



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

New Business - Community Services Group

J.2.

4/4/2023

Subject:

Approval, Re: Tourist Development Council (TDC) FY 2023-24 Cultural Support Grant Program Funding, Guidelines, Application and Scoresheet and provide staff direction regarding FY 2023-24 Major Event Grants

Fiscal Impact:

FY 2023-24: Program funding of up to \$400,000 from the TDC Cultural Fund (1446) for Cultural Support Grants. Program funding of up to \$100,000 from the TDC Cultural Fund (1446) for Major Event Grants. Note: These funds should not be affected if the Board decides to do a one-time transfer of Carry Forward funds of \$1 million from the Cultural Fund to the IRL Grant Program for FY 2023-24.

Dept/Office:

Tourism Development Office

Requested Action:

It is requested the Brevard County Board of County Commissioners approve:

- The Tourist Development Council FY 2023-24 TDC Cultural Support Grant Program Guidelines, Application and Committee Scoresheet.
- Funding of the FY 2023-24 Cultural Support Grant Program applications which shall come before the Board for final funding approval as the grant application cycle commences.
- That the Board make the legislative finding that Tourist Development Tax funds are authorized for each grant pursuant to Section 125.0104(5)(a)3., Florida Statutes, and Section 102-119(3)d. of the Brevard County Code of Ordinances, because each grant supports an activity or event which has as one of its main purposes the attraction of tourists as evidenced by the promotion of the activity, service, venue, or event to tourists from outside Brevard County.
- That the Tourism Development Office Director be authorized to negotiate and sign all necessary grant agreements and related documents upon County Attorney Office, Risk Management and Purchasing Services approval.

Lastly, it is requested the Brevard County Board of County Commissioners provide direction to Tourism Development Office regarding a FY 2023-24 Major Event Grant Program and whether TDO staff and the TDC shall work to create Guidelines, Application, Scoresheet, funding with the Cultural Committee for applications to come before the Board for final funding approval as the grant application commences.

Summary Explanation and Background:

These funds are put in place each fiscal year for projects approved by the TDC Cultural Committee, the Tourist Development Council, and the Brevard County Board of County Commissioners. These Cultural Support Grant projects are verified by the County Attorney's Office to be viable projects to receive support with Tourist Development Tax dollars per State Statute and local ordinance. Reimbursable grant awards are available to support projects that benefit tourism and promote cultural arts on the Space Coast. These Cultural Support Grant Program projects are approved and supported through the Cultural Committee plan and will serve as safe, world-class projects to promote the Space Coast as a tourism and cultural destination that are open and available to both tourists, visitors and the community.

- The Cultural Committee at their March 9, 2023 meeting, and the Tourist Development Council at their March 22, 2023 meeting, voted unanimously to recommend the Board approve the FY 2023-24 TDC Cultural Support Grant Program Funding, Guidelines, Application and Committee Scoresheet as well as make the necessary legislative findings. A summary of the revisions to the Cultural Support Grant Program Application, Guidelines and Scoresheet are: (gray shaded areas are updates/revisions by CAO and yellow is by Cultural Committee)
- Page 5 - TDC Cultural Support Grant Program Guidelines - 2.0 Statement of Applicant Responsibility, add 'If the grant is awarded, the applicant agrees to be bound by all terms contained in their application, these guidelines and any supporting documents'
- Page 6 - TDC Cultural Support Grant Program Guidelines - 4.0 Application Process and Key Dates, add 'and the Brevard County Board of County Commissioners'
- Page 8 - TDC Cultural Support Grant Program Guidelines - 6.0 Available Funds, edit 'Funding Award amounts' add 'At least 50% of the grant award must be spend on out-of-county advertising'
- Page 11 - TDC Cultural Support Grant Program Guidelines - 10.0 Reporting Requirements, add, 'The final report will include a detailed expenditure worksheet by category reconciled with the Applicant's Reimbursement Request, this data will be submitted to the Cultural Committee for review'
- Page 13 - TDC Cultural Support Grant Program Guidelines - 14.0 Terms and Conditions is completely new
- Page 20 - TDC Cultural Support Grant Program Guidelines - 15.0 Grant Award is completely new
- Page 21-23 TDC Cultural Support Grant Program Guidelines - Exhibit (A) Grant Scoring Sheet is updated all questions to align with Application and new points allocations
- Page 24 - TDC Cultural Support Grant Program Application add, '50% of grant award must be

used for out-of-county advertising/marketing, how with the other grant funds be used?' add,
'Out-of-county Marketing/Advertising (must account for at least 50% of the grant award)'

- Page 25 - TDC Cultural Support Grant Program Application updated, Q2-3, Q5-6

Regarding the Major Event Grant program, these projects are for larger events that generate a minimum of 25,000 attendees. The grants are reimbursable awards and are available to support projects that benefit tourism and promote cultural arts on the Space Coast. These Major Event Grant Program projects are approved and supported through the Cultural Committee and TDC to promote the Space Coast as a tourism and large event destination that are open and available to both tourists, visitors and the community. Past recipients of this grant program have been air shows and boat races. Staff is asking for direction on whether to solicit grant applications in Fiscal Year 2023-2024.

Clerk to the Board Instructions:

Please return a memo of the Board's action to the Tourism Development Office and CAO.





Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

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Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

April 5, 2023

MEMORANDUM

TO: Peter Cranis, Tourism Development Director

RE: Item J.2., Tourism Development Council (TDC) FY 2023-24 Cultural Support Grant Program Funding, Guidelines, Application and Scoresheet, and Provide Staff Direction regarding FY 2023-24 Major Event Grants

The Board of County Commissioners, in regular session on April 4, 2023, approved the TDC FY 2023-24 TDC Cultural Support Grant Program Guidelines, Application and Committee Scoresheet; approved funding of the FY 2023-24 Cultural Support Grant Program applications which shall come before the Board for final funding approval as the grant application cycle commences; granted making legislative finding that Tourist Development Tax funds are authorized for each grant pursuant to Section 125.0104(5)(a)3, Florida Statutes, and Section 102-119(3)d of the Brevard County Code of Ordinances, because each grant supports an activity or event which has as one of its main purposes the attraction of tourists as evidenced by the promotion of the activity, service, venue, or event to tourists from outside Brevard County; authorized you to negotiate and sign all necessary grant agreements and related documents upon County Attorney Office, Risk Management, and Purchasing Services approval; and directed the Tourism Development Office (TDO) to create Guidelines, Application, Scoresheet, and funding with the Cultural Committee for applications to come before the Board for final funding approval as the grant application commences, regarding a FY2023-24 Major Event Grant Program.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

/ds

cc: County Attorney
Each Commissioner
District 5, Chief of Staff
Finance
Budget



**BREVARD COUNTY
TOURISM DEVELOPMENT OFFICE**

Guidelines

**CULTURAL SUPPORT
GRANT PROGRAM**

Fiscal Year 2023-2024

Fiscal Year 2023-2024

CULTURAL SUPPORT GRANT PROGRAM

1.0 INTRODUCTION & BACKGROUND

This grant is provided by the Brevard County Board of County Commissioners through the use of the Local Option Tourist Development Act, pursuant to Section 125.0104(5)(a)3., Florida Statutes, and Section 102-119(3)d of the Brevard County Code of Ordinances. The BOCC has authorized Tourist Development Tax funds to be used for tourist-oriented cultural and special events such as visual and performing arts including theater, concerts, recitals, opera, dance, art exhibitions, festivals and other tourist related activities.

Cultural Support Grant Program is a program administrated by the Tourism Development Office, the focus of which is to promote Brevard County as a cultural destination.

Goals of the Cultural Support Grant Program:

1. Promote Brevard County as a cultural destination to both visitors and residents and make a positive impact to Brevard County tourism.
2. Enhance the Space Coast's cultural sector through increased event and marketing support for the benefit of visitors and residents.
3. Build awareness of the arts.

2.0 STATEMENT OF APPLICANT RESPONSIBILTY

Please read this entire document carefully.

The Tourism Development Office (TDO) and Brevard Cultural Alliance (BCA) staff will work in coordination to review the applications shortly after submission to determine if the application is complete or incomplete (i.e. missing attachments, lack of proper support materials, incomplete or incorrect support documents, etc.) and eligible for the grant. If the grant is awarded, the applicant agrees to be bound by all terms contained in their application, these guidelines, and any supporting documents. Incomplete or incorrect application packages will not be accepted and therefore will not be considered for funding. Applications that arrive after the application due date will not be reviewed or considered. Kindly note the due date, plan accordingly and double check your documents before you submit your application. If you have any question, please contact Deborah Webster at Deborah.Webster@VisitSpaceCoast.com.

3.0 ANTI-LOBBYING

All Tourism grant applicants are restricted from lobbying TDC members and committee members from the time the grant application is open until the Committee finalizes the grant scores. Applicants may not attempt to influence their deliberations or scoring to secure an award, either verbally or in writing. Any questions concerning a grant applicant or the grant process from either applicants or committee members should be directed to the designated staff at the Tourism Development Office.

4.0 APPLICATION PROCESS AND KEY DATES

The 2023-2024 Cultural Support Grant Program grant program for events occurring between October 1, 2023 and September 30, 2024.

March 9, 2023	Cultural Committee meeting #1, Tourism Development Office @2pm
April 6, 2023	Cultural Committee meeting #2, Tourism Development Office @2pm
April 19, 2023	Application window opens
April 19, 2023	Non-mandatory online CSGP Information meeting @10am
May 19, 2023	Application window closes @5pm
May 19-25, 2023	BCA & TDO staff reviews applications for completeness
May 25, 2023	Cultural Committee meeting #3, Zoom @2pm
June 26, 2023	Cultural Committee scoring due @5pm
July 19, 2023	Cultural Committee meeting #4, Review, Ranking & Recommendations, Tourism Development Office @2pm
July 26, 2023	Tourist Development Council meeting, Government Center @2pm
August 8, 2023	Brevard County Board of County Commissioners final approval, Government Center @5pm
August 9, 2023	Funding notification to the applicants & executed contracts
October 1, 2023	FY 2023-2024 grant period begins
September 30, 2024	FY 2023-2024 grant period ends
October 4, 2024	Final Reimbursement requests due
October 31, 2024	Final report due

The above dates are subject to change. Changes will be publicized in advance.

The TDC Cultural Committee will monitor the Cultural Support Grant Program, with annual approval by the Tourist Development Council and the Brevard County Board of County Commissioners. The Tourist Development Council will review and recommend approval of the grant program Guidelines, Application, Scoresheets and grant awards. The program will be administered by the Tourism Development Office (TDO) and Brevard Cultural Alliance (BCA) staff.

5.0 ELIGIBILITY

The primary purpose of the Cultural Support Grant Program is to promote Brevard County arts and culture by funding groups which present cultural and special events and market the events to out-of-county tourists. Such cultural and/or special events/activities could be visual and performing arts including theatre, concerts, recitals, opera, dance, art exhibitions, and festivals and other tourist-related activities). These Cultural and/or Special Events/Activities can be categorized into the following:

- Events – Festivals, Art Shows, etc. that last from 1-14 days
- Seasonal Activities – Theatres, symphonies, concerts that operate over the course of a year
- Museums – Facilities that continually operate over the course of a year
- Main Street Events – Street parties and events hosted by Main Street organizations

To be considered for this grant funding, the cultural and special events/activities must be held in-person with in-person attendees, with the main purpose of attracting out-of-county visitors to Brevard County. Virtual events or media outlets will not qualify for this grant. For applications to be considered for this grant, visitors to the event/season must account for total visitation of 1,000 out-of-county attendees. The out-of-county attendee measurement shall be conducted by TDO staff as a combined effort of online tracking tool and organization verified ticketing system.

To be eligible to apply for participation in the Cultural Support Grant Program an organization must also;

- a. Be a non-profit, tax-exempt Florida corporation, as a result of being incorporated or authorized as a non-profit Florida corporation in good standing, pursuant to Chapter 617, Florida Statutes or a governmental entity, and,
- b. Headquartered in Brevard County, and,
- c. Designated as a tax-exempt organization as defined in section 501(c)(3) of the Internal Revenue Code of 1954, or a governmental entity, and;
- d. Applicant organization must be the presenting/producing entity of events/activities to be promoted through the Cultural Support Grant Program.
- e. Provide IRS determination letter and Florida Department of State, Division of Corporations Detail by Entity Name Report.
- f. Supply required documentation – Updated W-9 (IRS Form Rev. October 2018), Certificate of Insurance (COI), Proof of Registration with E-Verify (17-page MOU) found at <https://www.e-verify.gov/about-e-verify>, proof of incorporation in the State of Florida, and most recent 990 form.
- g. If the applicant is a governmental entity, the applicant is exempt from supplying the listed documentation but may be required to supply other documentation at the request of the TDO.
- h. Private organizations should be incorporated for a minimum of two (2) years. (Date on IRS 501-c3)

- i. An organization must have held the event/season for at least one (1) year to qualify for the Cultural Support Grant Program.
- j. Fully cooperate with TDO staff post-event on guest information, surveys, and any other requests for information.

6.0 AVAILABLE FUNDS

Funds may be available for the fiscal year 2023-2024 Cultural Support Grant Program to support cultural organizations with their events/activities. In addition to creating unique cultural events/activities that promote Brevard County as a cultural destination, one of the main goals of this program is to attract out-of-county visitors to Brevard County.

Funding Award amounts;

# of Out-of-County attendees	Funding	Grant Program
1,000 – 2,500	\$15,000	Cultural Support Grant Program
2,501 – 5,000	\$20,000	Cultural Support Grant Program
5,001 +	\$25,000	Cultural Support Grant Program

The Cultural Support Grant program is a reimbursable grant. This grant is on a reimbursement basis to reimburse grantee for approved expenditures that directly support personnel, artistic services, marketing, supplies, materials, and other general operating costs. Grantees must initially self-fund approved expenditures, and upon receipt and acceptance of valid documentation will be reimbursed up to awarded amount. At least 50% of the grant award must be spent on out-of-county advertising.

The Tourist Development Office reserves the right to cancel/withdraw funding to this program at any time without cause. Applicants submit applications at their own cost and risk, without expectation of or reliance on funding award. Applicants may have their requested amounts reduced based on Tourist Development Council recommendations, funding availability, or number and quality of requests submitted. Annual funding of this program is subject to the Brevard County budgeting approval process and receipt of Tourist Development Tax revenues within Cultural fund.

7.0 ELIGIBLE USE OF FUNDS

Funds must be used for the project or event as proposed in the applicant’s grant application and categorized in the proposal budget worksheet, as well as the grant contract.

Funds also must be used to implement events or activities that promote Brevard County as a cultural destination and make a positive impact to local tourism by measuring the number of out-of-county visitors who attended the event or activity.

- Funds may **not** be used to finance projects that are already fully funded unless a project can be significantly enhanced with additional funds.
- Funds may **not** be used to pay debt obligations.
- Funds may **not** be used for grant applications or routine maintenance.

Allowable and Non-Allowable:

Allowable Costs:

- Expenditures within the grant period specified on the grant application and/or the period specified by the Brevard County Budget Department; and,
- They are solely for the purposes of the grant and can be easily identified as such.

Non-Allowable Costs:

- Expenditures before or after the grant period;
- Lobbying or attempting to influence federal, state, or local legislation;
- Capital improvements, including but not limited to new construction, renovation, and installation or replacement of fixtures in the permanent facility of the organization;
- Bad debts, contingencies, fines and penalties, interest, other financial costs and costs of litigation or tuition;
- Plaques, awards, scholarships, gift cards, prize money or certificates;
- Items for resale
- Projects which are restricted to private or exclusive participation;
- Regranting (using County funds to underwrite local grants programs);
- contributions and donations;
- any other expenditure not authorized by Chapter 112 of the Florida Statutes or Brevard County Codes and Policies or any other law.

8.0 APPLICATION SUBMITTAL PROCEDURES

The Cultural Support Grant Program application may only be submitted electronically through an online portal link that will be available to interested organizations on April 19, 2023. TDO staff will conduct a pre-qualification attendance audit for projects beginning April 1, 2023. If you intend to apply for the FY 2023-2024 Cultural Support Grant Program, please complete this brief questionnaire (CLICK LINK). Eligibly results will be emailed to you on April 19, 2023. If you chose not complete the questionnaire you may still apply for the program but your attendance eligibility will not be determined until you submit your application on May 19, 2023.

Projects that are deemed attendance eligible will be emailed the application on

April 19, 2023.

A non-mandatory information meeting will be conducted at 11am on April 19, 2023. The application deadline is no later than 5pm EST on June 26, 2023 to be considered for funding. If you have questions about the application or program, please make them in writing to Deborah Webster at Deborah.Webster@VisitSpaceCoast.com until the application deadline.

A non-mandatory virtual Information meeting to answer any questions you may have about the process or application will be held at 11am on April 19, 2023.

Join Zoom Meeting
<https://us06web.zoom.us/j/82674272083>

Meeting ID: 826 7427 2083
+1 929 205 6099

9.0 EVALUATION CRITERIA AND APPROVAL PROCESS

On the close of the application window, May 19, 2023, BCA staff will receive and review all grant applications to ensure:

1. Applications are submitted by the deadline; no later arrivals will be accepted.
2. Applications are complete and contain all required information.
3. Applications are for eligible activities and expenses.
4. Applications have met the minimum out-of-county visitor requirement for that funding tier.
5. TDO staff will review the applications and shall have the direction and authority to disqualify those who do not meet the minimum requirements prior to committee review.
6. Each member of the Cultural Committee will receive eligible applications and scoresheets (see attached sample scoresheet) for review. Committee members will be instructed to review each proposal using the scoresheet and assign a numeric score to the project and submit a completed scoresheet for each application to TDO staff.
7. TDO staff will assemble the scoresheets for each project. The highest and lowest scores will be discarded for each application to adjust for possible scoring outliers. TDO staff will rank each project in order based on the remaining scores, ranking of project will be by average of the trimmed mean score.
8. Project rankings will be reviewed and discussed in a Cultural Committee meeting that is open to the public.

Cultural Committee meeting – Review, Ranking & Recommendation Meeting-

- TDO staff will distribute the scoring of the applications. Applications will be presented in order of ranking, with total funding level for each application deemed eligible by reaching the average trimmed mean score of 80 or higher.
 - The Committee chair will open the floor to validate the scores.
 - The Committee chair will open the floor for discussion and funding recommendations.
 - Upon completion of the recommendations, the Committee chair will entertain any comments from Committee Members regarding the process or applications.
9. Each recommended project will go to the Tourist Development Council for review and approval of recommended funding levels, if approved, project will be sent to the Brevard County Board of County Commissioners for final approval.

Awards are not final and available for use until final approval by the Board of County Commissioners and contracts have been fully executed.

10.0 REPORTING REQUIREMENTS

Applicants are required to complete one report for FY 2023-2024 grant cycle. Applicants will be provided a reporting link to complete the final report. In instances of an event (single or multi-day event) a final report and reimbursement request are due within 60 days of the conclusion of the event by using the Event Reimbursement Request Form (RRF). Funds supporting a “season” must complete a final report by October 31, 2024. The final report will include a detailed expenditure worksheet by category reconciled with the Applicant’s Reimbursement Request, this data will be submitted to the Cultural Committee for review.

Reimbursement requests are due October 4, 2024. Failure to comply and submit a final report by due date may impact future funding requests.

11.0 GRANT REIMBURSEMENT REQUESTS

The funds for these grants are strictly regulated by Florida State Statutes, Brevard County Code of Ordinances, and Brevard County policies/procedures. The aforementioned regulations relate to the use and disbursement of Tourist Development Tax (TDT) revenue funds.

Prior to preparing your reimbursement, ensure that the expenses/costs for which you are requesting reimbursement are consistent with your grant application and grant agreement. Also, note all Tourism Development Office Grants are reimbursement based. They ARE NOT direct vendor payments or pre-payments.

All documents and invoices provided will become subject to Public Records laws.

Please submit your TDO Grant Reimbursement Request Form in Excel provided to you by your liaison and the reimbursement backup listed below in Adobe PDF format.

Submit grant reimbursement paperwork as soon as a project milestone, event or season is complete. Deadline for ALL grant reimbursement requests for FY 23-24 is close of business Friday, October 4, 2024.

Each Grant Reimbursement Submission Package Must Contain the Following Four (4) Items (in this order):

1. The TDO Grant Reimbursement Request Form (RRF, a provided Excel document).
 - A. Vendor invoices must be listed line by line.
 - B. Vendor name, vendor invoice #, description of grant related service and amount of reimbursement being requested must be included.
 - C. Invoice numbers on the form are not the 1, 2,3 numbers shown on the right side of the form, they are the actual vendor invoice number.
2. Vendor Invoices and Receipts for Allowable Expenses.
 - A. Invoices and receipts must have the line # (the 1, 2, 3... numbers shown on the right side of the form) on the top of each page of backup that corresponds with line # on the Grant Reimbursement Request Form.
 - B. This includes the invoice and/or receipt for any grant reimbursable product or service.
3. Financial Proof of Goods and Services purchased with grant funding in the form of cancelled checks (front and back copy), ACH direct payment receipts, credit card receipts and statements. ALL account numbers, bank routing numbers, social security numbers, authorizing signatures and other credit card transactions MUST be redacted (blacked out).
4. Backup Proof of Completed Grant Related Goods and Services which focus on promoting Brevard County tourism to include:
 - Copies of any advertising whose purpose is to drive tourism to Brevard County
 - Photos of rental tents or equipment
 - Photos of equipment purchased in support of the grant
 - Screenshots of website and social media
 - Copies of the printed material
 - Copies or photos of the signs to ensure they were not used for some other purpose
 - If payroll is being requested for reimbursement, the line on reimbursement cover sheet requires an abbreviated personnel description that is grant related along with the pay period dates. Leave the invoice field blank for payroll items
 - Copies of vendor reports or materials lists

- Any other allowable, reimbursable expense that was listed in the grant application budget and grant agreement.

Refer to Section “Eligible Use of Funds” for descriptions of allowable and unallowable expenses that can be reimbursed under this grant program.

12.0 CREDIT & LOGO

Grantees/event organizers must agree to prominently recognize the Space Coast Office of Tourism and Brevard County (where possible) as an event supporter in all marketing materials, advertising, website and other marketing related communications promoting the event/season both in and out of the local market. The Space Coast Office of Tourism logo must be included in all display advertising, printed collateral, email marketing, etc. where appropriate. The logo must be easily legible and should be displayed in a manner which does not distort or warp the original logo file. Logo usage standards will be provided to grantees/event organizers as well as high resolution and/or vector logo files to be included in event materials. Use the following language for all materials;

This event is supported by the Brevard County Board of County Commissioners and the Space Coast Office of Tourism.

Logos available to download <https://bit.ly/SpaceCoastLogo> or by email request to marketing@visitspacecoast.com.

13.0 GRANT BENEFITS

Other benefits beyond the awarded funding to organizations are;

- TDO will provide a link to the organization to input a free event/season listing on VisitSpaceCoast.com.
- TDO will provide a website pixel for the event organizer to implement on to their website or event landing page (if they have one, instructions will be furnished if needed). This pixel will provide visitor data including demographics and booking information.

14.0 TERMS AND CONDITIONS

Should the grant be awarded, the applicant agrees to be bound by the following terms and conditions:

Grantor means the Brevard County Board of County Commissioners acting through the TDO and Grantee means the applicant. The term Parties means both the Grantor and Grantee.

This grant is contingent upon the availability of applicable tourist development tax funds and subject to any limitations provided by Section 125.0104, Florida Statutes, and Section 102-119 of the Brevard County Code, as either may be amended from time to time. Should funds no longer be available, the GRANTOR shall provide written notice to the GRANTEE. This grant is not a lien, either legal or equitable, on any of the GRANTOR's non-tourist development related revenues.

GRANTEE agrees and understands that all funding authorized through this grant shall be used only for eligible activities in accordance with State and Local law, and this grant.

I. Payment Procedures

For work performed by GRANTEE during the cultural grant term, the GRANTEE must submit adequate documentation according to the payment procedures outlined in the grant on or before October 8, 2024. If documentation is submitted after October 8, 2024, the Parties agree the GRANTOR has no obligation to reimburse those expenses and GRANTOR has no further obligation under the grant to GRANTEE.

If a question arises as to the sufficiency of the GRANTEE's documentation, the Parties agree that the Executive Director the TDO shall make the determination on whether or not the documentation is sufficient to support payment of the grant. Funds are only eligible for reimbursement as proposed in the GRANTEE's application or as modified through the grant award. The Parties agree the GRANTOR will reject submissions for reimbursement for items not proposed in the grant application. Funds may not be used to pay debt obligations. Reimbursement requests may be submitted no more frequently than once a month, using the Event Reimbursement Request Form that will be emailed to GRANTEE.

II. Legal Responsibilities and Waiver of Trial by Jury

The Parties agree that, in the case of a dispute, the Parties will first work to resolve the dispute informally. In case of legal action, each Party agrees to the following terms: To bear its own attorney's fees and costs; that venue is in a court of competent jurisdiction in Brevard County; **TO WAIVE ANY RIGHT TO A JURY TRIAL**; and that this grant is governed according to the laws of the State of Florida.

GRANTEE agrees to comply with all federal, state and local laws, and is responsible for any and all permits, fees, and licenses necessary to perform the event or activity. Nothing in this grant shall be construed as a waiver by GRANTOR of any requirements for local permits, fees, and licenses.

GRANTEE shall perform the services independently and nothing contained in this Agreement shall be construed to be inconsistent with this relationship or status. Nothing in this grant shall

be interpreted or construed to make GRANTEE, or any of its agents, or employees to be the agent, employee or representative of the GRANTOR.

GRANTEE shall not engage the services of any person or persons now employed by Brevard County, on a private basis, to provide services relating to this grant without written consent from Brevard County. This does not prevent GRANTEE from using, reserving, or renting Brevard County facilities. The waiver by GRANTOR of any of GRANTEE's obligations or duties under this grant shall not constitute a waiver of any other obligation or duty of the other Party under this grant, nor shall a waiver of any such obligation or duty constitute a continuing waiver of that obligation of duty.

This grant shall not obligate or make GRANTOR or GRANTEE liable to any Party other than the Parties. Oversight of any GRANTEE staff will be the responsibility of GRANTEE.

If any provision of this grant is held invalid, the remainder of this grant agreement shall not be affected if such remainder continues to conform to the terms and requirements of applicable law.

III. Indemnification and Hold Harmless

GRANTEE shall indemnify, defend, and hold harmless GRANTOR for the negligent acts and omissions of GRANTEE's own employees and agents in the performance of event or activity sponsored by this grant, to the extent permitted by law, and against any and all third-party claims, suits, proceedings, losses, liabilities, damages, fees and expenses (including reasonable attorney's fees and expenses) related to the event or activity. GRANTEE expressly agrees that GRANTOR has no liability to GRANTEE for GRANTEE's event or activity or GRANTEE's operation. GRANTOR's indemnity and liability obligations hereunder shall be subject to GRANTOR's right of sovereign immunity and limited to the extent of the protections of and limitations on damages as set forth in Section 768.28, Florida Statutes. Nothing in this grant is intended to inure to the benefit of any third party for the purpose of allowing any claim which would otherwise be barred under the doctrine of sovereign immunity or by operation of law. Nothing herein shall constitute a waiver of GRANTOR's sovereign immunity. The Parties acknowledge specific consideration has been exchanged for this provision.

IV. Amendment, Assignment of Agreement

Amendments to this grant may be initiated by either Party. Amendments shall be formally ratified and approved by written amendment to the grant by both Parties. GRANTEE shall not assign any portion of this grant without the written permission of GRANTOR. All conditions and assurances required by this grant are binding on the Parties and their authorized successors in interest.

V. Insurance

If you are awarded a grant you will be required to procure and maintain, at your own expense and without cost to the BOCC, a General Commercial Liability Insurance policy with a \$1,000,000 combined single limit for each occurrence to include personal injury, contractual liability covering the project performed pursuant to the grant. Including errors and omissions coverage upon TDO request. Depending on the event sponsored, the TDO may require additional insurance. Award recipients shall provide the TDO with a Certificate of Insurance prior to contract execution. The insurance coverage enumerated above constitutes the minimum requirements and shall in no way lessen or limit the liability of grantee under the terms of the Grant. The following items are required of each COI;

- Box labeled "Certificate Holder" – shall read "Brevard County, 150 Cocoa Isles Blvd, St. 401, Cocoa Beach, FL 32931"
- Box labeled "Description of Operations/locations/vehicles" – shall read "Brevard County is listed as an Additional insured"
- Provide Endorsements pages which provide that your entity is endorsed as an additional insured

It is the responsibility of the applicant to provide insurance documents to the TDO staff and to re-submit updated insurance prior to their expiration if this occurs during the grant period.

GRANTEE agrees to procure and maintain, at its own expense and without cost to GRANTOR, the following types of insurance. In the sole discretion of the TDO, the TDO may require additional amounts or types of insurance depending on the type of event or activity. Any additional requirements will be included in the notice of grant award. The policy limits required are to be considered minimum amounts:

a. General Liability Insurance policy with a \$1,000,000 combined single limit for each occurrence to include personal injury, contractual liability, and errors and omissions coverage.

b. Auto Liability Insurance policy which includes coverage for all owned, non-owned and rented vehicles with a \$1,000,000 combined single limit for each occurrence, as well as, Full Coverage Vehicle Insurance to include Liability (as above), Collision, Comprehensive, PIP and Uninsured Motorists.

c. Workers' Compensation and Employers Liability Insurance policy covering all employees of GRANTEE that work on this Grant, as required by law. Coverage shall be for all employees directly or indirectly engaged in work on this Grant, with limits of coverage as required by State law.

d. GRANTEE will provide certificates of insurance to GRANTOR demonstrating that the insurance requirements have been met prior to the commencement of work under this grant.

The insurance coverage enumerated above constitutes the minimum requirements and shall in

no way lessen or limit the liability of GRANTEE under the terms of the grant.

VI. Termination

If either Party fails or refuses to perform any of the provisions required under the grant guidelines, application, or otherwise fails to timely satisfy the grant provisions, either Party may notify the other Party in writing of the nonperformance and terminate the grant or such part of the grant award as to which there has been a delay or a failure to properly perform. Such termination is effective upon the Party's receipt of the Notice of Termination. Upon termination, GRANTOR has no further obligation to GRANTEE.

VII. Right to Audit Records

In performance of this grant, GRANTEE shall keep books, records, and accounts of all activities related to this grant, in compliance with generally accepted accounting procedures. All documents, papers, books, records and accounts made or received by GRANTEE in conjunction with and the performance of this grant shall be open to inspection during regular business hours by an authorized representative of the office and shall be retained by GRANTEE for a period of five (5) years after the end of the grant period, unless returned to GRANTOR sooner.

VIII. Scrutinized Companies

A. The GRANTEE certifies that it and its Subcontractors are not on the Scrutinized Companies that Boycott Israel List. Pursuant to Section 287.135, Florida Statutes, the COUNTY may immediately terminate this grant at its sole option if the GRANTEE or its Subcontractors are found to have submitted a false certification; or if the GRANTEE, or its Subcontractors are placed on the Scrutinized Companies that Boycott Israel List or is engaged in a boycott of Israel during the term of this grant.

B. If this grant is for more than one million dollars, the GRANTEE further certifies that it and its Subcontractors are also not on the Scrutinized Companies with Activities in Sudan, Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, or engaged with business operations in Cuba or Syria as identified in Section 287.135, Florida Statutes.

C. Pursuant to Section 287.135, Florida Statutes, the COUNTY may immediately terminate this grant at its sole option if the GRANTEE, its affiliates, or its Subcontractors are found to have submitted a false certification; or if the GRANTEE, its affiliates, or its Subcontractors are placed on the Scrutinized Companies that Boycott the Scrutinized Companies with Activities in Sudan List, or Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, or engaged with business operations in Cuba or Syria during the term of the grant.

D. The GRANTEE agrees to observe the above requirements for applicable subcontracts entered into for the performance of work under this grant.

E. As provided in Subsection 287.135(8), Florida Statutes, if federal law ceases to authorize these contracting prohibitions, this section shall become inoperative and unenforceable.

IX. Employment Eligibility Verification (E-Verify)

A. The GRANTEE shall comply with the applicable provisions of section 448.095, Florida Statutes. Upon request, GRANTEE shall provide acceptable evidence of their enrollment in the U.S. Department of Homeland Security's E-verify system. Acceptable evidence shall include, but not be limited to, a copy of the fully executed E-Verify Memorandum of Understanding for the business. If applicable, a GRANTEE may alternatively provide an affidavit as to compliance with section 448.095(3)(b)(2), Florida Statutes.

B. A GRANTEE meeting the definition of a contractor in section 448.095, Florida Statutes shall require its subcontractors to provide the affidavit specified at section 448.095 (2)(b), Florida Statutes.

C. As applicable, GRANTEE agrees to maintain records of its participation and compliance with the provisions of the E-Verify program, including, if applicable, participation by its subcontractors as required by section 448.095(2)(b), Florida Statutes, and to make such records available to the GRANTOR consistent with the terms of GRANTEE's enrollment in the program.

D. Compliance with the terms of this section is made an express condition of this Grant and the GRANTOR may treat a failure as grounds for immediate termination of this Grant.

E. A GRANTEE who registers with and participates in the E-Verify program may not be barred or penalized under this section if, as a result of receiving inaccurate verification information from the E-Verify program, the GRANTEE hires or employs a person who is not eligible for employment.

F. Nothing in this section may be construed to allow intentional discrimination of any class protected by law.

G. GRANTOR will not intentionally award a publicly-funded Grant to any GRANTEE who knowingly employs unauthorized alien workers, constituting a violation of the employment provisions contained in 8 United States Code (USC) section 1324a(e)(section 274A(e) of the Immigration and Nationality Act (INA)). GRANTOR shall consider a GRANTEE's intentional employment of unauthorized aliens as grounds for immediate termination of this Grant.

X. Public Records Disclosures

GRANTEE agrees that Florida has broad public disclosure laws, and that any written communications with GRANTEE, to include emails, email addresses, a copy of this grant, and

any supporting documentation related to this grant are subject to public disclosure upon request, unless otherwise exempt or confidential under Florida Statute.

Public records are defined as all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency. In this case, the portion of the GRANTEE's records relating to the acceptance and use of the GRANTOR grant are public records that may be subject to production upon request. The GRANTEE agrees to keep and maintain these public records until completion of the event or activity. Upon completion, GRANTEE may continue to retain the public records for five years, or transfer, at no cost, to the GRANTOR, any public records in its possession in an electronic format readable by GRANTOR.

Upon a request for public records related to this grant, GRANTEE will forward any such request to the GRANTOR. GRANTOR will respond to any public records request. Upon request, as to records in the GRANTEE possession, GRANTEE will provide access or electronic copies of any pertinent public records related to this grant to GRANTOR within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes.

GRANTEE agrees that GRANTOR will consider all documentation the GRANTOR submits to Brevard County to support payment of this grant to be subject to public records disclosure.

IF GRANTEE HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO GRANTEE'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT THE OFFICE OF TOURISM, C/O ADMINISTRATIVE SECRETARY, 150 Cocoa Isles Blvd. Cocoa Beach, FL 32931, PHONE (321) 433-4470.

XI. Notices

Any notices required or permitted by this grant shall be in writing and shall be deemed delivered upon hand delivery, or three (3) days following deposit in the United States postal system, postage prepaid, return receipt requested, addressed to the parties at the following addresses:

GRANTOR:

Brevard County Office of Tourism
c/o Executive Director
150 Cocoa Isles Blvd.
Cocoa Beach, Florida 32931
Phone: (321) 433-4470

GRANTEE:

Contact information listed on GHRANTEE's application.

XII. Effective Date

The grant shall be effective on the last day the Parties execute the grant award (the "Effective Date"). The Parties agree that all work performed by GRANTEE prior to the effective date but during the term of the grant is subject to the provisions of this Agreement.

XIII. Entirety, Construction of Agreement, and Counterparts

The grant guidelines, application, Clerk to the Brevard County Board of County Commissioners memorandum ("Clerk's Memo"), any included exhibits or required documentation and the grant award represents the entire understanding between the Parties in its entirety and no other agreements, either oral or written, exist between GRANTOR and GRANTEE. The application, grant guidelines, grant award are attached and incorporated into the grant by this reference. The Parties acknowledge that they fully reviewed all requirements and had the opportunity to consult with legal counsel of their choice, and that this grant shall not be construed against any Party as if they were the drafter of this grant. This grant may be executed in counterparts all of which, taken together, shall constitute one and the same. GRANTEE warrants that it is possessed with all requisite lawful authority to apply for and accept this grant

XIV. Foreign Disclosures.

GRANTEE will complete GRANTOR's foreign disclosure form and make any required disclosures to the State of Florida.

15. GRANT AWARD

Upon approval by the Brevard County Board of County Commissioners, the GRANTOR will issue a Notice of Award to the Grantee listing the grant award amount and any additional conditions or restrictions that may differ from the grant guidelines, grant application, Clerk's Memo, and other accompanying documents. Should there be any conflict, the Notice of Award shall control to the extent of said conflict.

EXHIBIT (A) Grant Scoring Sheet

(Insert Scorecard Here)

EXHIBIT (A)

Tourism Development Council FY 2023-2024 Cultural Support Grant Program – Evaluation Form <i>Requests must achieve a minimum of 80 points to be considered for funding</i>		
REVIEWER (SIGNATURE):		
REVIEWER (PRINT):		
Section 1 – Applicant Information (TDO staff will complete this section)		
Organization Name:		
Project Number:		
# of Out-of-County visitors		
Project is eligible for \$		
Evaluation Criteria	Points Available	Points Earned
(1) Did the application clearly describes the proposed event/season?	20	
Reviewer: Use the following scoring rubric as a guide		
Poorly presented/poor location: 0 - 5 points		
Adequate: 6 - 10 points		
Good: 11- 15 points		
Very Good: 16 – 18 points		
Excellent: 19 - 20 points		
<u>Comments for Q1:</u>		
(2) Did the application clearly describe how the proposed event/season intends to promote the Space Coast as a cultural destination? Did the application describe the cultural qualities that will create publicity opportunities on a regional or national level to promote the Space Coast as a cultural destination?	20	
Reviewer: Use the following scoring rubric as a guide		
Poorly presented: 0 - 5 points		
Adequate: 6 - 10 points		
Good: 11 - 15 points		
Very Good: 16 – 18 points		
Excellent: 19 - 20 points		

<u>Comments for Q2:</u>		
(3) Did the application include their Marketing/Advertising plan? Does the Marketing/Advertising plan provide details? Does the Marketing/Advertising plan offer the following elements; goals & objectives, target audience(s), specific marketing activities, timeline and detailed Marketing/Advertising budget worksheet itemizing how 50% of the grant award will be spent on out-of-county Marketing/Advertising?	20	
Reviewer: Use the following scoring rubric as a guide		
Poorly presented: 0 - 5 points		
Adequate: 6 - 10 points		
Good: 11 - 15 points		
Very Good: 16 – 18 points		
Excellent: 19 - 20 points		
<u>Comments for Q3:</u>		
(4) Did the application describe in detail how they intend to measure and evaluate the success of their event/season?	20	
Reviewer: Use the following scoring rubric as a guide		
Poorly presented: 0 - 5 points		
Adequate: 6 - 10 points		
Good: 11 - 15 points		
Very Good: 16 – 18 points		
Excellent: 19 - 20 points		
<u>Comments for Q4:</u>		
(5) Did the application include a detailed operating budget worksheet reflecting both revenue & expenses for the proposed event/season? Did the operating budget itemize the proposed event/season and the most	10	

recent event/season actuals?		
Reviewer: Use the following scoring rubric as a guide		
Poorly presented: 0 - 2 points		
Adequate: 3 - 4 points		
Good: 5- 7 points		
Very Good: 8 – 9 points		
Excellent: 10 points		
Comments for Q5:		
(6) Did the application include 3-5 supporting Marketing/Advertising creative assets? <i>Suggested creative assets: Facebook/Instagram and/or other social media posts, website, TV/video, brochure, poster, text for a radio spot, or other promotional materials, etc.</i>	10	
Reviewer: Use the following scoring rubric as a guide		
Poorly presented: 0 - 2 points		
Adequate: 3 - 4 points		
Good: 5 - 7 points		
Very Good: 8 - 9 points		
Excellent: 10 points		
Comments for Q6:		
PROPOSAL SCORE (Maximum 100 points)	100	

Cultural Support Grant Program Application

FY 2023-2024

Are you completing this application for – (DROPDOWN) Event or Season

Proposed name of the event/season - _____

Name of Organization - _____

Mailing Address - _____

City, State, Zip Code - _____

Federal Employer ID # - _____

Website Address - _____

Organization Telephone - _____

Organization Email - _____

Primary Contact person (first & last name) - _____

Primary Contact person Phone - _____

Primary Contract person Email - _____

Alternative Contact person (first & last name) - _____

Alternative Contact person Phone - _____

Alternative Contact person Email - _____

50 % of grant award must be used for out-of-county Marketing/Advertising, how will the other grant funds be used? (Check all that apply) (CHECKBOXES)

- Staff/Personnel
- Artistic Services
- Materials/Supplies
- Out-of-county Marketing/Advertising (must account for at least 50% of the grant award)
- Other General Operating Costs

Please provide a brief description of your organization.

(This is for background information for the Committee and will not be scored, be concise but detailed, limited to 500-words)

- (1) Please describe the proposed event/season for which you are seeking funding from the FY 2023-2024 Cultural Support Grant Program. *(Be brief & concise but answer the question fully, 500-word limit)*
- (2) How does your proposed event/season promote the Space Coast as a cultural destination? Please describe the cultural qualities that will create publicity opportunities on a regional or national level to promote the Space Coast as a cultural destination. *(Please describe in detail but concise, 500-word limit)*
- (3) Upload your Marketing/Advertising plan.
Suggested elements of your Marketing/Advertising plan shall include but not limited to: goals and objectives, target audience(s), specific marketing activities, timeline and detailed Marketing/Advertising budget worksheet itemizing how you will spend 50% of the grant award on out-of-county Marketing/Advertising.
- (4) Please describe in detail how you will measure and evaluate the success of your event/season? *(Please describe in detail but concise, 500-word limit)*
- (5) Upload your detailed operating budget worksheet to reflect both revenue & expenses for your proposed event/season. The operating budget template is provided to you on the first page of the application. Please download the template, complete it and upload it here. You will be asked to itemize revenue & expenses for your proposed event/season and your most recent event/season actuals.
- (6) Upload 3-5 supporting Marketing/Advertising creative assets.
Suggested creative assets: Facebook/Instagram and/or other social media posts, website, TV/video, brochure, poster, text for a radio spot, or other promotional materials, etc.