

Meeting Notice

Partnership for Public Facilities and Infrastructure Act Guidelines Task Force Meeting

April 17, 2014

9:00 a.m. – 12:00 noon

Betty Easley Conference Center
4075 Esplanade Way, Room 148
Tallahassee, FL 32399

Meeting Agenda

- I. Introductions and Adoption of Minutes
- II. Discussion of preliminary concepts for task force recommendations relating to the eight items required for task force consideration and vote on final preliminary concepts
- III. Other Business and Public Testimony
- IV. Adjourn

For information regarding this meeting, please contact Marlene Williams with the Department of Management Services at (850) 488-6285.

Partnership for Public Facilities and Infrastructure Act Guidelines Task Force Meeting

Meeting Date: Feb. 28, 2014

Building 4050, Room 101

4050 Esplanade Way

Tallahassee, FL 32399

Agenda

- I. Introduction and Adoption of Minutes
- II. Discussion of preliminary concepts for task force recommendations relating to the eight items required for task force consideration and vote on final preliminary concepts
- III. Other Business and Public Testimony
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Meeting Packet

The meeting packet with all meeting materials can be accessed [here](#). The Task Force webpage with all meeting materials can be accessed [here](#).

Call to Order

Meeting called to order and welcome at 9 a.m.

Roll call conducted at 9:01 a.m.

Members present (via teleconference):

Craig Nichols, Chair

Frank Attkisson, Vice Chair

George Burgess

Sonya Little

Michael Olenick

John (Jay) Smith

Andy Tuck

Members absent:

None

Business

I. Introduction and Adoption of Minutes

Motion for Approval of Meeting Minutes from 01-31-14 task force meeting at 9:03 a.m.

Vote: All in favor; 0 opposed; 0 abstained

Resolved: Motion carried

Introduction and short presentation by Ms. Lynn M. Schubert, President of the Surety & Fidelity Association of America (SFAA), to discuss the bonding of P3 projects and answer questions from task force members at 9:04 a.m.

II. Discussion of preliminary concepts for task force recommendations relating to the eight items required for task force consideration and vote on final preliminary concepts

Discussion of the two items tabled from last meeting at 9:17 a.m. These are as follows:

- **Item L – Clarify applicability of mandatory procurement requirements relating to public-private partnerships at 9:17 a.m.**
This item was tabled for further discussion.
- **Item M – Clarify the intent of s. 287.05712(4), F.S., relating to procurement procedures and s. 287.05712(6), F.S., relating to project qualification and process at 9:31 a.m.**

This item was tabled for further discussion.

Presentation of determinations made on the remaining discussion points and floor opened for any additional refinements or comments at 9:55 a.m.

- A. 9:55 a.m. – Concurred
- B. 9:56 a.m. – Concurred
- C. 9:57 a.m. – Concurred
- D. 9:58 a.m. – Concurred
- E. 10:03 a.m. – Tabled
- F. 10:04 a.m. - Concurred
- G. 10:06 a.m. – Concurred

Break to adjust recording equipment at 10:09 a.m.

Task Force reconvened at 10:20 a.m.

Presentation of determinations made on the remaining discussion points and floor opened for any additional refinements or comments continued at 10:20 a.m.

- H. 10:21 a.m. – Concurred
- I. 10:21 a.m. – Concurred
- J. 10:22 a.m. – Concurred
- K. 10:35 a.m. – Concurred
- L. 10:36 a.m. – Tabled
- M. 10:36 a.m. – Tabled
- N. 10:37 a.m. – Tabled

Legislative Update provided at 11:05 a.m.

The Legislative Update is as follows: three sets of companion bills are filed this session relating to public-private partnerships.

- HB 541 and SB 900 would authorize the use of public-private partnerships by the State University System.
- HB 543 and SB 1396 would provide an exemption from public record for unsolicited proposals held by the State University System.

- HB 1051 and SB 1318 would provide an exemption from public record for unsolicited proposals held by responsible public entities.

Motion by Mike Olenick to support all filed legislation

- Second by George Burgess
- Vote: All in favor, 0 opposed, 0 abstained
- Resolved: Motion carried

Presentation of determinations made on the remaining discussion points and floor opened for any additional refinements or comments, continued at 11:10 a.m.

- O. 11:10 a.m. – Concurred

III. Other Business and Public Testimony

Discussion of next steps in the analysis and recommendation process at 11:13 a.m.

- Chair spoke to the task force's next meeting to discuss the four items tabled today. Chair opened floor for any final questions or comments from members.

Public Comment at 11:16 a.m.

- Rick Watson asked for affirmation that the public exception bills had been filed. Mr. Watson received assurance that the task force addressed these and voted.

IV. Adjourn

Adjournment at 11:17 a.m.

Partnership for Public Facilities and Infrastructure Act Guidelines Task Force – Tracking Document

DRAFT

	Discussion Point	Corresponding Item Number	Discussion/Determination
A	Develop model guidelines for use by Responsible Public Entities (RPE)	N/A	Should model guidelines be developed for responsible public entity (RPE) use? Who should develop these guidelines? Models can quickly become outdated – how often should the models be updated? Determination: Model guidelines should be developed for responsible public entity (RPE) use and should be updated or reviewed at least bi-annually.
B	Develop best practices guidance for use by RPE comprised of commentary and explanations	N/A	Should best practices guidance be developed for RPE use? Should such guidance be included in the model guidelines? Should such guidance include a checklist or other resources? Determination: Best practices guidance should be included in the model guidelines developed for responsible public entity (RPE) use. General guidance may include checklists or other resources to provide further assistance to RPEs.
C	Develop model comprehensive agreements and interim agreements	N/A	Should model agreements be developed for RPE use? Would these agreements be used as a template to start from rather than a model document? Should multiple templates be considered to cover different types of projects? Who should develop? Models can quickly become outdated – how often should templates be updated? Determination: No. Should a public-private partnerships support entity be developed to provide guidance to local governments, they should act as a repository of previously used agreements but not a creator of model agreements. No further action is required.
D	Support entity to provide guidance to RPE and to encourage the use of public-private partnerships at the local level	N/A	Should an entity be created to provide guidance to RPE? Will this entity be responsible for supporting RPE analysis/review or will the entity be responsible for providing information to the RPE? Should this entity be tasked with encouraging private companies to engage in public-private partnerships with Florida RPE? If so, what is the

Note:

Grey Shaded items will not be included in task force recommendations

Green Shaded items are open for discussion

	Discussion Point	Corresponding Item Number	Discussion/Determination
			<p>appropriate entity for such a functional role? Should an established program be developed within a state agency or the legislature? How will staffing for this entity be provided?</p> <p>Determination: A state agency or other established entity should be given the additional responsibility to assist local governments in developing and engaging in public-private partnerships. This entity can engage, identify, or contract with professional vendors to assist in the financial analysis and other services needed to a) develop solicited proposals and b) assess and review solicited and unsolicited proposals to ensure state and local funds are expended in the best interest of taxpayers.</p>
E	Does the public-private partnership process, in particular when unsolicited proposals are involved, provide for an adequate level of competition?	Item 1	<p>The public-private partnerships law (s. 287.05712, F.S.) provides for notice process and timelines for public and potential competing proposers. The best prospect for success in generating competing proposals is the amount of time and the extent that it is publicly advertised.</p> <p>What information should be provided during the solicitation of competing proposers? Should more flexibility be included in the timeline to ensure competing proposers have time to develop a quality competing proposal?</p> <p>Determination: Tabled for further discussion</p>
F	Information released when seeking competing proposals and requests for additional or enhanced information	Item 6	<p>If an unsolicited proposal <u>IS</u> exempted from public record (see below), the RPE will be required to develop its own solicitation documents to solicit competing proposals. What project information should be released when soliciting competing proposals?</p> <p>Determination: Responsible public entities (RPEs) should be given the flexibility to develop their own documentation to solicit competing proposals. An RPE should consider using the same project information for soliciting public-private partnerships as it does for standard construction projects procured under Chapter 255, F.S. No further action is required.</p>

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G	Exemption from public records requirements for unsolicited proposals	Item 7	<p>Language has been filed for universities relating to exempting unsolicited proposals from public records. The proposal provides the following:</p> <ul style="list-style-type: none"> • If a board receives an unsolicited proposal for public-private partnerships, the proposal would be exempt from public records until such time that the board receives and ranks the proposals as described in subsection (5) [Project Approval Requirements]. <ul style="list-style-type: none"> ○ Note: The ranking of proposals takes place <u>after</u> soliciting competing proposals. Under this proposal, responsible public entities (RPE) would not be allowed to release an unsolicited proposal to solicit competing proposals. • An unsolicited proposal would not be exempt for more than 12 months after the RPE rejects all proposals received for the project in the unsolicited proposal or, if the RPE does not intend to enter into an agreement for the project, 12 months after the date that the unsolicited proposal was received. • This exemption is subject to the Open Government Sunset Review Act and will be repealed on October 2, 2019, unless reviewed and saved from repeal through reenactment by the legislature. • Public Necessity Statement: The legislature would find that it is a public necessity that an unsolicited proposal, which may identify proprietary business information, be exempt from public records requirements. Because unsolicited proposals may contain proprietary information and trade secrets, such as patent-pending designs and financing terms, should such information be made publicly available before the RPE makes a decision, competitors could determine the creative financing used to fund these projects. Therefore, the Legislature would find that the harm that may result from the release of such information outweighs any public benefit that may be derived from the disclosure of the information. <p>Does the task force support such exemption for unsolicited proposals? Alternatively, should the exemption be only for information deemed proprietary and confidential or</p>

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			<p>trade secret? Can a private entity deem its entire proposal proprietary and confidential or trade secret?</p> <p>Determination: The task force recommends such exemptions be considered by the Legislature. On 1-31-14, the task force voted to support HB 543 by Representative Steube, a measure that would provide an exemption from public records requirements for unsolicited proposals held by state university board of trustees for specified period.</p>
H	Availability of representatives of the responsible public entity to meet with private entities considering a proposal	Item 1	<p>Current laws in place governing open meetings and procurements are sufficient to cover public-private partnerships.</p> <p>Determination: Current laws in place governing open meetings and procurements are sufficient to cover public-private partnerships. No further action is required.</p>
I	Criteria for choosing among competing proposals	Item 2	<p>The responsible public entity may consider factors that include, but are not limited to:</p> <ul style="list-style-type: none"> • professional qualifications • general business terms • innovative design techniques or cost-reduction terms • Finance plans. <p>Local governments should have the flexibility to rank and select proposals as determined at the local level, including application of a local preference or other adopted preference. Is current statute adequate for this item?</p> <p>Determination: Current law in place governing the selection of proposals for public-private partnerships is adequate. Local governments should retain the flexibility to rank and select proposals as determined at the local level. No further action is required.</p>
J	Should there be a time limit on how long an RPE can review a proposal?	Item 3	<p>Public entity representatives should have the flexibility to perform adequate review. If a time limit is set, would it result in the rejection of most proposals? From a private entity perspective, it was noted that the review period should have a time limit for any</p>

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			pricing included in the proposal. Is current statute adequate for this item? Determination: Current law allows for flexibility in the timing of responsible public entity (RPE) review. This flexibility in current statute allows an RPE to fully review and vet both simple and complex proposals in the time needed for deliberate decision making. Any pricing submitted in a proposal should include the timeframe for which such pricing is valid.
K	Accelerated selection and review and documentation timelines for proposals involving a qualifying project prioritized by the RPE.	Item 4	Should an RPE have the option to accelerate proposals they deem a priority? How expedited should timelines be? What scenarios would prompt expedited process and should this be determined by the RPE? How will the RPE ensure public access to project information? How can the RPE ensure expediting timelines does not deter competition? Determination: Accelerated selection and review and documentation timelines should be considered for proposals involving a qualifying project that the responsible public entity deems a priority. Responsible public entities should be given the flexibility to determine such accelerated timelines and the process by which projects are selected for accelerated review.
L	Clarify applicability of mandatory procurement requirements relating to public-private partnerships	N/A	The public-private partnerships law (s. 287.05712, F.S.) provides that public-private partnership statute does not waive the requirements of s. 287.055, F.S. , relating to the Consultant's Competitive Negotiation Act, which applies to the acquisition of professional architectural, engineering, landscape architectural, or surveying and mapping services. Should this nuance be resolved through legislative action? Determination: Tabled for further discussion
M	Clarify the intent of s. 287.05712(4), F.S., relating to procurement procedures and s. 287.05712(6), F.S., relating to project qualification and process	N/A	Subsections (4) and (6) of s. 287.05712, F.S. , include provisions that are mandatory for a RPE. Such provisions include language such as must or shall, which create a requirement in law. Should these provisions be reviewed to make procedures more permissive (using language such as may) to allow the statute to serve as guidance

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			rather than mandate? Determination: Tabled for further discussion
N	Guidance regarding application fee for the submission of an unsolicited proposal and RPE use of qualified professionals to conduct an independent analysis of a proposal	Item 5, Item 8	<p>The public-private partnerships law allows an RPE to establish a reasonable application fee for the submission of an unsolicited proposal. The fee must be sufficient to pay the costs of evaluating the proposal. The RPE may engage the services of a private consultant to assist in the evaluation.</p> <p>Should there be guidance for the RPE regarding the financial analysis? Are the requirements in statute adequate for the RPE? Should there be guidance for the RPE in selecting a qualified professional? Should the RPE be required to utilize a Florida-registered professional or CPA? Such fees vary and should be related to actual, reasonable costs of reviewing the proposal. It is fundamental that such fee is for cost recovery, but not revenue generation. Should guidance regarding what is reasonable be a recommendation of the task force or should such guidance be included generally in a best practices document?</p> <p>Florida Department of Transportation Process: (1) An initial fee of \$50,000 payable to the responsible public entity (RPE) shall accompany any unsolicited public-private facility proposal. Unsolicited proposals received without the initial fee shall not be accepted. (2) Payment shall be made by cash, cashier's check, or any other non-cancelable instrument. Personal checks will not be accepted. (3) If the initial fee is not sufficient to pay the RPE's costs of evaluating the unsolicited proposal, the RPE shall request in writing additional amounts required. The public-private partnership or private entity submitting the unsolicited proposal shall pay the requested additional fee within 30 days. Failure to pay the additional fee shall result in the proposal being rejected.</p> <p>Determination: Tabled for further discussion</p>

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O	Clarify the intent of s. 287.05712(4)(c), F.S., relating to an RPE that is a school board	N/A	<p>S. 287.05712(4)(c), F.S., states: “A responsible public entity that is a school board may enter into a comprehensive agreement only with the approval of the local governing body.” Since school boards are not subject to governance by a local governing body, should the task force recommend this language be removed from statute?</p> <p>Determination: Since school boards are not subject to governance by a local governing body, subsection 287.05712(4)(c), F.S., should be stricken from law.</p>

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Additional Research and Findings

287.05712(1)

Subsection (j) definition of “Responsible public entity.” The definition is not consistent with Florida local law; local governments consist of counties (which are political subdivisions of the State), municipalities and special districts. Under Florida law “school districts” are the local government units that provide public primary education. The governing bodies of school districts are referred to as “school boards.”

Proposal: Amend definition to reference school district and read as follows:

287.05712(1)(j): “Responsible public entity” means a county, municipality, or special district authorized to develop or operate a qualifying project.

Subsection (l) definition of “Service contract” uses the term “public entity” which is not defined.

Proposal: Amend the definition to reference the defined term “responsible public entity”:

(l) “Service contract” means a contract between a responsible public entity and a private entity which defines the terms of the services to be provided with respect to a qualifying project.

287.05712(4)

Subsection (b) requires publication of notice in the Florida Administrative Register and a newspaper of general circulation, that a responsible public entity has received an unsolicited proposal and that it will accept other proposals for the same project. It further provides that the timeframe within which the public entity may accept other proposals shall be determined by the public entity on a project-by-project basis based upon the complexity of the project and the public benefit to be gained by allowing a longer or shorter period of time within which other proposals may be received, which is an appropriate standard. However, the statute goes on to provide that the timeframe shall be a minimum of 21 days, but no more than 120 days after publication. Having provided an appropriate standard for a governmental unit to apply in establishing a timeframe for receipt of alternative proposals, it is inappropriate to mandate an arbitrary minimum and maximum timeframe that may not be appropriate depending on the nature and complexity of the proposal.

Proposal: Deleted mandated minimum and maximum timeframe for receipt of alternative proposals.

The last sentence of the section of section 287.05712(4)(b), F.S., requires that, in addition to the published notice, the notice must be mailed to “each local government in the affected area.” Neither “local government” nor “affected area” are defined, raising question as to whom notice is required to be sent. As a more general matter, however, such a notice requirement is highly unusual in Florida local government law and would not be required in a traditional procurement. The purpose for the mandate and intended benefit are unclear and the requirement is duplicative of the published notice requirement.

Proposal: Delete requirement to mail notice to each local government in the affected area. If not delete, revise to require mailing to “affected local jurisdiction” which is a defined term.

287.05712(4)(d)5. requires a finding that the project will be owned by the responsible public entity upon completion or termination of the agreement and upon payment of the amounts financed. As noted above, ownership may not be in the best interest of the responsible public entity. One common structure is for the governmental unit to ground lease property to a private entity on which a facility will be constructed and leased, in whole or in part, back to the governmental unit. If the ownership request is retained, the provision should be clarified to clearly permit a ground lease for a period of time longer than the lease-back period.

Proposal: Delete. If not delete, revise to read as follows:

“5. Will be owned by the responsible public entity either upon completion or upon expiration or termination of the agreement (including the expiration or termination of any ground lease from the responsible public entity to the private entity with respect to the qualifying project) and payment of the amounts financed.”

267.05712(6)

Section 287.05712(6) provides both mandated and permitted requirements with respect to the qualification of qualified projects and the processing of proposals.

Subsection (a) Mandates that the private entity must meet the minimum standards contained in the responsible public entity’s guidelines for qualifying professional services and contracts for traditional procurement projects. In many instances, the private entity will be a special purpose entity. It is doubtful that the private entity would meet the public entity’s guidelines, but rather that a member of the private entity’s team, as reflected in its proposal, would meet the criteria.

Proposal: Revise (a) to clarify that the private entity or the applicable party or parties of the private entity’s team proposed to provide the particular professional services must meet the minimum standards contained in the responsible public entity’s guidelines.

Paragraph (b)2. requires that the responsible public entity ensure the “most efficient pricing of the security package that provides for the performance and payment of subcontractors.”

Question: Does this conflict with the (b) 1. mandate of payment and performance bonds? How does the responsible public entity ensure “the most efficient pricing” of the security package.

Proposal: Delete.

Paragraph (b) 3. requires that provision is made for the transfer of the private entity’s obligations if the comprehensive agreement is terminated or a material default occurs.

A transfer of obligations is not universally appropriate in the event of a termination or default. In many instances the appropriate remedy is termination of the agreement and the rights and obligations of the private entity.

Proposal: Delete.

(c) Permits only sequential negotiation with ranked proposers, requiring termination of negotiations with higher ranked proposers before commencing negotiations with lower ranked proposers. Other states permit concurrent negotiations with ranked proposers, which may be beneficial to the public entity.

Proposal: Revise to provide discretion to public entity to engage either in sequential or concurrent negotiations with ranked proposers.

Section 287.05712(7)

Section 287.05712(7) requires a responsible public entity to notify each affected local jurisdiction (each county, municipality or special district in which all or a portion of the qualifying project is located) by providing a copy of the proposal to each affected local jurisdiction and allowing such affected local jurisdictions 60 days to comment.

The benefit intended to be derived from this mandate is unclear. Such a requirement is also highly unusual in Florida local government law. There is no corresponding requirement in the context of traditional procurement. It provides an opportunity for other governmental units to criticize and politicize the business of another independent unit of local government. The requirement also raises public records law issues. As the proposal has not yet been implemented, certain information relating to the proposal would be protected from disclosure in the hands of the responsible public entity as part of a procurement process. It is not clear that it would also be protected in the hands of an affected local jurisdiction. An affected local jurisdiction would not be prohibited from disclosing the otherwise protected information, disclosure of which may undermine the negotiation and procurement process, or discourage proposals.

Proposal: Delete.

Section 287.05712(10)

Section 287.05712(10) provides that an agreement entered into pursuant to that section may authorize the private entity to impose fees to members of the public for use of the facility, but imposes certain mandates on the agreement.

Subsection (d) requires that any revenues must be regulated by the responsible public entity pursuant to the comprehensive agreement.

The intent, purpose and applicability of this requirement are not clear. Is the intent simply to require that revenues generated by the facility be applied in the manner provided in or permitted by the agreement? Is the intent that the responsible public entity has some approval right or obligation with respect to the setting of the user fees? If the latter, such approval or responsibility is not universally

desirable or appropriate. In many instances, it may be more appropriate to allow the private entity and market forces to determine appropriate fee structures. In other instances, fees may be subject to regulation by other governmental entities (such as the Public Service Commission).

Proposal:

(A) If intended simply to require application of revenues as provided in the agreement, revise to read as follows:

“(d) Any revenues shall be applied in the manner required or permitted by the comprehensive agreement.”

(B) If intended to require some level of approval of rate by the responsible public entity, delete or make permissive, allowing the responsible public entity to determine the scope of approval appropriate for the particular circumstance.

Subsection (e) requires a negotiated portion of revenues from fee-generating uses must be returned to the public entity over the life of the agreement.

This is not universally appropriate or desirable. In many instances, fees are sufficient to pay only a portion of the costs of operation and maintenance, financing costs and return on investment to the private entity. In many instances, additional revenues will be required.

Proposal: Delete, allow discretion for the local governmental entity to determine whether a sharing of revenues is appropriate under the particular circumstances.

Section 287.05712(11)

Subsection (c) the last sentence of this section in part provides that a financing agreement may not secure financing by the responsible public entity “with a pledge of a security interest, and any such provision is void.”

The intended application of this provision is unclear. If it is intended to prohibit a responsible public entity from granting a mortgage or security interest on the project and tangible personal property, it should be revised to so state. If it is intended to have broader applicability, it is inappropriate as Florida local governments often secure financing obligations by a pledge of and lien on a dedicated revenue source. Local governments with taxing powers are generally precluded from incurring general obligation indebtedness without first obtaining referendum approval of their voters.

Proposal: Revise to clarify intent to prohibit a responsible public entity from granting a mortgage or security interest in its real or tangible personal property. Revise last sentence of subsection (11)(c) to read as follows:

“A financing agreement may not require the responsible public entity to . . . , or secure financing of the responsible public entity by a

mortgage on or security interest in the real or tangible personal property of the responsible public entity in a manner that could result in the loss of the fee ownership of the property by the responsible governmental unit, any such provision is void.”

Subsection (d) provides that “A responsible public entity shall appropriate on a priority basis as required by the comprehensive agreement a contractual payment obligation, annual or otherwise, from the enterprise or other government fund from which the qualifying projects will be funded. This required payment obligation must be appropriated before other noncontractual obligations payable from the same enterprise or other government fund.”

It is common for lease agreements by which Florida local governmental entities lease property as lessee to provide that the lease obligation is “subject to annual appropriation.” Under Florida law, such a provision provides the local governmental unit the discretion, on an annual basis, whether or not to continue the lease and causes the obligation to be one year obligation. As an obligation of 12 months or less, an annual appropriation obligation is not subject to referendum approval under Article VII, Section 12 of the Florida Constitution. The first sentence of subsection 11(d), by mandating appropriation, draws into question the ability of a responsible public entity to retain discretion whether or not to appropriate under an annual appropriation obligation. Arguably the phrase “as required by the comprehensive agreement” would permit the parties to agree that the responsible public entity may retain discretion whether or not to appropriate on an annual basis, although it is not free from doubt.

Another common financing structure used by Florida local governments is to secure financing obligations with a covenant to budget and appropriate funds sufficient to pay the obligation from legally available non-ad valorem revenues after satisfying funding obligations for essential governmental services of the local government unit. The qualification that the appropriation obligation is from revenues available after satisfying funding obligations for essential governmental services is viewed as necessary to comply with Florida case law precedent in order not to have an indirect pledge of ad valorem taxing powers and to avoid the potential that a court exercising its equitable powers would require a governmental unit to appropriate funds for the payment of debt leaving it with insufficient funds to provide essential governmental services of the governmental unit. The second sentence would prevent a local governmental unit from using this common financing technique as it would obligate an appropriation prior to appropriations for “noncontractual obligations” which would encompass many funding obligations for essential governmental services. Subsection 11(d) at best calls into question the ability of local governmental units to use two very common financing techniques and is not necessary to provide a binding payment obligation on behalf of responsible public entities.

Proposal: Delete subsection 11(d) in its entirety.

Section 287.05712(15)(a) and (b)

The intended breadth of this subsection is not clear. “Political subdivisions” under Florida law are counties; therefore the provision does not apply to municipalities and special districts. It is doubtful that was an intentional exclusion, rather than inappropriate use of terminology. Because of the diverse nature, needs and circumstances of local governmental units in Florida and the wide variety of projects and structures that could be encompassed by the “P-3 concept,” local governments need flexibility to address their particular needs and circumstances and to structure projects and agreements. Florida

municipalities and counties have home rule powers that would enable them to implement P₃ projects and structures. Many special districts also have broad powers to serve their statutory purposes to serve their statutory purposes and functions. To provide needed flexibility to address diverse and dynamic needs and circumstances and myriad of projects and structures that may be proposed or considered, this statute should be clearly stated as supplemental to existing authority and an alternative authorization, not in derogation of existing authorization similar to that provided in Section 159.43, Florida Statutes with respect to industrial development revenue bond financing.

Proposal: Amend the lead in and subsections (a) and (b) of Section 287.05712(15), Florida Statutes to read as follows:

“(15) Construction (a) This section shall be liberally construed to effectuate the purposes of this section.

(b) This section shall be, and be deemed, authority in addition to, and shall provide alternative methods for, any other authority provided by law for the same or similar purposes; and is supplemental to and not in derogation of any powers of any responsible public entity otherwise conferred. The criteria and requirements of this section are applicable only to qualifying projects financed under the authority of this section.”

Section 287.05712(15)(c)

This section specifically states that it “does not waive any requirement of s. 287.055,” Florida Statutes, which is commonly known as the Consultants’ Competitive Negotiation Act or CCNA.

While the statute does not define “public private partnership,” the concept is commonly understood to be a contractual arrangement between a public entity and a private entity that allocates responsibilities and rewards along the continuum of the asset lifecycle, including owning, financing, designing, building, maintaining, and operating. These functions are captured by the statute’s definitions of “develop” and “operate.” The CCNA is Florida’s example of a “baby Brooks Act,” which, like the federal Brooks Act, 40 U.S.C. § 541 *et seq.*, requires negotiation of defined professional services. Decades ago, when Florida expanded from the traditional design-bid-build project delivery model to include design-build contracts, some controversy and confusion arose from combining procurement of (i) design services, which under the CCNA was done via negotiation and (ii) construction services, which traditionally was done via competitive bid, with low price alone generally being the sole award decision criterion. Design professionals fought to ensure that governments did not retreat from the CCNA. *See Lynn Haven v. Bay Cty. Council of Reg. Architects, Inc.*, 528 So. 2d 1244 (Fla. 1st DCA 1988) (improper to select general contractor which would then retain architect to sign and seal plans).

During the same period, U.S. public procurement law began to adapt to changing markets and methods of project delivery. In general, where the project delivery method has grown more complex (by combining traditionally separate aspects), the trend has been away from pure competitive bidding and toward competitive negotiations. *See, e.g., Gen. Eng’g Corp. v. V.I. Water & Power Auth.*, 636 F. Supp. 22, 40-45 (D.V.I. 1985) (financing of cogeneration power plant not subject to competitive bidding), *aff’d*, 805 F.2d 88 (3rd Cir. 1986). From this perspective, it makes sense to follow something like the CCNA competitive negotiation process, rather than traditional competitive sealed bidding. However, the

CCNA process did not apply smoothly to design-build projects. Eventually, the Florida Legislature remedied the confusion by amending the CCNA to add subsection 287.055(9) expressly addressing design-build contracts.

It is now clear that the general provisions of the CCNA – in particular, subsections 287.055(3), (4), and (5) – do not apply directly to a design-build contract. See Op. Att’y Gen. Fla. 2009-49 (2009). Instead, design-build contracts are governed by subsection 287.055(9), which provides: “Except as provided in this subsection, ... the agency must award design-build contracts in accordance with the procurement law, rules, and ordinances applicable to the agency.” § 287.055(9)(a), Fla. Stat. (2013). Subsection 287.055(9) requires the State of Florida, Department of Management Services (“DMS”), to adopt rules for state agencies to follow when awarding design-build contracts, and it requires other agencies to adopt their own rules or ordinances. DMS has adopted the required rules, which appear in chapter 60D-13 of the Florida Administrative Code. By their express terms, the rules govern only “agencies in the executive branch of state government,” and, therefore, do not apply to local governments. R. 60D-13.001, Fla. Admin. Code. Local governments may adopt their own design-build procedures, which must be consistent with the requirements of subsection 287.055(9). Those requirements are that design-build contracts must be awarded in one of two ways: by a “competitive proposal selection process” or by a “qualifications-based selection process.”

Many P3 projects subject to the statute may include a design component. As a result, the conservative interpretation is that the CCNA would apply, and a local government would have to follow the competitive proposal selection process or the qualifications-based selection process as defined in subsection 287.055(9). A fundamental problem is that the P3 statute itself contains a required procurement process, outlined in subsection (6), Project Qualification and Process, which is inconsistent with the CCNA process. Specifically, subsection (6) requires the agency to rank P3 proposals using such factors as “professional qualifications, general business terms, innovative design techniques or cost-reduction terms, and finance plans.” This requirement and these criteria are commercially reasonable.

However, the CCNA process requires the agency to consider a host of other criteria, of questionable relevance, such as “capabilities, adequacy of personnel, past record, and experience of the firm or individual” for purposes of prequalifying firms, and then all of the following criteria, all for purposes of selecting firms with which to negotiate: “qualifications; approach to the project; and ability to provide the required services,” “ability of professional personnel; whether a firm is a certified minority business enterprise; past performance; willingness to meet time and budget requirements; location; recent, current and projected workloads of the firms; and the volume of work previously awarded to each firm by the agency, with the object of effecting an equitable distribution of contracts among qualified firms.” Moreover, the CCNA prohibits agencies from considering financial factors until *after* it has ranked firms and selected one for negotiations, and then requires the agency to negotiate sequentially – i.e., to exhaust negotiations with one firm before talking to another – with the short-listed firms.

To be sure, the basic concept behind the CCNA is laudatory: to provide agencies more flexibility to negotiate complex contracts and to indicate the criteria that may be important, beyond price alone. However, it is a practical mess to overlay the CCNA process onto the process and criteria already identified in subsection (6) of the P3 statute. This inconsistency will cause great confusion and uncertainty at the practical level, which will not instill confidence in the process. Subjecting local governments and private companies to two conflicting procurement processes undermines the legislative intent “to provide the greatest possible flexibility to public and private entities contracting for the provision of public services.” § 287.05712(2)(b), Fla. Stat.

Another practical problem is that, while P3 projects may include a design component, the design element may be a small part of the overall project effort. For example, consider a project with an estimated total cost of approximately \$29 million, consisting of three components: (1) purchase of equipment and the associated software; (2) minor construction to install the equipment; and (3) professional engineering services, which cost less than 3.5% of the total cost. If the project construction cost is above the CCNA threshold of \$325,000, then one could easily argue that the CCNA would apply. This conclusion would force the agency to follow a process designed for procurement of professional services, even though those services are an almost insignificant part of the overall project. As another similar example, on a design-build-operate-maintain project, the cost and importance of the design element can be dwarfed by the cost and importance of the other elements. The CCNA “tail should not wag the dog” of the overall project.

Proposal: Delete subsection 287.05712(15)(c) to eliminate the oblique reference to the CCNA, and amend subsection 287.05712(6)(c) to indicate unambiguously that this subsection alone governs the P3 procurement process. If necessary, describe clearly under what conditions the CCNA may apply, for example, if the project is simply a design-build project, and/or if project is predominantly a design undertaking.

Judicial Validation

It is not uncommon for a dissenting citizen to file a legal challenge with respect to the undertaking of major public projects by units of local government. Any legal uncertainty or challenge to any aspect of the authorization and implementation of a P₃ structure seriously undermines the ability to attract private sector participation and impairs the timely implementation of public projects. With respect to bond financed projects, Chapter 75, Florida Statutes provides an optional process for expedited judicial review and resolution of all legal issues, with a direct appeal to the Florida Supreme Court. Such an optional procedure for expedited judicial review and resolution of legal issues with respect to P₃ projects would be very beneficial to the ability of local governmental units to timely implement P₃ projects and attract potential private sector participants.

Proposal: Amend Section 287.05712 to add an optional validation process similar to the process provided by Chapter 75, Florida Statutes with respect to bond financings.

P3 Taskforce Recommendations

Helpful links to other models and policies for reference:

P3 Related Organizations: <http://www.pppcouncil.ca/resources/links.html>

UK - originator of the PPP model for infrastructure

Infrastructure UK – www.gov.uk/government/organisations/infrastructure-uk

Local Partnerships - www.localpartnerships.org.uk

Local Partnerships is a company uniquely and jointly owned by HM Treasury and the Local Government Association. It provides commercial expertise on matters of infrastructure, legal and contractual complexity.

HM Treasury - www.gov.uk/government/publications/procurement-and-contract-management

The PPP section of the HM Treasury site contains official policy information and guidance related to the UK's PFI/PPP initiative.

UK National Audit Office - www.nao.org.uk

The National Audit Office conducts comprehensive audits of all central government activities, including the Private Finance Initiative (PFI).

CANADA - 207 PPPs, primarily in the provinces of Ontario and British Columbia.

PPP Canada - www.p3canada.ca

PPP Canada is a federal Crown corporation that was recently established to work with the public and private sector to support P3s and to encourage the further development of Canada's P3 market.

Infrastructure Canada - www.infrastructure.gc.ca

Includes information and criteria on the Canada Strategic Infrastructure Fund and the Infrastructure Canada Program, which offer opportunities for public-private partnerships at the municipal and provincial levels.

COMMUNICATIONS PLANNING CHART - (Courtesy of the City of Ottawa – see attachment) - a good planning tool for all the communications tasks required during P3 procurements. Although this is municipally focused, it is useful for all levels of government.

See page 6 of this document

Provincial Government Department/Agencies

BRITISH COLUMBIA

Partnerships British Columbia - www.partnershipsbc.ca

The official website of the Province's agency charged with promoting, supporting and identifying PPP opportunities. The website was developed to assist provincial agencies, project proponents, investors, and the general public by providing information on public private partnerships and the role and activities of Partnerships British Columbia.

ONTARIO

Infrastructure Ontario – www.infrastructureontario.ca

Infrastructure Ontario is a crown corporation of the Ontario government dedicated to the renewal of Ontario's infrastructure: its public hospitals, courthouses, roads, bridges, water systems, and other public buildings. For some of the Province's biggest projects, Infrastructure Ontario uses private financing (Alternative Financing and Procurement) to strategically rebuild vital infrastructure while maintaining public control. The website includes summaries of active PPP projects.

Please see below helpful suggestions, relevant case studies, comments, and feedback from the Executive Infrastructure Club on the eight items currently being considered in developing guidelines

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on PPP for the State of Florida. These companies' comments have been compiled in a confident, non-bias manner. Each point corresponds with the items listed in the original request.

1. Opportunities for competition through public notice and the availability of representatives of the responsible public entity to meet with private entities considering a proposal.

Comment:

“Ample public notice and access to public entity representatives are important factors to soliciting high quality proposals from private entities. This kind of access to information encourages private entities to put forward proposals that best speak to the public entity’s needs and values. Allowing private bidders access to representatives and information would allow the public entity to convey a clear description of expectations for the project. For instance, if the public entity views high quality design as necessary for the capturing the full lifecycle performance of the asset, the public entity could provide more specificity and guidance to private bidders through information and access to the public entity.”

Comment:

“Prior to moving forward with a project, it is very important that a public entity should first have stakeholders buy into the development. That will maximize political and public commitment and establish a clear path is in place prior to fully engaging the private sector. Such engagement should start during the feasibility studies stage, a time when two way communication between the public section and its representatives and the private section will allow for the project to benefit from ideas that address the public needs and wants for the project. An open dialogue prior to the competitive procurement starts is recommended to allow for the key players to meet and focus on the key elements of the project. This recommendation is especially important in cases where the project may face economic feasibility or technical challenges or if there are opportunities to significantly improve the project technically.”

2. Reasonable criteria for choosing among competing proposals.

Comment:

“Selecting the “lowest cost, technically proficient” bid among competing proposals does not yield the best value for the public entity. The low bid method may encourage unrealistic pricing from bidders. An unrealistic bid leads to disputes, increased costs, and schedule delays when the public entity and bidder need to renegotiate its price. A “best value” method allows the public entity to consider a multiplicity of factors beyond price such as design/engineering ability, project management ability, safety/quality/risk controls, subcontracting plans, and financial capability. The public entity should employ a balanced best value metric to evaluate proposals that will ultimately demand bidders to demonstrate their construction performance and ability to maintain the asset over the long-term.”

Comment:

“A fully transparent process is very important to ensure the public sector attains the most competitive proposals by attracting the most competitive and prepared bidders. Putting together a bid is resource and capital intense activity and the teams that work on those usually work over large geographical areas, thus by making the project attractive it will draw the best teams. It is also recommended that the selection criteria should be objective. The client should limit the selection criteria to a few key drivers (needs/wants) so as not to introduce too many variables for bidders. Key drivers would include the project schedule, cost to the public sector, the scope of work, concession term, whole lifecycle cost and backed by a clear formula for the purposes of the bidder down-selection. While other criteria may be wanted, the public sector should consider whether these will truly be beneficial to the project. When balancing between the financial and the technical percentages

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of the selection criteria, the public entity must decide what is more important to it and which will generate more value for money.”

3. Suggested timelines for selecting proposals and negotiating an interim or comprehensive agreement.

Comment:

“The timelines for selecting a proposal or negotiating an agreement are often dependent on governmental approvals and the regulatory environment. The public entity should choose a timeline that would allow for those approvals to be secured in a timely manner. A timeline that is too short, though, forces the bidders to make guesses or produce substandard work. So, the public entity should also speak with its advisors on the reasonable timeframe expected for the private bidders to produce materials needed to reach timeline milestones. For example, the public entity could gain guidance on the expected timeframe to produce a design document from its advisors and then use that as a reasonable standard.”

Comment:

“Request for Qualifications (“RFQ”) phase. As necessary to benefit the project; this might include letters of interest, request for information and industry forum and workshops.”

RFQ phase

3 months

***Request for Proposal (“RFP”) Phase (Agreement)
the project/risks)***

4-12 months (depending on

Selection phase

1-2 months

Closing phase (Commercial and Financial)

4-6 months

4. If an accelerated selection and review and documentation timelines should be considered for proposals involving a qualifying project that the responsible public entity deems a priority.

Comment:

“An accelerated timeline may be very challenging for public entities or private bidders. From a public sector perspective, approvals may take anywhere from two to four months to six months to one year to secure. This alone would disrupt an accelerated schedule. An accelerated timeline is beneficial in that the amount of time and money expended by both public and private entities is reduced; but, the timeframe may also be unmanageable for bidders if expectations are set beyond their capabilities. For example, many concessionaire agreements put forth financial penalties for both parties if financial close is not met by a specific date. This allows both parties to seek the necessary approvals, documentation, and other items needed to reach financial close in a short period – as well as the consequences to ensure compliance with the deadline.”

Comment:

“Yes we agree but this should only be considered once the public entity is ready for such fast tracking. For priority projects, the public authority should consider having a well-developed project scope, procurement process and project agreement. Early executed projects will set the path for the agreements, processes and project scope to be improved for each subsequent procurement; therefore a fast track process will easier to develop and implement as the number of closed and eventually delivered projects increases. Know-how needs to be developed and shared by the procuring entity, major stakeholders, advisors and local private sector. As a minimum, fast track projects should be in an advanced stage of right of way acquisition, environmental approvals and any other permits required, thus being “shovel ready”.”

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5. Procedures for financial review and analysis which, at a minimum, include a cost-benefit analysis, an assessment of opportunity cost, and consideration of the results of all studies and analyses related to the proposed qualifying project.

Comment:

“No comments on this section.”

Comment:

“Yes, such review should be performed as part of bringing a project to market. When doing such analysis, the public sector should do a full cost benefit analysis, not only focusing on the cost of financing, but also the overall benefits of the project such as schedule, time to market, lifecycle alignment between contractor, developer and the public sector.”

6. The adequacy of the information released when seeking competing proposals and providing for the enhancement of that information, if deemed necessary, to encourage competition.

Comment:

“When public entities release high quality information, those entities receive high quality proposals. The public entity should work with its advisory to provide the most complete information possible, such as geotechnical studies, environmental analyses, or other planning documentation that describes the asset, site conditions, or other relevant information.”

Comment:

“It is recommended that the public sector should release all information available on project. However, the public sector should consider what studies are required on the early development of the project during the feasibility phase. For example, designs that are too far advanced or over prescriptive may limit bidders’ innovation and lead to a project solution that is not optimised. As a minimum the information released should make clear the project scope, objectives, payment mechanism and proposed risk transfer/sharing.”

7. Current exemptions from public records and public meetings requirements, if any changes to those exemptions are necessary, or if any new exemptions should be created in order to maintain the confidentiality of financial and proprietary information received as part of an unsolicited proposal.

Comment:

“Financial and proprietary information in unsolicited proposals should remain confidential. Unless there is an overriding public interest to release unsolicited proposal information, bids should be kept confidential until a preferred proponent is selected.”

Comment:

“It is recommended that unsolicited proposals which contain proprietary information be protected to incentivize companies to invest in the development of such unsolicited proposals.”

8. Recommendations regarding the authority of the responsible public entity to engage the services of qualified professionals, which may include a Florida-registered professional or a certified public accountant, not otherwise employed by the responsible public entity, to provide an independent analysis regarding the specifics, advantages, disadvantages, and long-term and short-term costs of a request by a private entity for approval of a qualifying project, unless the governing body of the public entity determines that such analysis should be performed by employees of the public entity.

Comment:

“The public entity should engage the services of legal, accounting, technical, and risk advisors to provide analysis that encourages the public entity to select the best bidders. Advisors are typically engaged after a project is identified for the P3 delivery method. An advisory should possess experience with P3 procurement and projects and superior technical

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ability. For example, a risk advisor would be qualified if the advisor possesses experience with identifying P3 project risks and risk mitigation tools; identification of the types of insurance policies and performance security necessary for the concession agreement's minimum insurance requirements; and analysis of the extent of coverage commercially available, likely premium costs, exclusions and coverage limitations."

Comment:

"It is recommended that initially the public entities engage external advisors with extensive P3 experience to expedite the development of the necessary agreements and procedures for the development of projects. If at a later stage the necessary know how is developed internally by the public entities and there is a critical mass of projects and resources, the use of external advisors may be minimized. Common advisors to start a P3 processes are:"

- *Legal*
- *Technical*
- *Financial*

P3 Project Overview & Communications Map

Although every Public-Private Partnership (P3) has unique stages and processes that vary from a common model, it is helpful to have a standing generic model of P3 projects to guide communications activities across the full project lifecycle. This promotes consistency in communications to Councillors, private-sector partners, government funding partners, media and the public. This P3 communications model provides a basis for planning and executing both current and upcoming projects.

Stage	Communications Activities/Products
Assess potential P3 capital projects	<ul style="list-style-type: none"> -v1 Briefing note with rationale -Assess union impact and overall staffing strategy -PROJECT PROFILE
Councillor and community pre-engagement	<ul style="list-style-type: none"> -Gather early input from affected councillors and community groups -Review presentation and/or community communications materials -Develop initial key messaging
P3 Projects Approved for Further Development	<p>COMMITTEE: Potential P3s recommended to committees + posted on Web 5 days prior</p> <ul style="list-style-type: none"> -Meet to draft communications needs + EA process -v2 Briefing note with rationale -Updated project profile -Report to committee and on web (posted 5 days before committee meeting) -Spokesperson named -Issue analysis with refined key messaging -Spokesperson briefed -v1 Spokesperson notes ready -v1 Staff bulletin clip ready -v1 News release ready (focus on need & P3 goals) -v1 Backgrounder ready -v1 FAQs and facts ready -v1 Web info ready
	<p>Committee(s) approve(s)</p> <ul style="list-style-type: none"> -Meet to finalize communications needs + EA process -v1 Staff bulletin clip released -v1 News release released (focus on need & P3 goals) -v1 Backgrounder released -v1 FAQs and facts released -v1 Web info posted
Issue-specific technical briefing to councillors (if needed)	<ul style="list-style-type: none"> -Note to councillors -Presentation materials -Prepared constituent article for councillors -Media advisories if needed
EOI Stage	<p>EOI (Expressions of Interest) solicited from potential partners</p> <ul style="list-style-type: none"> -EOI documents -Selection process memo ready -v2 Web info status updated
RFQ Stage	<p>RFQ (Request for Qualifications)</p> <ul style="list-style-type: none"> -RFQ documents -Selection process memo ready -v3 Web info status updated
	<p>COMMITTEE: Short list to committee for approval + posted on Web 5 days prior</p> <ul style="list-style-type: none"> -Report to committee -Selection process memo ready -Spokesperson available to media -v2 Spokesperson briefed -v2 Spokesperson notes ready -v2 Staff clip ready -v2 News release ready (focus on P3 & selection criteria - name short list) -v2 Backgrounder ready -v2 FAQs and facts ready -v3 Web info status updated
	<p>COUNCIL: 1 Week after committee - short list to Council for approval + on Web agenda: Council approves short list</p> <ul style="list-style-type: none"> -Report to Council -Selection process memo ready -Spokesperson available to media -v2 Spokesperson briefed -v2 Spokesperson notes ready -v2 Staff clip released -Council Update for councillors, media, executives and public -v2 News release deployed (focus on P3 & selection criteria - name short list) -v2 Backgrounder released -v2 FAQs and facts released -v4 Web info status updated
RFP (Request for Proposal)	<ul style="list-style-type: none"> - RFP documents -Selection process memo ready -v5 Web info status updated

RFP Stage	<p>COMMITTEE: Preferred respondent selection to committee for approval + posted on Web 5 days prior</p>	<ul style="list-style-type: none"> -Report to committee -Selection process memo ready -Partner spokespersons named and briefed -Spokesperson available to media -v3 Spokesperson briefed -v3 Spokesperson notes ready -v3 Staff clip ready -v3 Joint news release ready (focus on need, winner capabilities and construction milestones) -v3 Backgrounder ready -Facility fact sheet ready -v6 Web info status updated
	<p>COUNCIL: 1 Week later - preferred respondent selection to Council for approval + posted on Web 5 days prior: Council approves</p>	<ul style="list-style-type: none"> -Report to Council -Selection process memo ready -Partner spokespersons named and briefed -Spokesperson available to media -v3 Spokesperson briefed -v3 Spokesperson notes ready -v3 Staff clip released -Council Update for councillors, media, executives and public -v3 Joint news release deployed (focus on need, winner capabilities and construction milestones) -v3 Backgrounder released -Facility fact sheet released -v7 Web info status updated
Finalization of Project Scope	Negotiations with partner(s) - finalize framework for deal	n/a
	Zoning changes (if needed)	<ul style="list-style-type: none"> -Signage at affected site -Public Notices of Zoning Application -Public Notice of Zoning Changes
	Public consultations	<ul style="list-style-type: none"> -Event logistics -Presentation materials -Emails to lists of interested parties -Signage -Partner spokespersons named and briefed -Spokesperson available to media -v3 Backgrounder copies on hand -Facility fact sheet copies on hand -v3 Spokesperson briefed -v3 Spokesperson notes ready -PSAs -Public notices -Residence flyers (optional) -v8 Web info status updated
	<p>COMMITTEE: Financial and risk distribution deal to committee for approval + posted on Web 5 days prior</p>	<ul style="list-style-type: none"> -Report to committee -Selection process memo ready -Facility fact sheet ready -v9 Web info status updated
	<p>COUNCIL: 1 Week later - financial and risk distribution deal to Council for approval + posted on Web 5 days prior: Council approves</p>	<ul style="list-style-type: none"> -Report to Council -Selection process memo ready -Partner spokespersons named and briefed -Spokespersons available to media -v4 Spokesperson notes ready -v4 Staff clip released -Council Update for councillors, media, executives and public -v4 Joint news release deployed (focus on need, winner capabilities, financial deal highlights, benefits for City and construction start/end dates) -v4 Backgrounder released -Facility fact sheet released -v10 Web info status updated
	2nd Round of public consultations (if needed to consult and answer concerns)	<ul style="list-style-type: none"> -Event logistics -Presentation materials -Emails to lists of interested parties -Signage -Partner spokespersons named and briefed -Spokesperson available to media -v4 Backgrounder copies on hand -Facility fact sheet copies on hand -v4 Spokesperson briefed -v4 Spokesperson notes ready -PSAs -Public notices -Residence flyers (optional) -v11 Web info status updated
Develop and execute final agreement	n/a	

Construction	Construction Start	MEDIA/STAKEHOLDER EVENT: Construction Starts -Invitee list -Invitations -Event logistics -Partner spokespersons named and briefed -Spokespersons available to media -v5 Spokesperson notes ready -v5 Spokespersons briefed -v5 Staff clip released -v8 Media advisory/photo opp released (Mayor, Councillors, Community Groups) -v5 Joint news release released (focus on construction milestones) -v5 Backgrounder released -Facility fact sheet released -Event/ceremony agenda -v12 Web info status updated
	Construction: Milestone 1	Milestone 1: -Partner spokespersons named and briefed -Spokespersons available to media -v6 Spokesperson notes ready -v6 Spokespersons briefed -v6 Staff clip released -v6 Joint news release released (focus on community benefit) -v6 Backgrounder released -v13 Web info status updated
	Construction: Milestone 2 (and any other announceable milestones until Grand Opening)	Milestone 2 and at any other announceable milestone: -Partner spokespersons named and briefed -Spokesperson available to media -v7 Spokesperson notes ready -v7 Spokespersons briefed -v7 Staff clip released -v7 Joint news release released (show community getting excited/involved) -v7 Backgrounder released -v14 Web info status updated
	Construction: Grand Opening	MEDIA/STAKEHOLDER EVENT: Grand opening -Event logistics -Invitations -Partner spokespersons named and briefed -Spokesperson available to media -v8 Spokesperson notes ready -v8 Spokespersons briefed -v8 Staff clip released -v8 Media advisory/photo opp released (Mayor, Councillors, Community Groups) -v8 Joint news release released (focus on community use, impact, benefit) -v8 Backgrounder released -Facility fact sheet released -Event/ceremony agenda -v15 Web info status updated -Grand opening ads
Facility in use	-Communications managed by operator (whether it is the City or the private-sector partner) -Monitor community impact: may deploy a news release from City if/when notable impacts are achieved or exceeded (restate benefits to community and City)	
Ongoing contract management	n/a	



Courtesy: City of Ottawa
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