



**Gulf Consortium Agenda  
November 19, 2014, 9:00 a.m. Eastern  
Tampa Marriott Waterside Hotel & Marina  
700 South Florida Avenue  
Tampa, Florida**

1. Call to Order
2. Pledge
3. Public Comment
4. Approval of September 17, 2014 Minutes
5. Restoration Council:
  - RESTORE Act Funding and Projects Update
  - Mr. Phil Coram, P.E.
  - Florida Department of Environmental Protection
  - Administrator, Florida Coastal Office
6. Selection of Consultant Team for Development of State Expenditure Plan
  - Roman Gastesi, Chair of the Evaluation Team
  - Shelly Kelley, Leon County Purchasing Director
7. Selection of Independent Auditor for 2013/14
  - 7.1 Amendment to Selection Committee Policy
  - 7.2 Report of the Audit Selection Committee and Selection of Auditor
    - Commissioner Warren Yeager (Gulf)
    - Secretary/Treasurer, Gulf Consortium
    - Chair, Auditor Selection Committee
8. Interim Manager's Report
  - 8.1 Report on NACo Gulf Coast States Caucus Meeting
  - 8.2 Update on Other Deepwater Horizon Restoration Partners
  - 8.3 Director Appointments – Written Verification
  - 8.4 Report on Counties' Multi Year Implementation Plans (Pot 1)
    - Jim Muller
    - Bay County RESTORE Act Coordinator



9. Interim General Counsel Report
  - 9.1 Officer elections in January 2015
  - 9.2 Update on Amendment to Leon County Interlocal Agreement for Purchasing Services
  - 9.3 Cooperative Purchasing for State Expenditure Plan Consultant Short-Listed Firms
  
10. New Business
  
11. Public Comment
  
12. Upcoming 2015 Meetings
  - January 21, 2015 (Wednesday)
  - 1:00 p.m., Eastern
  - Department of Environmental Protection
  - Carr Building
  - Tallahassee, Florida
  
13. Adjourn

## Notice of Meeting/Workshop Hearing

### **OTHER AGENCIES AND ORGANIZATIONS**

#### **Gulf Consortium**

The Gulf Consortium announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 19, 2014, 9:00 a.m., Eastern Time

PLACE: Florida Room V-VI, Marriott Tampa Waterside, 700 S Florida Ave., Tampa, FL, in accordance with Section 163.01, F.S., for attendance in person

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors of the Gulf Consortium will meet to act on the Evaluation Team's report on the selection of a consultant firm to develop the State Expenditure Plan; will act on the Auditor Selection Committee's report on the selection of an independent auditor for FY 2013/14; and other matters.

A copy of the agenda may be obtained 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).

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).

**Gulf Consortium Directors, Alternates and Governor's Appointees  
November 19, 2014**

<b>County</b>	<b>Director and Alternate</b>
Bay	Comm Mike Thomas, Director; Comm George Gainer, Alternate
Charlotte	Comm Christopher Constance, Director; Comm Tricia Duffy, Alternate
Citrus	Comm Rebecca Bays, Director; Ken Cheek, Water Resources Director
Collier	Comm Tom Henning, Director; Comm Donna Fiala, Alternate; Director Bill Lorenz, 2nd Alternate
Dixie	Tim Alexander, Director of Emergency Management; Administrator Mike Cassidy, Alternate
Escambia	Comm Grover Robinson, Director; Comm Gene Valentino, Alternate
Franklin	Comm Cheryl Sanders, Director; County Administrator Alan Pierce, Alternate
Gulf	Comm Warren Yeager, Director; Tan Smiley, Alternate; County Administrator Donald Butler 2nd Alternate
Hernando	Comm Wayne Dukes, Director; Comm David Russell, Alternate; Administrator Len Sossamon, 2nd Alternate
Hillsborough	Comm Les Miller, Director; Comm Ken Hagan, Alternate
Jefferson	Comm Betsy Barfield, Director; County Coordinator Parrish Barwick, Alternate
Lee	Comm John Manning, Director; Comm Larry Kiker, Alternate; Dave Harner, 2nd Alternate
Levy	Comm John Meeks, Director; County Coordinator Fred Moody, Alternate
Manatee	Comm Carol Whitmore, Director; Charlie Hunsicker, Natural Resources Dept., Alternate
Monroe	Commissioner George Neugent, Director; Comm David Rice, Alternate
Okaloosa	Comm Dave Parisot, Director; Comm Kelly Windes, Alternate
Pasco	Comm Jack Mariano, Director; Comm Henry Wilson, Alternate
Pinellas	Comm Susan Latvala, Director; Coastal Manager Andy Squires
Santa Rosa	Comm Lane Lynchard, Director; Comm Jim Melvin, Alternate
Sarasota	Comm Nora Patterson, Director; Laird Wreford, Natural Resources Manager, Alternate; Comm Charles Hines, 2nd Alternate
Taylor	Comm Jim Moody, Director; Dustin Hinkel, County Administrator, Alternate
Wakulla	David Edwards, County Administrator, Director; Comm Ralph Thomas, Alternate
Walton	Comm Sara Comander, Director; Comm Cindy Meadows, Alternate
Governor's Appointees	Pam Anderson, Panama City; Peter Bos, Destin; Lino Maldonado, Niceville; Collier Merrill, Pensacola; Mike Sole, Tallahassee; Neal Wade, Panama City

**Gulf Consortium Board of Directors  
November 19, 2014**

**Agenda Item 4  
Approval of September 17, 2014 Gulf Consortium Minutes**

**Statement of Issue:**

This agenda item proposes approval of the September 17, 2014 Gulf Consortium meeting minutes.

**Options:**

- (1) Approve the September 17, 2014 Gulf Consortium minutes, as presented;  
or
- (2) Amend and then approve the September 17, 2014 Gulf Consortium minutes.

**Recommendation:**

Motion to approve the September 17, 2014 Gulf Consortium meeting minutes, as presented.

**Prepared by:**

Ginger Delegal  
Florida Association of Counties  
Interim Manager  
On: November 12, 2014

**Attachment:**

Draft 9/17/14 Minutes

**Action Taken:**

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

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

**Gulf Consortium Meeting  
September 17, 2014 9:30 a.m. (CT)  
Sandestin Golf & Beach Resort  
Walton County (Miramar Beach, FL)**

---

**Board Members in Attendance:** Ms. Pam Anderson, Mr. Parrish Barwick (Jefferson), Mr. Peter Bos, Commissioner Sara Commander (Walton), Commissioner Chris Constance (Charlotte), Mr. Dustin Hinkel (Taylor), Mr. Charlie Hunsicker (Manatee), Commissioner Susan Latvala (Pinellas), Commissioner Lane Lynchard (Santa Rosa), Commissioner Jack Mariano (Pasco), Mr. Collier Merrill, Commissioner George Neugent (Monroe), Commissioner Dave Parisot (Okaloosa), Commissioner Grover Robinson (Escambia), Commissioner Cheryl Sanders (Franklin), Mr. Mike Sole, Commissioner Mike Thomas (Bay), Commissioner Ralph Thomas (Wakulla), Mr. Laird Wreford (Sarasota), Commissioner Warren Yeager (Gulf).

---

**Agenda Item #1 – Call to Order**

Commissioner Grover Robinson (Escambia) called the meeting to order at 9:47 am (CT).

---

**Agenda Item #4 – Public Comment**

There was no public comment.

---

**Agenda Item #5 – Approval of August 7, 2014 Minutes**

Ms. Ginger Delegal, Interim Manager, presented the minutes from the August 7, 2014 meeting of the Gulf Consortium. A motion to approve the August 7, 2014 Gulf Consortium minutes was presented by Commissioner Susan Latvala (Pinellas) and seconded by Commissioner Warren Yeager (Gulf).

**ACTION: APPROVED**

---

**Agenda Item #6 – U.S. Treasury Report**

Ms. Sarah Bleakley, Interim General Counsel, briefed the Board on the filing of formal comments on the U.S. Treasury Interim Final Rule Regarding Regulations for the Gulf Coast Restoration Trust Fund.

Then Ms. Bleakley updated the Board on the U.S. Treasury Guidance Document that was recently published providing information to Florida counties and other entities eligible for Direct Component Funds for Multi Year Implementation Plans.

---

**Agenda Item #7 – Restoration Council**

Ms. Sarah Bleakley, Interim General Counsel, presented proposed comments on the Restoration Council Planning Allocation Interim Final Rule (CIFR) for the Board's consideration. Discussion ensued. A motion to adopt the correspondence to the Restoration Council setting forth the Consortium comments on the CIFR with the ability to incorporate comments from individual counties was presented by Commissioner Christopher Constance (Charlotte) and seconded by Commissioner Mike Thomas (Bay).

**ACTION: APPROVED**

Mr. Phil Coram, Florida Coastal Office Administrator, Florida Department of Environmental Protection, provided the Board an update on RESTORE Act funding, the status of submitted projects and the Restoration Council's Funded Priority List process.

---

**Agenda Item #11 – Proposed Resolution Regarding Federal Fisheries Management**

Ms. Ginger Delegal, Interim Manager, presented a resolution for consideration by the Board supporting inclusion of several issues in the Magnuson-Stevenson Act reauthorization. Discussion ensued. The Chairman asked the Vice Chair to control the gavel. A motion to table the proposed resolution and submit the resolution to FAC's policy development process was presented by Commissioner Robinson (Escambia) and seconded by Commissioner George Neugent (Monroe).

**ACTION: APPROVED**

---

**Agenda Item #12 – The Importance of Diversifying Florida's Economy through Economic Development, Mr. Griff Salmon, Chief Operating Officer, Enterprise Florida**

Mr. Griff Salmon, Chief Operating Officer of Enterprise Florida, presented to the Board on the importance of diversifying Florida's economy through various economic development activities.

---

**Agenda Item #9 – Interim Manager's Report**

Mr. Chris Holley, Interim Manager, presented the meeting calendar for the Board during 2015.

Then Mr. Holley presented the FY 2014/15 Gulf Consortium budget including county allocations. A motion to approve the FY 2014/15 proposed budget and county allocation amounts was presented by Commissioner Sara Comander (Walton) and seconded by Commissioner Susan Latvala (Pinellas).

**ACTION: APPROVED**

Next, Mr. Holley briefed the Board on various meetings with other Deepwater Horizon Restoration Partners including the Florida Department of Environmental Protection, Florida Wildlife Conservation Commissioner, Restoration Council and Governor's Office.

Finally, Mr. Holley informed the Board that Mr. Jim Muller, Bay County RESTORE Act Coordinator, would provide the Board with a presentation on individual counties' experiences in developing their Multi Year Implementation Plans at the November 19, 2014 meeting of the Board.

---

**Agenda Item #10 – Interim General Counsel Report**

Ms. Sarah Bleakley, Interim General Counsel, informed the Board about the election process for the 2015 calendar year scheduled to be held at the January 21, 2015 Board meeting in Leon County.

Then Ms. Bleakley updated the Board on procurement policies for the procurement of a grants writer, general counsel and manager. The proposed FY 2014/15 budget includes a line item to engage the services of a grants writer to provide assistance in drafting grant proposals and securing federal funding for the Consortium.

Next Ms. Bleakley presented the Board a resolution establishing a competitive process for the procurement of an independent auditor as required by State law. The resolution authorizes the Consortium Chairman to appoint an audit selection committee as statutorily required to be responsible for the procurement process. A motion to approve the resolution and appoint Commissioner Warren Yeager (Gulf), Interim Manager Ginger Delegal and Anna Doughty, FAC Director of Finance and Administration to the audit selection committee was presented by Commissioner Susan Latvala (Pinellas) and seconded by Commissioner George Neugent (Monroe).

**ACTION: APPROVED**

Finally, Ms. Bleakley briefed the Board on the current Interlocal Agreement with Leon County allowing the county to provide services to the Consortium for the procurement of the SEP consultant. She informed the Board it may become necessary for the Consortium to procure additional services in the future. A motion authorizing the Chairman of the Consortium to execute an Interlocal Agreement with Leon County, expanding the scope of procurement services it provides to the Consortium but leaving all other terms substantially similar to the current Interlocal Agreement was presented by Commissioner Sara Comander (Walton) and seconded by Commissioner Christopher Constance (Charlotte).

**ACTION: APPROVED**

---

#### **Agenda Item #8 – Approval of Request for Best and Final Offer (RBAFO)**

Ms. Sarah Bleakley, Interim General Counsel, introduced Mr. Roman Gastesi, Chair of the Evaluation Team. He presented to the Board the Request for Best and Final Offer (RBAFO) for procuring a consultant team to assist the Consortium in developing the SEP. A motion to direct the RBAFO be submitted to the four short-listed firms was presented by Commissioner Jack Mariano (Pasco) and seconded by Commissioner Ralph Thomas (Wakulla)

**ACTION: APPROVED**

---

#### **Agenda Item #13 – New Business**

Mr. Mike Sole asked that the Executive Committee send a letter of support once Florida's five projects for the Restoration Council's Funded Priorities List are announced. That list is currently due on November 17, two days before the Consortium meeting on November 19, 2014. A motion directing the Consortium Executive Committee to send a letter to the Restoration Council in support of Florida's projects on the Restoration Council's Funded Priorities List was presented by Commissioner Susan Latvala (Pinellas) and seconded by Commissioner Jack Mariano (Pasco).

**ACTION: APPROVED**

---

#### **Agenda Item #14 – Public Comment**

1. Jay Liles – Florida Wildlife Federation
  2. Janet Bowman – Nature Conservancy
  3. TJ Marshall – Ocean Conservancy
  4. Mary Jean Yon – Audubon Florida
-



---

**Agenda Item #15 – Upcoming 2014 Meetings**

The next meeting of the Consortium Board of Directors will be held on November 19, 2014, 9:00 am Eastern at the Tampa Marriott Waterside Hotel & Marina, 700 South Florida Avenue, Tampa, Florida 33602.

---

**Agenda Item #16 – Adjournment**

There being no further business, the Committee adjourned at 12:12 pm (CT).

---

**Gulf Consortium Board of Directors  
November 19, 2014**

**Agenda Item 5  
Restoration Council Funding and Projects Update**

**Statement of Issue:**

Presentation by Florida's Department of Environmental Protection on Restoration Council Funding and Projects

**Background:**

The Restoration Council members have been working on their individual proposals for the full Council's consideration under Pot 2. Florida is no exception. DEP has been diligently working to develop the five proposals to be submitted on behalf of Florida. The proposals are due on November 17.

At the September 17, 2014 full Consortium meeting, the Consortium authorized the Executive Committee to support the proposals being submitted to the Restoration Council on behalf of Florida.

Mr. Phil Coram, PE, the Administrator for the Florida Coastal Office with the Department of Environmental Protection will be presenting additional information for the Consortium on Florida's proposals for the Restoration Council.

**Prepared by:**

Ginger Delegal  
Florida Association of Counties  
Interim Manager  
On: November 12, 2014

**Attachment:**

None.

**Gulf Consortium Board of Directors  
November 19, 2014**

**Agenda Item 6  
Selection of Consultant Firm for  
Development of State Expenditure Plan**

**Executive Summary:**

This agenda item seeks Board direction in hiring a State Expenditure Plan consultant. The procurement process adopted by the Board has resulted in the five-member Evaluation Team's unanimous decision to recommend the Consortium authorize contract negotiations with the four short-listed firms in the following order of preference:

- First: Environmental Science Associates
- Second: Ecology & Environment
- Third: Arcadis USA
- Fourth: MWH Americas

The Executive Committee has unanimously recommended the Board of Directors adopt the ranked order of the consultant firms put forth by the Evaluation Team.

The Evaluation Criteria Score Sheet used by the Evaluation Team to develop raw scores for each firm is included in the Background section of this agenda memorandum. A copy of the Evaluation Team Summary Score Sheet and Ranking is also provided there.

Upon approval by the Board of Directors, the Manager will begin contract negotiations with the highest ranked firm, Environmental Science Associates, with a proposed contract to be presented to the Board at its January 21, 2015 meeting.

The chairman of the Evaluation Team, Mr. Roman Gastesi, and the Leon County Purchasing Director, Ms. Shelly Kelly, will present the Evaluation Team's recommendation to the Board of Directors.

**Background:**

The Consortium's two-phased process is detailed in Resolution 2014-01 adopted by the Board on March 26, 2014. The first phase began with Leon County issuing an Invitation to Negotiate on behalf of the Consortium. The Consortium's Evaluation Team includes five highly qualified professionals with diverse experience and expertise:

- Mr. Phil Coram, P.E. ("PC"), Administrator, Florida Coastal Office, Florida Department of Environmental Protection;
- Mr. Ed Gardner ("EG"), PowerSouth Energy Cooperative;
- Mr. Roman Gastesi ("RG"), County Administrator, Monroe County;
- Ms. Sheree Keeler ("SK"), Director of Governmental Affairs, Procurement and Grants & RESTORE Act Coordinator, Wakulla County; and
- Dr. Karl Havens ("KH"), 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 short list recommendation at its August 7, 2014 meeting and reported its decision to the full Board.

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 Request for Best and Final Offer ("RBAFO").

The Executive Committee unanimously recommended and the Board of Directors approved the RBAFO at its September 17, 2014 meeting.

Each of the four short-listed firms provided a timely response to the RBAFO. On October 30, 2014, the five-person Evaluation Team met in Tallahassee and evaluated each firm's response. Each Evaluation Team member independently filled out four Evaluation Criteria Score Sheets, giving each firm a raw score based on the criteria in the RBAFO. The following is the Evaluation Criteria Score Sheet:

**EVALUATION CRITERIA SCORESHEET  
BEST & FINAL OFFER  
ITN BC-06-17-14-33**

Respondent's Name: \_\_\_\_\_

	Maximum Raw Score Possible	Evaluator Score
<b>A. Strategy for Plan Development</b>	15	
<b>B. Project Nomination Process</b>	15	
<b>C. Project Evaluation Process</b>	25	
<b>D. Public Involvement Plan</b>	25	
<b>E. Cost Proposal</b>	5	
<b>F. Implementation/Management</b>	5	
<b>G. Leveraging Resources</b>	5	
<b>H. Value Added Services</b>	5	
<b>Total Score</b>	<b>100</b>	

Evaluator Name/Signature: \_\_\_\_\_

Thereafter, the Leon County Purchasing Director, Shelly Kelley, using the raw scores, assigned an ordinal ranking for each Evaluation Team member's raw scores, with the highest ranked firm receiving a "1" the second highest a "2" and so on. In accordance with the Consortium's procurement policy, the Evaluation Team members' ordinal scores for each firm were then averaged to produce the Evaluation Team's ranking of the firms. The following is the Summary Score Sheet and Ranking by firm of the Evaluation Team's ranking:

**Summary Scoresheet and Ranking  
ITN BC-06-17-14-33**

	Evaluat or (PC) Score	Evaluator (PC) Rank	Evaluator (EG) Score	Evaluator (EG) Rank	Evaluator (RG) Score	Evaluator (RG) Rank	Evaluator (KH) Score	Evaluator (KH) Rank	Evaluator (SK) Score	Evaluator (SK) Rank	Average Score	Average Rank
Arcadis USA	77	4	56	4	99	1	100	1	93	3	<b>85</b>	<b>2.6</b>
Ecology & Environment	87	3	83	1	94	3	60	3	95	1.5	<b>83.8</b>	<b>2.3</b>
Environmental Science Associates	88	1.5	66	3	98	2	97	2	95	1.5	<b>88.8</b>	<b>2</b>
MWH Americas	88	1.5	68	2	90	4	56	4	88	4	<b>78</b>	<b>3.1</b>

The averaged ordinal rankings of the firms by the Evaluation Team are presented below in the Team's order of recommendation:

- First: Environmental Science Associates
- Second: Ecology & Environment
- Third: Arcadis USA
- Fourth: MWH Americas

**Analysis:**

The RBAFO approved by the Board of Directors established a procurement process, establishing the Evaluation Team to evaluate the firms that responded.

The five-member Evaluation Team held three in-person meetings in Tallahassee. After reading the six responses from the firms responding to the ITN, the Evaluation Team met and produced the short list, which was approved by the Executive Committee. In its second Tallahassee meeting, the Evaluation Team interviewed the short-listed firms and drafted the RBAFO procurement document, which Committee chair Roman Gastesi presented to the Board of Directors, which approved it in at the meeting in Escambia County. At its third Tallahassee meeting, the Evaluation Team discussed the responses and individually scored the RBAFO responses. When the ordinal scoring results were presented to the Evaluation Team, the Team unanimously recommended Environmental Science Associates based on the ordinal scores.

The Evaluation spent a lot of time developing this recommendation for the Consortium. Staff estimates that the Evaluation Team collectively spent at least 100 hours in completing the duties assigned to them for this procurement.

Leon County purchasing department provided invaluable assistance and countless hours on this procurement process.

The Evaluation Team followed the process established in the RBAFO and SEP Procurement Policy, both of which were adopted by the Board. At its meeting on November 12<sup>th</sup>, the Executive Committee unanimously agreed to recommend to the Board that it adopt the Evaluation Team's ranking. Now it is up to the Board of Directors to consider the SEP Consultant Firm recommendation as presented by the Evaluation Team and recommended by the Board of Directors.

Once the recommendations are approved by the Board, the SEP Procurement Policy requires the Manager to negotiate a contract with the highest ranked firm and present the contract to the Board for approval. *See, Section 6.01 of the SEP Consultant Purchasing Policy, adopted by the Board in Resolution 2014-01.* If the Manager and the highest ranked firm cannot agree to a contract, the Manager will report that to the Board and begin negotiations with the second highest ranked firm. This process continues until a mutually agreeable contract is executed.

It is anticipated that the SEP Consultant Firm will provide any or all of the following services:

1. Preparation of a planning grant for submittal to the Council to obtain Spill Impact Component funds for the preparation of the SEP.
2. Preparation of a draft State Expenditure Plan for submittal to the Council. This will require the consultant to develop a strategy for plan development, a project nomination process, a process for evaluating the nominations, a process for ensuring public involvement.
3. Implementation and management of the State Expenditure Plan.

The chairman of the Evaluation Team, Mr. Roman Gastesi, and the Leon County Purchasing Director, Ms. Shelly Kelly, will present the Evaluation Team's recommendation to the Board.

**Options:**

- 1) Approve a motion adopting the Evaluation Team's recommendations and directing the Manager to begin negotiations with the highest ranked firm, Environmental Science Associates, and provide the Board with a proposed contract at its January 21<sup>st</sup> meeting.
- 2) Provide other direction.

**Fiscal Impact:**

There is no fiscal impact associated with the contract negotiations.

**Recommendation:**

Approve a motion adopting the Evaluation Team's recommendations and directing the Manager to begin negotiations with the highest ranked firm, Environmental Science Associates, and provide the Board with a proposed contract at its January 21<sup>st</sup> meeting.

**Prepared by:**

Sarah M. Bleakley  
Nabors, Giblin & Nickerson, P.A.  
Interim General Counsel  
On: November 13, 2014

**Attachment:**

None.

**Action Taken:**

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

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



**Gulf Consortium Board of Directors  
November 12, 2014**

**Agenda Item 7.1  
Amendment to Procurement Policy for  
Securing Independent Auditor**

**Executive Summary:**

This agenda memorandum seeks the Executive Committee's recommendation to the Board for approval of an amendment to the resolution establishing the Consortium's procurement process for the selection of the independent financial auditor for the 2013-14 fiscal year. The amendment reduces the number of required members of the Audit or Selection Committee charged with developing the procurement solicitation and evaluating the responses from three members to two members to avoid assigning unnecessary staff resources to the procurement process, and, at the same time, to comply with the open meeting requirements of state law. The proposed amendment is attached to this memorandum.

**Background:**

State law requires entities such as the Gulf Consortium to submit an annual audit to the Chief Financial Officer. Regarding hiring an auditor, section 218.319, Florida Statutes, requires a specific audit selection procedure be followed, including the establishment of an audit committee to develop evaluation factors, to provide for the public announcement of the request for proposals, and to evaluate and rank the proposals for the governing body's consideration. The statute does not limit the make-up of the committee to Consortium Directors.

The Interlocal Agreement establishing the Consortium (ILA) authorizes the Board to establish committees. *See, section 4.01(18), ILA.*

Resolution 2014-02 establishes the procurement policy for the competitive selection of an independent financial auditor to prepare the Consortium's audit for the 2013-14 fiscal year.

The procedure calls for the Chairman of the Consortium Board to appoint an Audit Committee. As provided in section 218.319, Florida Statutes, the Audit Committee is responsible for the following:

1. Establishing evaluation factors, including qualifications and cost.
2. Publicly announcing and issuing the request for proposals.
3. Evaluating the proposals provided by the qualified firms.
4. Ranking and recommending firms to the Board of Directors.

Pursuant to the resolution, Chairman Grover Robinson appointed a three person audit committee consisting of Warren Yeagar, Consortium Secretary-Treasurer; Anna Doughty, Director of Finance and Administration of the Interim Manager; and, Virginia Delegal, the General Counsel to the Interim Manager.

It became apparent soon after the adoption of Resolution 2014-02 that the three-person Auditor Selection Committee was one member too many, given the open meetings requirements mandated by statute and the requirement for Consortium staff to manage the selection process.

**Analysis:**

Ms. Delegal requested to resign from the Auditor Selection Committee and the Chairman agreed on September 23, 2014. The two-person Auditor Selection Committee proceeded to accomplish its tasks, resulting in its recommendation included in Agenda Item 6.2.

Resolution 2014-02 needs to be amended to provide that the Audit Committee must consist of two members or more, with the Secretary-Treasurer as one, to be consistent with the make-up of the actual Audit Committee that performed the duties required by the statute.

The amendment accomplished by this Resolution 2014-03 applies retroactively to the date of adoption of Resolution 2014-02 to be effective in reducing the membership of the Audit Committee to cure any possible defects in the Auditor Selection Committee membership.

**Options:**

- (1) Recommend that the Board of Directors approve Resolution 2014-03 amending the Financial Auditor Resolution 2014-02 as presented in the agenda package; or
- (2) Provide other direction.

**Fiscal Impact:**

The Consortium paid \$3,000 for the FY 2012/13 audit. The proposed FY 2014/15 budget includes the same amount for the FY 2013/14 independent financial audit.

**Recommendation:**

Recommend that the Board of Directors approve Resolution 2014-03 amending the Financial Auditor Resolution 2014-02 as presented in the agenda package.

**Prepared by:**

Sarah M. Bleakley  
Nabors, Giblin & Nickerson, P.A.  
Interim General Counsel  
On: November 5, 2014

**Attachment:**

Proposed Resolution No. 2014-03

**Action Taken:**

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

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



**RESOLUTION AMENDING RESOLUTION 2014-02  
RELATING TO THE PROCESS FOR  
SECURING INDEPENDENT AUDITOR  
FOR THE 2013-14 FISCAL YEAR**

**Resolution 2014-03**

As adopted on November 19, 2014

**GULF CONSORTIUM  
PROCESS FOR  
SECURING INDEPENDENT AUDITOR**

**TABLE OF CONTENTS**

SECTION 1.	AMENDMENT TO AUDIT COMMITTEE STRUCTURE.....	4
SECTION 2.	SEVERABILITY.....	4
SECTION 3.	EFFECTIVE DATE.....	4

**GULF CONSORTIUM RESOLUTION NO. 2014-03**

**A RESOLUTION OF THE GULF CONSORTIUM AMENDING RESOLUTION 2014-02 ESTABLISHING THE PROCESS FOR SECURING INDEPENDENT AUDITOR SERVICES; REVISING THE AUDIT COMMITTEE REQUIREMENT TO PROVIDE THAT IT CONSIST OF AT LEAST ONE MEMBER INSTEAD OF TWO IN ADDITION TO THE CONSORTIUM SECRETARY-TREASURER; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE AND FOR RETROACTIVE APPLICATION OF THE AMENDMENT.**

**WHEREAS**, the Consortium adopted Resolution 2014-02 on September 17, 2014 providing a process for the procurement of independent financial audit services for the 2013-14 fiscal year;

**WHEREAS**, subsection F1 of section 5.01 of Resolution 2014-02 creates an Audit Committee to meet the requirements of section 218.319, Florida Statutes, regarding the development of the solicitation documents and the review, evaluation and ranking of the responses;

**WHEREAS**, Resolution 2014-02 directed the Chairman to appoint the Audit Committee, to include the Secretary-Treasurer and at least two other people;

**WHEREAS**, the Chairman appointed the Committee to consist of Warren Yeagar, Secretary-Treasurer; Anna Doughty, Director of Finance and Administration of the Interim Manager; and, Virginia Delegal, the General Counsel to the Interim Manager;

**WHEREAS**, it became apparent shortly after the adoption of Resolution 2014-02 that the three-person Audit Committee was one Consortium staff member too many, given the open meetings requirements mandated by statute, and the requirement for Consortium staff to manage the selection process;

**WHEREAS**, Ms. Delegal requested to resign from the Audit Committee and the Chairman agreed on September 23, 2014;

**WHEREAS**, Resolution 2014-02 needs to be amended to provide that the Audit Committee must consist of at least two members, one of which is the Secretary-Treasurer, to be consistent with the make-up of the two person Audit Committee that have already performed the duties required by the statute; and

**CODING:** Underscoring indicates new text; ~~Strikethrough~~ indicates deleted text.

**WHEREAS**, the amendment accomplished by this Resolution 2014-03 needs to apply retroactively to the date of adoption of Resolution 2014-02 to be effective in reducing the membership of the Audit Committee to cure any possible defects in the Audit Committee membership.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE GULF CONSORTIUM:**

**SECTION 1. AMENDMENT TO AUDIT COMMITTEE STRUCTURE.** Subsection F1 of section 5.01 of Resolution 2014-02 is amended to read as follows:

**SECTION 5. BIDS.**

F. Audit Committee—Duties and Appointment.

1. The Audit Committee is hereby established consisting of the Consortium Secretary/Treasurer, and at least one ~~two~~ other members as appointed by the Consortium Chairman. The Consortium Secretary/Treasurer shall serve as the Chairman of the Audit Committee.

**SECTION 2. SEVERABILITY.** The provisions of this Resolution are severable and it is the intention to confer the whole or any part of the Powers herein provided for. If any of the provisions of this Resolution shall be held unconstitutional by any court of competent jurisdiction, the decision of such Court shall not affect or impair any remaining provisions of this Resolution. It is hereby declared to be the legislative intent that this Resolution would have been adopted had such unconstitutional provision not been included therein.

**SECTION 3. EFFECTIVE DATE.** This Resolution shall take effect immediately upon adoption and shall apply retroactively to September 17, 2014.

The foregoing Resolution was offered by \_\_\_\_\_ who moved its adoption. The motion was seconded by \_\_\_\_\_. The motion was adopted by a majority vote of the Board of Directors.

**CODING:** Underscoring indicates new text; ~~Strikethrough~~ indicates deleted text.

Duly passed and adopted this 19<sup>th</sup> day of November, 2014.

---

Grover C. Robinson IV  
Chairman

---

Attest: Warren Yeager  
Secretary-Treasurer

Approved as to form:

---

Sarah M. Bleakley, Esq.  
Nabors, Giblin & Nickerson, P.A.  
Interim General Counsel

F:\General Data\WPDATA\PROJECTS\Gulf Consortium - 922-12178\RFP for Audit Services\2014-03\_Amending Resolution for selection of independent auditor\_draft2\_11 05 14.doc

**CODING:** Underscoring indicates new text; ~~Strikethrough~~ indicates deleted text.



**Gulf Consortium Board of Directors  
November 19, 2014**

**Agenda Item 7.2  
Selection of Independent Auditor**

**Executive Summary:**

Receive the evaluation, ranking, and recommendation of the Auditor Selection Committee for the Independent Auditor; and recommend its adoption by the Gulf Consortium Board of Directors.

**Background:**

State law requires entities such as the Gulf Consortium to submit an annual audit to the Chief Financial Officer. Regarding hiring an auditor, section 218.319, Florida Statutes, requires a specific audit selection procedure be followed, including the establishment of an audit selection committee to develop evaluation factors, to provide for the public announcement of the request for proposals, and to evaluate and rank the proposals for the governing body's consideration.

The Consortium's audit for FY 2012/13 was conducted by Law, Redd, Crona, and Munroe, P.A. It was competitively procured by the Florida Association of Counties on behalf of the Consortium prior to the Consortium being declared a special district which triggered the statutory committee process described above. The Consortium paid \$3,000 for the FY 2012/13 audit for the services of the independent financial auditor.

At the September 17, 2014 Board meeting, the Gulf Consortium adopted an Independent Auditor Selection Policy (*see Resolution 2014-02*) and appointed the Auditor Selection Committee. The Selection Committee is responsible for the following:

1. Establishing evaluation factors, including qualifications and cost.
2. Publicly announcing and issuing the request for proposals.
3. Evaluating the proposals provided by the qualified firms.
4. Ranking and recommending firms to the Board of Directors.

The Selection Committee met via conference call on October 9, 2014 to approve the solicitation document for RFPs for independent auditor services for the Gulf Consortium. That RFP was publicly noticed and sent to eight CPA firms in the State of Florida. On November 3, 2014, the responses were due and opened. Four firms timely responded: Carr Riggs, Grant Thornton, Law Redd and Warren Averett. The Selection Committee then met via conference call on November 6, 2014 to evaluate, rank and recommend the firms for the Gulf Consortium's consideration. The budget for the 2013/14 audit remains the same, at \$3,000 for independent auditing services.

The Consortium Board of Directors makes the final selection of the firm for the FY 2013/14 audit. The negotiation of the contract will be conducted by the Consortium Interim Manager. Renewals of the contract may be approved by the Executive Committee.

The remaining anticipated time line for the FY 2013/14 audit is as follows:

Approval by the Consortium Board of Directors of the Audit Committee Report Regarding Ranking and Recommendation of Firms Responding to Solicitation Document	November 19, 2014 Board Meeting
Manager negotiates a contract with the Independent Auditor	December 2014 - January 2015
Anticipated period that the audit would be performed	January 2015 – April 2015
Anticipated date audit completion	May 2015
The Consortium consideration of the Audit Report	June 19, 2015
Audit Filing Deadline	June 30, 2015

*(Note: the Consortium has 45 days after date of delivery of the audit to have the report presented to the Consortium and filed with State)*

At the November 6, 2014, Auditor Selection Committee meeting, the committee members evaluated, ranked, and recommended the top three firms to move forward to the Board of Directors. In alphabetical order, the top three ranked firms are:

- Carr Riggs
- Law Redd
- Warren Averett

The raw scores and rankings, by committee member are attached.

The Executive Committee met on November 12, 2014 and unanimously voted to recommend that the full Board select Warren Averett to conduct the FY 2013/14 independent audit for the Gulf Consortium.

**Options:**

(1) Approve the Selection Committee’s evaluation and ranking and the Executive Committee’s recommendation to select Warren Averett to conduct the FY 2013/14 independent audit for the Gulf Consortium; or

(2) Provide other direction.

**Fiscal Impact:**

The Consortium paid \$3,000 for the FY 2012/13 audit. The proposed FY 2014/15 budget includes the same amount for the FY 2013/14 independent financial audit. The recommended firm has indicated its ability to provide the FY 2013/14 audit for the budgeted amount.

**Recommendation:**

A motion to adopt Option (1) above and instruct Consortium staff to begin contract negotiations with Warren Averett.

**Prepared by:**

Virginia “Ginger” Delegal  
Florida Association of Counties  
Interim Manager  
On: November 13, 2014

**Attachment:**

Scoring Spreadsheet

Action Taken:

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

Seconded by: \_\_\_\_\_.

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

**Gulf Consortium**  
**Audit RFP Responses: FY 2013/14**

		Carr Riggs (1.5)		Grant Thornton (3.0)		Law Redd (2.0)		Warren Averett (1.5)	
<i>Rank</i>		1	2	3	3	2	2	2	1
		<i>AD</i>	<i>WY</i>	<i>AD</i>	<i>WY</i>	<i>AD</i>	<i>WY</i>	<i>AD</i>	<i>WY</i>
Local Government Audit Experience	(10)	9	10	5	6	9	9	10	10
Professional Ability of Staff Assigned	(5)	5	5	5	5	5	5	5	5
Ability to Furnish Required Services	(5)	5	5	5	4	5	5	5	5
Credibility/Response of Client	(5)	5	5	2	3	5	5	5	5
Adequacy of Personnel Available on	(5)	5	5	4	3	5	5	5	5
Price/Fees	(60)	60	60	60	60	60	60	60	60
Value Added Services	(10)	9	8	2	2	8	9	7	9
<b>Total Raw Score</b>		98	98	83	83	97	98	97	99

**Gulf Consortium Executive Committee  
November 12, 2014**

**Agenda Item 8, Including 8.1, 8.2, 8.3, and 8.4  
Interim Manager's Report**

**Statement of Issue:**

This agenda item provides a brief report on certain agenda items to be covered by the Interim Manager at the Gulf Consortium Board Meeting.

**Background:**

**8.1 NACO Gulf Coast States Caucus:**

The National Association of Counties' Gulf Coast States Caucus met in Biloxi, MS on October 15, 2014. The agenda was packed with relevant substance for Gulf Coast communities, including updates on RESTORE Act activities in the various states. In addition, Gulf Consortium Director, Pam Anderson was recognized to provide a brief presentation on the fisheries (and Magnuson-Stevenson Act reauthorization) issue. Florida is supplying NACo staff with background information, including the proposed resolution that was before the Gulf Consortium. Furthermore, on the issue of the Oil Pollution Act, FAC will provide NACo suggested amendments on OPA reform and bring those statements back to the Caucus as a priority of the Caucus. Finally, each state provided updated reports on its states' activities under the RESTORE Act.

**8.2 Deepwater Horizon Restoration Partners:**

Since the September 17, 2014 meeting of the Board of Directors of the Gulf Consortium, several meetings have occurred that are of note.

- Florida DEP: Consortium staff met with representatives of Florida's Department of Environmental Protection and Fish and Wildlife Commission, several times to discuss the Restoration Council's draft Guidelines, the Funded Priorities List process, and topics generally impacting RESTORE Act efforts throughout Florida. Quarterly meetings are being held between Gulf Consortium and Florida DEP/FWC. Representatives of DEP are being invited to each Gulf Consortium meeting.
- Governor's Office: Monthly meetings between the Governor's Office and the Gulf Consortium staffs are being held. Representatives of the Governor's Office are being invited to each Gulf Consortium meeting.
- Restoration Council: Certain staff members for the Restoration Council are being invited to each Gulf Consortium meeting.

### **8.3 Director Appointment Verification:**

As Florida has just concluded a general election, the composition of most Boards of County Commissioners around the state has changed. Accordingly, the Consortium staff will be transmitting to each of the 23 counties a request for written confirmation or amendment of the appointed Director and Alternate to the Gulf Consortium, so that the Consortium can maintain the records it is required to maintain under the Interlocal Agreement (namely, written notification of Director appointments). Those requests will go out at the beginning of December.

### **8.4 Report on Counties' Multi Year Implementation Plans (Pot 1):**

Jim Muller, the Bay County RESTORE Act Coordinator will be providing an update at the full Consortium meeting on the 19<sup>th</sup> as to the status of each Gulf Coast counties' Multi Year Implementation Plan, advisory committee, contractors/consultant roles and project proposal solicitation and selection processes. After the meeting on the 19<sup>th</sup>, this information will also be posted on the Consortium's website for each of use and reference.

#### **Fiscal Impact:**

None.

#### **Recommendation:**

No action required.

#### **Prepared by:**

Chris Holley

Florida Association of Counties

Interim Manager

On: November 12, 2014

#### **Attachment:**

Narrative on Counties' MYIP progress

Spreadsheet on Counties' MYIP progress



Monroe	20140909	Lisa Tennyson	Y	20130220	Y	NA, but we do have all submissions posted on website: <a href="http://www.monroecounty-fl.gov/index.aspx?nid=630">http://www.monroecounty-fl.gov/index.aspx?nid=630</a>	Y	Y, with some outside Tech Assistance/Support		Deady	201505	<a href="http://www.monroecounty-fl.gov/index.aspx?nid=432">http://www.monroecounty-fl.gov/index.aspx?nid=432</a>	Will be a link on same site	County's local advisory board will hear very brief presentations by applicants, finalize and compile scores, and complete its project ranking at its next meeting on Dec 11-12. The ranking list will go to BOCC in Jan or Feb. The projects selected will form the basis of our MYIP. Our MYIP will be drafted by staff, reviewed by Local Committee, and approved by BOCC by April, and, barring any unforeseen obstacles, submitted to Treasury by May, 2015.
Okaloosa	20141023	Rick Owen	Y	20130706	N	Pending	Y	Y	Y	Y, Matrix	201504	<a href="http://www.co.okaloosa.fl.us/restore_act.html">http://www.co.okaloosa.fl.us/restore_act.html</a>		
Pasco	20141023	Curtis Franklin	Y	20130327	Y		Y	maybe	maybe	Dewberry		<a href="http://www.pascocountyfl.net/index.aspx">http://www.pascocountyfl.net/index.aspx</a>	MYIP scope being developed, depending on complexity may perform in house	
Pinellas	20140908	Andy Squires	Y	201401	Y	<a href="http://www.pinellascounty.org/restore/intro-proposals.htm">http://www.pinellascounty.org/restore/intro-proposals.htm</a>	Y	Y	N		201508	<a href="http://www.pinellascounty.org/restore/default.htm">http://www.pinellascounty.org/restore/default.htm</a>		
Santa Rosa	20141022	Sheila Harris	Y	201209	Y		Y	N	Y	Y, Atkins	201506	<a href="http://www.santarosa.fl.gov/bocc/restore">http://www.santarosa.fl.gov/bocc/restore</a>	SRC will submit for planning assistance to prepare MYIP	
Sarasota	20141023	Laird Wreford	N		N		Y	Y	N		201506	<a href="https://www.scgov.net/EnvironmentalPlanning/Pages/RestoreAct.aspx">https://www.scgov.net/EnvironmentalPlanning/Pages/RestoreAct.aspx</a>	BCC discussion scheduled for 11-18-14, to approve MYIP development process	
Taylor	20140909	Dustin	Y					Y						
Wakulla	20141103	Sheree Keeler	Y	20121000	N	N	N	TBD	TBD	NA	20150300	Being updated	Being updated	Will provide web url as soon as its updated.
Walton	20141009	Melinda Gates	Y	20130528	N		N	probably			6 months after start	<a href="http://www.co.walton.fl.us/Index.aspx?NID=964">http://www.co.walton.fl.us/Index.aspx?NID=964</a>		

# of "Yes"

14

8

11

7

4



**RESTORE Act Direct Component Multi-Year Implementation Plan**  
**Florida Counties Status Reports**  
**Compiled by Jim Muller, Bay County, FL RESTORE Act Coordinator**  
November 7, 2014

**BAY**

20141029

Bay County is doing our plan in-house, and in September 2014 our Board of County Commissioners approved a partial MYIP that includes goals, objectives, project eligibility criteria and ranking considerations, and the evaluation and ranking process. On October 3 we opened a pre-proposal cycle for Direct Component projects, closing Nov. 3. In December, our advisory committee will select which pre-proposals will advance to the full proposal stage. The full proposal form will either require submitters to provide all information required by Treasury for grant applications, or will provide a list of the information that will be required from submitters for Treasury applications – I'm still working on the full proposal form.

In February, our committee will decide which full proposals make the final cut, and will rank those projects and recommend them to our Board of County Commissioners. In about April the Board will decide which projects to fund. The approved projects and the partial MYIP approved previously will be submitted to Treasury as the Bay County MYIP. Public review and input will be part of each step of the process.

Bay County's partial MYIP and all our RESTORE Act Advisory Committee materials are posted at <http://tinyurl.com/BayRESTOREdocs>. The pre-proposal cycle is described at <http://baycountyfl.gov/restore/preproposal.php>.

Table of Bay County RESTORE Act Direct Component pre-proposals

<http://www.baycountyfl.gov/restore/pre-proposals.php>

Map of pre-proposals <http://tinyurl.com/BayRESTOREpre-proposalMap>

Jim Muller  
Bay County RESTORE Act Coordinator  
840 W. 11<sup>th</sup> Street  
Panama City, FL 32401  
[www.baycountyfl.gov/restore](http://www.baycountyfl.gov/restore)  
850.248.8253  
Mobile 850.866.6850

**DIXIE**

20141030

In August 2013, the Dixie County Board of County Commissioners approved the recommended structure for the Local Restore Advisory Committee (LRAC) and the members were selected. The first official meeting of the (LRAC) took place October 13, 2013 at which time an overview of objectives, possible funding and potential projects were discussed. Due to delayed Treasury Ruling and uncertainty of funding, committee meetings have been limited; however, the (LRAC) has received

regular updates and the Board of County Commissioners continue to take public input on potential projects.

On March 7, 2013 and April 21, 2013 Multi-County/Multi-agency meetings were held to discuss a Regional approach for project identification and project leveraging.

Over the past few months, several meetings have been held with local stakeholders and members of the Shellfish industry, resulting in a Shellfish Advisory Committee being formed.

Currently, staff has been assigned by the Board of County Commissioners to review criteria and develop a project scoring system. Discussion remains as to whether the Board of County Commissioners will hire a consultant to assist with the Multi-year Implementation.

Timothy W. Alexander  
Director/Chief  
Dixie County Emergency Services  
17600 SE. Highway 19  
Cross City, FL. 32628  
(352) 498-1240 ext. 224 Office  
(352) 578-5018 Cell  
(352) 498-1244 Fax

#### **FRANKLIN**

20141031

Franklin County did form a RESTORE Council in 2013. We have not solicited for proposals as we did not want to be overwhelmed with projects that would then be out of line with the funding available from the Transocean settlement. We have modified the US Treasury application to be used to solicit proposals and that process will start shortly. The County Commission has not decided whether to hire a consultant or not to assist with the MYIP, so at this time the plan is being developed in-house.

Alan C. Pierce  
Director of Administrative Services  
34 Forbes Street, Suite 1  
Apalachicola, FL 32320  
850-653-9783, Ext. 161  
850-653-9799  
[alanp@franklincountyflorida.com](mailto:alanp@franklincountyflorida.com)

#### **HERNANDO**

20141023

Hernando County Assistant County Administrator, Brian Malmberg presented an update to our BOCC, staff and public at the October 14, 2014 meeting. This included advice that the RESTORE website for Hernando County is up and running. It has the ability to accept project applications from outside entities and the ability to accept public comments via website or email. At the BOCC meeting on October 28, 2014, Mr. Malmberg will be making a presentation to present the RESTORE Act ranking criteria for BOCC and citizen comments. We anticipate securing BOCC approval of said ranking criteria.

We are scheduling the December 9, 2014 BOCC meeting as the time to introduce Hernando County's Multi-Year Implementation Plan (MYIP) for public discussion with our citizens and BOCC. During previous town hall style meetings and BOCC meetings, our staff and citizens have discussed potential, eligible RESTORE Act projects. Later in that month at the BOCC meeting of December 16, 2014, staff will introduce the MYIP to the BOCC and public for further discussion and comments. It is anticipated that BOCC approval could be given at such time. If this happens, it will be the commencement of the 45 day public comment period.

After the end of the 45 day public comment period, Hernando County plans to submit its approved MYIP to the US treasury for review and approval. This should happen on or about February 2, 2015. Once our MYIP is approved by the US Treasury, Hernando County will be able to start submitting project grant applications to the Treasury for their consideration and funding.

Leonard (Len) Sossamon  
Hernando County Administrator  
352-754-4002

**LEE**  
20141103

On April 9, 2013 Lee County passed a resolution creating the Lee County RESTORE Act Advisory Committee which also established the guiding principles for eligible projects seeking the direct component funding.

The Lee County RESTORE Advisory Committee has recently approved a detailed criteria and ranking form for the Direct Component funds but are deferring any solicitation of projects for now as our Commissioners and several community efforts continue to formulate the County's water quality project priorities. The RESTORE Committee is also not averse to discussing the combination of funds from the Trans Ocean settlement with the upcoming BP settlement to potentially fund larger more comprehensive projects.

The local RESTORE Committee criteria and ranking score sheets and request for proposal process will be submitted to our Board of County Commissioners (BoCC) for discussion and approval in December 2014.

Once a Request for Proposals is open for project submittals, the Committee will accept and rank the projects and a list will be approved by BoCC. These projects will be the basis of the MYIP. The MYIP will be drafted in-house by staff and the local committee and approved by the BoCC following the Treasury rule of 45 days of public comment.

Jessica Mendes | Research Analyst  
Lee County Environmental Policy Management  
2115 Second Street  
Fort Myers, FL 33902-0398  
(239) 533-2219  
[Jmendes@leegov.com](mailto:Jmendes@leegov.com)

Join our online public forum at [www.leecountytownhall.com](http://www.leecountytownhall.com)

**LEVY**

20140917

Levy County created an advisory committee in January 2013, which currently has 9 members. Prior to that, the county hired SCG Consulting (Bill Williams) to assist with administrative tasks in dealing with RESTORE Act issues. The committee has conducted workshops on the RESTORE Act throughout the county, and established an application process for Pot 1 (Direct Component) projects and has been receiving applications over time. There are currently 25 applications submitted, and 24 have made their presentations to the committee in public meetings. The 25th is scheduled for a presentation later this month. The application period has not been closed, so more applications may arrive. The applications themselves are not available on the county's website, but the committee's meeting agendas, notices of meetings, minutes, and other RESTORE-related information is located on the county's website under a tab for RESTORE issues. The committee has been meeting every 2 months or so for some time and will continue to meet as needed.

In October 2013, the county hired the engineering firm TetraTech through an RFP process for TetraTech to assist in administrative tasks and with the development of the county's multi year plan (MYiP). The County has not issued any task order under that agreement to start with MYiP development because there have been no funds and because the county was awaiting the final Treasury rules. The contract with SCG Consulting expired, and the county did enter into a task order with TetraTech for Bill Williams to continue his services as a subcontractor under TetraTech. That task order for Mr. Williams' services expires in October 2014. It is not anticipated that the county will extend that task order for Mr. Williams' services.

With the issuance of the final Treasury rules and the clarification that counties can use Pot 1 money for MYiP development, the county is considering its options for application for a planning grant and how the county would use planning funds. It is not determined whether the county will use planning (and administrative) Pot 1 funds to acquire another consultant or partially fund an employee position and hire someone as a RESTORE Act coordinator. Discussions at the staff level have focused on creating an employee position with RESTORE Act coordination as part of that employee's duties, so the county would do the plan in-house with any engineering assistance (if needed) provided by TetraTech through task order under their agreement.

The county does not have a time line for completion of review of applications or for completion of an application for planning grant funds.

The county has made some efforts to discuss regional projects with other county administrations in the Big Bend area. These efforts have been slow, but may pick up with hiring of a RESTORE Act coordinator.

20141023

To bring you up to date since our last report September 17, Levy County's Restore advisory committee continues to meet, last meeting Tuesday, October 21st. The committee continues to receive Pot 1 project applications and the latest was presented at the October 21 meeting. At that meeting it was decided and approved to close the application process December 31, 2014.

The Board of County Commissioners recently approved a job description and salary range for a Grants Coordinator and in that description it requires the successful candidate to "serve as Coordinator for the

County's interests related to the Restore Act. Overseeing and coordinating all aspects of the programs development and implementation." As stated in our previous correspondence, we have already hired the engineering firm TetraTech to assist going forward with administrative tasks and with the development of the county's MYIP.

Fred Moody  
County Coordinator  
Levy County Board of County Commissioners  
352-486-5218 Office  
352-443-2784 Cell  
352-486-5167 Fax

**MONROE**  
20141022

The County's Local Advisory Committee is currently reviewing and individually evaluating our submissions. They are scoring projects that were submitted during our solicitation process, and according to criteria the committee set and the BOCC approved. The Committee members will bring their preliminary project scores to their next meeting in December. This will be a two day meeting (Dec 11-12), in which the Committee will hear presentations by each of our project applicants/sponsors. Committee members will then finalize their individual project scores, based on any additional information or clarification they get from the presentations. At the end of the meeting, staff will compile the members' scores, and based on their total scores, projects will be ranked highest to lowest,. This ranking will go to the BOCC in January or February, and the BOCC will decide which projects will be awarded funding.

When the BOCC reviews the ranked projects it will be mindful of county resources required for on-going grant management and the county's responsibility for all sub-awards and will therefore likely favor among the top-ranked projects fewer projects that have the greatest likelihood of being completed successfully and timely, by project sponsors that are experienced with federal grant management requirements. The BOCC expressed concerns about costs -- projects that look risky, even if well intentioned, or have long time frames will result in a greater demand for county resources. (The County opted not to pursue a planning assistance grant, since it comes out of the local pot, and means less money for actual projects.) County staff is currently developing a risk assessment tool for applicants, which we will ask applicants to complete; this will help the BOCC evaluate the financial strength, stability and experience of potential sub-awardees, before making a final selection.

The projects ultimately approved by the BOCC for funding will form the basis of our MYIP. Our small local pot makes this a fairly straightforward process. Our BOCC approved doing our MYIP in-house, with the additional of some outside Technical Assistance. I think we some TA to ensure that our MYIP is fully compliant with Treasury rules and expectations, and to deal with things like Best Available Science and other interpretation needs. We anticipate being able to have a final MYIP ready for submission to Treasury in May, 2015 (barring any unforeseen obstacles.)

*Lisa Tennyson*  
Legislative Affairs  
Monroe County, Florida

305-292-4444

**OKALOOSA**

20141023

Okaloosa County hired a consultant, Matrix Design Group, in July 2013 to assist with development of the multi-year implementation plan, to facilitate development of an evaluation instrument with the Okaloosa RESTORE Act Advisory Committee (ORAC).

Our RESTORE Advisory Committee formed through Okaloosa BCC Resolution 13-47 in June 2013 and have since worked to develop an objective evaluation tool and data collection instrument for future proposal submittals. In short order, this committee will begin receiving proposals that will receive a grade from each member through the tested evaluation instrument, with the prioritized list going before the Commission for ultimate approval.

Rick Owen  
RESTORE Act Coordinator  
Administrative Manager  
Okaloosa County Administrator's Office  
850-651-7515 (office)  
850-855-0589 (cell)

**PASCO**

20141023

Pasco County is currently in negotiations with Dewberry to develop scope on creating and implementing a MYIP. It is currently unclear whether or not we will use Dewberry to create the MYIP or generate the document in house. This is primarily due to the questions we all have on complexity, degree of funding available, Treasury oversight required, etc. The hope is that once we get closer and understand better what is required we will be able to do the MYIP ourselves vice contracting that out. Likely the grant applications and grant solutions portions will be contracted out due to the complexity of the reporting format.

We formed a RESTORE Act Advisory Committee (RAC) in March of 2013. Projects were solicited from various stakeholders in the County such as the school board, the local coastal cities and internal departments within the County. The RAC has since developed scoring sheets and criterion based on the Act documents for pot 1,2 and 3. Projects have been presented to the committee and grades assigned based on applicability to the Act. To generate a complete list of priorities for the MYIP, the RAC is in process of scoring all projects using the Pot 1 criteria. This should give us a comprehensive look at our priorities for pot 1 funding that meets the MYIP needs. Certain project that consisted of multiple parts were also broken out to give the committee the opportunity to complete worthy subcomponents that may be more shovel ready or that would allow the funding to be spread out and utilized more effectively.

We have had a project submittal form available to the public since June of last year. No date is currently set to close that submittal portal, but it is being considered. The form closely follows the FDEP format.

In November we hopefully will have completed our ranking of projects and will then proceed to recommend that to the BCC for approval. Once the priority list is approved by the BCC we will begin to generate the MYIP. That should be completed in early 2015.

Curtis Franklin  
Environmental Lands Project Coordinator/ Grants Writer  
4111 Land O Lakes Blvd Suite 310  
Land O Lakes, FL 34639  
Work: (727)847-2411 x 8468  
Cell: (727)534-5813  
Fax: (727) 847-8085  
[cfranklin@pascocountyfl.net](mailto:cfranklin@pascocountyfl.net)

### **PINELLAS**

20140908

Pinellas County is in a similar phase compared to Bay County for moving forward with our MYIP for Direct Component funding. Our RESTORE website is at:

<http://www.pinellascounty.org/restore/default.htm>

We intend to do the MYIP in house. A 16-person citizen-based Working Group assisted county staff during a series of public meetings from January through May 2014 to complete a project selection and ranking process. The selection and ranking process was approved by the County Commission in May 2014. The county has been accepting project ideas through our RESTORE website since July 2014. We intend to accept full project proposals from the public through our website for the initial MYIP beginning in November 2014 for at least three months. The website will post the project proposal submittal directions, forms, and project selection and ranking criteria. Our rough timeline at this point is summarized below.

- Accept project proposal submittals for the initial MYIP from November 2014 through January 2015.
- Select and rank projects and complete MYIP draft by March or April 2015.
- Complete 45-day public review of MYIP by June 2015.
- Approval by draft MYIP by County Commission by June-July 2015.
- MYIP submittal to Treasury in July or August 2015.

I also intend to reconvene our Working Group in late October 2014 to receive input on the process moving forward; thus the timeline as outlined above is subject to change. The Working Group, which is serving to advise county staff, has not met since May 2014.

Andy Squires  
Coastal & Freshwater Resources Manager  
Pinellas County Natural Resources  
22211 US Highway 19 North, Bldg. 10  
Clearwater, FL 33765  
Phone (727) 464-4633  
Cell (727) 515-1120  
[asquires@pinellascounty.org](mailto:asquires@pinellascounty.org)

**SANTA ROSA**

20141024

On September 13, 2012 Santa Rosa County Commissioners passed a [resolution](#) which established the frame work for the county's local RESTORE council (LRC). The council first met in December 2012. Following an open request for proposals process in March/April 2013, Santa Rosa County hired Atkins Consulting in June 2013 to assist with matters concerning the RESTORE Act. Since that time, the council has received regular updates on the RESTORE Act process, treasury rules, received public input from various entities and has worked to develop goals, objectives, project categories, review criteria, draft grant application, and scoring mechanisms.

We intend to submit a Direct Component non-construction application for planning assistance to develop the MYIP before the calendar year ends. We have been accepting proposed projects for several months but have not yet began to review/rank/prioritize them. The SRC LRC is expected to finalize its Direct Component grant application that is consistent with LRC goals, project categories, and scoring mechanisms in the next couple of months. The grant application will be consistent with Treasury guidelines and application questions. Following a series of public information meetings, formal grant applications/proposals will be accepted. All prior project submitters will be asked to revise their proposals consistent with the final application. These proposals will then be scored, ranked and prioritized by the LRC for recommendation to the Santa Rosa County BOCC. A MYIP will be developed to include projects that are prioritized and approved by both the SRC LRC and the BOCC. We will provide plenty of opportunity for public comment during the MYIP development. We expect that the MYIP will be completed in June, 2015 and submitted to the Treasury for review and approval.

Santa Rosa County's LRC documents are posted at: <http://www.santarosa.fl.gov/bocc/restore.cfm>

Sheila Harris

[sheilah@santarosa.fl.gov](mailto:sheilah@santarosa.fl.gov)

**SARASOTA**

20141106

We are embarking on developing our multi-year plan, with a kickoff discussion with the Sarasota County Commission on November 18th. We are planning to develop this MYIP in-house – at least for the initial funds that are currently available (from the Transocean Deepwater Inc. settlement). Once the main funds come into the system (after the BP settlement/court outcome), we may utilize a professional facilitator at that point to revise/update our MYIP – but that will ultimately be a policy decision of our BCC.

Laird S. Wreford

Coastal Initiatives Manager

Environmental Protection Division

1001 Sarasota Center Blvd.

Sarasota, Florida 34240

(941) 809-7491

Laird Wreford [lwreford@scgov.net](mailto:lwreford@scgov.net)



**WAKULLA**

20141031

Wakulla County formed a RESTORE Committee in late 2012. In early 2013, we gave presentations in 5 locations around the county to educate citizens on the RESTORE Act, answer citizens concerns and questions and to get their feedback.

We also held monthly meetings in 2013 and developed a draft project proposal form and heard presentations from individuals and organizations for various project ideas. Due to not having US Treasury Rules, guidance or funding we delayed further meetings, setting priorities, acceptance of proposals, etc. Being a small county with very limited resources, we did not want to establish a process, priorities, set unrealistic expectations, or be overwhelmed with projects that would be out of line with the US Treasury rules, guidance or funding available from any settlement.

I made a presentation to our Board shortly after we received notice of the final "interim" US Treasury rule was issued to outline the requirements to access and spent RESTORE act funds. I will attend the US Treasury training on the MYP, application, etc., which is being held November 15th in the Big Bend area.

The County Commission has not decided whether or not to hire a consultant to assist with the MYIP, until that decision is made, everything is being handled in-house, i.e., making sure our draft application is consistent with the US Treasury app/guidelines, establishing milestones and timelines, drafting MYP plan, etc. We do anticipate that our RESTORE Committee will review and vet projects and make recommendations to the Board.

We have also been participating in the TNC watershed/estuary workgroups to develop regional type projects for the RESTORE federal funding (bucket #2) and anticipate we will do the same for the State funding (budget #3).

Sheree T. Keeler  
Director of Intergovernmental Affairs  
Wakulla County Board of County Commissioners  
3093 Crawfordville Highway  
P.O.Box 1263  
Crawfordville, Florida 32327  
[skeeler@mywakulla.com](mailto:skeeler@mywakulla.com)  
850-745-7705 (office)

**WALTON**

20141009

The Walton County Board of County Commissions (BCC) established the Local RESTORE Committee (Committee) by Resolution 2013-25 on May 28, 2013 and appointed eleven members representing key constituencies. As proclaimed in Resolution 2013-25, the Committee is responsible for developing a process for accepting and evaluating projects, establish a ranked project list, and provide assistant in developing a multi-year implementation plan associated with the Direct Component funds (1½ Pot 1½). Support is provided by a county staff member working under the County Administrator. The BCC tentatively approved a RESTORE Act Comprehensive Plan in June 2013. The Plan is modeled after the Gulf Coast Environmental Recovery Council Plan. The Committee reviewed and offered suggested

modifications to the Plan. On February 25, 2014, the BCC approved the recommendations of the Committee and adopted the Comprehensive Plan to Restore Walton County's Ecosystems and Economy. The Committee has developed an application format and an evaluation scheme that is currently in beta testing. Evaluations will consist of three variables: Application Score, Project Category Score, and Allowable Uses Score. The project category and allowable use variables were adopted by the BCC on May 14, 2013. Additionally, the Committee is investigating the possibility of offering community mini-grants to encourage community participation in the RESTORE Act process. In September 2014 the BCC voted to convert a vacant position/funding to support RESTORE Act functions via either a staff position, consultant, or hybrid of both. To date, the County has not filled this position.

Once the County starts receiving and evaluating applications, the County will create a multi-year plan. It is the intent at this time, to develop the multi-year plan utilizing both the Local RESTORE Committee and County RESTORE staff. I expect this process to take at least six (6) months, including the required public notice timeframe.

Walton County RESTORE Act Information may be found at:  
<http://www.co.walton.fl.us/Index.aspx?NID=964>.

Melinda Gates  
Environmental Specialist  
Coastal Resource Liaison  
Walton County Board of County Commissioners  
Public Works Department  
Environmental Section  
117 Montgomery Circle  
DeFuniak Springs, FL 32435  
Phone: (850)892-8108  
Fax: (850)892-8094

**Gulf Consortium Board of Directors  
November 19, 2014**

**Agenda Item 9.1  
Officer Elections in January 2015**

**Executive Summary:**

This agenda item provides information about the election process for the 2015 calendar year. It does not require Board action; rather it serves as a reminder about the process the Consortium has used in the past and will use for the election of officers for 2015.

The election will be held at the first meeting in 2015, scheduled for Wednesday, January 21<sup>st</sup>, in Tallahassee. The three elected offices includes a Chairman, Vice-Chairman and Secretary-Treasurer. The following is a summary of the election process as adopted by the Board:

- Self-nomination for one or more of the offices sought,
- Notification to the Interim Manager by December 15, 2014,
- Written approval by the respective Board of County Commissioners of the Director's candidacy provided to the Manager prior to the election,
- Re-election of an incumbent officer allowed,
- Election by written ballot, with a majority vote required of the Directors present and voting, and
- Newly elected officers take office immediately and serve until the election of new officers in 2016.

After the election of the officers, the three elected officers are required to select two additional Directors to serve as "at large," voting members of the Executive Committee. In 2013 and 2014, the Chairman called a special conference call meeting of the three elected officers to select the two at large members of the Executive Committee.

**Background:**

The Interlocal Agreement establishes the following elected officers: Chairman, Vice-Chairman and Secretary-Treasurer. These officers must be Directors and shall each serve a one year term, unless reelected. The duties of the Chairman include signing documents, calling meetings of the Board and taking such other actions and having such other powers as provided by the Board. See, Sec. 3.04, 3.05, 3.07. The Vice-Chairman is authorized to act in the absence or otherwise inability of the Chairman to act. Sec. 3.05. The Secretary-Treasurer is responsible for the minutes of the meetings and shall have other powers

approved by the Board. Sec. 3.05. The Interlocal Agreement also provides that the Chairman, Vice-Chairman and Secretary-Treasurer shall select two other Directors who, together with the elected officers, shall constitute an Executive Committee.

Pursuant to the procedure adopted by the Board in November 2012 (copy attached), the Board is required to annually elect three officers from among the Directors at the first meeting of the year.

**Analysis:**

This agenda item does not require Board action. It provides information to the Directors and the public of the election process and that qualification for election to the Executive Committee remains open until December 15, 2014, the closing date as established by the Interim Manager pursuant to the election procedure.

**Options:**

This agenda item is informational only. No action by the Board is required.

**Fiscal Impact:** None.

**Recommendation:**

No Board action is required.

**Prepared by:**

Sarah M. Bleakley  
Nabors, Giblin & Nickerson, P.A.  
Interim General Counsel  
On: November 13, 2014

**Attachment:**

November 2012 adopted election process

# **Gulf Consortium Process for Election of the Chairman, Vice Chairman and Secretary-Treasurer**

Adopted by the Board of Directors in November 2012.

Commencing with the elections in 2013 and applicable annually thereafter, the following election process is approved:

- **Date of Election.** Election of officers shall be held annually at the Board's first meeting of the calendar year (the "Election Meeting").
- **Term of Office.** An officer shall take office immediately upon election. The term of office shall end upon the election of the officer at the following year's Election Meeting of the Board
- **Self Nomination and Notification; Timelines.--** Any Director wishing to run for an elected office shall formally declare his/her candidacy by the Qualifying Date which is either December 15 of the year before the term begins, or such other date, as set by the Manager, that is not less than 20 days prior to the Election Meeting. The Manager shall provide notice to each Director of the Qualifying Date at least 45 days before the Election Meeting. The Director's declaration of candidacy must be in writing, stating the office or offices sought, and be received by the Manager on or before the Qualifying Date. The Director shall send the declaration of candidacy to the Manager by either (a) express delivery, return receipt requested, or (b) via electronic mail (email). The Manager shall acknowledge receipt of emails declaring candidacy within 24 hours of receipt. However, it shall be the responsibility of the Director declaring his or her candidacy to assure that the email has been received by the Manager on or before the qualifying date.
- **Board of County Commissioners Approval.--** On or before the Election Meeting, a Director who is a candidate for office shall cause to be delivered a letter or resolution to the Manager from that Director's board of county commissioners stating its support for that Director's candidacy for an officer of the Gulf Consortium.
- **Order of Election and Written Ballot.--** At the Election Meeting of the Board of Directors, the Manager shall conduct the election of the offices for the Chairman, Vice-Chairman and Secretary-Treasurer in that order. Qualified candidates shall be given an opportunity to address the Directors for three minutes each. After the candidates' presentation for the respective office, the Interim Manager shall issue a written ballot for each Director to vote his or her preference for that office.

- **Majority Vote Requirements.**-- A majority vote of the Directors present shall be required for the election of the officer. Voting shall continue until a majority vote of the Directors present is achieved for a candidate for the office. In case of a tie, the Interim Manager shall call for another vote for those tied until the office is filled by a majority vote of the Directors present.

**Gulf Consortium Board of Directors  
November 19, 2014**

**Agenda Item 9.2  
Update on Amendment to Leon County Interlocal Agreement For  
Purchasing Services**

**Executive Summary:**

This agenda item is for informational purposes. At the September 17<sup>th</sup> Board meeting, the Board approved a motion directing staff to pursue and the Chairman to sign an amendment with Leon County to revise the current Interlocal agreement in which Leon County agrees to provide procurement services to the Consortium for the State Expenditure Plan Consultant. The Leon County Board of County Commissioners has agreed to such an amendment allowing the County to provide procurement services to the Consortium for the procurement of any other service or goods as requested by the Consortium. The basic terms and conditions of the Interlocal Agreement remain the same. It requires the Consortium to reimburse the County for its expenses in the event that it receives federal funds for that purpose. The Interlocal Agreement sunsets on March 26, 2017 [three years from commencement date of March, 26, 2014], unless it is extended by the County and the Consortium. A copy of the Leon County approved amendment to the Interlocal Agreement is attached for the Board's information.

**Background:**

The Consortium entered into an interlocal agreement with Leon County on March 26, 2014, allowing Leon County to provide services to the Consortium for the procurement of the State Expenditure Plan consultant. The agreement also provides the Consortium to reimburse the County for all of its direct expenses and to reimburse the County for other expenses should federal funds be provided to the Consortium for that purpose.

To meet its obligations under the RESTORE Act and to comply with the procurement requirements regarding federal grants, the Consortium will need to competitively procure firms or individuals to provide necessary services so that federal funds, instead of county funds, could be used to pay for the services. From the vantage point of being in the middle of the U.S. Treasury and Restoration regulatory process, it appears that the Consortium will need to procure management services, general counsel services, and the services of a grant writer. The need for procuring additional services may be revealed as the regulatory process unfolds.

Leon County Purchasing Department has provided ample assistance to the Consortium in the entire procurement process for the SEP consultant. See, *agenda item 4 regarding the SEP consultant procurement*. The County has not yet asked for reimbursement for any direct costs.

At the Consortium meeting on September 17, 2014, the Board of Directors adopted a motion to seek the expansion of the Interlocal Agreement to include all necessary procurement services and to authorize the Chairman to execute such an Interlocal Agreement upon the same terms and conditions as the original Interlocal Agreement. The Leon County Board of County Commissioners approved the Consortium's request on October 28, 2014. A copy of the proposed Interlocal Agreement is attached.

**Analysis:**

The Leon County Board of County Commissioners has agreed to an amendment to the Interlocal Agreement allowing the County to provide procurement services to the Consortium for the procurement of any other service or goods as requested by the Consortium. The basic terms and conditions of the Interlocal Agreement remain the same. It requires the Consortium to reimburse the County for its expenses in the event that it receives federal funds for that purpose. The Interlocal Agreement sunsets on March 26, 2017, unless it is extended by the County and the Consortium. A copy of the Leon County approved amendment to the Interlocal Agreement is attached for the Board's information.

**Options:**

- 1) No Board action is requested, as this item is for informational purposes only.

**Fiscal Impact:**

Under the existing Interlocal Agreement with Leon County, the Consortium is responsible for Leon County's direct costs associated with procuring the State Expenditure Plan consultant and for other costs if federal funds are made available for that purpose. Leon County has not yet asked for any costs associated with the SEP consultant services it has provided.

The amended Interlocal Agreement includes a similar cost provision.

**Recommendation:**

No Board action is requested, as this item is for informational purposes only.



**Prepared by:**

Sarah M. Bleakley  
Nabors, Giblin & Nickerson, P.A.  
Interim General Counsel  
On: November 13, 2014

**Attachment:**

Amended Interlocal Agreement



# Leon County

## Board of County Commissioners

301 South Monroe Street, Tallahassee, Florida 32301  
(850) 606-5302 www.leoncountyfl.gov

County Attorney's Office  
301 S. Monroe Street, Suite 202  
Leon County Courthouse  
Tallahassee, Florida 32301  
(850) 606-2500

Commissioners

BILL PROCTOR

District 1

JANE G. SAULS

District 2

JOHN DAILEY

District 3

BRYAN DESLOGE

District 4

KRISTIN DOZIER

District 5

MARY ANN LINDLEY

At-Large

NICK MADDOX

At-Large

VINCENT S. LONG

County Administrator

HERBERT W.A. THIELE

County Attorney

October 29, 2014

Sarah M. Bleakley, Esq.  
Gulf Consortium Interim General Counsel  
c/o Nabors, Giblin & Nickerson  
Post Office Box 11008  
Tallahassee, FL 32302-1008

Re: Amended Interlocal Agreement

Dear Ms. Bleakley:

Pursuant to prior conversations and your request, we prepared a proposed Amended Interlocal Agreement and presented it to the Board of County Commissioners for Leon County at its regularly scheduled meeting of October 28, 2014. The Board voted to enter into said Amended Interlocal Agreement and two originals are herewith enclosed for execution by the Gulf Consortium's Chairman. Once execution has been complete, please forward both originals to the County Attorney's Office for routing and execution by Leon County.

Should you have any questions, please contact the County Attorney's Office.

Sincerely yours,

COUNTY ATTORNEY'S OFFICE  
LEON COUNTY, FLORIDA

Herbert W. A. Thiele, Esq.  
County Attorney

HWAT/ea  
Enclosures

RECEIVED  
OCT 30 2014  
BY: \_\_\_\_\_

**AMENDED INTERLOCAL AGREEMENT BETWEEN LEON COUNTY, FLORIDA  
AND  
GULF CONSORTIUM REGARDING PROCUREMENT SERVICES**

**THIS AMENDED INTERLOCAL AGREEMENT** (“Agreement”) is made and entered into by and among the LEON COUNTY, Florida, a charter county and political subdivision of the State of Florida (the “County”); and GULF CONSORTIUM, a legal entity and public body and a unit of local government (the “Consortium”).

**RECITALS**

WHEREAS, the parties entered into a Interlocal Agreement on March 26, 2014, which authorized the County to provide and assist the Consortium with procurement services in order for it to properly and effectively develop the State Expenditure Plan pursuant to the RESTORE ACT;

WHEREAS, the parties to the Interlocal Agreement desire to amend certain provisions to allow for the procurement of additional services, as needed, for the Consortium.

NOW, THEREFORE, in consideration of the following mutual promises, covenants and representations set forth herein, the sufficiency of which being acknowledged, the County and the Consortium do hereby agree to amend the Interlocal Agreement as follows:

**SECTION 2. PROCUREMENT SERVICES**

A. The County shall provide all necessary personnel and take all required steps to perform procurement services for the Consortium, as follows: Provide advice and assistance regarding the development of a competitive procurement policy for the Consortium;

B. Provide technical and strategic support in the Consortium’s competitive solicitation of a firm in the development and submission of the State Expenditure Plan, including, but not limited to, preparing solicitation documents, advertising and disseminating solicitation documents, and advising and assisting the Consortium’s Interim Manager, the procurement evaluation team and the Consortium Board of Directors in the selection of the most qualified firm; and,

C. Provide other procurement services as needed by the Consortium, including, but not limited to, other consultants and professional services as well as goods and materials.

All other provisions of the Interlocal Agreement entered into by and between the parties on March 26, 2014 and recorded in Official Records of Leon County in Book 4650 at Page 340, not inconsistent with the provisions herein shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties cause this Amended Interlocal Agreement to be executed by their duly authorized representatives this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

**LEON COUNTY, FLORIDA**

Attest:  
Bob Inzer, Clerk of the Court

By: \_\_\_\_\_  
Kristin Dozier, Chairman  
Board of County Commissioners

By: \_\_\_\_\_

Approved as to form:  
County Attorney's Office

By: \_\_\_\_\_  
Herbert W.A. Thiele, Esq.  
County Attorney

**THE GULF CONSORTIUM**

By: \_\_\_\_\_  
Chairman  
Board of Directors

ATTEST:

\_\_\_\_\_  
Secretary-Treasurer  
Board of Directors

APPROVED AS TO FORM:

\_\_\_\_\_  
Sarah M. Bleakley, Esq.  
Nabors, Giblin & Nickerson, P.A.  
Interim General Counsel

**Gulf Consortium Board of Directors  
November 19, 2014**

**Agenda Item 9.3  
Cooperative Purchasing for State Expenditure Plan Consultant  
Short-Listed Firms**

**Executive Summary:**

This agenda item seeks Board direction to the Consortium Interim Manager to execute a cooperative purchasing contract with each of the four consultant firms short-listed in the procurement process for the Consortium's State Expenditure Plan consultant. The cooperative purchasing contract will allow counties to piggyback off the Consortium's procurement process and decision which determined that the four short-listed firms are qualified to perform the plan preparation services that may be required under the RESTORE Act. Whether any of Consortium's 23 member counties can use the piggybacking option will depend on its own procurement rules and processes. The four short-listed firms are the following:

First:	Environmental Science Associates
Second:	Ecology & Environment
Third:	Arcadis USA
Fourth:	MWH Americas

A copy of the contract is attached.

**Background:**

The SEP procurement policy allows the Consortium to enter into contracts with the short listed firms to allow counties to piggy back off the Consortium's competitive procurement process for selection of consultants for similar services.

**Options:**

- (1) Approve a motion to directing the Consortium Interim Manager to execute a cooperative purchasing agreement with the four shortlisted firms in substantially the same form as the attached contract, or
- (2) Provide other direction.

**Fiscal Impact:** There is no fiscal impact to the Gulf Consortium associated with approval of the cooperative purchasing contract. By entering into the contract,

the Gulf Consortium may help counties save money on procurement of consultants for the development Multi-Year Improvement Plans.

**Recommendation:**

Approve a motion to directing the Consortium Interim Manager to execute a cooperative purchasing agreement with the four shortlisted firms in substantially the same form as the attached contract

**Prepared by:**

Sarah M. Bleakley  
Nabors, Giblin & Nickerson, P.A.  
Interim General Counsel  
On: November 13, 2014

**Attachment:**

Draft Cooperative Purchasing Agreement

**Action Taken:**

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

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

COOPERATIVE PURCHASING  
AGREEMENT FOR RESTORE ACT SERVICES

THIS AGREEMENT, by and between the Gulf Consortium, a public entity created in October 2012 by Interlocal Agreement among Florida's 23 Gulf Coast counties and XXXXXXXXXX, hereinafter referred to as the "Contractor."

WHEREAS, the Gulf Consortium has determined that it would be in the best interest of the citizens of Florida's 23 Gulf Coast Counties, that the County be able to utilize the services of private persons when such services cannot be reasonably provided by the County; and

WHEREAS, the Gulf Consortium has determined that it would be better to contract for these services than to hire the necessary personnel to satisfy the needs of the County; and

WHEREAS, in order to secure the lowest cost for these services, the Gulf Consortium has sought and received competitive bids from the Contractor for such services.

NOW, THEREFORE, the parties hereto agree as follows:

1. SERVICES TO BE PROVIDED

The Contractor hereby agrees to provide to any of the Gulf Consortium's 23 member counties services related to County Multi-Year Implementation Plans in accordance with: 1) Consultant Services for the Development of the Gulf Consortium's State Expenditure Plan Required by the Restore Act, ITN# GC-06-17-14-33 which is attached hereto and incorporated herein as Exhibit A, to the extent that it is not inconsistent with this Agreement; and 2) key portions of the Contractor's bid submission, which is attached hereto and incorporated herein as Exhibit B (full Contractor submission available at \_\_\_\_\_), to the extent that it is not inconsistent with this Agreement or with Exhibit A.

2. WORK

Any work to be performed shall be upon the written request of a County Administrator or designee, which request shall set forth the commencing date of such work and the time within which such work shall be completed.

The performance of the County of any of its obligations under this Agreement shall be subject to and contingent upon the availability of funds lawfully expendable for the purposes of this Agreement for the current and any future periods provided for within the bid specifications.

3. TIME:

The Agreement shall be for a period beginning on \_\_\_\_\_ and run consecutively until the expiration of the Gulf Coast Restoration Trust Fund as created in the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012, Public Law 112-141 (the "RESTORE Act"), or the County provides written notice of termination of Agreement to the Contractor as provided.

4. CONTRACT SUM

The Contractor agrees that for the performance of the Services as outlined in Section 1 above, it shall be compensated by the County according to the unit prices agreed to in the price sheet, attached to the Contractor's bid proposal, Exhibit B, which is attached hereto.

5. PAYMENTS

The County shall make such payments within forty-five (45) days of submission and approval of invoice for services.

6. PROMPT PAYMENT INFORMATION REQUIREMENTS

A. The County Project Manager is:

Name:  
Street Address:  
City, State, Zip Code  
Telephone:  
E-mail:

B. The Contractor's Project Manager is:

Name:  
Street Address:  
City, State, Zip Code  
Telephone:  
E-mail:

C. Proper form for an invoice is:

A numbered invoice document with date of invoice; reference of the County purchase order number; itemized listing of all goods and services being billed with unit prices and extended pricing; vendor's name, address, billing contact person information, and Federal tax identification number. The invoice must be properly addressed to the Division listed on the County purchase order and delivered to that address. Delivery to another County address will void the invoice.

7. STATUS

The Contractor at all times relevant to this Agreement shall be an independent contractor and in no event shall the Contractor nor any employees or sub-contractors under it be considered to be employees of any County, the GULF CONSORTIUM, or the Consortium.

8. INSURANCE

Contractor shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Contractor, his agents, representatives, employees or subcontractors. The cost of such insurance shall be included in the Contractor's bid.

A. Minimum Limits of Insurance. Contractor shall maintain limits no less than:

1. General Liability: \$1,000,000 combined single limit per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
2. Automobile Liability: \$1,000,000 combined single limit per accident for bodily injury and property damage. (Non-owned, Hired Car).



3. Workers' Compensation and Employers Liability: Insurance covering all employees meeting Statutory Limits in compliance with the applicable State and federal laws and Employer's Liability with a limit of \$500,000 per accident, \$500,000 disease policy limit, \$500,000 disease each employee. Waiver of Subrogation in lieu of Additional Insured is required.

B. Deductibles and Self-Insured Retentions

Any deductibles or self-insured retentions must be declared to and approved by the County. At the option of the County, either: the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the County, its officers, officials, employees and volunteers; or the Contractor shall procure a bond guaranteeing payment of losses and related investigations, claim administration and defense expenses.

C. Other Insurance Provisions The policies are to contain, or be endorsed to contain, the following provisions:

1. General Liability and Automobile Liability Coverages (County is to be named as Additional Insured).
  - a. The County, its officers, officials, employees and volunteers are to be covered as insureds as respects; liability arising out of activities performed by or on behalf of the Contractor, including the insured's general supervision of the Contractor; products and completed operations of the Contractor; premises owned, occupied or used by the Contractor; or automobiles owned, leased, hired or borrowed by the Contractor. The coverage shall contain no special limitations on the scope of protections afforded the County, its officers, officials, employees or volunteers.
  - b. The Contractor's insurance coverage shall be primary insurance as respects the County, its officers, officials, employees and volunteers. Any insurance of self-insurance maintained by the County, its officers, officials, employees or volunteers shall be excess of the Contractor's insurance and shall not contribute with it.
  - c. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the county, its officers, officials, employees or volunteers.
  - d. The Contractor's insurance shall apply separately to each insured against whom claims is made or suit is brought, except with respect to the limits of the insurer's liability.
2. All Coverages  
Each insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the County.

D. Acceptability of Insurers. Insurance is to be placed with insurers with a Best's rating of no less than A:VII.

- E. Verification of Coverage. Contractor shall furnish the County with certificates of insurance and with original endorsements effecting coverage required by this clause. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. All certificates and endorsements are to be received and approved by the County before work commences. The County reserves the right to require complete, certified copies of all required insurance policies at any time.
- F. Subcontractors. Contractors shall include all subcontractors as insureds under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

9. PERMITS

The Contractor shall pay for all necessary permits as required by law.

10. LICENSES

The Contractor shall be responsible for obtaining and maintaining any city or county occupational license and any licenses required pursuant to the applicable laws of the County, a City, and the State of Florida. Should the Contractor, by reason of revocation, failure to renew, or any other reason, fail to maintain his license to operate, the Contractor shall be in default as of the date such license is lost.

11. ASSIGNMENTS

This Agreement shall not be assigned or sublet as a whole or in part without the written consent of the County nor shall the Contractor assign any monies due or to become due to him hereunder without the previous written consent of the County.

12. INDEMNIFICATION

The Contractor shall indemnify and hold harmless the County and the Gulf Consortium and its officials, officers and employees from and against all liabilities, damages, losses, and costs, including, but not limited to, reasonable attorney's fee, to the extent caused by negligence, recklessness, or intentionally wrongful conduct of the Contractor and other persons employed or utilized by the Contractor in the performance of this agreement.

The County or the Gulf Consortium and its officials and employees may, at their sole option, defend itself or require the Contractor to provide the defense. The Contractor acknowledges that the sum of ten dollars (\$10.00) of the amount paid to the Contractor constitutes sufficient consideration for the Contractor's indemnification of the County, its officials, officers and employees.

The Contractor shall be liable either to the County or the Gulf Consortium or its officials or all those entities for any reasonable costs incurred by it to correct, modify, or redesign any portion of the project, which is the subject of the services provided under this Agreement, that is found to be defective or not in accordance with this Agreement, as a result and to the extent caused by the negligence, recklessness, or intentional wrongful conduct on the part of the Contractor and other persons employed or utilized by the Contractor in the performance of this Agreement.

13. AUDITS, RECORDS, AND RECORDS RETENTION

The Contractor agrees:

- a. To establish and maintain books, records, and documents (including electronic storage media) in accordance with generally accepted accounting procedures and practices, which sufficiently and properly reflect all revenues and expenditures of funds provided by the County under this Agreement.
- b. To retain all client records, financial records, supporting documents, statistical records, and any other documents (including electronic storage media) pertinent to this Agreement for a minimum period of five (5) years after termination of the Agreement, or if an audit has been initiated and audit findings have not been resolved at the end of five (5) years, the records shall be retained until resolution of the audit findings or any litigation which may be based on the terms of this Agreement.
- c. Upon completion or termination of the Agreement and at the request of the County, the Contractor will cooperate with the County to facilitate the duplication and transfer of any said records or documents during the required retention period as specified in paragraph a above.
- d. To assure that these records shall be subject at all reasonable times to inspection, review, or audit by Federal, State, or other personnel duly authorized by the County.
- e. Persons duly authorized by the County and Federal auditors, pursuant to 45 CFR, Part 92.36(l)(10), shall have full access to and the right to examine any of provider's Agreement and related records and documents, regardless of the form in which kept, at all reasonable times for as long as records are retained.
- f. To include these aforementioned audit and record keeping requirements in all approved subcontracts and assignments.

14. MONITORING

To permit persons duly authorized by the County to inspect any records, papers, documents, facilities, goods, and services of the provider which are relevant to this Agreement, and interview any clients and employees of the provider to assure the County of satisfactory performance of the terms and conditions of this Agreement.

Following such evaluation, the County will deliver to the provider a written report of its findings and will include written recommendations with regard to the provider's performance of the terms and conditions of this Agreement. The provider will correct all noted deficiencies identified by the County within the specified period of time set forth in the recommendations. The provider's failure to correct noted deficiencies may, at the sole and exclusive discretion of the County, result in any one or any combination of the following: (1) the provider being deemed in breach or default of this Agreement; (2) the withholding of payments to the provider by the County; and (3) the termination of this Agreement for cause.

15. TERMINATION

The County may terminate this Agreement without cause, by giving the Contractor thirty (30) days written notice of termination. Either party may terminate this Agreement for cause by giving the other party hereto thirty (30) days written notice of termination. The County shall not be required to give Contractor such thirty (30) day written notice if, in the opinion of the County, the Contractor is unable to perform its obligations hereunder, or if in the County's opinion, the services being provided are not satisfactory. In such case, the County may immediately terminate the Agreement by mailing a notice of termination to the Contractor.

16. PUBLIC ENTITY CRIMES STATEMENT

In accordance with Section 287.133, Florida Statutes, Contractor hereby certifies that to the best of his knowledge and belief neither Contractor nor his affiliates has been convicted of a public entity crime. Contractor and his affiliates shall provide the County with a completed public entity crime statement form no later than January 15 of each year this Agreement is in effect. Violation of this section by the Contractor shall be grounds for cancellation of this Agreement by the County.

17. UNAUTHORIZED ALIENS

The Contractor agrees that unauthorized aliens shall not be employed nor utilized in the performance of the requirements of this solicitation. The County shall consider the employment or utilization of unauthorized aliens a violation of Section 274A(e) of the Immigration and Naturalization Act (8 U.S.C. 1324a). Such violation shall be cause for unilateral termination of this Agreement by the County.

19. NON-WAIVER

Failure by the County to enforce or insist upon compliance with any of the terms or conditions of this Agreement or failure to give notice or declare this Agreement terminated shall not constitute a general waiver or relinquishment of the same, or of any other terms, conditions or acts; but the same shall be and remain at all times in full force and effect.

20. REVISIONS

In any case where, in fulfilling any of the requirements of this Agreement or of any guarantee, embraced in or required thereby it is necessary for the Contractor to deviate from the requirements of the bid, Contractor shall obtain the prior written consent of the County.

24. VENUE

Venue for all actions arising under this Agreement shall lie in the County holding the contract in the State of Florida.

25. CONSTRUCTION

The validity, construction, and effect of this Agreement shall be governed by the laws of the State of Florida.

26. CONFLICTING TERMS AND CONDITIONS

In the instance that any other agreement exists concerning the matters herein, then the terms and conditions in this Agreement shall prevail over all other terms and conditions.

ATTACHMENTS

Exhibit A – ITN# BC-06-17-14-33, Consultant Services for the Development of the Gulf Consortium’s State Expenditure Plan Required by the RESTORE Act

**The remainder of this page intentionally left blank.**

WHERETO, the parties have set their hands and seals effective the date whereon the last party executes this Agreement.

**The Gulf Consortium**

**<Insert Vendor Name>**

By: \_\_\_\_\_  
Christopher L. Holley,  
Interim Manager

By: \_\_\_\_\_  
President or designee

Date: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

ATTEST:

BY: \_\_\_\_\_

Approved as to Form:

BY: \_\_\_\_\_  
Sarah M. Bleakley, Esquire  
Nabors, Giblin & Nickerson, P.A.  
Interim General Counsel to  
the Gulf Consortium