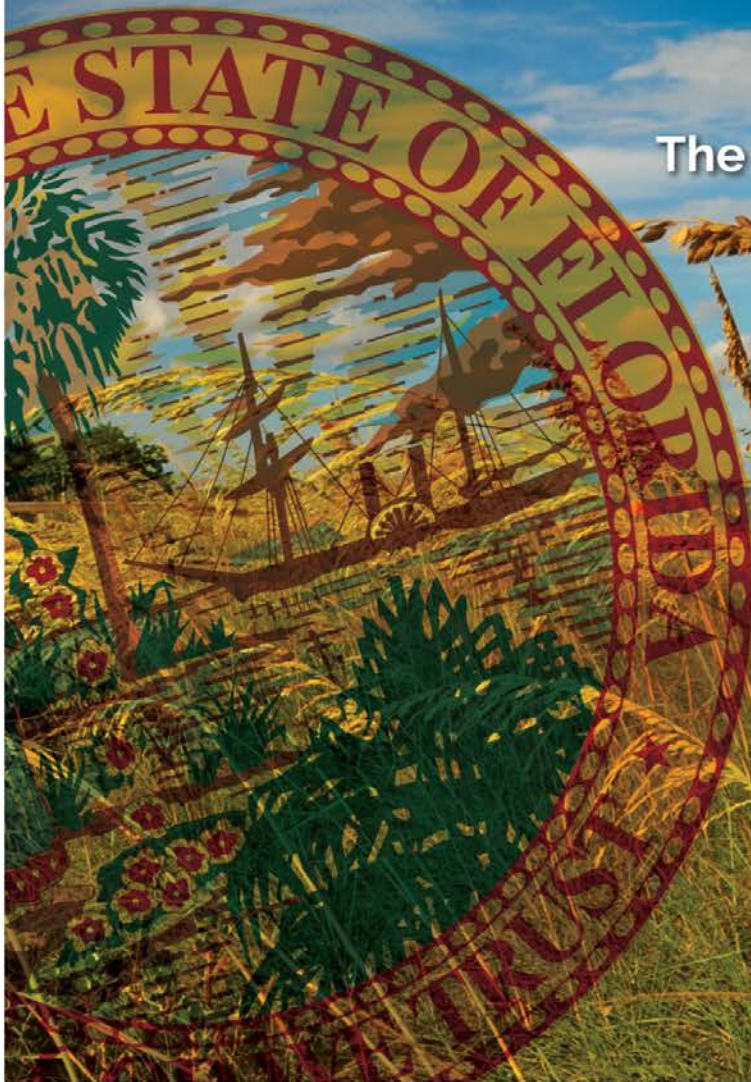




PLANNING STATE EXPENDITURE PLAN FOR THE STATE OF FLORIDA

Submitted to:
The Gulf Coast Ecosystem
Restoration Council



Prepared by:



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-Section 1- Executive Summary

Introduction

This document constitutes the Planning State Expenditure Plan for the State of Florida, and has been prepared to meet or exceed the requirements for Planning State Expenditure Plans as set forth in the *Oil Spill Impact Component: State Expenditure Plan Guidelines prepared by the Gulf Coast Ecosystem Restoration Council* (December, 2014), as well as the *Announcement for Spill Impact Component Planning Grants, Funding Opportunity #GCC-GRANT-SEP-15-001* (December, 2014). Pursuant to direction provided in these documents, the application process for planning grants is organized into two phases: 1) the submission of a Planning State Expenditure Plan by Florida's member of the Gulf Coast Ecosystem Restoration Council (Council) which will be approved by the Chairperson of the Council; and 2) the administrative application process for the planning grants, which includes the submission of all administrative grant application materials by the eligible entities. This submittal addresses the requirements of the first phase.

Responsible Entity

The Gulf Consortium (Consortium) is the designated entity responsible for the development of the Florida State Expenditure Plan (FSEP), as recognized in the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (RESTORE Act) and subsequent rulemaking. The Consortium is a public entity created in October 2012 through an Interlocal Agreement between Florida's 23 Gulf Coast counties - from Escambia County in the western panhandle of Florida to Monroe County on the southern tip of Florida - to meet the requirements of the RESTORE Act. *The Interlocal Agreement Relating to the Establishment of the Gulf Consortium* is attached as **Appendix 1**. The Consortium's Board of Directors consists of one representative from each county government. Since its inception, the Consortium has met every other month and has held numerous committee meetings to begin developing Florida's State Expenditure Plan. The points of contact for the Consortium are as follows:

Executive

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To formalize the role of the Consortium, Florida Governor Rick Scott, who, pursuant to the RESTORE Act, is Florida's member on the Council, and the Consortium entered into a Memorandum of Understanding (MOU) on June 12, 2013 to establish the Consortium's process of coordinating with the Governor's office on the Consortium's development of the Florida State Expenditure Plan. The MOU between the State of Florida and the Consortium is provided herein as **Appendix 2**.

The MOU recognizes that the RESTORE Act directs the Consortium to develop Florida's State Expenditure Plan. Furthermore, the MOU provides for the coordinated review and input by the Florida Department of Environmental Protection, the Water Management Districts, other applicable state agencies, and the Governor during the development of the Florida State Expenditure Plan. In addition, the MOU requires the Consortium to conduct its activities with full transparency and adhere to all legal requirements including, but not limited to, those relating to open meetings, public records, contracting, audits, and accountability. Finally, the MOU requires the Consortium to meet the following minimum requirements in selecting and prioritizing projects, programs, and other activities for inclusion in the Florida State Expenditure Plan:

- A review for consistency with the applicable laws and rules;
- Prioritization based on criteria established by the Consortium;
- Consideration of public comments; and
- Approval by an affirmative vote of at least a majority of the Consortium Directors present at a duly noticed public meeting of the Consortium.

Upon final review and approval, the Governor is responsible for the formal transmittal of the Florida State Expenditure Plan to the Council.

In addition to the above minimum requirements set forth in the MOU, the RESTORE Act in 33 U.S.C. 1321(t)(3)(B)(i)(I)-(III) specifies that State Expenditure Plans must meet the following criteria:

- All projects, programs, and activities included in the State Expenditure plan are eligible activities;
- The projects, programs, and activities included in the State Expenditure Plan contribute to the overall ecological and economic recovery of the Gulf Coast; and
- The State Expenditure Plan takes into the consideration the Council's Comprehensive Plan and is consistent with the goals, objectives and commitments of the Comprehensive Plan.

-Section 2- Planning State Expenditure Plan Narrative

This document constitutes the Planning State Expenditure Plan for the State of Florida, and has been prepared to meet or exceed the requirements for Planning State Expenditure Plans as set forth in the *Oil Spill Impact Component: State Expenditure Plan Guidelines prepared by the Gulf Coast Ecosystem Restoration Council* (December, 2014), as well as the *Announcement for Spill Impact Component Planning Grants, Funding Opportunity #GCC-GRANT-SEP-15-001* (December, 2014), and additional guidance provided in communications with Council staff. Accordingly, the required information is organized under the following headings:

- Selection of Consultant;
- Proposed Planning Approach;
- Planning Schedule;
- Estimated Planning Costs;
- Required Narrative Components A-D;
- Financial Management; and
- Conflicts of Interest.

Selection of Consultant

On March 26, 2014, the Consortium adopted a two-phased selection process to procure the services of a consultant to assist the Consortium in the development of the Florida State Expenditure Plan (FSEP). The decision to procure the services of a consultant was based on two considerations: 1) the Consortium lacked in-house staff resources with the specialized coastal master planning expertise and experience necessary to prepare the FSEP; and 2) it was deemed that an independent consultant could best and most fairly balance the various interests involved in the preparation of the FSEP.

The first phase of the consultant selection process began with Leon County Purchasing issuing an Invitation to Negotiate (ITN) on behalf of the Consortium, followed by the selection of an independent and balanced consultant Evaluation Team that included five highly qualified professionals with diverse experience and expertise, and geographic representation. The Evaluation Team reviewed, analyzed, and ranked the six consultants that submitted ITN responses, recommending four of them to move forward on a short list. The Consortium's Executive Committee met in a public meeting and approved the short list.

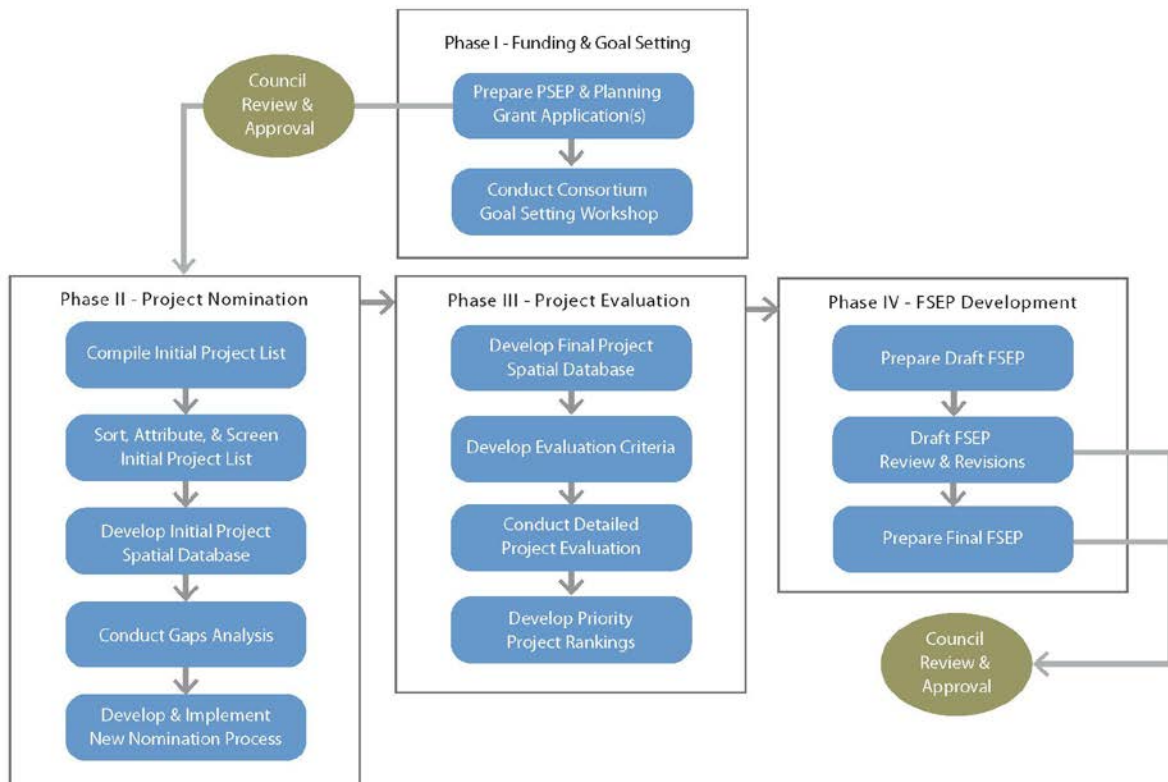
On August 21 and 22, 2014, the Evaluation Team interviewed each of the four shortlisted consulting firms. The purpose of the interviews was to elicit more information on each team's approach to the development of the FSEP including the project nomination process, the project evaluation process, the public involvement process, the team's cost proposals, and the additional services the team could provide to add value to the Consortium. Following the interviews the Executive Committee, also in a public meeting, approved a Request for Best and Final Offer (RBAFO). Leon County Purchasing released the RBAFO to each of the four short-listed firms, and each firm provided a timely response to the RBAFO.

On October 30, 2014, the five-person Evaluation Team met in Tallahassee, in an open, noticed meeting, and evaluated each firm’s RBAFO response. Each Evaluation Team member independently filled out four Evaluation Criteria Score Sheets, giving each firm a raw score based on the criteria in the RBAFO. Leon County Purchasing then summed the raw scores and developed ordinal rankings. When the summary scoring results were presented to the Evaluation Team, the Team unanimously recommended the **Environmental Science Associates (ESA)** team because ESA was the highest ranked firm based on both total raw and ordinal scores. The full Consortium approved the consultant selection of the ESA team at its November 17, 2014 board meeting in Tampa.

Proposed Planning Approach

The ESA consultant team has developed a comprehensive planning approach to developing the FSEP in a manner that will exceed the minimum requirements set forth in the MOU, and will be consistent with the criteria specified in the RESTORE Act. This planning approach is summarized in the project flow diagram below.

 **ESA** Project Flow Chart



Development of a RESTORE Act compliant FSEP will require an iterative and goal oriented process that integrates both technical analysis and production performed by the consultant team, as well as intensive public involvement and stakeholder coordination directed by the consultant team. The project flow diagram above shows both the sequence of the various project tasks and the interrelationships between them. The proposed planning effort is divided into four phases, and fourteen tasks. Public involvement and stakeholder coordination will be conducted throughout the entire project. The phases and associated tasks are summarized below.

Phase I – Funding and Goal Setting

In this phase the consultant team will prepare a Planning State Expenditure Plan (PSEP) to be submitted to the Council to secure approval of the planning approach, the use of planning funds, and other provisions including financial management and conflict of interest controls. Upon Council approval of the PSEP, the consultant team will prepare an administrative planning grant application, which will be reviewed by the Gulf Consortium Board and the Governor pursuant to the MOU process. Upon completion of these reviews, the consultant team, on behalf of the Consortium, shall submit the grant application to the Council for the purpose of securing funding for the development of the FSEP. Concurrent with Council review of the administrative planning grant application, the consultant team will begin work directly with the Consortium to define goals, objectives, guiding principles, and success measures for the FSEP that reflect Florida-specific priorities while still being consistent with the Council’s Comprehensive Plan. This phase will include the following two tasks:

- Task 1 – Prepare PSEP and Planning Administrative Grant Application materials; and
- Task 2 – Conduct Consortium Goal Setting Workshop.

Phase II – Project Nomination

In this phase the consultant team will sort, screen, attribute, and map existing lists of projects compiled by the Florida Department of Environmental Protection. In addition, the consultant team will conduct a gaps analysis and develop a new open project nomination process that involves a project-specific website and an online portal for new project submittals. The gaps analysis will include a review and evaluation of other planning efforts including the Florida Department of Environmental Protection’s Basin Management Action Plans and the Water Management’s District’s Surface Water Improvement & Management Plans. This phase will include the following five tasks:

- Task 3 – Compile Initial Project List;
- Task 4 – Sort, Attribute, & Screen Initial Project List;
- Task 5 – Develop Initial Project Spatial Database;
- Task 6 – Conduct Gaps Analysis; and
- Task 7 – Develop & Implement New Nomination Process.

Phase III - Project Evaluation

In this phase the consultant team will develop a final spatial database of all projects, programs, and activities submitted for consideration; and then will conduct a comprehensive, multi-level approach to project screening, evaluation, and ranking that includes eligibility, environmental

and economic attributes, and considers leveraging of various funding sources. This phase will include the following four tasks:

- Task 8 – Develop Final Project Spatial Database;
- Task 9 – Develop Evaluation Criteria;
- Task 10 – Conduct Detailed Project Evaluation; and
- Task 11 – Develop Priority Project Rankings.

Phase IV – FSEP Development

In this phase the consultant team will prepare a Draft FSEP document; coordinate document review, public comment, and revisions; and then prepare the Final FSEP document. This phase, per the MOU, will also include close coordination with the Governor and the Council to obtain document approval from both. This phase will include following three tasks:

- Task 12 - Prepare Draft Final FSEP;
- Task 13 - Review & Revisions; and
- Task 14 - Prepare Final FSEP.

Public Involvement and Stakeholder Coordination

A rigorous program of public involvement and stakeholder coordination will be conducted throughout all four phases of the development of the FSEP, and will be critical to the success of the planning effort. This program will include the establishment and direction of two adjunct advisory committees – the Technical Advisory Committee and the Economic Advisory Committee - as well as a broad based approach to public outreach involving social media and other communication tools.

Throughout the FSEP planning process, the consultant team will actively engage the Consortium for the review and approval of interim work products at key decision points during the FSEP development process, including the: setting of goals, objectives, guiding principles and FSEP success measures; selection of advisory committee members; initial project list; gaps analysis; new project nomination process; final project list; project evaluation criteria; draft and final priority project rankings; and draft and final FSEP documents.

Finally, the consultant team, through the Consortium, will regularly communicate with the Florida Governor, his designee on the Council, the Florida Department of Environmental Protection, the Water Management Districts, and other applicable state agencies to promote consistency among the entities related Gulf of Mexico ecosystem restoration planning efforts.

Planning Schedule

To fully incorporate the RESTORE Act’s criteria directing the development of projects, programs, and other activities to be included in the FSEP, as well as Council review and approval, a multi-year planning effort is anticipated. **From the date of grant award, it is estimated that 24 months will be required to complete the Florida State Expenditure Plan, pursuant to the planning approach summarized above.**

Planning Cost Estimate

The Consortium anticipates requesting a planning grant amount of **\$4,851,525** to cover contractual services and office space. This amount includes pre-award costs incurred from August 22, 2014 to June 1, 2015, as well as anticipated post-award costs to be incurred over the two year planning horizon. The table below provides an itemized breakdown of this planning cost estimate.

Category		Pre-Award 8/22/14–6/1/15	Year 1	Year 2	Totals
Contractual	Consultant services – planning and SEP development	\$15,000	\$1,108,675	\$1,108,675	\$2,232,350
	Consultant services - conceptual design and feasibility studies	\$0	\$0	\$1,000,000	\$1,000,000
	Planning development management services for SEP development	\$106,875	\$250,000	\$250,000	\$606,875
	Legal services	\$142,700	\$250,000	\$250,000	\$642,700
	Procurement of SEP consultant	\$15,000	\$0	\$0	\$15,000
	Leon County grant and financial management services (via Interlocal Agreement)	\$0	\$100,000	\$100,000	\$200,000
	Independent audit services	\$0	\$25,000	\$25,000	\$50,000
	A/V and meeting room rental	\$4,500	\$40,000	\$40,000	\$84,500
Other	Office space	\$5,700	\$7,200	\$7,200	\$20,100
Totals		\$289,775	\$1,780,875	\$2,780,875	\$4,851,525

Upon approval of the Planning State Expenditure Plan by the Council Chairperson, a more detailed description of the planning work effort, project schedule, and resource budgets will be provided as part of the Consortium’s administrative grant application. Should the demands of developing the FSEP justify additional planning funds, it is the understanding of the Consortium that its administrative grant application could be amended or supplemented to request such additional funds.

Required Narrative Components A-D

A. Exclusive Purpose of the Planning State Expenditure Plan

This Planning State Expenditure Plan deals exclusively with the development of the State Expenditure Plan for the State of Florida. The sole purpose of this submittal is to inform the Council of the Gulf Consortium’s intent to develop the Florida State Expenditure Plan, and its proposed approach and methodologies for doing so. In addition, it is expected that this Planning State Expenditure Plan (Phase I) will provide the basis for a subsequent request for an administrative grant application (Phase II) to the Council. **The Consortium hereby certifies that the planning funds granted by the Council to the Consortium will be used solely to support the development of the Florida State Expenditure Plan (defined as an eligible activity in 33 U.S.C. § 1321(t)(1)(B)(i)(VIII)), and may include conceptual design and feasibility studies related to specific projects.**

B. Economic and Ecological Recovery

The RESTORE Act establishes the Gulf Coast Ecosystem Restoration Council's primary responsibility as restoration of the economy and ecology of the Gulf Coast Region. Therefore, the Consortium will adopt ecological and economy recovery as the overarching standard for all projects that will be included in the Florida State Expenditure Plan. In addition, the Florida State Expenditure Plan will be prepared in such a manner that it is fully consistent with the criteria set out in the RESTORE Act.

C. Consistency with the Comprehensive Plan

The Gulf Consortium and its planning consultant team are very knowledgeable of the various aspects of the RESTORE Act, especially the Spill Impact Component and related rulemaking. It is fully understood that the Florida State Expenditure Plan must be developed in a manner that is consistent with the criteria set out in the RESTORE Act, which includes consistency with the goals and objectives of the Council's Comprehensive Plan.

The Council adopted five overarching goals in its Comprehensive Plan. Furthermore, the Council adopted seven objectives in its Comprehensive Plan that provide greater detail with respect to the specific types of projects and intended outcomes that should be promoted in State Expenditure Plans. The Florida State Expenditure Plan will be fully compliant with these goals and objectives.

Beyond the five overarching goals and seven objectives, the Council has also defined five commitments to direct the development of projects, programs, and other activities under its purview, including both the Council's Final Comprehensive Plan as well as State Expenditure Plans. The Florida State Expenditure Plan will be fully compliant with those commitments.

D. Excluded Projects

As stated in Component A above, planning funds granted by the Council to the Consortium will be used solely to support the development of the Florida State Expenditure Plan (defined as an eligible activity in 33 U.S.C. § 1321(t)(1)(B)(i)(VIII)), and may include conceptual design and feasibility studies related to specific projects. **The Consortium hereby certifies that the planning funds granted by the Council to the Consortium to support the development of the Florida State Expenditure Plan will expressly not be used for infrastructure improvements or engineering and environmental studies related to specific projects.**

Financial Management

The Consortium is a public entity created in October 2012 through an Interlocal Agreement between Florida's 23 Gulf Coast counties. As a public entity, the Consortium must meet all local government transparency requirements in Florida, including open public records and meetings, ethics and state auditing obligations.

From its inception to present the Consortium has utilized the Florida Association of Counties (FAC) as its interim general administrative and fiscal management staff to support its activities to date. In addition the Consortium has used Nabors, Giblin & Nickerson, P.A., to provide interim general counsel services to the Board. The Consortium intends to competitively procure planning development management services and legal services to develop the SEP on a permanent basis. In addition, a working relationship between the Consortium and Leon County currently exists. The Consortium entered into an Interlocal Agreement with the Leon County Board of County Commissioners in March 2014 to provide procurement services for the selection of a planning consultant to assist the Consortium in the development of the Florida State Expenditure Plan. The Interlocal Agreement was amended in December 2014 to provide for the procurement of all goods and services the Consortium may need, including procurement of the planning development management services and legal services. Copies of the Interlocal Agreements with Leon County are attached in **Appendix 3**.

The Consortium is in the process of expanding the Interlocal Agreement with Leon County and entering into a new Interlocal Agreement with the Leon County Clerk, to provide the financial management infrastructure for RESTORE Act grant funding to include the following services:

- Fiscal management functions;
- General ledger accounting;
- Budgeting; and
- Auditing.

The Consortium anticipates finalizing the Interlocal Agreements for grant and financial management services prior to the submission of the planning grant application to the Council. Leon County government has a long and extensive history of receiving and managing millions of dollars in federal grants each year. Currently it manages grants from all federal sources of approximately \$9 million annually. It fully complies with the Uniform Guidance Section 200's provisions related to administration, cost principles and audit requirements.

Leon County's Governmental Fund audited financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collected within the current period or soon enough thereafter to pay liabilities of the current period. Expenditures generally are recorded when a liability is incurred, as under accrual accounting.

Conflicts of Interest

The Consortium members, directors, alternates, Governor appointees and consultants adhere to rigorous conflict of interest requirements. As a special district in Florida, the Consortium is governed by the State Code of Ethics for Public Officers and Employees, Part III, Chapter 112, Florida Statutes, a copy of which is provided herein as **Appendix 4**. The Code provides standards of conduct for public officers and counsel, including full and complete disclosure of financial interests, prohibition on certain gifts and prohibition against doing business with one's agency. Additionally, the Memorandum of Understanding between the State of Florida and the Consortium (see Appendix 1) requires the Consortium to "adhere to all legal requirements

including, but not limited to, those relating to open meetings, public records, contracting, audits, and accountability.”

In addition to general conflict of interest disclosures and controls, the Consortium has implemented controls to prevent any and all persons involved in the preparation, review and approval of the Florida State Expenditure Plan – and by extension their employers, associates, heirs, etc. – from inappropriately profiting or otherwise benefitting from the subsequent funding and implementation of the State Expenditure Plan. As discussed above, the Consortium utilized an independent Evaluation Team to review and make recommendations regarding the selection of a planning consultant to assist the Consortium in developing the Florida State Expenditure Plan. The members of the consultant Evaluation Team were required to execute a conflict of interest statement, a copy of which is included as **Appendix 5**.

Furthermore, the agreement between the Consortium and the selected ESA consultant team specifically prohibits members of the consultant team from participating in any projects, programs, and activities ultimately included in the Florida State Expenditure Plan, pursuant to the following contract provision:

The Consultant agrees to recuse itself from all participation in any projects, programs, and activities ultimately included in the State Expenditure Plan. Attached as composite Exhibit E is a copy of each of the Consultant’s agreements with its named team partner firms and individuals regarding such firms recusal from all participation in any projects, programs, and activities ultimately included in the State Expenditure Plan.

As part of their agreement with the Consortium, ESA and the other members of consultant team have each executed a Conflict of Interest Statement confirming their understanding of, and compliance with, this prohibition.

Appendices

Appendix 1

Interlocal Agreement Relating to the Establishment of the Gulf Consortium

Appendix 2

Memorandum of Understanding between the State of Florida and the Gulf Consortium

Appendix 3

Interlocal Agreements between Leon County, Florida and the Gulf Consortium

Appendix 4

The Code of Ethics for Public Officers and Employees, Part III, Chapter 112, Florida Statutes

Appendix 5

Conflict of Interest Form executed by members of the Consortium's Evaluation Team for the selection of the State Expenditure Plan Consultant