RESOLUTION NO. 14-105

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING FOR THE FY 2014-15 BUDGET YEAR AN EXPENDITURE NOT TO EXCEED $500,000.00 FOR THE VIETNAM VETERAN'S MEMORIAL PROJECT, CONTINGENT UPON RECEIPT OF PRIVATE AND GRANT FUNDING; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in Resolution 14-068, the City Commission approved in concept a site plan, and providing financial support not to exceed $150,000.00 for a Vietnam Veteran's Memorial Project; and

WHEREAS, an application for potential grant funding in the amount of $250,000.00 from the Tourist Development Fund requires the applicant, the City of Key West, to show that that 100% of necessary funds for the project are available at the time of application; and

WHEREAS, the City Commission desires to demonstrate the commitment of City funds for this project, contingent upon the receipt of sufficient grant funding.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That an expenditure of up to $500,000.00 for the Vietnam Veteran's Memorial Project is hereby authorized for the FY 2014-15 budget, provided that the City's financial contribution does not exceed $150,000.00, and contingent upon

the award and receipt of additional funding in a sufficient amount to complete the project.

Section 2: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the Presiding Officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this 1st day of April, 2014.

Authenticated by the Presiding Officer and Clerk of the Commission on 2nd day of April, 2014.

Filed with the Clerk on April 2, 2014.

Mayor Craig Cates	Yes
Vice Mayor Mark Rossi	Yes
Commissioner Teri Johnston	Yes
Commissioner Clayton Lopez	Yes
Commissioner Billy Wardlow	Yes
Commissioner Jimmy Weekley	Yes
Commissioner Tony Yaniz	Yes

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK

THE CITY OF KEY WEST
Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3700

MEMORANDUM

EXECUTIVE SUMMARY

TO: Bob Vitas, City Manager
E. David Fernandez, Assistant City Manager - Operations

FROM: Carolyn Sheldon, Senior Grants Administrator

DATE: March 17, 2014

RE: **Approval to add a project to the City's Fiscal Year 2015 budget for the construction of a Vietnam Veteran's Memorial at Bayview Park with a budget amount of $500,000.00 and approval to apply for and accept, if awarded, a Tourist Development Council (TDC) grant for this project.**

ACTION STATEMENT:
This resolution will approve the addition of a project to the City's Fiscal Year 2015 budget for the construction of a Vietnam Veteran's Memorial at Bayview Park with a budget amount of $500,000.00 and will approve the application and acceptance, if awarded, of a Tourist Development Council (TDC) grant.

BACKGROUND:
Resolution 14-068 to approve the conceptual site plan for a proposed Vietnam Veteran's Memorial at Bayview Park to honor the efforts of more than two hundred Key West citizens who served in Vietnam was approved by the City Commission on March 4, 2014. Also approved with Resolution 14-068 was providing financial support for the construction of a permanent memorial for up to one-third of the cost not to exceed $150,000.00. In Resolution 13-177 (approved July 2, 2013) the City Commission expressed support for the memorial and directed the City Manager to work with a group of organizers to develop a plan for final approval.

The TDC has recently opened up its 2015 Bricks and Mortar Capital Projects funding cycle. Applications are due April 29, 2014 by 5 p.m. This grant has the potential to fund 50% of a TDC-approved project. With Commission approval, the City will be applying for a TDC grant that, if awarded, will fund up to 50% or $250,000.00 of the total estimated project cost of $500,000.00.

The TDC grant application requires the applicant, City of Key West, to show that all funds (100%) are available for the project at the time of application. A resolution passed and adopted by the City Commission to add the project to the City's Fiscal Year 2015 budget at the total estimated cost of $500,000.00 along with a letter signed by the Mayor with this information will fulfill this requirement.

Given the due date of the applications on April 29, 2014, the review process will likely take place at the District Advisory Committee's (DAC I for Key West) June meeting. Once DAC I recommendations are received, the TDC will then continue with the approval process at its July meeting with final approval of the grant agreement by the Board of County Commissioners anticipated at the BOCC's October meeting.

PURPOSE AND JUSTIFICATION:
As shown in the table below, the City's budget (expenditures and funding sources) for this project is as follows:

Vietnam Veteran's Memorial Project
Proposed Fiscal Year 2015 Budget

Description	Project Costs (estimated)	Project Funding Sources (projected)
Professional Fees[1]	$ 44,000	
Construction[2]	$ 450,000	
Construction Management[3]	$ 6,000	
Total Project Costs	**$ 500,000**	
TDC Grant (50% of total project costs)		$ 250,000
City of Key West		$ 150,000
Private donations		$ 50,000
In-kind Professional Fees		$ 44,000
In-kind Construction Mgmt (City labor)		$ 6,000
Total Project Funding Sources		**$ 500,000**

1 At the advice of the City's grant writer, Langton & Associates, Inc., the professional fees to be donated by Bert Bender and Keith Oropeza will be included in the TDC grant application as project costs. These services are in-kind (match only) and are not reimbursable by the grant.

2 This construction estimate of $442,950 (found in Resolution 14-068 approved by the City Commission on March 4, 2014) was rounded up to $450,000.

3 Construction management performed by City Staff will be provided as in-kind (match only). Construction Management costs do not appear in the cost estimate for construction as described in Note 2 above. Since this project will be located on City property and funded initially in full (for grant purposes) by the City, City Staff will perform construction management duties.

If the City is awarded a TDC grant, the funding would not be available until an interlocal agreement with Monroe County, on behalf of the TDC, is fully executed (anticipated time frame is October). The earliest date to commence the project will likely be October 15, 2014.

The City Commission finds it respectful and important to construct a permanent Vietnam Veteran's Memorial to honor the efforts of more than two hundred Key West citizens who served in Vietnam. Providing financial support to this project would enhance and improve public property, thereby benefiting visitors and residents of the City of Key West.

OPTIONS / ADVANTAGES / DISADVANTAGES:

1. The City Commission can approve the addition of a project to the City's Fiscal Year 2015 budget for the construction of a Vietnam Veteran's Memorial at Bayview Park with a budget amount of $500,000.00 and approve the application and acceptance, if awarded, of a Tourist Development Council (TDC) grant. This will allow the City to submit an application for a TDC grant that meets the 100% funded requirement. If the grant is awarded, up to 50% or $250,000.00 of the estimated project cost of $500,000.00 will be funded.

2. The City Commission can reject the request to add this project to the City's Fiscal Year 2015 budget and reject the request to apply for a TDC grant. Without the addition of the project to the Fiscal Year 2015 budget, the City would need to amend this year's budget in order to meet the 100% funded requirement. If the City Commission chooses to reject the request to apply for a TDC grant, the project will be delayed until the full amount of the estimated total project cost of $500,000.00 is obtained. No TDC funding would be available.

FINANCIAL IMPACT:

The TDC grant is a crucial funding source for this project. Without the funding, the project will be delayed indefinitely. If approved by the City Commission, the Vietnam Veteran's Memorial project will be added to the City's Fiscal Year 2015 budget at an estimated total project cost of $500,000.00. This will allow the City to meet the 100% funded requirement and apply for a TDC grant that could provide up to 50% or $250,000.00 of the estimated total project cost of $500,000.00. The City's commitment to provide financial support to the project at an amount not to exceed $150,000.00 is included in the $500,000.00 project cost estimate.

RECOMMENDATION:

Staff recommends that the City Commission select option 1, approving the addition of a project to the City's Fiscal Year 2015 budget for the construction of a Vietnam Veteran's Memorial at Bayview Park with a budget amount of $500,000.00 and approving the application and acceptance, if awarded, of a Tourist Development Council (TDC) grant.

RESOLUTION NO. 14-068

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED CONCEPTUAL SITE PLAN FOR A PROPOSED VIETNAM VETERAN'S MEMORIAL AT BAYVIEW PARK AND DIRECTING THE CITY MANAGER TO CONTINUE TO WORK WITH THE ORGANIZERS TO COMPLETE A SUITABLE MEMORIAL; SUPPORTING THE USE OF CITY FUNDS FOR UP TO ONE-THIRD OF THE COST OF CONSTRUCTING THE VIETNAM VETERAN'S MEMORIAL; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in Resolution No. 13-177, the City Commission expressed support for a Vietnam Veteran's Memorial, and directed the City Manager to work with a group of organizers to develop a plan for final approval; and

WHEREAS, the City Commission finds it respectful and important to construct a permanent Vietnam Veteran's Memorial to honor the efforts of more than two hundred Key West citizens who served in Vietnam; and

WHEREAS, the City Commission finds that providing financial support for a portion of the Vietnam Veteran's Memorial construction project would enhance and improve public property, thereby benefiting visitors and residents of the City of Key West;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That the Key West City Commission approves the attached Conceptual Site Plan for the Proposed Vietnam Veteran's Memorial at Bayview Park, and directs the City Manager to continue to work with the organizers to ensure timely completion of this project.

Section 2: That based upon the attached cost estimate, the City Commission supports the use of City funding for up to one-third of the cost of constructing the project, not to exceed $150,000.00, conditioned upon two-thirds of the funding being provided by other sources.

Section 3: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the Presiding Officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this 4 day of March, 2014.

Authenticated by the Presiding Officer and Clerk of the Commission on 5 day of March, 2014.

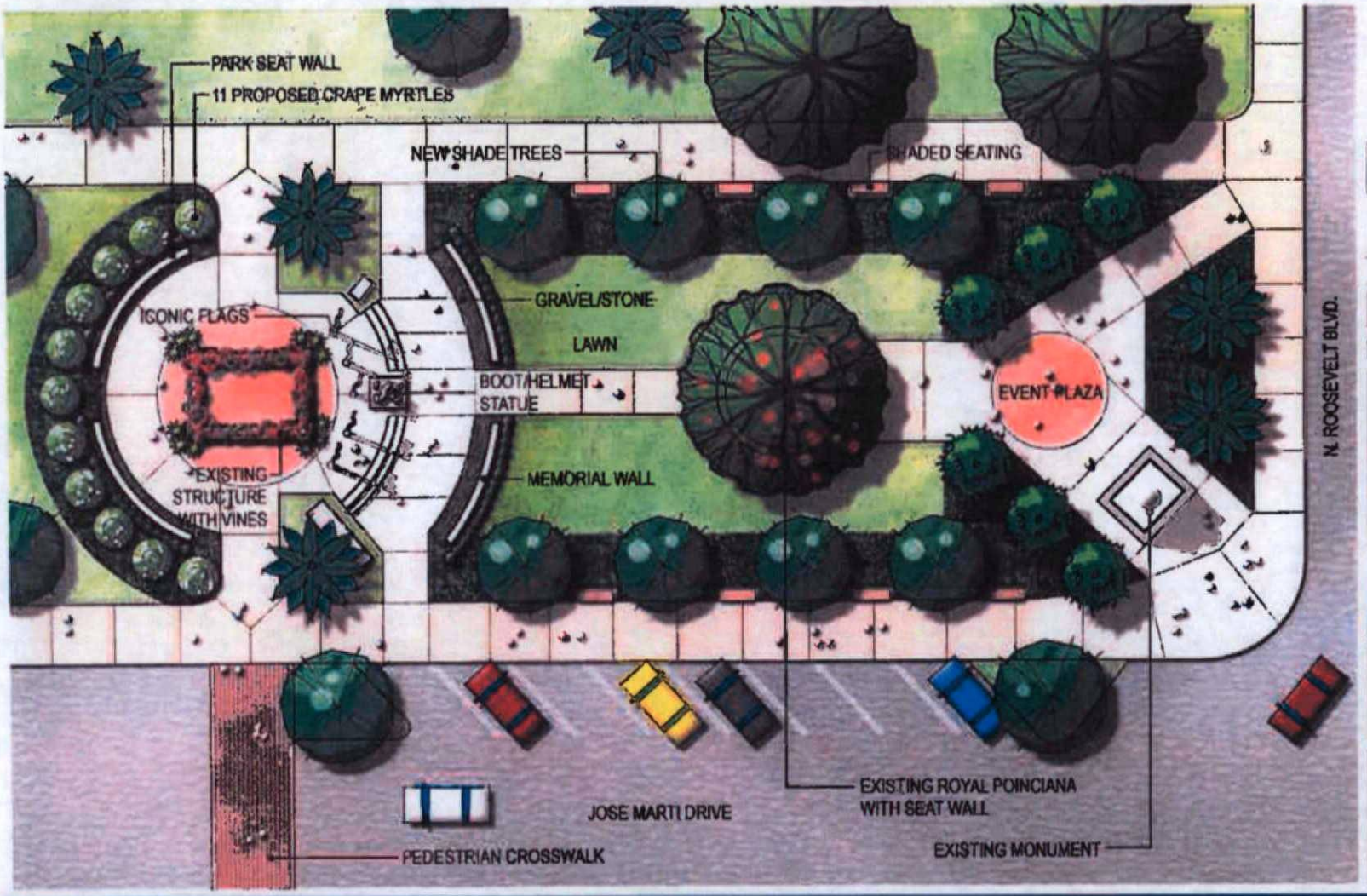
Filed with the Clerk on March 5, 2014.

Mayor Craig Cates	Yes
Vice Mayor Mark Rossi	Yes
Commissioner Teri Johnston	Yes
Commissioner Clayton Lopez	Yes
Commissioner Billy Wardlow	Yes
Commissioner Jimmy Weekley	Yes
Commissioner Tony Yaniz	Yes

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK



KEY WEST BAYVIEW PARK | VIETNAM MEMORIAL

CONCEPTUAL SITE PLAN RENDERING | OCTOBER 01, 2013

Sciences

RESOLUTION NO. 13-177

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, SUPPORTING THE VIETNAM LIVING MEMORIAL PROPOSAL; DIRECTING THE CITY MANAGER TO WORK WITH THE ORGANIZERS TO REVIEW PLANS FOR COMMISSION APPROVAL; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, a dedicated number of local Vietnam veterans have devoted much time and energy into developing a proposal to recognize the more than two hundred Key West citizens who fought in the Vietnam War;

WHEREAS, the organizers wish honor and recognize the men and women who served and sacrificed their lives in the Vietnam War by erecting a memorial in Bayview Park; and

WHEREAS, the City Commission recognizes and applauds the efforts of all Vietnam Veterans, as well as all current and past service members who have served in America's conflicts; and

WHEREAS, the City Commission supports the Vietnam Memorial Project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That the Key West City Commission supports the Vietnam Living Memorial Proposal and directs the City Manager to work with the organizers to bring a plan before the City

Commission for final approval.

Section 2: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this 2nd day of July, 2013.

Authenticated by the presiding officer and Clerk of the Commission on July 3, 2013.

Filed with the Clerk July 3, 2013.

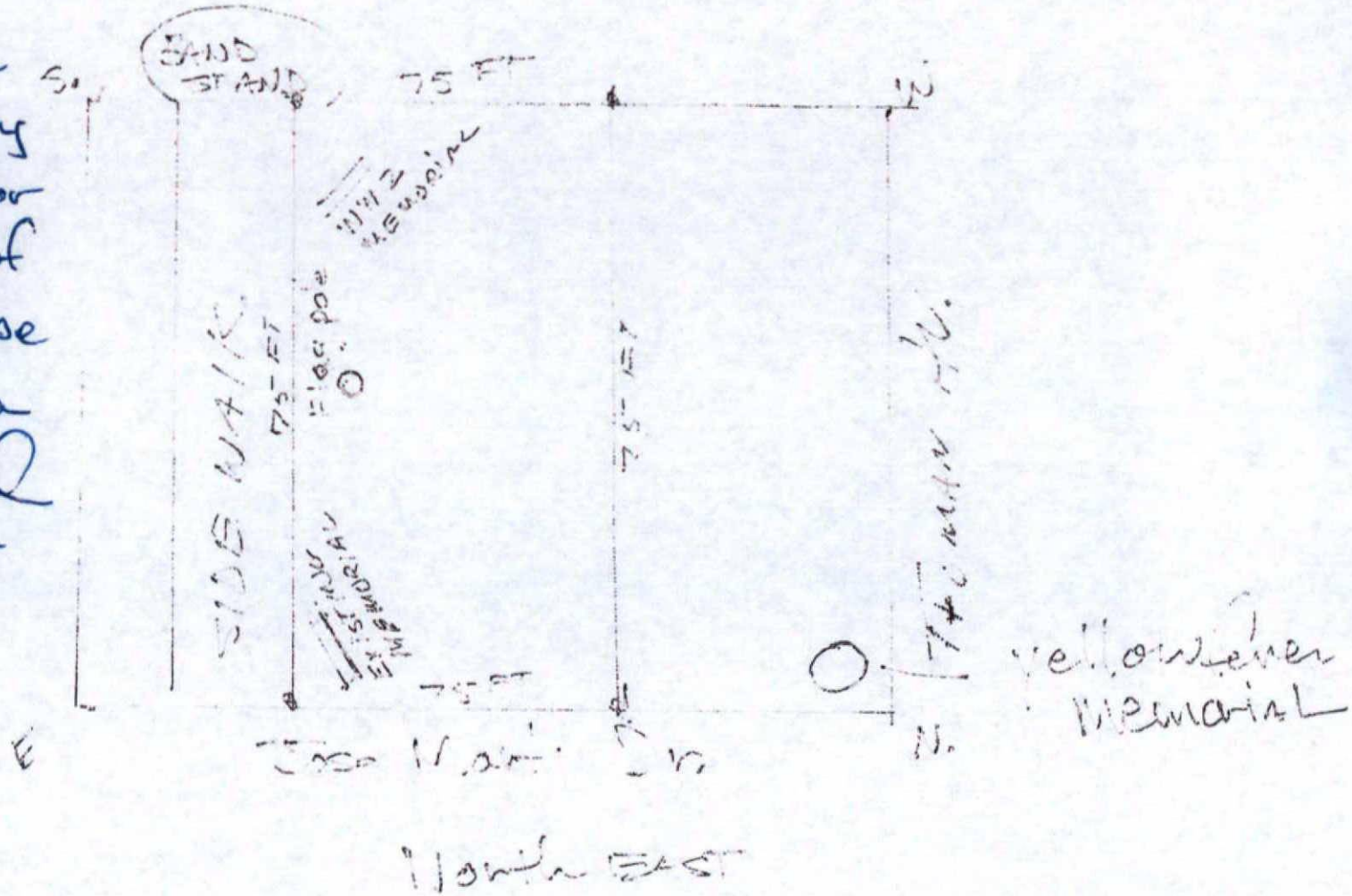
MARK ROSSI, VICE MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK

The Vietnam Living Memorial proposal
over two hundred names of Key West
citizens that fought in the Vietnam War

We as Vietnam Vets are asking the City of K.W. for this section of the Park to be dedicated for a living memorial Thank You



ADLER
1-800-471-7471
KEY WEST
PUBLIC SAFETY
FACILITY

MONROE COUNTY TOURIST DEVELOPMENT COUNCIL

CAPITAL PROJECT (BRICKS AND MORTAR) FUNDING APPLICATION

REQUEST FOR APPLICATIONS FOR CAPITAL PROJECTS (BRICKS AND MORTAR)

All respondents must use the current application downloaded from the website www.demandstar.com. **Use of any other application will result in your application being rejected.**

APPLICATION DEADLINE: APRIL 29, 2014

All applications should be received no later than 5:00 p.m. (close of business day) April 29, 2014

All applications submitted in response to this solicitation should be addressed to:

Monroe County Purchasing Department
1100 Simonton Street, 2nd Floor, Room 2-213
Key West, Florida 33040
ATTENTION: CAPITAL PROJECT FUNDING APPLICATION

Applicants must submit in a sealed envelope or box:

A. One (1) disc OR (1) USB flash drive with complete copy of application as a .pdf *(all attachments must be merged into one document: Please DO NOT include the instruction pages) and.....*
B. One (1) signed and marked as ORIGINAL paper copy PLUS.....
C. The correct number of paper copies for the district for which you are applying:

District I requires	**5**	**paper copies of application**
District II requires	**6**	**paper copies of application**
District III requires	**5**	**paper copies of application**
District IV requires	**5**	**paper copies of application**
District V requires	**6**	**paper copies of application**

All inquiries and correspondence should be made to the Monroe County Tourist Development Council. Contact Maxine Pacini or Lynda Stuart at (305) 296-1552. All email correspondence should be addressed to adminasst@fla-keys.com.

CAPITAL PROJECT FUNDING PROCESS

This application is intended for applicants whose facility has a primary purpose of promoting tourism.

The Monroe County Tourist Development Council (TDC) administers the four (4) cent bed tax collected for the purpose of promoting the Florida Keys as a tourist destination. Each year, the TDC advertises a Request for Applications (RFA) for capital project funding through the TDC. Projects must be owned and operated by either a **governmental entity** or **non-profit organization**. Individuals and for-profit organizations **are not eligible** to apply for Capital Projects funds. Applicants must be registered to do business in Florida. All applications will be reviewed by the appropriate District Advisory Committees (DAC's), who shall make recommendations on funding the project to the TDC. Upon approval of recommended funding allocation by the TDC, the administrative office will coordinate with the project coordinator to establish an agreement for the project, and will present the proposed agreement to the County for final approval.

This application will be funded as a fifty percent (50%) reimbursement of funds expended by any individual organization. The applicant must show that all funds (100%) are available for the project at the time of application so that there is no delay in the progress of the project, and that TDC funding is not used as "matching" funds.

IMPORTANT INFORMATION

All information furnished or disclosed as part of the application process is considered public record by the laws of the State of Florida.

The applicant shall not lobby, solicit or act to influence the advisory committee members and/or the TDC board members in any way that may have an effect on the outcome of the competition, discussion or negotiations leading to the allocation of funding, or an award of an agreement as reviewed and approved by the County Attorney's office. Such action may lead to withdrawal of the application from consideration.

Commencement of Project: No portion of the project for which you are seeking TDC funding may commence prior to the approval of an agreement by the Monroe County Board of County Commissioners.

Prior to filling out application, please go to www.sunbiz.org to ensure that your organization is registered to do business in the state of Florida. Only applicants that are duly registered will be accepted. **Print out and attach as Exhibit A.**

Cost of preparation and submission of the application is the responsibility of the applicant.

Applicant shall complete, copy, sign (by an authorized officer) and submit the correct number of copies of the application to the Monroe County Purchasing Department. (Please DO NOT use three (3) ring hard binders, soft binders or spiral binding; no binders are preferred.)

Completed Application: The application shall be considered complete upon receipt and should stand alone with no other information being provided after-the-fact other than any additional information that may be requested by the TDC administrative office, or questions from the DAC at the allocation meeting.

All attachments should be noted as such in the top right hand corner of each sheet – please do not use tab inserts.

Applicant shall familiarize itself with referenced online materials noted in this application (sample agreement): http://www.monroecounty-fl.gov/pages/MonroeCoFL_TDC/index.

Any part of the project for which the applicant wishes to seek reimbursement from the County, must NOT commence prior to the date of County approval.

Be advised that if your organization is awarded funding you will be required to enter into an agreement which delegates you to maintain accurate and complete documentation of the project. You will be required to obtain a signed amendment to the agreement before making any substantive changes to the project or you may nullify the County's obligation to pay. You will be required to comply with the following reimbursement procedures outlined in the sample agreement which can be found at
http://www.monroecounty-fl.gov/pages/MonroeCoFL_TDC/index.

The recipient of TDC capital project funding shall designate a project manager if no licensed architect, engineer or general contractor is involved in the project. If the project is performed by County or City personnel, the project manager shall be the Engineer, Building Official or Construction Manager of that local government.

Taxes: The TDC/County is exempt from Federal, Excise and State of Florida Sales Tax.

Maintenance: The applicant shall be responsible for all maintenance and operational costs of the premises improved or constructed with the use of funding from the TDC/County. The applicant shall be responsible to the TDC/County for the safekeeping and proper use of the property entrusted to applicant's care, to include any and all insurance for the value of the equipment and any maintenance or service contracts relating to such equipment for its service life. Any disposal of assets procured through funding under this agreement shall comply with chapter 274, F.S. or chapter 617, F.S., dependent upon the type of entity funded under this agreement.

Permits: Applicant shall be responsible for securing all federal, state and local development approval and permits necessary to complete the project. Award of funds under this application do not indicate any development approval by the County and applicant shall be required to

comply with all County concurrency requirements under land use laws of the County and State. The TDC/County shall not reimburse for the cost of permits.

Insurance: Applicant shall provide the TDC/BOCC with current insurance certificates as per the requirements set forth within the funding agreement. The TDC/County shall not reimburse for the cost of insurance relating to the project for which the applicant is receiving funding.

Performance Guarantee: A successful applicant shall warrant, by signing this application, that applicant has the financial capability of completing the project as planned without the need to request further funding from TDC/County for same. Applicant shall warrant by signing this application and confirm in writing (in the form of bank statements; signed letter from the bank stating that funds are in the bank for the specified project; documentation provided by a financial institution of a line of credit assigned to the specific project within the application) that applicant has the funds in place at the time of the application for grant funds to be able to complete the project prior to seeking reimbursement of TDC funds. A governmental applicant shall provide a line item budget for the project in question, and proof that the budget has been adopted by the governing board of that entity. The applicant by signing the application certifies that: applicant, its principals, and any previously owned business is/are not and have never been in default to Monroe County under the terms of any contract. (Default means failure to fulfill contractual obligations where County had to take legal action to obtain remedy or where a bonding company had to make good for applicant.)

In-kind services: In-kind services (donated/free/volunteered labor; materials; goods; services) up to 25% of the total cost of the project may be considered to meet the 100% funding of the project. Applicant shall provide a schedule of values for each unit of in-kind service and/or goods at the time of the application. Volunteered labor, as a component of in-kind services, will be eligible for reimbursement at a reasonable hourly rate for the type of work/service being performed (e.g. an architect who volunteers to paint will be able to seek reimbursement for the reasonable rate for the painting work performed not the professional rate of an architect). Should funding be allocated, County/TDC reserves the right to deny the application of certain in-kind services and goods and to negotiate a revised schedule of values for permissible items. For example, county will not accept as in-kind, the waiver of governmental fees, or in-kind towards the acquisition of property. The amount of in-kind services you note within your application shall be entered into your final agreement. Applicants will not be able to introduce a request to allow in-kind services after submission of the application.

Construction and Other Contracts: Applicant, by signing the application, warrants that, if awarded funds for the project, all contracts, for construction or otherwise, to complete the project shall be met in compliance with all applicable laws and County purchasing policy and to comply particularly with F.S. Chapter 255, Chapter 274 and Chapter 287. Applicant further agrees to provide TDC/County and their designated representatives with:

a) access to the project premises for inspection of the progress of the project;
b) documentation including copies of all sub-contracts/Request For Bids verifying compliance with purchase/construction/architectural contract requirements of the County [Notice to owner: list of sub-contractors, and release of liens must be provided to County]; and
c) access to all records concerning the project. These records must be retained by applicant for a minimum of four (4) years after the termination date of agreement.

This requirement may be for a different time period than that required by other government agencies. All records must be kept in accordance with Generally Accepted Accounting Principles.

Termination for Default/Convenience: The TDC/County reserves the right to terminate any agreement if, in its opinion, there shall be a failure at any time to properly perform faithfully any portion of the project as funded by TDC/County according to the plan presented with the application, or as modified and accepted in writing by TDC/County. Further, TDC/County reserves the right to terminate payments under this agreement should the anticipated funding become unavailable for any reason. Should termination occur under this provision, TDC/County shall give applicant thirty (30) days notice prior to termination.

Payments: Applicant shall submit all documentation required by the County Finance Department in accordance with instructions from said department, prior to payment of any funds awarded. **The TDC Application for Payment forms provided in the TDC reimbursement package shall be used.** Ten percent (10%) of every progress payment shall be withheld by County until certification of completion of project.

Contractor and Sub-Contractor Bonding: Applicant shall require all contractors and sub-contractors to post such performance bonds as are required by such contractors/sub-contractors entering into agreement with the TDC/County.

Design/Architectural Costs: Final design plans and architectural costs will be paid upon completion of the physical bricks and mortar portion of the project outlined within the agreement. Applicant shall submit for reimbursement of final design plans and architectural services within the last segment of their proposed project (Exhibit A). This is to ensure that TDC dollars are used for completed projects that are open to the public. No portion of the final design plans or architectural drawings for which you are seeking TDC funding may commence prior to the approval of an agreement by the Monroe County Board of County Commissioners. Applicant may submit a preliminary plan within their application to provide the District Advisory Committee and TDC with an idea of the proposed plan.

Acquisition of Property: Applications for acquisition of property will only be considered if the applicant can confirm availability of funding for one hundred percent (100%) of the purchase price through a bank statement showing that the entity has funding set aside in a line item for the purchase of the property, or that a loan from a financial institution has been fully approved; there are no liens on the property; and a clear title of ownership will be held by the entity requesting funding upon the closing of the purchase of the property. A clear title in the name of the contracting entity will be required to submit for reimbursement of the TDC funds allocated. The property shall be used for a minimum of ten (10) years as a tourist facility. The County will evaluate non-compliance of use as a tourist facility and upon request by the County the applicant shall pay a prorated reimbursement of funding allocated. The purchase or down payment of the property may not commence prior to approval of a funding agreement between the County and contracted entity. No in-kind services apply to the purchase of property, and payment will be made in one reimbursement check upon completion of the requirements set forth within the funding agreement.

Acknowledgements: Applicant shall be required to display an appropriate public acknowledgment of the support of the Monroe County Tourist Development Council in a publicly prominent area of the project.

Funding Allocations: DAC recommendation on funding allocations shall be limited to recommending allocations which do not exceed the amount requested by the applicant.

Funding requests may be denied, or reduced to a lesser amount than requested by the applicant.

Public Record: All information furnished or disclosed as part of the application process is considered public record by the laws of the State of Florida.

DISTRICT ADVISORY COMMITTEE WORKSHOPS FOR APPLICANTS

Workshops will be held in each of the districts at the following venues and times for those applicants that are interested in applying for funding (*Please note that all venues and times are subject to change and can be confirmed by calling the TDC administrative office at (305) 296-1552*):

District I:	April 2nd, 2014	Doubletree Grand Key Resort, Key West	3:00 p.m.
District II:	April 1st, 2014	Lower Keys Chamber of Commerce, Big Pine	6:00 p.m.
District III:	April 2nd, 2014	Hawk's Cay Resort, Duck Key	9:00 a.m.
District IV:	April 1st, 2014	Islander Resort, Islamorada	2:00 p.m.
District V:	April 1st, 2014	Nelson Government Center, Key Largo	10:00 a.m.

PERMISSIBLE USES FOR CAPITAL PROJECT FUNDS

This application is intended for applicants whose facility has a primary purpose of promoting tourism.

All capital projects funded by TDC shall be owned and operated by either a **governmental entity** or **non-profit organization** **and open to the public**. Individuals and for-profit organizations **are not eligible** to apply for Capital Projects funds. Applicant shall provide proof of property ownership, long-term lease or service contracts for consideration of funding, and should show sufficient expertise or financial capability to operate such facilities.

Tourist Development Council capital project funds may be used in Monroe County as follows:

1. To acquire, construct, extend, enlarge, remodel, repair, improve 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 subcounty special taxing district in which the tax is levied;

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 county or subcounty special taxing district in which the tax is levied; or

Zoological parks, fishing piers or nature centers which are publicly owned and or operated by non-profit organizations and open to the public; and

2. To finance beach park facilities or beach improvement, maintenance, re-nourishment, restoration and erosion control.

Authorized uses of revenue must be in compliance with Florida Statute 125.0104, as may be amended from time to time.

APPLICATION FOR CAPITAL PROJECT FUNDING

This application is to request funding from the following District(s):

☐ **District I:** Key West - (shall encompass the city limits of Key West)

☐ **District II:** Lower Keys - (city limits of Key West to west end of Seven Mile Bridge)

☐ **District III:** Marathon - (west end of Seven Mile Bridge to Long Key Bridge)

☐ **District IV:** Islamorada - (between Long Key Bridge and Mile Marker 90.939)

☐ **District V:** Key Largo - (from Mile Marker 90.940 to the Dade/Monroe County line and any portions of mainland Monroe County)

APPLICANT ORGANIZATION: _____
(Registered business name exactly as it appears on www.sunbiz.org).

FEDERAL EMPLOYER'S IDENTIFICATION NUMBER OF APPLICANT'S ORGANIZATION:

_____

DESIGNATED PROJECT CONTACT PERSON:
(Please note that the TDC Administrative Office conducts most of its correspondence, including agreement and reimbursement material by email, so the person listed below should be able to accept responsibility for receipt of this information).

Name & Title: _____

Telephone/mobile no.: _____

E-mail: _____

Address: _____

_____

TYPE OF APPLICANT: ☐ Non-Profit ☐ Governmental Entity

PROJECT TITLE: _____

LOCATION OR ADDRESS OF PROJECT: *Provide physical (postal service) address, RE#* ***and*** *legal description (lot, block, subdivision) and attach map.*

_____

_____

WHICH OF THE FOLLOWING APPLIES TO YOUR PROJECT?

☐ Publicly owned and operated ☐ Owned and operated by a non-profit organization

☐ Publicly owned and operated by a non-profit organization

WHICH OF THE FOLLOWING BEST DESCRIBES YOUR PROJECT?

☐ Convention Center ☐ Sports Stadium ☐ Sports Arena ☐ Coliseum

☐ Auditorium ☐ Aquarium ☐ Museum ☐ Zoological Park

☐ Nature Center ☐ Fishing Pier ☐ *Beach or Beach Park Facility

WHICH OF THE FOLLOWING APPLIES TO YOUR PROJECT?

☐ Acquire ☐ Construct ☐ Extend ☐ Enlarge ☐ Remodel

☐ Repair ☐ Improve

***IF YOU CHECKED THE BOX FOR BEACH OR BEACH PARK FACILITY, WHICH OF THE FOLLOWING APPLIES?**

☐ Improvement ☐ Renourishment ☐ Restoration ☐ Erosion control

☐ Maintenance ☐ Construct ☐ Repair

If the TDC/County requires a Conservation Easement Deed or mortgage note requiring repayment of TDC monies in the event of transfer of ownership or change in use of the premises, would you be agreeable to executing same?

☐ Yes ☐ No

Code Enforcement: Does your organization/property have any outstanding code violations?
☐ Yes ☐ No If you have answered yes, please explain below:

Application is for _____ % of total funds to be obtained from all sources.

Has applicant received previous TDC assistance: ☐ Yes ☐ No
If yes, please specify year, amount, and nature of project.

_____
_____
_____
_____
_____
_____
_____
_____

List any previous grant-in-aid assistance received by the applicant or for the property from any government agency. Indicate year of award, amount, division which awarded the grant, and a brief description of the project assisted by each.

For purposes of this application *no more than twenty-five (25%) percent of total project cost shall be of in-kind services and materials.* No in-kind services shall apply to the acquisition of property. TDC requires confirmation in writing that project funds are in place at the time of this application for grant funds (see Performance Guarantee on page 4) **Enclose proof of funding as Exhibit B**. Payment is a 50% reimbursement of the total cost of each segment of the project, subject to the cap on expenditures for that segment as set forth in the agreement. Applicant must be prepared to pay the entire cost **(including in-kind)** of segment in advance of seeking the 50% reimbursement. (The project may be broken down into 2 or 3 segments. When one

segment is completed, reimbursement of 50% of that cost can be applied for through the TDC.) For acquisition of property see important information on page 5.

a)	TDC Funds Requested:	Confirmed/Available Hard-Dollar Funds:	Confirmed In-kind Funds: (Up to a maximum of 25% of project)	Total Project Cost:
	$	$	$	$

b) State source of resources for the project specified in this application:

(i) Hard-dollar: $

(ii) In-kind: $

In the space below list all in-kind services and goods and their values. These values are subject to negotiation with TDC/County. Please refer to page 4 of this application.

In the space below list the specific items/services, and the estimated dollar amount for each of those items/services that your requested TDC funds will be spent on:

PROJECT DESCRIPTION

1. Use:

a) Original use of structure and date of construction:

b) Modifications to the present date including date & description:

c) Present use:

d) Any other uses between original and present:

e) Proposed use:

f) Insert or attach photograph of existing site (**Enclose as Exhibit C**):

g) Historic designation: Indicate whether the property has been listed in the National Register, is located in a National Register district, is a locally designated historic landmark or is located in a locally designated historic district. If located within a historic district, provide the official name of the district. This information is available from the planning agency having jurisdiction over the property.

All Capital projects funded by the TDC shall be owned and operated by a governmental entity or non-profit organization. Applicant shall provide proof of property ownership, long-term lease or service contracts for consideration of funding, and should show sufficient expertise or financial capability to operate such facilities (**Enclose as Exhibit D**).

2. Ownership or other interest in property by applicant:

a) Official records reference for ownership documentation
b) If not owned by applicant, provide long-term lease of property, or service contract and provide notarized consent letter from owner for use of property as outlined in this application

3. If proposed project calls for transfer of title of real property to County, at least two (2) current real estate appraisals and one (1) environmental assessment shall be provided (**Enclose as Exhibit E**). The TDC/County shall ascertain, prior to acceptance of any donation or prior to purchase, that the property will pose no environmental hazard or liability for same, to County. The TDC/County must also ascertain permissible governmental interest in the transfer of title. Indicate any such proposed title transfers here.

4. This paragraph applies only to an acquisition funding request, but you will still need to complete items 5 through 13, whether this is new construction or renovations, additions or exhibits. **NOTE:** The maximum grant amount from tourist development revenue for an acquisition project shall not exceed 50% of the purchase amount. Indicate the area of the property to be acquired in acres.

In evaluating applications for acquisition funding, an important consideration is the appropriateness of the size of the site to be acquired. Determinations of the appropriateness of site size will be made on a case-by-case basis and will depend on the characteristics for which the property is considered to be significant. Sufficient property should be acquired to assure that the historic relationship of a structure or archaeological site to its surrounding environment is preserved. However, it is important that no more property than is necessary to achieve established preservation objectives be included in the acquisition project application. As this factor is crucial to favorable consideration of your grant application and will have substantial impact on the cost of the required application documentation, we encourage prospective applicants to consult with the staff of the TDC Administrative Office prior to initiating the required documentation.

5. Protection of property: Indicate any type of state or federal protection currently afforded the property. It may be that more than one type may be applicable. Provide citations for applicable local protective ordinances. Include copies of property-specific restrictive legal instruments in an attachment. By signing and submitting this application, the proposer **warrants** that **all** restrictions are disclosed. Failure to include **every** restriction on the property may result in immediate termination of any agreement and demand for return of any monies paid thereunder (**Enclose as Exhibit F**).

6. Is the property threatened by imminent destruction, deterioration or other loss which may include demolition, vacancy, severe deterioration, loss of structural integrity, encroaching development, adverse environmental conditions, vandalism, etc.? Be specific regarding the nature of immediacy of the threat. If so, describe in detail:

7. a) Are there any building restrictions on the site? If so, describe. Attach copies of all recorded easement and restrictive covenants. By signing and submitting this application, the proposer **warrants** that **all** restrictions are disclosed. Failure to include **every** restriction on the property may result in immediate termination of any agreement and demand for return of any monies paid thereunder (**Enclose as Exhibit G**).

b) Is the proposed project compatible with the County's Concurrency Requirements under the existing and proposed Land Use Comprehensive Plan?

☐ Yes ☐ No

Describe below how you have ascertained such compatibility. (Note: If your description does not provide information about existing permits and/or review by the County Planning Department, your application shall be rejected. Please list all permits required to complete this project)

c) Is the proposed project compatible with the Municipality's Concurrency Requirements under the existing and proposed Land Use Comprehensive Plan?

☐ Yes ☐ No

Describe below how you have ascertained such compatibility. (Note: If your description does not provide information about existing permits and/or review by the Municipality Planning Department, your application shall be rejected. Please list all permits required to complete this project)

d) Does the site contain endangered or threatened species of flora or fauna?

☐ Yes ☐ No Describe/Explain:

e) Indicate whether or not the project will be accessible to the handicapped per Chapter 553, Part V, Florida Statutes and the Americans with Disabilities Act, Public Law 1012-336.

☐ Yes ☐ No If not, provide a brief explanation:

f) Explain how your facility will utilize recycling within the work of your proposed project:

g) Public accessibility and use: Indicate the extent to which the property is currently or will be scheduled to be open to the public each year (hours per day, days per week and weeks per year) upon project completion. Estimate the number of persons who will use or visit the completed facility annually. For archaeological projects, if the site will not be accessible to the public, estimate the number of persons annually who will be exposed to the interpretive materials and reports resulting from the project. How was this estimate derived?

8. Describe present physical condition of site: (attach legal description per property tax records). Indicate the present condition of the property by checking the appropriate term below:

☐ Excellent: The property is habitable and occupied; no repairs are needed. All physical evidence indicates that the property is under continuous maintenance. Application is for expansion and enhancement.

☐ Good: The property is habitable and occupied; only replacement or cosmetic repairs are needed (e.g., peeling paint, missing ornamental features, windows, doors, some deteriorated mortar, etc.) Property is maintained but in need of minor repair.

☐ Fair: The property is habitable but may be vacant. Both the structural integrity (foundation, framing, etc.) and weather tight integrity of the property (siding, walls, roofing, etc.) are in jeopardy because of prolonged neglect.

☐ Poor: The property is uninhabitable and vacant. Major structural repairs are needed. Weather tight integrity has been lost. The property is derelict, abandoned and not habitable without major rehabilitation work.

Also, list any specific factors or problems which contribute to the present condition of the property.

9. Status of Project Planning: (Any work initiated prior to the approval of an agreement by the Monroe County Board of County Commissioners will be at applicants own cost):

☐ Not yet initiated ☐ Initiated

☐ Schematics complete ☐ Design development completed

☐ Construction documents completed

10. Name and Address of Project Consultant (architect, engineer, contractor, etc.).

_____

_____

Enclose preliminary plans or architectural documents completed to date - 1 set (**Enclose as Exhibit H**).

11. Has an agreement for architectural services or construction services been executed?

☐ Yes (costs will not be reimbursed by TDC)

☐ No

☐ Project does not require architectural services

If so, in the space provided below, indicate the scope of services to be provided under this agreement and whether these services were obtained through competitive negotiations, requests for applications or other process.

12. Describe the means by which the structure(s) affected by this project will be maintained subsequent to restoration/rehabilitation. Include sources and estimated amounts of funding for such maintenance. It is the County's policy **not to fund operations and maintenance costs** of organizations notwithstanding any tourism promotional value of a project.

13. Estimated completion date _____

PROJECT BENEFITS

1. How will the project enhance tourism in Monroe County?

2. Applicant must demonstrate the ability to complete the project as proposed and to maintain and operate the project as a viable and long-term tourist attraction that is open to the public.

Included in this demonstration should be a summary of the applicant's past grant experience, past two (2) year's financial statements, and proposed operational budget. (**Attach as Exhibit I**)

3. Outline your marketing program efforts to promote this facility as a tourist attraction:

NON-COLLUSION AFFIDAVIT and VERIFICATION
(Enclose as Exhibit J)

I, _____, of the city of _____, according to law on my oath, and under penalty of perjury, depose and say that:

1) I am _____, the applicant making the application for the project described as follows:

2) The prices in this application have been arrived at independently without collusion, consultation, communication or agreement for the purpose of restricting competition, as to any matter relating to such prices with any other applicant or with any competitor;

3) Unless otherwise required by law, the prices which have been quoted in this application have not been knowingly disclosed by the applicant and will not knowingly be disclosed by the applicant prior to application opening, directly or indirectly, to any other applicant or to any competitor; and

4) No attempt has been made or will be made by the applicant to induce any other person, partnership or corporation to submit, or not to submit, an application for the purpose of restricting competition;

5) The statements contained in this affidavit are true and correct, and made with full knowledge that Monroe County relies upon the truth of the statements contained in this affidavit in awarding agreements for said project.

VERIFICATION

I HEREBY CERTIFY that I have read the forgoing application and that the facts stated herein are true and correct to the best of my knowledge and belief.

_____

President's/Mayor's Name Typed President's/Mayor's Signature

Sworn to and subscribed before me this _____ day of _____ 20____

personally appeared _____, _____, and_____

_____known to be the person named in and who executed the foregoing document.

_____

My commission expires: Notary Public State of _____

DRUG FREE WORKPLACE FORM
(Enclose as Exhibit K)

The undersigned vendor in accordance with Florida Statute 287.087 hereby certifies that:

_____
(Name of Business)

1. Publishes a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.

2. Informs employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.

3. Gives each employee engaged in providing the commodities or contractual services that are under application a copy of the statement specified in subsection (1).

4. In the statement specified in subsection (1), notifies the employees that, as a condition of working on the commodities or contractual services that are under application, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of guilty or nolo contendere to, any violation of Chapter 893 (Florida Statutes) or of any controlled substance law of the United States or any state, for a violation occurring in the workplace no later than five (5) days after such conviction.

5. Imposes a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program if such is available in the employee's community, or any employee who is so convicted.

6. Makes a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

As the person authorized to sign the statement, I certify that this firm complies fully with the above requirements.

Applicant's Signature: _____

Date: _____

ATTACHMENTS AND CERTIFICATIONS
(Enclose as Exhibit L)

1. The following supporting documents are attached.

a) ☐ Print out of Sunbiz.org "Detail by Entity" (**Exhibit A**)

b) ☐ Documentation from bank of confirmed project funds (**Exhibit B**)

c) ☐ If applicable: Insert or attach photograph of existing site (**Exhibit C**)

d) ☐ Proof of ownership; long term lease or service contract (**Exhibit D**)
(Include consent of owner for use of property as described within this application)

e) ☐ If applicable: Enclose at least two (2) current real estate appraisals and one (1) environmental assessment (**Exhibit E**)

f) ☐ If applicable: Enclose citations for local protective ordinances (**Exhibit F**)

g) ☐ If applicable: Enclose copies of all recorded easement and restrictive covenants (**Exhibit G**)

h) ☐ If applicable: Enclose preliminary plans or architectural documents - 1 set (**Exhibit H**)

i) ☐ Past two (2) year's financial statements and proposed operational budget (**Exhibit I**)

k) ☐ Notarized Non-Collusion affidavit and verification (**Exhibit J**)

l) ☐ Signed Drug Free Workplace Form (**Exhibit K**)

m) ☐ Notarized Attachments and Certification form (**Exhibit L**)

VERIFICATION

I swear and certify that the information contained in this application is true and correct, and that I am the duly authorized representative of the applicant.

_____

President's/Mayor's Name Typed President's/Mayor's Signature

Sworn to and subscribed before me this _____ day of _____ 20____

personally appeared _____, _____, and_____

known to be the person named in and who executed the foregoing document.

_____

My commission expires: Notary Public State of _____

March 27, 2014

Bender & Associates
ARCHITECTS p.a.

Mr. Michael Vieux, AIA, LEED AP BD+C
Senior Construction Manager
City of Key West
3140 Flagler Avenue
Key West, FL 33040

RE: Vietnam Veterans Memorial Park

Dear Mike,

This letter will serve as our agreement to provide professional services for the Vietnam Veterans Memorial at Bayview Park. Following is a description of services, associated deliverables, and fees which we are donating back to the project through pro bono services. We will generate invoices and show a zero balance via pro bono services credits.

The project team will include Bender & Associates Architects, P.A., for Architectural Services and Team Leader and Littlejohn Engineering Associates for Landscape Architecture. Bert Bender will serve as Project Manager and primary contact.

We propose to provide the following services.

Preliminary Design:
We will meet with the Vietnam Veterans Memorial Committee to establish goals. This information will then be used to design site plan options and develop a preliminary site and context plan. Cost estimates for construction of the park will be prepared.

Please note that this phase is complete. *"The project goal is to establish a living memorial to honor those who served in the Vietnam War and to honor service members of other conflicts that occurred before and after the Vietnam conflict; to create a memorial that will draw visitors from around the State of Florida and the nation; and to establish a peaceful place for reflection that will foster the healing process."*

Five different concept plans were developed, reviewed with the committee, and a final preliminary plan was established. This plan was presented to the public at the March 4, 2014 City Commission Meeting.

Design Development:
During this phase, we will develop the project details and finalize the design of individual components, including but not limited to, the Memorial Wall, the "Boot and Helmet" sculpture, paving patterns and materials, bench details, and a general landscape plan for review with the City Urban Forester. Deliverables will consist of drawings, product data, photographs, and written materials to describe the final design in detail.

Construction Documents:
These will include drawings, specifications, and other documents that form a complete biddable set of construction documents. Deliverables consisting of the above documents will be submitted for your review and comment. We will incorporate all City and Memorial Committee comments into a final biddable package.

410 Angela Street
Key West, Florida 33040
Telephone (305) 296-1347
Facsimile (305) 296-2727
FloridaLicense AAC002022
www.BenderArchitects.com

Bidding Phase:
We will assist you during the bidding phase. Services will include, but not necessarily be limited to, attendance at prebid meetings, responses to bidder questions, issuing of addenda or supplemental documents, review of bids and recommendations as may be required. Deliverables will include documents as identified above or as required.

Construction Phase:
We will assist during construction as required. We will make periodic inspections to determine the status of the work, compliance with the contract documents, and attend construction meetings. We will respond to contractor requests for information, requests for Change Orders, and issue bulletins as needed. We will assist you with project closeout and attend a one year post construction inspection.

Miscellaneous services will be provided as needed or requested, including attendance at meetings and/or providing updates to the City Commission.

Fees:
We will provide services on a pro bono basis. The services listed above have a value of $44,000, or approximately 10% of the project construction cost. The fees are prorated as follows:

Preliminary Design	15%	$ 6,600
Design Development	20%	8,800
Construction Documents	40%	17,600
Bidding Phase	5%	2,200
Construction Phase	20%	$ 8,800
Total Fees	100%	$44,000

In an effort to minimize our out of pocket expenses, Keith Oropeza will combine trips related to the Veterans Memorial Park with Key West City Hall trips. His lodging, travel and per diem expenses will be absorbed under our Key West City Hall contract. We will provide you with digital copies of our documents for your use in reproduction of hard copies. I will absorb costs for reimbursable expenses for printing and reproduction of documents but ask that you are reasonable in your requests for hard copies.

Please call if you have any questions.

Sincerely,

Bert L. Bender, Architect

Cc: Keith Oropeza
Jerry Hughes
David Fernandez
Mayor Craig Cates