

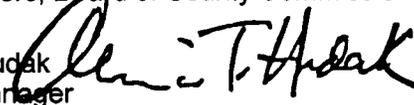
# Memorandum

MIAMI-DADE  
COUNTY

**Date:** May 9, 2011

**To:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**From:** Alina T. Hudak  
County Manager



**Subject:** Waiver of Formal Bid Procedures Allowing Payment to Artists for Artistic Services and Projects in Support of Culture Shock Miami

RCA

Agenda Item No. 3(A)

## **RECOMMENDATION**

It is recommended that the Board approve a waiver of the formal bid procedures of section 5.03 (D) of the Home Rule Charter and Administrative Order 3-38 and bid protest procedures, to allow the Department of Cultural Affairs to contract and pay professional performers, visual artists, and associated expenses for artistic services and projects in support of Culture Shock Miami, in an amount \$25,000 per performance, project or exhibition fee, and with a \$200,000 cap and a two-year time limit or until the aggregate recommended amount is expended. This waiver will remain constant for two years or until the aggregate recommended amount is expended, whichever occurs first.

## **Scope**

Culture Shock Miami, the Department of Cultural Affairs' discount ticket program for high school and college students, serves audiences county-wide and will have a direct impact on the residents of and visitors to Miami-Dade County.

## **Fiscal Impact/Funding Source**

Funding for Culture Shock Miami comes from the Department of Cultural Affairs' proprietary funds. Culture Shock Miami funds are disbursed through Index Code CUECULSHOCK, Sub-object codes 33050 and 21030, and drawn from Fund 125, Subfund 127.

## **Delegation of Authority**

Authority for executing, amending and exercising all provisions, including cancellation provisions contained in the contracts for these grants, is delegated to the Department Director.

## **Track Record/Monitor**

The negotiated agreements will require written authorization from Michael Spring, Director of the Department of Cultural Affairs. This waiver will be administered and monitored by the County Department of Cultural Affairs.

## **Background**

Culture Shock Miami is an Internet-based discount ticketing program created by the Miami-Dade Department of Cultural Affairs with Ticketmaster (now TicketWeb) and local cultural organizations designed to introduce high school and college students to the arts in an easy and affordable way. Culture Shock Miami offers \$5 tickets to a wide variety of cultural events and two-for-\$5 tickets to area museums. Students ages 13-22 can purchase one ticket and another for a friend, parent, or sibling to accompany them at the same discounted price through [www.cultureshockmiami.com](http://www.cultureshockmiami.com). Non-profit cultural organizations donate tickets to the department for Culture Shock Miami in the interest of helping develop the next generation of audience members. Culture Shock Miami offers tickets to a wide variety of cultural events, including those presented by such organizations as the Miami City Ballet, the New World Symphony, and the Actors' Playhouse, as well as museums and other area attractions such as the Miami Art Museum, Zoo Miami, Fairchild Tropical Botanic Gardens, and Vizcaya Museums and

Gardens, among others. A key way to create greater awareness of Culture Shock Miami among high school and college students is to create Culture Shock Miami promotional events targeted directly to this market segment and presented by artists and at locations that are likely to attract new participants to the program.

The Department of Cultural Affairs is requesting a waiver of the formal bid procedures for professional performers, individual artists and associated expenses for artistic services and projects for Culture Shock Miami with limited fees up to \$25,000 per performance, project or exhibition fee, and with a \$200,000 cap and a two-year time limit or until the aggregate recommended amount is expended. Similar to the benefits afforded to Park and Recreation Department's cultural facilities and the South Miami-Dade Cultural Arts Center, the waiver of formal bid procedures for professional performers, visual artists and associated expenses is necessary to facilitate the planning and programming of special promotional events and projects for Culture Shock Miami. The amount of \$200,000 reflects projected programming expenses both for a season kick-off event and other smaller scale events and projects. Contracting for professional performers, visual artists and associated expenses for artistic services and projects for Culture Shock Miami is contingent upon the annual authorization of the budget for the Department of Cultural Affairs.

This recommendation to waive formal bid procedures to contract and pay for artists' services is based on a successful model used for over twenty years by the Park and Recreation Department and is now being used by the Department of Cultural Affairs to facilitate programming for the new South Miami-Dade Cultural Arts Center. Beginning in 1988, the Board has authorized a series of Resolutions (R-1055-88, July 19, 1988; R-1078-98, September 15, 1998; Resolution No. R-1252-01, October 6, 2001; Resolution No. R-1161-03, October 9, 2003; No. R-1470-04, December 14, 2004; Resolution No. R-1002-06, September 12, 2006 and R-914-8, September 2, 2008) that authorized multi-year waivers of formal bid procedures for payments to performers engaged to perform at Park and Recreation Department facilities (e.g., Miami-Dade County Auditorium, the Joseph Caleb Auditorium, the African Heritage Cultural Arts Center, Zoo Miami, etc.). These actions have facilitated the cultural programming at these Park and Recreation facilities for the last two decades. In addition, on April 7, 2009 the Board authorized Resolution R-371-09 that authorized waivers of formal bid procedures for payments to artists being engaged to perform at the new South Miami-Dade Cultural Arts Center.

Given Culture Shock Miami's target audience (students, ages 13-22), it is important to identify and quickly retain the services of uniquely qualified organizations, individual artists or service providers with special qualities, aptitude and talent who are familiar with the program and are capable of providing services that can appeal to, captivate and educate this young audience. These entities, who are experienced in reaching younger audiences, are the key to ensuring the success of the program and its mission of cultivating the audience of the future.

The channels for normal County purchasing and bid procedures cannot accommodate these special requirements which usually require rapid turnaround. Board approval of each agreement or arrangement is not feasible, given the short notice of availability, the uniqueness of the artistry, and the negotiations of the contracting requirements. In keeping with County procurement policies, staff will continue to make every effort to use existing qualified vendors and/or obtain four quotes whenever possible as it relates to equipment, sound and lighting and other items related to the presentation of artists.

Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners  
Page No. 3

This recommendation for a waiver of the formal bid procedures for professional performers, visual artists, and associated expenses for artistic services and projects for Culture Shock Miami is scheduled to be reviewed by the Cultural Affairs Council on February 23, 2011.

  
Assistant County Manager



# MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez      DATE: June 7, 2010  
and Members, Board of County Commissioners

FROM: R. A. Cuevas, Jr.      SUBJECT: Agenda Item No.  
County Attorney

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's , 3/5's , unanimous ) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor

Agenda Item No.

Veto \_\_\_\_\_

Override \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

RESOLUTION WAIVING FORMAL BID PROCEDURES AND THE REQUIREMENTS OF ADMINISTRATIVE ORDER 3-38, TO ALLOW THE DEPARTMENT OF CULTURAL AFFAIRS TO SCHEDULE AND PAY PROFESSIONAL ENTERTAINERS AND ARTISTS FOR SPECIAL EVENTS AND PROJECTS PROMOTING CULTURE SHOCK MIAMI; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE GRANT AGREEMENTS, FOLLOWING COUNTY ATTORNEY APPROVAL OF FORM AND LEGAL SUFFICIENCY AND TO EXERCISE THE AMENDMENT AND CANCELLATION PROVISIONS CONTAINED THEREIN

**WHEREAS**, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board finds it in the best interest of the County to waive formal bid and bid protest procedures and the requirements of Administrative Order 3-38 in an aggregate amount not to exceed \$200,000 in total nor \$25,000 per performance or exhibition, for payments to engage entertainers and artists for performances or exhibitions Culture Shock Miami including various associated costs, and authorizes the County Manager, or his designee, to execute contracts therefore, following approval of the County Attorney's Office, and to exercise amendment and cancellation provisions contained therein, formal bidding being waived in this instance by 2/3 vote.

The foregoing resolution was offered by Commissioner  
who moved its adoption. The motion was seconded by Commissioner  
and upon being put to a vote, the vote was as follows:

|                                      |                 |
|--------------------------------------|-----------------|
| Joe A. Martinez, Chairman            |                 |
| Audrey M. Lidmonson, Vice Chairwoman |                 |
| Bruno A. Barreiro                    | Lynda Bell      |
| Jose "Pepe" Diaz                     | Sally A. Heyman |
| Barbara J. Jordan                    | Jean Monestime  |
| Dennis C. Moss                       | Rebeca Sosa     |
| Sen. Javier D. Souto                 |                 |

The Chairperson thereupon declared the resolution duly passed and adopted this 7<sup>th</sup> day of June, 2011. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

DBM

Deborah Bovarnick Mastin