

APPROVED

MINUTES OF THE MEETING

FLYING EAGLE NATURE CENTER EVALUATION COMMITTEE

GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

TAMPA, FLORIDA

JANUARY 18, 2013

The Flying Eagle Nature Center Evaluation Committee convened at 9:00 a.m. on Friday, January 18, 2013, at the District's Tampa Service Office, 7601 US Highway 301 North, Tampa, Florida.

Committee Members Present

Douglas B. Tharp, Chair
Wendy Griffin
Albert G. Joerger
George W. Mann

Committee Member Absent

Randal S. Maggard

Recording Secretary

Lou Kavouras

Staff Members Present

Blake C. Guillory
Laura Donaldson
Mary Beth McNeil
Mike Holtkamp
Roy Mazur
Cheryl Hill
Steve Long
Ellen Cuarta

A list of others present who signed the attendance roster is filed in the permanent records of the District. Approved minutes can be found on the District's Web site (www.WaterMatters.org).

The numbers preceding the items below correspond with the published agenda.

1. Call to Order

Chair Tharp called the meeting to order at 9:00 a.m. and asked everyone to stand for the Pledge of Allegiance. He thanked the committee members for their participation and stated the purpose of the meeting is to hear oral presentations and to evaluate and rank proposals received by the District in response to the Flying Eagle Request for Proposals (RFP 007-12). Following the oral presentations, public comment will be heard. He said the scheduled order of presentations was determined alphabetically. The purpose of the presentations is to allow the respondents an opportunity to present their proposals and allow the committee members to ask questions of the respondents to improve their understanding of the proposals. Only answers that clarify the submitted proposal will be considered by the committee. Chair Tharp noted that the Governing Board has not yet approved any funds for this RFP. Accordingly, negotiations will not commence with a ranked respondent that included financial assistance from the District in its proposal without prior approval from the Governing Board. He said following oral presentations and public comments, the evaluation committee will determine whether any proposal does not meet the mandatory requirements of the RFP. The committee will then evaluate and score the remaining proposals unless the committee determines that it is in the best interest of the District to reject all proposals. Any proposed lease is subject to confirmation by the Florida Department of Environmental Protection and ultimately must be approved by the District's Governing Board.

2. **Oral Presentations**

Chair Tharp said the order of the presentations, as shown on the agenda will be River Builders, Inc., Sumswift Shotgun Sports, Inc., The Path of Citrus County, Inc., and finally Mr. Giovanni A. Van den Abbee.

a. **River Builders, Inc.**

Michael Moore, Patrick O’Gorman, Elaine Moore, Bruce Blauer and Karen Pagliro introduced themselves and described their firm as a design-build team. Their vision for the Flying Eagle property is to restore the historical buildings, preserving their character but bringing them up to modern standards. Mr. Moore said their objective is to make the property accessible to as many visitors as possible by establishing compatible uses which would include camping facilities. They discussed their desire to create jobs and have a positive economic impact on the community. The team discussed their experience and qualifications, prioritization of renovation activities, income/loss projections, marketing plans, and ideas for special events.

At the chair’s request, Mr. Moore provided detail on River Builders’ financial plan for the property, indicating they are prepared to apply \$60,000 toward the project. Chair Tharp indicated that availability of any District funding for this project is remote. In response, Mr. Moore said they have the financial resources to carry through the project with or without District funding assistance, but the schedule and length of the lease might need to be adjusted. Questions were also answered relative to website presence, prioritization of events and staffing levels.

b. **Sumswift Shotgun Sports, Inc.**

Michael Manion stated that there is not much difference between their proposal and the one presented by River Builders, Inc., except they promote a focal recreational activity which will generate revenue that can be used for the maintenance of the property. That activity is a shotgun-only shooting sports facility. Mr. Manion explained that Sumswift abandoned the Lake Panasoffkee spoil site location due to slippery silt substrate safety concerns. Removal of the silt debris was determined to be economically infeasible. He discussed the corporation’s financial resources and their service-value marketing plan for the sportsmen. He said corporate events could generate revenue, and specific locations for the shooting areas have not yet been determined.

Jim Traynor addressed the question of lead management indicating they would be held to the state’s BMP requirements for Florida shooting ranges. He said the shot fall areas would be controlled space, but other than that the public would not be excluded. Mr. Manion described their intent to attract visitors and youth. He said they are anticipating two avenues to generate revenue; a capital contribution campaign and equity financing. Dan Delsonno provided details about generating revenue through issuance of an IPO with an exit strategy.

c. **The Path of Citrus County, Inc.**

DuWayne Sipper introduced two of his board members; Dick Windle and Floyd Ford. He described his organization as a rescue mission; a shelter and a new life program dedicated to helping homeless or displaced men and women overcome addiction, strengthen family relationships, develop a productive work ethic and rebuild their lives. He said the property provides a long-term opportunity for The Path to expand its farming operations, wood shop operation and its long-term program recovery. The Path intends to apply for a \$500,000 grant from the Federal Home Loan Banks. He discussed

details of natural farming methods, opportunities to raise other farm products, and private revenue sources.

In response to questions from the committee members, Mr. Sipper said he does not anticipate zoning, erosion, or sediment issues on the property. He said public access won't be excluded, but security will need to be in place. He said the ratio of residents to staff is approximately 8:1. Multiple uses of the property could be arranged for other nonprofits by appointment. He also indicated that their farming customer base could be easily expanded.

d. Mr. Giovanni A. Van den Abbeele

Mr. Van den Abbeele said they propose to restore and develop the property for camping and short-term vacation rentals attractive to local and European visitors. They plan to incorporate eventually, but presently the business partners consist of Pegasus Management Services Inc., VDA Developments Inc., Terry's Lawn Care Inc., and VDA Ranch Inc. He described how each entity would be involved in the maintenance and operation of the property. Mr. Van den Abbeele discussed use of District funds in the form of a loan, but said they could fund the project themselves by reinvesting the initial profits back into the project.

In response to questions from the committee members, Mr. Van den Abbeele said the diversity of the four existing companies provides strength to their proposal. He said more people would need to be hired after the first year and a half. Regarding a future revenue stream, he said 1400 rental contacts already exist, and they have a marketing plan for Europe and Canada. People are looking for something unique and potentially less expensive.

3. Committee Discussion and Ranking

Chair Tharp asked for public comment at this time, and indicated one blue request-to-speak card had been submitted from Mr. Al Grubman. Mr. Grubman, from Inverness in Citrus County, said the proposals are a mere shadow of what staff had originally recommended. He suggested the two new Board members examine the project history.

Chair Tharp said the first action of the committee is to determine whether or not all proposals qualify. Mr. Joerger asked what the committee's options were, and Mary Beth McNeil, Assistant General Counsel, responded the options are to evaluate all of the proposals deemed qualified in accordance with the criteria specified in the RFP. The only negotiable item in the RFP is the term of the lease. The RFP does not allow for negotiations of funding contributions. She said the remedy would be to reject all proposals and then re-post another solicitation document that would allow for negotiations of funding contributions. She indicated that solicitation would be an Invitation to Negotiate. Ms. McNeil said it would be a pretty quick turnaround for staff to get the new solicitation document out. She also said this should not be too burdensome on the respondents since their proposals have already been developed.

Mr. Joerger made a motion to reject the four proposals, solicit an Invitation to Negotiate with a focus on campgrounds, along with other amenities such as shooting, if that were possible.

In response to Chair Tharp's question, Mr. Joerger said this would allow the District to negotiate the potential revenue aspects of the proposals. He said it would allow a more

market-driven process to take place. He said the point of his motion is that he does not think we asked the right questions in the RFP.

Ms. McNeil clarified that some of the proposals received required the District to either contribute money or services. Discussion ensued regarding whether or not there was an expectation the District would receive rent, or a portion of the gross receipts or profits. Ms. Laura Donaldson, General Counsel, said under the current RFP rent could be negotiated. She said the negotiated lease is subject to Governing Board approval.

Ms. Griffin stated that opening the solicitation to new respondents is unfair to those who responded originally.

Mr. Joerger said he does not think any of the respondents have the depth of resources to be successful. Chair Tharp indicated that Sumswift and The Path proposals did not include District contributions in their proposals.

Ms. Donaldson said the new solicitation would allow District contributions to be factored out of the negotiations.

Ms. Griffin asked for a point of clarification; she said unless a proposal was rejected, the District's contribution, as indicated in the RFP, would be etched in stone. Ms. McNeil indicated that this was correct.

In response to Chair Tharp's question, Mr. Steve Long, Procurement Manager, indicated that once ranked, negotiations could begin immediately with the highest ranked respondent. The Governing Board would need to approve any District financial participation.

Mr. Joerger said it would be cleaner to reject all four proposals. He restated his motion to reject all proposals. Chair Tharp asked if there was a second to Mr. Joerger's motion. Hearing none, he stated the motion is rejected due to lack of a second, and asked the committee to proceed with scoring.

Ms. Griffin said she was still digesting Mr. Joerger's motion, and trying to come to terms with what is best for the District. She said her intent is to not hurt respondents who have diligently put together proposals, and said it might be to their advantage if they were allowed to negotiate certain terms.

Chair Tharp said he does not think it was ever the intent of the Governing Board to receive rent from the successful respondent. The Governing Board has the option to reject the negotiated lease. He said he sees no downside to continue with scoring and continue with the process.

Ms. Griffin asked legal staff to describe the ramifications of each decision. Ms. McNeil said the current process does not allow the flexibility to negotiate certain aspects of the lease, and she cannot speak to whether or not the ability to negotiate would be a benefit to the respondents. She said the question about expectation of District contributions in the RFP could have been interpreted to suggest funding was available.

Discussion ensued regarding the pros and cons of the current process vs. a new solicitation. Ms. Griffin said she had not realized the negotiation constraints under the RFP as currently written.

Chair Tharp reiterated that the Governing Board will likely provide no funding for this project, and if a funding request comes back to the Board it will probably be rejected. Ms. Griffin said she is tending toward wanting to preserve as much ability to negotiate as possible. She said that maybe the only way to accomplish that is by re-advertising. Chair Tharp said he is interested in the District getting the best bang for its buck, and in being fair to the current respondents. Other than the ability to negotiate District contributions, he asked what else is lost under the current process.

Mr. Joerger then made a motion to reject all four proposals, and proceed with an Invitation to Negotiate. Ms. Griffin seconded the motion.

Ms. Donaldson said following the committee vote, the Governing Board will need to authorize staff to move forward with the Invitation to Negotiate. She said that could be considered at the January 29th meeting.

Chair Tharp put the motion to vote. The motion carried 3 to 1, with Chair Tharp voting against.

Chair Tharp announced that all four proposals have been rejected. He thanked everyone for their participation.

4. **Adjournment**

There being no further discussion, the meeting was adjourned at 12:37 p.m.