



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

New Business - Community Services Group

I.2.

8/8/2023

Subject:

Approval, Re: FY 2023-24 Tourist Development Council (TDC) Capital Facilities Grant Program Application, Funding, Guidelines, and Committee Score Sheet.

Fiscal Impact:

FY 2023-24: Program funding of up to \$5 million from the TDC Capital Facilities fund 1443-293200.

Dept/Office:

Tourism Development Office

Requested Action:

It is requested the Board of County Commissioners:

(1) approve the Tourist Development Council FY 2023-24 TDC Capital Facilities Grant Program Application, Funding, Guidelines and Committee Score Sheet.

(2) approve funding of the FY 2023-24 Capital Facilities Grant Program applications which shall come before the Board for final funding approval as the grant application cycle commences.

(3) make the legislative finding that Tourist Development Tax funds are authorized for each grant pursuant to Section 125.0104(5)(a), Florida Statutes, and Section 102-119(3)c 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.

(4) request that the Tourism Development Office Department Director be authorized to negotiate and sign all necessary grant agreements and related documents upon County Attorney Office, Risk Management and Purchasing Services approval.

Summary Explanation and Background:

These funds put in place each fiscal year for future capital facilities projects approved by the TDC Capital Facilities Committee, the Tourist Development Council, and the Brevard County Board of County Commissioners. These capital 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 with a minimum amount of \$250,000 are available to support capital projects that benefit tourism on the Florida's Space Coast. These capital projects are approved and supported through the Tourism capital facilities plan will serve as safe world-class attractions and facilities that are open to both tourists,

visitors, and the community.

The TDC Capital Facilities Committee at their March 30, 2023 meeting, and the Tourist Development Council at their April 26, 2023 meeting, voted unanimously to recommend the Board approve the FY 2023-2024 TDC Capital Facilities Grant Application, Funding, Guidelines and Committee Score Sheet as well as make the necessary legislative findings.

Changes to the Capital Facilities Application and Guidelines, as recommended by the County Attorney's Office are highlighted. The Capital Facilities Application and Guidelines were both approved, as presented by staff, by the TDC Capital Committee and TDC. No edits were made by the Committee or TDC.

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

Telephone: (321) 637-2001
Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

August 9, 2023

MEMORANDUM

TO: Peter Cranis, Tourism Development Director

RE: Item I.2., Approval of the FY 2023-24 Tourist Development Council (TDC) Capital Facilities Grant Program Application, Funding, Guidelines, and Committee Score Sheet

The Board of County Commissioners, in regular session on August 8, 2023, approved the Tourist Development Council FY 2023-24 TDC Capital Facilities Grant Program Application, funding, guidelines, and committee score sheet; approved funding of the FY 2023-24 Capital Facilities Grant Program applications which shall come before the Board for a final funding approval as the grant application cycle commences; granted legislative finding that Tourist Development Tax (TDT) funds are authorized for each grant pursuant to Section 125.0104(5)(a), Florida Statutes, and Section 102-119(3)c 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 of Brevard County; and authorized you to negotiate and sign all necessary grant agreements and related documents, upon approval by County Attorney's Office, Risk Management, and Purchasing Services.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

Kimberly Powell
Kimberly Powell, Clerk to the Board

cc: County Attorney
Finance
Budget



**BREVARD COUNTY
TOURISM DEVELOPMENT OFFICE**

Guidelines

**CAPITAL FACILITIES
GRANT PROGRAM**

Fiscal Year 2023-2024

Fiscal Year 2023-2024

CAPITAL FACILITIES 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)(1), Florida Statutes, and Section 102-119(3)(c) of the Brevard County Code of Ordinances. The BOCC has authorized Tourist Development Tax funds to be used to acquire, construct, extend, enlarge, remodel, repair, improve, maintain, operate or promote one or more publicly owned and operated convention centers, sports stadiums, sports arenas, coliseums, or auditoriums within the county; and further including museums, zoological parks, aquariums, fishing piers or nature centers which are publicly owned and operated or owned and operated by not-for-profit organizations and open to the public within the county; and to further include auditoriums that are publicly owned but are operated by organizations that are exempt from federal taxation pursuant to 26 United States Code section 501(c)(3) and open to the public within the county.

The Capital Facilities Grant Program is a program administered by the Tourism Development Office.

Goals of the Capital Facilities Grant Program:

1. Promote Brevard County as a tourist destination to both visitors and residents through the construction and modification of attractions and venues.
2. Enhance the Space Coast's infrastructure through these capital projects for the benefit of visitors and residents.

2.0 STATEMENT OF APPLICANT RESPONSIBILITY

Please read this entire document carefully.

The Tourism Development Office (TDO) will 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 questions, please contact the program liaison Jeffrey Baron email jeffrey.baron@visitspacecoast.com with any questions.

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 FY 23-24 Capital Facilities grant calendar for projects beginning October 1, 2023 is:

August 8, 2023	BoCC Approval Guidelines, App and Scoresheet	BoCC – 5pm
August 9, 2023	Grant Application Period Opens	TDO -9:00am
August 17, 2023	Applicant Presentations	Cap Fac Mtg #2 - 2pm
August 28, 2023	Grant Application Period Closes	TDO - COB 5pm
September 9, 2023	Completed scoresheets due from Committee	TDO - NLT 5pm
September 13, 2023	Committee Scoring and Recommendations	Capital Facilities Committee Meeting #3 – 2:00pm
September 27, 2023	Approval by TDC of Award Recommendations	<u>September</u> TDC Meeting 2pm
October 10, 2023	BoCC final approval	BoCC Meeting – 5pm
October 11, 2023	Projects begin	TDO
October 11, 2029	Projects end per agreement with grantee	TDO

The above dates are subject to change. Changes will be publicized in advance. The TDC Capital Facilities Committee will monitor the 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) staff.

5.0 ELIGIBILITY

The primary purpose of the Capital Facilities Grant Program is to acquire, construct, extend, enlarge, remodel, repair, improve, maintain, operate or promote publicly owned and operated convention centers, sports stadiums, sports arenas, coliseums, or auditoriums within the county; and museums, zoological parks, aquariums, fishing piers or nature centers which are publicly owned and operated or owned and operated by not-for-profit organizations and open to the public within the county; and auditoriums that are publicly owned but are operated by organizations that are exempt from federal taxation pursuant to 26 United States Code section 501(c)(3) and open to the public within the county.

- a. To be eligible to apply for participation in the Grant Program an organization must also;
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 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. Fully cooperate with TDO staff post-event on guest information, surveys, and any other requests for information.

The Capital Facilities Grant Program application will also include a 3rd party economic and fiscal analysis from a reputable firm that includes:

1. Impact on local activities
2. Project Demographics
3. Six (6) Years of Projected Room Nights
4. Tax Revenue to include Tourist Development Tax, Property Tax and Sales Tax
5. Attendance

6. Wages
7. New or additional paid full-time employees (Note: Two part time jobs equal one full time employee.)
8. Summary of Return on Investment and projected room nights that will be generated by the project.

The Tourism Development Office (TDO) maintains a list of vendors you can consider using to perform the above economic and fiscal analysis.

Applicants with a higher percentage of matching funds will get preferred consideration. The application must include projected sources of funding for the entire project. Appropriate backup to include pledge letters, loan applications, etc. for these funding sources should be supplied with the application if available.

Capital projects must break ground within three (3) years from the date of award. Projects with extenuating circumstances may request an extension from the TDC and the Brevard County Board of County Commissioners. The granting of an extension is in the sole discretion of the Board of County Commissioners. Final completion of the project may not exceed six (6) years from the date of award.

When preparing your application package, TDO staff can assist in measuring attendance and spending upon request. Ticket Sales, area code, and/or zip code capture are the preferred tracking methods as opposed to attendance estimates provided by third parties (law enforcement, volunteers, etc.).

6.0 AVAILABLE FUNDS

Funds may be available for the fiscal year 2023-2024 for the Capital Facilities Grant Program which fund capital projects that promote Brevard County. The project must have a total cost of at least \$250,000 and a useful life of at least 10 years. Reimbursement grants starting at \$250,000 are available to support capital facilities projects that benefit Florida's Space Coast.

The Capital Facilities Grant program is a reimbursable grant. This grant is on a reimbursement basis to reimburse grantee for approved expenditures that directly support construction costs including labor, Architectural and design, site work, building materials, furniture, fixtures and equipment, general and administrative expenses and other expenses when specifically authorized and set forth in the capital facilities grant guidelines and as permitted by State and Local law. Grantees must initially self-fund approved expenditures, and upon receipt of valid documentation will be reimbursed up to awarded amount.

The Tourist Development Office reserves the right to cancel or 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 and the Board of County Commissioners recommendations, funding availability, or number and quality of requests submitted.

7.0 ELIGIBLE USE OF FUNDS

Funds must be used for the capital facilities project as proposed in the grant application and categorized in the applicant budget worksheet, and in compliance with these Guidelines and the grant award.

Allowable and Non-Allowable Capital Facilities Costs:

Allowable Costs:

- Construction costs including labor
- Architectural and design
- Site work
- Building materials
- Furniture, fixtures and equipment
- General and administrative expenses and other expenses when specifically authorized and set forth in the awarded grant application.

Non-Allowable Costs:

- General and administrative expenses when specifically, not authorized and not set forth in the capital facilities funding agreement
- Prize money, gift cards, items for resale, scholarships, contests, awards, or giveaways
- Travel
- Matching funds from another TDC funding program
- Marketing within Brevard County
- Interest or reductions of deficits or loans, fines, penalties or cost of litigation.
- Permanent equipment purchases not attached to the structure
- Insurance and professional membership fees
- Debts incurred or obligated prior to grant request

All grant funds awarded and subsequent reimbursements may be subject to internal or external audit.

8.0 APPLICATION SUBMITTAL PROCEDURES

The Capital Facilities Grant Program application may only be submitted electronically through an online portal link that will be available to interested organizations on August 9, 2023. All supporting documentation may be uploaded within the application. The application must be submitted by the deadline of 5pm EST on August 28, 2023 to be considered for funding. All applications are final.

All other questions should in writing and directed to Program Liaison Jeff Baron via email at Jeffrey.Baron@VisitSpaceCoast.com until the application deadline.

9.0 EVALUATION CRITERIA AND APPROVAL PROCESS

Project applicants are encouraged to give a presentation to the Capital Facilities Committee and may be asked to present to the Tourist Development Council at a regularly scheduled TDC meeting. Please contact TDO staff for a meeting schedule and arranging a time.

TDO staff is available to applicants for consultation prior to application submittal.

The applicant is required to list other financial support in addition to the requested TDC grant. Facilities and projects that bring higher levels of partnership funding to leverage any TDT funding to better meet the goals for TDT funding and may be more favorably evaluated than projects that do not.

The Grant application window closes on August 28, 2023 at 5:00pm. After this date, TDO staff will review all grant applications to ensure:

1. Applications are submitted by the deadline; no late submissions will be accepted.
2. Applications are complete and contain all required information.
3. Applications are for eligible activities and expenses.
4. 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.
5. Each member of the Capital Facilities 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.
6. 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.
7. Project rankings will be reviewed and discussed in a Capital Facilities Committee Ranking and Recommendation meeting that is open to the public. At this meeting:
 - TDO staff will distribute the application scores. 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 75 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.
8. 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 is made by the Brevard County Board of County Commissioners and the grant contracts have been fully executed.

10.0 REPORTING REQUIREMENTS

Applicant shall provide at a minimum, an annual status report to the TDO concerning the progress of the awarded capital facilities project. This usually occurs during the first Capital Facilities Committee meeting in March/April of each year. TDO further reserves the right to request a project status report at any time.

Upon project completion, the Grantee must provide a copy of the Certificate of Occupancy (CO) and photos of the completed facility to the TDO.

Grantees must provide annual attendance to the TDO for a period of five (5) after facility opening.

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 in direct support of the Capital Facilities Project to include:
 - Detailed vendor invoices showing a clear description of the work completed.
 - Additional backup to the invoices like drawings, labor detail, materials detail, photos of work done, progress reports or studies.
 - Any other allowable, reimbursable expense that was listed in the grant application budget and grant agreement.

Please refer to section 7.0 "Eligible Use of Funds" for descriptions of Allowable and Unallowable expenses that can be reimbursed under this grant program.

Please contact your TDO grant liaison for assistance in preparing your reimbursement request if needed.

12.0 CREDIT & LOGO

Grantees must agree to prominently recognize the Space Coast Office of Tourism as an supporter in all marketing materials, advertising, website and other marketing related communications promoting the capital project 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 as well as high resolution and/or vector logo files to be included in project materials. Use the following language for all materials:

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

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

13.0 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 grant term, the GRANTEE must submit adequate documentation according to the payment procedures outlined in the grant on or before

October 4, 2024. If documentation is submitted after October 4, 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 or 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. Employee Dishonesty/Crime Insurance – The applicant/facility operator will provide coverage greater than or equal to sixty-five percent (65%) of the amount of the TDT funding, specifically, to insure against TDT funding loss.

e. Builders' Risk/Installation Floater – The contractor shall provide "all risk" property insurance on any construction, additions, and machinery and equipment. The amount of the insurance shall be no less than the estimated replacement value at the time of the applicant/facility operator's final acceptance of said improvements. In the event that the grantee does not work with a contractor on the funded project, the applicant/facility operator must purchase or add Builders' Risk to their current property program (Commercial General Liability). The Builders Risk policy must remain active throughout all current work related to the proposed project and must not terminate until the final acceptance of a contractor's work, all vendors' installations, final release of occupancy, and final acceptance at completion of the project has been made by the applicant/facility operator.

f. 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 GRANTEE'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.

14.0 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

Tourism Development Council FY 2023-2024 Capital Facilities Grant – Evaluation Form		
<i>Requests must achieve a minimum rank score of 75% (75 points/100 points) to be considered for funding.</i>		
REVIEWER (SIGNATURE):		
REVIEWER (PRINT):		
Applicant Information (TDO staff will complete this section)		
Project Title:		
Total Project Cost:		
Requested Funding from TDC:		
Applicant Match Amount:		
Evaluation Criteria	Points Available	Points Earned
Promotes Tourism		
Proposal clearly demonstrates the need to implement the project and its positive impact on Brevard County Tourism. Proposal specifically cites the methodology used to quantify the project's benefit to tourism.	30	
Weak: 0 - 6 points		
Adequate: 7 - 12 points		
Good: 13 –18 points		
Very Good: 19 – 24 points		
Excellent: 25 – 30 points		
Project Viability		

Proposal clearly demonstrates the viability of the project including supporting documents such as: qualification, description, and projected cost.	15	
Weak: 0 - 3 points		
Adequate: 4 - 6 points		
Good: 7 - 9 points		
Very Good: 10 – 12 points		
Excellent: 13 - 15 points		
Increases Economic/Fiscal Activity		
Proposal clearly demonstrates the increase of economic/fiscal activity including impact of anticipated room nights, projected employees and impacts to the community.	15	
Weak: 0 – 3 points		
Adequate: 4 - 6 points		
Good: 7 - 9 points		
Very Good: 10 – 12 points		
Excellent: 13 - 15 points		
Project Readiness		
Proposal clearly addresses the following components, for example but not limited to: <ul style="list-style-type: none"> • Status of required permits/approvals • Readiness to seek contract bids and start work • Schematic designs/renderings 	10	
Weak: 0 - 2 points		
Adequate: 3 - 4 points		
Good: 5 - 6 points		
Very Good: 7 – 8 points		
Excellent: 9 - 10 points		
Matching and/or Other Funding		
Proposal clearly demonstrates in detail all secured funding sources. Projects with matching funds will receive greater	30	

consideration.		
Weak: 0 – 6 points		
Adequate: 7 - 12 points		
Good: 13 - 18 points		
Very Good: 19 – 24 points		
Excellent: 25 - 30 points		
PROPOSAL SCORE (Maximum 100 points)	100	

Capital Facilities Grant Program Application 2023/2024

1) Please provide your contact information below.*

Name: _____
Company Name: _____
Street Address: _____
Apt/Suite/Office: _____
City: _____
State: _____
Zip: _____
Email Address: _____
Phone Number: _____

2) If applicable, what is your website address associated with this project?

3) To determine if your project qualifies for the Tourist Tax Collection funding, please clarify the category for your project into one of the following categories. *

Please note FL Statute 125.0104 (5)(a)(1a)(1b)(1c)(2) states "AUTHORIZED USES OF REVENUE - All tax revenue received pursuant to this section by a county imposing the tourist development tax shall be used by that county for the following purposes only: To acquire, construct, extend, enlarge, remodel, repair, improve, maintain, operate, or promote one or more: Publicly owned and operated convention centers, sports stadiums, sports arenas, coliseums, or auditoriums within the boundaries of the county or sub-county special taxing district in which the tax is levied; Auditoriums that are publicly owned but are operated by organizations that are exempt from federal taxation pursuant to 26 U.S.C.s. 501 (c)(3) and open to the public, within the boundaries of the county or sub-county special taxing district in which the tax is levied; or Aquariums or museums that are publicly owned and

operated or owned and operated by not-for-profit organizations and open to the public, within the boundaries of the special taxing district in which the tax is levied; To promote zoological parks that are publicly owned and operated or owned and operated by not-for-profit organizations and open to the public."

- ☐ Auditorium
- ☐ Coliseum
- ☐ Convention Center
- ☐ Museum
- ☐ Nature Center
- ☐ Sports Arena
- ☐ Sports Stadium
- ☐ Zoological Park
- ☐ None of the above - Please specify your projects category.:

*

4) How much funding is being requested from the Tourism Development Council?

*

Please note: The minimum funding request is \$250,000.

5) What is the name and address (current or proposed) of the project?*

6) Briefly, describe the proposed project.*

Please include the size of facility or project (acres or square feet, interior and exterior).

7) Is this project a new facility or an addition to an existing facility?*

☐ A new facility

☐ An addition to an existing facility

☐ Other - Please describe: _____ *

8) Please attach a 3rd party economic and fiscal analysis from a reputable firm that includes:

A. Impact on local activities

B. Project Demographics

C. Room Nights – include your room night estimation methodology. *Will you be using any tracking device or system to collect the data? Please note that the Tourist Development Office may provide room night volume based on attendance or other data.*

D. Tax Revenue to include Tourist Development Tax, Property Tax and Sales Tax

E. Attendance/Visitation – for the next 5 years after completion including % of in and out of County visitors/attendees.

F. Wages

G. New or additional paid full-time employees. Note: Two part time jobs equal one full time employee.

*

- _____ 1
- _____ 2
- _____ 3
- _____ 4
- _____ 5
- _____ 6
- _____ 7
- _____ 8
- _____ 9
- _____ 10

9) Please complete & upload: Attachment #1 - Projected Annual Operating Income & Expense Worksheet here.

*

Attachment #1 is available on the first page of the Application.

_____1

10) Please complete & upload: Attachment #2 - E-Verify MOU here.*

For information on how to register, E-Verify.gov

_____1

11) Is or will this facility be publicly owned or operated? *

☐ Yes

☐ No

12) What is the name of the project entity or organization?*

13) Is the project entity or organization a non-profit?*

☐ Yes

☐ No

14) What are the estimated costs of the TOTAL project? *

These category amounts should reflect the total costs of the project including the costs appropriated with the requested Tourist Development Tax (TDT) funding.

_____ Construction

_____ Architectural

_____ Building Costs

- _____ Site Work
- _____ Furniture, Fixtures, etc
- _____ Other Costs (1)
- _____ Other Costs (2)
- _____ Other Costs (3)
- _____ Other (4)
- _____ Other (5)

15) List the Sources of Project Funding: *

- _____ Donations/Pledges
- _____ Cash on Hand
- _____ Loans
- _____ Tourism Development Council Funding
- _____ Other Grants
- _____ Other Sources....please describe
- _____ TOTAL Sources of Project Funding

16) When do you anticipate the project will be complete and the facility operational?*

Click on calendar icon on the right to enter the date.

17) When will you provide schematic designs or renderings to Brevard County?*

- () Within the next 3 months
- () Within the next 6 months
- () Within the next 9 months
- () Within the next 12 months
- () Other - Please specify: _____ *

18) Will the project be viable without funding from the Tourism Development Council?*

☐ Yes

☐ No

19) What is the cost or schedule impact on the project if Tourist Development Tax funding is not currently available or awarded at this time?*

Please describe thoroughly.

20) Please upload supporting documents; for example, letters from community leaders, financials, specifications, photos, location maps, site plans, schematic designs and renderings, documents supporting the community benefits, documents describing the benefits to Brevard County and increase in quality of life, etc.*

You are able to upload 10 files, if you need more space please email Jeffrey Baron at Jeffrey.Baron@VisitSpaceCoast.com.

1

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Thank You!