



**BANYAN CAY
COMMUNITY DEVELOPMENT
DISTRICT**

**PALM BEACH COUNTY
REGULAR BOARD MEETING
& PUBLIC HEARING
JUNE 27, 2025
9:00 A.M.**

Special District Services, Inc.
2501A Burns Road
Palm Beach Gardens, FL 33410

www.banyancaycdd.org

561.630.4922 Telephone

877.SDS.4922 Toll Free

561.630.4923 Facsimile

AGENDA
BANYAN CAY
COMMUNITY DEVELOPMENT DISTRICT
Conference Room of Special District Services, Inc.
2501A Burns Road
Palm Beach Gardens, Florida 33410
REGULAR BOARD MEETING & PUBLIC HEARING
June 27, 2025
9:00 A.M.

- A. Call to Order
- B. Proof of Publication.....Page 1
- C. Establish Quorum
- D. Additions or Deletions to Agenda
- E. Comments from the Public for Items Not on the Agenda
- F. Approval of Minutes
 - 1. April 17, 2025 Regular Board Meeting Minutes.....Page 2
- G. Public Hearing
 - 1. Proof of Publication.....Page 5
 - 2. Receive Public Comments on Fiscal Year 2025/2026 Final Budget
 - 3. Consider Resolution No. 2025-02 – Adopting a Fiscal Year 2025/2026 Proposed Budget.....Page 6
- H. Old Business
- I. New Business
 - 1. Consider Resolution No. 2025-03 – Adopting a Fiscal Year 2025/2026 Meeting Schedule.....Page 13
 - 2. Consider Appointment of Audit Committee & Approval of Evaluation Criteria.....Page 15
- J. Administrative Matters
- K. Board Members Comments
- L. Adjourn

LOCALiQ

The Gainesville Sun | The Ledger
Daily Commercial | Ocala StarBanner
News Chief | Herald-Tribune
News Herald | The Palm Beach Post
Northwest Florida Daily News

PO Box 631244 Cincinnati, OH 45263-1244

AFFIDAVIT OF PUBLICATION

Laura Archer
Special District Services, Inc
Banyan Cay Community Development District

2501 Burns RD # A
Palm Beach Gardens FL 33410-5207

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Coordinator of the Palm Beach Post, published in Palm Beach County, Florida; that the attached copy of advertisement, being a Public Notices, was published on the publicly accessible website of Palm Beach County, Florida, or in a newspaper by print in the issues of, on:

10/07/2024

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 10/07/2024

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$236.84

Tax Amount: \$0.00

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1

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BANYAN CAY COMMUNITY DEVELOPMENT DISTRICT FISCAL YEAR 2024/2025 REGU- LAR MEETING SCHEDULE

NOTICE IS HEREBY GIVEN that the Board of Supervisors of the Banyan Cay Community Development District will hold Regular Board Meetings in the Conference Room of Special District Services, Inc. located 2501A Burns Road, Palm Beach Gardens, Florida 33410 at 9:00 a.m. on the following dates:

October 17, 2024
November 21, 2024
December 19, 2024
January 16, 2025
February 20, 2025
March 20, 2025
April 17, 2025
May 15, 2025
June 19, 2025
July 17, 2025
August 21, 2025
September 18, 2025

The purpose of the meetings is to conduct any business coming before the Board. Meetings are open to the public and will be conducted in accordance with the provisions of Florida law. Copies of the Agendas for any of the meetings may be obtained from the District's website or by contacting the District Manager at 561-630-4922 and/or toll free at 1-877-737-4922 five (5) days prior to the date of the particular meeting.

From time to time one or two Supervisors may participate by telephone; therefore, a speaker telephone will be present at the meeting location so that Supervisors may be fully informed of the discussions taking place. Said meeting(s) may be continued as found necessary to a time and place specified on the record.

If any person decides to appeal any decision made with respect to any matter considered at these meetings, such person will need a record of the proceedings and such person may need to ensure that a verbatim record of the proceedings is made at his or her own expense and which record includes the testimony and evidence on which the appeal is based.

In accordance with the provisions of the Americans with Disabilities Act, any person requiring special accommodations or an interpreter to participate at any of these meetings should contact the District Manager at 561-630-4922 and/or toll free at 1-877-737-4922 at least seven (7) days prior to the date of the particular meeting.

Meetings may be cancelled from time to time without advertised notice.

BANYAN CAY COMMUNITY
DEVELOPMENT DISTRICT
www.banyancaycdd.org
10/7/24 #10630266

**BANYAN CAY COMMUNITY DEVELOPMENT DISTRICT
REGULAR BOARD MEETING
APRIL 17, 2025**

A. CALL TO ORDER

The April 17, 2025, Regular Board Meeting of the Banyan Cay Community Development District (the “District”) was called to order at 9:15 a.m. in the Conference Room of Special District Services, Inc., located at 2501A Burns Road, Palm Beach Gardens, Florida 33410.

B. PROOF OF PUBLICATION

Proof of publication was presented which showed that notice of the Regular Board Meeting had been published in *The Palm Beach Post* on October 7, 2024, as part of the District’s Fiscal Year 2024/2025 Meeting Schedule, as legally required.

Mr. Pierman noted that Sarah Dosch had submitted her resignation from the Board.

A **motion** was made by Ms. Lewis, seconded by Mr. Jaffe and unanimously passed accepting Ms. Dosch’s resignation.

A **motion** was then made by Mr. Jaffe, seconded by Ms. Lewis and unanimously passed appointing Ryan Carrol to Seat 1, which expires in 2027.

Mr. Pierman, Notary with the State of Florida, administered the Oath of Office to Mr. Carrol and explained his role of District Supervisor.

C. ESTABLISH A QUORUM

A quorum was established with the following Supervisors in attendance:

Chairperson	Alicia Lewis	Present
Vice Chairman	Greg Jaffe	Present
Supervisor	Ryan Carrol	Present
Vacant		
Vacant		

Also in attendance were:

District Manager	Jason Pierman	Special District Services, Inc.
District Counsel	Bill Capko	Lewis Longman & Walker, P.A.
District Engineer	Lisa Tropepe	Engenuity

D. ADDITIONS OR DELETIONS TO AGENDA

With a quorum now established, a **motion** was made by Mr. Carrol, seconded by Mr. Jaffe and unanimously passed ratifying all actions taken by the Board prior to a quorum being established.

A **motion** was then made by Mr. Carrol, seconded by Mr. Jaffe and unanimously passed electing the following slate of officers:

Chair: Alicia Lewis
Vice Chair: Greg Jaffe
Secretary/Treasurer: Jason Pierman
Assistant Secretary: Ryan Carrol

E. COMMENTS FROM THE PUBLIC FOR ITEMS NOT ON THE AGENDA

There were no comments from the public for items not on the agenda.

F. APPROVAL OF MINUTES

1. September 19, 2024, Regular Board Meeting

The minutes of the September 19, 2024 Regular Board Meeting were presented for consideration.

A **motion** was made by Mr. Jaffe, seconded by Mr. Lewis and passed unanimously approving the minutes of the September 19, 2024, Regular Board Meeting, as presented.

G. OLD BUSINESS

There were no Old Business items to come before the Board.

H. NEW BUSINESS

1. Consider Resolution No. 2025-01 – Adopting a Fiscal Year 2025/2026 Proposed Budget

Resolution No. 2025-01 was presented, entitled:

RESOLUTION NO. 2025-01

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
BANYAN CAY COMMUNITY DEVELOPMENT DISTRICT
APPROVING A PROPOSED BUDGET FOR FISCAL YEAR
2025/2026; AND PROVIDING AN EFFECTIVE DATE.**

A **motion** was made by Mr. Carrol, seconded by Mr. Lewis and passed unanimously adopting Resolution No. 2025-01, as presented, setting the Public Hearing for June 27, 2025, at 9:00 a.m.

I. ADMINISTRATIVE MATTERS

Following discussion, a **motion** was made by Mr. Carrol, seconded by Mr. Jaffe and unanimously passed appointing Mark Carter to Seat 4, which term expires in November 2025.

Mr. Pierman noted that Mr. Carter would be sworn in at a later date.

J. BOARD MEMBER COMMENTS

There were no further comments from the Board Members.

K. ADJOURNMENT

There being no further business to come before the Board, a **motion** was made by Ms. Lewis, seconded by Mr. Jaffe, and passed unanimously adjourning the meeting at 9:42 a.m.

ATTESTED BY:

Secretary/Assistant Secretary

Chairperson/Vice-Chair

Publication Date
2025-06-09

Subcategory
Miscellaneous Notices

BANYAN CAY COMMUNITY DEVELOPMENT DISTRICT
NOTICE OF PUBLIC HEARING TO CONSIDER THE ADOPTION OF THE FISCAL YEAR 2025/2026 BUDGET AND
NOTICE OF REGULAR BOARD OF
SUPERVISORS MEETING.

NOTICE IS HEREBY GIVEN that the Banyan Cay Community Development District (the District) will hold a Public Hearing and Regular Board Meeting (the Meeting) of its Board of Supervisors (the Board) on June 27, 2025, at 9:00 a.m., or as soon thereafter as can be heard, in the Conference Room of Special District Services, Inc. located at 2501A Burns Road, Palm Beach Gardens, Florida 33410. The Public Hearing is being held for the necessary purpose of considering the Fiscal Year 2025/2026 Final Budget. The Meeting is being held for the necessary public purpose of considering agenda items related to the District. At such time the Board is so authorized and may consider any business that may properly come before it.

A copy of the agenda for the Meeting may be obtained at the offices of the District Manager, c/o Special District Services, Inc., at (561) 630-4922 or jpierman@sdsinc.org (the District Managers Office) during normal business hours. The Meeting is open to the public and will be conducted in accordance with the provisions of Florida law for special districts. The Meeting may be continued to a date, time, and place to be specified on the record at the Meeting.

Any person requiring special accommodations in order to access and participate in the Meeting because of a disability or physical impairment should contact the District Managers Office at least forty-eight (48) hours prior to the Meeting. If you are hearing or speech impaired, please contact the Florida Relay Service by dialing 7-1-1, or 1-800-955-8771 (TTY) / 1-800-955-8770 (Voice), for aid in contacting the District Managers Office.

Each person who decides to appeal any decision made by the Board with respect to any matter considered at the Meeting is advised that person will need a record of proceedings and that accordingly, the person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be based.

Meetings may be cancelled from time to time without advertised notice.

District Manager

BANYAN CAY COMMUNITY DEVELOPMENT DISTRICT

www.banyancaycdd.org

No.11362718 June 9, 16, 2025

RESOLUTION NO. 2025-02

A RESOLUTION OF THE BANYAN CAY COMMUNITY DEVELOPMENT DISTRICT ADOPTING A FISCAL YEAR 2025/2026 BUDGET.

WHEREAS, the Banyan Cay Community Development District (“District”) has prepared a Proposed Budget and Final Special Assessment Roll for Fiscal Year 2025/2026 and has held a duly advertised Public Hearing to receive public comments on the Proposed Budget and Final Special Assessment Roll; and,

WHEREAS, following the Public Hearing and the adoption of the Proposed Budget and Final Assessment Roll, the District is now authorized to levy non ad-valorem assessments upon the properties within the District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE BANYAN CAY COMMUNITY DEVELOPMENT DISTRICT THAT:

Section 1. The Final Budget and Final Special Assessment Roll for Fiscal Year 2025/2026 attached hereto as Exhibit “A” is approved and adopted, and the assessments set forth therein shall be levied.

Section 2. The Secretary of the District is authorized to execute any and all necessary transmittals, certifications or other acknowledgements or writings, as necessary, to comply with the intent of this Resolution.

PASSED, ADOPTED and EFFECTIVE this 27th day of June, 2025.

ATTEST:

**BANYAN CAY
COMMUNITY DEVELOPMENT DISTRICT**

By: _____
Secretary/Assistant Secretary

By: _____
Chairperson/Vice Chairperson

Banyan Cay Community Development District

**Final Budget For
Fiscal Year 2025/2026
October 1, 2025 - September 30, 2026**

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- II DETAILED FINAL BUDGET**
- III DETAILED FINAL DEBT SERVICE FUND BUDGET**
- IV ASSESSMENT COMPARISON**

FINAL BUDGET
BANYAN CAY COMMUNITY DEVELOPMENT DISTRICT
FISCAL YEAR 2025/2026
OCTOBER 1, 2025 - SEPTEMBER 30, 2026

	FISCAL YEAR 2025/2026 BUDGET
REVENUES	
O&M Assessments	102,382
Developer Contribution	0
Debt Assessments	425,532
Interest Income	720
TOTAL REVENUES	\$ 528,634
EXPENDITURES	
Supervisor Fees	0
Engineering/Inspections	8,000
Management	26,964
Legal	19,000
Assessment Roll	5,000
Audit Fees	4,800
Arbitrage Rebate Fee	650
Insurance	7,250
Legal Advertisements	1,400
Miscellaneous	1,350
Postage	345
Office Supplies	625
Dues & Subscriptions	175
Trustee Fees	4,150
Continuing Disclosure Fee	1,000
Website Management	2,000
Lake Maintenance	13,500
Reserve	750
Miscellaneous Maintenance	0
TOTAL EXPENDITURES	\$ 96,959
REVENUES LESS EXPENDITURES	\$ 431,675
Bond Payments	(400,000)
BALANCE	\$ 31,675
County Appraiser & Tax Collector Fee	(10,558)
Discounts For Early Payments	(21,117)
EXCESS/ (SHORTFALL)	\$ -

DETAILED FINAL BUDGET
BANYAN CAY COMMUNITY DEVELOPMENT DISTRICT
FISCAL YEAR 2025/2026
OCTOBER 1, 2025 - SEPTEMBER 30, 2026

	FISCAL YEAR 2023/2024	FISCAL YEAR 2024/2025	FISCAL YEAR 2025/2026	
REVENUES	ACTUAL	BUDGET	BUDGET	COMMENTS
O&M Assessments	102,966	102,492	102,382	Expenditures Less Interest /.94
Developer Contribution	0	0	0	Developer Contribution
Debt Assessments	425,532	425,532	425,532	Bond Payments/.94
Interest Income	5,397	360	720	Projected At \$60.00 Per Month
TOTAL REVENUES	\$ 533,895	\$ 528,384	\$ 528,634	
EXPENDITURES				
Supervisor Fees	0	0	0	
Engineering/Inspections	8,297	8,000	8,000	No Change From 2024/2025 Budget
Management	25,452	26,208	26,964	CPI Increase
Legal	15,263	20,000	19,000	FY 24/25 Expenditures Through Feb 2025 Were \$2,645
Assessment Roll	5,000	5,000	5,000	As Per Contract
Audit Fees	4,500	4,700	4,800	\$100 Increase From 2024/2025 Budget
Arbitrage Rebate Fee	650	650	650	No Change From 2024/2025 Budget
Insurance	6,594	7,250	7,250	FY 24/25 Expenditure Was \$6,858
Legal Advertisements	1,363	1,400	1,400	No Change From 2024/2025 Budget
Miscellaneous	38	1,400	1,350	\$50 Decrease From 2024/2025 Budget
Postage	77	370	345	\$25 Decrease From 2024/2025 Budget
Office Supplies	358	650	625	\$25 Decrease From 2024/2025 Budget
Dues & Subscriptions	175	175	175	No Change From 2024/2025 Budget
Trustee Fees	4,139	4,150	4,150	No Change From 2024/2025 Budget
Continuing Disclosure Fee	1,000	1,000	1,000	No Change From 2024/2025 Budget
Website Management	2,000	2,000	2,000	No Change From 2024/2025 Budget
Lake Maintenance	13,178	13,000	13,500	Lake Maintenance
Reserve	0	750	750	Reserve
Miscellaneous Maintenance	114	0	0	FY 2023/2024 Expenditure Was For Vegetation
TOTAL EXPENDITURES	\$ 88,198	\$ 96,703	\$ 96,959	
REVENUES LESS EXPENDITURES	\$ 445,697	\$ 431,681	\$ 431,675	
Bond Payments	(407,717)	(400,000)	(400,000)	2026 Principal & Interest Payments
BALANCE	\$ 37,980	\$ 31,681	\$ 31,675	
County Appraiser & Tax Collector Fee	(2,847)	(10,560)	(10,558)	Two Percent Of Total Assessment Roll
Discounts For Early Payments	(16,988)	(21,121)	(21,117)	Four Percent Of Total Assessment Roll
EXCESS/ (SHORTFALL)	\$ 18,145	\$ -	\$ -	

DETAILED FINAL DEBT SERVICE FUND BUDGET

BANYAN CAY COMMUNITY DEVELOPMENT DISTRICT

FISCAL YEAR 2025/2026

OCTOBER 1, 2025 - SEPTEMBER 30, 2026

	FISCAL YEAR 2023/2024	FISCAL YEAR 2024/2025	FISCAL YEAR 2025/2026	
REVENUES	ACTUAL	BUDGET	BUDGET	COMMENTS
Interest Income	36,860	400	1,000	Projected Interest For 2025/2026
NAV Tax Collection	407,717	400,000	400,000	Maximum Debt Service Collection
Total Revenues	\$ 444,577	\$ 400,400	\$ 401,000	
EXPENDITURES				
Principal Payments	130,000	140,000	145,000	Principal Payment Due In 2026
Interest Payments	263,780	258,250	254,400	Interest Payments Due In 2026
Transfer To Construction Fund	21,873	0	0	
Bond Redemption	0	2,150	1,600	Estimated Excess Debt Collections
Total Expenditures	\$ 415,653	\$ 400,400	\$ 401,000	
Excess/ (Shortfall)	\$ 28,924	\$ -	\$ -	

Series 2020 Bond Information

Original Par Amount =	\$6,895,000	Annual Principal Payments Due =	November 1st
Interest Rate =	2.75% - 4.00%	Annual Interest Payments Due =	May 1st & November 1st
Issue Date =	December 2020		
Maturity Date =	November 2051		
Par Amount As Of 1/1/25 =	\$6,500,000		

**Banyan Cay Community Development District
Assessment Comparison**

	Fiscal Year 2022/2023 Assessment*	Fiscal Year 2023/2024 Assessment*	Fiscal Year 2024/2025 Assessment*	Fiscal Year 2025/2026 Projected Assessment*
O & M For Estate Homes	\$ 370.03	\$ 416.66	\$ 416.64	\$ 416.20
<u>Debt For Estate Homes</u>	<u>1,789.13</u>	<u>1,789.13</u>	<u>1,789.13</u>	<u>1,789.13</u>
Total For Estate Homes	\$ 2,159.16	\$ 2,205.79	\$ 2,205.77	\$ 2,205.33
O & M For Hotel Room/Units	\$ 370.03	\$ 416.66	\$ 416.64	\$ 416.20
<u>Debt For Hotel Room/Units</u>	<u>1,789.13</u>	<u>1,789.13</u>	<u>1,789.13</u>	<u>1,789.13</u>
Total For Hotel	\$ 2,159.16	\$ 2,205.79	\$ 2,205.77	\$ 2,205.33
O & M For Resort Villas	\$ 370.03	\$ 416.66	\$ 416.64	\$ 416.20
<u>Debt For Resort Villas</u>	<u>1,431.30</u>	<u>1,431.30</u>	<u>1,431.30</u>	<u>1,431.30</u>
Total For Resort Villas	\$ 1,801.33	\$ 1,847.96	\$ 1,847.94	\$ 1,847.50
O & M For Clubhouse Component	\$ 8,140.66	\$ 9,166.52	\$ 9,166.08	\$ 9,156.40
<u>Debt For Clubhouse Component</u>	<u>32,639.00</u>	<u>32,639.00</u>	<u>32,639.00</u>	<u>32,639.00</u>
Total For Clubhouse Component	\$ 40,779.66	\$ 41,805.52	\$ 41,805.08	\$ 41,795.40

* Assessments Include the Following :

4% Discount for Early Payments

1% County Tax Collector Fee

1% County Property Appraiser Fee

Community Information - Phase One:

Estate Homes	52
Hotel Units/Room	150
Resort Villas	22
<u>Clubhouse Component</u>	<u>22</u>
Total Units	246

Clubhouse Component Is 18,243 Square Feet

RESOLUTION NO. 2025-03

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE BANYAN CAY COMMUNITY DEVELOPMENT DISTRICT, ESTABLISHING A REGULAR MEETING SCHEDULE FOR FISCAL YEAR 2025/2026 AND SETTING THE TIME AND LOCATION OF SAID DISTRICT MEETINGS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is necessary for the Banyan Cay Community Development District ("District") to establish a regular meeting schedule for fiscal year 2025/2026; and

WHEREAS, the Board of Supervisors of the District has set a regular meeting schedule, location and time for District meetings for fiscal year 2025/2026 which is attached hereto and made a part hereof as Exhibit "A".

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE BANYAN CAY COMMUNITY DEVELOPMENT DISTRICT, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The above recitals are hereby adopted.

Section 2. The regular meeting schedule, time and location for meetings for fiscal year 2025/2026 which is attached hereto as Exhibit "A" is hereby adopted and authorized to be published.

PASSED, ADOPTED and EFFECTIVE this 27th day of June, 2025.

ATTEST:

**BANYAN CAY
COMMUNITY DEVELOPMENT DISTRICT**

By: _____
Secretary/Assistant Secretary

By: _____
Chairperson/Vice Chairperson

**BANYAN CAY COMMUNITY DEVELOPMENT DISTRICT
FISCAL YEAR 2025/2026 REGULAR MEETING SCHEDULE**

NOTICE IS HEREBY GIVEN that the Board of Supervisors of the **Banyan Cay Community Development District** will hold Regular Board Meetings in the Conference Room of Special District Services, Inc. located 2501A Burns Road, Palm Beach Gardens, Florida 33410 at 9:00 a.m. on the following dates:

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September 17, 2026**

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BANYAN CAY COMMUNITY DEVELOPMENT DISTRICT

www.banyancaycdd.org

PUBLISH: PALM BEACH POST

**BANYAN CAY COMMUNITY DEVELOPMENT DISTRICT
REQUEST FOR PROPOSALS**

**District Auditing Services for Fiscal Years 2024/2025, 2025/2026 and 2026/2027
With Two Year Option (2027/2028 and 2028/2029)
Palm Beach County, Florida**

**BANYAN CAY COMMUNITY DEVELOPMENT DISTRICT
AUDITOR SELECTION INSTRUCTIONS TO PROPOSERS**

SECTION 1. DUE DATE. Sealed proposals must be received no later than August 21, 2025 at 4:00 p.m., at the offices of District Manager, located at 2501A Burns Road, Palm Beach Gardens, Florida 33410.

SECTION 2. FAMILIARITY WITH THE LAW. By submitting a proposal, the Proposer is affirming its familiarity and understanding with all federal, state, and local laws, ordinances, rules and regulations that in any manner affect the work. Ignorance on the part of the Proposer will in no way relieve it from responsibility to perform the work covered by the proposal in compliance with all such laws, ordinances and regulations.

SECTION 3. QUALIFICATIONS OF PROPOSER. The contract, if awarded, will only be awarded to a responsible Proposer who is qualified by experience and licensing to do the work specified herein. The Proposer shall submit with its proposal satisfactory evidence of experience in similar work and show that it is fully prepared to complete the work to the satisfaction of the District.

SECTION 4. REJECTION OF PROPOSAL. Proposers shall be disqualified and their proposals rejected if the District has reason to believe that collusion may exist among the Proposers, the Proposer has defaulted on any previous contract or is in arrears on any previous or existing contract, or for failure to demonstrate proper licensure and business organization.

SECTION 5. SUBMISSION OF PROPOSAL. Submit one (1) copy of the Proposal Documents and one digital copy, and other requested attachments at the time and place indicated herein, which shall be enclosed in an opaque sealed envelope, marked with the title “Auditing Services – Banyan Cay Community Development District” on the face of it.

SECTION 6. MODIFICATION AND WITHDRAWAL. Proposals may be modified or withdrawn by an appropriate document duly executed and delivered to the place where proposals are to be submitted at any time prior to the time and date the proposals are due. After proposals are opened by the District, no proposal may be withdrawn for a period of ninety (90) days.

SECTION 7. PROPOSAL DOCUMENTS. The proposal documents shall consist of the notice announcing the request for proposals, these instructions, the Evaluation Criteria Sheet and a proposal with all required documentation pursuant to Section 12 of these instructions (the “Proposal Documents”).

SECTION 8. PROPOSAL. In making its proposal, each Proposer represents that it has read and understands the Proposal Documents and that the proposal is made in accordance therewith.

SECTION 9. BASIS OF AWARD/RIGHT TO REJECT. The District reserves the right to reject any and all proposals, make modifications to the work, and waive any informalities or irregularities in proposals as it is deemed in the best interests of the District.

SECTION 10. CONTRACT AWARD. Within fourteen (14) days of receipt of the Notice of Award from the District, the Proposer shall enter into and execute a Contract (engagement letter) with the District.

SECTION 11. LIMITATION OF LIABILITY. Nothing herein shall be construed as or constitute a waiver of District’s limited waiver of liability contained in section 768.28, Florida Statutes, or any other statute or law.

SECTION 12. MISCELLANEOUS. All proposals shall include the following information in addition to any other requirements of the proposal documents.

- A. List position or title of all personnel to perform work on the District audit. Include resumes or each person listed; list years of experience in present position for each party listed and years of related experience.
- B. Describe proposed staffing levels, including resumes with applicable certifications.
- C. Three references from projects of similar size and scope. The Proposer should include information relating to the work it conducted for each reference as well as a name, address and phone number of a contact person.

SECTION 13. PROTESTS. Any protest regarding the Proposal Documents, must be filed in writing, at the offices of the District Manager, within seventy-two (72) hours after receipt of the Request for Proposals and Evaluation Criteria or other contract documents. The formal protest setting forth with particularity the facts and law upon which the protest is based shall be filed within seven (7) calendar days after the initial notice of protest was filed. Failure to timely file a notice of protest or failure to timely file a formal written protest shall constitute a waiver of any right to object or protest with respect to the aforesaid Request for Proposals, Evaluation Criteria, or other contract documents.

SECTION 14. EVALUATION OF PROPOSALS. The criteria to be used in the evaluation are presented in the Evaluation Criteria Sheet, contained within the Proposal Documents.

SECTION 15. REJECTION OF ALL PROPOSALS. The District reserves the right to reject any and all bids, with or without cause, and to waive technical errors and informalities, as determined to be in the best interests of the District.

**BANYAN CAY COMMUNITY DEVELOPMENT DISTRICT
AUDITOR SELECTION
EVALUATION CRITERIA**

1. *Ability of Personnel (10 Points).*

(E.g., geographic locations of the firm's headquarters or permanent office in relation to the project; capabilities and experience of key personnel; evaluation of existing work load; proposed staffing levels, etc.)

2. *Proposer's Experience (10 Points).*

(E.g. past record and experience of the Proposer in similar projects; volume of work previously performed by the firm; past performance for other Community Development Districts in other contracts; character, integrity, reputation of Proposer, etc.)

3. *Understanding of Scope of Work (10 Points).*

Extent to which the proposal demonstrates an understanding of the District's needs for the services requested.

4. *Ability to Furnish the Required Services (10 Points).*

Present ability to manage this project and the extent to which the proposal demonstrates the adequacy of Proposer's financial resources and stability as a business entity necessary to complete the services required (E.g. the existence of any natural disaster plan for business operations).

5. *Price (10 Points).*

Points will be awarded based upon the price bid for the rendering of the services and reasonableness of the price to the services.