

**Lee County Board Of County Commissioners**  
**Agenda Item Summary**

Blue Sheet No. **20041266**

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Approve Tourist Development Council emergency funding for advertising to promote Lee County; approve budget amendment resolution. Also approve Change Order No. 6 to RFP-00-10 TOURISM ADVERTISING, PROGRAM PLANNING, CREATION AND IMPLEMENTATION, Contract 1584, with BVK McDonald in the NTE amount of \$1,500,000.00 to designate these funds for Hurricane Recovery Campaign emergency advertising and the final renewal of agreement through September 30, 2005.

**WHY ACTION IS NECESSARY:** Board approval is required.

**WHAT ACTION ACCOMPLISHES:** Authorizes VCB Director to use, at his discretion, up to \$1,500,000.00 of TDC reserves and tourist revenue for emergency advertising based on the impacts of Hurricane Charley and applies these funds to the advertising contract already in place.

**2. DEPARTMENTAL CATEGORY:**

Visitor & Convention Bureau  
 COMMISSION DISTRICT #: All

**CIA**

**3. MEETING DATE:**

**11-23-2004**

**4. AGENDA:**

- CONSENT ADMINISTRATIVE
- APPEALS PUBLIC WALK ON
- TIME REQUIRED:

**5. REQUIREMENT/PURPOSE:**

(Specify)

- STATUTE
- ORDINANCE
- ADMIN. CODE
- OTHER

**6. REQUESTOR OF INFORMATION:**

- A. COMMISSIONER
- B. DEPARTMENT **Visitor & Convention Bureau**
- C. DIVISION **D.T. Minich, Executive Director**

**7. BACKGROUND:**

In July 1990 the Board of County Commissioners approved a resolution establishing a tourist tax reserve for recession. This reserve was set up to provide for special advertising and other operational expenses following a natural or economic disaster. This fund was tapped following Hurricane Andrew, the events of 9/11 and during the initial portion of the war with Iraq. The Visitor & Convention Bureau is compelled to utilize these funds and tourist tax revenues.

On September 1, 2004, the Lee County Tourist Development Council approved the use of up to \$1,500,000.00 from reserves for emergency advertising in view of Hurricane Charley.

**Summary of Change Orders:**

- Change Order #1 on September 4, 2001 in the amount of \$170,000.00 for VCB's attractions marketing program.
- Change Order #2 on October 9, 2001 in the amount of \$500,000.00 for emergency advertising.
- Change Order #3 on August 6, 2002 in the amount of \$500,000.00 for increase in the yearly contract.
- Change Order #4 on July 1, 2003 in the amount of \$320,000.00 for emergency advertising.
- Change Order #5 on January 5, 2004 in the amount of \$500,000.00 for additional new airport terminal marketing.

Funds will be made available in HB5520317400.504810. Should the funds or part of the funds not be used, the funding will be transferred back to reserves.

Attachments: 1) Budget Amendment Resolution; 2) Two original Change Orders for Execution

**8. MANAGEMENT RECOMMENDATIONS:**

**9. RECOMMENDED APPROVAL:**

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services			G County Manager
<i>[Signature]</i>	<i>[Signature]</i>			<i>[Signature]</i>	OM	Risk	GC	<i>[Signature]</i>
					11/4/04	11/4/04	11/4/04	

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty  
 Date: 11/4/04  
 Time: 11:00  
 Forwarded To:  
 Admin 11/4/04

RECEIVED BY  
 COUNTY ADMIN: *[Signature]*  
 11/04/04  
 COUNTY ADMIN  
 FORWARDED TO: *[Signature]*  
 11/4/04  
 4/04

# RESOLUTION #

Amending the Budget of the Tourist Development Tax Trust Fund #17400 to incorporate the unanticipated receipts into Estimated Revenues and Appropriations for the fiscal year 2004-2005.

**WHEREAS**, in compliance with the Florida Statutes 129.06(2), it is the desire of the Board of County Commissioners of Lee County, Florida, to amend the Tourist Development Tax Trust Fund #17400 budget for \$1,202,901 of the unanticipated revenue from TDC Reserves and increased revenues and an appropriation of a like amount for funding emergency advertising and;

**WHEREAS**, the Tourist Development Tax Trust, Fund #17400 budget shall be amended to include the following amounts which were previously not included.

		<b>ESTIMATED REVENUES</b>	
Prior Total:			\$15,685,647
Additions			
GC5000017400.312100.9000	Tourist Tax		\$1,202,901
Amended Total Estimated Revenues			16,888,548

		<b>APPROPRIATIONS</b>	
Prior Total:			\$15,685,647
Additions			
HB5520317400.504810	Promotional Advertising & Expenses	\$1,500,000	
GC5890117400.509940	Reserve for Cash Balance	(\$297,099)	
Amended Total Appropriations			\$16,888,548

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Lee County, Florida, that the Tourist Development Tax Trust, Fund #17400 budget is hereby amended to show the above additions to its Estimated Revenue and Appropriation accounts.

Duly voted upon and adopted in Chambers at a regular Public Hearing by the Board of County Commissioners on this \_\_\_\_ day of \_\_\_\_\_, 2004.

ATTEST:  
CHARLIE GREEN, EX-OFFICIO CLERK

BOARD OF COUNTY COMMISSIONERS  
LEE COUNTY, FLORIDA

By: \_\_\_\_\_  
DEPUTY CLERK

\_\_\_\_\_  
CHAIRMAN

APPROVED AS TO FORM

\_\_\_\_\_  
OFFICE OF COUNTY ATTORNEY

DOC TYPE YA  
LEDGER TYPE BA

LEE COUNTY PROFESSIONAL SERVICE/SERVICE PROVIDER AGREEMENT  
CHANGE ORDER/SUPPLEMENTAL TASK AUTHORIZATION

Change Order  
 Supplemental Task Authorization

NO.: 6

(A Change Order or Supplemental Task Authorization Requires Approval by the Department Director for Expenditures Under \$25,000 or Approval by the County Manager for Expenditures Between \$25,000 and \$50,000 or Approval by the Board of County Commissioners for Expenditures over \$50,000)

CONTRACT/PROJECT NAME: Tourism Advertising, Program Planning, Creation & Implementation

CONSULTANT: BVK/McDonald

PROJECT NO.: \_\_\_\_\_

SOLICIT NO.: RFP-00-10 CONTRACT NO.: 1584 ACCOUNT NO.: \_\_\_\_\_

REQUESTED BY: DT Minich DATE OF REQUEST: 9/20/2004

Upon the completion and execution of this Change Order or Supplemental Task Authorization by both parties the Consultant/Provider is authorized to and shall proceed with the following:

EXHIBIT "CO/STA-A: SCOPE OF PROFESSIONAL SERVICE: DATED: 9/20/2004

EXHIBIT "CO/STA-B: COMPENSATION & METHOD OF PAYMENT: DATED: 9/20/2004

EXHIBIT "CO/STA-C: TIME AND SCHEDULE OF PERFORMANCE: DATED: 9/20/2004

EXHIBIT "CO/STA-D: CONSULTANT'S/PROVIDERS ASSOCIATED  
SUB-CONSULTANT(S)/SUB-CONTRACTORS: DATED: 9/20/2004

EXHIBIT "CO/STA-E: PROJECT GUIDELINES AND CRITERIA: DATED: 9/20/2004

It is understood and agreed that the acceptance of this modification by the CONSULTANT/PROVIDER constitutes an accord and satisfaction.

RECOMMENDED:  
By: \_\_\_\_\_  
Department Director Date

By: CW Joy - 10/13/04  
Contracts Mgmt Date

APPROVED:

By: \_\_\_\_\_  
\*County Attorney's Office Date

\*County Attorney signature needed  
for **over** Board level expenditures only.

ACCEPTED:  
By: Mary J. O'Leary  
Consultant/Provider

Date Accepted: 10/6/04

Corporate Seal

COUNTY APPROVAL:

By: \_\_\_\_\_  
Department Director  
(Under \$25,000)  
Date Approved: \_\_\_\_\_

By: \_\_\_\_\_  
County Manager (Between  
(\$25,000 and under \$50,000)  
Date Approved: \_\_\_\_\_

By: \_\_\_\_\_  
Chairman  
Board of County Commissioners  
Date Approved: \_\_\_\_\_

CHANGE ORDER AGREEMENT No. 6

or

SUPPLEMENTAL TASK AUTHORIZATION No. \_\_\_\_\_

EXHIBIT "CO/STA-A"

Date: 9/20/2004

SCOPE OF PROFESSIONAL SERVICES

for Tourism Advertising, Program Planning, Creation & Implementation  
(Enter Project Name from Page 1 of the  
Change Order or Supplemental Task Authorization)

SECTION 1.00 CHANGE(S) TO PROFESSIONAL SERVICES

The "Scope of Professional Services" as set forth in Exhibit "A" of the Professional Services Agreement, or Service Provider Agreement, referred to hereinbefore is hereby supplemented, changed or authorized, so that the CONSULTANT or SERVICE PROVIDER, shall provide and perform the following professional services, tasks, or work as a supplement to, change to, or authorized to, the scope of services previously agreed to and authorized:

1.2 A one-time increase to cover for additional Hurricane Recovery Campaign emergency advertising.

\*Attach additional pages, if needed.

- CHANGE ORDER AGREEMENT No. 6  
or  
 SUPPLEMENTAL TASK AUTHORIZATION No. \_\_\_\_\_

EXHIBIT "CO/STA-B"

Date: 9/20/2004

COMPENSATION AND METHOD OF PAYMENT

for Tourism Advertising, Program Planning, Creation & Implementation

(Enter Project Name from Page 1 of the  
Change Order or Supplemental Task Authorization)

SECTION 1.00 CHANGE(S) IN COMPENSATION

The compensation the CONSULTANT, or SERVICE PROVIDER, shall be entitled to receive for providing and performing the supplemented, changed or authorized services, tasks, or work as set forth and enumerated in the Scope of Services set forth in this CHANGE ORDER OR SUPPLEMENTAL TASK AUTHORIZATION AGREEMENT, Exhibit "CO/STA-A", attached hereto shall be as follows:

NOTE: A Lump Sum (L.S.) or Not-to-Exceed (N.T.E.) amount of compensation to be paid the CONSULTANT should be established and set forth below for each task or sub-task described and authorized in Exhibit "S/COA-A". In accordance with Professional Services Agreement Article 5.03(2) "Method of Payment", tasks to be paid on a Work-in-Progress payment basis should be identified (WIPP).

Task Number	Task Title	Amount of Compensation	Indicate Basis of Compensation LS or NTE	If Applicable Indicate (W.I.P.P.)
1.2	Addition for Hurricane Recovery Campaign Emergency Advertising One-Time Fee	\$1,500,000.00	NTE	
<b>TOTAL</b>		<b>\$1,500,000.00</b>		

(Unless list is continued on next page)



- CHANGE ORDER AGREEMENT No. 6  
 SUPPLEMENTAL TASK AUTHORIZATION No. \_\_\_\_\_

EXHIBIT "CO/STA-C"

Date: 9/20/2004

**TIME AND SCHEDULE OF PERFORMANCE**

for Tourism Advertising, Program Planning, Creation and Implementation

(Enter Project Name from Page 1 of the  
Change Order or Supplemental Task Authorization Agreement)

SECTION 1.00

**CHANGES FOR THIS CHANGE ORDER OR SUPPLEMENTAL TASK AUTHORIZATION AGREEMENT**

The time and schedule of completion for the various phases or tasks required to provide and perform the services, tasks, or work set forth in this CHANGE ORDER or SUPPLEMENTAL TASK AUTHORIZATION AGREEMENT, Exhibit "CO/STA-A", entitled "Scope of Professional Services" attached hereto is as follows:

Phase and/or Task Reference as Enumerated in EXHIBIT "A"	Name or Title of Phase and/or Task	Number of Calendar Days For Completion of Each Phase and/or Task	Cumulative Number of Calendar Days For Completion from Date of Notice to Proceed For this CO or STA
	Final One-Year Renewal through 9/30/05		

CHANGE ORDER AGREEMENT No. 6  
 or  
 SUPPLEMENTAL TASK AUTHORIZATION No. \_\_\_\_\_

**EXHIBIT "CO/STA-D"**

Date: 9/20/2004

**CONSULTANT'S, OR SERVICE PROVIDER'S, ASSOCIATED SUB-CONSULTANT(S) AND SUBCONTRACTOR(S)**

for Tourism Advertising, Program Planning, Creation & Implementation

(Enter Project Name from Page 1 of the  
 Change Order or Supplemental Task Authorization Agreement)

CONSULTANT, or SERVICE PROVIDER, intends to engage the following sub-consultant(s) and/or sub-contractor(s) to assist the CONSULTANT, or SERVICE PROVIDER, in providing and performing the services, tasks, or work required under this CHANGE ORDER, or SUPPLEMENTAL TASK AUTHORIZATION AGREEMENT.

(If none, enter the word "none" in the space below.)

Service and/or Work to be Provided or Performed	Name and Address of Individual or Firm	Disadvantaged, Minority or Women Business Enterprise, (If Yes, Indicate Type)			Sub-Consultant Services are Exempted from Prime Consultant's Insurance Coverage	
		Yes	No	Type	Yes	No
None						



CHANGE ORDER AGREEMENT No. 6

SUPPLEMENTAL TASK AUTHORIZATION No. \_\_\_\_\_

EXHIBIT "CO/STA-E"

Date: 9/20/2004

PROJECT GUIDELINES AND CRITERIA

for Tourism Advertising, Program Planning, Creation & Implementation

(Enter Project Name from Page 1 of the  
Change Order or Supplemental Task Authorization Agreement)

As a supplement, or change, to the Project Guidelines and Criteria set forth in the Professional Services Agreement, or Service Provider Agreement, Exhibit "E", the COUNTY has established the following Guidelines, Criteria, Goals, Objectives, Constraints, Schedule, Budget, and/or Requirements which shall serve as a guide to the CONSULTANT, or SERVICE PROVIDER, in performing the professional services, tasks, or work to be provided pursuant to the professional services set forth hereinbefore in CHANGE ORDER or SUPPLEMENTAL TASK AUTHORIZATION AGREEMENT, Exhibit "CO/STA-A", attached hereto:

(If none, enter the word "None" in the space below.)

ITEM No. 1  
None