



# Brevard County Board of County Commissioners

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Legislation Text

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**File #:** 903, **Version:** 1

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### **Subject:**

Staff Direction, Re: Lori Wilson Park Design/Build Renovation Project

### **Fiscal Impact:**

\$5 million is budgeted in the Beach Improvement fund 1442/293100

### **Dept/Office:**

Tourism Development Office

### **Requested Action:**

It is requested the Board of County Commissioners; (1) approve a change to the Lori Wilson Park design/build renovation project screening, selection and negotiation committees to Tim Lawry, County Facilities, Mary Ellen Donner, Parks and Recreation Director, and Peter Cranis, Tourism Development Director; (2) request that the Board provide staff direction on whether to pursue a public private partnership and to initiate the statutory process for consideration of the unsolicited proposal received by Tourism from Driftwood Acquisitions and Development, LP and its affiliates ("DAD") for renovation of Lori Wilson Park; (3) request the Board to give staff direction on whether or not to set an application fee for this process, and if so, how much.

### **Summary Explanation and Background:**

The Board of County Commissioners, in regular session on November 13, 2018, approved advertisement of an RFQ for design/build renovation project at Lori Wilson Park; established a selection committee for a design firm consisting of Bob Baugher, Tourist Development Council, Laurilee Thompson, Tourist Development Council, Tim Lawry, County Facilities, Mary Ellen Donner, Parks and Recreation Director, and Stacy Delano, Tourism Development Office; established a negotiation committee consisting of Bob Baugher, Tourist Development Council, Jim Liesenfelt, Assistant County Manager, Tim Lawry, County Facilities, Mary Ellen Donner, Parks and Recreation Director, and Stacy Delano, Tourism Development Office; and directed staff to bring this back to the Board for its consideration. The Tourism Development Office requests that the Board approve a change to the Lori Wilson Park design/build renovation project selection and negotiation committees to Tim Lawry, County Facilities, Mary Ellen Donner, Parks and Recreation Director, Peter Cranis, Tourism Development Director.

The Tourism Development Office has received an unsolicited proposal for a public/private partnership from Driftwood Acquisitions and Development, LP and its affiliates ("DAD") regarding the renovation of Lori Wilson Park, Cocoa Beach, Brevard County, Florida. The Tourism Development Office requests the Board's direction in terms of whether it wants staff to pursue a public/private partnership for the Park. Pursuant to Section 255.065, Florida Statutes, if the County wishes to further consider this proposal, the statute proscribes a process for the County to follow which will include publishing notice of the proposal's receipt and asking for

other proposals for the same project. As stated in the Statute, the County may establish a reasonable application fee for the submission. Staff estimates that the cost of the review of about \$20,000. The Statute also states that if the fee does not cover the County's cost to evaluate the proposal, the County may request in writing and require the additional amount. If the County does not evaluate a proposal, the County must return the application fee.

Under Florida Statute 255.065, if the County chooses to evaluate an unsolicited proposal involving architecture, engineering, or landscape architecture, the County must ensure a professional review and evaluation of the design and construction proposed by the proposers to assure material quality standards, interior space utilization, budget estimates, design and construction schedules, and sustainable design and construction standards consistent with public projects. Such review shall be performed by an architect, a landscape architect, or an engineer licensed in this state qualified to perform the review, and such professional shall advise the County through completion of the design and construction of the project.

Under Florida Statute 255.065, before approving a comprehensive agreement, the County must determine that the proposed project:

1. Is in the public's best interest.
2. Is for a facility that is owned by the responsible public entity or for a facility for which ownership will be conveyed to the responsible public entity.
3. Has adequate safeguards in place to ensure that additional costs or service disruptions are not imposed on the public in the event of material default or cancellation of the comprehensive agreement by the responsible public entity.
4. Has adequate safeguards in place to ensure that the responsible public entity or private entity has the opportunity to add capacity to the proposed project or other facilities serving similar predominantly public purposes.
5. Will be owned by the responsible public entity upon completion, expiration, or termination of the comprehensive agreement and upon payment of the amounts financed.
6. Before signing a comprehensive agreement, the Board must also consider a reasonable finance plan, the qualifying project cost; revenues by source; available financing; major assumptions; internal rate of return on private investments, if governmental funds are assumed in order to deliver a cost-feasible project; and a total cash-flow analysis beginning with the implementation of the project and extending for the term of the comprehensive agreement.

Additionally, due to restrictions on the Park from previous grants, the renovation does require coordination and approval from the State of Florida and National Park Service which would need to be factored into the proposals received. If the Board wishes to proceed, staff will advertise request for proposals as required by the Statute and then have the selected design firm review all the proposals. A recommendation on the proposal and agreement will be brought back to the Board for consideration.

## **Clerk to the Board Instructions:**

