



**Executive Committee Agenda  
September 8, 2014, 4:00 p.m. Eastern  
Florida Association of Counties  
100 South Monroe Street  
Tallahassee, Florida 32301  
Dial-in Number: 1-888-670-3525  
Participant Passcode: 9984495298#**

1. Call to Order
2. Roll Call
3. Public Comment
4. Approval of Minutes from August 7, 2014 Executive Committee Meeting
5. Approval of Submission of Comments to U.S. Treasury Interim Final Rule
6. Recommendation on Request for Best and Final Offer (RBAFO) for State Expenditure Plan
7. Report on Restoration Council Planning Allocation Interim Final Rule
8. Interim Manager's Report
  - 8.1 Approval of Consortium's 2015 Meeting Calendar
  - 8.2 2014/15 Budget Overview
  - 8.3 Update on Deepwater Horizon Restoration Partnerships
9. New Business
10. Public Comment
11. Upcoming Meeting  
September 17, 2014, 9:30 a.m., Central  
FAC Policy Conference  
Sandestin Golf & Beach Resort  
9300 Emerald Coast Parkway  
Miramar Beach, Florida 32550
12. Adjourn

**FLORIDA HOUSING FINANCE CORPORATION**

The Florida Housing Finance Corporation announces a public meeting to which all persons are invited.

**DATE AND TIME:** September 8, 2014, 2:30 p.m. (Eastern)

**PLACE:** Rick Seltzer Conference Room, Suite 6000, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida 32301-1329

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The purpose of the Review Committee Meeting will be to give the scores and to submit a recommendation to Florida Housing's Board of Directors regarding the responses submitted for Florida Housing Finance Corporation's Request For Applications 2014-108, SAIL Financing to Guarantee Program Developments for Extremely Low Income (ELI) Households. A copy of the agenda may be obtained by contacting: Jean Salmonsens, (850)488-4197.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Jean Salmonsens, (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

**FLORIDA HOUSING FINANCE CORPORATION**

The Florida Housing Finance Corporation announces a workshop to which all persons are invited.

**DATE AND TIME:** September 15, 2014, 1:00 p.m.

**PLACE:** Rick Seltzer Conference Room, Suite 6000, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida 32301-1329

The meeting will be accessible via phone: 1(888)339-2688, participant code #: 352 393 22

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This Request for Applications (RFA) is open to Applicants proposing the retrofit of an existing multifamily rental Development whose site, or any part thereof, is subject to any Land Use Restriction Agreement or Extended Use Agreement, or both, in conjunction with any Corporation affordable housing financing intended to foster the development or maintenance of affordable housing and that were originally Completed prior to December 31, 1999.

Under this RFA, the Corporation expects to award up to \$7,533,084 of Multifamily Energy Retrofit Program (MERP) loan funds. The Corporation is soliciting Applications from

qualified Applicants that commit to retrofit building components with energy efficient components as well as other improvements that reduce energy and water costs, provide ongoing resident and property management staff education and outreach to maximize the benefits of the retrofit and report energy use/savings regarding the status of energy performance improvements in accordance with the terms and conditions of this RFA, inclusive of all Exhibits, applicable laws, rules and regulations, and the Corporation's generally applicable construction and financial standards. Applicants may carry out these retrofits as part of a broader rehabilitation plan that has non-MERP financing associated with it. However, MERP funding will not be provided in conjunction with financing provided through separate Corporation-issued RFAs.

A copy of the agenda may be obtained by contacting: Jean Salmonsens at (850)488-4197.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Jean Salmonsens at (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

**GULF CONSORTIUM**

The Gulf Consortium Executive Committee announces a telephone conference call to which all persons are invited.

**DATE AND TIME:** September 8, 2014, 4:00 p.m., ET

**PLACE:** Dial-in number: 1(888)670-3525, participant passcode: 998 449 5298#

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Executive Committee of the Gulf Consortium will consider potential comments to the Treasury Interim Final Rule on RESTORE Act Trust Fund, the 2015 meeting calendar, a recommendation on the Request for Best and Final Offer document for the development of the State Expenditure Plan, and conduct other business. In accordance with section 163.01, the location of the conference call is the Florida Association of Counties, 100 S. Monroe Street, Tallahassee, FL 32301.

A copy of the agenda may be obtained by contacting: Ginger Delegal at (850)922-4300 or gdelegal@fl-counties.com or see [www.FACRestore.com](http://www.FACRestore.com).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 3 days before the workshop/meeting by contacting: Ginger Delegal at (850)922-4300 or [gdelegal@fl-counties.com](mailto:gdelegal@fl-counties.com) or see [www.FACRestore.com](http://www.FACRestore.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Ginger Delegal at (850)922-4300 or [gdelegal@fl-counties.com](mailto:gdelegal@fl-counties.com) or see [www.FACRestore.com](http://www.FACRestore.com).

**ORANGE COUNTY RESEARCH AND DEVELOPMENT AUTHORITY**

The Orange County Research and Development Authority announces a public meeting to which all persons are invited.

DATE AND TIME: September 11, 2014, 8:00 a.m.

PLACE: Central Florida Research Park, 12424 Research Parkway, Suite 100, Orlando, FL 32826

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: Joe Wallace, (407)282-3944.

**CITIZENS PROPERTY INSURANCE CORPORATION**

The Citizens Property Insurance Corporation Market Accountability Advisory Committee announces a public meeting to which all persons are invited.

DATE AND TIME: September 23, 2014, 9:00 a.m. – 10:00 a.m.

PLACE: The Alford Inn, 300 East New England Ave., Winter Park, FL 32789; dial-in: 1(866)361-7525, conference ID: 7849939192#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Topics include but are not limited to the Market Accountability Advisory Committee Report.

A copy of the agenda may be obtained by contacting: our website at [www.citizensfla.com](http://www.citizensfla.com).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Barbara Walker at (850)513-3744. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**CITIZENS PROPERTY INSURANCE CORPORATION**

The Citizens Property Insurance Corporation Depopulation Committee announces a public meeting to which all persons are invited.

DATE AND TIME: September 23, 2014, 1:00 p.m. – 2:00 p.m.

PLACE: The Alford Inn, 300 East New England Ave., Winter Park, FL 32789; dial-in 1(855)312-8651, conference ID: 4458606638#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Topics to include but are not limited to the Depopulation Committee Report.

A copy of the agenda may be obtained by contacting: our website at [www.citizensfla.com](http://www.citizensfla.com).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Barbara Walker at (850)513-3744. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**FLORIDA DEVELOPMENTAL DISABILITIES COUNCIL**

The Florida Developmental Disabilities Council, Inc. announces public meetings to which all persons are invited.

DATES AND TIMES: September 11, 2014, 8:00 a.m. – 6:00 p.m., Committee Meetings; September 12, 2014, 8:30 a.m. – 1:00 p.m., Full Council (visit [www.fddc.org](http://www.fddc.org) for meeting specifics)

PLACE: The Florida Hotel and Conference Center, 1500 Sand Lake Road, Orlando, FL 32809

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the general business of the Florida Developmental Disabilities Council, Inc.

A copy of the agenda may be obtained by contacting: Vanda Bowman or Debra Dowds, 124 Marriott Drive, Suite 203, Tallahassee, FL 32301 or 1(800)580-7801 or 1(850)488-4180.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Vanda Bowman or Debra Dowds. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Debra Dowds or Vanda Bowman, 124 Marriott Drive, Suite 203, Tallahassee, FL 32301 or 1(800)580-7801 or 1(850)488-4180.

## **Gulf Consortium Executive Committee**

Commissioner Grover Robinson (Escambia), Chair

Commissioner Susan Latvala (Pinellas), Vice Chair

Commissioner Warren Yeager (Gulf), Secretary/Treasurer

Commissioner Sara Comander (Walton), At Large Director

Commissioner George Neugent (Monroe), At Large Director

**Gulf Consortium Executive Committee**  
**September 8, 2014**

**Agenda Item 5**  
**Comments on U.S. Treasury Interim Final Rule**  
**on Regulations for the Gulf Coast Restoration Trust Fund**

**Statement of Issue:**

This agenda item is intended to present comments on the Treasury Interim Final Rule for the Executive Committee's consideration. Comments on the Rule are due to Treasury on September 15, 2014. The Rule becomes final on October 14, 2014. Attached to this memorandum is draft correspondence to Treasury.

**Background:**

On November 5, 2013, the Consortium commented on the original Treasury Rule, suggesting that Treasury revise the Rule and address 12 major points:

1. Regulatory Flexibility Act and Seven Fiscally Constrained Counties.
2. Pre-Award Costs for the Consortium and Coastal Political Subdivisions.
3. Planning Costs for the Gulf Consortium and Florida's 23 Gulf Coast Counties.
4. Administrative Costs.
5. Procurement Issues.
6. Advance Payment.
7. Incremental Plans and Grants.
8. Additional Treasury Rule and a Standard Format.
9. Formula for the Eight Disproportionately Affected Counties.
10. Formula for the Fifteen Nondisproportionately Impacted Counties.
11. Environmental Law Compliance.
12. Recognition of the Gulf Consortium as the Entity Required to Prepare the State Expenditure Plan.

The Rule comment deadline did not end the Consortium's advocacy to secure changes to the Treasury rule. Two members of the Consortium Executive Committee have testified before Congress, urging that Treasury promptly issue a revised Rule addressing the Consortium's concerns. Consortium Directors, Consortium staff and county representatives and staff held numerous meetings with Congressional and Executive Branch officials, seeking amendments to the Rule as proposed in the Consortium's comments.

Because of the work of the 23 counties and the Consortium, the new Treasury Interim Final Rule is much better than the original 2013 Treasury Rule. In fact, Treasury favorably addressed eleven of the Consortium's twelve points in the Treasury Interim Final Rule ("TIFR"), which was published on August 15, 2014 in the Federal Register.

In developing recommendations regarding comments to Treasury on the TIFR, the Consortium staff has sought advice from a broad range of people. Consortium staff sent an e-mail providing staff's initial analysis and soliciting comments to each of the Consortium directors, alternates, Governor's appointees, county administrators, and county attorneys. Additionally, the Consortium staff held a conference call with the 23 Gulf Coast county attorneys on August 21<sup>st</sup>.

Consortium staff also met with partners at the Restoration Council and in the Governor's office, the Department of Environmental Protection and the Florida Fish and Wildlife Conservation Commission regarding the TIFR. No written comments have been received. And based on our discussions, everybody seems pleased with the TIFR.

### **Analysis:**

This analysis section describes the major provisions of the TIFR affecting the 23 Gulf Coast counties and the Gulf Consortium. This analysis is substantially similar to the initial analysis that was circulated to the Consortium members on August 25<sup>th</sup>.

Structurally, the TIFR includes a Preamble which addresses the comments received by Treasury on the 2013 Rule, explaining many of the TIFR's changes from the original Treasury Rule.

#### *Rule Provisions Relating to the Counties' Direct Component (Pot #1)*

The TIFR addresses the Direct Component primarily in Subpart D, beginning with Rule 34.300. Some of the highlights include the following issues.

**Formulas.** The TIFR adopts the formulas approved by the Disproportionately and Non-Disproportionately affected counties for the allocation of Florida's Direct Component funds. *See, Rule 34.302.* TFIR increases each of the counties' percentage allocations which previously, because of rounding, did not add up to 100 percent. Counties should review the allocations for accuracy.

**Planning Assistance Costs and Grants.** The TFIR clearly establishes that grants are the mechanism for all funding. *See, e.g., Rule 34.303 and the definition of "Direct Component" in Rule 34.2.* Regarding planning costs, the

TIFR provides that counties can apply for planning assistance grants to be used in developing a Multi-Year Improvement Plan. *Rule 34.201(j)*. The TIFR states that it is not necessary for a county to submit a Multi-Year Improvement Plan prior to applying for a planning assistance grant.

"Planning assistance" is broadly defined in Rule 34.2 to include typical planning activities. The Preamble states that the definition of "planning assistance" is intended to include public involvement as well as one-time preparations for establishing a grant administration system, including audit functions. *See, Rule 34.2*. Planning assistance costs are outside the three percent cap on administrative costs. Further, the TIFR provides that the OMB Uniform Guidance which is applicable to all federal grants to local governments is also applicable to the administration of Direct Component grants. *See, Preamble*.

**Multi-Year Implementation Plans (MYIP).** Rule 34.303 enumerates the requirements for a county's MYIP. County plans can be phased and incremental, and can be amended. The only other significant change from the earlier Treasury Rule is the requirement that the MYIP be available for broad-based public comment at least 45 days prior to submittal to Treasury.

**National Environmental Protection Act (NEPA).** The TIFR does not expressly address NEPA requirements for a county's MYIP. However, the Preamble states that Treasury does not anticipate that its review of a MYIP or the issuance of grants will require a NEPA review, reasoning that Treasury's role in those areas is administrative and ministerial and not policy setting. *See, section III of the Preamble*. Treasury's draft directive on NEPA, published for comment on August 22, 2014, does not specifically address RESTORE Act Issues. *See, Treasury Directive 75-02 and Directive Publication 75-02, Department of the Treasury National Environmental Policy Act (NEPA) Program*. Comments on the directive are due October 21, 2014. In summary, Treasury's actions and language in both the TIFR and the Directive indicate that NEPA will not be applied to grants or MYIPs.

**Geographic Location of Projects ("Carried Out" Language in the Rule).** Rule 34.201 provides that eligible activities can be funded when the activity is "carried out" in the Gulf Coast region. An activity is considered to be carried out in the Region "when, in the reasonable judgment of the . . . [county], each severable part of the activity is primarily designed to restore or protect that geographic region." The Preamble indicates the "carried out" language is broad enough to include an upstream water quality project designed to reduce nutrient loading at the Gulf Coast. *See, Preamble, §II*.

**Treasury's Direct Component Guidance and Application to Receive Federal Financial Assistance (August 2014).** The Treasury Guidance document provides a road map for submittal of grant applications and the counties' MYIPs. It was published a few days after the TIFR.

**Availability of Trust Funds.** Funds will be available to the 23 counties upon the finalization of the TIFR. Treasury will not accept grant applications for amounts that exceed funds available in the Trust Fund for the county as determined by the allocation formulas. The Trust Fund currently contains \$44 million for Florida's share of the Direct Component. Treasury published a chart of the amounts currently in the Trust Fund that are available to each of the 23 Florida counties. The chart is available on the FAC RESTORE website.

*Discussion of Rule Provisions Relating to the  
Spill Impact Component for the Consortium (Pot #3)*

**The Gulf Consortium Not Officially Recognized in the Rule.** While the Preamble is replete with references to the Consortium's comments on the original Treasury Rule, neither the Preamble nor the TIFR specify that the Consortium is the entity which will receive Spill Impact Component funds. Nor does the TIFR address costs for starting up the Gulf Consortium. This issue is the only point in the Consortium's comments to the original Treasury Rule that the TIFR does not address. However, the Council Interim Final Rule does recognize the Consortium as the entity in Florida which is eligible for the Spill Impact Component. *See, RESTORE Act Spill Impact Component Planning Allocation, Council Interim Final Rule, 40 C.F.R. § 1800.20.* The Council Rule is discussed in more detail in the memorandum for Agenda Item 7 for this Executive Committee meeting.

**Planning Assistance Costs and Grants.** The TIFR clearly establishes that grants are the mechanism for all funding. For the Consortium Spill Impact Component, the TIFR provides that the Council is responsible for awarding and administering the grants. *Rule 34.501 and Rule 34.504.* Regarding planning costs, the TIFR provides that States can apply for planning assistance grants to be used in developing its State Expenditure Plan. *See, Rule 34.201(j) which is made applicable to the States by a cross reference in Rule 34.203.* The TIFR clearly states that it is not necessary for the Council to approve a State Expenditure Plan prior to the State applying for a planning assistance grant. *Rule 34.203(a).*

"Planning assistance" is broadly defined in Rule 34.2 to include typical planning type of activities. The Preamble states that the definition is intended to cover public involvement costs. *See, Preamble, §II.* It also includes one-time preparations for establishing a grant administration system, including audit functions. *See, the definition in Rule 34.2 and Preamble, §II.* Planning assistance costs are outside the three percent cap on administrative costs. The TIFR provides that the OMB Uniform Guidance which is applicable to grants to local governments also applies in the administration of Spill Impact Component grants. *See, Preamble, §II.*



**Formula for Five Gulf States.** The TFIR directs the Council to determine the allocations of Spill Impact Component funds among the five Gulf Coast States. See, Rule 34.502. Currently, there is no agreement among the five Gulf Coast States as to what data sources should be plugged into the allocation formula set forth in the RESTORE Act.

**State Expenditure Plans and Procurement.** Regarding the State Expenditure Plan, Rule 34.503 provides that the Plan may be phased and incremental and amended. The Rule directs the Council to address categories of Plan amendments that will not be subject to Council approval. TIFR also includes new requirements that the Plan must describe the Consortium's processes that prevent conflicts of interest in the development and implementation of the plan, and that assess the capability of third-party entities that will implement activities in the Plan. Otherwise, procurement is not directly addressed in the TIFR, although it is clear that the OMB Uniform Guidance governs procurement.

**NEPA.** NEPA requirements for the Consortium will be determined by the Council.

**Geographic Location of Projects ("Carried Out" Language in the Rule).** Rule 34.203 provides that eligible activities can be funded when the activity is "carried out" in the Gulf Coast region. An activity is considered to be carried out in the Region "when, in the reasonable judgment of the . . . [State], each severable part of the activity is primarily designed to restore or protect that geographic region." The Preamble indicates the "carried out" language is broad enough to include an upstream water quality project designed to reduce nutrient loading at the Gulf Coast. See, page 48043.

#### *Council Interim Final Rule*

For the Consortium, the Council has issued its own Interim Final Rule on the RESTORE Act Spill Impact Component Planning Allocation. See, 40 CFR Part 1800 (published on August 22, 2014). The memorandum on Agenda Item 7 discusses the Council Interim Final Rule.

#### *Consortium Comments on the Treasury Interim Final Rule*

Attached to this agenda item memorandum is draft correspondence to the Treasury providing the Consortium's comments on the Treasury Interim Final Rule. The comment letter primarily expresses the Consortium's gratitude for the changes accomplished in the TIFR from the original Treasury Rule. Comments are due to the Treasury on September 15<sup>th</sup>, a few days before the next meeting of the Consortium Board of Directors on September 17<sup>th</sup>. This agenda item seeks the Consortium Executive Committee's consideration of a motion to adopt the comments so that they can be timely filed.

**Options:**

- 1) Approve a motion to adopt the attached correspondence to Treasury setting forth the Consortium's comments on the TIFR.
- 2) Provide other direction.

**Fiscal Impact:**

None.

**Recommendation:**

Approve a motion that adopts the attached correspondence to U. S. Treasury providing the Consortium's comments on the TIFR.

**Prepared by:**

Sarah M. Bleakley  
Nabors, Giblin & Nickerson, P.A.  
Interim General Counsel  
On: September 3, 2014

**Action Taken:**

Motion to: \_\_\_\_\_, Made by: \_\_\_\_\_;  
Seconded by: \_\_\_\_\_.

Approved\_\_\_\_; Approved as amended\_\_\_\_; Defeated\_\_\_\_\_.



September \_\_\_\_, 2014

**Via Federal eRulemaking Portal: [www.regulations.gov](http://www.regulations.gov)**

Department of the Treasury  
Attention: Ms. Janet Vail  
Room 2050  
1500 Pennsylvania Avenue, NW  
Washington, D.C. 20220

**Re: Comments on Treasury Interim Final Rule Regarding  
Regulations for the Gulf Coast Restoration Trust Fund.  
RIN: 1505—AC44; 31 CFR Part 34;  
Federal Register Number: 2014-1932479**

Dear Ms. Vail:

On behalf of the Gulf Consortium, we appreciate the opportunity to provide formal comments on the U.S. Department of the Treasury's (Treasury) Interim Final Rule regarding Regulations for the Gulf Coast Restoration Trust Fund (TIFR).

Our comments to the original Treasury Rule addressed the following issues:

1. Regulatory Flexibility Act and Seven Fiscally Constrained Counties.
2. Recognition of the Gulf Consortium as the Entity Required to Prepare the State Expenditure Plan.
3. Pre-Award Costs for the Consortium and Coastal Political Subdivisions.
4. Planning Costs for the Gulf Consortium and Florida's 23 Gulf Coast Counties.
5. Administrative Costs.
6. Procurement Issues.
7. Advance Payment.
8. Incremental Plans and Grants.
9. Additional Treasury Rule and a Standard Format.
10. Formula for the Eight Disproportionately Affected Counties.
11. Formula for the Fifteen Nondisproportionately Impacted Counties.

12. Environmental Law Compliance.

Not that we are keeping score, but the TIFR favorably addresses eleven of our twelve issues, leaving recognition of the Gulf Consortium to the Restoration Council's recently published Interim Final Rule. See, 40 CFR Part 1800.

Compared to the original Treasury Rule published in September 2013, the provisions of TFIR represents substantial improvements. We appreciate the changes reflected in the TIFR that affect the 23 Gulf Coast counties eligible for the Direct Component and the Gulf Consortium eligible for the Spill Impact Component. Treasury heard our concerns and the TIFR reflects that.

We are grateful that the TIFR addresses grants for planning costs and grants management start-up costs. We appreciate the provision specifically allowing Multi-Year Implementation Plans and State Expenditure Plans to be incremental, phased and amended.

Thank you for adopting our proposed allocation formulas for the counties. We are delighted that the Treasury website published a chart of the amount currently in the Restoration Trust Fund available to each county.

We appreciate Treasury's quick publication of The Direct Component Guidance and Application to Receive Federal Financial Assistance, providing counties with a road map for grants and multi-year implementation plans.

We are pleased to see the specific references to the OMB Uniform Guidelines for measures governing pre-award costs, administrative costs, and procurement.

In revising the original Rule to transform it into the TIFR, it is obvious that Treasury thoughtfully considered issues the Consortium raised and the uniqueness of the position created by the RESTORE Act for the 23 Florida counties and the Gulf Consortium. While the Consortium continues to need a clear path to securing grants for plan development and to obtaining operating costs to serve and manage the work, Treasury's Interim Final Rule sheds some much needed light on the way forward.

Sincerely,

Grover C. Robinson IV, Chairman  
Gulf Consortium

Ms. Janet Vail  
September \_\_\_\_, 2014  
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cc: The Honorable Bill Nelson  
The Honorable Marco Rubio  
The Honorable Steve Southerland, II  
The Honorable Jeff Miller  
Ms. Mimi Drew, Governor Rick Scott's Appointee to the Restoration Council  
Mr. Nick Wiley, Executive Director, Florida Fish & Wildlife Commission  
Mr. Noah Valenstein, Office of Policy Budget, Governor's Office  
Gulf Consortium Directors, Alternates and Governor Appointees  
County Managers and County Attorneys of the 23 Florida Gulf Coast Counties  
Mr. Chris Holley, Executive Director, Florida Association of Counties  
Ms. Sarah M. Bleakley, Interim General Counsel, Gulf Consortium

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**Gulf Consortium Executive Committee  
September 8, 2014**

**Agenda Item 4  
Approval of August 7, 2014 Executive Committee Minutes**

**Statement of Issue:**

This agenda item proposes approval of the August 7, 2014 Executive Committee meeting minutes.

**Options:**

- (1) Approve the August 7, 2014 Executive Committee minutes, as presented;  
or
- (2) Amend and then approve the August 7, 2014 Executive Committee minutes.

**Recommendation:**

Motion to approve the August 7, 2014 Executive Committee meeting minutes, as presented.

**Prepared by:**

Ginger Delegal  
Florida Association of Counties  
Interim Manager  
On: September 3, 2014

**Action Taken:**

Motion to: \_\_\_\_\_, Made by: \_\_\_\_\_;  
Seconded by: \_\_\_\_\_.

Approved\_\_\_\_; Approved as amended\_\_\_\_; Defeated\_\_\_\_\_.

**Gulf Consortium Executive Committee Meeting**  
**August 7, 2014 9:00 a.m. (CT)**  
**Hilton Pensacola Beach**  
**Escambia County (Pensacola Beach, FL)**

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**Officers in Attendance:** Commissioner Sara Commander (Walton), Commissioner Susan Latvala (Pinellas), Commissioner Grover Robinson (Escambia).

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**Agenda Item #1 – Call to Order**

Commissioner Grover Robinson (Escambia) called the meeting to order at 9:06 am (CT).

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**Agenda Item #3 – Public Comment**

There was no public comment.

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**Agenda Item #4 – Consent Agenda**

Mr. Doug Darling, Interim Manager, presented the consent agenda containing the Notice of Meeting as published in the Florida Administrative Register. A motion to approve the consent agenda was presented by Commissioner Susan Latvala (Pinellas) and seconded by Commissioner Sara Comander (Walton).

**ACTION: APPROVED**

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**Agenda Item #5 – Consideration of State Expenditure Plan Evaluation Team Recommendations**

Mr. Doug Darling, Interim Manager, briefed the Committee on the Evaluation Team’s meeting in Tallahassee on July 21, 2014. He then presented The Evaluation Team’s vendor ranking and provided the executive summaries for each of the six proposals. He informed the Committee the Evaluation Team decided to recommend a short list of four vendors to the Committee for its consideration. Discussion ensued. A motion to approve she short list as recommended by the Evaluation Team was presented by Commissioner Sara Comander (Walton) and seconded by Commissioner Susan Latvala (Pinellas).

**ACTION: APPROVED**

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**Agenda Item #6 – Review of Gulf Consortium August 7, 2014 Agenda**

Mr. Doug Darling, Interim Manager, reviewed the agenda for the August 7, 2014 meeting of the Gulf Consortium.

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**Agenda Item #7 – Public Comment**

1. Sherri Meyers, Center for Independent Living
- 

**Agenda Item #8 – Adjournment**

There being no further business, the Committee adjourned at 9:15 am (CT).

**Gulf Consortium Executive Committee  
September 8, 2014**

**Agenda Item 6  
Recommendation for Best and Final Offer (RBAFO)  
for State Expenditure Plan**

**Statement of Issue:**

This agenda memorandum describes the Request for Best and Final Offer ("RBAFO") for procuring a consultant team to assist the Consortium in developing the State Expenditure Plan. Upon adoption of a motion, the Executive Committee may recommend the attached RBAFO be adopted by the full Board of Directors.

**Background:**

The Consortium is in the second phase of the process for hiring a consultant to assist in the development of the State Expenditure Plan. The first phase began with Leon County issuing an Invitation to Negotiate on behalf of the Consortium. The Consortium's Evaluation Team includes: Mr. Phil Coram, P.E., Administrator, Florida Coastal Office, Florida Department of Environmental Protection; Mr. Ed Gardner, PowerSouth Energy Cooperative; Mr. Roman Gastesi, County Administrator, Monroe County; Ms. Sheree Keeler, Director of Governmental Affairs, Procurement and Grants & RESTORE Act Coordinator, Wakulla County; and Dr. Karl Havens, Director, Florida Sea Grant College Programs & Professor, UF/IFAS Fisheries & Aquatic Sciences, University of Florida

The Evaluation Team evaluated and ranked the six consultants which submitted responses, recommending four of them to move forward on a short list:

- Arcadis USA
- Ecology & Environment
- Environmental Science Associates
- MWH Americas

The Executive Committee adopted the Evaluation Team's recommendation at its August 7, 2014 meeting.

On August 21 and 22 the Evaluation Team interviewed each of the four short-listed consulting firms. The purpose of the interviews was to elicit more information on each team's approach to the development of the State Expenditure Plan ("SEP"), the project evaluation process, the project nomination process, the public involvement process, the team's cost proposals, and the



additional services the firm may provide to add value to the Consortium. After completion of the interviews, the Evaluation Team drafted the RBAFO. (Copy attached.)

### **Analysis:**

The major provisions in the RBAFO are the following:

- A) **Grants.** The RBAFO revises the terminology to clearly identify that the consultant's first task is to develop a planning grant application through which the Consortium can apply for funds to develop the SEP.
- B) **Conflicts.** The RBAFO adds a provision required by the Treasury Interim Final Rule, directing the Consortium to adopt a process for assuring there is no conflict in SEP development and implementation.
- C) **Project Solicitation.** The RBAFO provides more specific requirements about the project solicitation management process. It includes a requirement that the resulting data and data base is the property of the Consortium.
- D) **Strategies.** The RBAFO contains a more comprehensive list of elements the firms must address regarding the strategies for SEP development, including the following:

#### **STRATEGY/STRATEGIES FOR PLAN DEVELOPMENT.**

Tab B must describe a method for developing a State Expenditure Plan using the requirements of the Gulf Coast Ecosystem Restoration Council, the RESTORE Act, and the Rules promulgated by U.S. Treasury. Included in this part should be a description of and rationale for the method of grouping projects, programs, and activities to guide SEP development. Provide a visual display of the Firm's recommended grouping. The display may include a map of Florida delineating the geographical regions, and showing the location of hypothetical list of projects by categories. Firms may revise or expand upon its ITN response in this Tab. Additionally, specify how the Firm would address these elements:

1. Coordination of the planning efforts with the funds available;
2. Navigation of the changing regulatory environment;
3. Generation of broad support for the projects, programs and activities in the SEP;
4. Fostering the positive economic outcomes of the projects, programs, and activities in the SEP;

5. Assisting projects, programs, and activities that are submitted for consideration but do not make it into the Final SEP to be competitive for other funding sources; and
  6. Establishing systems for management and tracking to assure compliance of legal requirements and maximization of available funds.
- E) **Project Nominations.** Regarding the project nomination process, the RBAFO requires firms to address systems for project application and tracking that can be updated as funding decisions are made. The RBAFO also includes a requirement for updating projects on existing lists, such as those in the Department of Environmental Protection data base.
- F) **Advisory Groups.** The RBAFO requires firms to describe their recommendations regarding the use of technical advisory groups in the project evaluation process. The firms must also describe the make-up of the advisory groups and how they will be used to provide policy and technical inputs for each of the categories of eligible projects.
- G) **Public Involvement.** Regarding the public involvement component, the RBAFO requires the firms to describe their proposed methods for enhancing public involvement through social media, community meetings, advertising, media plans, website, governmental entities, and for large or high-risk projects. Additionally, the firms must address the diversity of the Gulf Coast communities and customize methods for informing and interacting with the varied demographics.
- H) **Implementation.** Tab I asks firms for their qualifications and willingness to provide services necessary for implementing and managing the State Expenditure Plan.
- I) **Evaluation Criteria.** The RBAFO includes the following evaluation criteria and scoring system for the Evaluation Team's use in ranking the firms' responses:

Evaluation Criteria		Maximum Points*
a.	Strategy for Plan Development	15
b.	Project Nomination Process	15
c.	Project Evaluation Process	25
d.	Public Involvement Plan	25
e.	Cost Proposal	5
f.	Implementation/Management	5

<b>Evaluation Criteria</b>	<b>Maximum Points*</b>
g. Leveraging Resources	5
h. Value Added Services	5
<b>i. Maximum Points Allowed</b>	<b>100</b>
<b>*Actual rating for each criteria may range from zero (lowest rating) to the maximum rating points for that criteria</b>	

**Options:**

- 1) Approve a motion recommending the Board of Directors adopt the Request for Best and Final Offer to be submitted to the four short-listed firms.
- 2) Provide other direction.

**Fiscal Impact:**

N/A

**Recommendation:**

Approve a motion recommending the Board of Directors adopt the Request for Best and Final Offer to be submitted to the four short-listed firms.

**Prepared by:**

Sarah M. Bleakley  
Nabors, Giblin & Nickerson, P.A.  
Interim General Counsel  
On: September 3, 2014

**Action Taken:**

Motion to: \_\_\_\_\_, Made by: \_\_\_\_\_;  
Seconded by: \_\_\_\_\_.

Approved \_\_\_\_; Approved as amended \_\_\_\_; Defeated \_\_\_\_\_.



**REQUEST FOR BEST AND FINAL OFFER  
FOR**

**CONSULTANT SERVICES FOR THE DEVELOPMENT OF  
THE GULF CONSORTIUM'S STATE EXPENDITURE PLAN  
REQUIRED BY THE RESTORE ACT**

**ITN NUMBER BC-06-17-14-33**

## I. INTRODUCTION

Leon County is issuing this Request for Best and Final Offer (RBAFO) as part of Invitation to Negotiate (ITN) BC-06-17-14-33. The RBAFO means this written request calling for responses from the four firms short-listed in the Invitation to Negotiate ("ITN") phase of the Consortium's process to procure a State Expenditure Plan ("SEP") Consultant. All requirements of the original ITN document remain in full force and effect, unless revised in this document.

Leon County is issuing this ITN and RBAFO as part of the procurement services it is providing to the Gulf Consortium (Consortium) pursuant to an Interlocal agreement between its 23 member counties. The Consortium serves as the ultimate decision making body in the selection process for this ITN.

### A. FUNDING CONSTRAINTS.

The Consortium is a newly created governmental entity. At this point, the Consortium functions with modest resources provided directly by its 23 member counties. The current resources are not sufficient to fund the Scope of Services sought by this ITN. The Consortium anticipates receiving RESTORE Act funding for developing the State Expenditure Plan from the Gulf Coast Ecosystem Restoration Trust Fund (Trust Fund). Due to uncertainty associated with ongoing litigation, the ultimate amount of administrative and civil penalties that may be deposited into the Trust Fund, as well as the timing of the availability of the funds are unknown.

Subsequent to the issuance of the Consortium's ITN the United States Treasury published its Interim Final Rule (Treasury Rule) providing for the Regulation of the Gulf Coast Restoration Trust Fund. Regarding the Consortium and the SEP, the Treasury Rule provides definitions of planning assistance and imposes additional requirements regarding the SEP. The Treasury Rule clearly establishes that the mechanism through which the Consortium can receive funding for preparation of the SEP is a federal grant subject to Council Rule and OMB Uniform Guidance regarding federal grants. The Treasury Rule takes effect on October 14, 2014.

Shortly after the Treasury Rule was published, the Council promulgated an Interim Final Rule (Council Rule) regarding the Spill Impact Component Planning Allocation. The Council Rule provides that the Consortium may apply to the Council for a grant for the purposes of funding the planning and preparation of the SEP. However, it is the understanding of the Consortium that the Council intends to issue additional administrative requirements and establish a process for the planning grants. This may affect the timing of the grant process and, accordingly, the availability of funds to the Consortium to fund the development of the SEP. The Council Rule took effect on August 22, 2014.

Important Note about Conflict of Interest. The newly released Treasury Rule requires the SEP to describe the processes used to prevent conflicts of interest in the development and implementation of the SEP. See Rule section 34.503(b)(3). Accordingly, the Consortium has determined to add a provision to the contract for the SEP Consultant that prohibits the Firm it hires to develop the SEP from participating in the implementation of a project, program or activity funded in part or whole by the SEP.

### B. EXHIBITS AND RESOURCES.

The following resources are listed below for informational purposes to assist firms in preparing responses and are available on the Leon County website at [www.leoncountyfl.gov/purchasing/plans&specs](http://www.leoncountyfl.gov/purchasing/plans&specs).

1. RESTORE ACT
2. Interlocal Agreement Establishing the Gulf Consortium

3. Memorandum of Understanding between the Gulf Consortium and Florida Governor Rick Scott
4. U.S. Treasury Interim Final Rule Regarding Regulations for the Gulf Coast Restoration Trust Fund
5. The Consortium's Purchasing Policy for State Expenditure Plan Consultant
6. Initial Comprehensive Plan: Restoring the Gulf Coast's Ecosystem and Economy by the Gulf Coast Ecosystem Restoration Council (August 2013)
7. Gulf Coast Ecosystem Restoration Council Interim Final Rule Regarding RESTORE Act Spill Impact Component Allocation

**II. PROCUREMENT INSTRUCTIONS.**

A. RESPONSE SUBMITTAL, FORMAT AND DEADLINE. Firms should prepare responses to provide a straight-forward, concise description of its ability to meet the requirements below and to allow the Consortium to properly evaluate the response. Each response shall be prepared simply and economically, providing a straightforward, concise delineation of the Respondent's capabilities to satisfy the requirements of this RBAFO.

**Responses are to be submitted bound by binder clips only.** No manner of plastic, comb or wire bindings, three ring binders, or staples are acceptable. All copies of proposals are to be printed double-sided, on paper with no less than 30% post-consumer recycled content. In order to expedite the evaluation of responses, it is essential that Respondents follow the format and instructions contained in the Required Submittals (Section IV).

1. Responses must be received by the date, time, and location specified in the Schedule of Events to be considered.
2. The response to the RBAFO should be submitted in a sealed envelope/package addressed in the following manner:

**BC-06-17-14-33**  
*Leon County Purchasing Division  
 1800-3 N. Blair Stone Road  
 Tallahassee, FL 32308*

B. SCHEDULE OF EVENTS.

<b>Table 1 - Schedule of Events</b>	
<b>Date and Time (all eastern time)</b>	<b>Event</b>
Week of September 22, 2014	<b>Release of the RBAFO</b>
October 21, 2014 at 2:00 p.m Eastern time	<b>OPENING DATE:</b> Date and time by which <b>Responses</b> must be received by the Leon County Purchasing Division, located at 1800-3 N. Blair Stone Road, Tallahassee, FL 32308.
October 30, 2014 at 10:00 a.m.	<b>Date of Evaluation Team Meeting to Consider and Rank Responses</b>
November 19, 2014	<b>Anticipated Date of Consortium Board of Directors consideration of Evaluation Team recommendation</b>
TBD	<b>Anticipated Date of Consortium Decision</b>
TBD	<b>Anticipated Contract Start Date</b>

- C. SPECIAL ACCOMMODATION. Any person requiring a special accommodation at the RBAFO opening because of a disability should call the Division of Purchasing at (850) 606-1600 at least five (5) workdays prior to the RBAFO opening. If you are hearing or speech impaired, please contact the Purchasing Division by calling the County Administrator's Office using the Florida Relay Service which can be reached at 1(800) 955-8771 (TDD).
- D. INFORMATION, COMMUNICATION, AND ADDENDA. Any questions concerning the RBAFO process, required submittals, evaluation criteria, proposal schedule, and selection process should be directed to Shelly W. Kelley and Don Tobin at (850) 606-1600; FAX (850) 606-1601; or e-mail at [kelleys@leoncountyfl.gov](mailto:kelleys@leoncountyfl.gov) and [tobind@leoncountyfl.gov](mailto:tobind@leoncountyfl.gov). **Firms are requested to send such requests to both representatives of the Purchasing Division.** Email inquiries are preferred.
- E. PROHIBITED COMMUNICATIONS. All forms of communication, except for written communication with the Purchasing Division requesting clarifications or questions, shall be prohibited regarding this ITN between:
1. Any person or person's representative seeking an award from such competitive solicitation.
  2. (a) A County Commissioner or Commissioner's staff, or a county employee authorized to act on behalf of the Commission, (b) a Director, Alternate, or Ex-officio Member of the Gulf Consortium Board of Directors, the Consortium Manager or General Counsel or any employee of the Manager or General Counsel, or (c) a member of the Evaluation Team or Negotiation Team.
    - (b) For the purpose of this section, a person's representative shall include, but not be limited to, the person's employee, partner, officer, director, consultant, lobbyist, or any actual or potential subcontractor or consultant of the person.
    - (c) The prohibited communication restriction shall be in effect commencing as of the release of the ITN and terminate at the time the Consortium awards or approves a contract, rejects all bids or responses, or otherwise takes action which ends the solicitation process.
    - (d) The provisions of this section shall not apply to oral communications at any public proceeding, including pre-bid conferences, oral presentations before the Evaluation Teams, contract negotiations during any public meetings, presentations made to the Consortium, and protest hearings. Further, the provisions of this section shall not apply to contract negotiations between the Consortium Manager and the intended awardee, any dispute resolution process following the filing of a protest between the person filing the protest and the Consortium Manager.
    - (e) The penalties for an intentional violation of this article shall be those specified in §125.69(1), Florida Statutes, as amended, and shall be deemed supplemental to the penalties set forth in Section 1-9 of the Code of Laws, Leon County, Florida.
- F. RECEIPT AND OPENING OF FIRM/VENDOR RESPONSES. Firm responses will be opened publicly at the date and time identified in the Schedule of Events as the Opening Date. A tabulation sheet of timely received Responses will be made public and will be posted on the Purchasing Division website at: <http://www.leoncountyfl.gov/Purchasing/TabulationSheets>.

Responses to the **RBAFO** received prior to the time of opening will be secured unopened. The Leon County Purchasing Agent, whose duty it is to open the responses, will decide when the specified time has arrived and no responses received thereafter will be considered. The Purchasing Agent will

not be responsible for the premature opening of a response not properly addressed and identified by Response number on the outside of the envelope/package.

- G. PUBLIC RECORDS. Sealed bids, proposals, responses, replies and Best and Final Offers received by the County pursuant to a competitive solicitation are exempt from public records disclosure until such time as the County posts an intended decision or until 30 days after opening of the documents, whichever is earlier.
- H. TIMELY DELIVERY. It is the Firm's responsibility to assure that the response is delivered at the proper time and location. Responses received after the scheduled receipt time will be marked "TOO LATE." Late responses may be returned unopened to the firm.
- I. INTERVIEWS. Firms responding to this RBAFO must be available for interviews by the Evaluation Team or the Consortium, if interviews are necessary.
- J. PREPARATION AND CHANGES. Response must be typed or printed in ink. All corrections made by the Firm prior to the opening must be initialed and dated by the Firm. No changes or corrections will be allowed after responses are opened.
- K. RESERVATION OF RIGHTS. The County and the Consortium reserves the right to reject any and all responses, in whole or in part, when such rejection is in the best interest of the County. Further, the County and the Consortium reserves the right to withdraw this solicitation at any time prior to final award of contract.
- L. REQUIRED FORMS. In the submittal of the RBAFO, a Respondent is not required to re-submit the required forms submitted with the firm's initial ITN response unless a Respondent's circumstances have changed causing the forms to be incorrect or in the event that a Respondent adds a new member to its Team, then it must resubmit all of the forms. Detailed descriptions of the forms are available in the original ITN document.

Failure to provide the above required documentation may result in the response being determined as non-responsive.

- M. CONTRACTING WITH SMALL MINORITY BUSINESSES, WOMEN'S BUSINESS ENTERPRISES, AND LABOR SURPLUS AREA FIRMS. Through the purchase of those goods or services when opportunities are available each Respondent is encouraged to secure participation by contracting with small and minority businesses, women's business enterprises and labor surplus area firms in accordance with OMB Uniform Guidance §200.321 and other applicable provisions of law.

Equal Opportunity/Affirmative Action Requirements. The contractors and all subcontractors shall agree to a commitment to the principles and practices of equal opportunity in employment and to comply with the letter and spirit of federal, state, and local laws and regulations prohibiting discrimination based on race, color, religion, national region, sex, age, handicap, marital status, and political affiliation or belief.

For federally funded projects, in addition to the above, the contractor shall agree to comply with Executive Order 11246, as amended, and to comply with specific affirmative action obligations contained therein.

The Respondent shall include a copy of any affirmative action or equal opportunity policies of the Firm in effect at the time of submission.



- N. ERRORS AND OMISSIONS. Neither the County and its representatives nor the Consortium and its representatives shall be responsible for any errors or omission in the RBAFO. Due care and diligence has been exercised in the preparation of this RBAFO, and all information contained herein is believed to be substantially correct.

**III. REVISED SCOPE OF SERVICES**

The Gulf Consortium seeks to hire a consultant to provide assistance in the preparation of Florida’s State Expenditure Plan required by the RESTORE Act. The scope of services encompasses the broad range of activities outlined below.

A. APPLICATION FOR A PLANNING GRANT.

The Consultant will develop an Application for a Planning Grant that meets the requirements of the RESTORE Act, the U.S. Department of Treasury's Interim Final Rule Regarding Regulations for the Gulf Coast Restoration Trust Fund (31 CFR Part 34) and the Gulf Coast Ecosystem Restoration Council's Rule Regarding the RESTORE Act Spill Impact Component Planning Allocation , which the Consortium can submit to the Council for the purpose of securing federal funds from the RESTORE Act Trust Fund for the development of a State Expenditure Plan.

**Deliverable.** The Consultant shall deliver an Application for a Planning Grant to the Consortium within 90 days after the execution of an agreement for services with the Consortium.

B. DRAFT STATE EXPENDITURE PLAN.

After the Application for a Planning Grant is submitted to the Council and approved by the Council, the Consultant shall develop a Draft State Expenditure Plan that meets the applicable requirements of the RESTORE Act, the U. S. Treasury Interim Final Rule, the Council Initial Comprehensive Plan, the Council Interim Final Rule and other federal and state law. The Draft SEP shall consider and include at a minimum:

1. **Existing Plans.** An inventory, compilation, and summary of Florida’s Gulf Coast existing community, stakeholder and government plans and programs addressing projects eligible for RESTORE Act funds, including but not limited to the plans being developed by The Nature Conservancy, the existing National Estuary Plans, and the following agency plans:

<b>Agency</b>	<b>Existing Plans</b>
Florida Department of Environmental Protection	<ul style="list-style-type: none"> <li>▪ Aquatic Preserves Management Plans (20)</li> <li>▪ National Estuarine Research Reserves Management Plans (2)</li> <li>▪ Florida Keys and Tortugas National Marine Sanctuary Plans (2)</li> <li>▪ Coastal Management Program Reports (as relevant)</li> <li>▪ Outer Continental Shelf Program Reports (as relevant)</li> <li>▪ State Parks, Preserves &amp; Trail Management Plans</li> <li>▪ State Outdoor Recreation Plan</li> <li>▪ State Land Management &amp; Acquisition Plans</li> <li>▪ Basin Action Management Plans (watershed specific)</li> </ul>

Agency	Existing Plans
Florida Fish & Wildlife Conservation Commission	<ul style="list-style-type: none"> <li>▪ State Artificial Reef Management Plans</li> <li>▪ State Wildlife Management Area Plans</li> <li>▪ Protected Species and Habitat Management Plans</li> <li>▪ NFWF Project plans</li> <li>▪ Invasive Species Management Plans</li> <li>▪ Red Tide and other Harmful Aquatic Algal Bloom Management Plans</li> <li>▪ Florida Fishery Independent Monitoring Management Plans</li> <li>▪ Florida Marine Fishery Regulations &amp; Management Plans</li> <li>▪ Florida FWRI Research Plan</li> </ul>
Florida Department of Agriculture & Consumer Services	<ul style="list-style-type: none"> <li>▪ State Sea Food Marketing Plan</li> <li>▪ State Aquaculture Plan</li> <li>▪ State Plans for Best Agricultural Practices</li> <li>▪ State Water Policy Plan (In progress)</li> </ul>
Florida Department of Economic Opportunity	<ul style="list-style-type: none"> <li>▪ Developments of Regional Impact</li> <li>▪ Areas of Critical State Concern</li> <li>▪ Post-disaster Redevelopment</li> <li>▪ Hazard mitigation planning</li> <li>▪ Waterfronts Florida Program</li> <li>▪ Coastal High Hazard Area</li> <li>▪ Adaptation Planning</li> <li>▪ Florida Job Creation Plan</li> <li>▪ Florida Five Year Strategic Plan</li> </ul>
Florida Water Management Districts (Northwest Florida, Suwanee River, Southwest Florida, South Florida)	<ul style="list-style-type: none"> <li>▪ Strategic Water Management Plan Annual Work Plan Report;</li> <li>▪ Minimum Flows and Levels Annual Priority List;</li> <li>▪ Annual Five-Year Capital Improvement Plan;</li> <li>▪ Five-Year Water Resource Development Work Program;</li> <li>▪ Alternative Water Supplies Annual Report;</li> <li>▪ Florida Forever Five-Year Work Plan Annual Report;</li> <li>▪ Mitigation Donation Annual Report; and</li> <li>▪ SWIM Program Summary Report</li> </ul>
Florida Regional Planning Councils (Northwest, Apalachee, North Central, Tampa Bay, Southwest Florida, South Florida)	<ul style="list-style-type: none"> <li>▪ Comprehensive Regional Policy Plan</li> <li>▪ Regional Economic Development Plans</li> <li>▪ Regional Transportation Plans</li> </ul>

2. **Law.** A list and compilation of federal and state law or guidance regarding planning and project implementation requirements and a strategy for compliance including, but not limited to:
- a. Florida's Public Records and Open Meetings Laws
  - b. Chapter 373, Florida Statutes
  - c. National Environmental Policy Act
  - d. Clean Water Act
  - e. Council Initial Comprehensive Plan
  - f. The Gulf Coast Ecosystem Restoration Council Interim Final Rule regarding the RESTORE Act Spill Impact Component Planning Allocation.
  - g. Guidance documents developed by the Gulf Coast Ecosystem Restoration Council concerning the State Expenditure Plan or Spill Impact Component.
  - h. United States Department of Treasury Interim Final Rule regarding the Regulation for the Gulf Coast Restoration Trust Fund

3. **Project Management Process.** The design and creation of a project solicitation and management process and data base, including the development of on-line forms and systems for project application, review, public comment and tracking that can be updated to be consistent with funding decisions by any funding source. The Consultant will develop the project format in consultation with the Florida Department of Environmental Protection (FDEP). While the on-line form should include data fields similar to those FDEP's on-line form, it may contain additional fields as needed to solicit project information necessary for development of the SEP. The format must include precise Geographic Information System (GIS) location information for mapping purposes and provide an ability to evaluate the submittals with various GIS applications. This task requires the creation of a database of all projects, programs and activities in Florida contemplated or undertaken with any RESTORE Act funds. Upon request, termination or completion of project, all data must be provided in a format acceptable to the Consortium. The database and data shall be the property of the Consortium.
4. **Strategy.** A strategy for a grouping projects, programs, and activities that can guide SEP development consistent with the goals and objectives of the Council's Initial Comprehensive Plan and other requirements of law. These categories of grouping may include, but are not limited to, economic corridors and watershed planning.
5. **Feasibility.** An analysis of the feasibility of nominated projects and their projected benefits, including an analysis of the projects' return on investment of RESTORE Act Funds.
6. **Cost.** The amount of funding for each project, program and activity.
7. **Timeframe.** The proposed start and completion date for each project, program and activity including any necessary phasing, sequencing or relationships between projects.
8. **Science.** A method to determine how best available science was used for each natural resource or restoration project, program and activity.
9. **Eligibility** A method to confirm that each project, program and activity is an eligible activity under the RESTORE Act.
  - a. A method to confirm that each project, program and activity does not exceed the 25 percent (25%) limit for infrastructure **OR** a method to document an exception as allowed by the RESTORE Act.
  - b. A method to determine that the project, program or activity falls within the geographic scope of the RESTORE Act and Rule and Regulation.
10. **Consistency.** A spreadsheet matrix, or other appropriate tool, for demonstrating projects, programs and activities are consistent with the Goals and Objectives of the Gulf Coast Ecosystem Restoration Council's Comprehensive Plan.
11. **Evaluation Criteria.** Development of metrics and evaluation criteria that will be used in individual project, program and activity evaluation and ranking.
12. **Return on Investment.** A method to estimate and the performance of a calculation to determine the amount that each project, program and activity contributes to the overall economic or ecosystem recovery of the Gulf Coast.

13. **Collaborative Funding.** A description of funding and leveraging collaborations, partnering or other matching funds from NRDA, NFWF, and other RESTORE Act funds that may greatly enhance a particular project, program or activity.
14. **Public Engagement.** A public involvement plan that includes:
  - a. A strategy for robust public engagement that ensures the public’s right to know and public participation in the nomination and selection process for projects, activities and programs included in the State Expenditure Plan.
  - b. A strategy and system that keeps local, state, and federal governments involved and informed throughout the decision making, project selection and plan development process.
15. **Memorandum of Understanding.** A strategy for a Consortium project selection process that includes Florida Department of Environmental Protection Coordinated Review and compliance with the Memorandum of Understanding (MOU) between Florida’s Governor and the Gulf Consortium.

**Deliverable:** The Consultant shall deliver a Draft Final State Expenditure Plan to the Consortium with recommendations.

C. DRAFT STATE EXPENDITURE PLAN, REVISION, APPROVAL AND SUBMISSION.

- a. The Consultant will participate in the formal, public process of approval of the State Expenditure Plan (SEP) by the Consortium and the Governor of Florida. The Consultant will incorporate revisions to the Draft SEP as directed by Gulf Consortium, the FDEP Coordinated Review process and the Governor to finalize the SEP Plan to be submitted to the Council for consideration.
- b. The Consultant shall remain available to provide services to amend the SEP as circumstances and funding require in accordance with the Consortium’s direction for re-submission to the Governor and ultimately to the Council.

**Deliverable:** State Expenditure Plan submitted to the Council and any revisions thereto.

IV. **REQUIRED SUBMITTALS**

**One ORIGINAL, five (5) copies and one electronic copy** of the BAFO Response must be furnished on or before the deadline. Responses will be retained as property of the County/Gulf Consortium. **The ORIGINAL of the reply must be clearly marked “Original” on its face and must contain an original, non-electronic signature of an authorized representative of the responding vendor (firm or individual),** all other copies may be photocopies and should be printed double-sided. The contents of the response of the successful Firm will become part of the contractual obligations.

Each Applicant shall provide the following information using the same numbering/lettering scheme as the format below.

A. TAB A - EXECUTIVE SUMMARY

The Executive Summary shall consist of a narrative synopsis of the firm’s method of delivering the required services in compliance with the requirements and scope of services outlined in this RBAFO.

The synopsis shall contain sufficient detail addressing all elements of the required service delivery and shall be prepared in such a manner that will clearly indicate the Firm's understanding of the Scope of Services, and intent to comply with, the requirements set forth in this RBAFO. It is contemplated that the Executive Summary will be provided to the Consortium Directors, Alternates and Ex-officio Members at the conclusion of the initial RBAFO in conjunction with the list and ranking of responsive firms. **The Executive Summary provided in the initial ITN response may either be resubmitted in its original form or revised as appropriate for the BAFO response.**

Tab A shall also contain the following information:

1. Request for Best and Final Offer (RBAFO) Coversheet.
2. Firm name or Joint Venture, business address and office location, telephone number and website address.
3. A listing of the prime contractor and all subcontractors/team members. Please include the specific areas of responsibility of each firm.
4. If a change has been made to the team subsequent to the firm's response to the ITN, indicate that and provide the names of the additional and/or deleted firm or personnel. For firms not included in the original ITN response, please include a brief description of the firm's qualifications and experience as more fully requested in TAB F of the original ITN regarding the development of complex, long-range plans like the State Expenditure Plan.
5. Address of the office that is to perform the work.
6. Respondent shall include a signed statement acknowledging acceptance of the minimum specifications and its intent to comply with all terms and conditions indicated in the ITN, Respondent's Initial Response, the Request for Best and Final Offer and Respondent's Best and Final Offer.

When a contract is established between the Consortium and the successful Respondent, all of the above-mentioned documents shall be incorporated and thereby become a part of the resulting contract. If there is a conflict in language, the Consortium's contract will govern.

**B. TAB B - STRATEGY/STRATEGIES FOR PLAN DEVELOPMENT.**

Tab B must describe a method for developing a State Expenditure Plan using the requirements of the Gulf Coast Ecosystem Restoration Council, the RESTORE Act, and the Rules promulgated by U.S. Treasury. Included in this part should be a description of and rationale for the method of grouping projects, programs, and activities to guide SEP development. Provide a visual display of the Firm's recommended grouping. The display may include a map of Florida delineating the geographical regions, and showing the location of hypothetical list of projects by categories. Firms may revise or expand upon its ITN response in this Tab. Additionally, specify how the Firm would address these elements:

1. Coordination of the planning efforts with the funds available;
2. Navigation of the changing regulatory environment;
3. Generation of broad support for the projects, programs and activities in the SEP;
4. Fostering the positive economic outcomes of the projects, programs, and activities in the SEP;
5. Assisting projects, programs, and activities that are submitted for consideration but do not make it into the Final SEP to be competitive for other funding sources; and
6. Establishing systems for management and tracking to assure compliance of legal requirements and maximization of available funds.

C. TAB C - PROJECT NOMINATION PROCESS.

Tab C should describe how the Firm proposes to address the project nomination process, including systems for project applications, review, and tracking that can be updated with current funding decisions by any funding source. Specifically, Tab C should include descriptions of the processes for solicitation and nomination of a new project and an allowance for refreshing or updating an existing project. Include a description of the methods for soliciting projects in each of the categories of eligible projects. Describe the critical information to be included on the electronic and alternative hard copy nomination form.

D. TAB D - PROJECT EVALUATION PROCESS.

Tab D should describe how the Firm proposes to address the project evaluation process. Specifically, provide a detailed description of each of the steps in the evaluation process. Discuss the merits and advisability of using different technical advisory groups for different types of projects or geographic locations or other recommended approaches. Describe the makeup of these advisory groups and how they will be utilized to provide both policy and technical inputs for each of the categories of eligible projects. Describe the methods to be utilized to make the process transparent and understandable to the public and stakeholders.

E. TAB E - PUBLIC INVOLVEMENT PLAN.

Tab E should describe the Firm's proposed plan and methods for enhancing public involvement.

1. Provide detailed plans and methods for enhancing public involvement through the following:
  - Social media
  - Community meetings
    - Community leaders
    - Citizens
  - Advertising
  - Media plan
  - Website
  - Governmental entities (communication & interaction between legislature, state, cities, counties, municipalities, etc.)
  - Communication plan for specific large or high-risk projects
2. Describe how these plans consider and address the diversity of the 23 Gulf Coast counties. Specify how the information gathered from these diverse groups will be utilized or incorporated into the evaluation process. Address different types of communications and how they will be customized for interaction with various demographics. Describe how the public engagement and outreach processes will comply with the RESTORE Act and Treasury Rule. Specify how the public involvement plan provides transparency and solicits comments and feedback from the public.

F. TAB F – QUALIFICATIONS, EXPERIENCE AND REFERENCES OF PROPOSER AND TEAM.

Tab F should include a description of the qualifications and experience in developing complex, long-range plans like the SEP only for the new members of the Respondent's team, if any have been added subsequent to the Firm's ITN response. For new team members, please provide the detailed information described in Tab F of the original ITN document.

- G. TAB G - COST PROPOSAL – Describe the anticipated cost to the Consortium for performing the Scope of Services, including the individual cost components and pricing methodology. The Consortium may enter into a Master Services Contract with task order assignments that may be negotiated as lump sum-fixed price or a time and materials contract, or a combination of both. Provide a rate sheet listing hourly rates for each staff member to be assigned to this project on behalf of the Joint Venture. Also, provide pricing for a Master Services arrangement with a lump sum for task orders, as the Firm would recommend to the Consortium.
- H. TAB H – LEVERAGING RESOURCES. Describe methods to be utilized to leverage the resources for this project to receive the overall best value from the multiple funding sources that may be available.
- I. TAB I – IMPLEMENTATION AND MANAGEMENT. In the event that the Consortium is the implementing entity for the SEP, which of the following services would the Firm be qualified and willing to provide:
1. Project Management
  2. Contract Management
  3. Grant Management and Financial Compliance and
  4. Other services deemed necessary for implementation.

Describe the Firm’s approach in assisting the Consortium in implementing the SEP, and the Firm’s qualification and experience in similar large scale projects. Provide a cost estimate for these services separate from the pricing of the SEP development costs. Discuss how the Consortium’s use of the Firm in implementing the SEP would comply with the Treasury Interim Final Rule section 34.503(b)(3) to “prevent conflicts of interest in the development and implementation of the . . . [SEP].

- J. TAB J – VALUE ADDED SERVICES. Provide a list and description of value added services necessary or convenient to the Consortium in the development of the SEP that the Firm would suggest and provide.
- K. REQUIRED FORMS. In response to the ITN, each Firm completed and submitted the following forms: Proposal Response Cover Sheet; Insurance Certification Form; Equal Opportunity/Affirmative Action Statement; Certification Regarding Debarment, Suspension, and Other Responsibility Matters, Primary Covered Transactions; Affidavit Certification Immigration Laws. If any information on those forms has changed since the submission of the initial response, , complete and re-submit the forms as required in the original ITN.

## V. SELECTION PROCESS

- A. EVALUATION TEAM MEETINGS. The Consortium Manager shall appoint an Evaluation Team who will review and evaluate all responses received on time.

Meetings of Evaluation Team subsequent to the opening of the solicitation shall be subject to state law regarding public meeting requirements, including, but not limited to, those regarding a meeting at which a negotiation with a firm is conducted pursuant to a competitive solicitation, at which a firm makes an oral presentation as a part of the competitive solicitation, or at which a firm answers questions as a part of a competitive solicitation.

Notice of all meetings shall be posted on the Leon County Purchasing Division website at: [www.leoncountyfl.gov/Purchasing/notices/index.asp](http://www.leoncountyfl.gov/Purchasing/notices/index.asp) and in the Leon County Purchasing Division Offices no less than 72 hours (excluding weekends and holidays).

B. STEPS IN THE EVALUATION PROCESS. The Evaluation Team will continue with its selection process as follows:

The Consortium reserves the right to negotiate concurrently or separately with competing firms, as set out below. The participating firms should be cognizant of the fact that the Consortium reserves the right to finalize the negotiation process at any time in the proposed process that the Consortium determines such selection would be in the best interest of the Consortium.

Steps 1 – 4 Completed prior to the release of the RBAFO document.

Step 5 The Consortium Board of Directors shall consider a revised Scope of Services to be included in a Request for Best and Final Offer (RBAFO).

Step 6 All participating short listed firms will be sent the RBAFO which includes, at a minimum, a revised Scope of Services and Pricing Options. The firm's Best and Final Offer (BAFO) shall contain the best pricing option the Firm is prepared to offer; however, after submission of Best and Final Offers, the Consortium reserves the right to clarify any element of required service delivery or further negotiate pricing with a single or all qualified Firms prior to final award.

Step 7 The Evaluation Team will complete a written summary evaluation of each Firm's approach, capabilities, and price proposal.

Step 8 The Evaluation Team will review the summary evaluations and rank the firms, in order of preference, based upon their approach and capabilities. The Evaluation Team may require oral presentation and may suggest further revisions to the scope or other aspects of the RBAFO to the Consortium Board of Directors as necessary.

Step 9 The Consortium Board of Directors shall consider the highest firms on the ranked list.

Step 10 The ranking will be posed as stated herein, stating the Consortium's intent to negotiate and award a contract to the first-ranked firm until an acceptable contract price is established or it is determined an acceptable agreement cannot be achieved with such firm.

If the Manager is unable to negotiate a satisfactory contract with the first-ranked firm considered to be fair, competitive and reasonable, negotiations with that firm shall be formally terminated. The Manager shall then undertake negotiations with the second most qualified firm. Failing accord with the second most qualified firm the Manager shall terminate negotiations. The Manager shall then undertake negotiations with the third most qualified firm. Should the Consortium be unable to negotiate a satisfactory contract with any of the selected firms, the Manager or Consortium Board of Directors may select additional firms to continue negotiations.

The Manager's recommendation of an acceptable negotiated contract will be presented to the Gulf Consortium for approval and execution.

C. EVALUATION CRITERIA. Initial Proposals will be evaluated and ranked on the basis of the following considerations:



<b>Evaluation Criteria</b>	<b>Maximum Points*</b>
a. Strategy for Plan Development	15
b. Project Nomination Process	15
c. Project Evaluation Process	25
d. Public Involvement Plan	25
e. Cost Proposal	5
f. Implementation/Management	5
g. Leveraging Resources	5
h. Value Added Services	5
<b>i. Maximum Points Allowed</b>	<b>100</b>
<b>*Actual rating for each criteria may range from zero (lowest rating) to the maximum rating points for that criteria</b>	

D. ORDINAL SCORING.

Each response will be reviewed by the Evaluation Team. Each of the evaluators will work independently using the evaluation criteria above. Each Team member will use the total point scores to rank the responses (i.e. highest point total = 1, 2nd highest = 2). The Purchasing Director will calculate an average rank for each response, combining all rankings of the reviewers, and present them to the Evaluation Team, without accompanying respondent names, who will then determine the recommended short list of firms to participate in oral discussions for the BAFO.

For example:

<u>Firm</u>	<u>Raw Points Received</u>	<u>Rank</u>
Company A	200	2
Company B	210	1
Company C	180	3.5*
Company D	175	5
Company E	180	3.5*

\*In the event that multiple firms have the same raw point score point, the rank positions needed to cover those firms are averaged and each firm receives that rank. In this case the third and fourth ranks are tied at 180 raw points, so  $3 + 4 = 7$ ;  $7$  divided by  $2 = 3.5$ . Each of the tied firms receives a rank of 3.5.

**RBAFO RESPONSE COVER SHEET**

This page is to be completed and included as the cover sheet for the Firm's response to the Invitation to Negotiate. Failure to submit this form may result in the response being determined non-responsive.

The Gulf Consortium, reserves the right to accept or reject any or all bids in the best interest of the Consortium.

Shelly W. Kelley, Leon County Purchasing Director

Christopher L. Holley, Interim Manager  
Gulf Consortium

This solicitation response is submitted by the below named firm/individual by the undersigned authorized representative.

\_\_\_\_\_  
(Firm Name)

BY \_\_\_\_\_  
(Authorized Representative)

\_\_\_\_\_  
(Printed or Typed Name)

ADDRESS \_\_\_\_\_

\_\_\_\_\_

CITY, STATE, ZIP \_\_\_\_\_

E-MAIL ADDRESS \_\_\_\_\_

TELEPHONE \_\_\_\_\_

FAX \_\_\_\_\_

**ADDENDA ACKNOWLEDGMENTS: (IF APPLICABLE)**

Addendum #1 dated \_\_\_\_\_ Initials \_\_\_\_\_

Addendum #2 dated \_\_\_\_\_ Initials \_\_\_\_\_

Addendum #3 dated \_\_\_\_\_ Initials \_\_\_\_\_

**Gulf Consortium Executive Committee  
September 8, 2014**

**Agenda Item 7  
Report on Restoration Council Planning Allocation Interim Final Rule**

**Statement of Issue:**

This memorandum describes the Interim Final Rule recently published by the Restoration Council. Comment recommendations will be presented to the Consortium Board of Directors at the September 17<sup>th</sup> meeting. Comments on the Council Interim Final Rule ("CIFR") are due September 22, 2014.

**Background:**

As detailed in the Agenda Item #5 memorandum, the Treasury's Interim Final Rule provides some direction to the five Gulf Coast States in the development of the State Expenditure Plans ("SEP"). The Treasury Rule allows States to apply for planning grants prior to the submission of an SEP. However, the Treasury Rule does not recognize the Consortium as the entity responsible for the development of Florida's SEP. And it is the Council, not the Treasury, which is assigned responsibility for allocating the Spill Impact Component (Pot #3) among the five Gulf Coast States.

With the Treasury's Interim Final Rule addressing grant allocations to the 23 counties, it logically followed that shortly thereafter the Council issued its own Interim Final Rules, recognizing the Gulf Consortium and addressing the amounts available for SEP development. The Gulf Coast Ecosystem Restoration Council's Interim Final Rule regarding the RESTORE Act Spill Impact Component Planning Allocation was published in the Federal Register on August 22, 2014.

**Analysis:**

***Gulf Consortium Recognized as SEP Developer and Grant Eligible.***

The Preamble and the Council Interim Final Rule ("CIFR") recognizes the Gulf Consortium as the entity that develops Florida's State Expenditure Plan and as an entity eligible to apply for and receive funds for planning purposes.

***Grants Authorized for Planning.***

A grant request to the Restoration Council is the mechanism for the Consortium to receive funds for planning costs. See, *CIFR* § 1800.20. "Planning purposes

are limited to development of a State Expenditure Plan, and includes conceptual design and feasibility studies related to specific projects. It does not include engineering and environmental studies related to specific projects." *CIFR § 1800.20*.

### ***Pre-Award Costs Precluded.***

The CIFR excludes pre-award costs for planning. *CIFR § 1800.20*. The CIFR precludes the Consortium from receiving any pre-award costs incurred prior to the CIFR taking effect on August 22, 2014. *CIFR § 1800.20*. The Preamble suggests that planning costs incurred after August 22, 2014 must be evaluated under the OMB Uniform Guidelines, which require that pre-award costs meet the authorized costs allowed in the CIFR and be approved by the Council as the granting federal agency. *Preamble § II*.

### ***Five Percent Minimum.***

The RESTORE Act requires a minimum five percent disbursement of the Spill Impact Component every fiscal year to each of the five Gulf Coast States. See, *33 USC 1321(3)(5)(3)(A)(iii)*. The Council Rule provides that the maximum amount available to each State and the Gulf Consortium is five percent of the amount in the Gulf Restoration Trust Fund. According to Treasury's chart, approximately \$9.4 million is available in the Trust Fund for the Spill Impact Component for each Gulf Coast State, including the Consortium.

### ***Consortium Path to Secure Funds.***

Despite the clarity provided by the Treasury Rule regarding grants, planning assistance, grant management and SEP development, and despite the Council Rule recognizing the Gulf Consortium and authorizing grants for planning, the path the Consortium must follow to secure funding for its operational costs and to submit its planning grant remain hidden.

Consortium staff has discussed the issues related to operational costs and to the process for planning grant submissions with the Governor's office, the Department of Environmental Protection and the Florida Fish and Wildlife Conservation Commission. The issues were also the subjects of a conference call with the staff of the Restoration Council. Until those paths are clearly identified, the Consortium's financial ability to operate effectively and efficiently as envisioned by the RESTORE Act are blocked.

### ***CIFR Effective and Due Dates.***

The CIFR was published in the Federal Register on August 22, 2014. It became final on August 22, 2014. Comments to the Council about the CIFR are due on September 22, 2014.

**Options:**

This agenda item is simply informational. No action is required.

**Prepared by:**

Sarah M. Bleakley  
Nabors, Giblin & Nickerson, P.A.  
Interim General Counsel  
On: September 3, 2014

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**Gulf Consortium Executive Committee  
September 8, 2014**

**Agenda Item 8.1  
Approval of 2015 Meeting Calendar**

**Statement of Issue:**

This agenda item proposes a meeting calendar for the Gulf Consortium Board of Directors during 2015.

**Background:**

Under the Interlocal Agreement, the Chairman has the power to set the meeting times and places. The Chairman has requested that for 2015, the Executive Committee, as a group, approve the 2015 meeting calendar. The proposed calendar is as follows:

**JANUARY**

Wednesday the 21<sup>st</sup> 10:00 am – 2:00 pm, Eastern  
Leon County  
Annual Election of Executive Committee Members

**FEBRUARY**

Open

**MARCH**

Wednesday the 25<sup>th</sup> 10:00 am – 2:00 pm, Eastern  
Leon County  
In conjunction with FAC Legislative Day

**APRIL/MAY**

Open

**JUNE**

Friday the 19<sup>th</sup> 10:00 am – 12:00 pm, Eastern  
St. John's County, Sawgrass Marriott  
In conjunction with FAC Annual Conference

**JULY**

Open

**AUGUST**

Thursday TBD 10:00 am – 12:00 pm  
In conjunction with FAC Leadership Summit

**SEPTEMBER**

Wednesday the 23<sup>rd</sup> 10:00 am – 12:00 pm, Eastern  
Pinellas County, Hilton St. Petersburg  
In conjunction with FAC Policy Conference

**NOVEMBER**

Wednesday the 18<sup>th</sup> 10:00 am – 12:00 pm, Eastern  
Nassau County, Omni Amelia Island  
In conjunction with FAC Legislative Conference

**Options:**

- (1) Approve the 2015 Meeting Calendar; or
- (2) Other director provided to staff

**Recommendation:**

Motion to approve the 2015 Meeting Calendar

**Prepared by:**

Ginger Delegal  
Florida Association of Counties  
Interim Manager  
On: September 3, 2014

**Action Taken:**

Motion to: \_\_\_\_\_, Made by: \_\_\_\_\_;  
Seconded by: \_\_\_\_\_.

Approved\_\_\_\_; Approved as amended\_\_\_\_; Defeated\_\_\_\_\_.

**Gulf Consortium Executive Committee  
September 8, 2014**

**Agenda Item 8.2  
Budget Overview for 2014/15**

**Executive Summary:**

Report on the proposed 2014/15 Budget for the Gulf Consortium, which will be approved at the September 17, 2014 meeting of the full Board.

**Background:**

The proposed budget for 2015/15 will be a continuation of the transition budget that was adopted for 2013/14 by the Gulf Consortium. This budget is intended to provide the Interim Manager (Florida Association of Counties) and the Interim General Counsel (Nabors, Giblin & Nickerson, P.A.), some resources to support the start-up and initial operation of the Gulf Consortium.

**Analysis:**

Both U.S. Treasury and the Restoration Council have recently released significant guidance and regulations as to how the RESTORE Trust Fund will be administered through the Direct Component (Pot 1), the Comprehensive Plan Component (Pot 2), and the Spill Impact Component (Pot 3). However, as of September 1, 2014, no complete process for accessing operating and planning grants has yet been made available to the Gulf Consortium. In addition, while Gulf Consortium staff understands that that operating and planning grant process will be finalized in the next several months, there is still no credible way for staff to predict when operational funds will be made available for use by the Gulf Consortium. Accordingly, the Interim Manager is proposing a continuation of the transition budget from 2013/14, with very minor changes.

- The county allocations will remain the same. That spreadsheet is attached hereto. The counties will be invoiced, in two equal installments in October 2014 and in March 2015.
- The \$7500 grants writer budget item from 2013/14 will roll over to 2014/15 and be added to an additional \$7500 for 2014/15, amounting to a full \$15,000 item for the hiring of a grants writer to assist in obtaining operating and planning grants for the Gulf Consortium's work in developing the State Expenditure Plan.
- All other revenue and expenditure items remain the same as 2013/14.

The Board should anticipate that when the process for obtaining operating and planning moneys is finalized that a budget amendment may be necessary during FY 2014/15.



**Options:**

- (1) Recommendation approval of the 2014/15 proposed budget and county allocation amounts;
- (2) Provide other direction

**Fiscal Impact:**

As indicated in the county allocations and proposed budget that is attached for 2014/15. The total proposed budget is \$147,550.

**Recommendation:**

Recommend to the full Board approval of the proposed 2014/15 budget and county allocation amounts.

**Submitted By:**

Ginger Delegal  
Florida Association of Counties  
Interim Manager  
On: September 3, 2014

**Action Taken:**

Motion to: \_\_\_\_\_, Made by: \_\_\_\_\_;  
Seconded by: \_\_\_\_\_.

Approved\_\_\_\_; Approved as amended\_\_\_\_; Defeated\_\_\_\_\_.

**Gulf Consortium**  
**Proposed Annual Budget**  
**October 1, 2014 - September 30, 2015**

	<b>Proposed Budget FY2015</b>	<b>Adopted Budget FY2014</b>	<b>Projected Actuals FY2014</b>
<b>Revenues</b>			
Interim County Funding	140,050	140,053	140,050
Cash Carryforward*	7,500	-	-
<b>Total Revenues</b>	<b>147,550</b>	<b>140,053</b>	<b>140,050</b>
<b>Disbursements</b>			
Consulting-Administration	60,000	60,000	60,000
Consulting-Legal & Expenses	60,000	60,000	60,000
Meeting and Travel Expense	8,550	8,000	8,000
Miscellaneous	1,000	1,000	1,000
Annual Audit	3,000	3,000	3,000
Grant Writer*	15,000	7,500	-
<b>Total Disbursements</b>	<b>147,550</b>	<b>139,500</b>	<b>132,000</b>
<b>Revenues Over (under) Disbursements</b>	<b>-</b>	<b>553</b>	<b>8,050</b>

*\*Proposed budget includes a line to carryforward unused Grant Writer Funds from FY2014 to FY2015*

**GULF CONSORTIUM  
FY2014/15 ALLOCATIONS**

<b>County</b>	<b>Total Amount</b>	<b>October 2014 Invoice 1</b>	<b>April 2015 Invoice 2</b>
Bay	8,270	4,135	4,135
Charlotte	8,270	4,135	4,135
Citrus	8,270	4,135	4,135
Collier	8,270	4,135	4,135
Dixie	2,000	1,000	1,000
Escambia	8,270	4,135	4,135
Franklin	2,000	1,000	1,000
Gulf	2,000	1,000	1,000
Hernando	8,270	4,135	4,135
Hillsborough	8,270	4,135	4,135
Jefferson	2,000	1,000	1,000
Lee	8,270	4,135	4,135
Levy	2,000	1,000	1,000
Manatee	8,270	4,135	4,135
Monroe	8,270	4,135	4,135
Okaloosa	8,270	4,135	4,135
Pasco	8,270	4,135	4,135
Pinellas	8,270	4,135	4,135
Santa Rosa	8,270	4,135	4,135
Sarasota	8,270	4,135	4,135
Taylor	2,000	1,000	1,000
Wakulla	2,000	1,000	1,000
Walton	2,000	1,000	1,000
	<b>140,050.00</b>	<b>70,025</b>	<b>70,025</b>

*Amounts to be invoiced in equal installments*

**Gulf Consortium**  
**Adopted Budget to Actual**  
**October 1, 2013 - August 31, 2014**

	<b>FY14 Budget</b>	<b>FY14 Year To Date Actual*</b>
<b>Revenues</b>		
Interim County Funding	140,053.00	140,050.00
Interest Income	-	27.00
<b>Total Revenues</b>	<b>140,053.00</b>	<b>140,077.00</b>
 <b>Disbursements</b>		
Consulting-Administration	60,000.00	55,000.00
Consulting-Legal & Expenses	60,000.00	45,000.00
Meeting and Travel Expense	8,000.00	7,019.17
Miscellaneous	1,000.00	237.94
Audit Expense	3,000.00	3,000.00
Grant Writer Expense	7,500.00	-
<b>Total Disbursements</b>	<b>139,500.00</b>	<b>110,257.11</b>
 <b>Revenues Over (under) Disbursements</b>	<b>553.00</b>	<b>29,819.89</b>

*\*Cash Basis of Accounting for Interim Reporting*

**Gulf Consortium**  
**Cash Flows Statement**  
**October 1, 2013 -August 31, 2014**

<b>Beginning Cash Balance</b>	<b>9/30/2013</b>	<b>32,080.87</b>
Deposits- FY13 FAC Contribution	2,634.50	
Deposits- FY14 County Funding	140,050.00	
Deposits- Interest	27.00	
Net Cash Provided		<u>142,711.50</u>
Expenses- FY 13 Expenses	(34,642.92)	
Expenses- FY 14 Expenses	(110,257.11)	
Net Cash Used		<u>(144,900.03)</u>
<b>Ending Cash Balance</b>	<b>8/31/2014</b>	<b>29,892.34</b>



**Gulf Consortium Executive Committee  
September 8, 2014**

**Agenda Item 8.3  
Report on Deepwater Horizon Restoration Partnerships**

**Statement of Issue:**

This agenda item provides a brief report on the activities of Gulf Consortium staff and representatives of other Deepwater Horizon Restoration Partners.

**Background:**

Since the August 7, 2014 meeting of the Executive Committee and Board of Directors of the Gulf Consortium, several meetings have occurred that are of note.

Florida DEP and FWC: Consortium staff met with representatives of Florida's Department of Environmental Protection and Fish and Wildlife Commission, the weeks the U.S. Treasury Interim Final Rule and the Council Interim Final Rule were released. Quarterly meetings between Gulf Consortium and Florida DEP/FWC staff have been set, beginning in October 2014.

Restoration Council: Consortium staff held a phone call meeting with two key staff persons from the Restoration Council soon after the Council's Interim Final Rule was released.

Governor's Office: Consortium staff met with representatives of the Governor's Office, providing an update on the State Expenditure Plan consultant team selection process and discussing the impact of the two Interim Final Rules released the last two weeks of August. Monthly meetings between the Governor's Office and the Gulf Consortium staffs have been set, beginning in late September, 2014.

**Fiscal Impact:**

None.

**Recommendation:**

No action required.

**Prepared by:**

Ginger Delegal  
Florida Association of Counties  
Interim Manager  
On: September 3, 2014