mersinger said that MFW is doing excellent work and she has no complaints. She asked District Director Hart if the District advertised this contract out for bid. District Director Hart replied that since MFW actually lowered their rate from last year's rate, and because the District is pleased with services provided by MFW, and their familiarity with the District, he recommended moving forward with the same accounting firm. District Director Hart also stated that the District did not advertise for these services.

Commissioner Good concurred with Commissioner Mersinger and said that 17 years without performing a bid process for this item, is something he would be concerned with.

Commissioner Goggin commented that he is very pleased with MFW's services and he feels that to continue with their services, is the right thing to do. He said they have never steered the District in the wrong direction, and that is important.

District Director Hart said that any direction that the Board chooses will be acceptable. He commented that there is plenty of time between now and September, when MFW's contract expires. He explained what the process will be. He said that the process will be a solicitation for qualifications for services to qualified bidders; and the selection will be based on qualifications. The District will negotiate with the number one firm that the Board selects and if the District is unable to reach an agreement with the number one firm, they will go with the next firm, etc.

Attorney Bell said that he believes that the Board did solicit proposals when they first hired MFW and that there is a Resolution which sets the procedure on the selection process.

Commissioner Good commented that Best Government Practices is that a solicitation process be performed. He suggested that the District place a solicitation for this item, and that although MFW, at this point, has certain advantages, he believes that the District's interest with the constituents is to make certain that the District is following the Best Government Practices. Chair Hodges agreed with Commissioner Good.

At this time, Commissioner Minnaugh withdrew her motion, and Commissioner

Mersinger withdrew her second to the motion.

Commissioner Good made a motion to have this item advertised and for the District to go through the competitive process. Commissioner Goggin seconded the motion and it was carried unanimously.

Attorney Bell explained that a Selection Committee should be appointed. Chair Hodges suggested Attorney Bell follow the process of the Resolution from when MFW was first hired. The following three (3) people were appointed to the Selection Committee:

- Commissioner Minnaugh
- District Director Hart
- Susan Iratzoqui

District Director Hart said that the District will proceed accordingly.

## **B. AWARD OF CONTRACTS:**

### **1. SBDD B-3 PUMP STATION REMOVAL AND INSTALLATION OF 48” CULVERT**

District Director Hart said that an advertisement for bids was placed for the SBDD B-3 Pump Station Demolition and Culvert Replacement Project located in the City of Pembroke Pines. A total of five (5) bids were received. Each bidder was required to visit the job site location with an SBDD representative as a prerequisite to submitting a bid. The bid included a base bid and an alternate bid. The base bid includes the removal of a 48” CMP culvert and installation of a new 48” RCP culvert, and the alternate bid includes the slip-lining of the existing 48” CMP culvert (as opposed to replacement). The base bid amounts ranged in price from \$152,069.00 to \$342,839.00 and the alternate bid amounts ranged in price from \$157,852.00 to \$331,633.00. The lowest base bid and lowest alternate bid received were submitted by Westwind Contracting, Inc. in the amount of \$152,069.00 (base bid) and \$157,852.00 (alternate bid). SBDD has reviewed the bid submitted by Westwind Contracting, Inc. and has determined that the Contractor is qualified to perform the work and the bid meet all requirements.

District Director Hart recommended that the Board award the contract for the SBDD B-3 Pump Station Demolition and Culvert Replacement Project to Westwind Contracting, Inc. in the amount of \$152,069.00 (base bid) as the lowest responsive, responsible bidder. This project will be funded out of the SBDD Capital Improvement Committed Account.

Commissioner Goggin moved for approval to award the contract for the SBDD B-3 Pump Station Demolition and Culvert Replacement Project to Westwind Contracting, Inc. for the total amount of the contract of \$152,069. Motion was seconded by Commissioner Minnaugh.

Commissioner Goggin suggested that the District coordinate with the City of Hollywood on the project. He also mentioned that he would like the District to

inform the residents in the immediate area of what will be taking place. District Director Hart agreed.

Commissioner Good asked District Director Hart, what the warranty was on this project? District Director Hart replied that there will be a one year warranty. He said this will be a bonded project as well, and that this project includes a performance and payment bond; which will extend through the one year warranty period. He said this performance and payment bond will remain in place for the full year. After approximately 11 months, there will be a warranty inspection. The bond will not be released until all warranty items have been addressed properly by the Contractor. He mentioned that this has been written into the specifications and in the contract language.

Chair Hodges asked District Director Hart who maintains this culvert. District Director Hart replied that the District will be maintaining this culvert.

The question was called and it was carried unanimously.

## 2. SBDD SITE LIGHTING AND ELECTRICAL IMPROVEMENTS

An advertisement for bids was placed for the SBDD Site Lighting and Electrical Improvements. A total of six (6) bids were received. The bid included a base bid and an alternate bid. The base bid amounts ranged in price from \$39,304.90 to \$124,108.00. The lowest base bid amount received was submitted by Electrical Contracting Service, Inc. in the amount of \$39,304.90 and the lowest alternate bid amount received was submitted by Imperial Electrical, Inc. in the amount of \$13,977.50. The total amount of the lowest base bid and lowest alternate bid is well below the District's budget estimate for both items. SBDD has reviewed the bids submitted by Electrical Contracting Service, Inc. and Imperial Electrical, Inc. and has determined that both Contractors are qualified to perform the work and the bids meet all requirements.

District Director Hart recommended that the Board award the contract for the base bid for the SBDD Site Lighting and Electrical Improvements to Electrical Contracting Service, Inc. in the amount of \$39,304.90 as the lowest responsive, responsible bidder; and award the contract for the alternate bid to Imperial Electrical, Inc. in the amount of \$13,977.50 as the lowest responsive, responsible bidder. This project will be funded out of the SBDD Capital Improvement Committed Account.

Commissioner Minnaugh moved for approval to award the contract for the SBDD Site Lighting and Electrical Improvements to Electrical Contracting Service, Inc. for the base bid amount of \$39,304.90. Motion was seconded by Commissioner Santana-Woodall.

In discussion, Commissioner Santana-Woodall said that originally it was discussed that there would be extra electrical conduits installed for security cameras, etc. She asked if this is included in the contract. District Director Hart

replied that it is included in the amount.

Chair Hodges asked if there are any FPL fees associated with this project. District Director Hart replied that the District will have to purchase a pull box; so there will be an additional fee for that. The question was called and was carried unanimously.

Commissioner Minnaugh moved for approval to award the contract for the SBDD Site Lighting and Electrical Improvements to Imperial Electrical, Inc. for the alternate bid amount of \$13,977.50. Motion was seconded by Commissioner Santana-Woodall and it was carried unanimously.

**C. REQUEST TO TRANSFER FUNDS FROM CAPITAL IMPROVEMENTS COMMITTED ACCOUNT TO GENERAL OPERATING ACCOUNT**

SBDD recently completed the CIP project to rebuild two pumps in the amount of \$25,965.00. This project included the rebuilding of the #1 pump at the S-2 pump station and the #2 pump at the S-8 pump station and was previously approved by the Board with funding through the Capital Improvement Committed Account. District Director Hart said that this is a formal request, now that the work has been completed, to transfer funds in accordance with previous approval and direction by the Board.

Commissioner Minnaugh moved for approval to transfer funds from Capital Improvements Committed Account to General Operating Account. Motion was seconded by Commissioner Goggin and it was carried unanimously.

**D. REINVESTMENT OF DISTRICT FUNDS**

The following investment funds are scheduled to mature during the month of June, 2012:

- |   |                           |
|---|---------------------------|
| 1. Federal Home Loan Banks Bond - \$155,000   | Maturity Date - 6/20/2012 |
| 2. Freddie Mac (Medium Term Note) - \$475,000 | Maturity Date - 6/15/2012 |

Upon maturity of these investments, the District will have approximately \$631,304 of cash-on-hand to reinvest or move to one of the District's accounts. The actual amount of cash-on-hand will depend upon the final payout amounts from each investment fund.

District Director Hart is recommending that the District re-invest \$247,500 in a new CD under the best terms and interest rates available, and to deposit the remaining cash-on-hand (approximately \$383,804) into the Capital Improvement Committed Account in order to fund current and future CIP projects.

District Director Hart is requesting approval to re-invest the monies that will become available in June 2012 from two maturing investment funds as follows: purchase one 12-month CD in the amount of \$247,500 under the best terms and interest rate available; and deposit the remaining monies in the Capital Improvement Committed account to enable the District to continue to fund their Capital Program.

Commissioner Minnaugh moved for approval for the reinvestment of District funds as stated. Motion was seconded by Commissioner Goggin and it was carried unanimously.

**E. OTHER.**

GRAPPLE TRUCK - District Director Hart made a presentation to the Board on how the new grapple truck is being used and the benefits to the District.

District Director Hart recognized and commended Robert Franklin, Operations Maintenance Supervisor, and his staff. He said that Mr. Franklin was instrumental in evaluating the needs and use of this equipment, its efficiency, the benefits, versatility and lessening of demands of the field staff. He thanked Robert Franklin, Joseph Certain, Luis Ochoa and Roy Pooran for putting together the specifications on the manufacturing of the grapple truck. He said that it is one-of-a-kind piece of equipment. It has only been in operation for a month and has exceeded the District's expectations as far as saving time and effort.

District Director Hart showed slides of the grapple truck in operation. He commented that work that once would take 3-4 staff employees 4 hours to remove weeds manually from these weed racks, now takes approximately 1 hour with two staff employees. He showed how quickly and efficiently the District can clear trash/bulk debris within the lakes and the pump stations throughout the District. It was very impressive. The Board thanked Robert for being a leader on this.

Commissioner Mersinger had concerns that because the District has such efficient equipment, it would replace employees and have them lose their position. District Director Hart assured Commissioner Mersinger that would not be the case. He said that the new equipment would allow staff to do more with the same number of people that the District currently has employed. Commissioner Goggin commented that this would help the field staff from breaking away from their main jobs, and cutting them thin when dealing with this issue manually, not to mention the danger involved, and freeing them from work overload.

District Director Hart provided additional information as follows:

BROWARD DAYS - On Friday, June 15, 2012 from 11:30 – 1:30 p.m. there will be a legislative wrap-up luncheon where they will have a legislative speaker. There is also a Workshop that Broward Days is holding on Wednesday, June 6 at 8:30 to 11:00 a.m. regarding the state's Sunshine Laws.

UPDATE ON BROWARD COUNTY WATER PRESERVE AREAS PROJECT - District Director Hart recognized Ms. Carol Morris from SFWMD. He said that he spoke at the SFWMD Water Resources Advisory Committee Meeting on the District's concerns on the BCWPA Project. He said that he also attended the SFWMD Governing Board Meeting, where this item was originally scheduled; and the agenda item was pulled. He said that the project received approval from the U.S. Army Corp. of Engineers, and that now it will move forward to Congress. SFWMD is planning to hold workshops locally in Broward County to address concerns raised by agencies and municipalities. Ms. Morris indicated that she is trying to arrange for representatives from SFWMD and the U.S. Army Corp. to attend next

month's Board meeting to give the SBDD Board an update. She said that the letter of support was pulled from the SFWMD May agenda for reasons not related to the project. She said she is waiting on word as to whether or not the letter will go forward at the June or July meeting. She reiterated that SFWMD will try to have a presentation at the SBDD Board meeting for next month.

STATUS OF EAST COAST LEVEE PROTECTION – District Director Hart said that the SFWMD Board approved a series of contracts for \$18 million dollars. Ms. Morris explained that the work has been broken into three pieces so that it will work from both ends towards the middle. She said that the first contractor will be available to start around June 11<sup>th</sup>. District Director Hart said that it is all moving forward, and they have a two year window to get the work completed and to obtain a full certification of the levee; and from everything he has seen and heard, SFWMD continues to be fully committed to meeting those deadlines.

UPDATE ON RAINFALL - District Director Hart updated the Board on the recent rainfall in South Broward. He said it took a 180 degree turn-around from a year ago, when there was no rain in May or June, and some of the lowest levels were seen; this year it was the complete opposite. He said that October had the 4<sup>th</sup> largest rainfall on record moving into the dry season, and we continued through the dry season to have intermittent rainfall, some over 2" at times. For the month of May the District has already registered over 10" on average throughout the District. He said that last year the District was not doing much pumping until July, whereas this year from October thru May the District has been in full operation across the board. He said that the District will be opening their gates on June 1<sup>st</sup> which will be giving relief to the residents at SWR. Overall, the District is in good shape.

Ms. Morris said that when the District lifted the water shortage order a few months back, they did keep a water shortage warning in place; just to keep the residents aware of the fact that even though there has been significant rainfall, there would still be a reasonable probability that South Florida would be in a water shortage following the summer months. At this point, perhaps at the June meeting, the Governing Board will lift the water shortage warning. She said that our water conditions are good; they are much better than they were last year. Ms. Morris said that while people may see that warning lifted, she wanted to remind them that Broward County is still under a 2-day-a-week outdoor irrigation rule.

UPDATE ON NUMERIC NUTRIENT CRITERIA – District Director Hart said that the state had previously made a request regarding numeric nutrient criteria to EPA, to take over the numeric program, and have yet to receive a response. He said that as far as he could see, the dates keep getting pushed back because of the legal issues involved. The EPA has not yet ruled on the State's request, and the deadline of the administrative hearing has passed. He said 60 days after that, a ruling should have been issued and was not. District Director Hart said that he will keep apprised and continue to follow the process. It seems that for SBDD the criteria for South Florida canals will stay as it currently exists; where if the water body is declared impaired, the State will impose numerics on them, and if not, they will just continue to operate under the current narrative rules.

CAREER DAY – District Director Hart attended Career Day at Silver Lakes Elementary School and he enjoyed the experience.

Commissioner Mersinger asked about the FEMA Flood Maps. She asked when they will take effect. District Director Hart said he does not think it will happen before September, and may

actually get pushed back to beginning of 2013. Commissioner Good said that you can actually access the website, but that he thinks it will not happen before December because they have to wait a period of time for comments, and then an awareness notice is placed.

**05. ATTORNEY'S REPORT:**

- A. UPDATE ON GRAND PALMS** – The Settlement Agreement has been forwarded to 15500 Pines Boulevard; and as discussed, they have sold the property to a new entity called NGV. District Director Hart said that although NGV will not be a party to the settlement agreement, they still need to approve the agreement because they now own the property, and are successors to 15500 Pines Boulevard, and have obligations under the Agreement. He said that, the attorneys that are representing NGV are okay with the settlement agreement. He said that some very minor, non-substantive changes to the agreement were made that do not change the details of the agreement. NGV will actually be the entity that will be dedicating the easements, since they now own the property. The easement language has been worked out, which is very consistent with SBDD standard easement language. Both NGV and 15500 Pines Boulevard are okay with the agreement, however, both parties have their own agreement to settle, and that many different attorneys are involved in this. District Director Hart said that as soon as they get their own separate agreements worked out, they will go ahead and sign-off on the District's Agreement in the next couple of weeks, and at that time, it will be forwarded to Grand Palms for approval; and hopefully, start the process to get the work done. He said it's moving forward, slower than hoped, but still making progress.

**06. APPROVAL OF LEGAL FEES**

Commissioner Goggin moved for approval of the legal bills, motion was seconded by Commissioner Santana-Woodall, and it was carried unanimously.

**07. BOARD MEMBER'S QUESTIONS/COMMENTS**

None.

**08. MEETING DATE**

- A. Next Regular Board Meeting will be held on **Thursday, June 28<sup>th</sup> at 8:00 A.M.**

**Adjournment at 9:25 A.M.**

Respectfully submitted,

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Robert E. Goggin IV, Secretary  
South Broward Drainage District

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\*\*\*MEMORANDUM\*\*\*

DATE: June 21, 2012  
TO: South Broward Drainage District Commissioners  
FROM: Kevin M. Hart, P.E.  
District Director  
Subject: Contract Award for 70 Hour Post Storm Debris/Tree Removal Services

Comments:

SBDD advertised for bids for 70 Hour Post Storm Debris/Tree Removal Services. We received a total of ten (10) bids. The bid is for work to be performed during the first 70 hours following a declared Disaster/State of Emergency and includes a series of hourly rates for equipment and personnel. The bid documents allow the District to award multiple contracts. A copy of the Bid Summary is attached.

In order to provide SBDD with the highest level of flexibility, and to serve the best interests of the District, I am recommending that the District award a contract for 70 Hour Post Storm Debris/Tree Removal Services to the following Contractors:

- Adventure Environmental, Inc.
- Ceres Environmental Services, Inc.
- EDJ Service, Inc.
- Elan Lawn & Landscaping Services
- Florida Coast Services, Inc.
- Orchidman Landscape Artisans Corp.
- Pan American Landscaping
- RKC Land Development, Inc.
- TTC Environmental, Inc.
- Weekley Asphalt Paving, Inc.

Individual Work Orders would be issued under the contract documents, following a state declared disaster, to any firm listed above based on factors including, but not limited to, hourly rates, availability, responsiveness, the specific needs of the District, type of equipment needed, location, and/or the severity of the storm, and/or the extent of damages.

SBDD has reviewed all of the bids submitted and have checked references for those companies that SBDD has not worked with directly. SBDD has determined that all of the Contractors are qualified to perform the work and that all of the bids meet the requirements

**This is to request approval to award contracts for the 70 Hour Post Storm Debris/Tree Removal Services to the ten (10) Contractors listed above.**

**KH**  
**Attachment**

**70 HOUR POST STORM DEBRIS/TREE REMOVAL SERVICES BIDS**

JUNE 14, 2012

|                  | ADVENTURE ENVIRONMENTAL INC. |          |          | CERES ENVIRONMENTAL SVCS. INC |          |            | EDJ SVC. INC. |          |          | ELAN LAWN & LANDSCAPING SVCS. |          |          | FL COAST SVCS. INC. |          |      |
|------------------|------------------------------|----------|----------|-------------------------------|----------|------------|---------------|----------|----------|-------------------------------|----------|----------|---------------------|----------|------|
|                  | CAP.                         | REG.     | O.T.     | CAP.                          | REG.     | O.T.       | CAP.          | REG.     | O.T.     | CAP.                          | REG.     | O.T.     | CAP.                | REG.     | O.T. |
| HRLY RATE (3)    |                              | \$210.00 | \$315.00 |                               | \$985.00 | \$1,379.00 |               | \$100.00 | \$150.00 |                               | \$85.00  | \$277.50 |                     | \$300.00 | /    |
| PERSON CREW      |                              |          |          |                               |          |            |               |          |          |                               |          |          |                     |          |      |
| TREE CHIPPER     | MORBAR                       | \$100.00 | \$150.00 |                               | /        | /          | 12"           | \$58.00  | \$77.00  |                               | \$80.00  | \$90.00  |                     | \$200.00 | /    |
| BOBCAT           | 3475 LB                      | \$65.00  | \$97.50  |                               | \$164.00 | \$228.00   |               | \$77.00  | \$96.00  |                               | \$75.00  | \$112.50 |                     | /        | /    |
| COMBINATION      | CAT 420E                     | \$85.00  | \$127.50 |                               | /        | /          |               | \$95.00  | \$144.00 |                               | \$85.00  | \$127.50 |                     | /        | /    |
| BOAT             |                              | /        | /        | PANTON<br>W/OUT-<br>BOARD     | \$395.00 | \$555.00   | PANTON        | \$55.00  | \$74.00  |                               | \$50.00  | \$75.00  |                     | /        | /    |
| CRANE            | 60 TN                        | \$285.00 | \$397.50 |                               | /        | /          |               | /        | /        |                               | \$375.00 | \$562.50 |                     | /        | /    |
| GRAPPLE TRUCK    | 40 YDS                       | \$180.00 | \$270.00 |                               | \$425.00 | \$595.00   |               | /        | /        |                               | \$180.00 | \$195.00 |                     | /        | /    |
| DUMP TRUCK       | 30 YDS                       | \$120.00 | \$180.00 | SIDE DUMP                     | \$265.00 | \$370.00   | 25 YD         | \$59.00  | \$78.00  |                               | \$75.00  | \$112.50 |                     | \$200.00 | /    |
| BUCKET TRUCK     | 60 FT                        | \$135.00 | \$202.50 |                               | /        | /          | 65 FT         | \$85.00  | \$104.00 |                               | \$100.00 | \$165.00 |                     | \$300.00 | /    |
| CHIPPER TRUCK    | 25 YDS                       | \$120.00 | \$180.00 |                               | /        | /          | 25 YD         | \$59.00  | \$78.00  |                               | \$100.00 | \$165.00 |                     | \$300.00 | /    |
| DUMP TRAILER     | 15 YDS                       | \$80.00  | \$120.00 |                               | /        | /          | 25 YD         | \$55.00  | \$77.00  |                               | \$65.00  | \$97.50  |                     | \$200.00 | /    |
| ADDTL SUPERVISOR |                              | \$75.00  | \$150.00 |                               | \$130.00 | \$195.00   |               | \$38.00  | \$57.00  |                               | \$40.00  | \$60.00  |                     | \$100.00 | /    |
| ADDTL LABORER    |                              | \$40.00  | \$60.00  |                               | \$120.00 | \$180.00   |               | \$25.00  | \$37.50  |                               | \$30.00  | \$45.00  |                     | \$50.00  | /    |

70 HOUR POST STORM DEBRIS/TREE REMOVAL SERVICES BIDS

JUNE 14, 2012

|                  | ORCHIDMAN LANDSCAPE ARTISANS, CORP. |          |          | PAN AMERICAN LANDSCAPING |         |          | RKC LAND DEVELOPMENT INC. |          |          | TTC ENVIRONMENTAL INC. |          |          | WEEKLEY ASPHALT PAVING, INC. |          |          |
|------------------|-------------------------------------|----------|----------|--------------------------|---------|----------|---------------------------|----------|----------|------------------------|----------|----------|------------------------------|----------|----------|
|                  | CAP.                                | REG.     | D.T.     | CAP.                     | REG.    | D.T.     | CAP.                      | REG.     | D.T.     | CAP.                   | REG.     | D.T.     | CAP.                         | REG.     | D.T.     |
| HRLY RATE (3)    |                                     |          |          |                          |         |          |                           |          |          |                        |          |          |                              |          |          |
| PERSON CREW      | 36                                  | \$12.50  | \$168.75 |                          | \$87.00 | \$130.50 |                           | \$375.00 | \$562.50 |                        | \$95.00  | \$142.50 |                              | \$202.00 | \$303.00 |
| TREE CHIPPER     | 2                                   | \$65.00  | \$125.00 |                          | \$45.00 | \$67.50  | 12"                       | \$150.00 | \$225.00 | 12"                    | \$65.00  | \$97.50  |                              | \$100.00 | \$150.00 |
| BOBCAT           | 2                                   | \$48.50  | \$72.00  |                          | \$69.00 | \$103.50 | 3/4 YD                    | \$125.00 | \$187.50 | JOERE 3/7              | \$35.00  | \$52.50  |                              | \$55.00  | \$83.00  |
| COMBINATION      | 1                                   | \$58.50  | \$75.00  |                          |         |          | 1-1/2 YD                  | \$150.00 | \$225.00 | FORD 6/6               | \$80.00  | \$120.00 |                              | \$75.00  | \$113.00 |
| BOAT             | 1                                   | \$189.98 | \$375.00 |                          | \$25.00 | \$37.50  | 15 FT                     | \$100.00 | \$150.00 | 21 FT                  | \$60.00  | \$90.00  |                              | \$125.00 | \$188.00 |
| CRANE            | 2                                   | \$130.00 | \$265.00 |                          |         |          |                           |          |          | 50 TN                  | \$250.00 | \$375.00 |                              | \$55.00  | \$232.00 |
| GRAPPLE TRUCK    | 2                                   | \$155.00 | \$285.00 |                          |         |          | 50 YDS                    | \$200.00 | \$300.00 | IZUZU 6000             | \$90.00  | \$135.00 |                              | \$155.00 | \$232.00 |
| DUMP TRUCK       | 2                                   | \$120.00 | \$240.00 |                          | \$28.00 | \$42.00  | 20 YDS                    | \$100.00 | \$150.00 | F1500                  | \$80.00  | \$120.00 |                              | \$68.00  | \$102.00 |
| BUCKET TRUCK     | 1                                   | \$180.00 | \$320.00 |                          |         |          | 75 FT                     | \$200.00 | \$300.00 | F1500                  | \$70.00  | \$105.00 |                              | \$75.00  | \$112.00 |
| CHIPPER TRUCK    | 2                                   | \$55.00  | \$110.00 |                          | \$25.00 | \$37.50  | 25 YDS                    | \$100.00 | \$150.00 | F350                   | \$40.00  | \$60.00  |                              | \$190.00 | \$285.00 |
| DUMP TRAILER     | 2                                   | \$100.00 | \$220.00 |                          |         |          | 20 YDS                    | \$75.00  | \$112.50 | 18' X 6'               | \$22.00  | \$33.00  |                              | \$85.00  | \$128.00 |
| ADDTL SUPERVISOR | 3                                   | \$38.50  | \$76.00  |                          | \$30.00 | \$45.00  | 1                         | \$60.00  | \$90.00  |                        | \$20.00  | \$30.00  |                              | \$39.00  | \$58.00  |
| ADDTL LABORER    | 33                                  | \$28.50  | \$65.00  |                          | \$20.00 | \$30.00  | 1                         | \$30.00  | \$45.00  |                        | \$16.00  | \$24.00  |                              | \$30.00  | \$45.00  |

\*\*\*MEMORANDUM\*\*\*

DATE: June 21, 2012  
TO: South Broward Drainage District Commissioners  
FROM: Kevin M. Hart, P.E.  
District Director  
Subject: Contract Award for 70 Hour Post Storm Vac Truck/Dredger Services

Comments:

SBDD advertised for bids for 70 Hour Post Storm Vac Truck/Dredger Services. We received a total of seven (7) bids. The bid is for work to be performed during the first 70 hours following a declared Disaster/State of Emergency and includes a series of hourly rates for equipment and personnel. The bid documents allow the District to award multiple contracts. A copy of the Bid Summary is attached.

In order to provide SBDD with the highest level of flexibility, and to serve the best interests of the District, I am recommending that the District award a contract for 70 Hour Post Storm Vac Truck/Dredger Services to the following Contractors:

- A-1 Pipe Environmental Services, Inc.
- Erosion Restoration LLC
- Industrial Divers Corp.
- Proline Vector Services, Inc.
- Shenandoah General Construction Company
- Technical Inspections, Inc.
- Westwind Contracting

Individual Work Orders would be issued under the contract documents, following a state declared disaster, to any firm listed above based on factors including, but not limited to, hourly rates, availability, responsiveness, the specific needs of the District, type of equipment needed, location, and/or the severity of the storm, and/or the extent of damages.

SBDD has reviewed all of the bids submitted and have checked references for those companies that SBDD has not worked with directly. SBDD has determined that all of the Contractors are qualified to perform the work and that all of the bids meet the requirements

**This is to request approval to award contracts for the 70 Hour Post Storm Vac Truck/Dredger Services to the seven (7) Contractors listed above.**

**KH**  
**Attachment**

70 HR. POST STORM VAC TRUCK/DREDGER SERVICES

JUNE 14, 2012

|                                   | A-I PIPE ENVIRONMENTAL SERVICES, INC. |          |          | EROSION RESTORATION, LLC. |          |            | INDUSTRIAL DIVERS CORP. |          |          | PROLINE VACTOR SERVICES, INC. |        |          |          |
|-----------------------------------|---------------------------------------|----------|----------|---------------------------|----------|------------|-------------------------|----------|----------|-------------------------------|--------|----------|----------|
|                                   | CAP.                                  | REG.     | D.T.     | CAP.                      | REG.     | D.T.       | CAP.                    | REG.     | D.T.     | CAP.                          | REG.   | D.T.     |          |
| VAC TRUCK W/EXP. OPERATOR & CREW  |                                       | \$145.00 | \$165.00 |                           |          |            |                         |          |          |                               | 12 YDS | \$165.00 | \$185.00 |
| DREDGE BOAT W/EXP. OP. & CREW     |                                       |          |          |                           | \$600.00 | \$900.00   | 6"                      | \$315.00 | \$370.00 |                               |        |          |          |
| PORTABLE DREDGE W/EXP. OP. & CREW |                                       | \$150.00 | \$170.00 |                           |          |            | 1500 GPM                | \$320.00 | \$390.00 |                               |        |          |          |
| TRACK HOE                         |                                       | \$300.00 | \$150.00 |                           | \$400.00 | \$600.00   |                         |          |          |                               |        |          |          |
| TRACK HOE - ADDITIONAL CAPACITY   |                                       |          |          |                           |          |            |                         |          |          |                               |        |          |          |
| COMBINATION                       |                                       | \$130.00 | \$150.00 |                           | \$900.00 | \$1,350.00 |                         |          |          |                               |        |          |          |
| ADDTL SUPERVISOR                  |                                       | \$65.00  | \$85.00  |                           | \$70.00  | \$105.00   | DIVER                   | \$70.00  | \$90.00  |                               |        |          |          |
| ADDTL LABORER                     |                                       | \$35.00  | \$55.00  |                           | \$45.00  | \$67.50    | TENDERS                 | \$55.00  | \$70.00  |                               |        |          |          |
| 4 DIVER TEAM                      |                                       |          |          |                           |          |            |                         | \$250.00 | \$320.00 |                               |        |          |          |
| 3 DIVER TEAM                      |                                       |          |          |                           |          |            |                         | \$195.00 | \$250.00 |                               |        |          |          |

**70 HR. POST STORM VAC TRUCK/DREDGER SERVICES**

JUNE 14, 2012

|                                   | SHEMANDAH GENERAL CONSTRUCTION CO. |          |          |  | TECHNICAL INSPECTIONS, INC. |          |          |  | WESTWIND CONTRACTING           |          |          |  |
|-----------------------------------|------------------------------------|----------|----------|--|-----------------------------|----------|----------|--|--------------------------------|----------|----------|--|
|                                   | CAP.                               | REG.     | O.T.     |  | CAP.                        | REG.     | O.T.     |  | CAP.                           | REG.     | O.T.     |  |
| VAC TRUCK W/EXP. OPERATOR & CREW  | 3200 GAL                           | \$195.00 | \$235.00 |  | 16 YDS                      | \$175.00 | \$225.00 |  | 1500 GAL<br>12 YD TANK         | \$163.00 | \$185.00 |  |
| DREDGE BOAT W/EXP. OP. & CREW     | 22 FT                              | \$210.00 | \$250.00 |  | 24 FT                       | \$85.00  | \$85.00  |  |                                |          |          |  |
| PORTABLE DREDGE W/EXP. OP. & CREW | 8"                                 | \$165.00 | \$205.00 |  | 6"                          | \$295.00 | \$345.00 |  |                                |          |          |  |
| TRACK HOE                         | LONG STK<br>SK250                  | \$145.00 | \$155.00 |  |                             |          |          |  | 1.5 YD<br>BUCKET CAT<br>320-0L | \$78.00  | \$89.00  |  |
| TRACK HOE - ADDITIONAL CAPACITY   |                                    |          |          |  |                             |          |          |  | 2.5 CY<br>BUCKET<br>CAT 325-0L | \$91.00  | \$99.00  |  |
| TRACK HOE - ADDITIONAL CAPACITY   |                                    |          |          |  |                             |          |          |  | 3.5 CY<br>BUCKET<br>CAT 336-0L | \$111.00 | \$120.00 |  |
| TRACK HOE - ADDITIONAL CAPACITY   |                                    |          |          |  |                             |          |          |  | 60' LONG<br>REACH<br>EXCAVATOR | \$107.00 | \$119.00 |  |
| COMBINATION                       | J0 310                             | \$125.00 | \$135.00 |  |                             |          |          |  | 1.5 CY<br>BUCKET<br>CAT420-0   | \$57.00  | \$68.00  |  |
| ADD'L SUPERVISOR                  |                                    | \$50.00  | \$75.00  |  |                             | \$85.00  | \$125.00 |  | INCL. PKUP                     | \$63.00  | \$75.00  |  |
| ADD'L LABORER                     |                                    | \$38.00  | \$57.00  |  |                             | \$35.00  | \$50.00  |  |                                | \$21.00  | \$28.00  |  |

**\*\*\*MEMORANDUM\*\*\***

**DATE:** June 21, 2012  
**TO:** South Broward Drainage District Commissioners  
**FROM:** Kevin M. Hart, P.E.  
District Director  
**Subject:** Variance Request for Property Owned by John Dammous

**Comments:**

The owner of the property located at 17601 SW 18<sup>th</sup> Street, Miramar, FL 33025 is requesting a variance from SBDD for an existing wood dock located within a SBDD 20-Foot Lake Maintenance Easement (LME) and the encroachment of a screened-in patio into a SBDD 15-Foot Drainage Easement (DE) along the side yard. The dock and patio enclosure were constructed prior to the date that Mr. Dammous purchased the property in 2009, and do not meet SBDD criteria. The property is located within the Sapphire Bay community of Silver lakes.

Mr. Dammous met with the Variance Review Committee (VRC) on June 13, 2012 and as a follow-up to that meeting the variance request is being presented to the SBDD Board for consideration.

The details of the variance as discussed at the VRC are as follows:

1. SBDD Criteria allows a maximum size dock of 200 square feet (sf).
2. The size of the dock on the Dammous property is 268 sf which exceeds SBDD criteria by 68 sf (34%).
3. A signed and sealed letter from a Florida Professional Engineer has been provided that opines that the foundation of the dock is structurally sound and acceptable for the subject dock.
4. The SilverLakes Community Association has conditionally approved the dock.
5. The screened-in patio encroaches 5-feet in to the 15-foot wide DE.
6. The 15-foot DE contains a 15" RCP outfall culvert.
7. To date, there have been no maintenance issues with the 15" RCP.
8. Based on aerial photos from the Broward County Property Appraiser's web page, the dock was constructed sometime in or around 1999 and the patio enclosure was built prior to 1998.
9. Mr. Dammous purchased the home in December 2009.
10. Mr. Dammous is agreeable to entering into an Indemnification and Hold Harmless Agreement with SBDD.

The requested variance is to exceed the minimum size for a dock by 68 sf and to encroach 5 feet into the 15-foot DE with a screened patio. If the variance is approved, the homeowner will be required to enter into an Indemnification and Hold Harmless Agreement with SBDD and pay for all associated legal fees.

**KH**

**Attachments**



\*\*\*\*MEMORANDUM\*\*\*\*

DATE: April 19, 2012  
TO: South Broward Drainage District Commissioners  
FROM: Kevin M. Hart, P.E.  
District Director  
Subject: Request to Vacate the Surface Water Management Area Previously Designated on the Property Owned by Alexey B. and Olga M. Gonzales

Comments:

The owner of the property located at 6310 SW 185<sup>th</sup> Way, Southwest Ranches, FL 33331 is requesting that SBDD vacate the Surface Water Management Area (SWMA) that was previously designated and recorded in the Broward County public records. All properties in the SW Ranches are required to set aside 20% of their property at elevation 5.0' (or an equivalent storage area) as a SWMA.

The property owners, Alexey B. and Olga M. Gonzales, will dedicate a new SWMA over the property to comply with the 20% SWMA requirement (see attached sketch).

SBDD staff has reviewed the request and has no objections.

**The request is for SBDD to vacate and release its interest in the Surface Water Management Area on the property located at 6310 SW 185<sup>th</sup> Way, Southwest Ranches, FL 33331, as described in the attached "Release and Vacation of Surface Water Management Area Designation". This request is subject to the dedication of a new Surface Water Management Area in accordance with SBDD Criteria.**

**KH**  
**Attachments**

**ITEM 04.E**

**RESOLUTION 2012-07**

**SOUTH BROWARD DRAINAGE DISTRICT  
RESOLUTION N° 2012-07**

**RESOLUTION OF THE SOUTH BROWARD DRAINAGE DISTRICT ESTABLISHING, APPROVING AND ADOPTING PROCEDURES FOR EVALUATING AND SELECTING A QUALIFIED ACCOUNTING FIRM FOR PROVIDING ANNUAL FINANCIAL AUDITING SERVICES IN ACCORDANCE WITH FLORIDA STATUTES SECTION 218.391; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the South Broward Drainage District, hereinafter referred to as "District", is a political subdivision of the State of Florida charged with the responsibility of effecting drainage and water management within its geographical boundaries; and

WHEREAS, the District is an independent special district; and

WHEREAS, the District's annual revenues and the District's total of expenditures and expenses both exceed \$100,000; and

WHEREAS, Section 218.39 Florida Statutes requires any special district with revenues or the total of expenditures and expenses in excess of \$100,000, as reported on the fund financial statements to have an annual financial audit of its accounts and records completed within 9 months after the end of its fiscal year by an independent certified public accountant retained by it and paid by its public funds; and

WHEREAS, the District's Board of Commissioners (Board) have determined that the District should issue a Request for Proposals for selecting an independent certified public accountant to perform the District's annual financial audit; and

WHEREAS, Florida Statutes Section 218.391 outlines Auditor Selection Procedures; and

WHEREAS, the Board has determined that the following procedures shall be followed in selecting a qualified independent certified public accountant to perform the District's annual financial audit, and that such procedures shall be in accordance with Florida Statutes Section 218.391:

1. The Board shall establish and appoint an Audit Committee, comprised of a designated Board Commissioner, the District Director and one other person to assist the Board in selecting an auditor to conduct the annual financial audit.
2. The Audit Committee shall establish factors for the evaluation of audit services to be provided by a certified public accounting firm duly licensed under Florida Statutes Chapter 473 and qualified to conduct audits in accordance with government auditing standards as adopted by the Florida Board of Accountancy. Such factors shall include, but are not limited to, ability of personnel, experience, ability to furnish the required services, and such other factors as may be determined by the audit committee to be applicable to its particular requirements.
3. The Audit Committee shall publicly announce in a local daily newspaper on at least 2 separate days, seven (7) days apart, the last day which shall be at least 10 days prior to the date the proposals are due, the Request for Proposals. Public announcements must include, at a minimum, a brief description of the audit and indicate how interested firms can apply for consideration. The Request for Proposals shall also be included on the District's internet web site.
4. The Audit Committee shall provide interested firms with a copy of the Request for Proposals. The Request for Proposals shall include information on how proposals are to be evaluated and such other information the audit committee determines is necessary for the firm to prepare a proposal.
5. The Audit Committee shall evaluate the proposals provided by qualified firms. If compensation is one of the factors established pursuant to paragraph 2 above, it shall not be the sole or predominant factor used to evaluate proposals.

6. The Audit Committee shall rank and recommend in order of preference no fewer than three firms deemed to be the most highly qualified to perform the required services after considering the factors established pursuant to paragraph 2 above. If fewer than three firms respond to the Request for Proposals, the Audit Committee shall recommend such firms as it deems to be the most highly qualified. The Audit Committee may elect to interview up to five firms in order to rank and recommend in order of preference no fewer than three firms deemed to be the most highly qualified to perform the required services.
7. The Board will interview the recommended firms, shall inquire as to the basis of compensation, and shall select one of the firms recommended by the audit committee, and negotiate a contract, using one of the following methods:
  - a. If compensation is not one of the factors established pursuant to paragraph 2 above and not used to evaluate firms pursuant to paragraph 6 above, the Board shall negotiate a contract with the firm ranked first. If the Board is unable to negotiate a satisfactory contract with that firm, negotiations with that firm shall be formally terminated, and the Board shall then undertake negotiations with the second-ranked firm. Failing accord with the second-ranked firm, negotiations shall then be terminated with that firm and undertaken with the third-ranked firm. Negotiations with the other ranked firms shall be undertaken in the same manner. The Board, in negotiating with firms, may reopen formal negotiations with any one of the three top-ranked firms, but it may not negotiate with more than one firm at a time.
  - b. If compensation is one of the factors established pursuant to paragraph 2 above and used in the evaluation of proposals pursuant

to paragraph 5 above, the Board shall select the highest-ranked qualified firm or must document in its public records the reason for not selecting the highest-ranked qualified firm.

- c. The Board may select a firm recommended by the audit committee and negotiate a contract with one of the recommended firms using an appropriate alternative negotiation method for which compensation is not the sole or predominant factor used to select the firm.
  - d. In negotiations with firms under this Florida Statutes, Section 218.391, the Board may allow the District Director to conduct negotiations on its behalf.
8. The method used by the Board to select a firm recommended by the audit committee and negotiate a contract with such firm must ensure that the agreed-upon compensation is reasonable to satisfy the requirements of Florida Statutes Section 218.39 and the needs of the governing body.
9. If the Board is unable to negotiate a satisfactory contract with any of the recommended firms, the audit committee shall recommend additional firms, and negotiations shall continue in accordance with this Florida statute Section 218.391 until an agreement is reached.

; and

WHEREAS, a public hearing was held at 8:00 A.M. on Thursday, June 28, 2012 at the offices of the South Broward Drainage District located at 6591 S.W. 160th Avenue, Southwest Ranches, Florida 33331 for the purpose of approving the procedures for evaluating and selecting a qualified, independent certified public accountant to perform the District's annual financial audit; and

NOW, THEREFORE, be it resolved by the Board of Commissioners of the South Broward Drainage District in meeting assembled that:

1. The foregoing statements are incorporated herein in their entirety as if fully

stated herein.

2. The procedures for evaluating and selecting a qualified, independent certified public accountant to perform the District's annual financial audit shall be in accordance with Florida Statutes Section 218.391 and with the procedures contained within this Resolution.

3. If one or more of the covenants, agreements or provisions of this Resolution, or the procedures contained herein, shall be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be separate from the remaining covenants, agreements or provisions and shall in no way affect the validity of all other provisions of this Resolution, or procedures contained herein.

4. This Resolution shall take effect immediately upon its adoption.

IN WITNESS WHEREOF, the Chairperson of the Board of Commissioners of the SOUTH BROWARD DRAINAGE DISTRICT has hereunto set his hand and the Secretary of the Board of Commissioners of the SOUTH BROWARD DRAINAGE DISTRICT has caused to be set its seal.

ADOPTED AND DATED the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

SOUTH BROWARD DRAINAGE DISTRICT

(SEAL)

By: \_\_\_\_\_  
Scott Hodges, Chairperson

Attest:

\_\_\_\_\_  
Robert E. Goggin, IV, Secretary

STATE OF FLORIDA )  
)§  
COUNTY OF BROWARD )

The foregoing Resolution N° 2012-07 was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2012 by SCOTT HODGES and ROBERT E. GOGGIN, IV, as Chairperson and Secretary, respectively of the SOUTH BROWARD DRAINAGE DISTRICT, a political subdivision of the State of Florida, on behalf of SOUTH BROWARD DRAINAGE DISTRICT. They are personally known to me.

WITNESS my hand and official seal in the county and state last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

(NOTARY SEAL OR STAMP)



\_\_\_\_\_  
Notary Public - State of Florida at Large

**THE FOREGOING PROCEDURES FOR EVALUATING AND SELECTING AN ACCOUNTING FIRM TO PREPARE THE DISTRICT'S ANNUAL FINANCIAL REPORT WERE APPROVED AND ADOPTED BY SOUTH BROWARD DRAINAGE DISTRICT RESOLUTION NO. 2012-07 ON THE 28<sup>TH</sup> DAY OF JUNE, 2012.**





Select Year: 2011

## The 2011 Florida Statutes

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Title XIV  
TAXATION AND  
FINANCE

Chapter 218  
FINANCIAL MATTERS PERTAINING TO POLITICAL  
SUBDIVISIONS

View Entire  
Chapter

### **218.39 Annual financial audit reports.—**

(1) If, by the first day in any fiscal year, a local governmental entity, district school board, charter school, or charter technical career center has not been notified that a financial audit for that fiscal year will be performed by the Auditor General, each of the following entities shall have an annual financial audit of its accounts and records completed within 9 months after the end of its fiscal year by an independent certified public accountant retained by it and paid from its public funds:

- (a) Each county.
- (b) Any municipality with revenues or the total of expenditures and expenses in excess of \$250,000, as reported on the fund financial statements.
- (c) Any special district with revenues or the total of expenditures and expenses in excess of \$100,000, as reported on the fund financial statements.
- (d) Each district school board.
- (e) Each charter school established under s. [1002.33](#).
- (f) Each charter technical center established under s. [1002.34](#).
- (g) Each municipality with revenues or the total of expenditures and expenses between \$100,000 and \$250,000, as reported on the fund financial statements, which has not been subject to a financial audit pursuant to this subsection for the 2 preceding fiscal years.
- (h) Each special district with revenues or the total of expenditures and expenses between \$50,000 and \$100,000, as reported on the fund financial statement, which has not been subject to a financial audit pursuant to this subsection for the 2 preceding fiscal years.

(2) The county audit report must be a single document that includes a financial audit of the county as a whole and, for each county agency other than a board of county commissioners, an audit of its financial accounts and records, including reports on compliance and internal control, management letters, and financial statements as required by rules adopted by the Auditor General. In addition, if a board of county commissioners elects to have a separate audit of its financial accounts and records in the manner required by rules adopted by the Auditor General for other county agencies, the separate audit must be included in the county audit report.

(3)(a) A dependent special district may provide for an annual financial audit by being included in the audit of the local governmental entity upon which it is dependent. An independent special district may not make provision for an annual financial audit by being included in the audit of another local governmental entity.

(b) A special district that is a component unit, as defined by generally accepted accounting principles, of a local governmental entity shall provide the local governmental entity, within a

reasonable time period as established by the local governmental entity, with financial information necessary to comply with this section. The failure of a component unit to provide this financial information must be noted in the annual financial audit report of the local governmental entity.

(4) A management letter shall be prepared and included as a part of each financial audit report.

(5) At the conclusion of the audit, the auditor shall discuss with the chair of the governing body of the local governmental entity or the chair's designee, the elected official of each county agency or the elected official's designee, the chair of the district school board or the chair's designee, the chair of the board of the charter school or the chair's designee, or the chair of the board of the charter technical career center or the chair's designee, as appropriate, all of the auditor's comments that will be included in the audit report. If the officer is not available to discuss the auditor's comments, their discussion is presumed when the comments are delivered in writing to his or her office. The auditor shall notify each member of the governing body of a local governmental entity, district school board, charter school, or charter technical career center for which deteriorating financial conditions exist that may cause a condition described in s. 218.503(1) to occur if actions are not taken to address such conditions.

(6) The officer's written statement of explanation or rebuttal concerning the auditor's findings, including corrective action to be taken, must be filed with the governing body of the local governmental entity, district school board, charter school, or charter technical career center within 30 days after the delivery of the auditor's findings.

(7) All audits conducted pursuant to this section must be conducted in accordance with the rules of the Auditor General adopted pursuant to s. 11.45. Upon completion of the audit, the auditor shall prepare an audit report in accordance with the rules of the Auditor General. The audit report shall be filed with the Auditor General within 45 days after delivery of the audit report to the governing body of the audited entity, but no later than 9 months after the end of the audited entity's fiscal year. The audit report must include a written statement describing corrective actions to be taken in response to each of the auditor's recommendations included in the audit report.

(8) The Auditor General shall notify the Legislative Auditing Committee of any audit report prepared pursuant to this section which indicates that an audited entity has failed to take full corrective action in response to a recommendation that was included in the two preceding financial audit reports.

(a) The committee may direct the governing body of the audited entity to provide a written statement to the committee explaining why full corrective action has not been taken or, if the governing body intends to take full corrective action, describing the corrective action to be taken and when it will occur.

(b) If the committee determines that the written statement is not sufficient, it may require the chair of the governing body of the local governmental entity or the chair's designee, the elected official of each county agency or the elected official's designee, the chair of the district school board or the chair's designee, the chair of the board of the charter school or the chair's designee, or the chair of the board of the charter technical career center or the chair's designee, as appropriate, to appear before the committee.

(c) If the committee determines that an audited entity has failed to take full corrective action for which there is no justifiable reason for not taking such action, or has failed to comply with committee requests made pursuant to this section, the committee may proceed in accordance with s. 11.40(5).

(9) The predecessor auditor of a district school board shall provide the Auditor General access to the prior year's working papers in accordance with the Statements on Auditing Standards, including documentation of planning, internal control, audit results, and other matters of continuing accounting

and auditing significance, such as the working paper analysis of balance sheet accounts and those relating to contingencies.

(10) Each charter school and charter technical career center must file a copy of its audit report with the sponsoring entity; the local district school board, if not the sponsoring entity; the Auditor General; and with the Department of Education.

(11) This section does not apply to housing authorities created under chapter 421.

(12) Notwithstanding the provisions of any local law, the provisions of this section shall govern.

**History.**—s. 65, ch. 2001-266; s. 924, ch. 2002-387; s. 28, ch. 2004-305; s. 2, ch. 2006-190; s. 2, ch. 2009-214; s. 20, ch. 2011-144.

<sup>1</sup>**Note.**—Redesignated as s. 11.40(2) by s. 12, ch. 2011-34.

Select Year: 2011

## The 2011 Florida Statutes

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Title XIV  
TAXATION AND  
FINANCE

Chapter 218  
FINANCIAL MATTERS PERTAINING TO POLITICAL  
SUBDIVISIONS

View Entire  
Chapter

### **218.391 Auditor selection procedures.—**

(1) Each local governmental entity, district school board, charter school, or charter technical career center, prior to entering into a written contract pursuant to subsection (7), except as provided in subsection (8), shall use auditor selection procedures when selecting an auditor to conduct the annual financial audit required in s. 218.39.

(2) The governing body of a charter county, municipality, special district, district school board, charter school, or charter technical career center shall establish an audit committee. Each noncharter county shall establish an audit committee that, at a minimum, shall consist of each of the county officers elected pursuant to s. 1(d), Art. VIII of the State Constitution, or a designee, and one member of the board of county commissioners or its designee. The primary purpose of the audit committee is to assist the governing body in selecting an auditor to conduct the annual financial audit required in s. 218.39; however, the audit committee may serve other audit oversight purposes as determined by the entity's governing body. The public shall not be excluded from the proceedings under this section.

(3) The audit committee shall:

(a) Establish factors to use for the evaluation of audit services to be provided by a certified public accounting firm duly licensed under chapter 473 and qualified to conduct audits in accordance with government auditing standards as adopted by the Florida Board of Accountancy. Such factors shall include, but are not limited to, ability of personnel, experience, ability to furnish the required services, and such other factors as may be determined by the committee to be applicable to its particular requirements.

(b) Publicly announce requests for proposals. Public announcements must include, at a minimum, a brief description of the audit and indicate how interested firms can apply for consideration.

(c) Provide interested firms with a request for proposal. The request for proposal shall include information on how proposals are to be evaluated and such other information the committee determines is necessary for the firm to prepare a proposal.

(d) Evaluate proposals provided by qualified firms. If compensation is one of the factors established pursuant to paragraph (a), it shall not be the sole or predominant factor used to evaluate proposals.

(e) Rank and recommend in order of preference no fewer than three firms deemed to be the most highly qualified to perform the required services after considering the factors established pursuant to paragraph (a). If fewer than three firms respond to the request for proposal, the committee shall recommend such firms as it deems to be the most highly qualified.

(4) The governing body shall inquire of qualified firms as to the basis of compensation, select one of the firms recommended by the audit committee, and negotiate a contract, using one of the following methods:

(a) If compensation is not one of the factors established pursuant to paragraph (3)(a) and not used to evaluate firms pursuant to paragraph (3)(e), the governing body shall negotiate a contract with the firm ranked first. If the governing body is unable to negotiate a satisfactory contract with that firm, negotiations with that firm shall be formally terminated, and the governing body shall then undertake negotiations with the second-ranked firm. Failing accord with the second-ranked firm, negotiations shall then be terminated with that firm and undertaken with the third-ranked firm. Negotiations with the other ranked firms shall be undertaken in the same manner. The governing body, in negotiating with firms, may reopen formal negotiations with any one of the three top-ranked firms, but it may not negotiate with more than one firm at a time.

(b) If compensation is one of the factors established pursuant to paragraph (3)(a) and used in the evaluation of proposals pursuant to paragraph (3)(d), the governing body shall select the highest-ranked qualified firm or must document in its public records the reason for not selecting the highest-ranked qualified firm.

(c) The governing body may select a firm recommended by the audit committee and negotiate a contract with one of the recommended firms using an appropriate alternative negotiation method for which compensation is not the sole or predominant factor used to select the firm.

(d) In negotiations with firms under this section, the governing body may allow a designee to conduct negotiations on its behalf.

(5) The method used by the governing body to select a firm recommended by the audit committee and negotiate a contract with such firm must ensure that the agreed-upon compensation is reasonable to satisfy the requirements of s. 218.39 and the needs of the governing body.

(6) If the governing body is unable to negotiate a satisfactory contract with any of the recommended firms, the committee shall recommend additional firms, and negotiations shall continue in accordance with this section until an agreement is reached.

(7) Every procurement of audit services shall be evidenced by a written contract embodying all provisions and conditions of the procurement of such services. For purposes of this section, an engagement letter signed and executed by both parties shall constitute a written contract. The written contract shall, at a minimum, include the following:

(a) A provision specifying the services to be provided and fees or other compensation for such services.

(b) A provision requiring that invoices for fees or other compensation be submitted in sufficient detail to demonstrate compliance with the terms of the contract.

(c) A provision specifying the contract period, including renewals, and conditions under which the contract may be terminated or renewed.

(8) Written contracts entered into pursuant to subsection (7) may be renewed. Such renewals may be done without the use of the auditor selection procedures provided in this section. Renewal of a contract shall be in writing.

History.—s. 65, ch. 2001-266; s. 1, ch. 2005-32.

**ITEM 04.G**  
**RESOLUTION 2012-08**

**\*\*\*\*MEMORANDUM\*\*\*\***

**DATE:** June 21, 2012  
**TO:** South Broward Drainage District Commissioners  
**FROM:** Kevin M. Hart, P.E.  
District Director  
**Subject:** Request for Proposals Package for Annual Financial Auditing Services

**Comments:**

Proposed Resolution 2012-07 outlines the procedures for evaluating and selecting a qualified accounting firm for providing annual financial auditing services in accordance with Florida Statute Section 218.391.

Florida Statute Section 218.391 allows the District the option of including compensation as a factor in evaluating and selecting a qualified accounting firm, provided that compensation is not the sole or predominant factor used to evaluate the proposals.

Proposed Resolution 2012-08 presents two alternatives for the Request for Proposals Package for Annual Auditing Financial Services. One alternative includes compensation as an evaluating factor, and the second alternative does not include compensation as an evaluation factor. Both alternatives are included as an Exhibit "A".

If compensation is included as an evaluation factor it will not be the sole or predominant factor used to evaluate the proposals.

If compensation is not included as an evaluation factor, the ranking and selection of the firm(s) will be based strictly on qualifications, and the highest rank firm will submit a fee for negotiations with SBDD. If SBDD is unable to reach a satisfactory contract with the firm ranked first, then SBDD would undertake negotiations with the second ranked firm, and so on.

**KH**

**SOUTH BROWARD DRAINAGE DISTRICT  
RESOLUTION N° 2012-08**

**RESOLUTION OF THE SOUTH BROWARD DRAINAGE DISTRICT ESTABLISHING, APPROVING AND ADOPTING THE REQUEST FOR PROPOSALS PACKAGE FOR ANNUAL FINANCIAL AUDITING SERVICES FOR A PERIOD OF UP TO FIVE (5) YEARS BEGINNING WITH AN AUDIT OF THE FINANCIAL STATEMENTS OF THE DISTRICT FOR ITS FISCAL YEAR ENDING ON SEPTEMBER 30, 2012; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the South Broward Drainage District, hereinafter referred to as "District", is a political subdivision of the State of Florida charged with the responsibility of effecting drainage and water management within its geographical boundaries; and

WHEREAS, the District is an independent special district; and

WHEREAS, the District's annual revenues and the District's total of expenditures and expenses both exceed \$100,000; and

WHEREAS, Section 218.39 Florida Statutes requires any special district with revenues or the total of expenditures and expenses in excess of \$100,000, as reported on the fund financial statements to have an annual financial audit of its accounts and records completed within 9 months after the end of its fiscal year by an independent certified public accountant retained by it and paid by its public funds; and

WHEREAS, the District's Board of Commissioners (Board) have determined that the District should issue a Request for Proposals for selecting an independent certified public accountant to perform the District's annual financial audit; and

WHEREAS, the District Director has prepared a Request for Proposals Package for Annual Financial Auditing Services for a period of up to five (5) years beginning with an audit of the financial statements of the District for its fiscal year ending September 30, 2012, and which said Request of Proposals Package is attached to this Resolution as Exhibit "A; and

WHEREAS, a public hearing was held at 8:00 A.M. on Thursday, June 28, 2012 at



the offices of the South Broward Drainage District located at 6591 S.W. 160th Avenue, Southwest Ranches, Florida 33331 for the purpose of approving the Request for Proposals Package for Annual Financial Auditing Services for a period of up to five (5) years beginning with an audit of the financial statements of the District for its fiscal year ending September 30, 2102; and

NOW, THEREFORE, be it resolved by the Board of Commissioners of the South Broward Drainage District in meeting assembled that:

1. The foregoing statements are incorporated herein in their entirety as if fully stated herein.

2. The District shall issue a Request for Proposals Package for Annual Financial Auditing Services for a period of up to five (5) years beginning with an audit of the financial statements of the District for its fiscal year ending September 30. 2012 as depicted on Exhibit "A" to this Resolution.

3. If one or more of the covenants, agreements or provisions of this Resolution, or the Exhibit hereto, or the procedures contained herein, shall be determined to be contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be separate from the remaining covenants, agreements or provisions and shall in no way affect the validity of all other provisions of this Resolution, the Exhibit attached hereto, or the procedures contained herein.

4. This Resolution shall take effect immediately upon its adoption.

IN WITNESS WHEREOF, the Chairperson of the Board of Commissioners of the SOUTH BROWARD DRAINAGE DISTRICT has hereunto set his hand and the Secretary of the Board of Commissioners of the SOUTH BROWARD DRAINAGE DISTRICT has caused to be set its seal.

ADOPTED AND DATED the \_\_\_\_\_ day of \_\_\_\_\_, 2012.  
SOUTH BROWARD DRAINAGE DISTRICT

(SEAL)

By: \_\_\_\_\_  
Scott Hodges, Chairperson

Attest:

\_\_\_\_\_  
Robert E. Goggin, IV, Secretary

STATE OF FLORIDA                    )  
  )§  
COUNTY OF BROWARD                )

The foregoing Resolution N° 2012-08 was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2012 by SCOTT HODGES and ROBERT E. GOGGIN, IV, as Chairperson and Secretary, respectively of the SOUTH BROWARD DRAINAGE DISTRICT, a political subdivision of the State of Florida, on behalf of SOUTH BROWARD DRAINAGE DISTRICT. They are personally known to me.

WITNESS my hand and official seal in the county and state last aforesaid this \_\_\_\_ day of \_\_\_\_\_, 2012.

(NOTARY SEAL OR STAMP)

↓

\_\_\_\_\_  
Notary Public - State of Florida at Large

**THE FOREGOING REQUEST FOR PROPOSALS PACKAGE FOR ANNUAL FINANCIAL AUDITING SERVICES FOR A PERIOD OF UP TO FIVE (5) YEARS BEGINING WITH AN AUDIT OF THE FINANCIAL STATEMENTS OF THE DISTRICT FOR ITS FISCAL YEAR ENDING ON SEPTEMBER 30, 2012 WERE APPROVED AND ADOPTED BY SOUTH BROWARD DRAINAGE DISTRICT RESOLUTION NO. 2012-08 ON THE 28<sup>TH</sup> DAY OF JUNE, 2012.**

**EXHIBIT "A"**  
(RFP PACKAGE WITH COMPENSATION NOT INCLUDED AS AN EVALUATION  
FACTOR)

**SOUTH BROWARD DRAINAGE DISTRICT (SBDD)**  
**REQUEST FOR PROPOSALS FOR ANNUAL FINANCIAL AUDITING SERVICES**

SBDD is accepting qualification proposals for Annual Financial Auditing Services. Sealed proposals must be received by **3:00 P.M. Thursday, August 2, 2012**, in the SBDD Headquarters, 6591 SW 160<sup>th</sup> Avenue, SW Ranches, FL 33331. Proposals will be opened in the SBDD Board Room at 3:15 P.M.

All sealed proposals that are timely received will be publicly opened. Proposals received after the cut-off date and time will not be considered.

The SBDD Audit Committee will review the proposals and rank and recommend in order of preference no fewer than three firms deemed to be the most highly qualified to perform the required services on Tuesday, August 7, 2012 at 9:00 A.M. and may then interview those firms on Tuesday, August 14, 2012 at 9:00 A.M. If fewer than three firms respond to the Request for Proposals, the committee shall recommend such firms as it deems to be the most highly qualified. On Thursday, August 30<sup>th</sup> at 9:00 A.M. the SBDD Board of Commissioners will interview the ranked firms and shall select one of the recommended firms. All meetings will be held at SBDD Headquarters and will be open to the public.

**SCOPE OF SERVICES:** SBDD is soliciting the services of an independent certified public accounting firm to provide annual independent financial auditing services to the SBDD for a period of up to five (5) years beginning with an audit of the financial statements of the SBDD for its fiscal year ending September 30, 2012.

The Request for Proposals packet is available for pick-up at SBDD Headquarters. Questions should be submitted in writing to SBDD Headquarters, Attn: Kevin Hart or via e-mail at [kevin@sbdd.org](mailto:kevin@sbdd.org). For more information, visit [www.sbdd.org/procurementandcontracts](http://www.sbdd.org/procurementandcontracts).

SBDD reserves the right to reject any or all proposals, to waive informalities, and to readvertise.

A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a Bid on a Contract to provide any goods or services to a public entity, may not submit a Bid on a Contract with a public entity for the construction or repair of a public building or public work, may not be awarded or perform Work as a Contractor, Supplier, Subcontractor, or Consultant under a Contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, Florida Statutes, for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

BY \_\_\_\_\_  
Kevin Hart, P.E., Director  
South Broward Drainage District

**SOUTH BROWARD DRAINAGE DISTRICT**  
**BOARD OF COMMISSIONERS**  
**REQUEST FOR PROPOSALS – ANNUAL FINANCIAL AUDITING SERVICES**

South Broward Drainage District (“SBDD”) is requesting qualification proposals from certified public accounting firms duly licensed under Chapter 473, Florida Statutes, and qualified to conduct audits in accordance with government auditing standards as adopted by the Florida Board of Accountancy to audit its financial statements for its fiscal years ending September 30, 2012, 2013, 2014, 2015, and 2016. These audits are to be performed in accordance with generally accepted auditing standards including the following:

- A. Section 218.39, Florida Statutes
  - B. Rules of the Florida Department of Financial Services
  - C. Rules of the Florida Auditor General (Chapter 10.550, Local Government Entity Audits)
  - D. AICPA Audit and Accounting Guide - Audits of State and Local Governmental Units
  - E. Federal and Florida Single Audit Acts (if applicable)
  - F. *Government Auditing Standards* issued by the Comptroller General of the United States
  - G. Circular No. A-133, Executive Office of the President, Office of Management and Budget, Washington D.C. (if applicable)
- I. General Information
- 1) Written questions regarding the Request for Proposals (RFP) are to be addressed to:

Kevin Hart, Director  
South Broward Drainage District  
6591 SW 160 Avenue  
Southwest Ranches, FL 33331  
Telephone: (954) 680-3337  
Fax: (954) 680-3339  
Email: Kevin@sbdd.org

Each firm should carefully examine the RFP, including the RFP Packet, and may make a written request to SBDD’s Director for interpretations or corrections of any ambiguity, inconsistency or error. Only written responses issued by the Director should be relied upon, and reasonable efforts will be made to distribute all written responses issued by the Director to everyone who obtains a RFP Packet from SBDD.

- 2) All responses to this RFP must be delivered to the above address no later than 3:00 p.m. E.S.T. on August 2, 2012. Ten signed copies of the proposal shall be submitted in one sealed package, clearly marked on the outside "Proposal for SBDD Annual Financial Auditing Services." Qualifications must be typed or printed in ink. A single disc pdf file of the entire transmittal should also be included with the RFP Package. Any responses received after the deadline will be returned to the proposer unopened. All costs incurred by the responding firms in preparing proposals in response to this request will not be reimbursed by SBDD.
- 3) SBDD reserves the right to reject any and all proposals submitted and to request additional information from the proposers. At the discretion of the SBDD Audit Committee, firms submitting proposals may be requested to make oral presentations to the SBDD Audit Committee as part of the evaluation process.
- 4) SBDD reserves the right to retain all proposals submitted and to use any ideas in a proposal regardless of whether that proposal is selected. Submission of a proposal indicates acceptance by the firm of the conditions contained in this request for proposals, unless clearly and specifically noted in the proposal submitted and confirmed in the contract between SBDD and the firm selected.
- 5) Firms submitting proposals may subcontract portions of the engagement. If this is to be done, the name of the proposed subcontracting firms must be clearly identified in the proposal. Following the award of the audit contract, no additional subcontracting will be allowed without the express prior written consent of the SBDD Board of Commissioners.
- 6) The SBDD Audit Committee will recommend and rank in order of preference no fewer than three firms deemed to be the most highly qualified to perform the required services to the Board. The Board may interview the ranked firms and shall select one of the firms recommended by the SBDD Audit Committee and negotiate a contract with the firm in accordance with Section 218.391, Florida Statutes. It is anticipated that the Board will enter into a one year contract starting with the fiscal year beginning October 1, 2012 and ending September 30, 2013 and the contract will include an option to extend the contract for four (4) additional one (1) year periods through September 30, 2017.
- 7) If the Board is unable to negotiate a satisfactory contract with any of the recommended firms, the SBDD Audit Committee will recommend additional firms, and negotiations will continue in accordance with Section 218.391, Florida Statutes, until an agreement is reached.
- 8) Anticipated RFP Calendar:

|               |                       |
|---------------|-----------------------|
| July 5, 2012  | RFP to be advertised. |
| July 12, 2012 | RFP to be advertised. |

|                    |  |
|--------------------|--|
| August 2, 2012     | Responses to RFP due by 3:00 p.m E.S.T.  |
| August 7, 2012     | SBDD Audit Committee meeting to recommend and rank firms. Meeting will be held in SBDD's Board Room at 9:00 a.m.   |
| August 14, 2012    | SBDD Audit Committee to meet at 9:00 a.m. to listen to oral presentations and interview firms, if applicable. Develop final list of ranked firms. Thereafter, the SBDD Audit Committee recommendations will be submitted for the Board's consideration at the August 30, 2012 Board meeting. |
| August 30, 2012    | Board of Commissioners will interview ranked firms and shall select one of the firms.  |
| September 27, 2012 | Board to approve contract for annual financial auditing services.  |

9) Audits for the last ten fiscal years were completed by Margolies, Fink and Wichrowski, P.A.

10) SBDD does not have an internal audit department.

11) All requirements and conditions set forth in this RFP shall be incorporated into the contract between SBDD and the selected firm unless otherwise specified in the contract.

II. Description of South Broward Drainage District and Records to be Audited

1) SBDD is located in the southwestern corner of Broward County and encompasses approximately 73 square miles. SBDD is an independent special district originally created by the Florida Legislature in 1927 as the Hollywood Reclamation District (Chapter 12049, Laws of Florida). The original Hollywood Reclamation District was abolished in 1967 and the new Hollywood Reclamation District was created in 1967 by Chapter 67-904, Laws of Florida. In 1986, the name of the District was changed to South Broward Drainage District by Chapter 86-362, Laws of Florida. In 1998, the SBDD's charter and all amendments thereto were repealed and along with minor revisions were included in a codification of the SBDD's Charter approved by Florida Legislature by Chapter 98-524, Laws of Florida. SBDD has powers primarily in the areas of stormwater management and flood control. Its powers include the right to borrow money and issue bonds or other evidence of indebtedness, assess and impose upon the lands in SBDD annual drainage, water management, administrative, operation and maintenance taxes, and SBDD has the ability to install and foreclose special assessment liens.

2) For reporting purposes, the Annual Financial Report (Audited Financial Statements) will include the General Fund and Capital Project Fund. SBDD has no component units.

- 3) Accounting records for the Board include the general fund, 1 capital projects fund and 1 fiduciary fund. The FY 2011-2012 total budget is approximately \$3 million dollars.
- 4) As of the date of this proposal, SBDD has no bond issues, no loans, and no line of credit outstanding.
- 5) SBDD's main source of revenue consists of non-ad valorem tax assessments. These assessments are collected by the Broward County Revenue Collector together with all other governmental entity's non-ad valorem assessments and ad valorem taxes. Parcels within SBDD are taxed based upon their applicable Property Designation. SBDD's adopted budget for FY 2011-2012 included revenue generated from seven (7) unique non-ad valorem tax rates.
- 6) Fiscal year ending September 30, 2011 was the first year of its reporting under GASB Statement No. 54.
- 5) All accounting records are maintained on the modified accrual basis. The accounting records of SBDD are prepared in conformity with generally accepted accounting principles as applied to government units.
- 6) Budgets are integrated with the accounting records.
- 7) SBDD is progressive in its attitude toward new accounting standards. Early implementation is practiced when recommended.
- 8) SBDD is currently utilizing QuickBooks (2009 edition) for maintaining its accounting records. SBDD uses an outside payroll vendor to prepare its monthly, quarterly and annual payroll filings.

### III. Services Required

- 1) An audit and an opinion on the basic financial statements of SBDD. The auditor is not required to audit the Management's Discussion and Analysis.
- 2) The audit is to be done in accordance with the Rules of the Auditor General, Chapter 10.550; the Federal and Florida Single Audit Acts (if applicable); OMB Circular A-133 (if applicable); *Government Auditing Standards* issued by the Comptroller General of the United States; and the AICPA Auditing Standards.
- 3) Following completion of the audit for each fiscal year's financial statements, the auditor shall issue:

- a. A report on the fair presentation of the financial statements in conformity with generally accepted accounting principles.
  - b. A report on compliance and on internal control over financial reporting, which will include any significant deficiencies or material weaknesses found during the audit (if applicable).
  - c. A report on bond compliance (if applicable).
  - d. Reports on compliance with specific requirements applicable to Federal awards and State financial assistance programs (if applicable).
  - e. The auditor shall communicate in a letter to management any significant deficiencies or material weaknesses found during the audit.
- 4) An Independent Auditors' Management Letter required by Chapter 10.550, Rules of the State of Florida Office of the Auditor General.
  - 5) The auditor will prepare one electronic copy (required in pdf) and twenty bound copies of the Annual Financial Report for SBDD.
  - 6) The auditor will provide assistance in providing guidance and implementing changes in governmental accounting standards.
  - 7) Irregularities and illegal acts. Auditors shall be required to make an immediate, written report of all irregularities and/or illegal acts to the District Director, the Board of Commissioners and to SBDD's General Counsel.
  - 8) The auditor shall submit a draft copy of the Annual Financial Report by no later than January 17, 2013 and shall be present at the District's January 31, 2013 Board meeting to present the draft report to the Board of Commissioners and to answer any questions.
  - 9) The auditor shall submit the final copy of Annual Financial Report by no later than March 14, 2013 and shall be present at the District's March 28, 2013 Board meeting to present the draft report to the Board of Commissioners and to answer any questions.

#### IV. Additional Professional Services

SBDD may request additional professional services during the term of the contract. The proposer shall, upon receipt of a written request from the District Director, perform such



additional services. The proposer must be able to provide, at a minimum, the following services:

- 1) Extended audit services or special audits.
- 2) Miscellaneous accounting services.
- 3) If SBDD does issue debt, for which the official statement in connection with the debt contains basic financial statements and the report of independent auditors, the firm shall be required to issue a "consent and citation of expertise" as auditor and any necessary "comfort letters".

Such services will be billed according to the rates agreed upon as a result of the RFP. The total amount for additional services shall be separately negotiated at the time of the engagement for a not-to-exceed amount calculated in accordance with the rates of the awarded contract.

V. Qualifications of the Auditor

The RFP proposal must include the following information:

- 1) Experience of the firm with special districts within the last five years.
- 2) Information describing personnel with training and experience appropriate to the nature of the project. The RFP shall include:
  - a) The names and positions of each professional to be assigned to this audit, including familiarity with projects of a similar nature.
  - b) The estimated amount of involvement expressed as a percentage of time, of each of the staff members.
  - c) Willingness and ability to complete the project within the time and budget constraints, considering the firm's current and projected workload.
  - d) Resumes of those assigned to this audit reflecting academic training and employment in the applicable fields.
  - e) Evidence of possession of required licenses or business permits.
  - f) Evidence of any previous experience in projects of a similar nature-provide contact names and phone numbers along with project names and appropriate agency contacts.
- 3) Reference listing, including contact names and phone numbers.
- 4) A list of all lawsuits in which the firm has been named as a defendant in the past five (5) calendar years.
- 5) The firm must have been established in Florida and performed continuous CPA

services for a minimum of five (5) years.

- 6) The firm shall be a member of the American Institute of Certified Public Accountants and the Florida Institute of Certified Public Accountants.
- 7) The firm shall indicate its approach to peer review and provide a report of the two most recent peer reviews. Indicate whether the peer reviews included a review of local government client activities.
- 8) The firm shall indicate any disciplinary actions that have been instituted or proposed during the last five (5) calendar years against the firm or any of the firm's professionals assigned to the audit.
- 9) The firm shall describe the results of any State or Federal reviews during the past three calendar years of the firm's governmental client audit work.
- 10) Technological Expertise. Must demonstrate up-to-date administrative, spreadsheet (Excel) and database (Access) expertise as well as training and staff expertise with each type of software. Technological expertise may be tested or require verification satisfactory to SBDD.

VI. Information to be Included in the Proposal

- 1) Title page showing the RFP subject, the name of the firm, address, telephone number, the name of the contact person, and the date.
- 2) A table of contents providing a clear identification of the material by section and by page number.
- 3) A statement setting forth the proposer's understanding of the work to be done and a positive commitment to perform the work within the specified time period.
- 4) A statement as to whether the firm is local, regional, or national.
- 5) The location of the office from which the work is to be done and the number of personnel in that office who would be working on the audit.
- 6) An identification of the partners, managers and supervisors who will work on the audit, including staff from other than the local office if necessary for this audit. Resumes for each managerial and supervisory person to be assigned to the audit should be submitted and include the following information:

- a. Formal education

- b. Supplemental education relative to governmental accounting and auditing
  - c. Experience in public accounting in general
  - d. Experience in private business or government
  - e. Experience in auditing governmental units
  - f. Membership in various national and state governmental accounting boards, committees, or associations (past and present)
  - i. Professional recognition, such as Certified Public Accountant licenses, awards, etc.
- 7) A description of the proposer's experience in preparing governmental financial statements.
- 8) A listing of Florida counties, municipalities, and special districts for which the proposer is currently providing or within the last five years has provided audit services.
- 9) The proposal should set forth a work plan, including an explanation of the audit methodology to be followed in order to perform the services required in Section III of this RFP.

Proposers will be required to provide the following information on their audit approach:

- a. Proposed segmentation of the engagement scope.
  - b. Level of staff and number of hours to be assigned to each proposed segment of the engagement.
  - c. Sample size and the extent to which statistical sampling is to be used in the engagement.
  - d. Type and extent of analytical procedures to be used in the engagement.
  - f. Approach to be taken to gain and document an understanding of the internal control structure.
  - g. Approach to be taken in determining laws and regulations that will be subject to audit work.
  - h. Approach to be taken in drawing audit samples for purposes of tests of compliance (single audit procedures, if applicable).
- 10) Firm promotional material may be included as supplemental information.
- 11) The selected firms shall be required to submit for negotiations a fee for providing auditing services during the first year of the Contract and estimates for each subsequent year up to a total of 5 years. Said fees shall include:

- Total All-Inclusive Maximum Price
  - Lump Sum Price for professional auditing services
  - Rates by Partner, Specialist, Supervisory and Staff Levels with Estimated Hours for Each Category
  - Out-of-pocket Expenses and Reimbursement Rates (to be included in the Total All-inclusive Maximum Price)
  - Rates for Additional Professional Services
  - Manner of Payment
- 12) Insurance - Each response should contain a statement regarding the amount of the firm's general liability insurance and errors and omissions (i.e. professional) insurance.
- 13) Business Ethics - Disclose (i) any circumstance where conduct of your firm or that of its Principal's are being investigated by any legal or administrative agency; (ii) any adverse decision or settlement with any legal or administrative body; and (iii) identify any substantive failure in the proper performance of any award or delivery on time of contracts of a similar nature as described above.
- 14) Firm Ethics - Disclose firm policies and procedures to prevent ethical violations. Discuss specific staff responsibilities and management commitment.
- 15) Other Disclosure - Applicants must answer the following question: "Has the firm ever been asked to resign, voluntarily resigned or withdrew from a project, contract or agreement within the past five (5) years? If so, where and why?"
- 16) Anti-Kickback Affidavit - The attached affidavit must be completed, signed and included in each applicant's submittal.
- 17) Non-Collusion Affidavit - The attached affidavit must be completed, signed and included in each applicant's submittal.

VII. Annual Financial Report

1) Calendar

|                    |   |
|--------------------|---|
| September 27, 2012 | SBDD Board approval of contract & engagement letter; audit procedures begin                             |
| September 30, 2012 | Fiscal year end for SBDD  |
| Oct – Dec, 2012    | Review of SBDD financial records; completion of final trial balance for audit; and preparation of draft |

|                  |   |
|------------------|---|
| January 17, 2013 | financial statements by auditor                     |
| January 31, 2013 | Submit Draft Annual Financial Report to SBDD Board  |
| March 14, 2013   | Present Draft Annual Financial Report to SBDD Board |
| March 28, 2013   | Submit Final Annual Financial Report to SBDD Board  |
|                  | Present Final Annual Financial Report to SBDD Board |

2) Contents

Title Page

Introductory Section

Board of Commissioners

Financial Section

- a) Independent Auditors' Report
- b) Management's Discussion and Analysis
- c) Basic Financial Statements
  - 1) Government-Wide Financial Statements
  - 2) Fund Financial Statements

Required Supplementary Information other than M,D&A (unaudited)

Budgetary Comparison Statement – General Fund

Other Reports Section

- a) Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards*

Management Letter Section

- a) Independent Auditors' Management letter Required by Chapter 10.550, rules of the State of Florida Office of the Auditor General

3) Support

- a) SBDD's Staff will perform the year-end closing of the books.
- b) SBDD's Staff will prepare the Management's Discussion and Analysis.
- c) SBDD's Staff will prepare the Annual Local Government Financial Report (Form DBF AA-401 and DBF AA-403) as required by the Florida Department of Banking and Finance.
- d) SBDD's Staff will prepare work schedules, notes and related materials as requested by the selected firm.
- e) SBDD's Staff will provide paid invoices, canceled checks and other supportive documentation as requested by the firm.

## VIII. Evaluation Procedures

1. All responses will be reviewed by the Selection Committee.
2. The responses will be evaluated using three sets of criteria. Firms meeting the mandatory criteria will have their proposals evaluated and scored on technical qualifications. The following represent the principal criteria which will be considered during the evaluation process.

### (A) Mandatory Elements – Qualifications and Experience

- (i) Whether the audit firm is independent and licensed under Chapter 473, Florida Statutes, to practice in Florida.
- (ii) Whether the firm has any conflicts of interest with regard to any other work performed by the firm for SBDD.
- (iii) Whether the firm adheres to the instructions in this RFP on preparing and submitting the proposal.
- (iv) Whether the firm submits a copy of its last external quality control review report and has a record of quality audit work.
- (v) Whether the RFP is submitted in proper form.

### (B) Technical Quality:

- (i) General government audit experience
- (ii) Special district audit experience
- (iii) Qualifications of individuals assigned to audit
- (iv) Size and organization structure of firm
- (v) Demonstrated understanding of SBDD's requirements
- (vi) Audit approach
- (vii) Technological proficiency of individuals assigned to audit

## IX. Working Paper Retention and Access to Working Papers

All working papers and reports must be retained, at the auditor's expense, for a period of three (3) years after completion of any herein identified services unless the firm is notified in writing by SBDD of the need to extend the retention period. SBDD's management and their representatives shall be entitled at any time during the contract period to inspect and reproduce such documents as deemed necessary.

In addition, the firm shall respond to the reasonable inquiries of successor auditors and allow successor auditors to review working papers relating to matters of continuing accounting

significance. As requests for copies of working papers are fulfilled, the auditors will be required to notify the District Director of the request, as appropriate.

**ANTI-KICKBACK AFFIDAVIT**

STATE OF FLORIDA )  
 ) SS  
COUNTY OF \_\_\_\_\_ )

I, the undersigned, hereby duly sworn, depose and say that no money or contributions have or will be paid to any officer(s) or employee(s) of the South Broward Drainage District as a commission, kickback, reward of gift, directly or indirectly by me or any member of my firm or by an officer of the firm, as a result of or in connection with my Firm's submittal of its affixed submittal.

By: \_\_\_\_\_  
Name – Signature

Print \_\_\_\_\_  
Name

\_\_\_\_\_  
Title

Sworn and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
NOTARY PUBLIC, State of Florida at Large

“OFFICIAL NOTARY STAMP”

**THIS PAGE TO BE SUBMITTED ALONG WITH RESPONSE IN ORDER FOR PACKAGE TO BE CONSIDERED COMPLETE AND ACCEPTABLE.**



**NON-COLLUSION AFFIDAVIT**

STATE OF FLORIDA )  
 ) SS  
COUNTY OF \_\_\_\_\_ )

\_\_\_\_\_, being first duly sworn, deposes and says that:

- 1) He/She is \_\_\_\_\_ of \_\_\_\_\_, which  
(Title) (Name of Corporation or Firm)  
has submitted the attached Qualifications Package;
- 2) He/She is fully informed respecting the preparation and contents of the attached Qualifications Package and of all pertinent circumstances respecting such submittal;
- 3) Said Qualifications Package is genuine and is not a collusive or sham Qualifications Package;
- 4) Further, the Firm nor any of the Firm’s officers, partners, owners, agents, representatives, employees or parties in interest, including this affiant, have in any way colluded, conspired, connived or agreed, directly or indirectly with any other qualifier, firm or person to submit a collusive or sham Qualifications Package in connection with providing the District with Auditing and Accounting Services for which the attached Qualifications Package has been submitted or to refrain from bidding in connection with such District Auditing and Accounting Services, or has in any manner, directly or indirectly, sought by agreement or collusion or communications or conference with any other qualifier, or to secure through any collusion, conspiracy, connivance or unlawful agreement any advantage against the South Broward Drainage District.

By: \_\_\_\_\_  
Name – Signature

Print \_\_\_\_\_  
Name

\_\_\_\_\_  
Title

Sworn and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
NOTARY PUBLIC, State of Florida at Large

“OFFICIAL NOTARY STAMP”

**THIS PAGE TO BE SUBMITTED ALONG WITH RESPONSE IN ORDER FOR PACKAGE TO BE CONSIDERED COMPLETE AND ACCEPTABLE.**

**EXHIBIT "A"**

(RFP PACKAGE WITH COMPENSATION INCLUDED AS AN EVALUATION FACTOR)

**SOUTH BROWARD DRAINAGE DISTRICT (SBDD)  
REQUEST FOR PROPOSALS FOR ANNUAL FINANCIAL AUDITING SERVICES**

SBDD is accepting qualification proposals for Annual Financial Auditing Services. Sealed proposals must be received by **3:00 P.M. Thursday, August 2, 2012**, in the SBDD Headquarters, 6591 SW 160<sup>th</sup> Avenue, SW Ranches, FL 33331. Proposals will be opened in the SBDD Board Room at 3:15 P.M.

All sealed proposals that are timely received will be publicly opened. Proposals received after the cut-off date and time will not be considered.

The SBDD Audit Committee will review the proposals and rank and recommend in order of preference no fewer than three firms deemed to be the most highly qualified to perform the required services on Tuesday, August 7, 2012 at 9:00 A.M. and may then interview those firms on Tuesday, August 14, 2012 at 9:00 A.M. If fewer than three firms respond to the Request for Proposals, the committee shall recommend such firms as it deems to be the most highly qualified. On Thursday, August 30<sup>th</sup> at 9:00 A.M. the SBDD Board of Commissioners will interview the ranked firms and shall select one of the recommended firms. All meetings will be held at SBDD Headquarters and will be open to the public.

SCOPE OF SERVICES: SBDD is soliciting the services of an independent certified public accounting firm to provide annual independent financial auditing services to the SBDD for a period of up to five (5) years beginning with an audit of the financial statements of the SBDD for its fiscal year ending September 30, 2012.

The Request for Proposals packet is available for pick-up at SBDD Headquarters. Questions should be submitted in writing to SBDD Headquarters, Attn: Kevin Hart or via e-mail at [kevin@sbdd.org](mailto:kevin@sbdd.org). For more information, visit [www.sbdd.org/procurementandcontracts](http://www.sbdd.org/procurementandcontracts).

SBDD reserves the right to reject any or all proposals, to waive informalities, and to readvertise.

A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a Bid on a Contract to provide any goods or services to a public entity, may not submit a Bid on a Contract with a public entity for the construction or repair of a public building or public work, may not be awarded or perform Work as a Contractor, Supplier, Subcontractor, or Consultant under a Contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, Florida Statutes, for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

BY \_\_\_\_\_

Kevin Hart, P.E., Director  
South Broward Drainage District

**SOUTH BROWARD DRAINAGE DISTRICT**  
**BOARD OF COMMISSIONERS**  
**REQUEST FOR PROPOSALS – ANNUAL FINANCIAL AUDITING SERVICES**

South Broward Drainage District (“SBDD”) is requesting qualification proposals from certified public accounting firms duly licensed under Chapter 473, Florida Statutes, and qualified to conduct audits in accordance with government auditing standards as adopted by the Florida Board of Accountancy to audit its financial statements for its fiscal years ending September 30, 2012, 2013, 2014, 2015, and 2016. These audits are to be performed in accordance with generally accepted auditing standards including the following:

- A. Section 218.39, Florida Statutes
  - B. Rules of the Florida Department of Financial Services
  - C. Rules of the Florida Auditor General (Chapter 10.550, Local Government Entity Audits)
  - D. AICPA Audit and Accounting Guide - Audits of State and Local Governmental Units
  - E. Federal and Florida Single Audit Acts (if applicable)
  - F. *Government Auditing Standards* issued by the Comptroller General of the United States
  - G. Circular No. A-133, Executive Office of the President, Office of Management and Budget, Washington D.C. (if applicable)
- I. General Information
- 1) Written questions regarding the Request for Proposals (RFP) are to be addressed to:

Kevin Hart, Director  
South Broward Drainage District  
6591 SW 160 Avenue  
Southwest Ranches, FL 33331  
Telephone: (954) 680-3337  
Fax: (954) 680-3339  
Email: Kevin@sbdd.org

Each firm should carefully examine the RFP, including the RFP Packet, and may make a written request to SBDD’s Director for interpretations or corrections of any ambiguity, inconsistency or error. Only written responses issued by the Director should be relied upon, and reasonable efforts will be made to distribute all written responses issued by the Director to everyone who obtains a RFP Packet from SBDD.

- 2) All responses to this RFP must be delivered to the above address no later than 3:00 p.m. E.S.T. on August 2, 2012. Ten signed copies of the proposal shall be submitted in one sealed package, clearly marked on the outside "Proposal for SBDD Annual Financial Auditing Services." Qualifications must be typed or printed in ink. A single disc pdf file of the entire transmittal should also be included with the Qualifications Package. Any responses received after the deadline will be returned to the proposer unopened. All costs incurred by the responding firms in preparing proposals in response to this request will not be reimbursed by SBDD.
- 3) SBDD reserves the right to reject any and all proposals submitted and to request additional information from the proposers. At the discretion of the SBDD Audit Committee, firms submitting proposals may be requested to make oral presentations to the SBDD Audit Committee as part of the evaluation process.
- 4) SBDD reserves the right to retain all proposals submitted and to use any ideas in a proposal regardless of whether that proposal is selected. Submission of a proposal indicates acceptance by the firm of the conditions contained in this RFP, unless clearly and specifically noted in the proposal submitted and confirmed in the contract between SBDD and the firm selected.
- 5) Firms submitting proposals may subcontract portions of the engagement. If this is to be done, the name of the proposed subcontracting firms must be clearly identified in the proposal. Following the award of the audit contract, no additional subcontracting will be allowed without the express prior written consent of the SBDD Board of Commissioners.
- 6) The SBDD Audit Committee will recommend and rank in order of preference no fewer than three firms deemed to be the most highly qualified to perform the required services to the Board. The Board may interview the ranked firms and shall select one of the firms recommended by the SBDD Audit Committee and negotiate a contract with the firm in accordance with Section 218.391, Florida Statutes. It is anticipated that the Board will enter into a one year contract starting with the fiscal year beginning October 1, 2012 and ending September 30, 2013 and the contract will include an option to extend the contract for four (4) additional one (1) year periods through September 30, 2017.
- 7) If the Board is unable to negotiate a satisfactory contract with any of the recommended firms, the SBDD Audit Committee will recommend additional firms, and negotiations will continue in accordance with Section 218.391, Florida Statutes, until an agreement is reached.
- 8) Anticipated RFP Calendar:

July 5, 2012

RFP to be advertised.

|                    |  |
|--------------------|--|
| July 12, 2012      | RFP to be advertised.  |
| August 2, 2012     | Responses to RFP due by 3:00 p.m E.S.T.  |
| August 7, 2012     | SBDD Audit Committee meeting to recommend and rank firms. Meeting will be held in SBDD's Board Room at 9:00 a.m.   |
| August 14, 2012    | SBDD Audit Committee to meet at 9:00 a.m. to listen to oral presentations and interview firms, if applicable. Develop final list of ranked firms. Thereafter, the SBDD Audit Committee recommendations will be submitted for the Board's consideration at the August 30, 2012 Board meeting. |
| August 30, 2012    | Board of Commissioners will interview ranked firms and shall select one of the firms.  |
| September 27, 2012 | Board to approve contract for annual financial auditing services.  |

- 9) Audits for the last ten fiscal years were completed by Margolies, Fink and Wichrowski, P.A.
- 10) SBDD does not have an internal audit department.
- 11) All requirements and conditions set forth in this RFP shall be incorporated into the contract between SBDD and the selected firm unless otherwise specified in the contract.

II. Description of South Broward Drainage District and Records to be Audited

- 1) SBDD is located in the southwestern corner of Broward County and encompasses approximately 73 square miles. SBDD is an independent special district originally created by the Florida Legislature in 1927 as the Hollywood Reclamation District (Chapter 12049, Laws of Florida). The original Hollywood Reclamation District was abolished in 1967 and the new Hollywood Reclamation District was created in 1967 by Chapter 67-904, Laws of Florida. In 1986, the name of the District was changed to South Broward Drainage District by Chapter 86-362, Laws of Florida. In 1998, the SBDD's charter and all amendments thereto were repealed and along with minor revisions were included in a codification of the SBDD's Charter approved by Florida Legislature by Chapter 98-524, Laws of Florida. SBDD has powers primarily in the areas of stormwater management and flood control. Its powers include the right to borrow money and issue bonds or other evidence of indebtedness, assess and impose upon the lands in SBDD annual drainage, water management, administrative, operation and maintenance taxes, and SBDD has the ability to install and foreclose special assessment liens.
- 2) For reporting purposes, the Annual Financial Report (Audited Financial Statements) will include the General Fund and Capital Project Fund. SBDD has no component

units.

- 3) Accounting records for the Board include the general fund, 1 capital projects fund and 1 fiduciary fund. The FY 2011-2012 total budget is approximately \$3 million dollars.
- 4) As of the date of this proposal, SBDD has no bond issues, no loans, and no line of credit outstanding.
- 5) SBDD's main source of revenue consists of non-ad valorem tax assessments. These assessments are collected by the Broward County Revenue Collector together with all other governmental entity's non-ad valorem assessments and ad valorem taxes. Parcels within SBDD are taxed based upon their applicable Property Designation. SBDD's adopted budget for FY 2011-2012 included revenue generated from seven (7) unique non-ad valorem tax rates.
- 6) Fiscal year ending September 30, 2011 was the first year of its reporting under GASB Statement No. 54.
- 5) All accounting records are maintained on the modified accrual basis. The accounting records of SBDD are prepared in conformity with generally accepted accounting principles as applied to government units.
- 6) Budgets are integrated with the accounting records.
- 7) SBDD is progressive in its attitude toward new accounting standards. Early implementation is practiced when recommended.
- 8) SBDD is currently utilizing QuickBooks (2009 edition) for maintaining its accounting records. SBDD uses an outside payroll vendor to prepare its monthly, quarterly and annual payroll filings.

### III. Services Required

- 1) An audit and an opinion on the basic financial statements of SBDD. The auditor is not required to audit the Management's Discussion and Analysis.
- 2) The audit is to be done in accordance with the Rules of the Auditor General, Chapter 10.550; the Federal and Florida Single Audit Acts (if applicable); OMB Circular A-133 (if applicable); *Government Auditing Standards* issued by the Comptroller General of the United States; and the AICPA Auditing Standards.
- 3) Following completion of the audit for each fiscal year's financial statements, the

auditor shall issue:

- a. A report on the fair presentation of the financial statements in conformity with generally accepted accounting principles.
  - b. A report on compliance and on internal control over financial reporting, which will include any significant deficiencies or material weaknesses found during the audit (if applicable).
  - c. A report on bond compliance (if applicable).
  - d. Reports on compliance with specific requirements applicable to Federal awards and State financial assistance programs (if applicable).
  - e. The auditor shall communicate in a letter to management any significant deficiencies or material weaknesses found during the audit.
- 4) An Independent Auditors' Management Letter required by Chapter 10.550, Rules of the State of Florida Office of the Auditor General.
  - 5) The auditor will prepare one electronic copy (required in pdf) and twenty bound copies of the Annual Financial Report for SBDD.
  - 6) The auditor will provide assistance in providing guidance and implementing changes in governmental accounting standards.
  - 7) Irregularities and illegal acts. Auditors shall be required to make an immediate, written report of all irregularities and/or illegal acts to the District Director, the Board of Commissioners and to SBDD's General Counsel.
  - 8) The auditor shall submit a draft copy of the Annual Financial Report by no later than January 17, 2013 and shall be present at the District's January 31, 2013 Board meeting to present the draft report to the Board of Commissioners and to answer any questions.
  - 9) The auditor shall submit the final copy of Annual Financial Report by no later than March 14, 2013 and shall be present at the District's March 28, 2013 Board meeting to present the draft report to the Board of Commissioners and to answer any questions.

#### IV. Additional Professional Services

SBDD may request additional professional services during the term of the contract. The

proposer shall, upon receipt of a written request from the District Director, perform such additional services. The proposer must be able to provide, at a minimum, the following services:

- 1) Extended audit services or special audits.
- 2) Miscellaneous accounting services.
- 3) If SBDD does issue debt, for which the official statement in connection with the debt contains basic financial statements and the report of independent auditors, the firm shall be required to issue a "consent and citation of expertise" as auditor and any necessary "comfort letters".

Such services will be billed according to the rates agreed upon as a result of the RFP. The total amount for additional services shall be separately negotiated at the time of the engagement for a not-to-exceed amount calculated in accordance with the rates of the awarded contract.

V. Qualifications of the Auditor

The RFP proposal must include the following information:

- 1) Experience of the firm with special districts within the last five years.
- 2) Information describing personnel with training and experience appropriate to the nature of the project. The RFP shall include:
  - a) The names and positions of each professional to be assigned to this audit, including familiarity with projects of a similar nature.
  - b) The estimated amount of involvement expressed as a percentage of time, of each of the staff members.
  - c) Willingness and ability to complete the project within the time and budget constraints, considering the firm's current and projected workload.
  - d) Resumes of those assigned to this audit reflecting academic training and employment in the applicable fields.
  - e) Evidence of possession of required licenses or business permits.
  - f) Evidence of any previous experience in projects of a similar nature-provide contact names and phone numbers along with project names and appropriate agency contacts.
- 3) Reference listing, including contact names and phone numbers.
- 4) A list of all lawsuits in which the firm has been named as a defendant in the past five (5) calendar years.



- 5) The firm must have been established in Florida and performed continuous CPA services for a minimum of five (5) years.
- 6) The firm shall be a member of the American Institute of Certified Public Accountants and the Florida Institute of Certified Public Accountants.
- 7) The firm shall indicate its approach to peer review and provide a report of the two most recent peer reviews. Indicate whether the peer reviews included a review of local government client activities.
- 8) The firm shall indicate any disciplinary actions that have been instituted or proposed during the last five (5) calendar years against the firm or any of the firm's professionals assigned to the audit.
- 9) The firm shall describe the results of any State or Federal reviews during the past three calendar years of the firm's governmental client audit work.
- 10) Technological Expertise. Must demonstrate up-to-date administrative, spreadsheet (Excel) and database (Access) expertise as well as training and staff expertise with each type of software. Technological expertise may be tested or require verification satisfactory to SBDD.

VI. Information to be Included in the Proposal

- 1) Title page showing the RFP subject, the name of the firm, address, telephone number, the name of the contact person, and the date.
- 2) A table of contents providing a clear identification of the material by section and by page number.
- 3) A statement setting forth the proposer's understanding of the work to be done and a positive commitment to perform the work within the specified time period.
- 4) A statement as to whether the firm is local, regional, or national.
- 5) The location of the office from which the work is to be done and the number of personnel in that office who would be working on the audit.
- 6) An identification of the partners, managers and supervisors who will work on the audit, including staff from other than the local office if necessary for this audit. Resumes for each managerial and supervisory person to be assigned to the audit should be submitted and include the following information:

- a. Formal education
  - b. Supplemental education relative to governmental accounting and auditing
  - c. Experience in public accounting in general
  - d. Experience in private business or government
  - e. Experience in auditing governmental units
  - f. Membership in various national and state governmental accounting boards, committees, or associations (past and present)
  - i. Professional recognition, such as Certified Public Accountant licenses, awards, etc.
- 7) A description of the proposer's experience in preparing governmental financial statements.
- 8) A listing of Florida counties, municipalities, and special districts for which the proposer is currently providing or within the last five years has provided audit services.
- 9) The proposal should set forth a work plan, including an explanation of the audit methodology to be followed in order to perform the services required in Section III of this RFP.

Proposers will be required to provide the following information on their audit approach:

- a. Proposed segmentation of the engagement scope.
  - b. Level of staff and number of hours to be assigned to each proposed segment of the engagement.
  - c. Sample size and the extent to which statistical sampling is to be used in the engagement.
  - d. Type and extent of analytical procedures to be used in the engagement.
  - f. Approach to be taken to gain and document an understanding of the internal control structure.
  - g. Approach to be taken in determining laws and regulations that will be subject to audit work.
  - h. Approach to be taken in drawing audit samples for purposes of tests of compliance (single audit procedures, if applicable).
- 10) Firm promotional material may be included as supplemental information.
- 11) A fee for providing auditing services during the first year of the Contract and estimates for each subsequent year up to a total of 5 years. Said fees shall include:

- Total All-Inclusive Maximum Price
  - Lump Sum Price for professional auditing services
  - Rates by Partner, Specialist, Supervisory and Staff Levels with Estimated Hours for Each Category
  - Out-of-pocket Expenses and Reimbursement Rates (to be included in the Total All-inclusive Maximum Price)
  - Rates for Additional Professional Services
  - Manner of Payment
- 12) Insurance - Each response should contain a statement regarding the amount of the firm's general liability insurance and errors and omissions (i.e. professional) insurance.
- 13) Business Ethics - Disclose (i) any circumstance where conduct of your firm or that of its Principal's are being investigated by any legal or administrative agency; (ii) any adverse decision or settlement with any legal or administrative body; and (iii) identify any substantive failure in the proper performance of any award or delivery on time of contracts of a similar nature as described above.
- 14) Firm Ethics - Disclose firm policies and procedures to prevent ethical violations. Discuss specific staff responsibilities and management commitment.
- 15) Other Disclosure - Applicants must answer the following question: "Has the firm ever been asked to resign, voluntarily resigned or withdrew from a project, contract or agreement within the past five (5) years? If so, where and why?"
- 16) Anti-Kickback Affidavit - The attached affidavit must be completed, signed and included in each applicant's submittal.
- 17) Non-Collusion Affidavit - The attached affidavit must be completed, signed and included in each applicant's submittal.

VII. Annual Financial Report

1) Calendar

|                    |   |
|--------------------|---|
| September 27, 2012 | SBDD Board approval of contract & engagement letter; audit procedures begin                             |
| September 30, 2012 | Fiscal year end for SBDD  |
| Oct – Dec, 2012    | Review of SBDD financial records; completion of final trial balance for audit; and preparation of draft |

|                  |   |
|------------------|---|
|                  | financial statements by auditor                     |
| January 17, 2013 | Submit Draft Annual Financial Report to SBDD        |
| January 31, 2013 | Present Draft Annual Financial Report to SBDD Board |
| March 14, 2013   | Submit Final Annual Financial Report to SBDD        |
| March 28, 2013   | Present Final Annual Financial Report to SBDD Board |

2) Contents

Title Page

Introductory Section

Board of Commissioners

Financial Section

- a) Independent Auditors' Report
- b) Management's Discussion and Analysis
- c) Basic Financial Statements
  - 1) Government-Wide Financial Statements
  - 2) Fund Financial Statements

Required Supplementary Information other than M,D&A (unaudited)

Budgetary Comparison Statement – General Fund

Other Reports Section

- a) Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards*

Management Letter Section

- a) Independent Auditors' Management letter Required by Chapter 10.550, rules of the State of Florida Office of the Auditor General

3) Support

- a) SBDD's Staff will perform the year-end closing of the books.
- b) SBDD's Staff will prepare the Management's Discussion and Analysis.
- c) SBDD's Staff will prepare the Annual Local Government Financial Report (Form DBF AA-401 and DBF AA-403) as required by the Florida Department of Banking and Finance.
- d) SBDD's Staff will prepare work schedules, notes and related materials as requested by the selected firm.
- e) SBDD's Staff will provide paid invoices, canceled checks and other supportive documentation as requested by the firm.

## VIII. Evaluation Procedures

1. All responses will be reviewed by the Selection Committee.
2. The responses will be evaluated using three sets of criteria. Firms meeting the mandatory criteria will have their proposals evaluated and scored on technical qualifications. The following represent the principal criteria which will be considered during the evaluation process.

### (A) Mandatory Elements – Qualifications and Experience

- (i) Whether the audit firm is independent and licensed under Chapter 473, Florida Statutes, to practice in Florida.
- (ii) Whether the firm has any conflicts of interest with regard to any other work performed by the firm for SBDD.
- (iii) Whether the firm adheres to the instructions in this RFP on preparing and submitting the proposal.
- (iv) Whether the firm submits a copy of its last external quality control review report and has a record of quality audit work.
- (v) Whether the RFP is submitted in proper form.

### (B) Technical Quality:

- (i) General government audit experience
- (ii) Special district audit experience
- (iii) Qualifications of individuals assigned to audit
- (iv) Size and organization structure of firm
- (v) Demonstrated understanding of SBDD's requirements
- (vi) Audit approach
- (vii) Technological proficiency of individuals assigned to audit

### (C) Compensation:

Compensation will be considered as an evaluation factor, but will not be the sole or predominant factor used to evaluate proposals.

## IX. Working Paper Retention and Access to Working Papers

All working papers and reports must be retained, at the auditor's expense, for a period of three (3) years after completion of any herein identified services unless the firm is notified in

writing by SBDD of the need to extend the retention period. SBDD's management and their representatives shall be entitled at any time during the contract period to inspect and reproduce such documents as deemed necessary.

In addition, the firm shall respond to the reasonable inquiries of successor auditors and allow successor auditors to review working papers relating to matters of continuing accounting significance. As requests for copies of working papers are fulfilled, the auditors will be required to notify the District Director of the request, as appropriate.

**ANTI-KICKBACK AFFIDAVIT**

STATE OF FLORIDA )  
 ) SS  
COUNTY OF \_\_\_\_\_ )

I, the undersigned, hereby duly sworn, depose and say that no money or contributions have or will be paid to any officer(s) or employee(s) of the South Broward Drainage District as a commission, kickback, reward of gift, directly or indirectly by me or any member of my firm or by an officer of the firm, as a result of or in connection with my Firm's submittal of its affixed submittal.

By: \_\_\_\_\_  
Name – Signature

Print \_\_\_\_\_  
Name

\_\_\_\_\_  
Title

Sworn and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
NOTARY PUBLIC, State of Florida at Large

“OFFICIAL NOTARY STAMP”

**THIS PAGE TO BE SUBMITTED ALONG WITH RESPONSE IN ORDER FOR PACKAGE TO BE CONSIDERED COMPLETE AND ACCEPTABLE.**





**ITEM 04.H**

**ESTABLISH MEETING DATES FOR FY 2012/2013 BUDGET HEARINGS**

# 2012

**January**

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**December**

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## **MISCELLANEOUS INFORMATION**

## **SAVE-THE-DATE!**

### **Broward County's Water Quality Issues, Regulations, and Improvements Changing Conditions - What you need to know.**

#### **Workshop #1 of 2**

Friday, June 29, 2012  
9:00 AM – 12:00 Noon  
South Broward Drainage District  
6591 Southwest 160<sup>th</sup> Avenue  
Southwest Ranches, FL 33331

Please join us for these important workshops related to Broward County's water quality and resource protection. The second workshop will take place on Friday, July 20, 2012.

*There is no cost to register.*

#### Workshop Objectives

In this first of two workshops, we will review issues of water quality in Broward County with emphasis on the relationship to current Everglades restoration efforts. Presentations will include a review of the requirements of the Everglades Forever Act, water quality goals and concerns, local and regional initiatives in support of source controls on pollution, and an overview of the diverse regulatory drivers heightening the need for local pollution reduction efforts.

Workshop participants will learn:

- How and why water quality issues are important;
- How to ensure Best Management Practices are effective;
- How to take advantage of technical assistance programs and services ;
- Opportunities for recognition as part of Broward County's Emerald Award program.

Intended Audience:

- 298's and Special Districts (Surface and Stormwater/Water Managers);
- Local municipalities, elected officials, and water quality program staff; and
- Nursery operators, landscapers, and property managers.

#### **Registration and Additional Information**

Workshop agendas will be emailed by June 18, 2012. For more information, please contact Kim Mayo at 954-519-1470 or [kmayo@broward.org](mailto:kmayo@broward.org) or Rudy Rudolph at: (954) 519-0328 or [rrudolph@broward.org](mailto:rrudolph@broward.org).

## AGENDA

### Water Quality Issues, Regulations, and Improvements Changing Conditions - What you need to know Workshop #1 of 2

Friday, June 29, 2012  
9:00 AM – 12:00 Noon  
South Broward Drainage District  
6591 S.W. 160 Avenue (a.k.a. Dykes Road)  
Southwest Ranches, FL 33331

#### Workshop Objectives

This is part 1 of a 2 workshop series focused on water quality issues in Broward County. In this first workshop we will review issues of water quality in Broward County with emphasis on the relationship to Everglades restoration. Presentations will include a review of the requirement of the Everglades Forever Act, water quality goals and concerns, local and regional initiatives in support of source controls on pollution, and an overview of the diverse regulatory drivers heightening the need for local pollution reduction efforts.

#### **I. Welcome and Opening Remarks (10 min)**

*Dr. Jennifer Jurado, Director, Broward County Natural Resources Planning and Management Division*

#### **II. Everglades Restoration, Water Quality and Broward County (60p, 20d)**

##### **A. Overview of Everglades Forever Act (EFA) and Everglades Construction Project (ECP) Restoration**

*Temperince Morgan, Office Chief, State Policy & Coordination, SFWMD*

##### **B. Regulatory Source Control Program**

*Carlos Adoriso, Engineer Supervisor, SFWMD*

##### **C. History of the Broward Everglades Working Group**

*Dr. Jennifer Jurado, Director, Broward County Natural Resources Planning and Management Division*

##### **D. Review of the C-11 West Basin Pollution Reduction Action Plan**

*Robert Rudolph, Water Planning Program Manager, Broward County Natural Resources Planning and Management Division*

#### **III. State-wide Water Quality Concerns and Local Implications (30 p, 15d)**

##### **A. Development of Numeric Nutrient Criteria**

*FDEP/SFMWD--TBD*

##### **B. TMDLs for Broward's MS4 Permit**

*Ashok Raichoudhury, Broward County Development and Environmental Regulation Division*

#### **IV. Status and Benefits of Water Quality Improvement Projects (30 p, 15d)**

##### **A. Critical Projects/CERP Overview**

*Tom Teets, Office Chief, Federal Policy & Coordination, SFWMD*

###### **a. C-11 West Water Quality project**

###### **b. CERP overview**

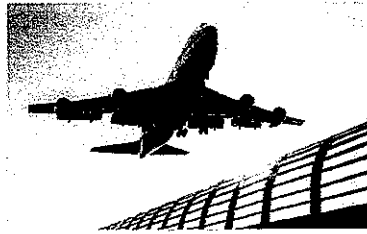
###### **c. Broward WPA project overview and status**

B. Town of Southwest Ranches Memorandum of Agreement (MOA)  
*Kevin Hart, Director, South Broward Drainage District*

Serving the Special Needs of Your Community



FLORIDA ASSOCIATION OF SPECIAL DISTRICTS, INC.



**Special Districts** are mission critical, local community units that address specific community needs and provide and maintain single-focused infrastructure and services, such as water and road management, fire rescue and safety, health care services, community development, housing and more. Special Districts act on behalf of their constituency when the local governing body (such as a county or city) is unable to provide the necessary funds for a service that is critical to their community.

- ◆ **Fiscally Responsible:** Special Districts are fiscally responsible governing boards that are committed to being good stewards of taxpayer dollars through responsible and lean budget decision-making. In general, special districts spend less on general and administrative expenses than do their counterparts, cities and counties.
- ◆ **Accountable:** Independent Special Districts have strong levels of accountability with the vast majority of board members elected by voters in their community. Most of the remaining board members are appointed by the Governor or by other elected officials, thereby providing ultimate accountability to the electorate.
- ◆ **Transparent:** Special districts are limited in how they can spend taxpayer dollars and are required to be transparent in their financial processes. Special districts are also subject to Florida's Sunshine, public records, financial disclosure and ethics laws.
- ◆ **Community-focused:** Special Districts are community-focused and mission-critical governing boards that address specific community needs, and provide and maintain infrastructure and service needs important for area residents.
- ◆ **Single-purpose Districts:** Special Districts usually serve only a single-purpose and help Floridians when local or state government were either unable or unwilling to provide crucial services or programs to a community.

## KEY FACTS

- ✓ Special Districts have a long history of being part of the fabric of local communities, and in many instances, have a record of providing critical services to area residents even before municipalities and other units of local government existed.
- ✓ Only residents who directly benefit from the services provided by Special Districts are assessed ad valorem taxes or fees.
- ✓ The most effective government is closest to the people and serves the people the best. Special Districts are the best example of a small, limited form of government that is directly responsive to the immediate needs of a community.
- ✓ If residents feel that Special Districts have failed to deliver on the services expected, they can elect new board members or urge the Governor to appoint new board members.
- ✓ Special Districts offer limited and targeted services that general-purpose local or state government have been unable to provide to a community.



**Timeline and Status of the Numeric Nutrient Criteria Rule  
June 11, 2012**

**Terry Cole**

EPA and the Florida Department of Environmental Protection have both adopted rules establishing Numeric Nutrient Criteria (NNC) for freshwater in Florida. In addition Florida has adopted nutrient criteria for certain coastal waters in Florida, with an aggressive schedule for adopting criteria for the remaining estuaries in Florida. Florida's rule continues to use the narrative nutrient standard on which it has relied for a number of years. However the new rule provides for the use of numeric nutrient criteria or biological criteria to demonstrate compliance with the standard. It did not apply numeric nutrient criteria to canals, intermittent streams or ditches.

The Florida rule was challenged by several environmental groups and a two-week trial was held before the Division of Administrative Hearings Administrative Law Judge assigned to the case. Florida business, agriculture, private utilities and local governments intervened in support of the DEP rule. Judge Bram Canter issued a Final Order on June 7, 2012, upholding the validity of the Florida rule. The ALJ made several important rulings, finding that:

- Petitioner environmental groups failed to demonstrate that the rule was arbitrary or capricious or that the department lacked statutory authority for the rule;
- The department and intervenors demonstrated a scientific basis for the rule and thus it was not arbitrary or capricious;
- For streams in the South Florida watershed, the data were inadequate to develop threshold nutrient values;
- It is not irrational for the department to apply its new numeric criteria only to those streams for which it has sufficient data and understanding with respect to the response of Flora and fauna to nutrients; and
- Petitioners failed to show that there are numeric nutrient criteria that would work well for all intermittent streams.

The EPA rule setting NNC for Florida was appealed by a number of business, agriculture, private utilities and local government groups. The US District Court for the Northern District of Florida in February determined that the portion of the EPA rule dealing with streams and downstream protection of lakes was arbitrary and capricious and thus invalid. The validity of criteria for lakes and springs was upheld. Appeals have been filed with the US Court of Appeals for the 11th Circuit. Briefs will be filed late this month with responses in July.

**Schedule for Upcoming Events in the Promulgation of State and EPA Numeric Nutrient Criteria Rules**

|                                      |                           |
|--------------------------------------|---------------------------|
| Final Order Issued by ALJ :          | June 7, 2012              |
| Submittal of Final State Rule to EPA | June 12, 2012 (estimated) |



|  |                                |
|--|--------------------------------|
| EPA Deadline For Approval of State Rule  | August 11, 2012 (estimated)    |
| EPA Deadline for Disapproval of State Rule   | September 10, 2012 (estimated) |
| <u>Proposed</u> Rule for Coastal Waters, DPVs and South Florida Canals:                            | July 20, 2012                  |
| <u>Proposed</u> Rule on Flowing Waters and DPVs for Lakes (or justifying current rule):            | Nov 30, 2012                   |
| <u>Effective</u> Date of EPA Rule on Lakes, Spring Boils (And Potentially Flowing Waters and DPVs) | August 31, 2013                |
| EPA Publication of <u>Final</u> Rule for Coastal Waters and South Florida Canals                   | May 10, 2013                   |

Florida is expected to forward the rule to EPA for approval by June 12, 2012. EPA has 60 days from formal submittal of the rule to approve it. It has 90 days to disprove the rule.

The key issue remains whether EPA will approve the Florida rule in its entirety and repeal the EPA rule entirely. If EPA continues to apply its rule to ditches, canals and intermittent streams, the Florida rule will not go into effect due to provisions placed in the rule by the ERC and restrictions in the legislative approval of the rule.



# Florida Department of Environmental Protection

Marjory Stoneman Douglas Building  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000

Rick Scott  
Governor

Jennifer Carroll  
Lt. Governor

Herschel T. Vinyard Jr.  
Secretary

June 13, 2012

Gwendolyn Keyes Fleming, Esq.  
Regional Administrator  
U.S. EPA, Region 4  
Atlanta Federal Center  
61 Forsyth Street, SW  
Atlanta, GA 30303-8960

Re: Certification for Amendments to Chapters 62-302 and 62-303, F.A.C.;  
Numeric nutrient criteria for Florida's lakes, springs, streams & certain estuaries

Dear Ms. Keyes Fleming:

Under state law, the Department's General Counsel has full authority to independently represent the agency on all matters concerning the state's surface water quality program. In accordance with 40 CFR 131.6(e), I hereby certify that the enclosed amendments to Chapters 62-302 and 62-303, Florida Administrative Code, establishing numeric nutrient criteria for lakes, spring vents, streams, and certain estuaries in Florida, were duly adopted pursuant to state law.

The enclosed rules were approved for adoption by the Environmental Regulation Commission (ERC) at a public hearing on December 8, 2012, and submitted to the Florida Legislature for ratification. The Florida Legislature waived ratification of the proposed rules in accordance with Chapter 2012-3, Laws of Florida, which became law on February 16, 2012. The proposed rules were challenged; and an administrative hearing was held from February 27- March 5, 2012. The administrative law judge issued a final order (enclosed) affirming the Department's proposed rules in all respects on June 7, 2012.

The Department filed the rules for adoption with the Department of State under Section 120.54, F.S., on June 13, 2012. The subject rules were duly adopted under state law upon filing the rules for adoption with the Department of State. The Department submits these changes to Florida's water quality standards to the Environmental Protection Agency (EPA) for review and approval in accordance with Section 303(c) of the Clean Water Act.

Gwendolyn Keyes Fleming, Esq.  
June 13, 2012  
Page 2

Enclosed on a disc for assistance in your review is a responsiveness summary consistent with 40 C.F.R. 25.8, and various documents supporting these rule changes consistent with 40 C.F.R. 131.6 and 40 C.F.R. 131.11.

The Department, numerous interested parties, and Florida's delegation, as evidenced by the enclosed letters, strongly support EPA's swift approval of Florida's numeric nutrient standards, and EPA's assistance in implementing the most comprehensive numeric nutrient limits in the nation.

The Department continues to move forward to adopt numeric nutrient criteria for coastal and estuarine waters in accordance with the schedule set forth in subsection 62-302.352(3) of the enclosed rules. The administrative final order affirming the Department's enclosed rules and the schedule set forth in these rules provides compelling evidence of the Department's unwavering commitment to promptly establish numeric nutrient criteria for the State of Florida. The Department urges EPA to favorably consider the Department's petition of April 22, 2011, requesting that EPA withdraw its January 2009 determination that numeric nutrient criteria are necessary in Florida and repeal its federally promulgated rule.

If you have any questions regarding this certification, please feel free to contact either Stacey Cowley, senior assistant general counsel, or me at (850) 245-2242.

Sincerely,



Thomas M. Beason  
General Counsel

TB/sdc

Enclosures

cc: James Giattiana (EPA Region 4)(with documents on disc)  
Annie Godfrey (EPA Region 4)(with documents on disc)  
Lauren Petter (EPA Region 4)(with documents on disc)  
Fritz Wagener (EPA Region 4)(with documents on disc)

**Florida Should Be in Control of its Own Future**  
**Op-Ed Submission to the Gainesville Sun**  
**By Commissioner of Agriculture Adam H. Putnam**  
**June 13, 2012**

A ruling from an independent Administrative Law Judge last week in support of the Florida Department of Environmental Protection's (DEP) proposed water quality standards is the latest in a long line of affirmations that Florida is best positioned and most capable of managing the health of its own rivers, streams and coastal waters.

The health of Florida's bodies of water is critical to the future of this state. Part of what makes Florida the ultimate tourist destination is its natural environment. Florida's lakes and rivers offer endless family-friendly recreational opportunities for Florida's residents. Businesses – including energy production, real estate development and Florida's \$100 billion agriculture industry – rely on a high quality water supply to support their operations. For these and many other reasons, Florida is committed to protecting and restoring its lakes, springs, rivers and streams.

Florida's efforts to protect its bodies of water do not come without significant challenges, however. Nutrients, like nitrogen and phosphorus, can impact the quality of Florida waters. Though nutrients can be harmful in excessive amounts, they are natural and necessary for healthy waters. The situation is further complicated by the diversity of Florida's bodies of water, which vary greatly in size, shape and environmental surroundings. A one-size-fits-all approach is not an option.

Florida's proposed water quality standards not only take these unique characteristics into account, but also adopt a scientific approach proven to measurably benefit the health of Florida's water bodies. Florida's water standards are the culmination of two decades of data analysis and critical discussion by some of the finest scientists in Florida. The methodology used by DEP to derive the standards was embraced by the National Academy of Sciences and resulted in the most comprehensive set of water quality standards ever proposed by any state in the nation. They represent a sophisticated rationale to analyze and rank Florida's water bodies so that time and resources will result in measurable benefit and environmental protection. The standards were unanimously adopted by Florida's Environmental Regulatory Commission and approved by the state Legislature. Currently, the standards are awaiting the approval of the U.S. Environmental Protection Agency (EPA) as an alternative to EPA's own proposal developed by judicial decree rather than through scientific approach.

In contrast to Florida's water standards, EPA's numeric nutrient criteria, proposed in 2010, were not based on sound science and would have cost Floridians billions of dollars to implement, without an equivalent benefit. In partnership with Attorney General Pam Bondi, I filed a complaint in federal court challenging the rule and, in February this year, the U.S. District Court found that EPA's rules were overly restrictive and unnecessary to protect Florida's streams.

Florida's commitment to restoring and protecting its water bodies is not only demonstrated by its proposed standards, but also by its strong track record. Florida has placed substantial emphasis on the monitoring and assessment of its waters and, as a result, has collected significantly more water quality data than any other state. Florida leads the nation in the implementation of advanced wastewater treatment techniques and technology and in non point source surface water resource protection and restoration programs for both urban and agricultural land use. Even the EPA has previously acknowledged that Florida has developed and implemented some of the most progressive nutrient management strategies in the nation.

Florida has also made significant progress in nutrient reduction leading to notable successes in water resource restoration. Examples range from Tampa Bay where sea grasses have returned to levels not seen since the 1950s and now cover 30,000 acres, to the Everglades Agricultural Area, where phosphorous levels have been reduced by 79 percent.

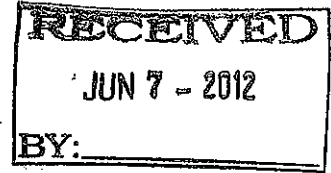
I urge EPA to consider the recent ruling by the Administrative Law Judge, as well as the U.S. District Court's opinion and EPA's own acknowledgement of Florida's strong capabilities to manage water resources, and approve Florida's water quality standards in their entirety. EPA's approval will allow Florida to assume its right to exercise the authority envisioned by the Clean Water Act to develop and implement its own water quality standards through an EPA-approved and predictable process governed by existing state law and accountable to the taxpayers.

An issue so critical to Florida's future must be addressed on the state level, where a proven track record, a scientific approach and measurable outcomes will protect Florida's water resources for generations to come.



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
P.O. BOX 4970  
JACKSONVILLE, FLORIDA 32232-0019



Planning and Policy Division  
Environmental Branch

JUN 05 2012

Kevin M. Hart  
District Director  
South Broward Drainage District  
6591 Southwest 160 Avenue  
Southwest Ranches, Florida 33331

Dear Mr. Hart,

Thank you for your letter of April 26, 2012 regarding your review of the Broward County Water Preserve Areas (BCWPA) Revised Final Project Implementation Report and Environmental Impact Statement (PIR/EIS). The U.S. Army Corps of Engineers, Jacksonville District (Corps) acknowledges and appreciates your input, participation, and coordination throughout development of the BCWPA project.

The Corps offers the below discussion to address comments provided by your agency. In addition, a table is included as an enclosure to this letter with responses to each of your agency's comments.

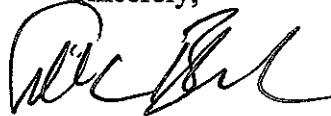
No adverse water quality impacts are anticipated with the BCWPA project. A water quality monitoring plan is included with the Revised Final PIR/EIS within Annex E. Also, a water quality certification from the Florida Department of Environmental Protection would be obtained prior to construction. This permit would detail any additional project requirements and water quality monitoring in excess to those already outlined in Annex E. In addition, the BCWPA project would not have an impact on South Florida Water Management permits for the S-9 and S-10 Drainage Basins. The conditions of these permits were considered in the development and evaluation of the project alternatives.

In response to potential groundwater changes and seepage concerns, the Corps reiterates the Water Resources Development Act 2000 Savings Clause which directs Comprehensive Everglades Restoration Projects from adversely impacting existing levels of flood protection. Currently, modeling of the area demonstrates that the project can be implemented without violation of the Savings Clause. During detailed design, finer resolution modeling would be undertaken to determine the extent of potential seepage. If detailed modeling determines potential seepage to be significantly adverse, it would be addressed in the final design before the project is implemented.

Finally, in response to your agency's comment on disposition of project lands if the project is not implemented, the BCWPA PIR/EIS looked at trends, risks, and costs to make assumptions for the future without project conditions which are a part of the USACE planning process. Large tracts of undeveloped lands in south Florida are rare. The determination of the fate of these lands if a project is not implemented has not been decided.

Please contact the BCWPA Project Manager Alan Bruns at (904) 232-2084 at your earliest convenience to schedule a meeting to discuss the implementation of the BCWPA project and potential effects to the South Broward Drainage District. The Corps truly appreciates your endorsement of the BCWPA.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Bush", written in a cursive style.

Eric Bush  
Chief, Planning and Policy Division

Enclosure

| Public Comments and USACE Responses<br>February 2012 Revised Final PIR/EIS |   |  |
|--|---|--|
| Letter-POC   | Comment   | USACE Response   |
| South Broward<br>Drainage District<br>(SBDD),<br>April 26, 2012 - 1        | What water quality testing provisions and/or requirements are planned for the project? Please include specific locations and criteria for the water quality testing program (with special emphasis on the western C-9 and western C-11 drainage basins).  | The water quality monitoring plan is included in Volume 3, Annex E, Part 1 of the Revised Final PIR/EIS.   |
| SBDD - 2   | Summarize the proposed impacts to groundwater elevations in SBDD's Basin S-5 and specifically on the communities adjacent to seepage Canal C-509.   | The WRDA 2000 Savings Clause prevents CERP projects from adversely impacting existing levels of service flood protection.  |
| SBDD - 3   | Provide a summary of the head water stages within the C-9 Canal at Structure S-511 for both the 10-year, 3-day storm event and 100-year, 3-day storm event. Provide a summary of these same stages for both the pre-implementation and post-implementation of the C-9 Impoundment improvements. | There are no changes in the design storm stages anticipated. The WRDA 2000 Savings Clause prevents CERP projects from adversely impacting existing levels of service flood protection.   |
| SBDD - 4   | Has any analysis been performed on the design stages for the SBDD's Basin S-5 as a result of the C-9 Impoundment improvements? Specifically, has the hydrologic study evaluated the pre vs. post implementation impacts to this basin?  | Modeling was completed at a large scale to provide assurance that the project can be implemented and meet the required WRDA 2000 Savings Clause. Additional modeling would be performed during detailed design to ensure WRDA 2000 requirements would be met.  |
| SBDD - 5   | Provide a summary of the post implementation flood stages for the Holly Lakes Community for the 10-year, 3-day storm event and 100-year, 3-day storm event to ensure compliance with SBDD flood stage criteria.   | Based on the WRDA 2000 Savings Clause, flood stages are anticipated to remain the same. Modeling was completed at a large scale to provide assurance that the project can be implemented meeting the required WRDA 2000 Savings Clause. Additional modeling would be performed during detailed design to ensure WRDA 2000 requirements would be met.     |
| SBDD - 6   | Provide a summary of the post implementation flood stages for the property inside the L-502E Exterior Containment Berm for the 10-year, 3-day storm event and 100-year, 3-day storm event to ensure compliance with SBDD flood stage criteria.  | Based on the WRDA 2000 Savings Clause flood stages would be anticipated to remain the same. Modeling was completed at a large scale to provide assurance that the project can be implemented meeting the required WRDA 2000 Savings Clause. Additional modeling would be performed during detailed design to ensure WRDA 2000 requirements would be met. |
| SBDD - 7   | Provide a proposed time line for the implementation of the C-9 Impoundment improvements.  | The Notice To Proceed is scheduled for May 2016, with construction to be completed by July 2024.   |



| Public Comments and USACE Responses<br>February 2012 Revised Final PIR/EIS |  | USACE Response   |
|--|--|--|
| Letter-POC   | Comment  |  |
| SBDD - 8   | What is the proposed construction methodology for the new seepage canals in the C-9 Impoundment area?  | The Corps plans on using a mechanical excavator to remove materials. However, if rock fracturing is required, consultation with local municipalities and communities would be initiated to examine all alternate means of excavating the hard materials. The final methodology would be selected based on risks and costs. |
| SBDD - 9   | Is structure 512A a pump station? How was the location for this structure selected? Was any consideration given to locating this structure further to the south? How is seepage controlled south of this structure; between the structure location and the C-9 Canal?              | Yes, S-512A is a seepage pump station. Its placement was chosen to split the canal reach thereby providing better stage control with the canal. This is a working design and consideration to this would be given during final design.   |
| SBDD - 10  | Will the discharge capacity from the SBDD's S-4 and/or S-5 pump station be affected by the proposed C-9 Impoundment improvements?  | The WRDA 2000 Savings Clause prevents CERP projects from adversely impacting existing levels of service flood protection.  |
| SBDD - 11  | Are any adverse water quality impacts anticipated for the C-9 Canal (east of Structure S-511) and/or the areas surrounding the C-9 Impoundment area as a result of this project? What safeguards are proposed to address any unintended water quality issues?                      | No adverse water quality impacts are anticipated with this project. A detailed water quality monitoring plan is included in Volume 3, Annex E, Part 1 of the Revised Final PIR/EIS. A Water Quality Certification permit would also be obtained from the FDEP prior to project construction.                               |
| SBDD - 12  | SBDD has a basin-wide permit for the Basin S-5 (SFWMD Permit # 06-01401-5). This permit was modified in 1997 to remove the 2,195 acres of land acquired by SFWMD as part of the East Coast Buffer land acquisitions. How will this project impact this existing permit, if at all? | The BCWPA project would not have an impact on the referenced permit. The conditions of this permit were considered in the development and evaluation of the project alternatives. The design and lands identified for the selected plan would not have an impact on the permit issued to SBDD for Basin S-5.               |
| SBDD - 13  | What is the permitting status of the proposed C-9 Impoundment improvements?  | A Comprehensive Everglades Restoration Plan Regulation Act (CERPRA) Permit would be obtained for construction and operations from FDEP upon completion of BCWPA project detailed designs and prior to construction.  |

| Public Comments and USACE Responses<br>February 2012 Revised Final PIR/EIS |   | USACE Response   |
|--|---|--|
| Letter-POC   | Comment   |  |
| SBDD – 14  | What are the alternates to the mitigation option for Mitigation Areas “C” and “D”?  | Mitigation Areas “C” and “D” are called the Optional FDOT Mitigation Areas within the Revised Final PIR/EIS. In accordance with Section 2036(c) of the Water Resources Development Act (WRDA) of 2007, the Corps is giving first consideration to the use of a wetlands mitigation bank to offset losses of wetland functions caused by the project and for removal of the FDOT (Chimney) Mitigation Site from the project footprint, but may consider other cost effective mitigation options in the vicinity of the Project. Mitigation activities would be implemented during construction of the project. Please see Section 7.1.4.5 for a detailed explanation. |
| SBDD – 15  | Will the proposed C-9 and C-11 Impoundment improvements have any impacts on the Flood Insurance Rate Maps (FIRMs) recently updated by FEMA? How are these proposed improvements being addressed in the FIRMs?   | The proposed BCWPA Project would not affect the FEMA FIRMs. The proposed Impoundments would not affect the FIRMs as the 100-year flood elevation would not be altered. The WRDA 2000 Savings Clause prevents CERP projects from adversely impacting existing levels of service flood protection.   |
| SBDD – 16  | Summarize the proposed impacts to groundwater elevations in SBDD's Basin 5-9 and 5-10 and specifically in the areas upstream and downstream of Structure 5-381 (C-11 Canal).  | The WRDA 2000 Savings Clause prevents CERP projects from adversely impacting existing levels of service flood protection. Modeling was completed at a large scale to provide assurance that the project can be implemented meeting the required WRDA 2000 Savings Clause. Additional modeling would be performed during detailed design to ensure WRDA 2000 requirements would be met.   |
| SBDD – 17  | Provide a summary of the head water stages within the C-11 Canal at Structure 5-381 for both the 10-year, 3-day storm event and 100-year, 3-day storm event. Provide a summary of these same stages for both the pre-implementation and post-implementation of the C-11 Impoundment improvements. | Based on the WRDA 2000 Savings Clause flood stages would be anticipated to remain the same. Modeling was completed at a large scale to provide assurance that the project can be implemented meeting the required WRDA 2000 Savings Clause. Additional modeling would be performed during detailed design to ensure WRDA 2000 requirements would be met.   |

| Public Comments and USACE Responses<br>February 2012 Revised Final PIR/EIS |  |
|--|--|
| Letter-POC   | Comment  |
| SBDD - 18  | Has any analysis been performed on the design stages for the SBDD's Basin 5-9 and 5-10 as a result of the C-11 Impoundment improvements? Specifically, has the hydrologic study evaluated the pre vs. post implementation impacts to these basins?   |
| SBDD - 19  | Will the discharge capacity from the SBDD's gate structures at the C-11 Canal (CS 13-A, CS13 and CS12) be affected by the proposed C-11 Impoundment improvements?  |
| SBDD - 20  | Are any adverse water quality impacts anticipated for the C-11 Canal (east of Structure 5-381) and/or the areas surrounding the C-11 Impoundment area as a result of this project? What safeguards are proposed to address any unintended water quality issues?  |
| SBDD - 21  | Will this C-11 Impoundment project have any impacts on SBDD's SFWMD Permit for the S-9 and S-10 Drainage Basins?   |
| SBDD - 22  | What impact, if any, will the new numeric nutrient criteria being proposed by EPA and the Florida Department of Environmental Protection (FDEP) have on this project? Who will be responsible for meeting the new water quality standards in a situation where nutrient laden stormwater runoff is being diverted from one regional drainage basin to another?   |
| SBDD - 23  | What water quality benefits have been achieved for the Florida Everglades as a result of the C-11 basin improvements that have been implemented over the past 6-8 years (ie: reduction in nutrient loading). Has the implementation of these improvements had any impact on the environmental conclusions presented in the Broward County Water Preserve Areas Project Implementation Report (PIR) and Environmental Impact Statement (EIS), Revised Final - February 2012?  |
| SBDD - 24  | Does the project take into account future impacts associated with projected climate change and/or rising sea levels?   |
| SBDD - 25  | Will the elimination of ocean outfalls for the effluent from sewage treatment plants in Broward County have any impact on this project?  |
|  | <b>USACE Response</b>  |
|  | Yes, additional modeling has been done on the C-11 Impoundment area and additional modeling would be completed during detailed design.<br>Discharge capacity from the SBDD's gate structures would not be affected based on the WRDA 2000 Savings Clause which prevents CERP projects from adversely impacting existing levels of service flood protection.<br>No adverse water quality impacts are anticipated with this project. A detailed water quality monitoring plan is included in Volume 3, Annex E, Part 1 of the Revised Final PIR/EIS. A water quality certification permit would also be obtained from the FDEP prior to project construction.<br>The BCWPA project would not have an impact on the referenced permit. The conditions of this permit were considered in the development and evaluation of the project alternatives. The design and lands identified for the selected plan would not have an impact on the permit issued to SBDD for the S-9 and S-10 Drainage Basins.<br>The impact to the BCWPA project due to any changes to water quality standards cannot be anticipated or evaluated until the standards are final and protocols for implementation have been adopted.<br>Implementation of basin improvements would not change the environmental conclusions presented in the BCWPA Revised Final PIR/EIS.<br>Climate change and sea level rise are discussed in Sections 5.10.5 and 6.1.3 of the Revised Final PIR/EIS.<br>Elimination of ocean outfalls in Broward County was not considered as part of this project. |

| Public Comments and USACE Responses<br>February 2012 Revised Final PIR/EIS |   |
|--|---|
| Letter-POC   | USACE Response  |
| SBDD - 26  | <p>The Executive Summary states that the trend of land conversion from natural habitats to urban and agricultural uses is expected to continue". On what is this conclusion based? It appears that the majority of land surrounding the study area has been developed.</p> <p>The Executive Summary also states that "if the project is not implemented, lands that have been acquired in the study area for south Florida ecosystem restoration purposes may be surplused and subsequently developed for mixed industrial, commercial, and residential uses consistent with surrounding land use patterns in the study area". On what is this conclusion based? Would it not be possible to retain these areas as preserve areas and enhance them in the future to achieve additional ecological and environmental benefits (if the project is not implemented)?</p> |
| SBDD - 27  | <p>Land use trends in the BCWPA PIR/EIS are based on county, state and U.S. Census data. See Appendix F, Section F.1.3.1 and F.2.2.1 Tables F-2, F-3, Figure F-5.</p> <p>The BCWPA PIR/EIS looked at trends, risks and costs to make assumptions for the future without project conditions which are a part of the USACE planning process. Large tracks of undeveloped lands in south Florida are rare. The determination of the fate of these lands if a project is not implemented has not been decided.</p>  |