

# ORANGE COUNTY TOURIST DEVELOPMENT TAX GRANT APPLICATION FORM AND INSTRUCTIONS (VENUES & CAPITAL PROJECTS)

## INTRODUCTION

The purpose of this document is to allow applicants to seek excess Tourist Development Tax (TDT) funding to assist in funding acquisition, construction, and renovation of facilities meeting legal guidelines in Orange County, Florida. Please be aware that excess TDT funding for new projects is **NOT** always available due to pre-existing funding commitments and changing TDT collections from year to year. **Interested groups should check <https://netapps.ocfl.net/arctdtgrants/> to confirm that excess TDT funding is currently available before submitting an application.** This application is an evaluation tool only, and despite availability of funds at any given time, the County is not obligated to fund any project or projects at any time.

The Orange County Board of County Commissioners (County or Board) in consultation with the Orange County Tourist Development Council (TDC) has goals for the use of TDT for facilities to: 1) ensure compliance with Florida TDT statutorily allowed uses, 2) support facilities that enhance the County economy by raising the profile of the community, attract events that bring overnight visitors, and enhance the Orange County economy including the vital tourism industry, and 3) provide partnership funding to facilities that best use the TDT funding in connection with funding from other partners to deliver the proposed economic and/or promotional benefits. This application is a tool to evaluate the likelihood that proposals from project sponsors will be able to best achieve the goals for TDT funded facilities.

The use of Florida TDT is governed by Section 125.0104 of the Florida Statutes. Also, the related Orange County Tourist Development Plan is in Section 25-140 of the Orange County Code. Projects approved for TDT funding that are not currently contemplated in the Tourist Development Plan will require the County to amend the Tourist Development Plan by ordinance.

State Law typically requires public ownership of facilities receiving TDT funding. The County has had a past preference for projects sponsored by governments and non-profit sponsorship groups, projects with a well-established plan with strong partners, projects that can produce a compelling presentation of the facilities' ability to help achieve the County goals as set forth above, and projects that have a well-defined milestones and post-project process to confirm the results. The BCC and/or TDC may request further information or clarifications related to information in the application or for issues that arise during the evaluation. Successful applicants will be required to enter into a funding agreement with the County setting forth the terms, conditions, timelines, and deliverables associated with receiving TDT funding from Orange County. A funding process can take several months or more so please plan accordingly.

This application is for any facility seeking excess TDT funds that may become available from time to time. The County also has an existing Tourist Development Plan priority to budget TDT funds annually for events and facilities promoting Cultural Tourism in Orange County. The Cultural Tourism funding for facilities is through a separate competitive process and application process and project sponsors can learn more about the Orange County Cultural Tourism process at:

<http://orangecountyfl.net/CultureParks/FundingOpportunities.aspx>

For consideration by the Orange County Board and the Orange County TDC, please ensure that the below sections are completed in their entirety:

<b>Section 1 PRELIMINARY INFORMATION</b>	
Company/Organization	
Address	
City	
State	
Zip Code	
E-mail Address	
Authorized Agent Name	
Authorized Agent Title	
Contact Person Name	
Contact Person Title	
Work Phone	(    )
Home Phone/Cell Phone	(    )                      FAX (    )
Venue/Project Website	www.
Do any employees of your organization work in any capacity for Orange County government? (Any unresolved conflict of interest or conflict not reported in advance may result in termination of contract). Learn more about ethics at <a href="http://www.ethics.state.fl.us/">http://www.ethics.state.fl.us/</a> and at <a href="http://www.orangecountyfl.net/Portals/0/resource%20library/vendor%20services/Vendor%20Ethics%20Policy.pdf">http://www.orangecountyfl.net/Portals/0/resource%20library/vendor%20services/Vendor%20Ethics%20Policy.pdf</a> . Learn about the County lobbying ordinance at: <a href="http://www.orangecountyfl.net/OpenGovernment/LobbyingAtOrangeCounty.aspx">http://www.orangecountyfl.net/OpenGovernment/LobbyingAtOrangeCounty.aspx</a>	

<b>Section 2 VENUE / PROJECT INFORMATION</b>	
Venue/Project Name	
Venue /Project Location (Must be in Orange County), and Project's Orange County District # _____ & Commissioner's Name _____	
Sponsoring Organization/Name	
Venue /Project Description Please confirm you have carefully read the "TDT Application (Capital Projects and Venues) Additional	<input type="checkbox"/> Yes, applicant confirms they carefully read the "TDT Application (Capital Projects and Venues) Additional Information and Clarifications" (Attachments A to F) included at the end of this application.

<p><i>Information and Clarifications</i>  (Attachments A to F) included at the end of this application. Please, at a minimum, include in the project description:</p> <p>a) Who owns the facility?  b) Who owns the land?  c) Is the land use approved?  d) If it is leased to the applicant (how long is the lease term/remaining term of lease)?  e) What is the status of site work required?  f) Are you consulting a real estate lawyer?  g) Purpose: ___ Acquisition ___ New Construction ___ Renovation ___ Equipping ___  h) Age of the building referenced in the application (new construction up to historic facility),  i) Are there any special approvals needed (historical, environmental, governmental, etc.)?  j) Are there any third-party contingencies?  k) Describe the professional team of architects, engineers, owner's reps, construction firms, etc. you have working on the project?  l) Does the project have a feasibility study to submit?  m) Describe the status of the required permitting, design work and plans, and any construction work already performed.  n) Provide construction timeline and milestones.  o) Describe the project funding contingency, available financial reserves, and insurance protections (see Attachment E).  p) Please provide an operating pro forma for the next five years of project operation (following construction or renovation project completion) to show how the facility operations will be funded, and the funding of renovation and maintenance costs of the facility.</p>	
Project Start Date (MM/DD/YY)	
Project Completion Date (MM/DD/YY)	

Is this a non-profit organization?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Tax Code Status	
Is this organization tax exempt?	<input type="checkbox"/> Yes <input type="checkbox"/> No
What is your Federal ID# as it appears on Form W-9?	
If you believe that any potential patrons would be exempt from paying hotel occupancy tax, please explain.	
THIS SECTION TO BE COMPLETED BY COUNTY STAFF <b>Category</b> (please check one)	<input type="checkbox"/> Major Sports Professional Sporting Facility <input type="checkbox"/> Non- Major Sports or Amateur Sports Facility <input type="checkbox"/> Special Event Facility <input type="checkbox"/> Music/Arts Event Facility <input type="checkbox"/> Other Facility (Please Explain)
<p>If the facility will have primary tenants or entertainment series affiliations, please describe the tenant and secondary tenant information:</p> <p><b>Primary Tenant Information</b> Please provide the below estimated figures for the primary venue tenant:</p> <p>Name(s) of Tenant(s): _____</p> <p>Contact Information/Website(s) _____</p> <p>Number of Annual Event(s): _____</p> <p>Projected Avg. Event Attendance: _____</p> <p>Projected Room Nights Per primary group event(s): _____</p> <p><b>Please attach a calendar of finalized/potential events</b></p> <p>Please provide room night and attendance calculation methodologies and confirmation in the form of surveys, audits, room contracts or receipts, ticket sales or other projection methods.</p>	<p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>

<p><b><u>Secondary Tenant #1 Information</u></b>  Please provide the below estimated figures for a secondary venue tenant:</p> <p>Name of Tenant: _____</p> <p>Contact Information/Website _____</p> <p>Number of Annual Events: _____</p> <p>Projected Avg. Event Attendance: _____</p> <p>Projected Room Nights Per Event: _____</p> <p><b>Please attach a calendar of finalized/potential events</b></p> <p>(Please provide room night and attendance calculation methodologies and confirmation in the form of surveys, audits, room contracts or receipts, ticket sales or other projection methods.</p>	
<p><b><u>Secondary Tenant #2 Information</u></b>  Please provide the below estimated figures for a secondary venue tenant:</p> <p>Name of Tenant: _____</p> <p>Contact Information/Website _____</p> <p>Number of Annual Events: _____</p> <p>Projected Avg. Event Attendance: _____</p> <p>Projected Room Nights Per Event: _____</p> <p><b>Please attach a calendar of finalized/potential events</b></p> <p>Please provide room night and attendance calculation methodologies and confirmation in the form of surveys, audits, room contracts or receipts, ticket sales or other projection methods.</p>	
<p>If expected major events in the facility are known or under contract, please provide the information below:  <b><u>Major Event #1 Information</u></b></p>	

<p>Please provide the below estimated figures for a major venue event:</p> <p>Name of Tenant:</p> <p>Contact Information/Website</p> <p>Number of Annual Events:</p> <p>Projected Avg. Event Attendance:</p> <p>Projected Room Nights Per Event:</p> <p>Please provide room night and attendance calculation methodologies and confirmation in the form of surveys, audits, room contracts or receipts, ticket sales or other projection methods.</p>	<p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>
<p><b><u>Major Event #2 Information</u></b></p> <p>Please provide the below estimated figures for a major venue event:</p> <p>Name of Tenant:</p> <p>Contact Information/Website</p> <p>Number of Annual Events:</p> <p>Projected Avg. Event Attendance:</p> <p>Projected Room Nights Per Event:</p> <p>Please provide room night and attendance calculation methodologies and confirmation in the form of surveys, audits, room contracts or receipts, ticket sales or other projection methods.</p>	<p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>
<p>What are the target audiences for the facility?</p>	
<p>Do contracts include hotel room night rebates? If yes, amount of rebate per room night.</p>	<p><input type="checkbox"/> YES    \$</p> <p><input type="checkbox"/> NO    <input type="checkbox"/> NOT SURE</p>
<p>How many annual room nights do you <b>project</b> this venue/project will bring to Orange County?</p>	
<p>How many annual room nights do you <b>guarantee</b> this venue/project to bring to Orange County?</p>	

<p>What is the projected Cost Per Acquisition of Each Event at this facility?</p>	
<p>Expected Event Attendee Origin (Local, Non-Local In-State / Out of State) Percentage  “Local” defined as Florida Counties: Orange, Osceola, Lake, Polk, Brevard, Seminole, Volusia</p>	<p>In-State: _____% Non-Local In-State  Out of State: _____%</p>
<p>How do you intend to provide a valid estimated count of attendance and room nights for each event at this venue?</p>	
<p>Total amount of grant funding being requested from the County TDT for this project? Please also provide the timing of the funding needed during the project timeline. Total Project Amount \$ _____  (Indicate if this is part of a larger, multi-phase project, and total of entire project \$ _____)</p>	<p>\$</p>
<p>For two phases: 1) Construction phase, and 2) Operating phase  Number of full-time and part time jobs to be created from project</p>	<p>Full-Time: Construction _____ Operating _____  Part-Time: Construction _____ Operating _____</p>
<p>Intended Use of Funds (Please see attached “TDT Grant Policies and Procedures” form)  <b>Note: Please remember to attach itemized expenditures to be funded by this grant. Attach a complete pro forma budget for the project including a listing of all anticipated funding sources and expenditures. Will you be partnering for promotion with Visit Orlando or another local agency or group?</b></p>	
<p>List <b><u>ALL</u></b> other <b><u>actual</u></b> or <b><u>potential</u></b> city/county/state/federal funding sources for this project including:  Visit Orlando  Visit Florida  Central FL Sports Commission  Parks &amp; Recreation Department,  Department of Cultural Affairs,  Orange County Cultural Tourism  Etc.  <b><u>Failure to disclose other funding sources may result in denying future TDT funding of facility/venue projects.</u></b></p>	

List <b>all</b> other non-governmental contributors, sponsors, and sources of funding for this project other than the TDT from Orange County. <b><u>Failure to disclose other funding sources may result in denying future TDT funding of facility/venue projects.</u></b>	
What additional sources of funding have you sought or do you intend to seek outside of those listed above? <b><u>Failure to disclose other funding sources may result in denying future TDT funding of facility/venue projects.</u></b>	
If applicable, list past Florida TDT funding (to include each year with Florida County, amount requested, amount granted, amount spent, and purpose).	

<b>Section 3 PROJECT MARKETING AND ECONOMIC IMPACT DETAILS</b>	
What are your marketing and advertising plans (local, regional, national, and/or international)? (Please see attachment F)  <b>Will you be partnering for promotion with Visit Orlando or another local agency or group?</b>	
Please provide a description of Security Plans after the facility opens (including anticipated cost) as it relates to the need for private security or public/law enforcement availability	
Annual Economic Impact for Orange County	\$

<b>Section 4 PROJECT BUDGET RECAP</b>	
Applicants can use other forms of Budget they may already have from accredited sources, so long as the information below is provided at a minimum	
Tourist Development Tax Funding Request	\$
Contributors, sponsors and other funding sources (include in-kind)	\$
	\$



<b><u>Failure to disclose other funding may result in denying future TDT funding of facility/venue projects.</u></b>		\$
		\$
		\$
		\$
		\$
TOTAL CONTRIBUTOR/SPONSOR FUNDS	\$	
Other income sources (i.e. capitalized ticket surcharges, seat license fees, naming rights, pouring rights, advertising revenues)	<b>Room Night Rebates</b>	\$
		\$
		\$
		\$
		\$
		\$
TOTAL OTHER INCOME	\$	
<b>TOTAL INCOME</b>	\$	

<b>Section 5 EXPENSES</b>		
Applicants can use other forms of Budget they may already have from accredited sources, so long as the information below is provided at a minimum		
Please list <b>ALL</b> project expenses and indicate which items will utilize TDT funds (Please attach any additional expenses)		= \$
		= \$
		= \$
		= \$
		= \$
		= \$
TOTAL EXPENSES	\$	

For consideration by the County and TDC, please ensure that the following items are attached to this application:

- Articles of Incorporation (except government entities);
- Tax ID or IRS letter of non-profit tax-exempt status
- TDT Final or Interim Report (for previous TDT grantees only);
- Written authorization for AUTHORIZED AGENT to act on behalf of Applicant;
- Organizational outline, including but not limited to names and addresses of each board member and corporate officer (except government entities);
- Sponsorship package;
- Complete project budget;
- Three support documents (letter of recommendation, programs, brochures, media articles, etc.); and
- All written agreements involving media, hotels/motels and venue contracts/leases.
- Please provide any applicable financial feasibility and pro forma operating documentation for this project during construction phases and at least a five-year operating phase

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**Section 6  
CERTIFICATIONS**

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I have reviewed this GRANT APPLICATION hereby submitted to Orange County. I am in full agreement with the information contained in this submitted application and its submitted attachments as accurate and complete. I further acknowledge my understanding that the County in making a capital grant does not assume any liability or responsibility for the ultimate viability, suitability or financial profitability of the project for which the grant is awarded. The County, unless otherwise specifically stated, is only a financial contributor to the project and not a promoter or co-sponsor, and will not guarantee or be responsible or liable for any debts or financial liability incurred for or arising from such project. All third parties are hereby put on notice that the County will not be responsible for payment of any costs or debts for the project that are not paid by the grant applicant.

I understand the above guidelines and agree to comply with them. I understand full receipt of grant funding is based upon the organization's compliance with all regulations.

Authorized Agent

Title

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Authorized Agent Signature

## **Attachment A**

### **Orange County TDT Application (Capital Projects – Venues)** **Additional Information and Clarification**

#### **Grant Impact, Support & Partnering:**

1. Projects applicants may be required to give a presentation to Tourist Development Council at a regularly scheduled TDC meeting and may be required to present to the Board as well. Please contact the Convention Center staff or the TDC liaison for a meeting schedule.
2. The applicant is required to list other financial support in addition to the requested TDT grant. Facilities and projects that bring higher levels of partnership funding to leverage any TDT funding better meet the goals for TDT funding and may be more favorably evaluated than projects that do not.
3. Securing projects by a bid remains the standard; however created or contracted projects may be eligible.

#### **1) The Grantee will expend funds in accordance with allowable expense items as indicated below and within the funding agreement:**

##### **Allowable Expenses:**

- a. Promotion, marketing & programming
- b. Paid advertising & media buys
- c. General preference to have TDT funds used for construction costs (architectural and design, site work, building materials, construction labor costs, furniture fixtures and equipment,)
- d. General and administrative expenses and other expenses when specifically authorized and set forth in the funding agreement

##### **Disallowable Expenses:**

- a. Soft costs like owners rep consultant fees, permitting fees, contingency funds, insurance, landscaping, external signage
- b. Debts incurred prior to the grant
- c. Travel expenses

#### **2) A successful grantee will be funded for and must demonstrate in the Post Project Report the proven payment of invoices that meet the allowable expenses in the funding agreement. Proof of payment includes:**

- a) A copy of the invoice billed to the Grantee;
- b) Canceled Grantee checks, (front & back), and dated within the grant period, except for pre-paid bid fees; or proof of electronic funds transfers.
- c) Inter-governmental transfers, dated within the grant period, and which details the payment number, payee, and/or the invoice
- d) Verification of any other terms, conditions, and deliverables set forth in a funding agreement associated with TDT funding for the project

#### **3) The following requirements must be met after the project:**

The Grantee will complete an accounting of the project's financial activity within 180 days after the completion of the project and provide documentation evidencing the compliance with the terms and conditions of the funding agreement and the direct impact of the project by completing and submitting a **Post Project Report** to the County and the TDC.

## **Attachment B**

### **Eligibility – General Legal Restrictions on use of TDT for Capital Projects**

#### **Who can Apply for TDT Funding?**

**One application per organization** using a single application, for the same organization, project, site, or phase. A City government may make application for more than one project as long as they are within separate and distinct departments and do not address the same facility, project, site or phase.

#### **ORGANIZATION ELIGIBILITY** -- Applicant must be either:

- (a) A municipality/city government located in Orange County, OR
- (b) An organization that is:
  - i. incorporated or authorized as a not-for-profit corporation, in good standing, pursuant to Chapter 617, Florida statutes; AND  
  
designated as a tax-exempt corporation as defined in Section 501(c)(3) or (4) of the Internal Revenue Code of 1954, and designated as being in compliance with s. 170 of the Internal Revenue Code of 1954, at the time of application.

#### **FACILITY ELIGIBILITY** -- The applicant's venue for a proposed capital improvement project must be located in Orange County, and must be one of the following:

- A convention center, museum, auditorium, sports facility, or other facility allowed in Section 125.0104 of the Florida Statutes governing TDT
- A facility that is owned and operated by a government entity;
- A facility that is owned by a government entity that is leased to a not-for-profit organization for operation as a facility open to the public;
- A facility that is owned by a not-for-profit organization situated on publicly owned property with a ground lease that meets the requirements of the "Checklist for Ground Lease"
- A facility that is leased from a government entity that in turn has an eligible lease on the building from a private owner.

#### **ADMINISTRATIVE AND LEGAL:**

- Have ownership or undisturbed use of the land and building, Public access must be allowed for the length of the required lease.  
For renovation or equipping requests, the facility must be in existence and meet both the applicant and lease eligibility requirements.
- Retain ownership of all improvements made under the grant (exception: land or building owned by Orange County and leased to an eligible applicant).
- Have satisfied the administrative requirements of any previous grants received through the County.
- Have a maintenance reserve in their budget and refrain from applying for on-going maintenance of current equipment.

- Provide at least one year of programming in Orange County attracting tourists.

## **Attachment C**

Clarifications on some Required Information

### **Process/Design/ & Planning**

- Design Planning – project scope - address environmental features and sustainability, make sure to provide programmatic square footage
- Make sure to demonstrate that your projects has the proper qualified project team and has taken all the necessary steps for project preparation.
- **Provide a timeline of project milestones;** include start and end date and key points in between.
- **It is preferable to include a Plan/Drawing of project** Site plan, and blueprint or design; may include line drawing of building footprint and the area where the proposed project will be located (DO NOT send full size architectural plans or drawings unless specifically requested). Please submit 300 dpi or higher and/or electronically submitted saved as a PDF, TIF, JPG, or GIF format. If more than one page.
- Other suggested helpful information:
  - Acquisition –For facility purchase – proposal location, photo of existing site: land or facility; an architectural drawing of the proposed facility or a “footprint” or floorplan of the proposed facility.(Other: project plans for property?)
  - New construction – An architectural drawing of the proposed facility or a “footprint” or floorplan of the facility.
  - Renovations – An architectural drawing of the proposed facility if the renovation is an addition; or a “footprint” or floorplan of the facility with the renovations clearly marked.
  - For equipping - An architectural drawing, design plan, or floorplan of the facility with the proposed equipment/fixtures clearly marked.
  - Show the lifetime estimates of materials for your physical solution, relating to your need and vision, show the physical solution and useful life

### **Care & Stewardship Information**

- Highlight a sound care and maintenance plan for the useful life of the project
- Describe elements of the project improving the ability to last into the future
- Your resources dedicated to maximizing the useful life.

## **Attachment D**

### **TECHNICAL CLARIFICATIONS**

#### **Legal - Lease Requirements**

Applicant organizations must document ownership or undisturbed use as follows:

1. **Legal proof of unrestricted ownership of land and building.** Unrestricted shall mean unqualified ownership and power of disposition. Property that does not meet the unrestricted ownership criterion will not be eligible for TDT funding. Documentation may include a deed, title, or copy of a recent tax statement. Provisional sales contracts, binders, or letters of intent are not acceptable documentation of ownership.

**OR**

2. **Undisturbed use of property for a specific period of time.** This specific period of time must begin no later than the date of this application requesting TDT funding, and must continue for the minimum period of time required according to the project scope. For building renovation or construction, the remaining lease term must allow for a minimum of five (5) years' public access to the facility, under normal operating hours, beyond the completion date of the proposed project.

Documentation must include:

- 1) an executed copy of a lease with applicant (see definition of Lease, Glossary D) and
- 2) a written explanation of any easements, covenants, or other conditions affecting the use of the site or facility, or both.

**\*Important:** The length of the lease is measured from the remaining term as of the date of application.. All original and executed lease extensions must be described in the application.

#### **LEASED FACILITY ELIGIBILITY FACTORS:**

##### **ELIGIBILITY FACTOR LIST FOR GROUND LEASE**

WHEN A BUILDING IS OWNED BY A NOT-FOR-PROFIT ORGANIZATION BUT IS SITUATED ON LAND OWNED BY A GOVERNMENT ENTITY, THE FOLLOWING CHECKLIST WILL INDICATE THAT THE BUILDING IS ELIGIBLE TO APPLY FOR THESE FUNDS IF ALL THE SEVEN ITEMS ARE TRUE.

- **The underlying fee simple ownership will be by a government entity, who will be the Landlord under the Ground Lease.**
- **The term of the Lease must be for a required number of years, at least equal to the useful life of any improvements to be constructed by the Tenant. Ownership of any improvements will revert to the Landlord at the time of Lease expiration or termination.**
- **The Lease may provide a right to the Tenant to construct improvements, but for said constructed improvements and other improvements on the property, they cannot be materially modified without the approval of the Landlord. The Lease**

**must authorize the Tenant to apply for TDT Dollars to be used for improvements and other authorized project-specific expenditures under the TDT guidelines in the funding agreement.**

- **The Tenant must maintain in all respects the improvements and deliver them to the Landlord at the end of the Lease in the same condition as when constructed, reasonable wear and tear accepted.**
- **If the Tenant is dissolved, that will constitute a default under the Lease and terminate the Lease with any improvements reverting back to the Landlord.**
- **During the term of the Lease, the Tenant may show the value of the improvements on its books, with a note that upon termination, those improvements revert to the Landlord.**
- **The use by the Tenant for the property and improvements must be agreed upon and will be restricted to a cultural facility use. Tenant may not assign its rights under the Lease without Landlord's approval and the use may not change without Landlord's approval.**

**ELIGIBILITY FACTOR LIST FOR SUBLEASE FROM GOVERNMENT ENTITY**

**THAT IN TURN IS LEASING FROM A PRIVATE SOURCE**

**When a building is owned by a not-for-profit organization but situated on land owned by a private source that is leasing to a government entity, that is subleasing to the applicant not-for-profit ...**

- **The term of all Leases and subleases must be for an appropriate number of years depending on the project, at least equal to the useful life of any improvements to be constructed by the Tenant.**
- **Language in the Lease Agreement that assures us that the TDT funded usage will remain for the length of the lease.**
- **Language in the lease that states that the government entity will become responsible for maintaining the building or project should the nonprofit default on the lease.**

**For Acquisitions only**

Acquisition applicants will be considered exempt from this ownership eligibility requirement. If the application is for an acquisition, the applicant must provide a description of the facility, purchase price, and a letter of intent to sell signed by the seller. Remember, the County will not reimburse the grantee for an expense that was incurred prior to the execution of the Grant Award Agreement. Therefore, the purchase of (closing on) the property or facility (an expense) may not take place prior to the execution of the funding agreement.



## Attachment E

### REQUIRED MINIMUM INDEMNITY, SAFETY AND INSURANCE REQUIREMENTS

1. **Indemnity.** To the fullest extent permitted by law, Applicant will defend, indemnify and hold harmless Orange County from and against all claims, damages, losses and expenditures, including reasonable attorneys' fees and costs, arising out of or resulting from an applicant/facility operator's activities under the funding agreement.
2. **Safety.** Applicant will comply, and will require its contractors (if any) to comply, with all applicable laws, ordinances, rules, regulations, standards and lawful orders from authorities bearing on the safety of persons or property or their protection from damage, injury or loss.
3. **Insurance.** Applicant shall provide and maintain insurance coverage throughout the term of the contract, or until the completion of the proposed project, whichever is sooner, of such types and in such amounts as may be necessary to protect against misappropriation of the TDT and other funding and damage to or destruction of the improvements purchased or constructed with said funding. Applicant or insuring agent will provide certificates of insurance evidencing said coverage, according to the following requirements:

A. The applicant/facility operator will have in force the following insurance coverage and will provide Certificates of Insurance to the County prior to commencing project under the funding agreement to verify such coverage. It shall be the responsibility of the applicant/facility operator to ensure that all its contractors and subcontractors procure and maintain the insurance coverage outlined below for the duration of the project, unless noted otherwise.

- i. **Commercial General Liability** - The applicant/facility operator will provide coverage for all operations including, but not limited to, Contractual, Products and Completed Operations, and Personal Injury. The limits will not be less than \$1,000,000 Combined Single Limit (CSL) bodily injury and property damage, or its equivalent. The insurance policy will list AGENCY as an additional insured, with respect to the Commercial General Liability insurance.
- ii. **Commercial Automobile Liability** – The applicant/facility operator will provide coverage for all owned, non-owned and hired vehicles for limits of not less than \$500,000 Combined Single Limit (CSL) bodily injury and property damage, or its equivalent.
- iii. **Workers' Compensation**, if applicable – The applicant/facility operator will provide coverage for all employees at the site location and, in case any work is subcontracted, will require the subcontractor to provide Workers' Compensation for all its employees. Coverage is required in accordance with State of Florida statutory requirements.

TDT Application | Glossary A

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- iv. **Employee Dishonesty/Crime Insurance** – The applicant/facility operator will provide coverage greater than or equal to sixty-five percent (65%) of the amount of the TDT funding, specifically to insure against TDT funding loss.

- v. **Payment and Performance Bonds** – The project contractor shall execute payment and performance bonds in amounts at least equal to the *current project phase amount* (total amount of the proposed project, not including prior expenditures toward the project, nor is it mandated to cover soft costs, which typically include design, engineering, permitting (DE&P) and project administration) in such form and with such sureties as may be acceptable to the applicant/facility operator and the County. If the surety on any bond furnished by the contractor is declared bankrupt or becomes insolvent or its rights to do business in the State of Florida are terminated, or it ceases to meet the requirements imposed by this agreement, the contractor shall within five (5) business days thereafter substitute another bond and surety, both of which shall be acceptable to the applicant/facility operator and the County. The bonds must remain active throughout all current work related to the proposed project.
  - a. NOTE: If an applicant/grantee’s project is limited to new equipment installations, a builders’ risk or installation floater (inland marine coverage) is acceptable, with the caveat that the policy must include coverage for any damage done to the existing structure caused by the new installation.
- vi. **Builders’ Risk/Installation Floater** – The contractor shall provide “all risk” property insurance on any construction, additions, and machinery and equipment. The amount of the insurance shall be no less than the estimated replacement value at the time of the applicant/facility operator’s final acceptance of said improvements. In the event that the grantee does not work with a contractor on the funded project, the applicant/facility operator must purchase or add Builders’ Risk to their current property program (Commercial General Liability). The Builders Risk policy must remain active throughout all current work related to the proposed project and must not terminate until the final acceptance of a contractor’s work, all vendors’ installations, final release of occupancy, and final acceptance at completion of the project has been made by the applicant/facility operator.
- vii. The insurance coverage shall contain a provision that forbids any cancellation, changes or material alterations in the coverage without providing 30 days written notice to the County, or 10 days for nonpayment. (These terms are no longer provided on the ACORD standard industry Certificates of Insurance Cancellation, but shall be included in the policy provisions.)
- viii. The insurance policy will list County as an additional insured, with respect to the Commercial General Liability insurance.

B. Any exceptions to the insurance requirements in this section must be requested in writing by the applicant/facility operator and approved by the County. Such a request should include reasons why the applicant/facility operator is unable or unduly burdened by the requirement it desires reduced or waived.

C. Compliance with these insurance requirements shall not relieve or limit the applicant/facility operator’s liabilities and obligations under this Agreement. Failure of the County to demand such certificate or other evidence of full compliance with these insurance requirements or failure of the County to identify a deficiency from evidence provided will not be construed as a waiver of the applicant/facility operator’s obligation to maintain such insurance.

## **Attachment F**

### **ACKNOWLEDGEMENTS**

For projects funded wholly or in part by this grant, the applicant/facility operator must acknowledge Orange County Government and the Tourism Industry in signage and media, including digital communications and websites and programs, publications and other printed materials.

Acknowledgment will include the COUNTY'S designated logo **and** use of the following statement, as best suited to the collateral design, and at a size that is legible

Verbiage for acknowledgment is as follows: "This project is funded in part by Orange County Government and the Tourism Industry through the Tourist Development Tax funding."

The digital logo is available at XXXXXXXXXXXXXXXXXXXX.

Requests for exceptions to the verbiage or logo compliance may be approved if noticed to County in advance of publication deadline.

Acknowledgement to Orange County and the Tourism Industry must be commensurate with the recognition provided to other contributors and sponsors of the project in any of the following applications:

- a. On a permanent sign constructed on the project site;
- b. On a temporary signage displayed at the construction site; and

In all major publications, printed and digital media