



Gulf Consortium Agenda

September 18, 2013 10:00 a.m.-12:00 (EDT)

Marriott West Palm Beach
1001 Okeechobee Boulevard
West Palm Beach, Florida 33401

1. Call to Order
2. Pledge
3. Consent Agenda
 - a) Minutes Approval for Committee of 15 and Gulf Consortium
 - b) Updated List of Directors/Alternates
 - c) Financial Report
 - d) Information on funding of other State's Expenditure Plan
 - e) Transmittal of Council Initial Comprehensive Plan as adopted August 2013
 - f) Notice of Meeting as published in the Florida Administrative Register
4. Draft Treasury Rules
5. Procurement of Plan Development
 - a) Scope of Services with County and Technical Advisory Group Suggestions
 - b) Procurement Process
6. Interim Manager Contract Extension
7. Interim General Counsel Contract Extension
8. Transition Budget
9. Interim General Counsel
10. Future Meetings Information:
 - a) November 13, 2013 9:00 am – 11:00 am EST Daytona Hilton
11. Proposed Future Meetings
 - a) January 22 or January 24, 2014 - Pensacola
 - b) March 28, 2014, in conjunction with FAC Legislative Day - Tallahassee
12. New Business
13. Public Comment
14. Adjourn

Gulf Consortium Committee of 15 Meeting
August 22, 2013 9:00 a.m. (EDT)
Sheraton Sand Key Resort
Pinellas County

Directors / Alternates in Attendance: Commissioner Christopher Constance (Charlotte), County Attorney Richard Wesch (Citrus), Commissioner Tom Henning (Collier), Administrator Mike Cassidy (Dixie), Commissioner Wayne Dukes (Hernando), Mr. Brandon Wagner (Non-voting)(Hillsborough), Commissioner Betsy Barfield (Jefferson), Commissioner Tammy Hall (Lee), Natural Resources Director Charlie Hunsicker (Manatee), Mayor George Neugent (Monroe), Commissioner Jack Mariano (Pasco), Commissioner Susan Latvala (Pinellas), County Administrator Jack Brown (Taylor)

Agenda Item #1 – Call to Order

Commissioner Susan Latvala called the meeting to order at 9:02 am (EDT).

Agenda Item #3 – Approval of Minutes from June 28, 2013 Meeting

A motion to approve the minutes from the Gulf Consortium Committee of 15 meeting of June 28, 2013 was presented by Commissioner George Neugent and seconded by County Administrator Jack Brown.

ACTION: PASSED

Agenda Item # 4 – Public Comment

There were no members of the public who wished to address the Committee.

Agenda Item #5 – Adjourn

There being no additional items for discussion, the Committee adjourned at 9:05 am.

Gulf Consortium Meeting
August 22, 2013 9:30 a.m. – 12:00 p.m. (EDT)
Sheraton Sand Key Resort
Pinellas County

Directors / Alternates in Attendance: Commissioner Mike Thomas (Bay), Commissioner Christopher Constance (Charlotte), County Attorney Richard Wesch (Citrus), Commissioner Tom Henning (Collier), Administrator Mike Cassidy (Dixie), Commissioner Grover Robinson (Escambia), Commissioner Cheryl Sanders (Franklin), Commissioner Warren Yeager (Gulf), Commissioner Wayne Dukes (Hernando), Mr. Brandon Wagner (Non-voting)(Hillsborough), Commissioner Betsy Barfield (Jefferson), Commissioner Tammy Hall (Lee), Natural Resources Director Charlie Hunsicker (Manatee), Mayor George Neugent (Monroe), Commissioner Dave Parisot (Okaloosa), Commissioner Jack Mariano (Pasco), Commissioner Susan Latvala (Pinellas), Commissioner Lane Lynchard (Santa Rosa), County Administrator Jack Brown (Taylor), Commissioner Ralph Thomas (Wakulla), Commissioner Sara Comander (Walton)

Agenda Item #1 – Call to Order

Commissioner Grover Robinson called the meeting to order at 9:10 am (EDT).

Agenda Item #3 – Consent Agenda

Mr. Doug Darling, Interim Director, presented the consent agenda containing minutes from the June 28, 2013 Gulf Consortium Board of Directors' (Board) Meeting in Pinellas County, an updated list of Directors/Alternates and the Financial Report. A motion to approve the consent agenda was presented by Commissioner Mike Thomas and seconded by Commissioner Tammy Hall.

ACTION: PASSED

Agenda Item #3 – Report from National Association of Counties (NACo)

Commissioner Grover Robinson updated the Board on the potential formation of a Gulf Caucus within NACo and an organizational meeting that had been set tentatively for early October 2013 in Mobile, AL. Commissioner Robinson informed the Board that the as soon as the dates and additional details were confirmed he would report that information.

Agenda Item #4 – Update on Natural Resource Damage Assessment (NRDA)

Mr. Doug Darling, Interim Director, provided the Board with an update on the current status of NRDA projects. He informed the Board the process has been slowed due to an environmental impact study. He also informed the Board the Gulf Coast Ecosystem Restoration Council would be meeting in New Orleans on August 28, 2013 and encouraged as many Board members as possible to attend.

Agenda Item #5 – Plan Funding Alternatives

Mr. Doug Darling, Interim Director, briefed the Board on alternative funding sources for comprehensive plan development that may be available. He identified potentially accepting donations from individuals or organizations or seeking a grant from a Federal agency as options. Mary Jean Yon with Audubon Florida presented an option to raise funds from private sources to help develop the expenditure plan. Private funds could come from philanthropic and corporate foundations or other institutions willing to stay at arm's-length from the Consortium's decision-making process. She stated that this option is one of many on the table but that Audubon was willing to help if it is selected. A motion directing counsel to investigate feasibility and legality of accepting donations from a private or nonprofit entity prior to the September meeting of the Gulf Consortium was presented by Commissioner Dave Parisot and seconded by Commissioner Tammy Hall.

ACTION: PASSED (2 OPPOSED)

A motion to pursue a grant from a Federal agency, funding from the Commerce Department or other funding sources was presented by Commissioner Parisot and seconded by Commissioner Jack Mariano.

ACTION: PASSED

Agenda Item #6 – Draft Statement of Services

Mr. Doug Darling, Interim Manager, presented a draft scope of services for the Board's review and asked that all comments from Board members be provided no later than September 6, 2013. A motion directing staff to incorporate suggestions provided by Consortium counties and present a final draft scope of services to the Board at its September 18, 2013 meeting was presented by Commissioner Chris Constance and seconded by Commissioner Jack Mariano.

ACTION: PASSED

Agenda Item #7 – Rules Review Process

Ms. Sarah Bleakley, Interim General Counsel, presented a suggested process for compiling and submitting comments to the U.S. Secretary of Treasury from the Consortium on the rules being established that will provide the procedures for expending monies from the Trust Fund being created under the RESTORE Act. A motion directing the Interim Manager and Interim General Counsel with regard to Pot #3 to email the draft rules as soon as they are received, compile suggested responses, and submit them for consideration at a Board meeting, if time allows, or to authorize the Executive Committee or Chairman to respond on behalf of the Consortium; and directing the Interim Manager and Interim General Counsel with regard to Pot #1 to follow the same procedure as Pot #3 and also to email the draft rules to the county attorneys of the 23 members was presented by Taylor County Administrator Jack Brown and seconded by Commissioner Susan Latvala.

ACTION: PASSED

Agenda Item #8 – Update by Florida Department of Environmental Protection

Mr. Kevin Claridge, Director of Coastal and Aquatic Managed Areas, Ms. Kendra Parsons, and Mr. Phil Coram all from the Florida Department of Environmental Protection, gave a brief presentations regarding project submissions and the collaboration with other state agencies.

Agenda Item # 9 – Update by Florida Fish and Wildlife Conservation Commission

Ms. Jennifer Fitzwater, Gulf Restoration Coordinator, Florida Fish and Wildlife Conservation Commission, gave a brief presentation regarding the process the agency is using to sort through submitted projects to determine which available funding source is appropriate.

Agenda Item # 11 – Educational Presentations

The Board then heard presentations from:

1. Dr. Bill Hogarth, Florida Institute of Oceanography, accompanied by Dr. John Paul.
2. Ms. Holly Greening, Executive Director, Tampa Bay National Estuary Program
3. Ms. Suzanne T. Cooper, Tampa Bay Regional Planning Council

During the presentations a motion to extend the meeting to 12:30 pm (EDT) to allow for the presentations and public comment was presented by Commissioner Tammy Hall and seconded by Commissioner Betsy Barfield.

ACTION: PASSED

Agenda Item # 10 – Selected Counties Activities to Implement RESTORE

Mr. Doug Darling, Interim Manager, requested that any activities that were ongoing in individual counties be reported to him via email prior to the next meeting. He would compile the activities and send that information to the Board members.

Agenda Item #13 – Adjourn

The Board then heard public comment from:

1. Peggy Matthews, MW Consulting
 2. Steven Webster, MW Consulting
 3. Bob Krasowski, Private Citizen
-

Agenda Item #14 – Adjourn

There being no additional items for discussion, the Board adjourned at 12:19 pm.

Gulf Consortium Directors and Alternates
September 18, 2013

County	Director and Alternate
Bay	Comm Mike Thomas, Director; Comm George Gainer, Alternate
Charlotte	Comm Christopher Constance, Director; Comm Tricia Duffy, Alternate
Citrus	Comm Rebecca Bays, Director; Richard Wesch, County Attorney, Alternate
Collier	Comm Tom Henning, Director; Comm Donna Fiala, Alternate; Director Bill Lorenz, 2nd Alternate
Dixie	Tim Alexander, Director of Emergency Management; Administrator Mike Cassidy, Alternate
Escambia	Comm Grover Robinson, Director; Comm Gene Valentino, Alternate
Franklin	Comm Cheryl Sanders, Director; County Administrator Alan Pierce, Alternate
Gulf	Comm Warren Yeager, Director; Tan Smiley, Alternate; County Administrator Donald Butler 2nd Alternate
Hernando	Comm Wayne Dukes, Director; Comm David Russell, Alternate
Hillsborough	Comm Les Miller, Director; Comm Ken Hagan, Alternate
Jefferson	Comm Betsy Barfield, Director; County Coordinator Parrish Barwick, Alternate
Lee	Comm Tammy Hall , Director; Comm John Manning, Alternate
Levy	Comm Ryan Bell, Director; County Coordinator Fred Moody, Alternate
Manatee	Comm Carol Whitmore, Director; Charlie Hunsicker, Natural Resources Dept., Alternate
Monroe	Comm George Neugent, Director; Mayor David Rice, Alternate
Okaloosa	Comm Dave Parisot, Director; Comm Kelly Windes, Alternate
Pasco	Comm Jack Mariano, Director; Comm Henry Wilson, Alternate
Pinellas	Comm Susan Latvala, Director; Coastal Manager Andy Squires
Santa Rosa	Comm Lane Lynchard, Director; Comm Jim Melvin, Alternate
Sarasota	Comm Nora Patterson, Director; Laird Wreford, Natural Resources Manager, Alternate; Comm Christine Robinson 2nd Alternate
Taylor	Comm Jim Moody, Director; Jack Brown, County Administrator, Alternate
Wakulla	David Edwards, County Administrator, Director; Comm Ralph Thomas, Alternate
Walton	Comm Sara Comander, Director; Comm Cindy Meadows, Alternate

Gulf Consortium
Transition Budget to Actual
October 1, 2012 - August 31, 2013

	Revised Interim Budget*	Year To Date Actual
Revenues		
Interim County Funding**	133,869.00	130,904.00
Total Revenues	133,869.00	130,904.00
Disbursements		
Consulting-Administration	60,000.00	45,000.00
Consulting-Legal & Expenses	65,000.00	47,575.51
Meeting and Travel Expense	8,000.00	5,503.45
Miscellaneous	869.00	653.92
Total Disbursements	133,869.00	98,732.88
Revenues Over (under) Disbursements	-	32,171.12

Statements Prepared on Cash Basis

**Revised Interim Budget includes 3/27/13 invoicing of \$70,029*

***Difference is Franklin County, joined Consortium 2/19 and paid pro-rata share of first invoicing*

Gulf Consortium
Expense Register Detail
October 1, 2012 to August 31, 2013

Check #	Payee	Date	Total Amount	Consult-Admin	Consult-Legal	Meeting & Travel	Misc	Description
Debit	Suntrust	1/17/2013	105.51				105.51	Printing Costs - Checks
1001	FAC (Darling-Oct, Nov, Dec, Jan)	2/27/2013	20,955.18	20,000.00		955.18		Admin Consulting Expenses and travel (Oct - Jan)
1002	FAC (Reimb Direct Expenses)	2/27/2013	1,820.68			1,633.18	187.50	Meeting Expenses and Logo Creation
1003	FL Department of State	2/27/2013	32.68			32.68		Meeting notice 1/18/2013
1004	FL Department of State	2/27/2013	47.88			47.88		Meeting Notice 2/15/2013
1005	Nabors Giblin	2/27/2013	5,015.62		5,015.62			Oct 22-31 consulting (2550) plus expenses (2465.62)
1006	VOID	-						VOIDED CHECK
1007	Nabors Giblin	2/27/2013	5,086.14		5,086.14			Nov 2012 consulting (5000) plus expenses (86.14)
1008	FL Dept of State	3/14/2013	31.73			31.73		Meeting Notice 2/28/2013
1009	Nabors Giblin & Nickerson	3/14/2013	5,273.00		5,273.00			Feb 2013 Consulting (5000) plus expenses (273.00)
1010	Nabors Giblin & Nickerson	3/14/2013	5,145.50		5,145.50			Jan 2013 Consulting (5000) plus expenses (145.50)
1011	Nabors Giblin & Nickerson	3/14/2013	5,058.53		5,058.53			Dec 2012 Consulting (5000) plus expenses (58.53)
1012	City of Tallahassee	3/14/2013	111.35			111.35		Room Rental -Chambers 4/5/13
1013	EBLRTF	3/19/2013	75.00				75.00	Exec Branch Lobbyist Reg- Reepen, Delegal, Holley
1014	Florida Legislature	3/19/2013	60.00				60.00	Legisalture Lobbyist Reg - Reepen, Delegal, Holley
1015	FAC	3/28/2013	6,029.41	5,000.00		1,029.41		Feb 2013 Admin (5000) plus expenses (1029.41)
1016	FL Department of State	4/24/2013	43.51				43.51	Meeting Notice 4/5/2013
1017	FAC	5/13/2013	10,151.73	10,000.00		151.73		Mar 2013 Admin (5000); Apr 2013 Admin(5000);expense (151.73)
1018	FL Department of State	5/21/2013	51.11				51.11	Meeting notice 4/29/2013
1019	FL Department of State	6/5/2013	41.42				41.42	Meeting notice 5/17/13
1020	FL Department of State	7/16/2013	89.87				89.87	Meeting notice 6/28/13
1021	Nabors Giblin & Nickerson	7/30/2013	988.26		988.26			5/13 & 6/13 Bleakley Travel Expenses
1022	FAC	8/6/2013	11,020.27	10,000.00		1,020.27		Admin 5/13, 6/13 (10,000) - Expenses 5/13 (277.25) 6/13(465.72) & Largo (277.30)
1023	FAC	8/14/2013	490.04			490.04		Key Largo Meeting Travel Expenses
1024	NGN	8/20/2013	21,008.46		21,008.46			Consulting-Mar Apr May June(20,000), Expenses-Mar (717.19), Apr (119.52), May (85.25), June (86.50) Meeting Notices 8/22/13
Total Expenses			\$ 98,732.88	\$ 45,000.00	\$ 47,575.51	\$ 5,503.45	\$ 653.92	

**EXTENSION AND AMENDMENT TO THE AGREEMENT
FOR PROFESSIONAL SERVICES
BETWEEN
THE GULF CONSORTIUM
AND NABORS, GIBLIN & NICKERSON, P.A.**

THIS AMENDMENT is made this 18th day of September, 2013, between the Nabors, Giblin & Nickerson, P.A., a Florida law firm ("NG&N") and the Gulf Consortium, a legal entity and public body created by the Interlocal Agreement, effective on October 19, 2012 (the "Consortium").

WHEREAS, the parties entered into an agreement on October 22, 2012 ("the Agreement"), under which the Association provides interim General Counsel services and legal advice to the Consortium Board and the Manager;

WHEREAS, the federal agency rules that will regulate the implementation of the RESTORE Act have not been promulgated and the Consortium has not retained nor hired a permanent General Counsel;

WHEREAS, NG&N and the Consortium desire to continue their relationship through an extension of the term of the Agreement until such time as there is clarity on the manner in which the RESTORE Act will be implemented; and

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties hereto amend and extend the Agreement as follows:

SECTION 1. EXTENSION OF TERM OF THE AGREEMENT. Section 3.01 of the Agreement is amended as follows:

SECTION 3.01. TERM OF AGREEMENT. This Agreement shall be for a term commencing on October 1, 2013 and shall continue until the effective date of the Consortium's hiring, engaging or retaining a permanent General Counsel, unless an earlier expiration date is mutually agreed to in writing. ~~October 22, 2012, and ending on September 30, 2013. However, the term hereof may be extended by mutual agreement of the parties for successive 24 month periods.~~

SECTION 2. SURVIVABILITY OF REMAINING PROVISIONS. All other terms and conditions of the Agreement shall continue in full force and effect.

IN WITNESS WHEREOF, NG&N and the GULF CONSORTIUM, have caused this Agreement to be executed on the date first mentioned above.

NABORS, GIBLIN & NICKERSON, P.A.

By: _____
SARAH M. BLEAKLEY, OF COUNSEL

GULF CONSORTIUM

By: _____
GROVER ROBINSON, CHAIR

**Gulf Consortium Board Meeting Agenda Item
September 18, 2013
Consent Agenda Item # 3.c**

Statement of Issue or Executive Summary: At previous Gulf Consortium meetings, a request was made, and approved by Directors, that financial status reports are provided at each Gulf Consortium meeting.

Background: Gulf Consortium member counties have contributed to the operation of the Consortium during this transition phase of establishment.

Analysis: The sheets attached provide a recap of revenue and expenses to date compared to budget.

Options:

- 1) Approve a motion to accept the financial reports as presented.
- 2) Provide other direction.

Fiscal Impact: None.

Recommendation: Approve a motion that approves financial reports.

Division and Staff Person's Name: Doug Darling, Florida Association of Counties.

Moved _____; Seconded_____.

Action: Approved____; Approved as amended____; Defeated_____.

Gulf Consortium
September 18, 2013
Agenda Item # 7 Extension of Nabors, Giblin & Nickerson, P.A.
Contract as Interim General Counsel

Statement of Issue or Executive Summary: This agenda item proposes an amendment and extension of the Consortium's Interim General Counsel contract with Nabors, Giblin & Nickerson, P. A. (NG&N). Under the proposal, the contract would extend until sixty days after the effective date of the Consortium's hiring, engaging or retaining a permanent General Counsel, unless an earlier expiration date is mutually agree to in writing.

Background: The Consortium's current contract with NG&N as interim General Counsel terminates on October 1, 2013. The proposal does not change the compensation to NG&N or the following two ways the current contract can be terminated:

1. NG&N serves at the pleasure of the Board.
2. NG&N may terminate the current contract upon 60 days notice in writing to the Consortium.

Analysis: The federal rules regulating the implementation of the RESTORE Act have just been promulgated. It is unclear what procurement process will be required for engaging the services of a permanent General Counsel in order to allow the Consortium to seek reimbursement from RESTORE Act funds. The extension of the existing contract allows the Consortium to continue NG&N's services beyond October 1, 2013 at the current rate of compensation and still maintain the option of following a federal rule procurement process in hiring a permanent General Counsel .

Without an extension of the contract, the Consortium will not have an interim General Counsel in place after September 30, 2013.

A copy of the proposed extension and amendment to the existing agreement with NG&N is attached.

Options:

- 1) Approve a motion to extend NG&N's contract as interim General Counsel to the Consortium pursuant to the attached revision of the existing agreement.
- 2) Provide other direction.

Fiscal Impact: The existing contract requires the Consortium to pay NG&N \$5,000 per month, plus expenses specified in the agreement. This agenda item proposes to extend the contract at the same amount of compensation.

Recommendation:

Approve a motion that extends NG&N's contract as interim General Counsel to the Consortium pursuant to the attached revision of the existing agreement.

Prepared by: Doug Darling, Interim Manager

Moved _____; Seconded_____.

Action: Approved____; Approved as amended____; Defeated_____.

**Comments From
Technical Advisory
Group and Counties**

On Sep 6, 2013, at 3:21 PM, "Coram, Phil" <Phil.Coram@dep.state.fl.us> wrote:

Doug and Sarah:

Per your request below and pursuant to the *Memorandum of Understanding between the State of Florida & Gulf Consortium* (MOU), the Department offers the following comments on the draft Scope of Services (Scope) for consultant services to assist the Consortium in development of the State Expenditure Plan (the Plan).

It will be important that the development of the Plan and the management of funds received by the Consortium meet the legal requirements of the RESTORE Act and applicable implementing regulations (e.g. U.S. Treasury regulations when final). The Plan also should be consistent with the goals and objectives of the Gulf Coast Ecosystem Restoration Council's Initial Comprehensive Plan, and developed in coordination with the Governor's office pursuant to the MOU.

We recommend that specific references to these documents be included at appropriate places within the Scope, and that the Scope include links to the documents. This is especially important for the Task 3. Grant Management provisions of the Scope.

Task 1. Program Design

- Is not clear, other than schedules and estimated costs, what is desired from this Task. The Consortium may want to consider including services needed to develop the Plan as part of this task – see comments below.

Task 2. Plan Development

- This task contains numerous bulleted items to be included in the Plan. The task includes items that need to be conducted in order to develop the Plan (such as the inventory of other existing plans, a communications plan, a strategy for project selection, etc.), along with those items that need to be in the Plan itself (the amount of funding for each project, program and activity and the proposed start and completion dates for each project, program and activity.)
- The Consortium may want to consider making two separate tasks - Plan Development and Plan Preparation, or to make the services required for developing the Plan a part of Task 1.

- The Consortium may also want to consider adding a method to determine whether a project, program and activity falls within the Geographic Scope of the Gulf Coast Region as defined in the RESTORE Act.
- On Plan Preparation, we suggest the Scope require the Plan to include all 11 items noted in the Gulf Coast Ecosystem Restoration Council’s Initial Comprehensive Plan for the development of State Expenditure Plans (see Section V of the Initial Comprehensive Plan).
- This task also includes a “strategy for Consortium selection process that includes review by the State’s Technical Working Group.” This item should make reference to the provisions of the MOU, that require the Consortium’s selection process to include, at a minimum,
 1. A review for consistency with applicable laws and rules;
 2. Prioritization based on criteria established the Consortium;
 3. Consideration of public comments; and
 4. Approval by an affirmative vote of at least a majority of the Directors.
- This task also includes the development of “of on-line forms and systems for project applications, review, public comment and tracking that is updated with current funding decisions by any funding source.” This item should make reference to the provisions of the MOU, that require the Consortium to consult with the Department to develop a standardized format for the submittal of projects, activities and programs to the Consortium. We would recommend that the format require the submittals to include precise location information for mapping purposes and to be able to evaluate the submittals with various GIS applications.

Task 3. Grant Management

- The strategy and plan required under this task needs to ensure compliance with the requirements of the U.S. Treasury regulations (when final) for financial management, auditing, and reporting. References to these regulations should be included in this task. The more details that can be included the better, because of the extensive reporting and auditing requirements.

Task 4. Program Implementation

- The financial reporting and auditing policies and procedures of the Program Implementation plan required under this task need to ensure compliance with the

U.S. Treasury Regulations (when final). References to the regulations should be included in this task.

The Department appreciates the opportunity to comment on the draft Scope of Services and looks forward to continuing to work with the Consortium on the development of the State Expenditure Plan.

Should you have questions on these comments, please feel to contact me.

Phil Coram

Phil Coram, P.E
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fax 850 412-0505
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The Department of Environmental Protection values your feedback as a customer. DEP Secretary Herschel T. Vinyard Jr. is committed to continuously assessing and improving the level and quality of services provided to you. Please take a few minutes to comment on the quality of service you received. Simply click on [this link to the DEP Customer Survey](#). Thank you in advance for completing the survey.

From: Doug Darling [<mailto:ddarling@fl-counties.com>]
Sent: Tuesday, September 03, 2013 5:03 PM
Subject: Scope of Services Recommendations
Importance: High

Gulf Coast Consortium Directors, Alternates and Mr. Phil Coram, Florida Department of Environmental Protection:

Hope everyone had a good Labor Day. At our August meeting it was decided that recommendations on the Draft Scope of Services be sent to Sarah Bleakley, Interim General Counsel, by September 6, 2013. In order to assemble all comments in an orderly fashion, please use the attached Word Document with Track Changes feature and submit by COB September 6, 2013 to:

sbleakley@ngn-tally.com

Our Interim General Counsel advises the following:

State law prohibits the awarding of a contract to a vendor who has gained an unfair competitive advantage by participating in the drafting of a solicitation. See section 287.057(17)(c), Florida Statutes. The Consortium may or may not be bound by this statute, as no rules addressing the issue or any other issue have been promulgated by either the United States Department of the Treasury or the Gulf Coast Ecosystem Restoration Council. In an abundance of caution, we should follow the public policy expressed in that statute. Consequently, we do not want to receive comments from vendors or their representatives who may wish to submit a response to the Consortium's solicitation of services, as the person and the firm they represent would be disqualified from being awarded a contract.

Her phone number is (850) 224-4070 if you have any questions.

Thank you,
Doug Darling

SCOPE OF SERVICES

The following provides an outline for both mandatory and optional services that are anticipated for Florida's implementation of the Oil Spill Impact Funding Program (Program) (Pot #3/Gulf Consortium) of the Resources and Ecosystems Sustainability, Tourist, Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (RESTORE Act). It is the intent to establish a long-term partnership [I don't think this is a partnership – it is a contractual relationship where we specify activities/products and the contractor fulfills them] with the selected consultant(s) who shall work with the Gulf Consortium (Consortium) to develop the State Expenditure Plan required by the RESTORE Act. The anticipated initial contract term is 5 years [too long – suggest 3 years with termination clause for failure to perform, or perhaps our decision, without cause] with 3 one-year options to renew, if mutually agreeable. The optional services may be required [how can they be optional and required?] at a later date but should be considered and submitted with responses. The mandatory services are: (1) Program Design and: (2) Plan Development. The optional services are: (3) Grant Management and: (4) Program Implementation. In accordance with the Gulf Coast Ecosystem Restoration Council's (Council's) Comprehensive Plan and its State Expenditure Plan (Plan) development guidance, along with applicable anticipated U.S. Treasury regulations, the consultant shall work with the Florida Gulf Consortium (Consortium) to develop the State Expenditure Plan and design and implement the overall Program. The work is broken down into four components: Program Design, Plan Development, Grant Management, and Program Implementation.

Program Design means: all activities of the Consortium to implement the requirements of the RESTORE Act.

Plan Development means: all activities to produce a State Expenditure Plan for approval by both the Governor of Florida and the Gulf Coast Ecosystem Restoration Council (Council)

Grant Management means: all activities associated with the financial accountability of RESTORE Act grants issued to/on behalf of/ or through the Consortium.

Program Implementation means: all activities for Plan execution, communications, program metrics, auditing and reporting.

1. PROGRAM DESIGN

The development of the Consortium RESTORE Program that includes at a minimum:

- Timelines for all Program Components (Program Design, Plan Development, Grant Management, and Program Implementation)
- All resources anticipated for each Program Component to include:
 - Estimated cost
 - Estimated staffing, including expertise types

Deliverable: Gulf Consortium RESTORE Program (XX days after award)

2. PLAN DEVELOPMENT

Deliver a Gulf Consortium State Expenditure Plan that includes at a minimum:

- Inventory and review of existing community, stakeholder and government plans and programs. [ALL plans and programs, or limit to those related to Gulf restoration/Deepwater Horizon? Limit to FL-related plans? Or do you want them to review non-FL plans and programs, because may be able to use them as an example? Language is too broad here - need to limit in some ways].
- Development of on-line forms and systems for project applications, review, public comment and tracking that is updated with current funding decisions by any funding source. [What is updated? Each project application, or the web page in general?]
- A strategy for regionalism, water shed, or other grouping that will guide Plan Development.
- The amount of funding for each project, program and activity. [The amount of funding requested by a project applicant, or the amount allocated by the Consortium?]
- The proposed start and completion date for each project, program and activity.
- A method to determine how best available science was used for each project, program and activity. [Do you want this for each project/program/activity, or only for natural resource protection or restoration projects, as required by RESTORE? “(IV) in the case of a natural resource protection or restoration project, is based on the best available science”]
- A method to confirm that each project, program and activity contribute to the overall economic and/or ecosystem recovery of the Gulf Coast. [or else make plural, as in the RESTORE Act – otherwise each project will have to help economy and ecosystem recovery. “A method to confirm that the projects, programs, and activities included in the plan contribute to the overall economic and ecological recovery of the Gulf Coast.”]
- A method to confirm that each project, program and activity is an eligible activity under the RESTORE Act.
- A method to confirm that each project, program and activity does not exceed the 25 percent limit for infrastructure ~~OR~~ **AND** a method to document exceptions as allowed by the Act. [we need 2 methods as written.]
- An estimation of collaborations, partnering or other matching funds that may greatly enhance ~~a particular~~ **each** project, program or activity. This includes any leveraged funds.
- A communications plan that includes:
 - A strategy for robust public involvement, public meetings and interactive web sites that ensures the public’s right to know. This includes public participation in the selection process.
 - A strategy and system that keeps local, state, and federal governments informed.
- A matrix of how projects, programs and activities are consistent with the Goals and Objectives of the Gulf Coast Ecosystem Restoration Council’s Plan. [how is “are consistent with” defined? The RESTORE Act does not define this phrase. Can this be interpreted to mean “not contrary to”?]
- Development of metrics of progress/success that will be used in individual project, program and activity evaluation and ranking.

- A strategy for a Consortium selection process that includes review by the State’s Technical Working Group.

Deliverable: Gulf Consortium State Expenditure Plan

3. GRANT MANAGEMENT

Develop a strategy and plan for grant management of RESTORE Act grants that may:

- Be received by the Consortium
- Be issued by the Consortium
- Be the responsibility of the Consortium
- Require contracts be issued by Consortium
- Require contracts issued on behalf of the Consortium

4. PROGRAM IMPLEMENTATION

A Program Implementation Plan that will at a minimum include:

- Incorporate all four components of the Program
- Overall comprehensive Program Management System
- Management and reporting procedures
- Work plan/schedule with key implementation tasks and timelines
- Accountability and Monitoring Plan that includes:
 - Financial reporting and auditing policies and procedures
 - Project, program and activity effectiveness tool
- Management and organizational structure chart
- Project review and tracking process flow chart
- Continued public engagement approach and strategy
- Communications plan for ongoing public outreach and information flow
- Metrics that will be used to measure overall program progress, and success
- 5-year Program Budget

From: [Doug Darling](#)
To: [Bleakley, Sarah;](#)
Subject: Fwd: Scope of Services for Florida's Implementation of the Oil Spill Funding Program
Date: Wednesday, September 04, 2013 3:49:44 PM

Begin forwarded message:

From: "KEN K. CHEEK" <KEN.CHEEK@bocc.citrus.fl.us>
Date: September 4, 2013, 15:47:14 EDT
To: Doug Darling <ddarling@fl-counties.com>
Subject: Scope of Services for Florida's Implementation of the Oil Spill Funding Program

Mr. Darling,

I was asked to review the referenced scope of services on behalf of Citrus County by the County Attorney, Richard Wesch. I have done so and do not have any comments at this time.

Ken Cheek, PE
Director, Department of Water Resources
Citrus County Board of County Commissioners
3600 West Sovereign Path, Suite 291
Lecanto, FL 34461
Ph.: (352) 527-7650

Bleakley, Sarah

From: Doug Darling [ddarling@fl-counties.com]
Sent: Friday, September 06, 2013 3:25 PM
To: Bleakley, Sarah
Subject: Fwd: Mail with GoodReader attachments

FYI

Begin forwarded message:

From: WightDebbie <DebbieWight@colliergov.net>
Date: September 6, 2013, 11:20:13 EDT
To: Doug Darling <ddarling@fl-counties.com>
Cc: WightDebbie <DebbieWight@colliergov.net>, HenningTom <TomHenning@colliergov.net>
Subject: FW: Mail with GoodReader attachments

Hi Doug,

Commissioner Henning has requested that the comments below be sent to you. Collier County staff believes there are no concerns with the scope for Leon County being the procurement administrator as long as State Statutes are met.

Thanks.

-Debbie

From: WightDebbie
Sent: Friday, September 06, 2013 10:01 AM
To: HenningTom; SmithCamden
Cc: WightDebbie; LorenzWilliam; KlatzkowJeff
Subject: FW: Mail with GoodReader attachments

Good morning Commissioner Henning,

Please see Bill Lorenz's comments below. He and I agree there is nothing raising a red flag as long as State Statutes are met.

Thanks.

Debbie

From: LorenzWilliam
Sent: Friday, September 06, 2013 8:35 AM
To: WightDebbie
Cc: SheffieldMichael

Subject: RE: Mail with GoodReader attachments

Debbie..I reviewed the scope and it looks good. As to having Leon County being the entity to procure services, I have no fundamental problem with this, assuming it meets State Statutes.

Bill Lorenz

William D. Lorenz, Jr., P.E., Director
Collier County Natural Resources Department Growth Management Division/Planning and Regulation
Tel: 239.252.2951
E-mail: WilliamLorenz@Colliergov.net<<mailto:WilliamLorenz@Colliergov.net>>

From: WightDebbie
Sent: Thursday, September 05, 2013 4:24 PM
To: LorenzWilliam
Cc: WightDebbie; SheffieldMichael
Subject: Fw: Mail with GoodReader attachments

Commissioner Henning would like staff input on attached. I see no problem as Leon Co not included among 23 RESTORE Act counties.

Please respond to me and I will provide to C. Henning.

Thanks.
-Debbie

From: KlatzkowJeff
Sent: Thursday, September 05, 2013 10:56 AM
To: WightDebbie
Subject: FW: Mail with GoodReader attachments

Please call me.

Jeffrey A. Klatzkow
County Attorney
(239) 252-2614

From: HenningTom
Sent: Thursday, August 22, 2013 10:13 AM
To: KlatzkowJeff; WightDebbie
Subject: Mail with GoodReader attachments

See files attached to this message (sent from GoodReader) The gulf consortium is asking for county's staff input and submit for consortium consideration at the next meeting. Thanks

Sent from my iPad

Under Florida Law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by telephone or in writing.

From: Bleakley, Sarah
Sent: Monday, August 19, 2013 9:56 AM
To: dixiecm51
Cc: ddarling@fl-counties.com; Bleakley, Sarah
Subject: Re: Inputs Draft Scope of Services

Great suggestions. Thanks, Mike. I look forward to seeing you in Clearwater Thursday.

Sent from my iPad

On Aug 19, 2013, at 8:46 AM, "dixiecm51" <dixiecm51@bellsouth.net> wrote:

Ms Bleakley & Mr Darling,

- Doug/Sarah,

Thank you both for the detailed work that has thus far went into the Draft for Scope of Services and the plans for inputs to Rules regarding the funds.

At this time, we have a couple of minor points to convey:

Draft Scope

1. Regardless of the length of the agreement (5 yrs w/options, etc...), have language that allows a 30 day termination by either party, with this supported by language that protects both (all) parties - quite sure this is or will be a given, but wanted to forward to keep in thought.

Rules input

1. Provide an opportunity for the Consortium to have input - which appears to be the intent. Regardless, allow the Consortium to act in some manner as a clearing house vs there being unknown input forwarded by the Executive Committee.

Some thoughts...

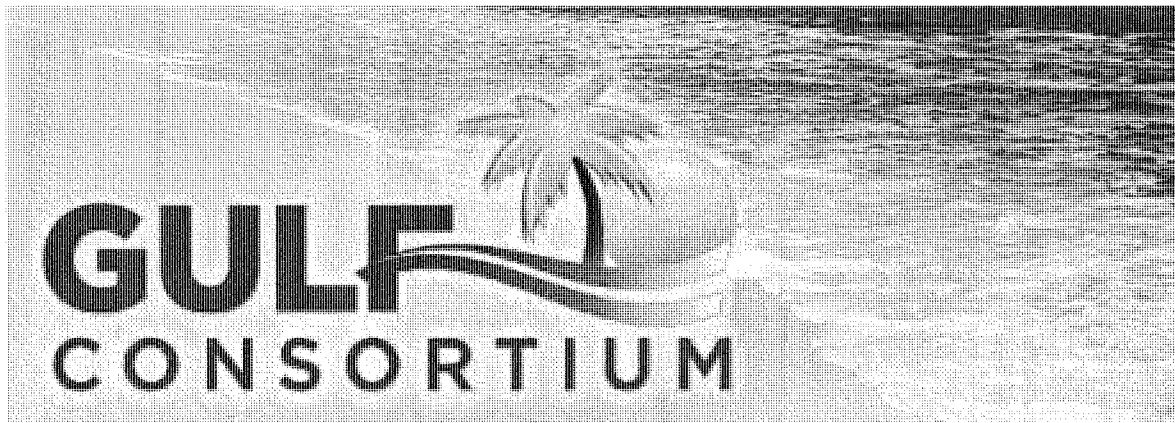
Thank you!

Mike

Mike Cassidy
County Manager
Dixie County, FL
(352) 498-1426 office
(352) 578-5061 cell
(352) 498-1277 fax

From: Doug Darling <ddarling@fl-counties.com>
To: dixiecm51@bellsouth.net

Sent: Wednesday, August 14, 2013 5:25 PM
Subject: Meeting Materials for 8/22/13 Meetings



Gulf Consortium Directors and Alternates:

We will have two meetings on August 22, 2013 in Clearwater Beach at Sheraton Sand Key - Gulf Meeting Room, 1160 Gulf Blvd., Clearwater Beach, FL 33767.

The first meeting is a short meeting of the Committee of 15 Nondisproportionately Impacted Counties and will start promptly at 9:00 am EST. The reason for this meeting is to approve the minutes from the June 28, 2013 meeting. The U.S. Treasury needs final committee approval of the recommendations that were submitted.

The second meeting will be the Gulf Consortium Meeting, which will start at 9:30 am EST or immediately upon completion of the Committee of 15. All meeting materials for both meetings can be found here:

WWW.FACRESTORE.com

Please let us know if you have any questions.

Regards,
Doug Darling
Interim Manager

Forward email

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This email was sent to dixiecm51@bellsouth.net by ddarling@fl-counties.com | Instant removal with [SafeUnsubscribe™](#) | [Privacy Policy](#).

Florida Association of Counties | c/o Florida Association of Counties | 100 South Monroe Street | Tallahassee | FL | 32301

SCOPE OF SERVICES

The following provides an outline for both mandatory and optional services that are anticipated for the development Florida's and implementation of the Oil Spill Impact Funding Florida's Oil Spill Restoration Impact Allocation Program and Plan (Program) (State Expenditure Plan) (Pot #3/~~Gulf Consortium~~) of the Resources and Ecosystems Sustainability, Tourist, Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (RESTORE Act). It is the intent to establish a long-term partnership with the selected consultant(s) who shall work with the Gulf Consortium (Consortium) to develop and assist in implementing the State Expenditure Plan required by the RESTORE Act. The anticipated initial contract term is 5 years with 3 options to renew. The optional services may be required at a later date but should be considered and submitted with responses. The mandatory services are: (1) Program Design and: (2) Plan Development. The optional services are: (3) Grant Management and: (4) Program Implementation. In accordance with the RESTORE Act and consistent with the Gulf Coast Ecosystem Restoration Council's (Council's) Comprehensive ~~Plan~~ and its State Expenditure Plan (~~Plan~~) development guidance, along with applicable anticipated U.S. Treasury regulations, the consultant shall work with the ~~Florida Gulf Consortium~~ (Consortium) to develop the State Expenditure Plan and design and implement the overall Program. The work is broken down into four components: Program Design, Plan Development, Grant Management, and Program Implementation.

Program Design means: all activities of the Consortium to implement the requirements ~~of the RESTORE Act~~ of Florida's Oil Spill Restoration Impact Allocation.

Plan Development means: all activities to produce a State Expenditure Plan for approval by both the Governor of Florida and the Gulf Coast Ecosystem Restoration Council (Council)

Grant Management means: all activities associated with the financial accountability of RESTORE Act grants issued to/on behalf of/ or through the Consortium.

Program Implementation means: all activities for Plan execution, communications, program metrics, auditing and reporting.

1. PROGRAM DESIGN

The development of the Consortium RESTORE Program that includes at a minimum:

- Facilitation and coordination with Consortium members to develop Plan

approach

- Timelines for all Program Components (Program Design, Plan Development, Grant Management, and Program Implementation)
- All resources anticipated for each Program Component to include:
 - Estimated cost
 - Estimated staffing

Deliverable: Gulf Consortium RESTORE Program Management Plan (XX days after award)

2. PLAN DEVELOPMENT

Deliver a Gulf Consortium State Expenditure Plan that includes at a minimum:

- Prepare a list of federal and state planning and project implementation requirements (as applicable: National Environmental Policy Act, Clean Water Act, Chapter 373, F.S.) and a strategy for compliance.
- Inventory and review of existing community, stakeholder and government plans and programs addressing projects eligible for RESTORE Act implementation.
- Identify any data “gaps” or issues requiring additional technical analysis including timeframes to complete that analysis.
- Develop and manage the project solicitation and/or project nomination process including: ~~D~~ development of on-line forms and systems for project applications, review, public comment and tracking that is updated with current funding decisions by any funding source.
- A strategy for regionalism, water-shed, or other grouping that will guide Plan Development.
- An analysis of the feasibility of nominated projects and their projected benefits.
- The amount of funding for each project, program and activity.
- The proposed start and completion date for each project, program and activity including any necessary phasing, sequencing or relationships between projects.
- A method to determine how best available science was used for each project, program and activity.
- A method to confirm that each project, program and activity contribute to the overall economic and ecosystem recovery of the Gulf Coast.
- ~~A~~ method to confirm that each project, program and activity is an eligible activity under the RESTORE Act.
- A method to confirm that each project, program and activity does not exceed the 25 percent limit for infrastructure **OR** a method to document exceptions as allowed by the Act.
- An estimation of collaborations, partnering or other matching funds that may greatly enhance a particular project, program or activity. This includes any leveraged funds.
- A communications plan that includes ~~s~~d:

- A strategy for robust public involvement, public meetings and interactive web sites that ensures the public's right to know. This includes public participation in the selection process.
- A strategy and system that keeps local, state, and federal governments informed.
- A matrix of how projects, programs and activities are consistent with the Goals and Objectives of the Gulf Coast Ecosystem Restoration Council's [Comprehensive Plan](#).
- Development of metrics [and evaluation criteria](#) that will be used in individual project, program and activity evaluation and ranking.
- A strategy for Consortium [project](#) selection process that includes review by the State's Technical Working Group.

Deliverable: Gulf Consortium State Expenditure Plan

3. GRANT MANAGEMENT

Develop a strategy and plan for grant management of RESTORE Act grants that may:

- Be received by the Consortium
- Be issued by the Consortium
- Be the responsibility of the Consortium
- Require contracts be issued by Consortium
- Require contracts issued on behalf of the Consortium

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A Program Implementation Plan that will at a minimum include:

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 - Financial reporting and auditing policies and procedures
 - Project, program and activity effectiveness tool
- Management and organizational structure chart
- Project review and tracking process flow chart
- [Continued public engagement approach and strategy](#)
- [Ongoing coordination with other Federal/state agencies as well as the Gulf Restoration Council as appropriate](#)
- Communications plan for ongoing public outreach and information flow
- Metrics that will be used to measure overall program progress, and success
- 5-year Program Budget

|

SCOPE OF SERVICES

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- Communications plan for ongoing public outreach and information flow
- Metrics that will be used to measure overall program progress, and success
- 5-year Program Budget

From: [Dave Parisot](#)
To: [Bleakley, Sarah](#);
cc: [Ernie Padgett](#); DDarling@fl-counties.com; CHolley@fl-counties.com;
Subject: Okaloosa County Inputs to Draft Scope of Work for RESTORE Consultant for Gulf Consortium
Date: Wednesday, September 04, 2013 11:06:52 AM

Sarah,

(Since I am not up-to-speed on "Track Changes" to Word documents, I am sending my inputs via "plain-text" email.)

The following are recommended changes to the Draft Scope of Work:

1. The initial contract period of 5 years is too long. An initial term of one year with two options to renew for one year each. RATIONALE: This contract should be for the Program Design and Plan Development only, as required by the RESTORE Act to be submitted to the Gulf States Council and to the Florida Governor for approval. This process should be completed within one year, but the renewal options could apply if the process takes longer.
2. Delete paras. 3(Grant Management) and 4 (Program Implementation) from the Draft Scope of Services. Recommend the Consortium not even consider using a consultant firm for the receipt and distribution of RESTORE funds. RATIONALE: Too many potential problems with accountability and auditing; also, this will add more fees that should be used for projects. As for project implementation, these will need to be competitively bid using normal competitive bidding processes (per the RESTORE Act) and most will require the use of various engineering services consultants for specific projects. Using a consulting firm to draw up the bid proposals may make sense, but that should be a separate RFQ after the Consortium Plan is written.
3. We may want to define what "infrastructure" means in regard to the 25% limit (under Plan Development). RATIONALE: If defined too broadly, the 25% limit could be used up very quickly.

Dave Parisot
Okaloosa County Commissioner, District 2
Board Vice Chairman (2012 & 2013)
1804 Lewis Turner Blvd., Ste 100, Fort Walton Beach, FL 32547
Office: (850) 651-7105; Mobile: (850) 855-1042

"Make it Better; Make it Lasting; MAKE IT HAPPEN."--General Wilbur Creech, USAF, Ret.

NOTE: DUE TO FLORIDA'S BROAD PUBLIC RECORDS LAWS, THIS E-MAIL, INCLUDING YOUR E-MAIL ADDRESS, MAY BE SUBJECT TO PUBLIC DISCLOSURE.

From: [Sara Comander](#)
To: ["Doug Darling";](#)
cc: [Bleakley, Sarah;](#)
Subject: RE: Scope of Services Recommendations
Date: Wednesday, September 04, 2013 11:12:36 AM

My folks find no fault with the document.
Sara Comander

Sara Comander

Walton County Commissioner District 4

Please note: Florida has a very broad public records law. Most written communications to or from county officials regarding county business are public records; available to the public and media upon request. Your email communications may be subject to public disclosure. (Florida Statute, Chapter 119)

From: Doug Darling [mailto:ddarling@fl-counties.com]
Sent: Tuesday, September 03, 2013 4:03 PM
Subject: Scope of Services Recommendations
Importance: High

Gulf Coast Consortium Directors, Alternates and Mr. Phil Coram, Florida
Department of Environmental Protection:

Hope everyone had a good Labor Day. At our August meeting it was decided that recommendations on the Draft Scope of Services be sent to Sarah Bleakley, Interim General Counsel, by September 6, 2013. In order to assemble all comments in an orderly fashion, please use the attached Word Document with Track Changes feature and submit by COB September 6, 2013 to:

sbleakley@ngn-tally.com

Our Interim General Counsel advises the following:

State law prohibits the awarding of a contract to a vendor who has gained an unfair competitive advantage by participating in the drafting of a solicitation. See section 287.057(17)(c), Florida Statutes. The Consortium may or may not be bound by this statute, as no rules addressing the issue or any other issue have been promulgated by either the United States Department of the Treasury or the Gulf Coast Ecosystem Restoration Council. In an abundance of caution, we should

follow the public policy expressed in that statute. Consequently, we do not want to receive comments from vendors or their representatives who may wish to submit a response to the Consortium's solicitation of services, as the person and the firm they represent would be disqualified from being awarded a contract.

Her phone number is (850) 224-4070 if you have any questions.

Thank you,
Doug Darling

Gulf Consortium
September 18, 2013
Consent Agenda Item # 3.d Update on Funding of Other
State's Expenditure Plans

At the last Gulf Consortium meeting held August 22, 2013, the Directors requested an update on how other states are progressing with developing their State Expenditure Plans. This provides an updated status.

ALABAMA

- Has not received any funding from Commerce or EPA or otherwise regarding Alabama's State Expenditure Plan
- Has established the AL Restore Council
- Waiting on Rules and Council Guidance

MISSISSIPPI

- Has not received any funding from Commerce or EPA for Mississippi's State Expenditure Plan
- Established GoCoast 2020 and produced a report using a BP grant

<http://www.gocoast2020.com/wp-content/uploads/finalreport.pdf>

LOUISIANA

- Has not received any funding from any Federal source for Louisiana's State Expenditure Plan
- Does have another federal program and funding
- Coastal Wetlands Planning, Protection and Restoration Act, (CWPPRA pronounced kwĭp-rŭh)
- Federal legislation enacted in 1990 designed to identify, prepare, and fund construction of coastal wetlands restoration projects.
- Since its inception, 151 coastal restoration or protection projects have been authorized, benefiting over 110,000 acres in Louisiana.

<http://lacoast.gov/new/default.aspx>

TEXAS

- Has not received any funding from any Federal source for Texas's State Expenditure Plan
- Texas has not yet created any plans or web resources related to the RESTORE Act
- Conducted initial coordination meeting July 16, 2013 at the University of Texas Marine Science Institute

**INITIAL
COMPREHENSIVE PLAN:**

Restoring the Gulf Coast's Ecosystem and Economy

Gulf Coast Ecosystem Restoration Council

August 2013

GULF COAST ECOSYSTEM RESTORATION COUNCIL

Chair

Department of Commerce

Penny Pritzker
Secretary

State of Alabama

Robert Bentley
Governor

Department of Agriculture

Thomas Vilsack
Secretary

State of Florida

Rick Scott
Governor

Department of the Army

John McHugh
Secretary of the Army

State of Louisiana

Bobby Jindal
Governor

Environmental Protection Agency

Gina McCarthy
Administrator

State of Mississippi

Phil Bryant
Governor

Department of Homeland Security

Janet Napolitano
Secretary

State of Texas

Rick Perry
Governor

Department of the Interior

Sally Jewell
Secretary

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I. INTRODUCTION

In July 2012, the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act (RESTORE Act) established the Gulf Coast Ecosystem Restoration Council (Council). The Council is comprised of the Governors of the five Gulf Coast States and Cabinet-level officials from six federal agencies. One of the Council’s primary responsibilities is to develop a Comprehensive Plan to restore the ecosystem and the economy of the Gulf Coast region.

This Initial Comprehensive Plan (Plan) provides a framework to implement a coordinated, Gulf Coast region-wide restoration effort in a way that restores, protects, and revitalizes the Gulf Coast. This Plan is the first version of a Plan that will change over time. It will guide the Council’s actions to restore the Gulf Coast ecosystem and economy. The Plan establishes the Council’s Goals for the region and provides for a process to fund restoration projects and programs as funds become available (*see* Section IV for a definition of projects and programs). Over the next few years, development and implementation of this Plan will be an iterative process leading to a comprehensive, region-wide, multi-objective restoration plan based on the best available science.

THE PLAN’S PURPOSE

- To establish overarching restoration Goals for the Gulf Coast region.
- To describe how the Council will solicit, evaluate, and fund projects and programs for ecosystem restoration.
- To describe the process for the approval of State Expenditure Plans that will fund projects, programs, and activities that will improve the Gulf Coast ecosystem and economy.

To develop this Plan, the Council carefully reviewed the findings and recommendations of the *Gulf Coast Ecosystem Restoration Task Force Strategy (Strategy)*. The Council also reviewed numerous existing local, regional, state, and federal plans to inform the development of this Plan. The Council initiated a robust public engagement process to receive initial input from diverse voices from across the region. The Council hosted fourteen public meetings with over 2,300 attendees and established a web presence to accept public comments. The Council received over 41,000 public comments on the Draft Initial Comprehensive Plan. The suggestions and comments that the Council received were considered and incorporated, as appropriate, into this Plan (*see* “Response to Public Comments”). The Council recognizes that Gulf Coast restoration will not be successful without genuine and meaningful input from the people in the region. The Council will continue to support opportunities for public engagement to hear from individuals and organizations across the Gulf Coast region.

Additionally, the United States has a unique legal relationship with federally-recognized Tribes as set forth in United States treaties, statutes, Executive Orders and court decisions. Given the

INITIAL COMPREHENSIVE PLAN

importance of the Tribes to the Gulf Coast region, the Council recognizes the value of tribal input in the region's restoration activities. To begin this engagement, the Council held webinars on April 9 and 11, 2013, and a tribal engagement session on June 13, 2013. The Council will continue to engage with the Tribes on these important issues throughout the implementation of the Plan.

This Plan sets forth the Council's overarching goals for restoring and protecting the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, coastal wetlands, and economy of the Gulf Coast region. Additionally, the Plan: (1) incorporates recommendations and findings of the *Strategy*; (2) describes how projects and programs under the Council-Selected Restoration Component will be solicited, evaluated, and funded; (3) outlines the process for the development, review, and approval of State Expenditure Plans; (4) includes a list of any project or program authorized prior to enactment of the RESTORE Act, but not yet commenced (*see Appendix A*); and (5) provides the Council's Next Steps.

The RESTORE Act also established the Gulf Coast Ecosystem Restoration Trust Fund (Trust Fund). Due to uncertainty around a variety of factors associated with ongoing litigation, the ultimate amount of administrative and civil penalties that may be available to the Trust Fund and the timing of their availability are unknown. As a result of the settlement of Clean Water Act civil claims against Transocean Deepwater Inc. and related entities, a total of approximately \$800 million, plus interest, will be deposited in the Trust Fund within the next two years – approximately \$320 million of which has already been deposited. Thus, based upon the RESTORE Act and the payment schedule agreed to by the court for the Transocean settlement, by February 20, 2015, thirty percent of that total amount – \$240 million, plus interest – will be deposited in the Trust Fund for allocation by the Council under the Council-Selected Restoration Component. Additional funding is dependent upon settlement or adjudication of civil or administrative claims against other parties responsible for the *Deepwater Horizon* oil spill.

This Plan does not yet include a description of the manner in which amounts from the Trust Fund projected to be made available to the Council to implement the Plan for the next ten years will be allocated, referred to as the "Ten-Year Funding Strategy." Nor does it include a project and program priority list that the Council will fund, referred to as the "Funded Priorities List." The Council did not include these elements in this iteration of the Plan for several reasons. First, as noted above, there is uncertainty related to the overall amount and availability of funds deposited in the Trust Fund. Second, the final procedures to guide Trust Fund expenditures have not yet been issued by the U.S. Department of the Treasury. Third, the Council wished to seek public input on key elements of the Plan. Fourth, the Gulf Coast States are in the process of developing State Expenditure Plans to guide the disbursement of funds that will be allocated to the States based upon the extent of impacts from the *Deepwater Horizon* oil spill. For all of these reasons,

INITIAL COMPREHENSIVE PLAN

the Council has purposely deferred developing the Ten-Year Funding Strategy and Funded Priorities List.

Under the National Environmental Policy Act (NEPA), 42 U.S.C §§ 4321-4335, and its implementing regulations at 40 C.F.R. Parts 1500–1508, the Council is required to consider all reasonably foreseeable alternatives and the environmental effects of its proposed actions and to inform and involve the public in its environmental analysis and decision-making process. The Council prepared a Programmatic Environmental Assessment (PEA) analyzing the environmental impacts of this Plan. After analyzing the potential direct, indirect, and cumulative effects of the Plan, the Council has determined that issuance of the Plan will not have a significant impact on the environment and that no further environmental analysis is required prior to approval of the Plan. The PEA summarizes the current environment of the Gulf Coast region, describes the purpose and need for the Plan, identifies the “No Action” alternative, describes the process for selecting a proposed alternative, and assesses the potential environmental consequences of the alternatives based on the available information. The PEA can serve as a reference document upon which supplemental or individual NEPA documents can build. The PEA does not analyze impacts of projects or programs that could subsequently be funded by the Council because the Council has not yet selected projects and programs for funding. It is expected that projects and programs subsequently selected for funding through the processes set forth in this Plan may be subject to further NEPA review. In addition to meeting NEPA requirements, the Council acknowledges that any projects or programs ultimately selected for funding must comply with applicable laws and regulations.

II. OVERVIEW

The Gulf Coast region is vital to our Nation and our economy, providing valuable energy resources, abundant seafood, extraordinary beaches and recreational activities, and a rich cultural heritage. Its waters and coasts are home to one of the most diverse environments in the world – including over 15,000 species of sea life. Over twenty-two million Americans live in Gulf coastal counties and parishes – working in crucial U.S. industries like commercial seafood, shipping, tourism, and oil and gas production. The region also boasts ten of America’s fifteen largest ports accounting for nearly a trillion dollars in trade each year.

Despite the tremendous importance of the Gulf Coast region, the health of the region’s ecosystem has been significantly impacted, most recently by the *Deepwater Horizon* oil spill which spurred passage of the RESTORE Act. Over the past decade the Gulf Coast region has also endured significant natural catastrophes, including major hurricanes such as Katrina, Rita, Gustav, and Ike. The Gulf Coast region has experienced loss of critical wetland habitats, erosion of barrier islands, imperiled fisheries, water quality degradation, and significant coastal land loss due to natural forces, the alteration of hydrology, and other human activities.

In addition, the Gulf of Mexico experienced numerous water quality problems resulting from the *Deepwater Horizon* disaster and other factors, including excess nutrients, hypoxia, altered sediment resources, pathogens, mercury, remaining *Deepwater Horizon* oil and dispersants and other pollutants. Living coastal and marine systems are showing signs of stress, such as depleted species populations and degraded habitats. Storm risk, land loss, depletion of natural resources, compromised water quality and quantity, and sea-level rise are imperiling coastal communities’ natural defenses and ability to respond to natural and man-made disruptions. These problems not only endanger the natural systems but also the economic vitality of the Gulf Coast region and the entire Nation.

The RESTORE Act

The Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012, or the RESTORE Act, was passed by Congress on June 29, 2012, and signed into law by President Obama on July 6, 2012. The RESTORE Act envisions a regional approach to restoring the long-term health of the valuable natural ecosystems and economy of the Gulf Coast region. The RESTORE Act dedicates 80 percent of any civil and administrative penalties paid under the Clean Water Act, after the date of enactment, by responsible parties in connection with the *Deepwater Horizon* oil spill to the Trust Fund for ecosystem restoration, economic recovery, and tourism promotion in the Gulf Coast region (Figure 1). This effort is in addition to the restoration of natural resources injured by the spill

which will be accomplished through a separate Natural Resource Damage Assessment (NRDA) and restoration process pursuant to the Oil Pollution Act.

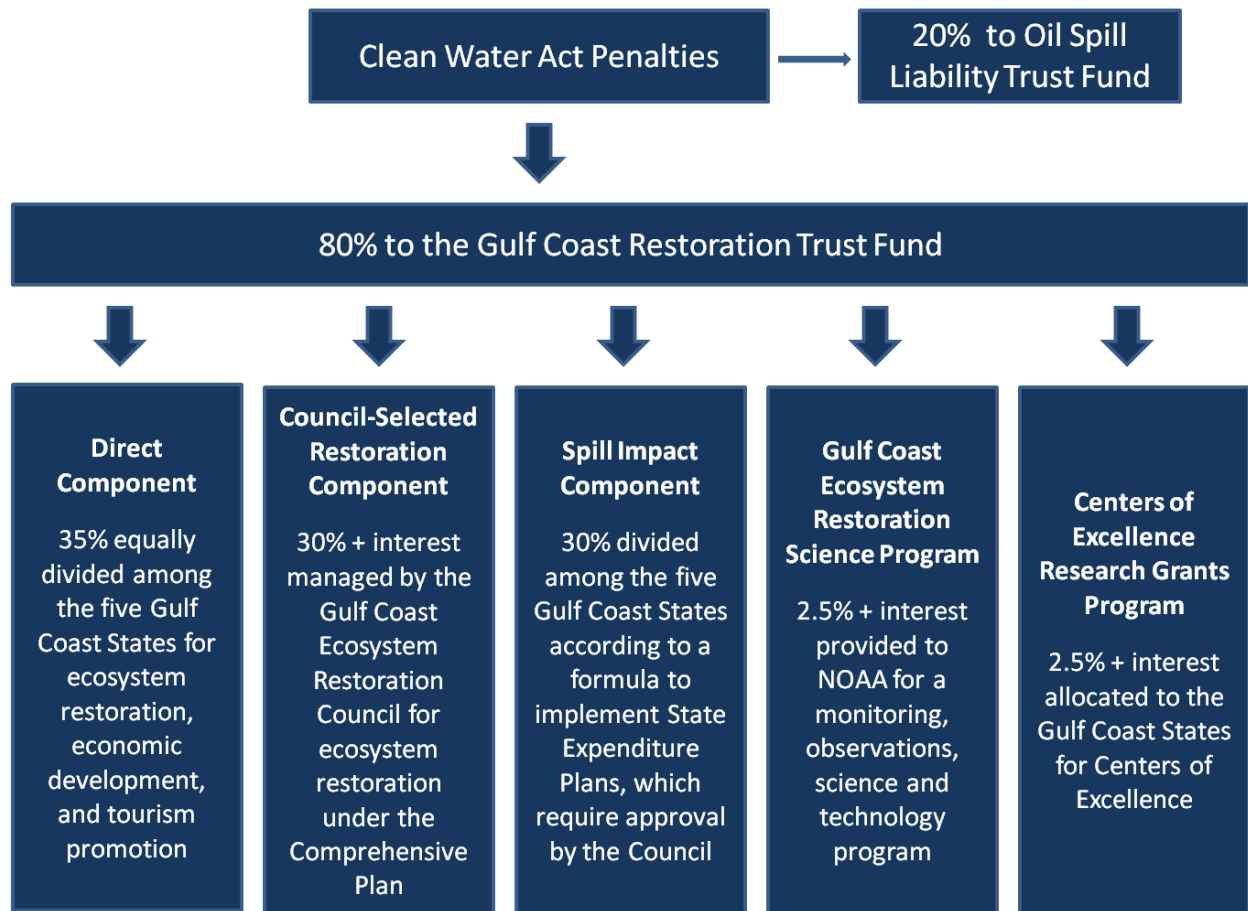


Figure 1: Allocation of RESTORE Act Trust Fund

Geographic Scope of the Gulf Coast Region

The RESTORE Act defines where and how funds may be spent. The Act defines “Gulf Coast State” to mean any of the States of Alabama, Florida, Louisiana, Mississippi, and Texas, and includes the following areas within the “Gulf Coast region:”

1. In the Gulf Coast States, the coastal zones (including federal lands within the coastal zones) that border the Gulf of Mexico;
2. Any adjacent land, water, and watersheds within 25 miles of the coastal zones; and,
3. All federal waters in the Gulf of Mexico.

Gulf Coast Ecosystem Restoration Council

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In addition to establishing the Trust Fund, the RESTORE Act establishes the Council as an independent entity in the Federal Government. The Council is charged with helping to restore the ecosystem and economy of the Gulf Coast region by developing and overseeing implementation of a Comprehensive Plan and carrying out other responsibilities. The Council is chaired by the Secretary of the U.S. Department of Commerce and includes the Governors of the States of Alabama, Florida, Louisiana, Mississippi and Texas and the Secretaries of the U.S. Departments of Agriculture, Army, Homeland Security and the Interior, and the Administrator of the U.S. Environmental Protection Agency.

The Council has responsibilities with respect to 60 percent of the funds made available from the Trust Fund. Thirty percent of the Trust Fund, plus interest, will be administered for ecosystem restoration and protection by the Council according to Section IV of this Plan (Council-Selected Restoration Component). The other 30 percent of the Trust Fund will be allocated to the Gulf Coast States under a formula described in the RESTORE Act and spent according to individual State Expenditure Plans (Spill Impact Component). The State Expenditure Plans must be consistent with the Goals and Objectives of this Plan and are subject to the Council's approval. Remaining RESTORE Act funds not within the Council's responsibilities are: the Direct Component (35 percent of the funds), available to the Gulf Coast States in equal shares; the Gulf Coast Ecosystem Restoration Science Program (2.5 percent of the funds plus interest); and Centers of Excellence Research Grants Program (2.5 percent of the funds plus interest). See Figure 1 above for a breakdown of the five components.

Commitment to Science-Based Decision-Making

The decisions made pursuant to the Plan will be based on the best available science, and this Plan will evolve over time to incorporate new science, information, and changing conditions. The Council will coordinate with the scientific community to improve decision-making. The Council will consider the most effective means of ensuring that its decisions are based on the best available science, including the creation of a science advisory committee or some other structure, to inform its decisions and facilitate coordination across various Gulf restoration efforts.

Commitment to a Regional Ecosystem-based Approach to Restoration

The Council recognizes that upland, estuarine, and marine habitats are intrinsically connected, and will promote ecosystem-based and landscape-scale restoration without regard to geographic location within the Gulf Coast region. A regional approach to restoration more effectively leverages the resources of the Gulf Coast and promotes holistic Gulf Coast recovery. The Council recognizes that regional ecosystem restoration activities can also have multiple human and environmental benefits, such as restoring habitats that sustainably support diverse fish and

wildlife populations, while also providing an array of commercial, recreational, and other human uses of the ecosystem.

Commitment to Engagement, Inclusion, and Transparency

It is the Council's intent to seek broad participation and input from the diverse stakeholders who live, work, and play in the Gulf Coast region in both the continued development of this Plan and the ultimate selection and funding of ecosystem restoration activities. The Council intends to provide opportunities to facilitate the formation of strategic partnerships and collaboration on innovative ecosystem restoration projects, programs, and approaches that might ultimately form the basis of a proposal to the Council. The Council is committed to engaging the public and tribes, and will use its website, www.restorethegulf.gov, to collect comments, questions, and suggestions for Council consideration. The Council intends to create a public engagement structure that reflects the richness and diversity of Gulf Coast communities to ensure ongoing public participation in the Council's restoration efforts.

Commitment to Leveraging Resources and Partnerships

The Council will encourage partnerships and welcome additional public and private financial and technical support to maximize outcomes and impacts. Such partnerships will add value through integration of public and private sector skills, knowledge, and expertise.

Commitment to Delivering Results and Measuring Impacts

The Council recognizes the importance of measuring outcomes and impacts in order to achieve tangible results and ensure that funds are invested in a meaningful way. The Council will consider a variety of methods to measure and report on the results and impacts of Council-Selected Restoration Component activities and will include project- or program-specific measurement and reporting requirements in funding agreements with Council Members.

III. GOALS

Building on the strong foundation established in the Task Force *Strategy* and other local, regional, state, and federal plans, the Council is taking an integrated and coordinated approach to Gulf Coast restoration. This approach strives to both restore the Gulf Coast region's environment and, at the same time, revitalize the region's economy because the Council recognizes that ecosystem restoration investments may also improve economic prosperity and quality of life. In addition, this approach acknowledges that coordinated action with other partners is important to successfully restore and sustain the health of the Gulf Coast region. This coordination is particularly important because diverse funding sources and decision-making bodies are investing in Gulf Coast restoration.

To provide the overarching framework for an integrated and coordinated approach for region-wide Gulf Coast restoration and to help guide the collective actions at the local, state, tribal and federal levels, the Council has adopted five goals.

- (1) ***Restore and Conserve Habitat*** – Restore and conserve the health, diversity, and resilience of key coastal, estuarine, and marine habitats.
- (2) ***Restore Water Quality*** – Restore and protect water quality of the Gulf Coast region's fresh, estuarine, and marine waters.
- (3) ***Replenish and Protect Living Coastal and Marine Resources*** – Restore and protect healthy, diverse, and sustainable living coastal and marine resources.
- (4) ***Enhance Community Resilience*** – Build upon and sustain communities with capacity to adapt to short- and long-term changes.
- (5) ***Restore and Revitalize the Gulf Economy*** – Enhance the sustainability and resiliency of the Gulf economy.

The fifth goal focuses on reviving and supporting a sustainable Gulf economy to ensure that those expenditures by the Gulf Coast States authorized in the RESTORE Act under the Direct Component and the Spill Impact Component (Figure 1) can be considered in the context of comprehensive restoration. To achieve all five goals, the Council will support ecosystem restoration that can enhance local communities by giving people desirable places to live, work, and play, while creating opportunities for new and existing businesses of all sizes, especially those dependent on natural resources. In addition, the Council will support ecosystem restoration that builds local workforce capacity.

Ecosystem restoration activities can also directly support the region's ability to withstand, prevent, and quickly recover from future natural or man-made disruptions. This includes promoting natural storm buffers and other ecosystem restoration activities that produce

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environmental benefits and reduce economic losses from storm surge flooding to residential, public, industrial, and commercial infrastructure.

The Council will work to coordinate restoration activities under the Council-Selected Restoration Component and the Spill Impact Component to further the goals. While the Council does not have direct involvement in the activities undertaken by the States or local governments through the Direct Component, the Council will strive, as appropriate, to coordinate its work with those activities. In addition, the Council will actively coordinate with the Gulf Coast Ecosystem Restoration Science Program and the Centers of Excellence Research Grants Program.

The Council recognizes that there are other partners critical to restoring and sustaining the health of the Gulf Coast region. The Council will coordinate, as appropriate, with states, federal agencies, tribes, and other entities working in the Gulf Coast region to achieve common goals, create regulatory efficiencies, and collectively work towards an integrated vision for comprehensive restoration. Additionally, the Council will coordinate with other intergovernmental bodies and Gulf Coast restoration initiatives, as appropriate, to ensure that efforts are complementary and mutually beneficial. Specifically, the Council recognizes similar work resulting from the *Deepwater Horizon* oil spill undertaken by the Natural Resource Damage Assessment (NRDA) Trustees, the National Fish and Wildlife Foundation (NFWF), the National Academy of Sciences (NAS), and the North American Wetlands Conservation Fund (NAWCF). A brief overview of these efforts is provided below.

- The *Deepwater Horizon* Natural Resource Damage Assessment Trustees are assessing injury to natural resources and the services they provide, as well as the lost use of such resources, resulting from the *Deepwater Horizon* oil spill in the Gulf and the Gulf Coast States. Damages for natural resource injury will include the cost of restoring, rehabilitating, replacing, or acquiring the equivalent of the injured natural resources; the diminution in value of those natural resources pending restoration; and the reasonable cost of assessing those injuries as a result of the *Deepwater Horizon* oil spill. The Trustees are using a public process to select and implement restoration projects.
- NFWF was established by Congress in 1984. NFWF will receive over \$2.5 billion throughout the next five years from the Transocean (January 2013) and BP (November 2012) criminal plea agreements with the United States. NFWF has stated that these funds will be used “to support projects that remedy harm to natural resources (habitats, species) where there has been injury to, or destruction of, loss of, or loss of use of those resources resulting from the oil spill.”
- The NAS received \$500 million from the Transocean and BP criminal plea agreements. These funds are to be used for human health and environmental protection, including oil spill prevention and response in the Gulf region.

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- The NAWCF received \$100 million from the BP criminal plea agreement for wetlands restoration, conservation, and projects benefiting migratory birds.

The Council will work with its partners to advance common goals, avoid duplication, and maximize the benefits to the Gulf Coast region.

IV. COUNCIL-SELECTED RESTORATION COMPONENT

The Council-Selected Restoration Component will be used for ecosystem restoration in the Gulf Coast region. The Council defines ecosystem restoration as:

All activities, projects, methods, and procedures appropriate to enhance the health and resilience of the Gulf Coast ecosystem, as measured in terms of the physical, biological, or chemical properties of the ecosystem, or the services it provides, and to strengthen its ability to support the diverse economies, communities, and cultures of the region. It includes activity that initiates or accelerates the recovery of an ecosystem with respect to its health, integrity, and sustainability. It also includes protecting and conserving ecosystems so they can continue to reduce impacts from tropical storms and other disasters, support robust economies, and assist in mitigating and adapting to the impacts of climate change (per Executive Order 13554).

The Council will use the Goals, Objectives, and Evaluation Criteria in Sections III and IV of this Plan to guide its ecosystem restoration funding decisions. The Goals provide the Council's desired long-term outcomes for Gulf Coast restoration; the Objectives outline the broad types of activities that are expected to achieve the Goals and will be refined over time to be more specific and measurable as more information is known about the ultimate amount and availability of funding.

Objectives

The Council will select and fund projects and programs that restore and protect the natural resources, ecosystems, water quality, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast region. Projects and programs not within the scope of these Objectives for ecosystem restoration will not be funded under the Council-Selected Restoration Component. The Objectives are not listed in any particular order, and the Council does not anticipate that restoration efforts funded under the Council-Selected Restoration Component will be equally distributed among the Objectives. Restoration projects and programs may achieve multiple Objectives simultaneously. The list of example projects and programs is meant to be descriptive rather than limiting.

1. **Restore, Enhance, and Protect Habitats** – Restore, enhance and protect the extent, functionality, resiliency, and sustainability of coastal, freshwater, estuarine, wildlife, and marine habitats. These include barrier islands, beaches, dunes, coastal wetlands, coastal forests, pine savannahs, coastal prairies, submerged aquatic vegetation, oyster reefs, and shallow and deepwater corals.

The types of projects and programs that could be implemented under this Objective include the restoration, enhancement, creation, and protection of important coastal, freshwater, estuarine, and marine habitats, and removal of invasive species. Protection and conservation projects may be implemented through active management, acquisition, voluntary management agreements, protected area management, perpetual management, conservation easements, and other conservation activities.

2. **Restore, Improve, and Protect Water Resources** – Restore, improve, and protect the Gulf Coast region’s fresh, estuarine, and marine water resources by reducing or treating nutrient and pollutant loading; and improving the management of freshwater flows, discharges to and withdrawals from critical systems.

The types of water resource management projects and programs that could be implemented include implementation of watershed best management practices; improved agricultural and silvicultural management practices; enhanced stormwater and/or wastewater management; improved quality and quantity of freshwater flows, discharges, and withdrawals; sediment runoff management; and other foundational water quality concerns.

3. **Protect and Restore Living Coastal and Marine Resources** – Restore and protect healthy, diverse, and sustainable living coastal and marine resources including finfish, shellfish, birds, mammals, reptiles, coral, and deep benthic communities.

The types of projects and programs that could be implemented under this Objective may address recovery of threatened and endangered species, overfishing and bycatch, improved fisheries assessments, sustainable resource management of commercially and recreationally important activities (such as fishing, hunting, and wildlife watching), increased resource stocks, invasive and nuisance species management and removal, enforcement, and other protective measures.

4. **Restore and Enhance Natural Processes and Shorelines** – Restore and enhance ecosystem resilience, sustainability, and natural defenses through the restoration of natural coastal, estuarine, and riverine processes, and/or the restoration of natural shorelines.

The types of projects and programs that could be implemented under this Objective may include: removal of barriers to improve freshwater inflow and fish passage; improved sediment management (*e.g.*, through increased beneficial use, dedicated dredging, and sediment capture structures); restoration of coastal wetlands, restoration of eroded shorelines; river diversions (also known as river re-introduction projects) and other types

of hydrologic restoration; natural ridge restoration; implementation of living shoreline techniques; and other restoration techniques that address natural processes and shorelines.

5. **Promote Community Resilience** – Build and sustain Gulf Coast communities’ capacity to adapt to short- and long-term natural and man-made hazards, particularly increased flood risks associated with sea-level rise and environmental stressors. Promote ecosystem restoration that enhances community resilience through the re-establishment of non-structural, natural buffers against storms and flooding.

The types of projects and programs that could be implemented under this Objective may address: capacity for local governments, businesses, and community-based organizations to adapt; risk assessments; natural resource planning and natural resource recovery planning with locally-driven solutions; long-term land use planning as it relates to the management and sustainability of coastal resources; acquisition and/or preservation of undeveloped lands in coastal high-hazard areas (*e.g.*, as buffers against storm surge and sea level rise); non-structural storm and surge protection; design of incentive-based mitigation programs; engagement with and among local communities; and other measures that build community resiliency through ecosystem restoration. Projects and programs that promote community resilience should be tied to ecosystem restoration or protection.

6. **Promote Natural Resource Stewardship and Environmental Education** – Promote and enhance natural resource stewardship through environmental education efforts that include formal and informal educational opportunities, professional development and training, communication, and actions for all ages.

The types of projects and programs that could be implemented under this Objective may include: environmental stewardship and education programs tied to Gulf Coast resources that encourage and coordinate the use of existing environmental education and outreach networks and institutions; establish a more effective relationship between research and education communities; and provide meaningful hands-on ecosystem education that includes local, cultural, environmental and economic values with the belief that education will encourage action toward a healthier Gulf Coast. Projects and programs which promote natural resource stewardship and environmental education should be tied to ecosystem restoration or protection.

7. **Improve Science-Based Decision-Making Processes** – Improve science-based decision-making processes used by the Council.

The types of projects and programs that could be implemented under this Objective may

implement or improve: science-based adaptive management and project-level and regional ecosystem monitoring, including the coordination and interoperability of ecosystem monitoring programs; regional database and expert systems used to warehouse ecosystem data; improved ecosystem restoration outcome and impact measurement and reporting; and development of local and regional ecosystem models to apply the monitoring information gained and address the critical uncertainties related to restoration to adaptively manage and inform Council decision-making processes related to ecosystem investments.

Evaluation Criteria

The RESTORE Act directs the Council to use the best available science and give highest priority to ecosystem projects and programs that meet one or more of the following four Priority Criteria. The Council will use these criteria to evaluate proposals and select the best projects and programs to achieve comprehensive ecosystem restoration. Prior to evaluating particular projects and programs for funding, the Council will develop a proposal solicitation and evaluation process that ensures proponents submit information sufficient to effectively evaluate projects and programs based on the Priority Criteria. The process will include additional detail regarding the manner in which the Council will apply the Priority Criteria.

1. Projects that are projected to make the greatest contribution to restoring and protecting the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast region, without regard to geographic location within the Gulf Coast region.
2. Large-scale projects and programs that are projected to substantially contribute to restoring and protecting the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast ecosystem.
3. Projects contained in existing Gulf Coast State comprehensive plans for the restoration and protection of natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast region.
4. Projects that restore long-term resiliency of the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands most impacted by the *Deepwater Horizon* oil spill.

Project and Program Phases

The Council recognizes that there are numerous ecosystem projects and programs that are ready for implementation. In addition to these projects and programs, the Council will seek proposals

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that advance new ideas and approaches to ecosystem restoration but may not yet be ready for implementation. Consequently, in addition to considering proposals for project and program implementation, the Council will consider proposals for project and program planning and/or project design and permitting. To accomplish this, the Council will accept proposals that address one or more of three distinct Phases – Planning, Technical Assistance, and Implementation. All three phases may include projects and programs.

If a project or program is selected for either Planning or Technical Assistance funding, consideration for Implementation funding is not necessarily guaranteed. Each Project Phase definition includes some examples of the types of activities the Council might fund under that Phase. The list is meant to be descriptive rather than limiting.

Planning – Proposed activities may include: development of ecosystem restoration projects and programs; cost estimates; the scientific foundation for a proposal; and public engagement.

Technical Assistance – Proposed activities may include: feasibility analysis; design; environmental review and compliance; evaluation and establishment of monitoring requirements and methods to report outcomes and impacts; and permitting.

Implementation – Proposed activities may include: construction; public outreach and education; and measurement, evaluation, and reporting of outcomes and impacts of restoration activities.

Projects—The proposed activity is a discrete project or group of projects where the full scope of the restoration or protection activity has been defined at the time the Council considers the proposal.

Programs—The proposed activity is the establishment of a program where the program manager will solicit, evaluate, select, and carry out discrete projects that best meet the program’s restoration Objectives and evaluation criteria.

While focused on the long-term recovery of the Gulf Coast, this approach will allow the Council to invest in specific actions, projects and programs that can be carried out in the near-term to help ensure on-the-ground results to restore the overall health of the ecosystem.

Submittal of Proposals to the Council

The RESTORE Act directs the Council to fund and implement projects and programs through its Members. The Council will periodically request proposals from its eleven State and Federal Members. Individual Council Members may solicit and then choose to “sponsor” – submit to the Council for consideration – projects and/or programs from any entity, as well as the general public. The Council will provide opportunities for the public to offer ecosystem restoration ideas through its website and public meetings, and Council Members will consider these ideas when developing their proposals. The Council will encourage coordination and collaboration with other regional efforts.

Proposal Evaluation and Selection

Proposals submitted to the Council from its Members will be evaluated according to a three-step process.

- (a) **Eligibility Verification** – The Council will verify the eligibility of each proposal (*i.e.*, determine whether the proposal is complete and meets the minimum set of requirements under applicable law).
- (b) **Coordination Review** – In order to avoid duplication and maximize benefits from collaboration, the Council will review eligible proposals for potential coordination opportunities, both within other RESTORE Act components and across the other Gulf Coast restoration efforts.
- (c) **Evaluation** – The Council Members will cooperatively evaluate proposals against the Evaluation Criteria and will draw on experts as needed. Following this evaluation, recommended proposals will be forwarded to the full Council for further consideration.

The Council will review the recommendations made through the evaluation process and select proposals for funding – the Funded Priorities List. As a future addendum to this Plan, the Council will publish for public review and comment the Draft Funded Priorities List, which will include projects and programs the Council intends to prioritize for funding. The Council will carefully review public comments, make any appropriate changes, and finalize the List. Once finalized, the List will serve as the basis for allocating funds under the Council-Selected Restoration Component. This List will assign primary authority and responsibility for each of the projects and programs to one of the eleven Council Members.

As funds become available to execute the selected projects or programs, the U.S. Department of the Treasury, at the direction of the Council, will transfer funds to the appropriate state and federal Members through a process that complies with its regulations and all applicable laws.

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The Council will include project- and program-specific measures and reporting requirements in its funding agreements.

V. STATE EXPENDITURE PLANS – SPILL IMPACT COMPONENT

While the Council will select and fund projects and programs to restore the ecosystem with Council-Selected Restoration Component funds, the Spill Impact Component funds will be invested in projects, programs, and activities identified in an approved State Expenditure Plan. Each Gulf Coast State will develop a State Expenditure Plan describing how it will disburse the amounts allocated under the Spill Impact Component. These projects, programs, and activities will be implemented in a manner that is consistent with the requirements of the RESTORE Act as well as the Goals and Objectives of the Comprehensive Plan.

Eligible Activities

The RESTORE Act provides the scope of activities eligible for funding under the Spill Impact Component. As described in the Act, these activities can include:

- Restoration and protection of the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast region.
- Mitigation of damage to fish, wildlife, and natural resources.
- Implementation of a federally approved marine, coastal, or comprehensive conservation management plan, including fisheries monitoring.
- Workforce development and job creation.
- Improvements to or on State parks located in coastal areas affected by the *Deepwater Horizon* oil spill.
- Infrastructure projects benefitting the economy or ecosystem resources, including port infrastructure.
- Coastal flood protection and related infrastructure.
- Planning assistance.
- Administrative costs of complying with the Act.
- Promotion of tourism in the Gulf Coast region, including recreational fishing.
- Promotion of the consumption of seafood harvested from the Gulf Coast region.

Once a State Expenditure Plan is approved by the Council, a grant will be awarded to the State, in accordance with a formula developed by the Council as directed by the Act, for specific projects, programs, and activities identified in the State Expenditure Plan. Because the ultimate size of the Trust Fund is unknown at this time, a State may submit periodic addenda to its State Expenditure Plan in order to request additional disbursements.

Development of State Expenditure Plans

The Council recognizes that each Gulf Coast State is unique and may have a distinct set of priorities. State Expenditure Plans may include the following information and must comply with the RESTORE Act and applicable regulations:

1. The amount of funding needed for each project, program, and activity selected by the State for planning and implementation; the proposed start and completion dates; and specific mechanisms that will be used to monitor and evaluate the outcomes and impacts of each project, program, and activity.
2. A description of how the best available science, as applicable, informed the State's project, program, and activity selection.
3. A statement that all included projects, programs, and activities are eligible activities under the RESTORE Act.
4. A statement that all included projects, programs, and activities do not exceed the 25 percent funding limit for infrastructure, unless the State Expenditure Plan documents an exception in accordance with the RESTORE Act.
5. A description of how all included projects, programs, and activities contribute to the overall economic and ecosystem recovery of the Gulf Coast.
6. A description of how all projects, programs, and activities are consistent with the Goals and Objectives of this Plan. The Council views "consistent" to mean that the Gulf Coast States will implement eligible projects, programs, and activities that will further one or more of the five Goals and will be implemented in a manner that does not have a negative impact on the Gulf Coast ecosystem restoration projects and programs selected for implementation by the Council.
7. A description of the process the State will use to ensure appropriate public and tribal participation and transparency in the project, program, and activity selection process.
8. A description of the financial controls and other financial integrity mechanisms to be used to assure the public and Congress that funds have been managed appropriately to further the purposes of the RESTORE Act.
9. A description of the methods the State will use to measure, monitor, and evaluate the outcomes and impacts of funded projects, programs, and activities.
10. To the extent known, a description of any certain or prospective collaborations or partnerships to be used or created through the selection process.
11. To the extent known, a description of any additional resources that will be leveraged to meet the goals of the State Expenditure Plan.

Submittal, Review and Approval Process

The State Council Member may submit a State Expenditure Plan for Council consideration at any time after the publication of this Plan and the promulgation of appropriate regulations. There is no specific timeframe required for State Expenditure Plan submission, but no funds may be expended from a State's allocation pursuant to the spill impact formula before the Council approves the State Expenditure Plan and an associated initial project, program, and activity list.

The Council will review each State Expenditure Plan to ensure it is consistent with Goals and Objectives provided in this Plan and ensure all requirements are met. The Council will also consider the State Expenditure Plan's compatibility with other State Expenditure Plans when evaluating issues that cross Gulf Coast State boundaries. The Council will make State Expenditure Plans available to the public and tribes and will approve or disapprove a plan within sixty days of receipt. If a State Expenditure Plan does not meet the applicable requirements, the Council will work with the State to address any outstanding issues.

State Expenditure Plans may be updated as necessary. Projects, programs, and activities funded under State Expenditure Plans must comply with all applicable laws and regulations.

VI. NEXT STEPS

Since its establishment, the Council has convened, selected a Chair, hosted several rounds of public listening sessions in all five Gulf Coast States, hosted tribal engagement sessions, published *The Path Forward to Restoring the Gulf Coast: A Proposed Comprehensive Plan*, published the Draft Initial Comprehensive Plan and reviewed over 41,000 public comments on the Draft Plan.

Due to ongoing litigation, there is uncertainty surrounding the ultimate amount of administrative and civil penalties that may be available to the Trust Fund and the timing of their availability. The Council will continue to build more detail into the Plan and its associated processes as existing uncertainties are resolved and will issue future updates and addenda to this Plan. In accordance with the RESTORE Act, the Council will review and update the entire Plan at least every five years.

The Council will continue its work to implement the RESTORE Act. The Council recognizes that some of these steps will be addressed in the near-term, while others may be more appropriately addressed as the processes of the Council evolve. The Council envisions the following next steps:

- Update the Council's website, www.restorethegulf.gov, to enhance public and tribal engagement in the Council's decision-making processes.
- Continue and enhance coordination, as appropriate, with partners in Gulf Coast restoration, including NRDA and NFWF.
- Consider the most effective means of ensuring that the Council's decisions are based on the best available science, including formation of a scientific advisory committee or some other vehicle to inform its decisions and facilitate coordination across various Gulf restoration efforts. Given the current uncertainty surrounding the amount and timing of funding for Council activities, the Council has not yet settled on the specific advisory and coordination model. However, the Council is firmly committed to science-based decision-making as well as coordinating scientific efforts with its key partners including the NOAA Science Program; the Centers of Excellence established in each State; NRDA; NFWF; and the many other efforts throughout the region.
- The Council remains committed to active and meaningful public engagement and to that end, the Council will create a public engagement structure that reflects the richness and diversity of Gulf Coast communities. The Council will take steps to create a public engagement structure, though the precise nature and role of such a structure are still under consideration. The Council anticipates making additional announcements regarding this important effort in the near future.

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- Develop regulations establishing the Oil Spill Restoration Impact Allocation formula and provide further guidance on the process of reviewing, evaluating and funding State Expenditure Plans.
- Release a schedule for the submittal of proposals from Council Members and develop a proposal solicitation and evaluation process to effectively evaluate projects and programs based on the Priority Criteria set forth in the Act.
- Publish for public review and comment a Draft Funded Priorities List, which will identify the projects and programs the Council intends to prioritize for funding. The Council will carefully review public comments, make any appropriate changes, and finalize the List. Once finalized, the List will serve as the basis for allocating funds under the Council-Selected Restoration Component.
- Once there is more certainty regarding ongoing litigation, publish a Draft Ten-Year Funding Strategy (*i.e.*, a description of the manner in which the Council will allocate amounts from the Trust Fund that are projected to be available to the Council for the next ten years) as an addendum to the Comprehensive Plan. The public will have an opportunity to review and comment on the Draft Ten-Year Funding Strategy before it is finalized.

Gulf Consortium
September 18, 2013
Consent Agenda Item # 3.f Florida Administrative Register Notice

Notice of Meeting/Workshop Hearing

OTHER AGENCIES AND ORGANIZATIONS

Gulf Consortium

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

DATE AND TIME: September 18, 2013, 10:00 a.m. EDT

PLACE: Regency D & E, Marriott West Palm Beach, 1001 Okeechobee Boulevard, West Palm Beach, Florida 33401

GENERAL SUBJECT MATTER TO BE CONSIDERED: Federal Draft Rules regarding the RESTORE Act, Scope of services and other procurement issues for development of the plan required by the RESTORE Act, and other matters.

A copy of the agenda may be obtained by contacting: Doug Darling at (850)922-4300 or ddarling@fl-counties.com; or, see www.FACRestore.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Doug Darling at (850)922-4300 or ddarling@fl-counties.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

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

For more information, you may contact: Doug Darling at (850)922-4300 or ddarling@fl-counties.com; or, see www.FACRestore.com.

http://www.FLRules.org/gateway/View_Notice.asp?id=13492426



Gulf Consortium Agenda

September 18, 2013 10:00 a.m.-12:00 (EDT)

Marriott West Palm Beach
1001 Okeechobee Boulevard
West Palm Beach, Florida 33401

1. Call to Order
2. Pledge
3. Consent Agenda
 - a) Minutes Approval for Committee of 15 and Gulf Consortium
 - b) Updated List of Directors/Alternates
 - c) Financial Report
 - d) Information on funding of other State's Expenditure Plan
 - e) Transmittal of Council Initial Comprehensive Plan as adopted August 2013
 - f) Notice of Meeting as published in the Florida Administrative Register
4. Draft Treasury Rules
5. Procurement of Plan Development
 - a) Scope of Services with County and Technical Advisory Group Suggestions
 - b) Procurement Process
6. Interim Manager Contract Extension
7. Interim General Counsel Contract Extension
8. Transition Budget
9. Interim General Counsel
10. Future Meetings Information:
 - a) November 13, 2013 9:00 am – 11:00 am EST Daytona Hilton
11. Proposed Future Meetings
 - a) January 22 or January 24, 2014 - Pensacola
 - b) March 28, 2014, in conjunction with FAC Legislative Day - Tallahassee
12. New Business
13. Public Comment
14. Adjourn

SCOPE OF SERVICES

The following provides an outline for both mandatory and optional services that are anticipated for Florida's implementation of the Oil Spill Impact Funding Program (Program) (Pot #3/Gulf Consortium) of the Resources and Ecosystems Sustainability, Tourist, Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (RESTORE Act). It is the intent to establish a long-term partnership with the selected consultant(s) who shall work with the Gulf Consortium (Consortium) to develop the State Expenditure Plan required by the RESTORE Act. The anticipated initial contract term is 5 years with 3 options to renew. The optional services may be required at a later date but should be considered and submitted with responses. The mandatory services are: (1) Program Design and: (2) Plan Development. The optional services are: (3) Grant Management and: (4) Program Implementation. In accordance with the Gulf Coast Ecosystem Restoration Council's (Council's) Comprehensive Plan and its State Expenditure Plan (Plan) development guidance, along with applicable anticipated U.S. Treasury regulations, the consultant shall work with the Florida Gulf Consortium (Consortium) to develop the State Expenditure Plan and design and implement the overall Program. The work is broken down into four components: Program Design, Plan Development, Grant Management, and Program Implementation.

Program Design means: all activities of the Consortium to implement the requirements of the RESTORE Act.

Plan Development means: all activities to produce a State Expenditure Plan for approval by both the Governor of Florida and the Gulf Coast Ecosystem Restoration Council (Council)

Grant Management means: all activities associated with the financial accountability of RESTORE Act grants issued to/on behalf of/ or through the Consortium.

Program Implementation means: all activities for Plan execution, communications, program metrics, auditing and reporting.

1. PROGRAM DESIGN

The development of the Consortium RESTORE Program that includes at a minimum:

- Timelines for all Program Components (Program Design, Plan Development, Grant Management, and Program Implementation)
- All resources anticipated for each Program Component to include:
 - Estimated cost
 - Estimated staffing

Deliverable: Gulf Consortium RESTORE Program (XX days after award)

2. PLAN DEVELOPMENT

Deliver a Gulf Consortium State Expenditure Plan that includes at a minimum:

- Inventory and review of existing community, stakeholder and government plans and programs.
- Development of on-line forms and systems for project applications, review, public comment and tracking that is updated with current funding decisions by any funding source.
- A strategy for regionalism, water shed, or other grouping that will guide Plan Development.
- The amount of funding for each project, program and activity.
- The proposed start and completion date for each project, program and activity.
- A method to determine how best available science was used for each project, program and activity.
- A method to confirm that each project, program and activity contribute to the overall economic and ecosystem recovery of the Gulf Coast.
- A method to confirm that each project, program and activity is an eligible activity under the RESTORE Act.
- A method to confirm that each project, program and activity does not exceed the 25 percent limit for infrastructure **OR** a method to document exceptions as allowed by the Act.
- An estimation of collaborations, partnering or other matching funds that may greatly enhance a particular project, program or activity. This includes any leveraged funds.
- A communications plan that included:
 - A strategy for robust public involvement, public meetings and interactive web sites that ensures the public's right to know. This includes public participation in the selection process.
 - A strategy and system that keeps local, state, and federal governments informed.
- A matrix of how projects, programs and activities are consistent with the Goals and Objectives of the Gulf Coast Ecosystem Restoration Council's Plan.
- Development of metrics that will be used in individual project, program and activity evaluation and ranking.
- A strategy for Consortium selection process that includes review by the State's Technical Working Group.

Deliverable: Gulf Consortium State Expenditure Plan

3. GRANT MANAGEMENT

Develop a strategy and plan for grant management of RESTORE Act grants that may:

- Be received by the Consortium
- Be issued by the Consortium
- Be the responsibility of the Consortium
- Require contracts be issued by Consortium
- Require contracts issued on behalf of the Consortium

4. PROGRAM IMPLEMENTATION

A Program Implementation Plan that will at a minimum include:

- Incorporate all four components of the Program
- Overall comprehensive Program Management System
- Management and reporting procedures
- Work plan/schedule with key implementation tasks and timelines

- Accountability and Monitoring Plan that includes:
 - Financial reporting and auditing policies and procedures
 - Project, program and activity effectiveness tool
- Management and organizational structure chart
- Project review and tracking process flow chart
- Continued public engagement approach and strategy
- Communications plan for ongoing public outreach and information flow
- Metrics that will be used to measure overall program progress, and success
- 5-year Program Budget

Filename: 2013 08 14 Plan Development Scope of Services DD.doc
Directory: C:\Documents and Settings\sbleakley\My Documents\2012 Restore Act
Implementation\Contracting
Template: C:\Documents and Settings\sbleakley\Application
Data\Microsoft\Templates\Normal.dotm
Title:
Subject:
Author: Doug Darling
Keywords:
Comments:
Creation Date: 9/11/2013 4:12:00 PM
Change Number: 2
Last Saved On: 9/11/2013 4:12:00 PM
Last Saved By: Sarah M. Bleakley
Total Editing Time: 2 Minutes
Last Printed On: 9/11/2013 4:15:00 PM
As of Last Complete Printing
Number of Pages: 3
Number of Words: 819
Number of Characters: 4,652



September 9, 2013

Board of Directors
Gulf Consortium
100 South Monroe Street
Tallahassee, Florida 32301

We are pleased to confirm our understanding of the services we are to provide Gulf Consortium for the year ended September 30, 2013. We will audit the financial statements of the business-type activities which comprise the basic financial statements of Gulf Consortium as of and for the year ended September 30, 2013. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement Gulf Consortium's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to Gulf Consortium's RSI in accordance with auditing standards generally accepted in the United States of America.

These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

- 1) Management's Discussion and Analysis

Audit Objective

The objective of our audit is the expression of opinions as to whether your basic financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles. Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America and the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, and *Rules of the Auditor General*, State of Florida, Chapter 10.550, and will include tests of the accounting records of Gulf Consortium and other procedures we consider necessary to enable us to express such opinions. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions on the financial statements are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or to issue a report as a result of this engagement.

We will also provide a report (that does not include an opinion) on internal control related to the financial statements and compliance with provisions of laws, regulations, contracts and grant agreements, noncompliance with which could have a material effect on the financial statements as required by *Government Auditing Standards*. The reports on internal control and compliance will include a paragraph that states that the purpose of the report is solely to describe the scope of testing of internal control over

financial reporting and compliance, and the result of that testing, and not to provide an opinion on the effectiveness of internal control over financial reporting or on compliance, and that the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering internal control over financial reporting and compliance. The paragraph will also state that the report is not suitable for any other purpose. If during our audit we become aware that Gulf Consortium is subject to an audit requirement that is not encompassed in the terms of this engagement, we will communicate to management and those charged with governance that an audit in accordance with U.S. generally accepted auditing standards and the standards for financial audits contained in the *Government Auditing Standards* may not satisfy the relevant legal, regulatory, or contractual requirements.

Management Responsibilities

Management is responsible for the basic financial statements and all accompanying information as well as all representations contained therein. As part of the audit, we will assist with preparation of your financial statements and related notes. You will be required to acknowledge in the written representation letter our assistance with preparation of the financial statements and that you have reviewed and approved the financial statements and related notes prior to their issuance and have accepted responsibility for them. You agree to assume all management responsibilities for any nonaudit services we provide; oversee the services by designating an individual, preferably from senior management, who possesses suitable skill, knowledge, or experience; evaluate the adequacy and results of the services; and accept responsibility for them.

Management is responsible for establishing and maintaining effective internal controls, including evaluating and monitoring ongoing activities, to help ensure that appropriate goals and objectives are met; for the selection and application of accounting principles; and for the preparation and fair presentation in the financial statements of the respective financial position of the business-type activities of the Gulf Consortium and the respective changes in financial position and cash flows, where applicable, in conformity with U.S. generally accepted accounting principles.

Management is also responsible for making all financial records and related information available to us and for ensuring that management is reliable and financial information is reliable and properly recorded. You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, (2) additional information that we may request for the purpose of the audit, and (3) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence.

Your responsibilities include adjusting the financial statements to correct material misstatements and for confirming to us in the written representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the entity complies with applicable laws, regulations, contracts,

agreements, and grants for taking timely and appropriate steps to remedy any fraud, illegal acts, violations of contracts or grant agreements, or abuse that we may report.

You are responsible for the preparation of the supplementary information in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains and indicates that we have reported on the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) that you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) that the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying for us previous financial audits, attestation engagements, performance audits or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits or other studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

With regard to using the auditor's report, you understand that you must obtain our prior written consent to reproduce or use our report in bond offering official statements or other documents.

With regard to the electronic dissemination of audited financial statements, including financial statements published electronically on your website, you understand that electronic sites are a means to distribute information and, therefore, we are not required to read the information contained in these sites or to consider the consistency of other information in the electronic site with the original document.

Audit Procedures – General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements may exist and not be detected by us, even though the audit is properly planned and performed

in accordance with U.S. generally accepted auditing standards and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, we will inform the appropriate level of management of any material errors, any fraudulent financial reporting, or misappropriation of assets that come to our attention. We will also inform the appropriate level of management of any violations of laws or government regulations that come to our attention, unless clearly inconsequential. Our responsibility as auditors is limited to the period covered by our audit and does not extend to later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about the financial statements and related matters.

Audit Procedures – Internal Controls

Our audit will include obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards and *Government Auditing Standards*.

Audit Procedures – Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of Gulf Consortium's compliance with the provisions of applicable laws, regulations, contracts, agreements and grants. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

Engagement Administration, Fees and Other

We understand that your employees will prepare all cash or other confirmations we request and will locate any documents selected by us for testing.

We will provide copies of our reports to Gulf Consortium; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or

containing privileged and confidential information, copies of our reports are to be made available for public inspection.

The audit documentation for this engagement is the property of Law, Redd, Crona & Munroe, P.A. and constitutes confidential information. However, pursuant to authority given by law or regulation, we may be requested to make certain audit documentation available to regulatory agencies such as the State of Florida, Auditor General, for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Law, Redd, Crona & Munroe, P.A. personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date or for any additional period requested by the State of Florida. If we are aware that the State of Florida, or auditee, is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

Bonnie Gandy is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them. Our fee for these services will be at our standard hourly rates plus out-of-pocket costs (such as report reproduction, word processing, postage, travel, copies, telephone, etc.) except that we agree that our gross fee, including expenses, will not exceed \$3,000 for the audit of fiscal year ended September 30, 2013. Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. In accordance with our firm policies, work may be suspended if your account becomes sixty days or more overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

Government Auditing Standards requires that we provide you with a copy of our most recent external peer review report and any letter of comment, and any subsequent peer review reports and letters of comment received during the period of the contract. Our 2011 peer review report accompanies this letter.

We appreciate the opportunity to be of service to Gulf Consortium, and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Very truly yours,

Law, Redd, Crona & Munroe, P.A.

LAW, REDD, CRONA & MUNROE, P.A.

RESPONSE:

This letter correctly sets forth the understanding of Gulf Consortium.

Management Signature: _____

Title: _____

Date: _____

Director Signature: _____

Title: _____

Date: _____



Gregory, Sharer & Stuart, P.A.

Richard H. Caton, CPA
M. Timothy Farrell, CPA
Thomas H. Gregory, CPA
Daniel J. Hevia, CPA
Robert L. Ingham, CPA
Troy Kimbrough, CPA
James G. Newman, CPA
Paula D. Popovich, CPA
Larry W. Sharer, CPA
Byron C. Smith, CPA
Charles L. Stuart, CPA
Richard G. Ulrich, CPA
Carlos R. Vila, CPA

System Review Report

To the Shareholders of Law, Redd, Crona & Munroe, P.A.
And the Peer Review Committee of the Florida Institute of CPAs

We have reviewed the system of quality control for the accounting and auditing practice of Law, Redd, Crona & Munroe, P.A. (the firm) in effect for the year ended March 31, 2011. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants. The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review. The nature, objectives, scope, limitations of, and the procedures performed in a System Review are described in the standards at www.aicpa.org/prsummary.

As required by the standards, engagements selected for review included engagements performed under the *Government Auditing Standards* and audits of employee benefit plans.

In our opinion, the system of quality control for the accounting and auditing practice of Law, Redd, Crona & Munroe, P.A. in effect for the year ended March 31, 2011, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency (ies)* or *fail*. Law, Redd, Crona & Munroe, P.A. has received a peer review rating of *pass*.

Gregory, Sharer & Stuart, P.A.

September 8, 2011

From: [Grover C. Robinson](#)
To: [Darryl Boudreau](#)
Cc: [Becky L. Azelton](#); [Doug Darling](#); [KEITH T. WILKINS](#); [Chris Holley](#); [Sarah Bleakley NGN](#)
Subject: Re: Some thoughts on the draft RFP and next week's consortium meeting.
Date: Thursday, September 12, 2013 1:53:12 PM

Thank you. As always very good comments. I agree that we need to come to so level of goals for restoration. That will lead us to the right projects to get us to our goal. Thanks again for your comments.

Grover

Sent from my iPhone

On Sep 12, 2013, at 11:10 AM, "Darryl Boudreau" <dboudreau@TNC.ORG> wrote:

Good afternoon everyone, I hope you all are having a wonderful week. I will not be at next week's Consortium meeting so I wanted to pass on some thoughts about the draft RFP and Consortium plan.

Based on the draft RFP it appears that the Consortium is looking to the consultant to offer suggestions on the plan's structure and development process. It would probably be helpful if Consortium members have a discussion on the plan's structure and needed content and use this discussion to further develop the RFP. This discussion would give the consultant a better understanding of what the Consortium is looking for in a plan.

Elements of the plan that could be discussed include:

- What are the ultimate goals of the Consortium? That is, what are the primary things the Consortium wants to accomplish from pots 2 & 3 funding? Answering this up front will help direct the consultant's approach and result in a better product being developed in a more timely fashion. Per the Interlocal agreement, "*...the Consortium Members seek to join together to arrive at mutually beneficial projects, programs and improvements which will enhance the ecosystems and economy of the Consortium Members and to collectively fulfill their responsibilities under the RESTORE Act to develop a plan for expenditure of certain funds within the Trust Fund.*" This should be discussed and flushed out to provide more clear guidance on the kinds of projects the Consortium would like to see implemented.
- What are the most important factors to the Consortium regarding project selection? Having this discussion will help further define the kinds of projects you wish to fund and inform those with project ideas on how best to develop their proposals. Potential items include:
 - Relevance of the project to critical needs (based on what the Consortium is trying to accomplish)
 - Bang for the buck (e.g., matching funds)
 - Scope of the project (how many Consortium priorities does the project address)

- Based on the ultimate goals of the Consortium, how does the Consortium want to solicit ideas on the projects that will best accomplish those goals?
 - draw upon the projects already submitted to the DEP portal
 - Receive input during Consortium meetings
 - Use projects identified via the watershed meetings, Southwest Florida Regional Ecosystem Restoration Plan and from other existing plans such as WMD SWIM plans

I hope you find at least some nugget of helpfulness in these thoughts and if you have any questions or I can help you in any way please don't hesitate to let me know.

Thank you so much again for all you are doing to represent our communities.

Darryl

Download the FREE [Nature Conservancy magazine iPad App](#) for exclusive digital content!

Darryl Boudreau
*Director Florida County
Government Relations*
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(850) 296 2862 (Phone)
(850) 207 4477 (Mobile)

The Nature Conservancy
Milton, FL
4255 Sassafras Av
Milton, FL 32583



nature.org

Florida has a very broad public records law. Under Florida law, both the content of emails and email addresses are public records. If you do not want the content of your email or your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in person.

**Gulf Consortium
September 18, 2013
Agenda Item # 8 Continuation of Transition Budget**

Executive Summary: At the Gulf Consortium meeting held February 28, 2013, the Consortium approved the Transition Budget allocation. Because of the delay in receiving RESTORE Act funding, the Consortium Transition Budget needs to be continued into next Fiscal Year (2013-2014).

Background: The transition budget was intended to provide the Interim Manager (Florida Association of Counties) the resources to support the start-up and initial operation of the Gulf Consortium.

Analysis: On February 28, 2013, the Consortium felt very strongly that the Gulf Consortium must consider many variables when determining the best way to provide financial support during this interim period. Perhaps the most important consideration is that the Gulf Consortium remains united in its deliberations. The Executive Committee also voted unanimously to recommend the allocation below as the method to fund the Gulf Consortium until fines are received. The proposed budget is an estimated annual budget with anticipated expenditures using the allocation approved in February on an annual basis. Methodology explanation: Estimated expenses were allocated 75% to the 8 Disproportionally Affected Counties and 25% to the Non-disproportionally Affected Counties. Anticipated percentage allocations from Pot #1 (Direct Component) were used to calculate share.

Options:

1. Approve the recommendation to approve budget and allocate costs in accordance with previously approved methodology and authorize the Chair to sign Audit Engagement Letter (attached) or;
2. Provide other direction

Fiscal Impact: County Allocations as indicated below.

Recommendation: Approve a motion that approves the budget and allocation methodology recommendation and Audit Engagement.

Division and Staff Person's Name: Doug Darling, Interim Manager

Moved _____; Seconded_____.

Action: Approved____; Approved as amended____; Defeated_____.

Gulf Consortium
Proposed Annual Budget
October 1, 2013 - September 30, 2014

		<u>Proposed Budget</u>	
Revenues			
	Interim County Funding	140,053	
	Total Revenues	140,053	
Disbursements			
	Consulting-Administration	60,000	
	Consulting-Legal & Expenses	60,000	
	Meeting and Travel Expense	8,000	
	Miscellaneous	1,000	
	Annual Audit	3,000	
	Grant Writer	7,500	
	Total Disbursements	139,500	
Revenues Over (under) Disbursements		<u><u>553</u></u>	

GULF CONSORTIUM
ANNUAL
ALLOCATION
FY 2013-2014

COUNTY	ESTIMATED ALLOCATION	CURRENT ALLOCATIONS	ANNUALIZED AMOUNT
ESCAMBIA	25.334%	\$13,300	\$26,601
SANTA ROSA	10.497%	\$5,511	\$11,022
OKALOOSA	15.226%	\$7,994	\$15,987
WALTON	13.712%	\$7,199	\$14,398
BAY	15.101%	\$7,928	\$15,856
GULF	6.743%	\$3,540	\$7,080
FRANKLIN	8.441%	\$4,432	\$8,863
WAKULLA	4.943%	\$2,595	\$5,190
SUBTOTAL	100.00%	\$52,498	\$104,997

COUNTY	ESTIMATED ALLOCATION	CURRENT ALLOCATIONS	ANNUALIZED AMOUNT
JEFFERSON	3.84%	\$672	\$1,344
TAYLOR	4.39%	\$768	\$1,537
DIXIE	3.49%	\$611	\$1,222
LEVY	3.90%	\$683	\$1,365
CITRUS	4.70%	\$823	\$1,645
HERNANDO	4.99%	\$873	\$1,747
PASCO	7.09%	\$1,241	\$2,482
PINELLAS	11.02%	\$1,929	\$3,857
HILLSBOROUGH	13.36%	\$2,338	\$4,676
MANATEE	6.82%	\$1,194	\$2,387
SARASOTA	7.26%	\$1,271	\$2,541
CHARLOTTE	5.17%	\$905	\$1,810

LEE	8.79%	\$1,538	\$3,077
COLLIER	7.03%	\$1,230	\$2,461
MONROE	8.31%	\$1,454	\$2,909
<hr/>			
SUBTOTAL	100.16%	\$17,528	\$35,056
<hr/>			
GRAND TOTAL		\$70,026	\$140,053

**Gulf Consortium
September 17, 2013**

REVISED Agenda Item # 4 Proposed Treasury Rules

Statement of Issue: This document is intended to supplement the original Item #4 agenda memorandum regarding the proposed Treasury RESTORE Act rules. Listed below are some of the important policy issues presented by the Rules. This document also includes a proposed timeline for developing comments for submittal by November 5, 2013, the due date, in accordance with the Consortium's direction at the August meeting.

Important Policy Issues Presented by the Rules

Spill Impact Component (Pot 3, the Consortium Pot) Issues

1. The Rules address the Consortium Pot #3, in the "Spill Impact Component" portions of the rules.
2. The Rules require Florida's State Expenditure Plan ("Plan") to be developed by a consortium of local political subdivisions that includes, at a minimum, one representative of each county affected by the oil spill. It does not specifically name the Gulf Consortium.
3. For each program, project and activity, the Rules require the Plan to include a narrative description showing the purpose and objectives, estimated expenditures, major milestones, estimated duration and criteria the State will use to evaluate success. The Plan must also indicate whether other RESTORE Act funds have been solicited, meet the requirements in the RESTORE Act, take into consideration the Council Plan and not be inconsistent with the Council Plan.
4. The Rules require the Consortium's Plan to be submitted by the State to the Council for approval. The State submittal requirement is in accordance with the Memorandum of Understanding with the Governor (MOU).
5. Section 34.504 of the Rules requires that upon approval of the Plan, the State may apply to the Council for a grant to carry out specific projects, programs and activities in the Plan. The Council must develop regulations governing the grants that are consistent with Federal grant law. This raises the issue of whether the State or the Consortium will implement the Plan and oversee the grants. The MOU envisions that the Consortium will be the entity that implements the Plan and oversees the grant process. This section also raises the issue of who can apply for grants: the State, the Consortium, local governments, or other entities or a combination of all? The Rules do not provide sufficient guidance on this point.
6. The Rules and forthcoming Council regulations require all Spill Impact Component funds will be distributed via grants from the Council. The

- grants must comply with the Rules, OMB circulars and policies, and Council regulations that have not been promulgated.
7. The Rules list eligible activities for the Spill Impact Component that can be funded in a grant. See Sections 34.203 and 34.201. The list includes categories of funding from the RESTORE Act and specifically mentions planning and administrative costs. Administrative costs are limited to three percent. But, the Rules do **not** allow for grant funds to be secured prior to the Council's approval of the Plan. Federal grant law may allow for administrative and planning costs to be reimbursed after approval of the Plan. The Consortium may consider commenting on this point regarding planning and administrative costs.
 8. The Rules do not specify a procurement process that will ensure reimbursement of Consortium costs. Forthcoming Council regulations and existing Federal grant law may provide more guidance on this point.
 9. The Rules allow for State preference, but not a local preference.
 10. The Rules recognize that the Council must develop a regulation that implements the allocation formula for the Spill Impact Component for awards to the five Gulf Coast States.
 11. The Rules include many grant procedure requirements, including agreements, certifications, records, and non-compliance. See Subpart I.

Direct Component (Pot 1, the Local County Pot) Issues

- a) The Rules address the Local Pot #1, called the "Direct Component" in the Rules.
- b) The Rules recognize the Disproportionately Affected counties by name and accept the agreed-upon distribution formula among them.
- c) The Rules recognize the Non-Disproportionately Affected counties by name and ask for comments on the metrics adopted by the Consortium Committee of 15 for implementing their formula. The Consortium should comment on this issue.
- d) The Rules require each county to submit a detailed multiyear plan to the Treasury describing each program, project and activity for which it seeks funding. The RESTORE Act uses the term "may include" in describing the following plan items for which Section 34.303 of the Rules makes mandatory:

"For each, the plan must include a narrative description showing need, purpose, and objectives, identification of the eligible activity under which it qualifies, location, budget, milestones; projected completion dates, and criteria the applicant will use to evaluate the success of each activity in helping to restore and protect Gulf Coast region impacted by the Deepwater Horizon oil spill."

Under the Rules, the applicant must also state whether it has applied for a grant under other portions of the RESTORE Act. The Consortium should consider commenting on this issue.
- e) The Rules do not address procurement requirements for the Direct component.

- f) The Rules allow for State preference, but not a local preference.
- g) The Rules are not clear on whether a County can receive funding for planning and administration prior to applying for a grant. The Rules seem to envision that no funds will be awarded prior to the County plan submittal
- h) The Rules recognize that the Treasury does not approve the County plan like the Council does the Consortium State Expenditure Plan. Rather the Rules state that the “Treasury will review applications to determine that the document, with some specificity, compliance with eligible and other requirements in the RESTORE Act and Federal laws and policies applying to grants. The Rules provide a standard of review of County plans. See Rules description: II. This Proposed Rule.
- i) The Rules invite comments on appropriate methods for ensuring full compliance with applicable environmental laws while also providing for timely funds disbursement and project implementation.
- j) The Rules include many grant procedure requirements, including agreements, certifications, records, and non-compliance. See Subpart I.
- k) The Rules allow for State preference, but not a local preference.

Rule Comment Process and Timeline

Adopted Policy. The Consortium has adopted the following process for commenting on the proposed federal rules:

(A) As to a response by the Consortium regarding the Consortium Spill Impact Component (Pot #3) direct the interim Manager and interim General Counsel to email the proposed rules as soon as they are received, compile suggested responses, and submit them for consideration at a Board meeting, if time allows, or to authorize the Executive Committee or Chairman to respond on behalf of the Consortium; and .

(B) As to a response by the Consortium regarding the Direct Component (Local Pot #1), approve a motion directing the interim manager and interim general counsel to follow the procedure in (A) and also to email the proposed rules to the county attorneys of the 23 member counties.

Proposed Timeline for Comments

The interim Manager and General Counsel sent a copy of the proposed rules to Consortium directors, alternates, county managers and county attorneys on September 5, 2013.

Consortium Directors and Alternates. The Consortium has begun receiving comments from Consortium Directors.

County Attorneys. A conference call was held with the 23 County Attorneys to begin discussion of the Rules effect on the Direct Component. Another conference call will be scheduled and written comments will be accepted as offered.

Clerks. In accordance with earlier discussions, Bob Inzor, Leon County Clerk has agreed to coordinate the gathering of comments from Clerks for submittal to the Consortium.

Deadlines.

September 23-25: Inform all interested parties of the Consortium's schedule and comment deadline via email and web post.

September 26-October 4: Conference call with 23 County Managers

September 26-October 4. Second Conference call with 23 County Attorneys

October 1-7: Meet with DEP, Mimi Drew and the Governor's office

October 11: Deadline for Consortium Directors, County Attorneys, County Managers and Clerks submission of comments to Interim Manager and General Counsel

October 11-24: Interim Manager and General Counsel analyze and compile comments

October 23: Publication of notice of Executive Committee meeting in Florida Administrative Register

October 25: Email and website posting of compilation of comments for the public and Consortium Directors and Alternates, County Attorneys, County Managers and Bob Inzor's Clerks group.

October 30 Executive Committee Meeting

October 30-November 4: Finalize Consortium comments on rules for Chairman's signature.

November 4-5: Interim Manager and General Counsel electronically submit Consortium comments to Treasury, post on website and email to Consortium Directors and Alternates, County Attorneys, County Managers and Bob Inzor's Clerks group

Analysis See above

Options:

- a) Adopt a motion approving the comment timeline detailed above.
- b) Provide other direction.

Fiscal Impact: N/A

Recommendation:

Adopt a motion approving the comment timeline detailed above.

Prepared by: Sarah M. Bleakley, Nabors, Giblin & Nickerson, P.A., Interim General Counsel.

COUNTY	Original Allocation	POPULATION	ESTIMATED ALLOCATION	WEIGHTED AMOUNTS Option #1	ANNUALIZED AMOUNT	ANNUALIZED EQUAL AMOUNTS	ANNUALIZED Option #2	ANNUALIZED Option #3	APPROVED ANNUAL BUDGET ALLOCATIONS
ESCAMBIA	\$12,960	297,619	25.334%	\$13,300	\$26,601	\$6,089	\$7,112	\$6,950	\$8,270
SANTA ROSA	\$4,800	151,372	10.497%	\$5,511	\$11,022	\$6,089	\$7,112	\$6,950	\$8,270
OKALOOSA	\$7,680	180,822	15.226%	\$7,994	\$15,987	\$6,089	\$7,112	\$6,950	\$8,270
WALTON	\$6,720	55,043	13.712%	\$7,199	\$14,398	\$6,089	\$7,112	\$6,950	\$2,000
BAY	\$7,200	168,852	15.101%	\$7,928	\$15,856	\$6,089	\$7,112	\$6,950	\$8,270
GULF	\$2,880	15,863	6.743%	\$3,540	\$7,080	\$6,089	\$6,089	\$6,950	\$2,000
FRANKLIN	\$3,840	11,549	8.441%	\$4,432	\$8,863	\$6,089	\$6,089	\$6,950	\$2,000
WAKULLA	\$1,920	30,776	4.943%	\$2,595	\$5,190	\$6,089	\$6,089	\$6,950	\$2,000
SUBTOTAL	\$48,000	911,896	100.00%	\$52,498	\$104,997	\$48,712	\$53,827	\$55,600	\$41,080

COUNTY	Original Allocation	POPULATION	ESTIMATED ALLOCATION	WEIGHTED AMOUNTS Option #1	ANNUALIZED AMOUNT	ANNUALIZED EQUAL AMOUNTS	ANNUALIZED Option #2	ANNUALIZED Option #3	APPROVED ANNUAL BUDGET ALLOCATIONS
JEFFERSON	\$640	14,761	3.84%	\$672	\$1,344	\$6,089	\$2,000	\$2,000	\$2,000
TAYLOR	\$640	22,570	4.39%	\$768	\$1,537	\$6,089	\$2,000	\$2,000	\$2,000
DIXIE	\$480	16,422	3.49%	\$611	\$1,222	\$6,089	\$2,000	\$2,000	\$2,000
LEVY	\$640	40,801	3.90%	\$683	\$1,365	\$6,089	\$2,000	\$2,000	\$2,000
CITRUS	\$800	141,236	4.70%	\$823	\$1,645	\$6,089	\$7,112	\$6,950	\$8,270
HERNANDO	\$800	172,778	4.99%	\$873	\$1,747	\$6,089	\$7,112	\$6,950	\$8,270
PASCO	\$1,120	464,697	7.09%	\$1,241	\$2,482	\$6,089	\$7,112	\$6,950	\$8,270
PINELLAS	\$1,760	916,542	11.02%	\$1,929	\$3,857	\$6,089	\$7,112	\$6,950	\$8,270
HILLSBOROUGH	\$2,080	1,229,226	13.36%	\$2,338	\$4,676	\$6,089	\$7,112	\$6,950	\$8,270
MANATEE	\$1,120	322,833	6.82%	\$1,194	\$2,387	\$6,089	\$7,112	\$6,950	\$8,270
SARASOTA	\$1,120	379,448	7.26%	\$1,271	\$2,541	\$6,089	\$7,112	\$6,950	\$8,270
CHARLOTTE	\$800	159,978	5.17%	\$905	\$1,810	\$6,089	\$7,112	\$6,950	\$8,270
LEE	\$1,440	618,754	8.79%	\$1,538	\$3,077	\$6,089	\$7,112	\$6,950	\$8,270

COLLIER	\$1,120	321,520	7.03%	\$1,230	\$2,461	\$6,089	\$7,112	\$6,950	\$8,270
MONROE	\$1,280	73,090	8.31%	\$1,454	\$2,909	\$6,089	\$7,112	\$6,950	\$8,270
SUBTOTAL	\$15,840	4,894,656	100.16%	\$17,528	\$35,056	\$91,335	\$86,232	\$84,450	\$98,970
GRAND TOTAL	\$63,840			\$70,026	\$140,053	\$140,047	\$140,059	\$140,050	\$140,050

Option #1 = Same methodology as used for first Interim Budget. Estimated expenses were allocated 75% to the 8 Disproportionally Affected Counties and 25% to the 15 Non-disproportionally Affected Counties. Anticipated percentage of allocations from Pot #1 was calculated to determine the share.

Option #2 = 4 fiscally constrained counties from 15 non-disproportionally affected counties @ pay \$2000. 3 fiscally constrained counties from disproportionately affected counties @ pay \$6089. Remaining 16 counties pay equal share.

Option #3 = 4 fiscally constrained counties from 15 non-disproportionally affected counties @pay \$2000. Remaining 19 counties pay equal share.

Approved FY 13-14 Budget = Walton, Gulf, Franklin, Wakulla, Jefferson, Taylor, Dixie and Levy each pay \$2000. Remaining 15 pay equal shares.

From: [Harclerode, Kurt](#)
To: [Doug Darling](#); [Bleakley, Sarah](#)
Subject: Consortium Scope of Services comments
Date: Thursday, September 12, 2013 1:52:46 PM

Doug/Sarah

Lee County ("County") welcomes the opportunity to provide comments concerning the Gulf Consortium's ("GC") draft "Scope of Services" ("SOS") document made available on August 19, 2013. To begin with, the County supports the need for qualified firm(s) to assist the GC at this juncture. This is a great deal of work that must be undertaken on behalf of the GC.

Generally stated, the GC has an over-riding focus and responsibility. As you know, the GC has the responsibility to develop the State Expenditure Plan ("SEP") in accordance with the Governor's Office MOU and the Federal RESTORE Act. The RESTORE Act specifies that the SEP must meet certain criteria. Therefore, the initial, and overriding, goal of the SOS should be to assess and package the projects, programs, and activities in the SEP. As a general comment, the scope of services does not really focus on this critical need.

Please accept the following as the County's preliminary comments on the SOS:

1. The Scope of the Scope. The scope seems to mandate a very broad, all-encompassing contractual relationship. It seems odd to have language in the proposed scope that talks about the "intent to establish a long-term partnership with the selected consultants . . ." They are consultants, not partners. Given the unprecedented/unknown nature of the RESTORE Act process – this is the first time something like this has ever been done - we probably do not yet know the precise services and qualifications needed for all future phases or components. The County recommends that the GC should take a stepwise approach. In other words, the SOS should be broken out into several components that would be bid out over time, when and where necessary. The County does not believe it would be prudent for the GC to "marry" itself to one firm, or group of firms, throughout the entire multi-year process. The GC should develop a series of scopes of work to be issued, when and where needed, while continuing to utilize available resources of the 23 counties and FAC. At this stage, components dealing with "optional services" are unnecessary, undefined, and should be removed. The first scope of services/RFP should focus on assessing and packaging the projects, programs, and activities in the SEP.

2. Work Components. The SOS is broken down into four components. PROGRAM

DESIGN talks about timelines for all four components and costs/staffing estimates. The deliverable is not defined. The PROGRAM DESIGN component seems to have nothing related to the “design” or compilation of the SEP, or the steps leading up to developing the SEP. Typically, the firms that respond to an SOS RFP should be responsible for proposing for the applicable timelines and estimated costs/staffing. This is one of the bases upon which various proposals would be reviewed and chosen by the GC. To hire a firm, and after the fact, have that firm develop costs/staffing estimates seems to undermine the ability for a firm’s proposed costs/staffing estimates to be considered in the selection criterion and process. Further, there is no need to address GRANT MANAGEMENT and PROGRAM IMPLEMENTATION at this stage. These components can be a separate SOS. These components can, and should be, completed at a later date once, or in conjunction with, the SEP being completed, submitted, and approved by the Governor’s Office.

3. Plan Development - The second component is PLAN DEVELOPMENT. This appears to refer to compilation of the SEP. Instead, the long list of deliverables seem to focus on the review, and criterion, that proposed projects, programs and activities would be required to meet. Many of the deliverables call for development of a “method”. This sounds like a plan to develop a plan. This is not compilation of a SEP. Rather this component focuses on the logical prior step of developing a process, and criterion, by which each proposed project, program and activity can be reviewed, assessed and prioritized. This should be its own component. In the County’s view, this component truly falls under PROGRAM DESIGN component, which in turn would be followed by a true PLAN DEVELOPMENT component where the SEP is actually packaged and compiled.

4. Firm Selection Criteria. As part of the effort to develop the SOS, there is a concurrent need to develop the specific standards and selection criterion that will be utilized to select the most qualified firm(s). Part of this review criterion should include the aforementioned cost/staffing projections, among other things. It is no different than selecting a consultant where the cost of their proposal and services is one of the selection criteria. Selection criteria that clearly establishes the method by which the firms’ proposals will be evaluated must be established.

5. Funding. There is no indication as to how this SOS will be funding among the GC members. While ultimately these funds may be reimbursable, there will need to be an initial outlay of funds by each GC member. Will each GC member contribute an equal amount, or will it be based upon a proportional share? Funding, and how each County is allocated its “fair” share, needs

to be addressed upfront.

In sum, the County respectfully recommends the first SOS be limited to two components. First, developing the process and criterion to assess and prioritize programs, projects and activities. The second component is to package and compile the SEP so that it meets RESTORE and other criteria. The County looks forward to working towards a stepwise SOS approach.

Kurt Harclerode
Operations Manager
Natural Resources Division
Lee County Government
239-533-8146
239-839-1329 (cell)
www.leegov.com

Please note: Florida has a very broad public records law. Most written communications to or from County Employees and officials regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure.

Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

**Gulf Consortium
September 10, 2013**

Agenda Item # 4 Draft Treasury Rules

Statement of Issue: The U.S. Secretary of the Treasury published its draft RESTORE Act rules in the Federal Register on September 6, 2013. The 60 day comment period will end on November 6, 2013. A copy of the draft rules as published are attached. Prior to the meeting on September 18th, the interim Manager and General Counsel will send an analysis of the draft rules and a revised agenda item memorandum to each Director. For now, it is important to understand the following:

1. The Draft Rules address the Local Pot #1, called the “Direct Component” in the draft.
2. The Draft Rules recognize the Disproportionately Affected counties by name and accept the agreed-upon distribution formula among them.
3. The Draft Rules recognize the Non-Disproportionately Affected counties by name and ask for comments on the metrics adopted by the Consortium Committee of 15 for implementing their formula.
4. The Draft Rules affect the Consortium Pot #3, called the “Spill Impact Component” in the draft.
5. The Draft Rules do not specifically address a procurement process for the Spill Impact component.
6. The Draft Rules require the Council to develop regulations for the Spill Impact Component, which is the Consortium Pot #3.
7. All RESTORE Act funds will be distributed in the form of grants pursuant to the Rules, Federal OMB circulars and policies, and, in the case of the Consortium’s Spill Impact Component, the Council Regulations.
8. As explained below, the Consortium has adopted a policy for responding to the draft rules.

Background:

At the August meeting, the Consortium adopted a process for commenting on the federal rules. It is similar to the process the Consortium used in responding to the Council’s Draft Initial Comprehensive Plan, which included an email call for comments to each of the members. For the Council Plan, the Consortium reviewed the comments at the June meeting and directed the interim Manager and General Counsel to continue to receive and compile comments. Thereafter, the Consortium comments were sent to the Council under the Chairman’s signature.

The Consortium has adopted the following process for commenting on the draft federal rules:

- (A) As to a response by the Consortium regarding the Consortium Spill Impact Component (Pot #3) direct the interim Manager and interim General

Counsel to email the draft rules as soon as they are received, compile suggested responses, and submit them for consideration at a Board meeting, if time allows, or to authorize the Executive Committee or Chairman to respond on behalf of the Consortium; and .

(B) As to a response by the Consortium regarding the Direct Component (Local Pot #1), approve a motion directing the interim manager and interim general counsel to follow the procedure in (A) and also to email the draft rules to the county attorneys of the 23 member counties.

The interim Manager sent a copy of the draft rules to Consortium directors, alternates, county managers and county attorneys on September 5, 2013.

A conference call has been scheduled with the county attorneys from the 23 member counties for September 13, 2013 to discuss the rules and solicit comments

Analysis A more thorough analysis of the rules will be distributed to members prior to the September 18, 2013 meeting of the Consortium. Copies of the analysis will be available at the meeting.

Options: N/A

Fiscal Impact: N/A

Recommendation: N/A

Prepared by: Sarah M. Bleakley, Nabors, Giblin & Nickerson, P.A., Interim General Counsel.

STATE EXPENDITURE PLAN (POT 3) - LOUISIANA

The State of Louisiana Coastal Protection and Restoration Authority is the governmental entity charged with decisions regarding the expenditure of funds under the RESTORE Act. They will propose projects that have been vetted via the 2012 Coastal Master Plan (MP). The MP was developed initially in 2007 as required by state law and is updated every 5 years, with annual updates of individual projects' status. The state doesn't cost share non-MP projects.

CPRA will direct all expenditures for Pot 3 funds

From CPRA's webpage:

LOUISIANA'S 2012 COASTAL MASTER PLAN

Making realistic, on the ground progress toward restoring coastal habitats and protecting communities — demonstrating our commitment to the coast—is at the heart of the 2012 Coastal Master Plan. The plan was developed by taking a look 50 years into south Louisiana's future and building world class science and engineering expertise into understanding what we could achieve. The plan presents the best use of dollars based on what we know today—the first time the state has identified specific large scale actions for our coast.

To view a copy of the 2012 Coastal Master Plan, please visit:

<http://www.coastalmasterplan.louisiana.gov/2012-master-plan/final-master-plan/>

About Louisiana's 2012 Coastal Master Plan

The CPRA's 2012 Coastal Master Plan is based on a two year analysis involving some of the state's best scientists as well as national and international specialists. The state used this analysis to select 109 high performing projects that could deliver measurable benefits to our communities and coastal ecosystem over the coming decades. The plan shows that if these projects were fully funded, at a price tag of \$50 billion, we could substantially increase flood protection for communities and create a sustainable coast.

Louisiana is in the midst of a land loss crisis that has claimed 1,880 square miles of land since the 1930s. Given the importance of so many of south Louisiana's natural assets—its waterways, natural resources, unique culture, and wetlands—this land loss crisis is nothing short of a national emergency, one that takes a daily toll on the lives of coastal residents. To address this crisis the Louisiana Legislature passed Act 8 in 2006, which created the CPRA and required it to develop a coastal master plan every five years. The first master plan was approved by the legislature in 2007. The new master plan was submitted to the Louisiana Legislature for approval on March 26, 2012.

POT 1

Projects will be proposed by the parishes. The state hopes the projects will be consistent with the 2012 Coastal Master Plan.

POT 2

Projects will be proposed by the Council members. The state hopes the projects will be consistent with the 2012 Coastal Master Plan.

Synopsis of Louisiana's 2012 Coastal Master Plan

For more information on the 2012 Coastal Master Plan, please visit <http://www.coastalmasterplan.la.gov>.

Louisiana is Experiencing a Coastal Crisis

Predicted Land Change Over Next 50 Years

- Land Loss
- Land Gain

Potential to lose up to an additional 1,750 square miles of land over the next 50 years

Communities and Livelihoods at Risk

Predicted Future Flooding from a 100 Year Flood Event
Future Without Action

- 0.5-5 ft
- 5-10 ft
- 10-15 ft
- 15-20 ft
- 20-25 ft

Potential for damages to reach \$23.4 billion annually

Increasing threats to lives, jobs, communities and the economy

Guidelines for the Master Plan

- Legislatively required five year update to the first coastal master plan published in 2007
- Build off the 2007 Master Plan
- Use cutting edge technical analysis to think big and evaluate the needs of the entire coast
- Incorporate broad based collaboration among local, state and national stakeholders
- Provide for future generations

OUTREACH & ENGAGEMENT GROUPS

Incorporating Citizen & Stakeholder Knowledge into the Planning Process

Future Scenarios

Moderate Scenario
771 square miles lost

Less Optimistic Scenario
1,765 square miles lost

Factors Accounted for by Our Scenarios

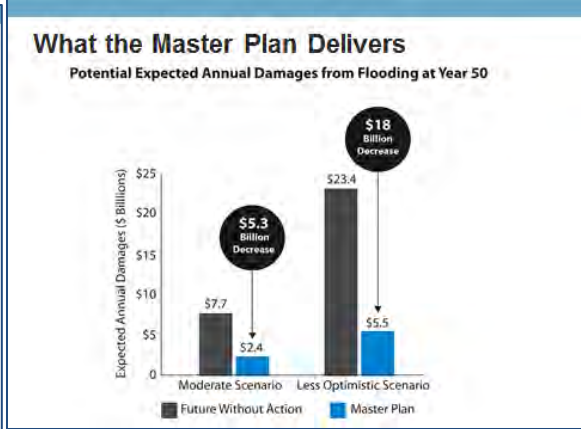
- Sea Level Rise
- Subsidence
- Storm Intensity
- Storm Frequency
- River Discharge / Sediment Load
- River Nutrient Concentration
- Rainfall
- Evapotranspiration
- Marsh Collapse Threshold

What the Master Plan Delivers

Distribution of Funding by Project Type (Approximately \$50 Billion)

Project Type	Funding (\$ Billions)
Barrier Island	~1.5
Hydrologic Restoration	~1.5
Marsh Creation	~19.5
Nonstructural Protection	~10.5
Other Protection & Restoration Projects	~3.5
Sediment Diversion	~4.5
Structural Protection	~11.5

The plan includes a wide variety of project types distributed throughout the coast. We are using every tool in the toolbox to protect and restore south Louisiana.



Grounded in Science

Risk Reduction

Expected Annual Damages

Restoration

Land Area

Decision Criteria and Ecosystem Services

- Distribution of flood risk across socioeconomic groups
- Flood protection of historic properties
- Flood protection of strategic assets
- Operation and maintenance costs
- Sustainability
- Support for navigation
- Use of natural processes
- Support for cultural heritage
- Support for oil & gas
- Oyster
- Shrimp
- Freshwater Availability
- Alligator
- Waterfowl
- Saltwater Fisheries
- Freshwater Fisheries
- Carbon Sequestration
- Nitrogen Removal
- Agriculture/Aquaculture
- Other Coastal Wildlife
- Nature-Based Tourism



Gulf Consortium
September 18, 2013

Agenda Item # 5(b) Procurement Process for Plan Development

Statement of Issue or Executive Summary: Coordination with Leon County on the Procurement Process has been ongoing. This will provide the Consortium Members an update.

Background: The Consortium's main function under the RESTORE Act (the "Act") is to develop a State Expenditure Plan ("Plan") for submittal by the Governor to the Gulf Coast Ecosystem Restoration Council (the "Council"). At the August 2013 meeting, the interim Manager presented a draft scope of services for development of the Plan ("Scope").

Analysis: This was stated in the previous Agenda Item. **"Procurement Generally.** The United States Department of Treasury Regulations on the RESTORE Act were received less than one week before this agenda item was written. The Treasury draft rules do not address the procurement process that the Consortium must follow to ensure that the Consortium can seek reimbursement for expenses in developing its Plan. Nor do the Treasury draft rules clearly address whether or when the Consortium may be reimbursed for Plan development. The draft Rules are not final and will not be final before November 2013. However, the draft Rules clearly require the Consortium to follow Council rules in developing the Plan. The Council rules may or may not specify that the Consortium must follow a particular procurement policy. Consequently, if the Consortium procures a contractor to develop the Plan without knowing what the procurement requirements are, the Consortium runs the risk of not being reimbursed from RESTORE Act funds for Plan development."

Because of the uncertainty of Council rules and the ability to receive reimbursement, a conceptual agreement with Leon County has been approved. Until guidance is received clearly outlining the procurement process, staff has had several informal meetings with Leon County regarding possible procurement scenarios. A **possible** scenario is; if procurement guidance is received prior to the November meeting; and a finalized Scope of Services is complete; and the Consortium has appointed the Selection Committee, then under the most ideal circumstances, a solicitation document (Request for Proposal/Invitation to Negotiate/Invitation to Bid/etc) could be published December 2013. Generally speaking, a complicated response such as this will require 60-90 days for preparation by consultants. Generally speaking, evaluations would take an additional 30 days. 3-6 months after issue of a procurement document should be the target for having a consultant hired, contingent on having funds to obligate the Consortium.

Interested vendors may submit contact information to:

Shelly W Kelley
kelleys@leoncountyfl.gov
(850)606-1600

Prepared by: Doug Darling, Interim Manager

**Gulf Consortium
September 18, 2013**

**Agenda Item # 5(a) Procurement of Plan Development: Scope of Services
with County and Technical Advisory Group Suggestions**

Statement of Issue or Executive Summary: Member counties and the Technical Advisory Group have submitted comments and suggestions on the draft scope of services for Plan Development and other tasks.

Background: The Consortium’s main function under the RESTORE Act (the “Act”) is to develop a State Expenditure Plan (“Plan”) for submittal by the Governor to the Gulf Coast Ecosystem Restoration Council (the “Council”). At the August 2013 meeting, the interim Manager presented a draft scope of services for development of the Plan (“Scope”). The Scope was divided into four tasks: 1. Program Design, 2. Plan Development, 3. Grant Management, and 4. Program Implementation. The Consortium directed the interim Manager to solicit comments from all county members as well as the Technical Advisory Group (“Advisory Group”), established pursuant to the Consortium and Governor’s Memorandum of Understanding (“MOU”). This agenda item fulfills the Consortium’s direction to the General Counsel to compile all the comments for discussion at the September 18th meeting.

The inclusion of a Scope of Services in a procurement document is designed to notify potential responders of the range of assistance and type of work desired by the procuring entity to accomplish its goal. The Scope is not intended to elicit qualifications of the responders or a recommended fee for services. Other portions of the procurement document requests those and other details from the respondents.

Eight member counties and DEP have provided comments. Comments from three counties affirmatively indicated that the draft Scope was acceptable to them. Five counties and the Advisory Group had substantive suggestions. Attached is a copy of the comments received. They are arranged in alphabetical order by county with the Advisory Group’s comments placed first.

Summary of General Comments

Term of Contract. Several counties indicated that the five-year initial term of the contract was too long and should either be shortened or accompanied by discretion for the Consortium to terminate it earlier. Another recommendation

was to limit the initial term to one year with an option to renew for up to two additional years.

Introductory Language. A suggestion was made to clarify the introductory language reference to a “partnership” with the contractor to a “contract.”

Advisory Group General Comments. The Advisory Group recommended that the Scope be revised to specifically reference and link to the applicable law, including U.S. Treasury Rules, OMB circulars and policies, and the Council’s Initial Comprehensive Plan. They also suggest adding that the Consortium State Expenditure Plan must be developed in coordination with the Governor’s office pursuant to the MOU.

The following is a summary of the major substantive comments received on each task. The Advisory Group comments are presented first, followed by the member counties comments.

Task 1. Program Design.

Advisory Group Comments

- a. Clarify what is desired from this Task by specifying the undertakings necessary to develop the Plan, such as, preparing an inventory of existing plans, developing a strategy for project selection, creating a communication plan, etc. Alternatively, consider making two separate tasks--Plan Development and Plan Preparation--or make the services required for developing the Plan a part of Task 1.
- b. Include a requirement for determining whether a project, program and activity falls within the Geographic Scope of the Gulf Coast Region as defined in the Act.

Counties Comments

- c. Include a requirement for describing the expertise of staff that will be assigned to the Task.
- d. Include a requirement for facilitating and coordinating with Consortium members to develop the Plan.

Task 2. Plan Development.

Advisory Group Comments

- a. Change the name of the Task to Plan Preparation and include all 11 requirements for the development of a State Expenditure Plan from Section V of the Council’s Initial Comprehensive Plan.
- b. With regard to the Consortium’s selection process, Include a reference to the MOU and its requirements to provide for, at a minimum:
 - i. A review for consistency with applicable laws and rules;
 - ii. Prioritization based on criteria established by the Consortium;

- iii. Consideration of public comments; and
- iv. Approval by an affirmative vote of at least a majority of the Directors.
- c. Regarding Project applications, refer to the MOU requirements that require the Consortium to consult with the Department of Environmental Protection to develop a standardized format for the submittal of projects to the Consortium.
- d. Require project submittal to include precise location information for mapping purposes to assist evaluation with GIS applications.

Counties Comments

- e. Clarify whether the requirement for the review of other plans includes other plans in Florida or plans from other States.
- f. Include more specificity as to the request to include the amount of funding and whether it includes the amount requested or the amount recommended to be awarded by the Consortium.
- g. Clarify the application of the RESTORE Act's best-available-science requirement.
- h. Refer specifically to the RESTORE Act's requirements, instead of paraphrasing.
- i. Clarify the application of the 25 percent infrastructure limit.
- j. Specify that the metrics are to be used to determine progress and success.
- k. Define "infrastructure."
- l. Specify how the Consortium will determine consistency with the Council's Initial Comprehensive Plan.
- m. Require the preparation of federal and state planning and project implementation requirements, such as National Environmental Policy Act; the Clean Water Act; Chapter 373, Florida Statutes; and a strategy for compliance therewith.
- n. Identify any gaps in data or issues requiring additional technical analysis and timeframes for completing the analysis.
- o. Present an analysis of the feasibility of nominated projects and their projected benefits.
- p. Regarding proposed start and completion dates, include any necessary phasing, sequencing or relationships between projects
- q. For project evaluation and ranking, include evaluation criteria.

Task 3. Grant Management

Advisory Group Did Not Comment on Task 3

Counties Comments

- a. Delete this Task as requiring the respondents to address it is premature.
- b. Include a detailed description of the applicable United States Department of Treasury Regulations for financial management, auditing and reporting.

Task 4. Program Implementation

Advisory Group Did Not Comment on Task 4

Counties Comments

- a. Delete this Task as requiring the respondents to address it is premature.
- b. Add a requirement to address ongoing coordination with other Federal and State agencies in addition to the Council.
- c. Reference to the United States Department of Treasury Regulations for financial management, auditing and reporting.

Analysis:

Procurement Generally. The United States Department of Treasury Regulations on the RESTORE Act were received less than one week before this agenda item was written. The Treasury draft rules do not address the procurement process that the Consortium must follow to ensure that the Consortium can seek reimbursement for expenses in developing its Plan. Nor do the Treasury draft rules clearly address whether or when the Consortium may be reimbursed for Plan development. The draft Rules are not final and will not be final before November 2013. However, the draft Rules clearly require the Consortium to follow Council rules in developing the Plan. The Council rules may or may not specify that the Consortium must follow a particular procurement policy. Consequently, if the Consortium procures a contractor to develop the Plan without knowing what the procurement requirements are, the Consortium runs the risk of not being reimbursed from RESTORE Act funds for Plan development.

Advisory Group Comments. The general comments regarding citing and linking to the law will add helpful detail. Many comments on Tasks 1 and 2 encompass requirements expressed in the MOU which the Consortium must follow in developing its Plan. The Advisory Group organizational suggestions on Task 1 and 2 will add clarity to the Scope.

Member Counties Comments on Tasks 1-4. Most of the comments on Tasks 1 through 4 add value and clarity to the Scope. The suggestions to shorten the

term of the contract could be addressed by adding an option to allow for necessary contract extensions.

The suggestion to delete Tasks 3 and 4 is a policy option. The value in keeping Task 3 Grant Management is that the RESTORE Act allows funding only through grants. If Grant Management is excluded from this Scope, it could be the subject of a separate procurement.

Including Task 4 Program Implementation in the Scope allows the Consortium to learn how the contractors would accomplish long term Program Implementation. Alternatively, the Consortium could choose to delay procurement for Program Implementation as the draft Treasury Rules are ambiguous as to how the Plan will be implemented. Another alternative is to leave it in the list of Tasks, but not require details of how to implement the Plan in the responses. This approach allows the Consortium to evaluate each respondent's qualifications and experience in implementing plans similar to the Consortium State Expenditure Plan.

Options:

- 1) On Task 1 Program Design and Task 2 Plan Development accept all the suggestions from the Advisory Group and all the suggestions from the member counties that are appropriate inclusions in the Scope instead of other sections of the Procurement Document.
- 2) On Task 3, Grant Management delete this Task
- 3) On Task 3, Grant Management add references to the law and otherwise more clearly express what this Task requires.
- 4) On Task 4 Program Implementation delete this Task
- 5) On Task 4 Program Implementation, add references to the law and, if appropriate, otherwise more clearly express what this Task requires.
- 6) On the Term of the Contract, make it shorter than three years with an option to extend the contract as necessary.
- 7) On the Term of the Contract, address the issue in another place in the Procurement Document, asking respondents to specify how long each task would take.
- 8) Provide other direction.

Fiscal Impact: The cost of revising the Scope of Services is included in the Consortium Budget. Issuing a Procurement Document through Leon County will require minimal expenditures, as the County is charging only its out-of-pocket expenses.

At this point the Consortium Budget does not include sufficient funds to pay for the accomplishment of the tasks listed in the Scope. The responses to the Procurement Document will give the Consortium a sense of how much each task will cost.

As detailed in "Background" above, there is currently no clear path for procurement that will ensure the Consortium will be paid for the development of the Plan or the other tasks.

Recommendation:

Approve a motion that directs the interim Manager and General Counsel to revise the Scope of Services in accordance with options 1, 3, 5 and 7 above. This means

- Tasks 1 Program Development and Task 3 Plan Development will be revised to accommodate all comments of the Advisory Group and the member counties that are appropriate to include in the Scope.
- Task 3 Grant Management will remain in the Procurement Document with clarifying revisions.
- Task 4 Plan Implementation will remain in the Procurement Document with clarifying revisions.
- The Term of the Contract will be part of the Procurement Document asking each respondent how long each task will take to accomplish.

Prepared by: Sarah M. Bleakley, Nabors, Giblin & Nickerson, P.A., Interim General Counsel

**EXTENSION AND AMENDMENT TO THE AGREEMENT
FOR PROFESSIONAL SERVICES
BETWEEN
THE GULF CONSORTIUM
AND THE FLORIDA ASSOCIATION OF COUNTIES, INC.**

THIS AMENDMENT is made this 18th day of September, 2013, between the Florida Association of Counties, Inc., a Florida not-for-profit corporation (the "Association") and the Gulf Consortium, a legal entity and public body created by the Interlocal Agreement, effective on October 19, 2012 (the "Consortium").

WHEREAS, the parties entered into an agreement on October 19, 2012 ("the Agreement"), under which the Association provides interim Manager duties, functions, and services to the Consortium Board;

WHEREAS, the federal agency rules that will regulate the implementation of the RESTORE Act have not been promulgated and the Consortium has not retained nor hired a permanent Manager;

WHEREAS, the Association and the Consortium desire to continue their relationship through an extension of the term of the Agreement until such time as there is clarity on the manner in which the RESTORE Act will be implemented; and

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties hereto amend and extend the Agreement as follows:

SECTION 1. EXTENSION OF TERM OF THE AGREEMENT. Section 3.01 of the Agreement is amended as follows:

SECTION 3.01. TERM OF AGREEMENT. Upon execution, this Agreement shall be effective October 19~~-, 2012~~3, and shall continue until 60 days after the effective date of the Consortium's hiring, engaging or retaining a permanent Manager, unless an earlier expiration date is mutually agreed to in writing. ~~in effect through and including September 30, 2013.~~ The interim Manager shall serve at the pleasure of the Board. However, this Agreement may be terminated by the Association upon 60 days' notice in writing to the other party. The Consortium and the Association can extend this term for additional service, under the terms and conditions of this Agreement, as mutually agreed to in writing.

SECTION 2. SURVIVABILITY OF REMAINING PROVISIONS. All other terms and conditions of the Agreement shall continue in full force and effect.

IN WITNESS WHEREOF, the FLORIDA ASSOCIATION OF COUNTIES, INC.
and the GULF CONSORTIUM, have caused this Agreement to be executed on the date
first mentioned above.

FLORIDA ASSOCIATION OF COUNTIES, INC.

By: _____
CHRISTOPHER L. HOLLEY, EXECUTIVE DIRECTOR

GULF CONSORTIUM

By: _____
GROVER ROBINSON, CHAIR

Gulf Consortium
September 18, 2013
Agenda Item # 6 Extension of FAC's Contract as Interim Manager

Statement of Issue or Executive Summary: This agenda item proposes an amendment and extension of the Consortium's interim Manager contract with the Florida Association of Counties, Inc. (FAC). Under the proposal, the contract would extend until sixty days after the effective date of the Consortium's hiring, engaging or retaining a permanent Manager, unless an earlier expiration date is mutually agree to in writing.

Background: The Consortium's current contract with FAC as interim manager terminates on October 1, 2013. The proposal does not change the compensation to FAC or the following two ways the current contract can be terminated:

1. FAC serves at the pleasure of the Board.
2. FAC may terminate the current contract upon 60 days notice in writing to the Consortium.

Analysis: The federal rules regulating the implementation of the RESTORE Act have just been promulgated. It is unclear what procurement process will be required for engaging the services of a permanent manager in order to allow the Consortium to seek reimbursement from RESTORE Act funds. The extension of the existing contract allows the Consortium to continue FAC's services beyond October 1, 2013 at the current rate of compensation and still maintain the option of following a federal rule procurement process in hiring a permanent manager.

Without an extension of the contract, the Consortium will not have an interim manager in place after September 30, 2013.

A copy of the proposed extension and amendment to the existing agreement with FAC is attached.

Options:

- 1) Approve a motion to extend FAC's contract as interim Manager to the Consortium pursuant to the attached revision of the existing agreement.
- 2) Provide other direction.

Fiscal Impact: The existing contract requires the Consortium to pay FAC \$5,000 per month, plus expenses specified in the agreement. This agenda item proposes to extend contract at the same amount of compensation.

Recommendation:

Approve a motion that extends FAC's contract as interim Manager to the Consortium pursuant to the attached revision of the existing agreement.

Prepared by: Sarah M. Bleakley, Nabors, Giblin & Nickerson, Interim General Counsel.

Moved _____; Seconded_____.

Action: Approved____; Approved as amended____; Defeated_____.