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AGENDA

THE GULF CONSORTIUM Board Meeting

September 23, 2021; 12:00 p.m. Eastern

GoToMeeting

<https://global.gotomeeting.com/join/250490805>

Dial-in Number: +1 (571) 317-3116

Participant Passcode: 250-490-805

Board Members

As attached.

Staff

Valerie Seidel, Dan Dourte, Richard Bernier, Ashantee Webb, Amy Bainbridge (The Balmoral Group)
Lynn Hoshihara, Evan Rosenthal (Nabors, Giblin & Nickerson, P.A.)

Item 1. Call to Order.

Chairman Commissioner Christopher Constance will call the meeting to order.

Item 2. Roll Call.

Valerie Seidel will call the roll.

Item 3. Additions or Deletions.

Any additions or deletions to the committee meeting agenda will be announced.

RECOMMEND: Approval of a final agenda.

Item 4. Public Comments.

The public is invited to provide comments on issues that are on today's agenda. All comments regarding a specific agenda item will be considered following the Committee's discussion of that agenda item. The meeting will be conducted electronically (or "virtually") You may participate in the meeting electronically by joining the go to meeting at <https://global.gotomeeting.com/join/250490805> or you may you can also dial in using your phone:

United States: +1 (571) 317-3116

Access Code: 250-490-805

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Please note: Individuals who have comments concerning a specific agenda item shall make an effort to communicate with staff prior to that agenda item.

(please see backup pages 6-7)

Item 5. Consent Agenda.

The consent agenda items are presented for approval. Executive Committee members may remove any items from this agenda that they have questions on or would like to discuss in depth. Any items removed would then be included in the regular agenda in an order assigned by the Chair.

Consent Agenda Items:

- Minutes of the June 30, 2021 Board Meeting *(please see backup pages 8-14)*
- Report on delegated authority through August 31, 2021 *(please see back up pages 15-17)*

RECOMMEND: Approve June 30, 2021 Board Meeting Minutes and Delegated Authority Report.

Item 6. Grant Applications Status

Dan Dourte will give an update on grant application status. 3 new applications were received, totaling about \$2M in funding requested. Upcoming subrecipient applications should be delivered to the Gulf Consortium by 10/15/2021; these will be reviewed at the November 2021 Board Meeting. The status for all projects with active funding requests is regularly updated and can be accessed on P.7 of the interface at <https://datavisual.balmoralgroup.us/GulfConsortiumProjects>.

RECOMMEND: Approve Grant Applications for submission to RESTORE Council.

(Please see back up pages 18-29)

Item 7. Financial Report

Richard Bernier will deliver updated financial reports.

(Please see back up 30-35)

RECOMMEND: Approve Financial Reports.

Item 8. 2022 Gulf Consortium Meeting Calendar

Dan Dourte will present the potential dates for the CY 2022 Gulf Consortium meetings.

(see back up 36-38)

RECOMMEND: Approve Proposed Meeting Calendar.

Item 9. Gulf Consortium 21/22 Budget

Valerie Seidel will present the budget for the Gulf Consortium for the upcoming fiscal year.

(Please see back up 39-46)

RECOMMEND: Approve Proposed Budget.

Item 10. SEP Amendment #4 Request to Draft the Amendment

Dan Dourte will request authorization to initiate the 4th annual SEP amendment to accommodate project changes in Gulf Consortium counties.

(Please see back up 47-49)

RECOMMEND: Approve SEP amendment authorization request to move forward.



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Item 11. RFP for Auditing Services

Valerie Seidel will present the RFP to procure auditing services for the Gulf Consortium.
(Please see back up 50-68)

RECOMMEND: Approve RFP.

Item 12. General Counsel Report

Lynn Hoshihara or Evan Rosenthal will deliver a General Counsel Report.
(Please see back up 69-70)

RECOMMEND: For information only

Item 13. FDEP – NRDA restoration planning.

Verbal update on Bucket 2 and/or NRDA restoration funding to be provided by FDEP and/or FWC personnel. (Please see back up 71-72)

RECOMMEND: For information only

Item 14. Manager's Report

Valerie Seidel will present an updated manager's report. (Please see back up pages 73-90)

RECOMMEND: For information only

Item 15. Public Comments

The public is invited to provide comments on relevant issues. (Please see back up 91-92)

Item 16. Board Member Comments

Members of the Gulf Consortium Board are invited to provide comments on relevant issues (Please see back up 93-94)

Item 17. Upcoming Gulf Consortium Board Meeting

Next Meeting: November 17-19, 2021; Hotel Effie, Walton County

Item 18. Adjourn

Notice of Meeting/Workshop Hearing

OTHER AGENCIES AND ORGANIZATIONS

Gulf Consortium

The Gulf Consortium announces a public meeting of its Board of Directors in which all persons are invited to participate.

DATE AND TIME: September 23, 2021 at 12:00 pm (ET)

PLACE:

PGA National Resort
400 Ave of the Champions, Palm Beach Gardens, FL 33418
Room: British C

Dial-in Number: +1 (571) 317-3116

Participant Passcode: 250-490-805

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Gulf Consortium will conduct a Board of Directors meeting, consisting of a SEP Amendment update, status of grant applications, and other business at the discretion of the Board. A copy of the agenda may be obtained at www.gulfconsortium.org or by contacting: General Manager at 407-629-2185 or Gulf.Consortium@balmoralgroup.us.

Interested persons may attend the meeting in person at the above-described location. The Hyatt hotel requires facemasks to be worn throughout the hotel in public spaces, but once an attendee has entered their event space and have taken their seat they may choose to remove their mask if they feel comfortable. In lieu of attending the meeting in person, interested persons may also participate in the meeting remotely via telephone, utilizing the contact information described above.

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 the General Manager at 407-629-2185 or Gulf.Consortium@balmoralgroup.us. 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, he/she may 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, please contact the General Manager at 407-629-2185 or Gulf.Consortium@balmoralgroup.us.

**Gulf Consortium Directors, Alternates and Governor's Appointees
2021**

County	Directors and Alternates
Bay	Commissioner Philip Griffitts, Director; Commissioner Robert Carroll, Alternate
Charlotte	Commissioner Christopher Constance, Director; Alternates: Commissioner Ken Doherty, Emily Lewis
Citrus	Commissioner Scott Carnahan, Director
Collier	Commissioner Burt Saunders, Director; Alternates: Commissioner Penny Taylor
Dixie	Duane Cannon, Director; Martha McCaskill, Alternate
Escambia	Commissioner Robert Bender, Director; Commissioner Doug Underhill, Alternate
Franklin	Commissioner Joseph "Smokey" Parrish, Director; Michael Morón, Alternate
Gulf	Clay Smallwood, Director; Sherry Herring, Alternate
Hernando	Commissioner Wayne Dukes, Director; Alternates: Jeffrey Rogers, County Administrator, Keith Kolasa
Hillsborough	Commissioner Mariella Smith, Director; Alternates: Commissioner Ken Hagan, Jim Taylor
Jefferson	Commissioner Betsy Barfield, Director; Parrish Barwick, Alternate
Lee	Commissioner Cecil Pendergrass, Director; Alternate: Kurt Harclerode
Levy	Commissioner John Meeks, Director; Tisha Whitehurst, Alternate
Manatee	Commissioner Carol Whitmore, Director; Charlie Hunsicker, Alternate
Monroe	George Neugent, Director; Commissioner David Rice, Alternate
Okaloosa	Mel Ponder, Director; Commissioner Carolyn Ketchel, Alternate
Pasco	Commissioner Jack Mariano, Director; Commissioner Ron Oakley, Alternate
Pinellas	Commissioner Charlie Justice, Director, Stacey Day, Alternate
Santa Rosa	Commissioner Dave Piech, Director
Sarasota	Commissioner Nancy Detert, Director; Joseph Kraus, Alternate
Taylor	Commissioner Jim Moody, Director; Alternates: LaWanda Pemberton, Commissioner Thomas Demps
Wakulla	David Edwards, Director; Commissioner Ralph Thomas, Alternate
Walton	Larry Jones, Director; Commissioner Trey Nick, Alternate
Governor's Appointees	Peter Bos, Destin; Lino Maldonado, Niceville; Collier Merrill, Pensacola; Mike Sole, Tallahassee; Neal Wade, Panama City

AGENDA ITEM 4

**Gulf Consortium Board Meeting
September 23, 2021**

**Agenda Item 4
Public Comments**

Statement of Issue:

The public is invited to provide comments on issues that are not on today's agenda.

Attachments:

None

Prepared by:

Ashantee Webb
The Balmoral Group
General Manager
On: September 10, 2021

AGENDA ITEM 5a

**Gulf Consortium Board Meeting
September 23, 2021**

**Agenda Item 5a
Approval of June 30, 2021 Minutes**

Statement of Issue:

Request to approve the minutes of the June 30, 2021 meeting of the Board.

Options:

- (1) Approve the June 30, 2021 minutes as presented; or
- (2) Amend and then approve the minutes.

Recommendation:

Motion to approve Option 1.

Prepared by:

Ashantee Webb
The Balmoral Group
General Manager

Attachment:

Draft Minutes, June 30, 2021 meeting of the Board.

Action Taken:

Motion to: _____, Made by: _____;

Seconded by: _____.

Approved____; Approved as amended____; Defeated_____.

Gulf Consortium Board Meeting
June 30, 2021 3:00pm ET
Teleconference/In-Person

Members in Attendance: Chairman Chris Constance (Charlotte), Scott Carnahan (Citrus), Matt Posner (Escambia), Keith Kolasa (Hernando), Commissioner Betsy Barfield (Jefferson), John Meeks (Levy), Charlie Justice (Pinellas), Mariella Smith (Hillsborough), Lisa Tennyson (Monroe), Mel Ponder (Okaloosa), Jack Mariano (Pasco) Charlie Justice (Pinellas), Joseph Kraus (Sarasota), David Edwards (Wakulla) LaWanda Pemberton (Taylor)

Also in Attendance: Dan Dourte, Richard Bernier, Amanda Jorjorian (all, The Balmoral Group), Lynn Hoshihara, Evan Rosenthal (NGN), Jim Muller (Bay Alternate), Stacey Day (Pinellas Alternate).

Agenda Item #1 – Call to Order

Chairman Chris Constance called the meeting to order at 3:08pm (ET).

Agenda Item #2 – Roll Call

Valerie Seidel took roll call. Quorum was achieved.

Agenda Item #3 – Addition or Deletions

Chairman Constance asks the board if there are any additions, deletions, or corrections that need to be made to the agenda. There was a motion to approve the agenda as published by Commissioner Meeks followed by a second from Commissioner Mariano. Chairman Constance asks the board if there is any discussion or opposition. Hearing none, the item passes with unanimous consent and Chairman Constance proceeds to the next agenda item.

ACTION: APPROVED

Agenda Item #4 – Public Comment

Chairman Constance asks if there is anybody from the public that wishes to speak. Doug Robison wishes to speak to Item 10 when it comes up. Chairman Constance asks if there is anybody else from the public that wishes to speak. Hearing none, Chairman Constance proceeds to the next agenda item.

Agenda Item #5 – Consent Agenda

Chairman Constance asks if there is anybody that wishes to pull the March 18, 2021 Board Meeting Minutes and the Delegated Authority Report through May 31st, 2021. Hearing none, Chairman Constance asks for a motion to approve the consent agenda. A motion was made to approve the consent agenda by Commissioner Meeks followed by a second from Commissioner Barfield. Chairman Constance asked if there is any debate, discussion, or opposition to this motion. Hearing none, the item passes with unanimous consent and Chairman Constance proceeds to the next agenda item.

ACTION: APPROVED

Agenda Item #6 – Grant Application Status

Dan Dourte presents the new grant applications status for the board's approval. Dan Dourte mentions that the next recommended deadline to submit applications is 8/6/2021. Dan Dourte presents the six new applications before the board. Chairman Constance asks if there is anybody on the board that has a question for Dan Dourte. Chairman Constance asks if the \$10,250.00 in management and legal efforts is the general base charge. Dan Dourte clarifies that the base budget is 50 hours per year for management and for legal its more variable from project to project, but on average it is 15 hours per

year. Commissioner Mariano (Pasco) asks if there is a possibility that the artificial reef program could be a lot less as the numbers go through. Dan Dourte agrees with this. There is a motion to approve the grant applications followed by a second. Chairman Constance asks if there is any opposition to the motion. Hearing none, the item passes with unanimous consent and Chairman Constance proceeds to the next agenda item.

ACTION: APPROVED

Agenda Item #7 – Financial Report

Chairman Constance recognized Richard Bernier who presented the financial statements through May 2021 for the Board's review and approval. On the Balance sheet there is an awarded grant balance of \$17.9 million dollars. The income statement shows the Adaptive Planning expenses that were just under \$18 thousand dollars. Grant expenses totaled to about \$176.5 thousand dollars. General expenses are 62 percent of the budget as we are 66 percent through the year. Awarded Grants total up to \$23.7 million dollars. This includes the PSEP, SSEP, Adaptive Planning, and the SEP. There is an unobligated balance of \$85.8 million dollars. Out of the \$293 million dollars there is \$183.9 million dollars left to be paid by BP. In Gulf Consortium review is \$20.3 million dollars, RESTORE review there is almost \$26 million dollars, and Awarded including the Adaptive planning is \$20.5 million dollars. This totals to about 66.8 million dollars of grants already in the works. The implementation grant cost shows the percentage each county has of what has already been awarded. Chairman Constance asks where do we stand in terms of getting projects into the pipeline and how is this being coordinated. Valerie Seidel clarifies that is something that was discussed with Executive Director Mary Walker when she was at The Balmoral Group office. Things have changed within the past four years and what may have been highest priority for counties four years ago may no longer be due to change in the economy, hurricanes, etc. Staff has put out word that if a county was originally scheduled in the next couple of years and is now ready, it is imperative to speak up. There is currently capacity and flexibility to do this and at this time The Consortium is not in any danger of exceeding their allocations. Construction costs are very high right now and the longer counties wait, the more costs are increasing. It is encouraged that counties accelerate where they can. Chairman Constance expresses that the original concern was the possibility of project overlap issues, but it has gone the opposite way. Commissioner Dukes shares that like in most counties, Hernando county has experienced a housing boom, which resulted in hiring a few staff. Now the county has had to hire a company to help with permitting. The county had received a project for Reef Falls, an amendment was done to raise the cost and all other criteria was completed two months ago. Commissioner Dukes asks if the Board can reach out to the Restore Council and suggest that if everything is ready they can work a little faster or hire a contractor do their work. Chairman Constance reiterates that the project is funded, ready to go and the costs have increased which means Commissioner Dukes just wants them to approve the fact that county has a budget amendment to increase paying more for it. Commissioner Dukes agrees. Dan Dourte shares the staff can to their best to lean on RESTORE council to move this along. Dan Dourte also asks if the county has a policy that prevents them from starting, because the county does have an active Award now and the funding is accessible. This Award was increased to \$277 thousand dollars and unless the county plans on overspending by this amount real soon, they should be able to start from the staff's view. Keith Kolasa who is the RESTORE coordinator for Hernando County clarifies that the county's policy is to make sure all grant money is accessible and although there may be a work around, they typically don't award for a project that they don't have the budgeted dollars for. Commissioner Mariano asks if there is a way to take the chart that shows the submitted amounts and the entries that are listed by color and create a bigger chart that shows lines leading up to the submitted amounts and the funds that were there. Richard Bernier

agrees that this can be done. Chairman Constance asks for a motion to approve the financial reports if there are no further questions. There was a motion to approve followed by a second. Chairman Constance asks if there is any discussion or opposition to this motion. Hearing none, the item passes with unanimous consent and Chairman Constance proceeds to the next agenda item.

ACTION: APPROVED

Agenda Item #8– Auditor’s report

Valerie Seidel recognizes Adam Nelson from Warren Averett who will be presenting the Auditor’s report for the board’s approval. Adam Nelson informs the Board that Angela Balint who is the Audit partner over the engagement is also on the phone. In this year’s Audit Results, Warren Averett issued a clean or unmodified Audit opinion on the Audited financial statements, this is the highest level of assurance that can be provided. A report was also issued on supplemental information, which in this case is the Management Discussion and Analysis as well as the Schedule of Expenditures of Federal Awards. There were no issues identified with this information. There were no instances of non-compliance or others matters identified. No matters relative to internal controls were identified or reported in relation to the major federal program. The auditor reported that The Gulf Consortium complied in all material compliance requirements under the Ecosystem Restoration Impact Program. No instances of Fraud or illegal acts were identified. Chairman Constance asks if the board has any questions regarding the Audit. Hearing none Chairman Constance asks for a motion to approve the Auditor’s report. There was a motion to approve followed by a second. Chairman Constance asks if there is any opposition to the motion. Hearing none, the agenda item is approved unanimously and Chairman Constance proceeds to the next agenda item.

ACTION: APPROVED

Agenda Item #9 – General Consortium Policy Updates

Chairman Constance recognized Valerie Seidel who will discuss the Gulf Consortium Policy’s and Updates. The annual review for Policies and Procedures has been completed. The committee has meet on three separate occasions. The existing Consortium micro purchase threshold is \$3 thousand dollars whereas in federal policy it is \$10 thousand dollars. The committee did not change this, but wanted to raise it to the Board’s attention, because we are not in alignment with federal policy. Very few procurements are done and those that are completed include AV for meetings, where typically only one source is permitted at meeting venues. Language was also added for cooperative contracts as well as language in regards to time and policies/procedures. Chairman Constance asks if there is anybody on the board that has any questions for Valerie Seidel. Commissioner Meeks asks if the board can make a vote to amend the plan so the value can be adjusted from \$3 thousand dollars to \$10 thousand dollars. A motion was made to approve the policy updates with the amendment to increase the \$3 thousand dollars to \$10 thousand dollars. This motion was seconded. Chairman Constance asks if there is any other discussion. Hearing none, the item passes with unanimous consent and Chairman Constance proceeds to the next agenda item.

ACTION: APPROVED

Agenda Item #10- SEP Planning Consultant Status Update

Mary Walker was on the line and thanked the board for her invitation to the meeting. Lynn Hoshihara presented RESTORE Council’s written response for the board’s review. Pursuant to request from ESA, The Gulf Consortium sought guidance from the RESTORE Council and Treasury in regards to unfair competitive advantage in the current prohibition of SEP planning consultants from participating in implementation of SEP projects. RESTORE Council and Treasury are in agreement that federal law prohibits any contractor involved in the development of the SEP or potential projects from bidding

on or participating in their implementation. In light of RESTORE's recommendation, legal recommends to put into motion to accept the response from RESTORE. Commissioner Mariano expresses that he appreciates the analysis, but does not see the need for the recommendation to accept the attached letter as guidance. Mary Walker reiterated what the Council shared, that they had spoken to Treasury and their feedback was clear. Commissioner Whitmore expresses that she has never supported this decision, that she has always supported ESA being able to bid on projects. Doug Robison thanks the board for reaching out to Treasury and RESTORE Council. He has reviewed the letter from RESTORE and found that it is not determinative. Their rebuttal letter was included in the packet. They feel they need to engage with the Federal government directly to get the issue resolved and asked the board for approval to talk with Ms. Walker and others to provide their case for the complexity that it entailed. Commissioner Barfield made the motion to accept the letter into their record, and let ESA deal with it. Dave Edwards agreed. Commissioner Mariano seconded the motion accepting the letter. Motion passed. Commissioner Meeks and Commissioner Whitmore opposed.

ACTION: APPROVED

Agenda Item #11– General Council Update

Lynn Hoshihara has no further updates at this time.

ACTION: None information only.

Agenda Item #12– Status of NRDA Restoration Planning

Chairman Constance recognizes Gareth Leonard who gave an update on NRDA Restoration Planning. Gareth reviewed the projects under the Restoration Plan that would start being implemented including 18 proposed projects over 5 project types. Included was \$389M left for future plans, \$293M planned for water quality projects for Habitat Protection on Federal Lands, Sea Turtle projects, Marine Mammal project, 4 bird projects and 3 Enhancing Recreational Opportunity Projects.

ACTION: None Informational only.

Agenda Item #13– Manager's Report

Chairman Constance recognized Valerie Seidel who provided an update to Consortium activities since the last board meeting. The SEP amendment was approved last month by RESTORE Council. At this time there is almost \$70 million dollars in total funding floating around in various stages. There are 10 applications that are currently waiting for approved by RESTORE. Staff had a lot of discussion with Executive Director Mary Walker about ways they can manage cost increase going forward. The volume of amendments that are occurring due to cost increases is a burden on RESTORE Council. Staff is coordinating with RESTORE coordinators to find ways to minimize amendment time. Chairman Constance asks if there are any questions for Valerie Seidel. Commissioner Mariano asks if it would be safe to build from a higher contingency. Valerie Seidel clarified that that is one of the approaches that staff is currently looking at.

ACTION: None informational only.

Agenda Item #14 – Public Comments

Chairman Constance asks if there is anybody from the public that wishes to speak. Hearing none, Chairman Constance proceeds to the next agenda item.

Agenda Item #15-Board Member Comments

Chairman Constance asks if there are any Board members that wish to make a comment at this time. Commissioner Mariano mentions that if members can't make it to the meeting, they can still be effective virtually and members should have the ability to vote virtually as well. Commissioner Mariano makes a motion to all members that are attending the meeting both virtually and in-person to be able to vote on agenda items. The motion was seconded. Chairman Constance asked if there is any discussion or

opposition to the motion. Hearing none, the item passes with unanimous consent and Chairman Constance proceeds to the next agenda item.

ACTION: APPROVED

Agenda Item #16- Upcoming Gulf Consortium Board Meeting

The next board meeting is listed as to be determined date Between September 7 – 10, 2021. Chairman Constance noted that the FAC event was now September 21-24 and that the Consortium Meeting would likely be that Wednesday in Palm Beach.

Agenda Item #17-Adjourn

Chairman Constance adjourns the meeting at 4:45pm.

DRAFT

AGENDA ITEM 5b

**Gulf Consortium Board Meeting
September 23, 2021**

Consent Agenda

Item 5b

**Report on Delegated Authority
Actions from June 1 – August 31, 2021**

Summary:

Staff report of actions carried out through delegated authority of the Board. Since the last Board meeting, staff has processed 10 applications totaling \$26.5 million, 1 Draw Requests for \$41,451 and 3 awards totaling \$7.3 million. A detailed listing of individual transactions follows.

<i>Submission Date</i>	<i>Action Taken</i>	<i>County</i>	<i>Project No.</i>	<i>Project Name</i>	<i>Amount</i>
6/23/2021	Draw Request	Adaptive Planning	24-1	Adaptive Planning and Compliance Project	41,451
6/25/2021	Accepted Award	Escambia	1-1	Bayou Chico Contaminated Sediment Remediation Project	1,121,773
6/25/2021	Accepted Amendment Award	Bundle - Santa Rosa, Okaloosa, Citrus	2-1,3-4, and 13-1	Wastewater Improvement – Combined Project	1,150,464
7/16/2021	Resubmittal Application	Citrus	13-1	NW Quadrant Sewer Force Main Project - Construction	5,988,821
7/20/2021	Resubmittal Application	Manatee	18-6	Applied Research for Shellfish Aquaculture	349,885
7/20/2021	Submitted Financial Report	Okaloosa	3-3	Choctawhatchee Bay Estuary	
7/20/2021	Submitted Financial Report	Sarasota	19-1	Sarasota County Dona Bay Hydrologic Restoration Program, Phases III-IV - E&D	
7/20/2021	Submitted Financial Report	Collier	22-1	CCCWIP Monitoring & Master Plan	
7/20/2021	Submitted Financial Report	Citrus	13-2	Cross Florida Bridge Canal Boat Ramp	
7/20/2021	Submitted Financial Report	Hernando	14-1	Artificial Reef - E&D and Monitoring	
7/22/2021	Submitted Financial Report	Bay	5-2	St. Andrew Bay Stormwater Improvement Program - St. Andrew Bay Watch - Water Quality Monitoring	

7/22/2021	Submitted Financial Report	Walton	4-1	Choctawhatchee Bay Septic to Sewer Conversion - Feasibility Study	
7/22/2021	Submitted Financial Report	Jefferson	9-2	Wacissa River Park	
8/10/2021	Accepted Award	Franklin	7-3	Apalachicola Cooperative Dredging	5,047,064
8/17/2021	Submitted Grant Application	Okaloosa	3-4	Shoal River Headwaters Protection Program – Phase I Construction	1,431,554
8/17/2021	Submitted Grant Application	Wakulla	8-1	Wakulla Springshed Water Quality Protection Program - Otter Creek WWTF	7,721,441
8/17/2021	Submitted Grant Application	Taylor	10-1	Spring Warrior - Acquisition	621,686
8/17/2021	Submitted Grant Application	Citrus	13-3	Artificial Reef Program - Implementation	1,226,243
8/18/2021	Submitted Grant Application	Manatee	18-10	Kingfish Boat Ramp Renovation and Expansion - Construction	4,531,489
8/24/2021	Resubmittal Application	Bay	5-1	North Bay Water Quality Improvement Program (Raw Water Line)	1,522,132
8/24/2021	Submitted Grant Application	Taylor	10-2	Hodges Park Rehabilitation	1,075,161
8/24/2021	Submitted Grant Application	Manatee	18-1	Manatee River Oyster Rehabilitation	2,039,612

AGENDA ITEM 6

**Gulf Consortium Board Meeting
September 23, 2021**

**Agenda Item 6
Grant Applications and SEP Project Status**

Statement of Issue:

SEP projects with active funding requests are summarized in this item. A table of all newly submitted applications is included as an attachment to this item – this now includes County and project risk assessments. 3 new grant applications are presented to the Consortium for review and approval by the Board. These will then be processed and submitted to RESTORE Council.

Background:

The next recommended deadline for submission of grant application materials is 10/15/2021, to allow for staff time to prepare applications for the November Consortium Board Meeting. See page 1 of project data dashboard at (page navigation arrows at bottom of dashboard) for project milestones.

<http://datavisual.balmoralgroup.us/GulfConsortiumProjects>. Please let us know if you have projects planned for later that could possibly start now; these can be considered by the Board for earlier funding. Please consider what work you want to start in the next year; if you want bucket 3 funded work to start in September 2022, you should start the funding application process now. Pre-award costs may be allowable but that brings some extra risk.

As of September 14, 2021, 21 projects have been awarded.

Most Recent Activity:

The following 3 grant applications for SEP project implementation have been prepared in conjunction with County personnel:

- 3-5: Veterans Park Living Shoreline – Construction (Okaloosa County; **\$1,655,421**)
- 9-1: Wacissa Springshed Water Quality Protection Program – Planning (Jefferson County; **\$139,992**)
- 10-3: Keaton Beach and Steinhatchee Boat Ramps By-Pass – Planning (Taylor County; **\$382,965**)

Total: **\$2,178,378**

These projects include pre-award costs for grant application preparation, and 50 hours/year for management efforts, and legal effort is budgeted from 30 to 60 hours/year budgeted at the Consortium level. Those amounts are included in the totals above.

Attachments:

- Project applications summary table
- Certification and Assurances form
- Construction Certifications

Options:

- (1) Approve these projects for submission to RESTORE Council
- (2) Board direction

Recommendation:

Option 1

Prepared by:

Dan Dourte
The Balmoral Group, Grants Administrator
On: September 14, 2021

Action Taken:

Motion to: _____, Made by: _____;

Seconded by: _____.

Approved____; Approved as amended____; Defeated_____.

Project Applications Summary Table

County	Project Name	Milestones	Metrics	Amount	Sub-recipient Amount	Start Date	End Date	Pre-award Budget	County Risk/ Project Risk
Okaloosa	3-5: Veterans Park Living Shoreline - Construction	Construction	HR012-Habitat Restoration—Miles (linear feet) of Living shoreline restored HR007-Marine Habitat Restoration—Acres of submerged aquatic vegetation restored	\$1,655,421	\$1,610,000	10/1/2021	12/31/2024	\$10,250	Low/ Moderate
Jefferson	9-1: Wacissa Springshed Water Quality Protection Program – Planning	Planning	PRM010 - # studies/models used to inform mgmt.	\$139,992	\$105,000	7/1/2022	12/1/2023	\$10,250	High/ Low
Taylor	10-3: Keaton Beach and Steinhatchee Boat Ramps By-Pass - Planning	Planning	PRM010 - # studies/models used to inform mgmt.	\$382,965	\$350,000	2/1/2022	9/1/2023	\$10,250	Low/ Low
Total Pot 3 funding request				\$2,178,378	\$2,065,000				

NOTE: See all project status on P. 7 of <http://datavisual.balmoralgroup.us/GulfConsortiumProjects> (navigation arrows at bottom of screen on that link)

Certification and Assurances Instructions for Grant Awards

The Gulf Coast Ecosystem Restoration Council (Council) is the independent federal entity established by the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast Act of 2012 (33 U.S.C. § 1321(t) and *note*) (RESTORE Act). The Council is made up of the five Gulf Coast States (Alabama, Florida, Louisiana, Mississippi, and Texas) and six federal agencies (the U.S. Departments of the Army, Agriculture, Commerce, Homeland Security, and Interior, as well as the Environmental Protection Agency) and is responsible for managing a portion of the Gulf Coast Restoration Trust Fund. Specifically, the Council manages two RESTORE Act components: the Council-Selected Restoration Component (33 U.S.C. § 1321(t)(2)) and the Spill Impact Component (33 U.S.C. § 1321(t)(3)). For awards made under both components, the Council uses the standards set forth in the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards (2 CFR part 200), and which the Council has adopted at 2 CFR § 5900.101.¹

These certifications are required by federal law, U.S. Department of the Treasury (Treasury) regulations, and the RESTORE Act and must be submitted with each application to the Council for financial assistance under both the Council-Selected Restoration and Spill Impact Components. The certifications must be signed by an authorized senior official (or authorized representative) of the Applicant who can legally bind the entity and has oversight for the administration and use of the RESTORE Act funds.

Please read the forms carefully and complete the required certifications. Once the authorized senior official has signed the documents, please scan the signed certification document and submit it electronically along with any applicable SF-424 Assurances. The appropriate signed certification and assurances documents must be included as uploaded documents with the agreement application package submitted to the Council through GrantSolutions. In addition, these certifications must be submitted to the Council on at least an annual basis.²

- RESTORE Council Applicant Certifications - includes the required RESTORE Act certifications; certification regarding debarment, suspension and other responsibility matters; certification regarding drug-free workplace requirements; and required certifications regarding lobbying.
- Assurances – Construction Programs via submission of Form SF-424D are only required for projects involving construction or real property/ land acquisition.³

If you have questions regarding the appropriate documents to submit, please contact the Council Grants Office.

Additional certifications are required in the following situations throughout the award life cycle:

- Disclosure Form to Report Lobbying - in some situations, described in Section D, “Certification Regarding Lobbying,” on the Council Applicant Certifications, the Applicant must also submit Form SF-LLL, “Disclosure Form to Report Lobbying”.

¹ See also 2 CFR §§ 200.205, 200.207, 200.300, 200.302, and 200.303.

² See 2 CFR § 200.208.

³ The past version of this certification form required that applicants complete the Assurances – Non-Construction Programs (Form SF-424B); however, these assurances are now required of all applicants through the System for Award Management (SAM.gov) and are no longer required to be submitted along with these certifications.

- Additional Certifications Required for Expenditures - an official signature is required on all expenditures. The official signature certifies and assures that expenditures are proper and in accordance with the terms and conditions of the federal award and approved project budgets. The semi-annual and final financial reports or vouchers requesting payment under the award must include a certification, signed by an authorized senior official who is authorized to legally bind the non-federal entity, which reads as follows: “By signing this report, I certify to the best of my knowledge and belief that the report is true, complete, and accurate, and the expenditures, disbursements and cash receipts are for the purposes and objectives set forth in the terms and conditions of the federal award. I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise. (See 18 U.S.C. §§ 287 and 1001 and 31 U.S.C. §§ 3729-3730 and 3801-3812).” See also 2 C.F.R. § 200.415 “Required certifications.”

Certification of the Applicant’s Authorized Senior Official

For each of the certification documents, identify the individual who has the authority to commit the organization to the Council's grant management requirements and who can certify the accuracy of the statements made in the forms.

Gulf Coast Ecosystem Restoration Council

Applicant Certifications for Grants

Directions: These certifications are required by federal law and U.S. Department of the Treasury (Treasury) regulations to be submitted with each application to the Gulf Coast Ecosystem Restoration Council (Council) for financial assistance under the Council-Selected Restoration Component or Spill Impact Component, which components are authorized under the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast Act of 2012 (33 U.S.C. 1321(t) and note) (RESTORE Act). The certifications must be signed by an authorized senior official of the Applicant who can legally bind the entity and has oversight for the administration and use of the Council-Selected Restoration or Spill Impact Component funds.

A. RESTORE Act Certification

Pursuant to the RESTORE Act, I certify that for any award Agreement resulting from this application:

1. Each activity funded under the Agreement has been primarily designed to plan for or undertake activities to restore and protect the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, coastal wetlands, or economy of the Gulf Coast region.
2. Each activity funded under the Agreement is designed to carry out one or more of the eligible activities for the Council-Selected Restoration Component or Spill Impact Component.
3. Each activity funded under the Agreement, other than planning assistance, was part of a plan made available for public review and comment in a manner calculated to obtain broad-based participation from individuals, businesses, Indian Tribes, and nonprofit organizations, and that the activity was selected after consideration of meaningful input from the public, as described in the grant application.
4. Each activity funded under the Agreement that protects or restores natural resources is based on the best available science, as that term is defined in 31 CFR part 34.
5. The recipient has procedures in place for procuring property and services under this award that are consistent with the procurement standards applicable to federal grants. This recipient will not request funds under the Agreement for any contract unless this certification remains true and accurate.
6. Pursuant to 31 CFR § 34.802(f), there is a conflict of interest policy in effect that covers each activity funded under the Agreement. In addition, pursuant to 2 CFR § 200.112, the recipient will disclose in writing any actual or potential conflict of interest to the Council within 14 business days of the date the recipient learns of or discovers the conflict .

I make each of these certifications based on my personal knowledge and belief after reasonable and diligent inquiry, and I affirm that the Applicant maintains written documentation sufficient to support each certification made above, and that the Applicant's compliance with each of these certifications is a condition of the Applicant's initial and continuing receipt and use of the funds provided under the Agreement.

B. Certification Regarding Debarment, Suspension, and Other Responsibility Matters -- Primary Covered Transactions

Instructions: The inability of an Applicant to provide the certification required below will not necessarily result in the denial of participation in this covered transaction, but if the Applicant is unable to do so, the Applicant must submit an explanation of why it cannot provide the certification. The certification or explanation will be considered in connection with the Council's approval of the proposed Application. However, failure of the Applicant to furnish a certification or an explanation shall disqualify such person/entity from participation in this transaction. Please be advised of the following:

1. *This certification is a material representation of fact upon which reliance is placed when the Council determines to enter into this transaction. If it is later determined that the Applicant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the Council may terminate this transaction for cause or default.*
2. *The Applicant shall provide immediate written notice to the Council if at any time the Applicant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.*
3. *The terms “covered transactions,” “debarred,” “suspended,” “ineligible,” “lower tier covered transaction,” “participant,” “person,” “primary covered transaction,” “principal,” “proposal”, and “voluntarily excluded,” as used in this certification, are defined consistent with Treasury’s Governmentwide Debarment and Suspension (Nonprocurement) regulations, which are set out at 31 CFR part 19 and which implement Executive Order 12549. You may contact the Council for assistance in obtaining a copy of Treasury’s regulations.*
4. *The Applicant agrees by submitting this Application that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the Council.*
5. *The Applicant further agrees by submitting this Application that it will include the clause titled “Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction,” to be provided by the Council, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions (see the Appendix to 31 CFR part 19 – Covered Transactions).*
6. *A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.*
7. *Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.*
8. *Except for transactions authorized under paragraph 4 of this certification, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in the transaction, in addition to other remedies available to the Federal Government, the Council may terminate the transaction for cause or default.*

By signing and submitting the Application, the prospective primary participant (the Applicant) is providing the certification set out below.

The prospective primary participant (the Applicant) certifies to the best of its knowledge and belief, that it and its principals:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency;
2. Have not within a three-year period preceding this Application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, State, or local) transaction or contract under a public transaction; violation of federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, State, or local) with commission of any of the offenses enumerated in paragraph (2) of this certification; and
4. Have not within a three-year period preceding the Application had one or more public transactions (federal, State, or local) terminated for cause or default.

Where the Applicant is unable to certify to any of the statements in this certification, such Applicant shall attach an explanation to the Application.

C. Certification Regarding Drug-Free Workplace Requirements

The Applicant certifies that it will provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Applicant's workplace and specifying the actions that will be taken against employee for violations of such prohibition;
2. Establishing a drug-free awareness program to inform employees about:
 - a. The dangers of drug abuse in the workplace;
 - b. The Applicant's policy of maintaining a drug-free workplace;
 - c. Any available drug counseling, rehabilitation, and employee assistance program; and
 - d. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace
3. Making it a requirement that each employee to be engaged in the performance of the award be given a copy of the statement required by paragraph (1) of this certification;
4. Notifying the employee in the statement required by paragraph (1) of this certification that, as a condition of employment in such grant, the employee will:
 - a. Abide by the terms of the statement; and
 - b. Notify the employer of any criminal drug use statute conviction for a violation occurring in the workplace no later than five calendar days after such conviction;
5. Notifying the granting agency in writing, within ten calendar days after receiving notice of a conviction under paragraph (4)(b) of this certification from an employee or otherwise receiving actual notice of such conviction;
6. Taking one of the following actions, within 30 days of receiving notice under paragraph (4)(b) of this certification, with respect to any employee who is so convicted:
 - a. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - b. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, State, or local health, law enforcement, or other appropriate agency; and
7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1 through 6 above.

D. Certification Regarding Lobbying

The Applicant certifies, to the best of his or her knowledge and belief, that:

1. No federal appropriated funds have been paid or will be paid, by or on behalf of the Applicant, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of

any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.

2. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Form SF-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The Applicant shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by title 31 U.S.C. § 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. § 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Project/Program Name:

Signature of Authorized Senior Official

Date

Name:

Title:

Agency:

ASSURANCES - CONSTRUCTION PROGRAMS

OMB Number: 4040-0009
Expiration Date: 01/31/2019

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0042), Washington, DC 20503.





PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant: I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards of merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
10. Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681 1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333) regarding labor standards for federally-assisted construction subagreements.
14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq).
18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.
20. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL 	TITLE 
APPLICANT ORGANIZATION 	DATE SUBMITTED 

AGENDA ITEM 7

**Gulf Consortium Board Meeting
September 23, 2021**

**Agenda Item 7
Financial Report**

Statement of Issue:

Presentation of the most recent monthly financial statements. The report also includes a snapshot of Grant applications for SEP Implementation.

Background:

Financial Statements are produced monthly for the Consortium. Additionally, attachments include a snapshot of the amounts allocated to the Adaptive Planning Grant and the amounts pertaining to Grant Applications for SEP projects.

Attachments:

- a) Financial Statements through July 31 – Balance Sheet and Income Statement
- b) Grant Status Summary
- c) Submitted Grants Graph

Action Required:

- 1) Approve Financial Reports
- 2) Other Board direction

Staff Recommendation:

Approve as proposed.

Prepared by:

Richard Bernier
The Balmoral Group
On: August 24, 2021

Action Taken:

Motion to: _____, Made by: _____;

Seconded by: _____.

Approved____; Approved as amended____; Defeated_____.

Gulf Consortium
Balance Sheet
As of July 31, 2021

Jul 31, 2021

ASSETS

Current Assets

Checking/Savings

Cash

Grant Account (Wells Fargo) 69.10

Operating Account (Seaside) 19,144.13

Total Cash 19,213.23

Total Checking/Savings 19,213.23

Accounts Receivable

Accounts Receivable

Adaptive Planning 124,122.01

Grants Receivable (SEP) 18,807,650.49

Total Accounts Receivable 18,931,772.50

Total Accounts Receivable 18,931,772.50

Other Current Assets

Other Current Assets

Other Receivables 45,476.21

Prepaid Expenses 9,791.00

Other Current Assets - Other 31,883.97

Total Other Current Assets 87,151.18

Total Other Current Assets 87,151.18

Total Current Assets 19,038,136.91

TOTAL ASSETS 19,038,136.91

LIABILITIES & EQUITY

Liabilities

Current Liabilities

Accounts Payable

Payables

Accounts Payable (Grants) 40,583.12

Accounts Payable (General) 7,533.06

Total Payables 48,116.18

Total Accounts Payable 48,116.18

Other Current Liabilities

Accrued Liabilities

Accrued Liabilities (Grants) 18,973,223.71

Total Accrued Liabilities 18,973,223.71

Total Other Current Liabilities 18,973,223.71

Total Current Liabilities 19,021,339.89

Total Liabilities 19,021,339.89

Equity

Funds Transfers (51,652.24)

Unrestricted Net Assets 74,535.45

Net Income (6,086.19)

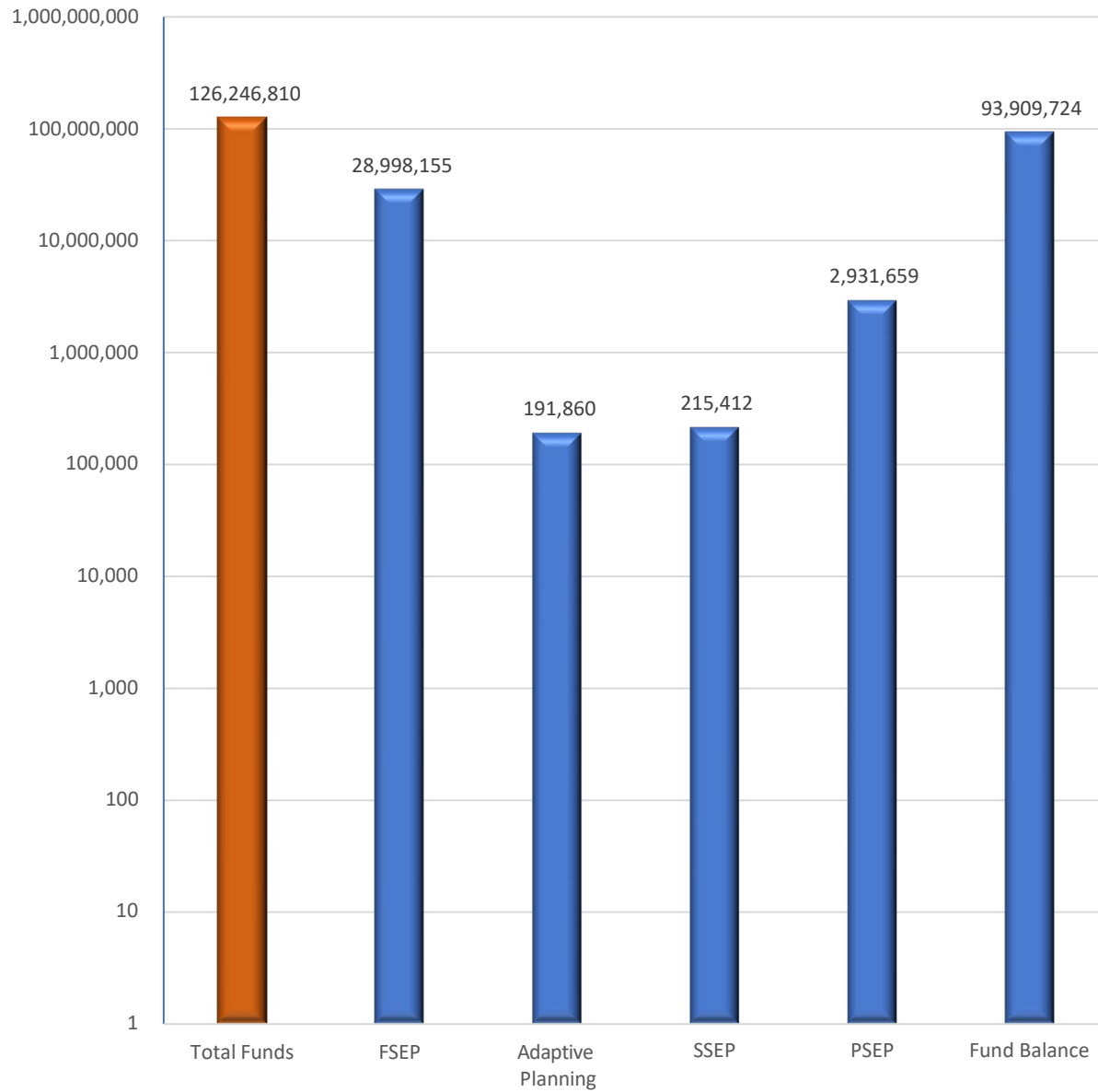
Total Equity 16,797.02

TOTAL LIABILITIES & EQUITY 19,038,136.91

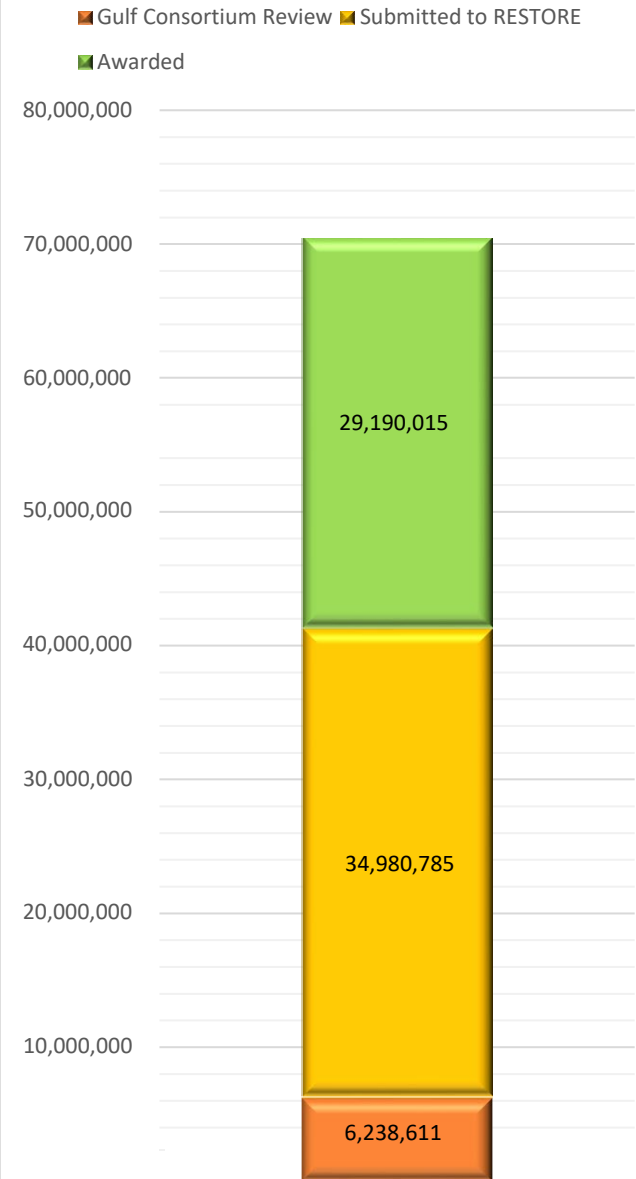
Gulf Consortium
Profit & Loss
 October 2020 through July 2021

	<u>Adaptive Planning</u>	<u>General Fund</u>	<u>SEP Grants</u>	<u>TOTAL</u>
Income				
Adaptive Planning Grant	59,412.99	-	-	59,412.99
Direct Contributions	-		-	-
Funds Carryover		21,883.21		
County Dues		106,790.00		
Grant Funds - SEP	-	-	180,572.19	180,572.19
Total Income	<u>59,412.99</u>	<u>128,673.21</u>	<u>180,572.19</u>	<u>368,658.39</u>
Expense				
Adaptive Planning	59,412.99	-	-	59,412.99
SEP Grants	-	-	180,572.19	180,572.19
General Consortium Expenses				
Other Expense	-	58.13	-	58.13
Special District Fees	-	175.00	-	175.00
Bank Fees	-	1,010.40	-	1,010.40
Meeting Expense	-	5,889.39	-	5,889.39
Accounting/Accounting	-	2,500.00	-	2,500.00
Management Fees	-	67,766.50	-	67,766.50
Legal Fees	-	28,314.42	-	28,314.42
Compliance Fees	-	154.70	-	154.70
Software	-	7,007.65	-	7,007.65
Total General Consortium Expenses	<u>-</u>	<u>112,876.19</u>	<u>-</u>	<u>112,876.19</u>
Total Expense	<u>59,412.99</u>	<u>112,876.19</u>	<u>180,572.19</u>	<u>352,861.37</u>
Net Income	<u>-</u>	<u>15,797.02</u>	<u>-</u>	<u>15,797.02</u>

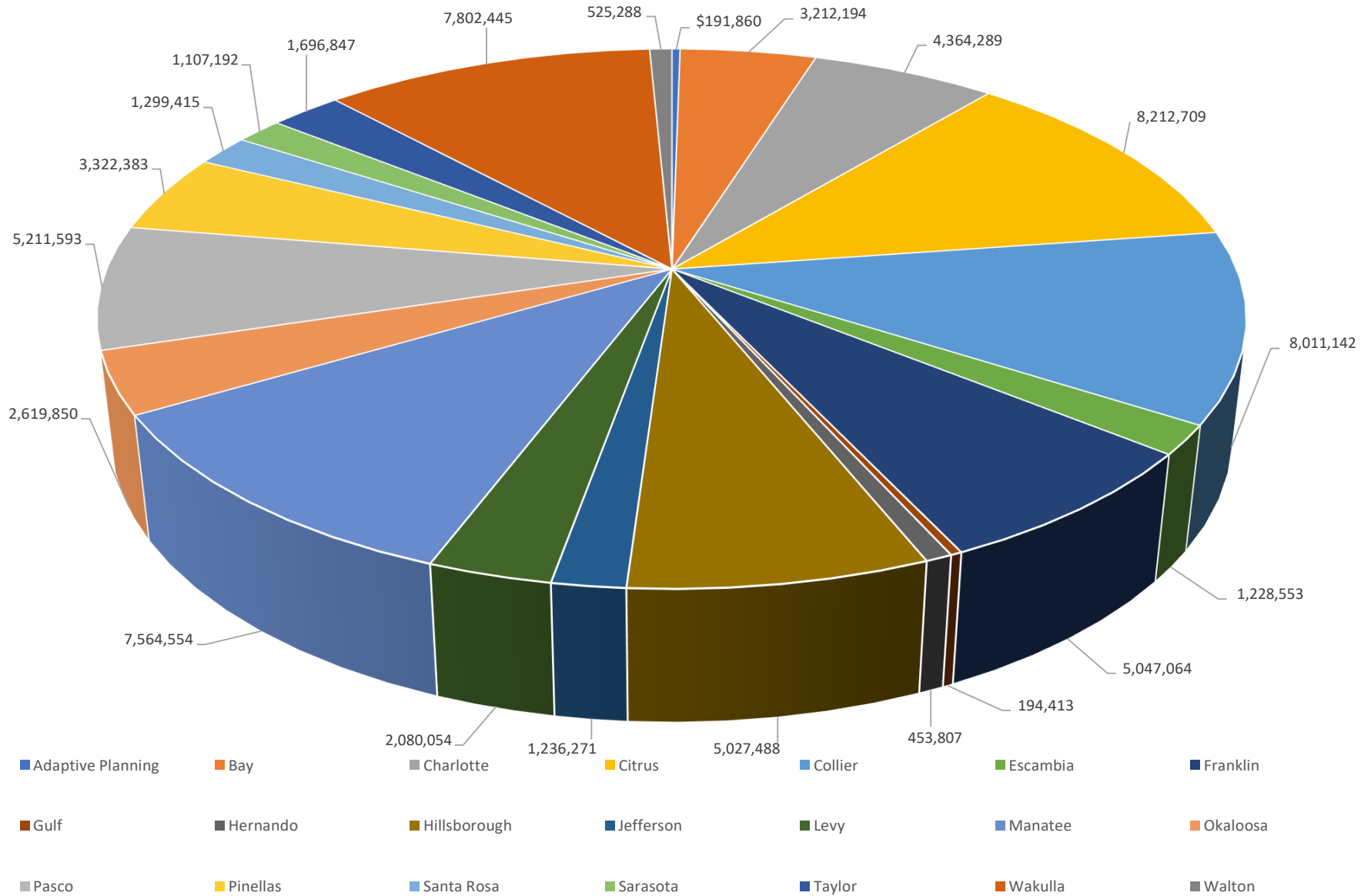
TRUST FUND through February 2021



GRANT STATUS



Submitted



9/23/2021

AGENDA ITEM 8

**Gulf Consortium Board Meeting
September 23, 2021**

**Agenda Item 8
Approval and Adoption of the Gulf Consortium
2022 Meeting Calendar**

Statement of Issue:

This agenda item seeks approval of the Consortium 2022 meeting calendar for full Board consideration.

Background:

Under the Interlocal Agreement creating the Gulf Consortium, the Chairman has the power to set the times and locations of the Consortium. However, at the Executive Committee meeting of September 9, 2016, the Chairman recommended that the calendar be discussed by the Board. The Board has since provided direction as to align Gulf Consortium meetings with Florida Association of Counties events, typically between Wednesdays and Fridays, and to hold additional stand-alone meetings as needed in facilities that could accommodate video and telephonic access.

Analysis:

Based on the meeting history since 2016, and coordination with FAC personnel, the following date ranges and locations are proposed based on FAC events with known dates for the 2022 Board meeting calendar:

<u>Date Range</u>	<u>Day of Week</u>	<u>Location</u>
January ???, 2022	TBD <i>(Policy and Legislative Conf)</i>	Leon County
June 28-July 1, 2022	Tuesday - Friday <i>(FAC Annual Conference)</i>	Orange County
September 21-23, 2022	Wednesday - Friday <i>(FAC Innovation and Policy Conference)</i>	Location TBD
Nov 30-Dec 2, 2022	Tuesday - Friday <i>(FAC Legislative Conference)</i>	St. Augustine/Ponte Vedra

Four dates are proposed for 2022. Meetings are expected to be largely dedicated to approvals of SEP project grant applications and financial reviews and other typical SEP project implementation support.

Fiscal Impact:

Following approval of the State Expenditure Plan, SEP planning grant funds are no longer available to support Board meetings and meeting expenses for 2022

need to be addressed by the Consortium general operating fund; this covers the costs of staff travel, room and AV rentals, and printing costs.

- Option 1 (4 in-person meetings) increases the general funds budget by **\$28,720** compared to 2 in-person and 2-virtual meetings.

Options:

The following options are suggested for consideration by the Board:

- (1) Approval of the 2022 meeting calendar and meeting locations with **4 in-person meetings**; or
- (2) Approval of the 2022 meeting calendar and meeting locations with **2 in-person meetings and 2 virtual meetings**; or
- (3) Board direction

Recommendation:

Option 2 – 2 virtual and 2 in-person meetings

Attachments:

None.

Prepared by:

Amanda Jorjorian
The Balmoral Group, General Manager
August 24, 2021

Action Taken:

Motion to: _____, Made by: _____;

Seconded by: _____.

Approved____; Approved as amended____; Defeated_____.

AGENDA ITEM 9

**Gulf Consortium Board Meeting
September 23, 2021**

**Agenda Item 9
Proposed Budget**

Statement of Issue:

Presentation of a proposed budget for the next fiscal year.

Background:

The fiscal year runs from October 1 to September 30 and requires an approved budget for the year. There are three categories of funds for the coming fiscal year: County Funds (for ongoing administrative items that do not qualify for grant expenditure), Adaptive Planning & Compliance Funds (a grant approved to fund the required compliance activities of receiving federal grant funds) and SEP Funds (SEP project grants). Each is discussed in turn.

Discussion:

The County funds cover costs primarily relating to meetings and administrative matters that pertain to the Consortium's status as a Special District, including public notice requirements, agenda preparation, logistics and general accounting requirements to comply with state and federal rules. For the fiscal year 2020-2021, costs will total approximately \$116,000 (at this writing, the fiscal year is not closed out) and include approximately 506 hours of management time. Legal costs are based on meeting participation and miscellaneous correspondence for up to \$32,000. The legal expense is the lesser of 1.83% of the anticipated drawdowns or \$90,000, the contractual maximum legal that can be invoiced. The fiscal agent fees are based on .03% of the draw downs.

Meeting and travel expense have been for one in-person meeting so far for this fiscal year due to the pandemic and change in meeting venues to virtual meetings. In-person meeting expenses vary depending on the location of Board meetings. **Two budget scenarios** are presented. The first one includes four in-person meetings using an average of prior years' meeting expenses to estimate costs. The second scenario includes two in-person meetings and two virtual meetings for the new fiscal year.

Miscellaneous expenses are bank fees, website renewal costs, and various required filing costs.

At Executive Committee's request, a detailed breakdown of actual expenses across each category is provided in attachment 4. The breakdown includes non-grant-related Consortium administrative expenses budgeted for the next fiscal year, compared to the current fiscal year.

The Adaptive Planning Grant funds are budgeted at \$63,950. Certain costs of managing compliance for the Consortium are grant eligible, such as the annual audit and the cost of SEP amendments, but may not be grant-specific or project-specific. Grant-eligible costs will be recouped (assuming they meet all necessary requirements) using Adaptive Planning Grant

funds. The sum requested reflects the amount of \$25,790 for audits (single and financial), costs to complete SF-425 forms, OSA updates, required annual training, and report and track financial data related to the grant award (80 hours). Costs of programmatic software (grants management and accounting) are estimated at about \$9,350. Costs are also estimated for Staff time relating to annual updates for Risk Committee, Policy Review, and associated recordkeeping, totaling 46 hours. The amount of \$23,460 represents input & upkeep for procurement record processing & accounting activities (100 hours total); at this time, few procurements are anticipated but are included for purposes of budgeting. The amount of \$8,340 is requested for contingency.

SEP Funds are based on the grant application submissions received from the counties. Since SEP approval, and for the past two budget years, the pace of grant applications has been sporadic. Staff budgeted for about \$70 million during the current year, using the SEP-planned grant milestones to date. Active grants total \$70 million at the time this budget was prepared. For FY 2021-22, staff is budgeting for additional projects targeted for the fiscal year of \$68 million, and estimating 1/2 for draw-downs in the current year. This is well below the trust fund balance of \$126 million, and a very conservative estimate based on current drawdowns of less than 10% of grant balances. To date, staff costs have been tightly managed, resulting in costs of about 1.6% of total grant value processed.

For the upcoming fiscal year, **two scenarios are offered:**

- 1) Four Board Meetings are held in-person. Under this scenario, estimated staff expense totals \$90,000 and meeting expenses are estimated at \$29,200. This covers the costs of staff travel, room and AV rentals, and printing costs. Importantly, printing assumptions include hard copy printing of 10 agenda packets for each in-person meeting, which is a reduction in costs of almost \$10,000. This scenario would require an increase in County Dues of \$2,732 for large counties and \$634 for small counties. See attachment 1.

It is important to note that, as shown in Attachment 3, county dues are currently well below levels from 2018, and basic costs for all items have continued to increase during that time. Management costs have reduced in hours each year, and are holding fairly steady at about 40 hours/month. Further reduction in management hours is considered unrealistic, given increased Consortium activity.

- 2) Two Board Meetings are in-person, and two Board Meetings are virtual, to reduce travel costs, room and AV rental costs and printing. Under this scenario, estimated staff expense totals \$78,925 and meeting expense totals \$11,680. This scenario would require an increase in County Dues of \$1,028 for large counties and \$239 for small counties.

Executive Committee accepted the recommendation of Finance and Budget Committee, which is to recommend scenario 2 for approval. Scenario 2 provides for 2 in-person and 2 virtual Board meetings.

Attachments:

- (1) Proposed budget Scenario 1 for fiscal year running from October 1, 2021 to September 30, 2022 (all in-person).
- (2) Proposed budget Scenario 2 for fiscal year running from October 1, 2021 to September 30, 2022 (half in-person, half virtual).
- (3) History of County Dues payments
- (4) Breakdown of Consortium administrative costs paid from County dues.

Options:

- (1) Approve Scenario 2, with 2 in-person and 2 virtual Board meetings.
- (2) Approve Scenario 1, with four in-person meetings.
- (3) Other Board direction.

Prepared by:

Valerie Seidel
The Balmoral Group
On: September 14, 2021

Gulf Consortium Proposed Budget Fiscal Year 2021-2022

Note: Trust Fund Balance as of April 2021 = \$126,246,810

4 in-person meetings		Budget			
Beginning Funds Balance		-		-	
REVENUES	County Funds	Adaptive Planning	SEP Funds	Total	
County Funding	152,840			\$	152,840
Adaptive Planning Grant		191,860			191,860
Florida SEP Grant			104,764,553		104,764,553
TOTAL REVENUES	\$ 152,840	\$ 191,860	\$ 104,764,553	\$	105,109,253
DISBURSEMENTS					
Adaptive Planning					
Financial, Audit & Reporting		25,790			25,790
Risk, Procurement & Amendments		23,460			23,460
Contingency		8,340			8,340
Software		6,360			6,360
Subtotal Adaptive Planning Expenses		63,950			63,950
Florida State Expenditure Plan (SEP) Project Implementation Expenses					
County Projects			52,382,277		52,382,277
Subtotal SEP Expenses			52,382,277		52,382,277
General Operating Expenses					
Management Expense	90,125				90,125
Legal Expense	30,500				30,500
Meeting and Travel Expense	29,200				29,200
*Miscellaneous	3,015				3,015
Subtotal General Operating	152,840				152,840
TOTAL EXPENSES	152,840	63,950	52,382,277		52,599,067
Funds Balance	-	127,910	52,382,276		52,510,186

1 Estimated cash balance after all 2019/20 expenses have been paid

Individual County Assessment change:	Needed	Revised per County	Prior Year	Change
2 15 Large Counties from \$ 9,038	-	9,038	6,306	2,732
8 Small Counties from \$ 2,159	-	2,159	1,525	634

3 Based on historical costs, financial reporting, administration & meeting costs

Includes items from SEP Amendment (see agenda item) & meetings

4 Based on 4 in person Board meetings - Printing, facility charges, AV

5 Trust Fund Balance as of April 2021 = \$126,246,810

Gulf Consortium Proposed Budget Fiscal Year 2021-2022

2 In-person meetings & 2 virtual meetings

Note: Trust Fund Balance as of April 2021 = \$126,246,810

Budget				
Beginning Funds Balance				
	-	-	-	-
REVENUES	County Funds	Adaptive Planning	SEP Funds	Total
County Funding	124,120			\$ 124,120
Adaptive Planning Grant		191,860		191,860
Florida SEP Grant			104,764,553	104,764,553
TOTAL REVENUES	\$ 124,120	\$ 191,860	\$ 104,764,553	\$ 105,080,533
DISBURSEMENTS				
Adaptive Planning				
Financial, Audit & Reporting		25,790		25,790
Risk, Procurement & Amendments		23,460		23,460
Contingency		8,340		8,340
Software		6,360		6,360
Subtotal Adaptive Planning Expenses		63,950		63,950
Florida State Expenditure Plan (SEP) Project Implementation Expenses				
County Projects			52,382,277	52,382,277
Subtotal SEP Expenses			52,382,277	52,382,277
General Operating Expenses				
Management Expense	78,925			78,925
Legal Expense	30,500			30,500
Meeting and Travel Expense	11,680			11,680
*Miscellaneous	3,015			3,015
Subtotal General Operating	124,120			124,120
TOTAL EXPENSES	124,120	63,950	52,382,277	52,570,347
Funds Balance	-	127,910	52,382,276	52,510,186

1 Estimated cash balance after all 2019/20 expenses have been paid

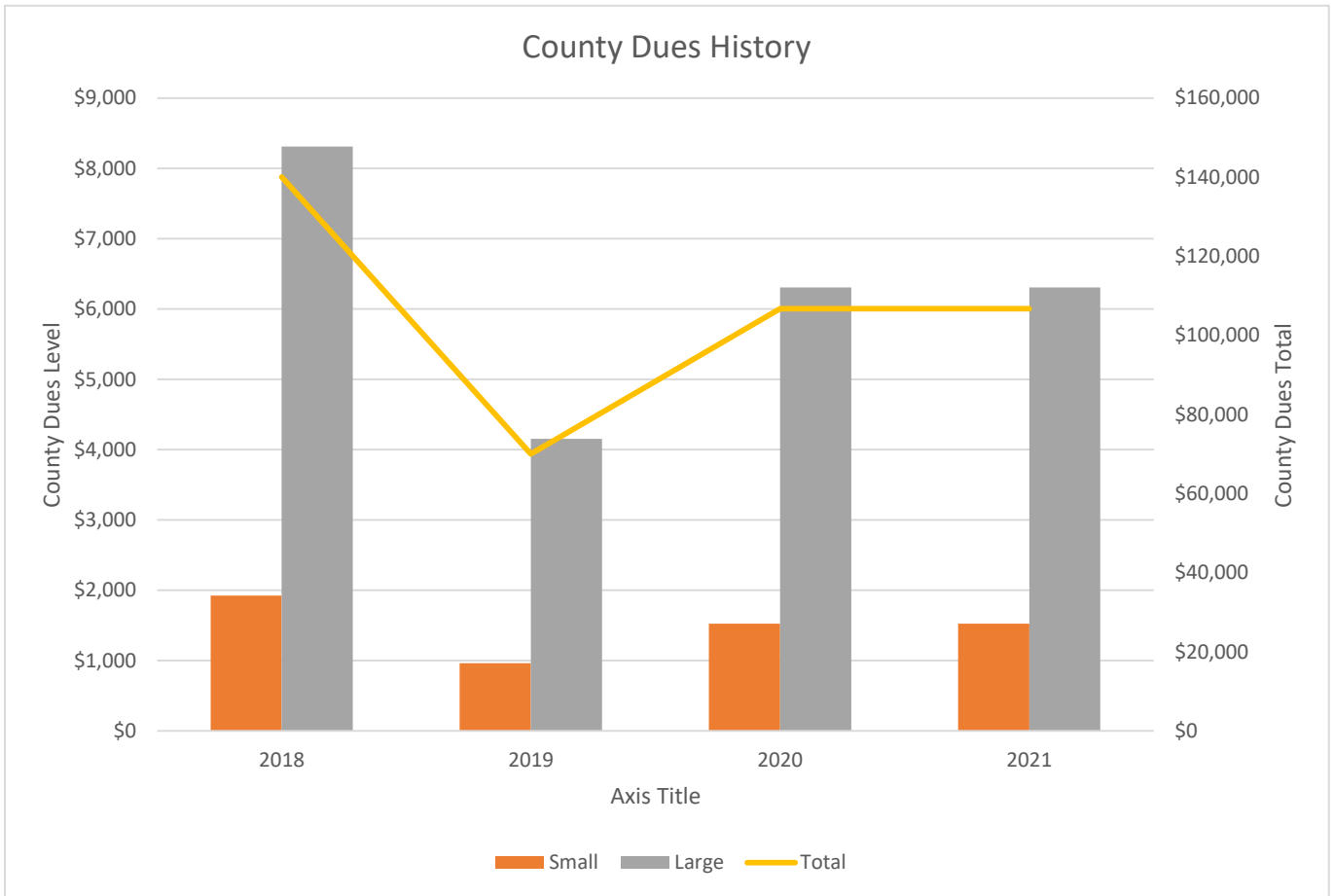
Individual County Assessment change:		Needed	Revised per County	Prior Year	Change
2	15 Large Counties from	\$ 7,334	-	7,334	6,306
	8 Small Counties from	\$ 1,764	-	1,764	1,525
					239

3 Based on historical costs, financial reporting, administration & meeting costs

Includes items from SEP Amendment (see agenda item) & meetings

4 Based on 2 in person Board meetings - Printing, facility charges, AV

5 Trust Fund Balance as of April 2021 = \$126,246,810



Gulf Consortium Board Meeting
 9/23/21
 Agenda Item 9 attachment 4
 Breakdown of Consortium administrative costs

	Actual, FY 21		Budgeted, FY 22, 4 in-person		
	FY 21 Total	YTD actual Hours	FY 22 Total	Budgeted Hours	
Management Expense					
Board Meetings	8,653	51.75	18,900	108.00	
Exec Comm Mtgs	3,770	21.75	2,100	12.00	
Finance Comm. Mtgs.	1,125	5.00	2,625	15.00	
Audit Comm Mtgs	644	3.75	1,400	8.00	
Meeting Preparation/Admin	52,171	303.50	56,350	322.00	
Finance and Accounting	12,905	75.25	8,750	50.00	
Total Admin Rate	79,268	461.00	90,125	515.00	
Legal Expense					
Review of Meeting Materials	9,964		15,000	60 hours	
Board Meetings	2,925		3,000	\$ 750 /mtg for	4 meetings
Misc. Correspondence & Reviews	15,425		12,500	50 hours	
Total Legal	28,314		30,500		
Meeting and Venue Expense					
Printing	1,037		4,200	10 agenda packets only	
Catering	548		6,000	Avg 1500 each; mandatory at most venues	
AV Charges	3,985		12,000	Avg 3000 each; mandatory at most venues	
Facility Rental	440		7,000	Avg 1750 each; mandatory at mos venues	
	6,010		29,200		
Miscellaneous					
Website Renewal			340		
Special District Fee	175		175		
Bank Charges	1,010		1,000		
FAR Notices	427		1,500		
	1,612		3,015		

AGENDA ITEM 10

**Gulf Consortium Board Meeting
September 23, 2021**

**Agenda Item 10
SEP Amendment Request**

Statement of Issue:

Request that staff be authorized to prepare a draft SEP amendment to bring to the November Board for approval to release for public comment.

Background:

An amendment to the SEP is required for new projects or changes in scope of existing projects. The goals of this recommended SEP amendment are described in the analysis section. This would be the 4th amendment to Florida's SEP.

Analysis:

The goal of this SEP amendment: to revise project scopes and/or add new SEP projects where needed. If approved in draft form at the November Board meeting, this would open the required 45-day public comment starting within a few days of that Board meeting.

Counties need to deliver their project information to Gulf Consortium management by 10/15/2021 to allow for time to prepare the draft SEP amendment prior to the November 2021 Board meeting.

Fiscal Impact:

We estimate the time involved in this SEP amendment to be (maximum) 40 hours (\$6,800) for The Balmoral Group and 8 hours for NGN (\$2,000). Only hours worked are billed. This is charged to project 24-1 "Adaptive Compliance Project".

Options:

The following options are suggested for consideration by the Board:

- (1) Approval of SEP amendment preparation
- (2) Board direction

Recommendation:

Option 1

Attachments:

None.

Prepared by:

Dan Dourte
The Balmoral Group, Grants Administrator

September 14, 2021

Action Taken:

Motion to: _____, Made by: _____;

Seconded by: _____.

Approved____; Approved as amended____; Defeated_____.

AGENDA ITEM 11

**Gulf Consortium Board Meeting
September 23, 2021**

**Agenda Item 11
Proposed Auditor
Procurement**

Statement of Issue:

The current contract for required annual audits expires this year, and requires a new procurement. Legal Counsel has prepared a procurement document.

Background:

Financial and Single Audits must be completed for the Consortium to be in compliance with both state and federal requirements. Legal Counsel has prepared a procurement document and timeline. For expediency staff proposes that the Finance Committee serve as the Audit Selection Committee as required under section 218.391, Florida Statutes.

Summary:

Staff Counsel has prepared a Request for Proposal to be released immediately following the Gulf Consortium Board Meeting, upon approval. The packet will accept responses through October 15, 2021, which will allow for selection committee members to meet and propose a selection timely for November Board meeting approval. Selection prior to calendar year end is preferable for receiving scheduling priority with auditing firms. The final audit is not due until June 30, 2022, but the Consortium competes with much larger assignments.

Attachments:

- a) RFP package

Action Required:

- a) Approve RFP
- b) Other Direction

Prepared by:

Valerie Seidel
The Balmoral Group On:
September 14, 2021



REQUEST FOR PROPOSALS AUDIT SERVICES

Notice is hereby given that the Gulf Consortium will be receiving sealed responses to Request for Proposals at the offices of The Balmoral Group, 165 Lincoln Avenue, Winter Park, FL 32789, for audit services.

The Gulf Consortium ("the Consortium") intends to enter into an agreement with an experienced and qualified professional firm to provide audit services pursuant to applicable laws, rules and regulations governing the Consortium. The audit is to be conducted in accordance with, but not necessarily limited to, the Single Audit Act Amendments of 1996, 31 U.S.C. s. 7501 et. seq., section 215.97, Florida Statutes "Florida Single Audit Act," regulations adopted by the Auditor General of the State of Florida, and 2 CFR Part 200, including an audit report consisting of a financial audit of the Consortium, an audit of financial accounts and records, including all reports, management letters, and financial statements that may be required, and other audit services requested by the Consortium.

REQUEST FOR PROPOSALS DUE DATE: 4:00 p.m., EST, October 15, 2021
GULF CONSORTIUM
THE BALMORAL GROUP
165 LINCOLN AVENUE
WINTER PARK, FLORIDA 32789

Documents can be obtained by contacting the Consortium Manager at (407) 629-2185 or gulf.consortium@balmoralgroup.us. Documents can also be found online at www.gulfconsortium.org.

Notice(s) provided on the Gulf Consortium website at: www.gulfconsortium.org

GULF CONSORTIUM

Request for Proposals for Audit Services

The Gulf Consortium, a political entity created by Interlocal Agreement among Florida's 23 Gulf Coast counties ("the Consortium"), is seeking to select an auditor or auditing firm ("Auditor") that clearly demonstrates the highest level of ability and proven reliability to perform the auditing services for the Consortium as required by this RFP. Such auditing services will include an audit report, consisting of a financial audit of the Consortium, an audit of its financial accounts and records, including all reports, management letters, and any other auditing services that may be required by the Consortium.

NOTICE: Applicants or bidders for a lower tier covered transaction (except procurement contracts for goods and services under \$25,000 not requiring the consent of a Council official) are subject to 2 C.F.R. Part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)." In addition, applicants or bidders for a lower tier covered transaction for a subaward, contract, or subcontract greater than \$100,000 of Federal funds at any tier are subject to relevant statutes, including among others, the provisions of 31 U.S.C. 1352, as well as the common rule, "New Restrictions on Lobbying," published at 55 FR 6736 (February 26, 1990), including definitions, and the Office of Management and Budget "Governmentwide Guidance for New Restrictions on Lobbying," and notices published at 54 FR 52306 (December 20, 1989), 55 FR 24540 (June 15, 1990), 57 FR 1772 (January 15, 1992), and 61 FR 1412 (January 19, 1996).

SECTION 1. INTRODUCTION AND BACKGROUND

In response to the explosion of and the resulting oil spill from the Deepwater Horizon offshore drilling rig in the Gulf of Mexico on April 20, 2010 (Deepwater Horizon Oil Spill), the United States Congress enacted the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (RESTORE Act) (title 1, subtitle F of Public Law 112-141) as part of the Moving Ahead for Progress in the 21st Century Act. The RESTORE Act was passed by Congress on June 29, 2012 and signed into law on July 6, 2012 by the President.

The RESTORE Act establishes funding from a portion of the administrative and civil penalties under the Federal Water Pollution Control Act from the Deepwater Horizon Oil Spill for the ecological and economic restoration of the Gulf Coast region. The RESTORE Act directs funding for the development and implementation of the State Expenditure Plan in each of the five Gulf Coast States.

The Gulf Consortium is a public entity created in October 2012 by Interlocal Agreement among Florida's 23 Gulf Coast counties, from Escambia County to Monroe County.

Florida's 23 Gulf Coast Counties formed the Consortium to meet requirements of the RESTORE Act for Florida to develop and implement a State Expenditure Plan. The Consortium Board of Directors consists of one representative from each county

government and six members appointed by the Governor. As a public entity, the Consortium must meet all government transparency requirements in Florida, including open public records and meetings, ethics and state auditing obligations.

The Consortium has no paid staff; however there are currently three vendors with professional services contracts who work for or on behalf of the Gulf Consortium. These vendors are compensated from a combination of dues collected from the 23 member counties of the Consortium and/or grant funds approved by the Restore Council.

SECTION 2. PERFORMANCE SPECIFICATIONS

2.1. Scope of Work

Financial Statements

The Consortium desires the auditor to express an opinion on the fair presentation of its basic financial statements, including any fund financial statements, in conformity with accounting principles generally accepted in the United States.

A Single Audit in accordance with the Federal and State Single Audit Acts and related professional guidance shall be conducted as required. The Auditor shall prepare any required letters, schedules, and forms related to this audit.

Internal Controls

In connection with the audit of the financial statements, the auditor shall consider, test, and report on internal controls and perform tests and report on compliance in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards.

2.2. Compliance Requirements

The audit, of the Consortium, must be performed in compliance with the requirements of all of the following:

- Section 215.97, Florida Statutes
- Rules adopted by the Auditor General, relating to local government audits
- Generally Accepted Auditing Standards and generally Accepted Accounting Principles under Chapter 473, Florida Statutes
- Government Auditing Standards
- 2 CFR Part 200
- Single Audit Act of 1996
- State of Florida Single Audit Act

2.3. Project Timeline

A final and complete opinion letter on the financial statements taken as a whole, as well as any additional letters required by the United States or State of Florida Single Audit Act, shall be delivered to the Gulf Consortium no later than June 15 following the end of the fiscal year under audit.

2.4. Deliverable Copies

The Auditor will provide two (2) paper copies and electronic copies of the final combined audit report, which shall include the individual audits, management letters, and any reports on internal control for the Consortium, and Federal/State Financial Assistance reports.

2.5. Report Preparation

The Auditor will prepare a Single Audit Report for the Consortium.

1. A report of the fair presentation of the financial statements in conformity with generally accepted accounting principles.
2. A report on internal control over financial reporting and on compliance and other matters based on an audit of financial statements performed in accordance with government auditing standards.
3. A report on compliance with requirements applicable to each major Federal Program and on internal control over compliance in accordance with OMB Super Circular and Chapter 10.550, Rules of the Auditor General.
4. A full and complete management letter which shall identify any management weaknesses observed, assess their effect on financial management, and propose steps to correct or eliminate those weaknesses.
5. Any other required reports and schedules required by the Federal and State Single Audit Acts.

2.6. Final Presentations

The partner in charge of the audit and the audit manager must be available to attend an Executive Committee and a Board of Directors meeting of the Consortium, as requested, to discuss the Audit.

2.7. Final Conference

The Auditor will conduct an exit conference with the Consortium or its designee.

SECTION 3. TERM OF CONTRACT

The Consortium anticipates that the term of the agreement will be for three (3) years with the options of two (2) additional one-year renewal periods, unless earlier terminated by either party upon thirty (30) days' written notice.

SECTION 4. INSTRUCTIONS FOR PROPOSALS

4.1. Transmission and Receipt of Proposals.

Email the proposal to:

gulf.consortium@balmoralgroup.us – Please include “Audit RFP” in the subject line

Or deliver, or mail the proposal to:

Gulf Consortium
Attn: Audit Committee
165 Lincoln Avenue
Winter Park, FL 32789

Proposals must be RECEIVED **no later than 4:00 p.m. on Friday, October 15, 2021.**

4.2. Proposal Contents.

The proposal must include:

- a. Description and history of the audit firm. **(1 page)**
- b. Relevant prior governmental auditing experience **(1 page)**
- c. No less than three (3) references for which the firm has performed similar work. **Must use “Reference Form” provided below.**
- d. Staff available for this audit, including identification and qualifications of all personnel who will be assigned to this audit. Include all of the following for each person assigned to this Audit: **(3 pages altogether for this section)**
 - i. Names and government audit experience of the partner in charge, the manager, and other supervisory personnel, as applicable, of the Audit.
 - ii. Certification, licensure and CPE training, including copies of all licenses of all persons who are authorized to operate as Independent CPAs under Chapter 473, Florida Statutes, and statements as to whether continuing education requirements of the Florida Institute of CPA’s relating to governmental audits have been satisfied.
 - iii. Information on membership in professional societies.
 - iv. Background and qualifications of all other professional audit or other staff assigned to the Audit that are not included in any of the above.
- e. A tentative schedule for performing the key phases of the Audit. **(1 Page)**
- f. Detailed information on the auditor’s proposed audit procedures to be followed and anticipated audit approach. **(3 Pages)**
- g. Schedule of fees/hourly rates for personnel to be assigned to this audit and anticipated hours for each member of such personnel to be devoted to this Audit. In the alternative, proposers may provide a lump sum fee for performing the requested auditing services, plus a schedule of fees/hourly rates for personnel to

be assigned to the audit that may be used for any additional services. Also include fee structure and actual charges for previous audits performed for other local governments of similar size and budget for the past three years.

- h. A statement acknowledging the firm has sufficient staff and availability to meet or exceed the performance specifications in Section 2 above.
- i. A copy of the firm's latest Peer Review Report.
- j. Acknowledgement of receipt of any addenda issued.
- k. Signed copy of Exhibit A, General Grant Funding Special Proposal Conditions. **(Form attached)**
- l. Provide details of pending litigation against your firm or any members of your personnel in their capacity as members, associates or employees of your firm.
- m. Disclose any past, current, or pending disciplinary action against your firm or any of your personnel by the Florida State Board of Accountancy or any other agency.

The proposal shall be no longer than 12 pages. The 12-page maximum does not include the Reference Form or the Statement on Public Entity Crimes.

SECTION 5. EVALUATION PROCEDURES

The Auditor Selection Committee is composed of 6 members. The Committee will evaluate proposals based on a weighted score point formula. The Committee will rank and recommend to the Gulf Consortium, in order of preference, firms to be deemed the most highly qualified to perform the required services after considering the factors contained in this RFP.

Among the factors to be considered by the Committee in evaluating proposals is:

- Government audit experience, including grant audits (25 pts)
- Professional ability of personnel to be assigned to the Audit (20 pts)
- Ability to furnish the required service, including audit approach (20 pts)
- Credibility and response of client references (20 pts)
- Price/Fees (15 pts)

Committee will evaluate each proposal, based on the proposal document submitted, and how those met the criteria and requirements of this RFP. The firms having the highest

aggregate point score will be ranked and then recommended to the Consortium for the contract negotiation process.

Note: If the Selection Committee cannot recommend a firm based solely off the document submissions, it reserves the option to create a short-list of the top ranked proposals and pursue interviews virtually. Based on those interviews and the proposal scores the Selection Committee would choose a firm for recommendation to the Consortium.

SECTION 6. MISCELLANEOUS PROVISIONS

6.1. Proposal Expense

The Consortium will not be liable for any expenses or reimbursement to any firm for costs or expenses incurred in connection with preparation of a response to this RFP.

6.2. Deadline Consequences

Proposals received after the established deadline will not be opened. A proposer may withdraw its proposal by notifying the Consortium in writing at any time prior to the due date. Proposals not so withdrawn will, upon opening, constitute an irrevocable offer for a period of 120 days to provide the Consortium the services set forth in this RFP until the Consortium has selected one of the proposers. Upon opening, proposals become public records and shall be subject to public disclosure in accordance with Chapter 119, Florida Statutes.

6.3. Public Entity Crime Statement

In accordance with section 287.133(2)(a), Florida Statutes, "A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in section 287.017, for Category Two, for a period of 36 months from the date of being placed on the convicted vendor list."

By submission of a proposal in response to this RFP, the Proposer certifies compliance with the above requirements as stated in section 287.133, Florida Statutes.

6.4. Reservation of Rights

The Consortium reserves the right to accept or reject any and/or all proposals to this RFP, to waive irregularities and technicalities, and to request resubmission. The Consortium retains the right to request additional information from any proposer; failure to provide such requested information may result in rejection of the proposal. The

Consortium reserves the right to keep proposals submitted and use ideas from them. Any sole response received may or may not be rejected by the Consortium, depending on available competition and timely needs of the Consortium. The Audit Selection Committee and the Consortium shall be the sole judges of the proposals and the resulting agreement that is in its best interest, and its decision shall be final.

6.5. Minority Businesses

The Consortium, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 and the regulations of the U.S. Department of Commerce issued pursuant to such Act, hereby notifies all proposers that it will affirmatively ensure that in any agreement entered into pursuant to this RFP, minority business enterprises will be afforded full opportunity to submit responses to this RFP and will not be discriminated against on the grounds of race, color or national origin in consideration for an award.

6.6. Non Discrimination

All proposers are hereby notified that the selected auditor will comply with the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Rehabilitation Act of 1973, the Americans with Disabilities Act and the Florida Civil Rights Act, all as amended. Specifically, by submitting a proposal, each proposer agrees that:

- No person will, on the grounds of race, color, sex, religion, age, disability, national origin or marital status, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program, activity or service funded through an agreement entered into as a result of this RFP and the proposal submitted.
- The proposer will not discriminate against any employee or applicant for employment because of race, color, religion, sex, age, disability, national origin or marital status. The proposer agrees to post in a conspicuous place, available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause.
- The proposer will, in all solicitations or advertisements regarding program activities, services provided or applications for employment, state that all qualified applicants will receive consideration for services or employment without regard to race, color, religion, sex, age, disability, national origin or marital status.
- The Consortium may require the selected auditor to submit reports as may be necessary to indicate non-discrimination. Consortium officials will be permitted access to the Auditor's books, records, accounts and other sources of information and its facilities as may be pertinent to ascertain compliance with non-discrimination laws.

It is expressly understood that the Consortium will have the right to terminate any agreement entered into as a result of this RFP and the proposal submitted thereto upon receipt of evidence of discrimination by the Auditor.

6.7. Indemnification

As part of any agreement that may be entered into as a result of this RFP, the Auditor will indemnify, save and hold harmless the Consortium and all of its officers, agents, employees, contractors or volunteers from all suits, actions, claims, demands and liability of any nature whatsoever arising out of, because of, or due to the breach of the agreement by the Auditor or its subcontractors, agents, employees or volunteers, or due to any negligent act, or occurrence of omission or commission of the auditor, its subcontractors, agents, employees or volunteers. Neither the Auditor nor any of its subcontractors, agents, employees or volunteers will be liable under this paragraph for damages arising out of injury or damage to persons or property directly caused or resulting from the sole negligence of the Consortium or any of its officers, agents, employees, contractors or volunteers.

SECTION 7. INSURANCE REQUIREMENTS

Before entering into an agreement with the Consortium, the Auditor will be required to provide Certificates of Insurance showing that the Auditor has insurance policies in coverages and limits required below from companies authorized to do business in the State of Florida, with a rating of "A" or better. Each policy required below must require that thirty (30) days prior to expiration, cancellation, non-renewal or any material change in coverages or limits, written notice thereof must be given to Consortium. Each Certificate of Insurance will be on a standard ACORD form, listing coverages and limits, expiration dates, terms of policies and all endorsements, and will include the RFP/project name on the Certificate. Each Certificate of Insurance, which is allowed by law to carry an additional named insured, will show "Gulf Consortium, a public entity created in October 2012 by Interlocal Agreement among Florida's 23 Gulf Coast counties, and its officers, agents, employees, and volunteers," as additional named insured. Any and all deductibles to any insurance policy will be the responsibility of the Auditor. Coverages and limits for the insurance required herein are as follows:

- A. Workers' Compensation:** Coverage to apply for all employees for Statutory Limits in compliance with the applicable state and federal laws. The policy must include Employers' Liability with a limit of \$300,000 each accident.
- B. Professional Liability Insurance:** Coverage of a minimum one million dollars (\$1,000,000) in coverage for this project.
- C. Public Liability Insurance:** Policy must include bodily injury and property damage, Combined Single Limits (CSL) of \$300,000 minimum.
- D. Comprehensive General Liability Insurance:** Policies shall include, but not be limited to, Independent Contractor, Contractual, Premises/Operations, Products/Completed Operations and Personal Injury covering liability assumed under indemnification provisions, with limits of liability for personal injury and/or

bodily injury, including death, of not less than \$500,000, each occurrence; and property damage of not less than \$100,000, each occurrence. (Combined single limits of not less than \$500,000, each occurrence, will be acceptable unless otherwise stated). Coverage shall be on an "occurrence" basis, and the policy shall include Broad Form Property Damage coverage.

- E. Comprehensive Automobile and Truck Liability:** Policies shall cover owned, hired and non-owned vehicles with minimum limits of \$300,000 each occurrence and property damage of not less than \$100,000 each occurrence. (Combined single limits of not less than \$500,000 each occurrence will be acceptable unless otherwise stated). Coverage shall be on an "occurrence basis" such insurance to include coverage for loading and unloading hazards.

SECTION 8. NEGOTIATIONS

The Consortium will inquire of qualified firms as to the basis of compensation, select the highest-ranked qualified firm recommended by the Selection Committee, and negotiate a contract with that firm. If the Consortium chooses not to select the highest-ranked qualified firm as recommended by the Selection Committee, it may select another firm with which to negotiate a contract. In such event, the Consortium must document, in the public records, the reason for not selecting the highest-ranked qualified firm. Should the Consortium be unable to negotiate a contract with the selected firm, negotiations with that firm will be formally terminated and the Consortium will then negotiate with the next firm selected by the Consortium, and the process will continue until successful negotiations are reached.

SECTION 9. DEBARMENT AND SUSPENSION.

The Proposer must certify to the best of its knowledge and belief, that it and its principals are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency.

SECTION 10. AWARD OF RFP, NOTICE OF INTENDED DECISION AND PROTEST.

An award will be made to the responsive, responsible Proposer who ranks highest in the evaluation process, unless otherwise stated elsewhere in this document. The Consortium reserves the right to waive any informality in Proposals and to award a Proposal in whole or in part when either or both conditions are in the best interest of the Consortium.

1. Notice of the intended decision will be posted on the Gulf Consortium website at: www.gulfconsortium.org for a period of seventy-two (72) consecutive hours, which does not include weekends or County observed holidays. Any Proposer who

desires to protest the intended decision must file a notice of intent to protest in writing within seventy-two (72) hours after the posting of the notice. Any award recommendation may be protested on the grounds of irregularities in the specifications, solicitation procedure, or the evaluation of the solicitation. Such notice of intent of solicitation protest shall be made in writing to Lynn Hoshihara, Gulf Consortium General Counsel, 1500 Mahan Drive, Ste 200, Tallahassee, FL 32308 or lhoshihara@ngnlaw.com.

2. A Protestor shall file a formal written bid protest within 3 days after the date in which the notice of intent of bid protest has been submitted. Failure to file a notice of intent of protest or failure to file a formal written protest shall constitute a waiver of all rights granted under this section. The Proposer shall be responsible for inquiring as to any and all award recommendation and postings.
3. Should concerns or discrepancies arise during the solicitation process, Proposers are encouraged to contact the General Counsel prior to the scheduled solicitation opening. Such matters will be addressed and remedied if necessary prior to a solicitation opening or award whenever practically possible. Proposers are not to contact any Auditor Selection Committee or Gulf Consortium member.

SECTION 11. ADDITIONAL INFORMATION

The Consortium will not respond to in person oral inquiries. Proposers may submit written, emailed, or telephonic inquiries regarding this RFP to the Consortium Manager at (407) 629-2185 or gulf.consortium@balmoralgroup.us. The Consortium will respond to written or emailed inquiries, if those inquiries are received before 4:00 PM on October 6, 2021.

The Consortium will record its responses to inquiries and any supplemental instructions in the form of written addenda and will send written addenda to all proposers who were sent the RFP. Any supplemental information will be posted on the Gulf Consortium's website as well. It is the responsibility of the proposer, before submitting a proposal, to contact the Gulf Consortium Manager to determine if addenda were issued, acknowledging and incorporating them into its proposal

PROPOSED TIME SCHEDULE FOR SELECTION OF AUDITOR (Dates and Times are estimated and may be subject to change)

Solicitation Release	4:00 PM	September 23, 2021
Question and Answer Ends	4:00 PM	October 6, 2021

Return Deadline for RFP's	4:00 PM	October 15, 2021
Auditor Selection Committee Meeting	1:00 PM	week of November 1st
Gulf Consortium Board of Directors Meeting to select firms and authorize negotiation of a contract	1:00 PM	November 18, 2021

The Consortium may continue negotiations to a future date if necessary

DRAFT

EXHIBIT A
GENERAL GRANT FUNDING SPECIAL PROPOSAL CONDITIONS

This solicitation is fully or partially funded by Federal grants. Proposers shall comply with the following:

1. **Drug Free Workplace Requirements:** Drug-free workplace requirements in accordance with Drug Free Workplace Act of 1988 (Pub L 100-690, Title V, Subtitle D) All contractors entering into Federal funded contracts over \$100,000 must comply with Federal Drug Free workplace requirements as Drug Free Workplace Act of 1988.
2. **Contractor Compliance:** The contractor shall comply with all uniform administrative requirements, cost principles, and audit requirements for federal awards.
3. **Conflict of Interest:** The contractor must disclose in writing any potential conflict of interest to the Consortium or pass-through entity in accordance with applicable Federal policy.
4. **Mandatory Disclosures:** The contractor must disclose in writing all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award.
5. **Utilization of Small and Minority Businesses, Women's Business Enterprises and Labor Surplus Area Firms:** The contractor must take all necessary affirmative steps to assure that small, minority, and women-owned businesses are utilized when possible, in accordance with 2CFR 200.321. If subcontracts are to be let, prime contractor will require compliance of this provision by all sub-contractors. Prior to contract award, the contractor shall document efforts to assure that such businesses are solicited when there are potential sources; that the contractor made an effort to divide total requirement, when economically feasible, into smaller tasks or quantities to permit maximum participation by such businesses; and, that the contractor has established delivery schedules, where permitted, to encourage such businesses respond. Contractor and sub-contractor shall utilize service and assistance from such organizations as SBA, Minority Business Development Agency of the Department of Commerce, the Florida Department of Management Services (Office of Supplier Diversity), the Florida Department of Transportation, Minority Business Development Center, and Local Government M/DBE programs, available in many large counties and cities. Documentation, including what firms were solicited as suppliers and/or sub-contractors, as applicable, shall be included with the bid proposal.
6. **Equal Employment Opportunity:** (As per Executive Order 11246) The contractor may not discriminate against any employee or applicant for employment because of age, race, color, creed, sex, disability or national origin. The contractor agrees to take

affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their age, race, color, creed, sex, disability or national origin. Such action shall include but not be limited to the following: employment, upgrading, demotion or transfer, recruitment advertising, layoff or termination, rates of pay or other forms of compensation and selection for training including apprenticeship.

7. **Davis-Bacon Act:** If applicable to this contract, the contractor agrees to comply with all provisions of the Davis Bacon Act as amended (40 U.S.C. 3141-3148). Contractors are required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. If the grant award contains Davis Bacon provisions, the Consortium will place a copy of the current prevailing wage determination issued by the Department of Labor in the solicitation document. The decision to award a contract shall be conditioned upon the acceptance of the wage determination.

8. **Copeland Anti Kick Back Act:** If applicable to this contract, contractors shall comply with all the requirements of 18 U.S.C. § 874, 40 U.S.C. § 3145, 29 CFR Part 3 which are incorporated by reference to this contract. Contractors are prohibited from inducing by any means any person employed in the construction, completion or repair of public work to give up any part of the compensation to which he or she is otherwise entitled.

9. **Contract Work Hours and Safety Standards Act (40 U.S.C. 3701–3708):** Where applicable, all contracts awarded in excess of \$100,000 that involve the employment of mechanics or laborers must be in compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor is required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

10. **Clean Air Act (42 U.S.C. 7401–7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251–1387):** as amended—The Contractor agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401–7671q) and the Federal Water Pollution Control Act as amended (33

U.S.C. 1251–1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

11. Debarment and Suspension (Executive Orders 12549 and 12689): A contract award (see 2 CFR 180.220) must not be made to parties listed on the government wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), “Debarment and Suspension. SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549. The contractor shall certify compliance. The bidder or proposer further agrees to include a provision requiring such compliance in its lower tier covered transactions and subcontracts.

12. Byrd Anti-Lobbying Amendment (31 U.S.C. 1352): Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award. The contractor shall certify compliance.

13. Rights to Inventions Made under a Contract or Agreement: The Consortium, and the Federal Funding Agency, where applicable, shall hold sole rights to all inventions for any experimental, developmental, or research work performed by the Contractor and funded with Government funds through this contract.

14. Procurement of Recovered Materials: Contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act.

15. Access to Records and Reports: Contractor will make available to the Consortium’s granting agency, the granting agency’s Office of Inspector General, the Government Accountability Office, the Comptroller General of the United States, or any of their duly authorized representatives any books, documents, papers or other records, including electronic records, of the contractor that are pertinent to the Consortium grant award, in order to make audits, investigations, examinations, excerpts, transcripts, and copies of such documents. The right also includes timely and reasonable access to the contractor’s personnel during normal business hours for the purpose of interview and discussion related to such documents. This right of access shall continue as long as records are retained.

16. Record Retention: Contractor will retain of all required records pertinent to this contract for a period of three years, beginning on the date of final payment of contract, unless otherwise specified herein.

17. Federal Changes: Contractor shall comply with all applicable Federal agency regulations, policies, procedures and directives, including without limitation those listed directly or by reference, as they may be amended or promulgated from time to time during the term of the contract.

18. Termination for Default (Breach or Cause): Contracts in excess of \$10,000 – If Contractor does not deliver supplies in accordance with the contract delivery schedule, or, if the contract is for services, the Contractor fails to perform in the manner called for in the contract, or if the Contractor fails to comply with any other provisions of the contract, the Consortium may terminate the contract for default. Termination shall be effected by serving a notice of termination on the contractor setting forth the manner in which the Contractor is in default. The contractor will only be paid the contract price for supplies delivered and accepted, or services performed in accordance with the manner of performance set forth in the contract.

19. Safeguarding Personal Identifiable Information: Contractor will take reasonable measures to safeguard protected personally identifiable information and other information designated as sensitive by the awarding agency or is considered sensitive consistent with applicable Federal, state and/or local laws regarding privacy and obligations of confidentiality.

20. Prohibition on utilization of cost plus a percentage of cost contracts: The Consortium will not award contracts containing Federal funding on a cost plus percentage of cost basis.

21. Prohibition on utilization of time and material type contracts: The Consortium will not award contracts based on a time and material basis if the contract contains Federal funding.

22. Disputes: Any dispute arising under this Agreement which is not settled by Agreement of the parties may be settled by mediation or other appropriate legal proceedings. Pending any decision, appeal or judgment in such proceedings or the settlement of any dispute arising under this Agreement, Contractor shall proceed diligently with the performance of this Agreement in accordance with the decision of the Consortium. This Agreement shall be construed under the laws of the State of Florida, and venue for any actions arising out of this Agreement shall be in the Circuit Court of Leon County.

23. Energy Policy and Conservation Act (43 U.S.C. §6201): Contracts shall comply with mandatory standards and policies relating to energy efficiency, stating in the state energy conservation plan issued in compliance with the Energy Policy and Conservation act. (Pub. L. 94-163, 89 Stat. 871) [53 FR 8078, 8087, Mar. 11, 1988, as amended at 60 FR 19639, 19645, Apr. 19, 1995].

24. Pursuant to the Restore Council Financial Assistance Standard Terms and Conditions, the contract shall:

- a. Describe how the progress and performance of the Contractor will be monitored during and on close of the period of performance and identify who will be responsible for supervising the contract;
- b. Extend all applicable program requirements to the subrecipient;
- c. Include a requirement that the Contractor or subrecipient retain all records in compliance with 2 C.F.R. 200.333.
- d. Include a requirement that the subrecipient make available to the Council, the Treasury OIG, and the GAO any documents, papers or other records, including electronic records, of the subrecipient, that are pertinent to this award, in order to make audits, investigations, examinations, excerpts, transcripts, and copies of such documents. This right also includes timely and reasonable access to the subrecipient's personnel for the purpose of interview and discussion related to such documents. This right of access shall continue as long as records are required to be retained.

As the person authorized to sign this statement, I certify that this company complies/will comply fully with the above requirements.

DATE:
SIGNATURE:
TITLE:
COMPANY:
ADDRESS:
PHONE:
EMAIL:

AGENDA ITEM 12

Gulf Consortium Board Meeting

September 23, 2021

**Agenda Item 12
General Counsel's Report**

Statement of Issue:

General Counsel will provide a verbal update to the Board.

Action Required:

None, informational only

Prepared By:

Ashantee Webb
General Manager
The Balmoral Group
September 14, 2021

AGENDA ITEM 13

Gulf Consortium Board Meeting

September 23, 2021

**Agenda Item 13
FDEP – NRDA restoration planning**

Verbal update on Bucket 2 and/or NRDA restoration funding to be provided by FDEP and/or FWC personnel.

Action Required:

None, informational only

Prepared By:

Ashantee Webb
General Manager
The Balmoral Group
September 15, 2021

AGENDA ITEM 14

**Gulf Consortium Board Meeting
September 23, 2021**

**Agenda Item 14
Manager's Report**

Statement of Issue:

Consortium staff provides a report on updates to Consortium activities since the last Board meeting.

Discussion:

SEP Activity: We have put out a call for any SEP amendments anticipated, to keep on track with our now annual schedule. We anticipate with the ARPA funding that we will see more projects substituting ARPA funding for RESTORE funding, and encourage counties to take advantage of the current SEP Amendment cycle or be prepared to wait a year for the next opportunity.

Grant Activity: Since the last Board meeting, staff has progressed 10 grant applications, accepted 3 awards, submitted 8 financial reports and processed 6 draw requests. No new project delays have been reported, beyond those already identified which were due to COVID-related disruptions. One project will be closed out without activity, due to the originally permitted location being unavailable for reef placement because too much healthy seagrass was in the way. A new project will be submitted to replace this one, and this precedent was the driver for a recent note to all Counties to consider generalizing their location information in grant applications. If the SEP had a very specific project location, and for any reason that location becomes unavailable, we can avoid administrative complications by amending the project description in the SEP to a more generic location that is still suitable for the project objectives.

RESTORE Council Updates: RESTORE Council was impacted by Hurricane Ida. While many of the staff that management interacts with work remotely, we received notice on August 31 that approximately half of RESTORE staff were directly impacted by the storm and without power. RESTORE staff have continued to progress Consortium applications and awards, but we are aware that they lost some time with the storm.

RESTORE staff visited The Balmoral Group's office on August 17-19 for a Compliance Visit. Grant Specialists Barbara Shumar and Teresa Pettijohn, Risk Analyst Steve Sigler, and Director of Administration and Risk Management David Gilliland participated. RESTORE staff noted that Gulf Consortium is most advanced in implementation of current subrecipients, and this was the first in-person "deep dive" visit. RESTORE Staff were very complimentary of the Gulf Consortium's operations including payment controls and draw request processing, and reporting timeliness.

Staff had not completed the full document review when they left our office, after extending the visit by a day. A final report from the visit is not expected in time to be included in the

Board packet, and likely will not be available for timely review prior to the September Board meeting. However, management anticipates a few items to be noted in the findings, which we bring to the Board's attention:

- 1) More proactive, and possibly intrusive, financial monitoring is required. This means Consortium staff will reach out to Finance staff at the County level to share screens and directly observe how federal funds transactions are being accounted for in County systems. In turn, the expectation is that Counties will perform similar monitoring with downstream subrecipients. To ensure compliance, Consortium staff will be scheduling sessions with each of the counties designated higher than average risk, and some randomly selected low risk counties.
- 2) More proactive monitoring of County policies that support OSA self-assessments, and grant performance, will also be required. To this end, Consortium staff will randomly select counties from the risk assessment to inspect County policies that are germane to intended projects, and perform similar screen-sharing inspections.

In addition, as a result of discussion during the compliance visit, other measures will be implemented:

1. Mid-year check-ins will be conducted with each subrecipient to gain an in-depth review of all active grants.
2. Confirmation of Minority Business Enterprise outreach during procurement activity will be documented.
3. A more comprehensive internal review of potential risks, and mitigating factors, will occur prior to Board presentation of grant applications going forward.
4. The checklist RESTORE Council uses to review Consortium grant applications has been requested to use for internal review of new grant applications prior to submittal to RESTORE.

Each of these activities will add time, and expense, to Implementation. Consortium staff does not anticipate project delays, and rather is optimistic that these actions will lead to more streamlined processing of applications.

OPPAGA review Staff completed an interview with OPPAGA staff on August 3, 2021. All Deepwater Horizon funding programs were include in the research. Management briefed OPPAGA staff on Gulf Consortium structure and history, and provided the dashboard link showing all project funding tracking in follow-up to the call. OPPAGA staff were complimentary of the effort, and no further update has been received.

Attachments:

- 1) Slides of financial and grant management summaries presented to RESTORE

Action Required:

- 1) None; informational only.

Prepared by:

Valerie Seidel, The Balmoral Group
On: September 14, 2021



RESTORE Council Compliance Review

August 17-18, 2021

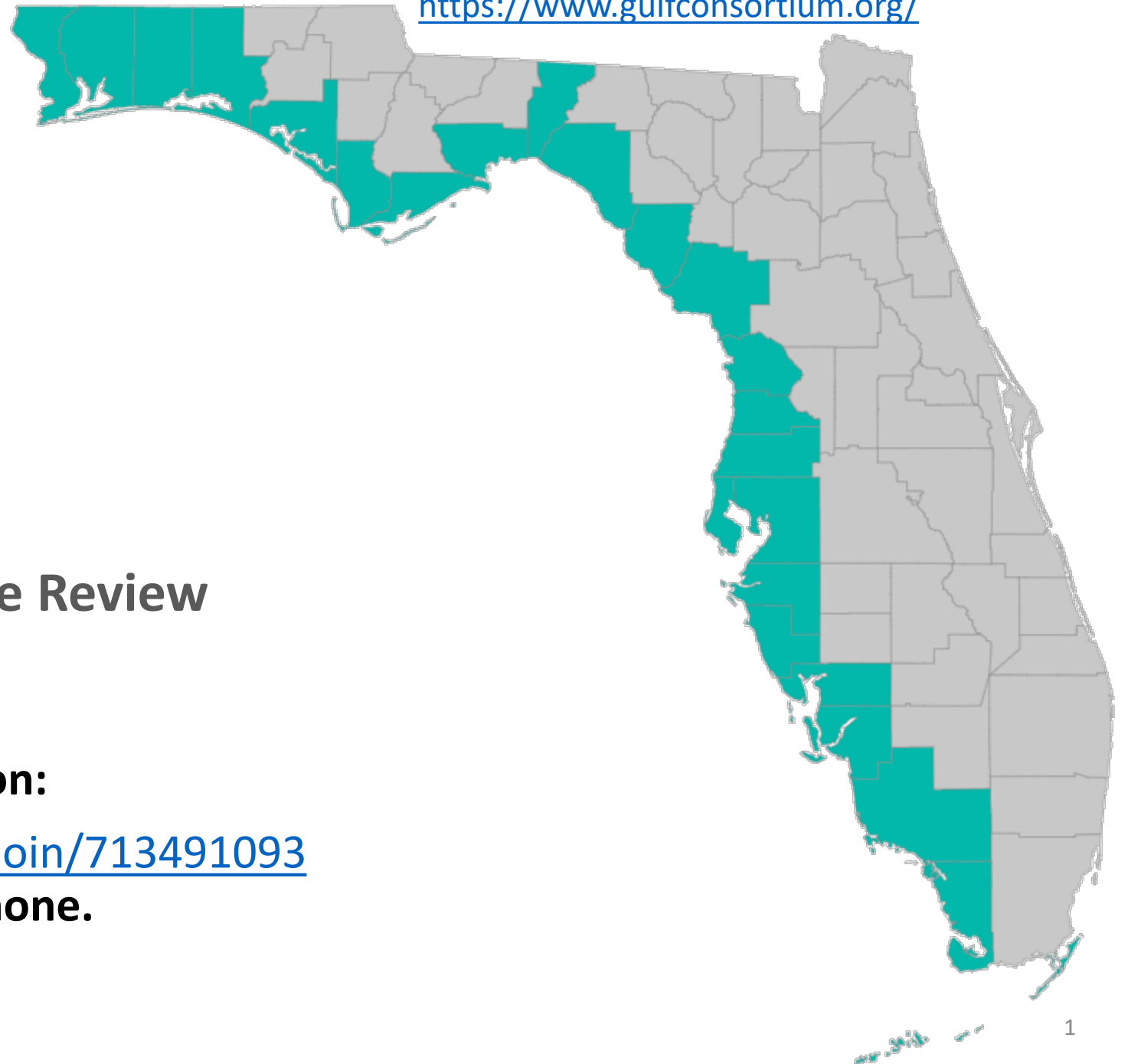
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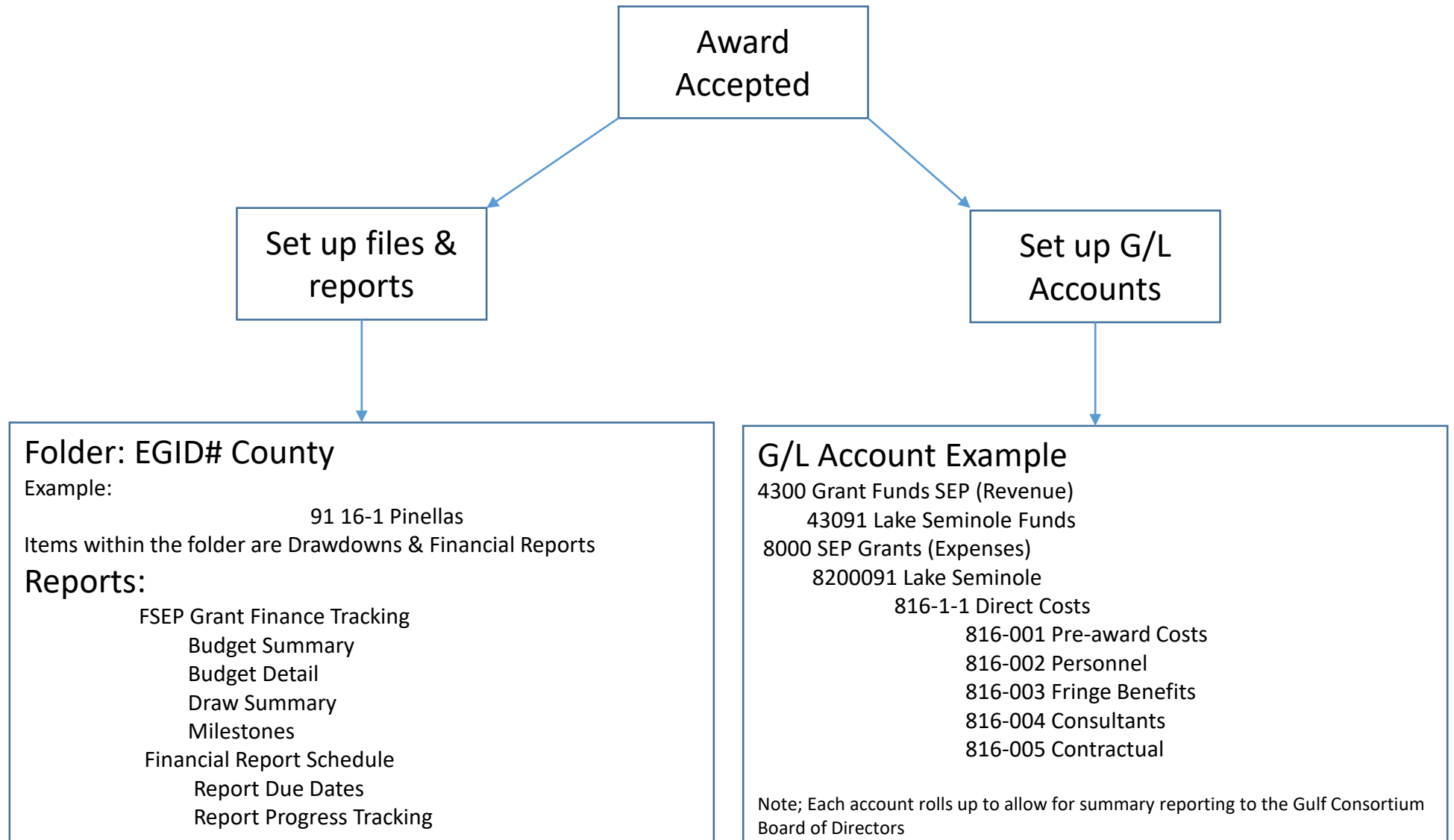
<https://global.gotomeeting.com/join/713491093>

You can also dial in using your phone.

United States: [+1 \(224\) 501-3316](tel:+12245013316)

Access Code: 713-491-093





Folder Set Up

Name	Date modified	Type
20 24-1 Adaptive Planning	6/18/2021 12:32 PM	File folder
22 18-2 Manatee	5/5/2021 9:55 AM	File folder
23 16-2 Pinellas	5/5/2021 10:14 AM	File folder
25 1-1 Escambia	7/20/2021 12:00 PM	File folder
86 15-5 Pasco	4/16/2021 4:08 PM	File folder
88 Waste Water Bundle	8/11/2021 10:32 AM	File folder
89 8-2 Wakulla	4/6/2021 9:47 AM	File folder
90 3-3 Okaloosa	7/2/2021 1:56 PM	File folder
91 16-1 Pinellas	4/6/2021 9:55 AM	File folder
92 19-1 Sarasota	7/16/2021 2:57 PM	File folder
97 22-1 Collier	8/11/2021 10:31 AM	File folder
98 5-2 Bay	7/2/2021 1:44 PM	File folder
105 4-1 Walton	7/2/2021 2:14 PM	File folder
106 9-2 Jefferson	7/2/2021 2:17 PM	File folder
107 13-2 Citrus	7/2/2021 2:20 PM	File folder
110 14-1 Hernando	7/2/2021 2:24 PM	File folder
111 17-1 Hillsborough	7/20/2021 11:25 AM	File folder
112 12-2 Levy	4/6/2021 10:23 AM	File folder
113 6-2 Gulf	8/11/2021 1:43 PM	File folder

Name	Date modified	Type
91-1 Drawdown 022020	3/2/2020 10:32 AM	File folder
91-2 Drawdown 072020	1/7/2021 12:00 PM	File folder
91-3 Drawdown 111620	1/7/2021 12:42 PM	File folder
Financial Reporting 04302020	8/12/2021 12:06 PM	File folder
Financial Reporting 04302021	4/19/2021 4:03 PM	File folder
Financial Reporting 10302020	4/19/2021 12:49 PM	File folder

Grant Finance Tracking



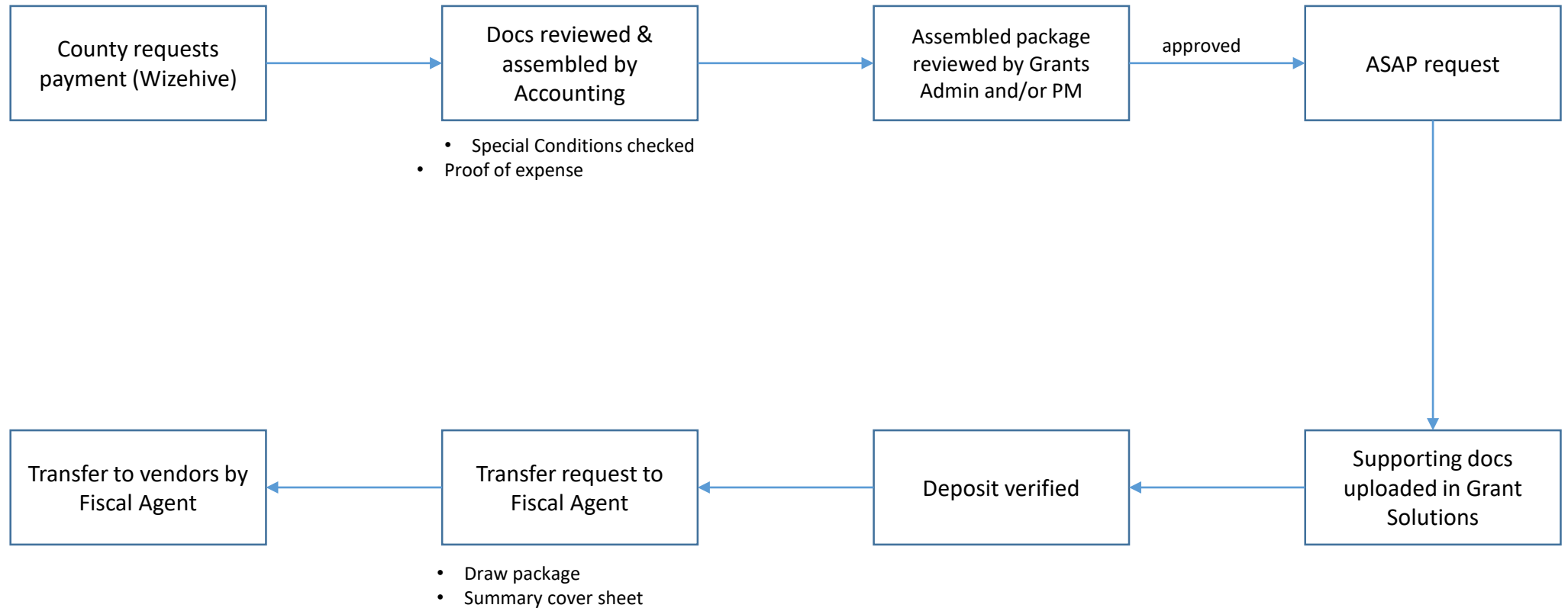
Pinellas County			Project #	1417500091.00									
Draw No.	Date	Amount	Line Item	Budget	Actual	Balance	#	Milestone Name	Milestone Type	Percent Spent	Planned (\$)	Spent (\$)	Balance (\$)
91-01	1/20/2020	4,887.50	Pre-award (fed)	4,887.50	4,887.50	-	1	Dredging and Disposal	Construction	100.00%	1,000,000.00	1,000,000.00	-
91-02	7/10/2020	1,011,467.11					2	Monitoring and Analysis	Scientific Monitoring and Metrics	13.55%	160,000.00	21,686.55	138,313.45
91-03	11/16/2020	13,530.96					3	Project Management	Project Oversight and Grants Management	10.63%	77,121.00	8,199.02	68,921.98
Draw Totals		1,029,885.57								83.25%	1,237,121.00	1,029,885.57	207,235.43
Draw No. 91-01													
Vendor/Payee	Amount	Budget Item											
The Balmoral Group	4,138.90	Pre-award											
Nabors Giblin & Nickerson	606.25	Pre-award											
Leon County	142.35	Pre-award											
	4,887.50												
Draw No. 91-02													
Vendor/Payee	Amount	Budget Item											
Pinellas County	1,010,157.15	Consultants											
The Balmoral Group	722.50	Contractual											
Nabors Giblin & Nickerson	425.00	Contractual											
Leon County	162.46	Contractual											
	1,011,467.11												
Draw No. 91-03													
Vendor/Payee	Amount	Budget Item											
Pinellas County	11,529.40	Consultants											
The Balmoral Group	1,997.50	Contractual											
Leon County	4.06	Contractual											
	13,530.96												
			Budget Summary										
			Personnel	28,798.00	-	28,798.00							
			Fringe Benefits	13,202.00	-	13,202.00							
			Consultants	1,118,000.00	1,021,686.55	96,313.45							
			Contractual Services	77,121.00	8,199.02	68,921.98							
				1,237,121.00	1,029,885.57	207,235.43							
			Personnel										
			Environmental Specialist 3	8,068.00		8,068.00	Collect samples; compile reports; QA/QC of data						
			Environmental Specialist 2	20,730.00		20,730.00	Collect samples & enter data						
				28,798.00	-	28,798.00							
			Fringe Benefits										
			Environmental Specialist 3	3,344.00		3,344.00							
			Environmental Specialist 2	9,858.00		9,858.00							
				13,202.00	-	13,202.00							
			Consultants										
			Gator Dredging	1,000,000.00	1,000,000.00	-	Dredging & dewatering						
			Pinellas County Laboratory	42,451.00	3,840.00	38,611.00	Post construction monitoring water quality analysis						
			Wood Environment & Infra	75,549.00	17,846.55	57,702.45	Post construction monitoring studies						
				1,118,000.00	1,021,686.55	96,313.45							
			Contractual Services										
			The Balmoral Group	46,750.00	6,858.90	39,891.10	Grant management, oversight, reporting						
			Nabors Giblin & Nickerson	30,000.00	1,031.25	28,968.75	Subrecipient agreements & legal services						
			Leon County	371.00	308.87	62.13	Fiscal agent services						
				77,121.00	8,199.02	68,921.98							
			Project Totals	1,237,121.00	1,029,885.57	207,235.43							

G/L Accounts



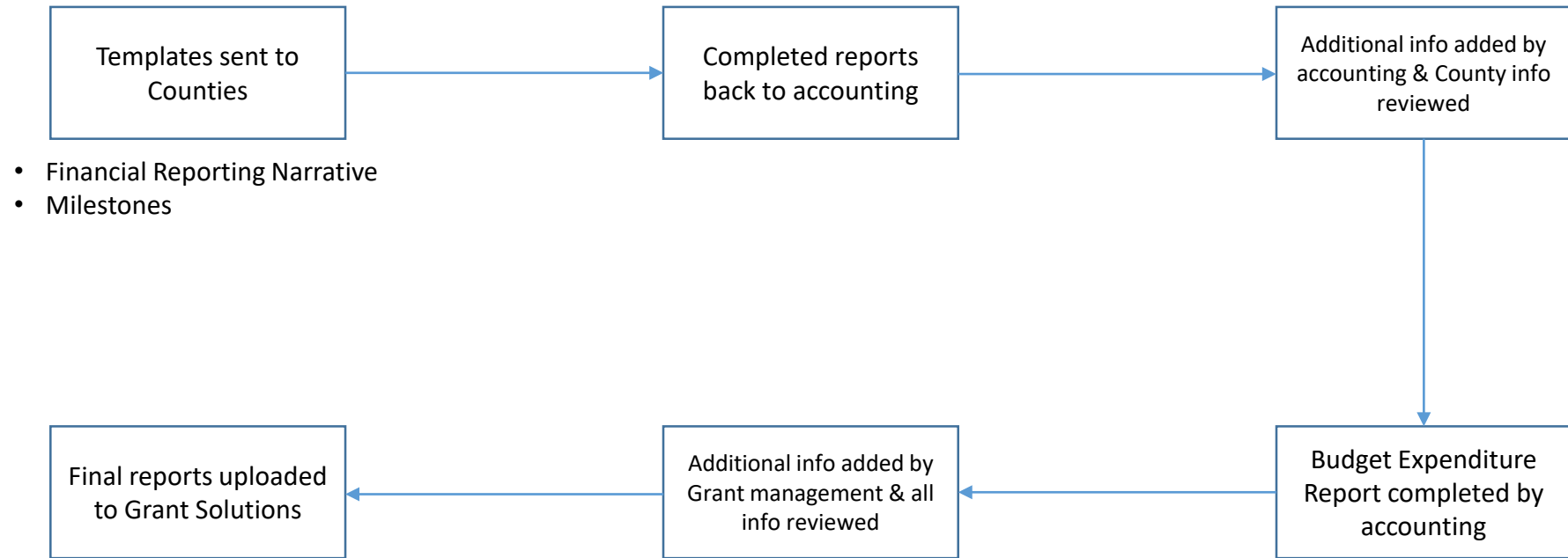
•4300 · Grant Funds - SEP	4300		
•43025 · Bayou Chico Contamination	43025		
•43023 · Wastewater Collection System	43023		
•43022 · Portosueno Park Shoreline	43022		
•43111 · Cockroach Bay Aquatic Preserve	43111		
•43999 · SEP Revenue Suspense	43999		
•43113 · St Joseph Coastal Erosion Contr	43113		
•43112 · Suwannee Sound/Cedar Key Funds	43112	•8200091 · Lake Seminole	8200091
•43105 · Choctawatchee Bay Septic Funds	43105	•816-1-1 · Direct Costs	816-1-1
•43107 · Cross Florida Barge Canal Funds	43107	•816-005 · Contractual	816-005
•43106 · Wacissa River Funds	43106	•816-004 · Consultants	816-004
•43098 · Andrew Bay Stormwater	43098	•816-003 · Fringe Benefits	816-003
•43097 · Watershed Improvement Funds	43097	•816-002 · Personnel	816-002
•43091 · Lake Seminole Funds	43091	•816-001 · Pre-award Costs	816-001
•43088 · Wastewater Improvement Funds	43088	•8200090 · Choctawatchee Bay Estuary	8200090
•43092 · Dona Bay Hydrologic Funds	43092	•803-3-1 · Direct Costs	803-3-1
•43110 · Artificial Reef -Hernando Funds	43110	•803-007 · Contractual	803-007
•43089 · Coastal Access Program Funds	43089	•803-006 · Consultants	803-006
•43108 · Wakulla Springshed Water Funds	43108	•803-005 · Other Direct Costs	803-005
•43090 · Choctawatchee Bay Estuary Fund	43090	•803-004 · Supplies	803-004
•43086 · Hudson Reef Funds	43086	•803-003 · Fringe Benefits	803-003
		•803-002 · Personnel	803-002
		•803-001 · Pre-award	803-001
		•8200089 · Coastal Access Progam	8200089
		•808-2-1 · Direct Costs	808-2-1
		•808-001 · Pre-award	808-001
		•808-007 · Contractual	808-007
		•808-006 · Consultants	808-006
		•808-005 · Other Direct Costs	808-005
		•808-004 · Supplies	808-004
		•808-003 · Fringe Benefits	808-003
		•808-002 · Personnel	808-002
		•8200088 · Wastewater Improvement	8200088
		•802-1-1 · Direct Costs	802-1-1
		•802-003 · Contractual	802-003
		•802-002 · Consultants	802-002
		•802-001 · Pre-award Costs	802-001
		•8190086 · Hudson Reef	8190086
		•815-5-1 · Direct Costs	815-5-1
		•815-001 · Pre-award Costs	815-001
		•815-003 · Contractual	815-003
		•815-002 · Consultants	815-002

Payment (Draw) Requests



Note: Payments are verified and tested each fiscal year by external auditors as part of the annual audit.

Semi-annual Financial Reporting



Project Management

- Kickoff with subrecipients: deliverables checklist and table of all reporting dates provided to subrecipients
- Calendar notices setup to remind us about reporting
- Subrecipient agreement established in cooperation with legal counsel and subrecipient
- Reminders to Counties prior to end of reporting periods
- Open communication between the County

Progress Tracking

- Project notes/phone log: document important communications, information requests, deliverables receipt/review
- Consortium-wide tracking spreadsheet
- Performance Reports and Financial Reports

Performance Barriers and Strengths: informed by risk assessment (for whole County) and by subrecipient experience with the particular project scope

Special Award Conditions

- SACs are reviewed: upon award, during financial and performance reports, during payment requests, and during closeout
- Actions are taken as a result of these reviews when needed to ensure SACs compliance
- SACs are always confirmed by Counties prior to subrecipient agreements

Procurement

- Items reviewed from subrecipients: 1) Procurement document (RFP, RFQ, ITB...), 2) Scoring/evaluation, 3) Contract of selected firm(s)

Subrecipient Monitoring and Management

- Project kickoff
- Reporting reminders, deliverable requests
- Quarterly trainings with all County personnel

Property Management and Reporting: prepared for annual reporting as stated in our policy; no current property assets to report (Hillsborough acquisition expected soon)

Recordkeeping and Records Management

- All deliverables and communication saved on TBG server
- Grant management system provides another layer of document retention (deliverables and reporting and invoicing delivered there)
 - Performance Report - <https://webportalapp.com/webform/performance-report>
 - Financial Report - <https://webportalapp.com/webform/financial-report>
 - Invoicing - <https://webportalapp.com/webform/payment-request>
 - Deliverables - <https://webportalapp.com/webform/deliverables> ; plans, permits, reports, data
- Public-facing data portal:
<https://storymaps.arcgis.com/stories/1a06b57afac9466eb2a3ec66992c048d>

Construction: review of permit docs and plans and ownership details in compliance with SACs; as-built documentation required as deliverables; site visits as needed

Land Acquisition: verification of all pre-acquisition documentation; delivery and approval with RESTORE

15-5: Hudson Reef (Pasco County)

Goal: expand the area of an existing artificial reef to increase marine habitat and improve recreation

Amendments: NCE due to procurement and site access delays

Status: Closing out without reef material deployment due to seagrass at reef locations (compliance with permit)

Wastewater Improvement – Combined Project 1 (2-1 Santa Rosa, 3-4 Okaloosa, 13-1 Citrus, 20-1 Charlotte)

Goal: develop plans and permits for wastewater improvement projects in 4 different areas; design phase of 4 SEP projects combined into a single project for efficiency

Amendments: Time extension and scope revision to remove Charlotte County design work from the scope.

Status: Final deliverables received from Citrus County and Okaloosa County, pending from Santa Rosa County

16-1: Lake Seminole Sediment Removal (Pinellas County)

Goal: Dredge a coastal lake to remove legacy sediments and nutrients to improve lake and coastal water quality

Amendments: None

Status: Dredging completed, water quality data pending from County

AGENDA ITEM 15

**Gulf Consortium Board Meeting
September 23, 2021**

**Agenda Item 15
Public Comments**

Statement of Issue:

The public is invited to provide comments on issues that are NOT on today's agenda.

Attachments:

None

Prepared by:

Ashantee Webb
The Balmoral Group
General Manager
On: August 25, 2021

AGENDA ITEM 16

**Gulf Consortium Board Meeting
September 23, 2021**

**Agenda Item 16
Board Member Comments**

Statement of Issue:

Members of the Board are invited to provide comments on relevant issues.

Attachments:

None

Prepared by:

Ashantee Webb
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General Manager
On: August 30, 2021