

**OFFICE OF THE CITY COUNCIL**

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**TOURIST DEVELOPMENT COUNCIL SPECIAL MEETING MINUTES - AMENDED**

**Friday, February 3, 2017**

**1:00 P.M.**

**117 West Duval Street**

**City Hall, Fourth Floor**

**Conference Room A**

**ATTENDANCE**

City Council President Lori Boyer, Board Chairperson

City Council Vice President John Crescimbeni, Board Vice Chairperson

City Council Member Greg Anderson, Board Member

Barbara Goodman, Board Member

M. G. Orender, Board Member

Kirit Patidar, Board Member

Craig Smith, Board Member-Excused

Jeffrey Truhlar, Board Member-Excused

Annette Hastings, TDC Executive Director

Jeff Clements, Chief of Research

Kirk Sherman, Council Auditor

Phillip Peterson, Council Auditor’s Office

Lawsikia Hodges, Deputy General Counsel

          **Meeting Convened** 1:04 p.m. **Meeting Adjourned:** 4:12 p.m.

**Introduction**

Council President Boyer convened the meeting and the attendees introduced themselves for the record. Council Member Crescimbeni showed the group the “swag bag” of gifts and tourist information he received while attending a small conference in Walton County in Florida’s panhandle recently and asked Visit Jacksonville to inform the group about what sort of gift/information bags the organization provides to groups attending meetings and conferences in Jacksonville.

**Approval of Minutes**

Approval of the minutes of the January 27, 2017 special meeting was deferred to the next meeting.

**Public Comments**

John Nooney said that Jacksonville needs to be advertised to the world and could be famous for its waterways, which seemingly are underused and underappreciated. He expressed the hope that pending ordinance 2017-1 regarding processes for enforcing trespass regulations in public parks would not be used in a way that would discourage boaters from using public docking facilities

**Sunshine, ethics, public records, travel policy, etc.- acting on our behalf as agent**

Chairwoman Boyer noted that the TDC had recently responded to a public records request from the Speaker of the Florida House of Representatives regarding expenditure of tourism development dollars and that questions had been raised in a previous meeting about travel polices and the extent to which Florida’s Government in the Sunshine Law and state travel regulations apply to the City’s tourism marketing firm. Deputy General Counsel Lawsikia Hodges explained that the application of the law to private entities is very fact-specific and is based on a number of factors, including: is the private entity performing a governmental function on behalf of a government; the extent of the government’s control over the private entity’s activities; whether or not the government created the private entity; the nature and amount of the funding relationship between the government and the private entity, etc. A totality of the factors is used to make the determination on a case-by-case basis. The more a private entity is created by the government to perform a governmental function and is primarily or totally funded by the government, the more likely it is to be covered by the provisions of the Government in the Sunshine Law. Council Member Anderson suggested including a Sunshine Law worksheet in the RFP package so that potential respondents could answer a series of questions and get at least a reasonable idea of whether they would be covered under the Sunshine Law or not.

Commissioner Patidar announced for the record that he did not have any actual or perceived conflicts of interest with regard to the RFP. He suggested that it might be most efficient for the City to create an in-house department to perform its tourism and convention marketing functions that would clearly be covered by the Sunshine Law and would avoid the natural inefficiencies involved in opening up the contract for competition every few years and awarding the contract to a new firm that would not have all of the institutional knowledge and customer relationships of the previous company. Council Member Anderson suggested including language in the RFP scope requiring the proposer to comply with applicable Sunshine Laws and travel regulations, including perhaps a cap on the percentage of City contract funding that can be used for travel expenses.

**What level of service for max price not what will it cost to provide desired service**

Ms. Boyer said that the important factor would be how respondents propose to use the contractual funding (in compliance with the adopted Tourist Development Plan), not so much the total amount of the contract.

**Discussion Topics for Tourist Development Plan Request For Proposal**

**RFP content discussion**

Ms. Boyer said the group agreed at the previous meeting to ~~structure the RFP in as many as four parts~~ consider issuing as many as 4 RFPS for the tourist bureau, tourist marketing, convention sales and service and research functions. The group had discussed minimum qualifications and scope of services but had not discussed evaluation criteria, scoring and award. The group discussed the merits of Mr. Patidar’s suggestion to bring the tourism functions in-house and perform them with government employees. There are pros and cons to both approaches with regard to accountability, preservation of institutional knowledge and relationships, ability to terminate functions and employees as economic conditions change, ability to obtain the needed expertise and experience, etc. The appropriate length of contract term was discussed. Ms. Boyer said that respondents would be expected to submit proposed budgets showing how they intend to perform the required functions and what level of profit margin they are proposing in relation to the services to be provided. Visit Jacksonville, the current contractor, is a not-for-profit corporation.

The committee discussed Ms. Boyer’s latest draft of the Tourist Bureau component of the RFP. The latest draft includes several definitions requested at the last meeting (visitor center, visitor kiosk) and several additions relating to financial statements, employee qualifications, a three-year plan, etc. Council Member Crescimbeni asked for information on the ownership of trademarks, databases, etc. currently being used by Visit Jacksonville – do they belong to the City which could convey them to a subsequent contractor, or to Visit Jacksonville?

Council Member Crescimbeni had a list of global concerns with both RFP portions: 1) what constitutes “the city”? (does it include the Beaches and Baldwin? Different parts of the RFP don’t seem to be consistent in this regard); 2) some language appears in both proposed documents and some only in one or the other, and some of the language that appears in both is worded slightly differently from one to the other; 3) he would prefer to see the evaluation factors listed in the same order in both RFPs, and wants to see the responses clearly itemized by the RFP requirements and not combined into a long narrative that would require evaluators to hunt and search for the relevant factors. Ms. Boyer noted that Procurement Chief Greg Pease has agreed to review and “scrub” the RFP language for consistency, clarity, order, etc. that may address many of Mr. Crescimbeni’s concerns. Mr. Crescimbeni suggested that respondents be required to acknowledge reading and understanding the City’s procurement policies as a condition of being considered a responsive proposer. He also suggested that wherever City venues are listed, a standard set of venues be listed (including the Equestrian Center and Ritz Theatre) in all citations.

Commissioner Patidar recommended that the RFP include an insurance requirement that would protect the City in the event that the contract ever needed to be terminated for poor performance and the City sought compensation for damages. Commissioner Goodman suggested the addition of a requirement that the design specifications of any visitor center or kiosk must be approved by the TDC before construction. Mr. Crescimbeni suggested adding a notation about the current budget for each of the functions so that proposers understand the current state of affairs, or leaving the figures out and requiring proposers to read the Tourist Development Plan in order to understand its minimum and maximum allocations. The group discussed what types of tourism information needed to be communicated from the tourism bureau provider to the marketing provider for dissemination. Mr. Patidar suggested that the scope be amended to require a visitor kiosk at the St. Johns Town Center as one of Jacksonville’s most visited sites. Ms. Boyer noted that the RFP already includes a provision for three minimum locations (a kiosk at the airport and visitor centers in downtown and at the Beaches) and allows proposers to suggest additional locations, which might include the Town Center and/or other shopping centers or attractions. The group consensus was to let proposers make recommendations as to where they would expand the visitor centers/kiosks as a tourism enhancement mechanism.

Paul Astleford, CEO of Visit Jacksonville, ~~recommended that~~ advised the group of the importance of the contract not being so prescriptive as to limit the contractor’s ability to provide visitors with the kind of information they want, which is very important. The tourism marketing bureau needs to be responsive to visitor needs, not bound by narrowly prescriptive rules. In response to a suggestion from Sports and Entertainment Officer Dave Herrell that the tourism marketers be familiar with and cooperate with neighbor counties (particularly St. Johns and Nassau counties) to meet tourist needs, Ms. Boyer felt strongly that St. Augustine and Amelia Island attractions are already much better known and promoted in Jacksonville than Jacksonville attractions are known and promoted in the other counties. She believes Jacksonville’s TDC resources should be targeted primarily at Jacksonville promotion.

**RFP evaluation criteria**

**Tourist Bureau RFP**

Chairwoman Boyer explained how she compiled the draft Tourist Bureau Evaluation Criteria document, which incorporates features from a number of other county and state RFPs from around the country. The group discussed to what extent the evaluation criteria should include items the absence of which would absolutely exclude the response from being scored at all (minimum responsiveness factors). The group discussed the relative point weighting of the “experience and qualifications” factor and “demonstrated previous experience” factor compared with the proposed plan and budget factors – how much weight should staff qualifications and previous experience carry compared to the proposal for how marketing and promotion will be done in the future? The group decided to remove the criterion for “proximity” (having a headquarters or office in Jacksonville either before or after being awarded the contract). Commissioner Orender noted the importance of the on-site presentation of the finalist proposers for the marketing contract in determining their creativity and communication ability. Such a presentation may not be necessary for the visitor center contract because of the different nature of the product that is required from those contracts. Council Member Crescimbeni felt that it was very important to tie the grading criteria as closely as possible to the RFP’s scope and requirements. The committee shifted point values among the various scoring categories, eliminating some categories and changing the weighting of other categories. The group debated how much to weight the presentation versus the written documentation and determined to ask Procurement Chief Greg Pease to provide information on how much presentations are weighted in other City procurements.

**Tourism Marketing RFP**

The tourism marketing RFP requires a 5-year plan versus the 3-year plan required for the tourist bureau RFP. Council Member Crescimbeni recommended that the tourist development plan be amended to require that information on tourism resources (parks, shopping, golf courses, water access, etc.) be searchable on a geographic basis (zip code, part of town, etc.). The committee agreed to delete Tourist Development Plan component (xi) – Collection of brochures, videos, etc. – from the RFP. In response to a question from Commissioner Patidar about whether the RFP is intended to hire a company to “brand” the City for purposes beyond tourism, Ms. Boyer said the contract calls for coordination with the Office of Economic Development, Parks and Recreation Department, Office of Sports and Entertainment, Downtown Investment Authority, JAXUSA Partnership, etc. Michael Munz of the Dalton Agency noted the important distinction between “brand” and “campaign”, with the brand (unique, historical corporate identity and logo) frequently being held sacrosanct and unchangeable by the client while campaigns designed by marketing contractors come and go periodically. Mary Harvey of Agency a la Carte said that the RFP as currently worded would require a proposer to do hundreds of thousands of dollars’ worth of marketing research to produce a proposed new brand and advertising campaign without any certainty about being selected as the contractor.

**Closing Comments**

Topics for the next meeting: 1) refinement of RFP scopes and scoring matrices; 2) Greg Pease to present RFP in Procurement Division standard template; 3) discuss Convention Sales and Service RFP.

The TDC will hold another Special Meeting on Friday, February 10th at 1:00 p.m.

The TDC will hold its quarterly meeting on Thursday, February 16th at 10:00 a.m. for regular TDC business, then will reconvene at 1:00 p.m. (after the City Council members attend a lunch meeting) to complete the RFP review and approval process.

The committee briefly discussed the city visitor information magazine that is currently published annually (formerly quarterly) and how much paid advertising could or should be allowed.

The meeting was adjourned at 4:12 p.m.

Jeff Clements, Council Research Division

Posted 2.17.17 11:00 a.m.