

Memorandum

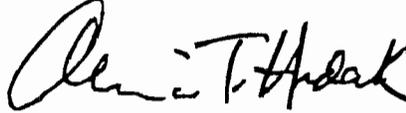
MIAMI-DADE
COUNTY

Date: June 7, 2011

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

Agenda Item No. 9(A)(5)

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

This item was amended during the May 9, 2011 Recreation and Cultural Affairs Committee Meeting to delete in the Recommendation section reference to *section 5.03 (D) of the Home Charter Rule Charter*, as well as, the phrase in the NOW, THEREFORE, paragraph of the Resolution, that reads *formal bidding being waived in this instance by 2/3 vote*.

RECOMMENDATION

It is recommended that the Board approve a waiver of the formal bid procedures of 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 cancelation 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. 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.

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

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
and Members, Board of County Commissioners

DATE: June 7, 2011

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 9(A)(5)

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
Veto _____
Override _____

Agenda Item No. 9(A) (5)
6-7-11

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]]~~¹.

¹ Committee amendments are indicated as follows: words double stricken through and/or ~~[[double bracketed]]~~ shall be deleted, words double underlined and/or >>double arrowed<< constitute the amendment proposed.

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. Edmonson, Vice Chairwoman |
| Bruno A. Barreiro | Lynda Bell |
| Esteban L. Bovo, Jr. | Jose "Pepe" Diaz |
| Sally A. Heyman | Barbara J. Jordan |
| Jean Monestime | Dennis C. Moss |
| Rebeca Sosa | Sen. Javier D. Souto |
| Xavier L. Suarez | |

The Chairperson thereupon declared the resolution duly passed and adopted this 7th 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

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MIAMI-DADE COUNTY
BOARD OF COUNTY COMMISSIONERS
OFFICE OF THE COMMISSION AUDITOR



Legislative Notes

Agenda Item: 9(A)5
File Number: 111125
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: May 19, 2011
Type of Item: Resolution

Summary

This resolution waives formal bid procedures and requirements of Administrative Order 3-2, to allow the Department of Cultural Affairs (DCA) to schedule and pay professional entertainers and artists for special events and projects promoting Culture Shock Miami in an aggregate amount not to exceed \$200,000 or \$25,000 per performance.

This waiver will remain in effect for two years or until the aggregate amount is expended.

On May 9, 2011, this item was amended at the Recreation and Cultural Affairs Committee meeting to include the following changes:

- delete reference to Section 5.03 (D) of the Home Rule Charter ; and
- delete reference to formal bid waiver by 2/3 vote pursuant to 4.03 (D) of the Home Rule Charter.

Background and Relevant Legislation

On February 2, 2001, the Board of County Commissioners (BCC) approved Resolution R-151-01, which authorized the County Manager to apply for, receive and expend up to \$75,000 in grant funds from the John S. and James L. Knight Foundation (Knight Foundation) to implement a program, called "High 5 Miami", to provide affordable tickets to a wide variety of arts and cultural programming to teenagers and young adults.

In 2003, the DCA inaugurated the High 5 Miami program using funds received from the Knight Foundation grant applied for through Resolution R-151-01.

According to the DCA staff, in 2005, the High 5 Miami program was rebranded to "Cultural Shock Miami".

In 2007, the BCC approved Resolution R-714-07, which authorized the approval of a grant in the amount of \$125,000 from the Knight Foundation in support of the Culture Shock Miami Program.

The DCA will promote Culture Shock Miami by securing professional performers for projects or exhibition fees that are targeted directly to market students and at locations that are likely to attract new participants to the program (primarily schools).

The DCA has similarly requested a previous waiver of formal bid procedures to schedule and pay professional entertainers for the opening and for programming of the South Miami-Dade Cultural Arts Center which was approved on April 4, 2011 through Resolution R-247-11. The aggregate amount authorized for expenditure under Resolution R-247-11 was not to exceed \$1,250,000 or \$125,000 per performance or exhibition.

Budgetary Impact

Funding for Cultural Shock Miami comes from the DCA's proprietary funds.

Below is an overview of the Culture Shock Miami budget for the last two completed fiscal years provided by DCA:

Culture Shock Finances / Actuals:

<u>Expenses</u>	<u>FY2008-09</u>	<u>FY2009-10</u>
Salary / Fringe (2 FTE's)	\$159,354	\$176,531
Market Research	\$3,629	
PR/Marketing & Promotion	\$124,548	\$73,482
Advertising		\$9,552
Printing	\$23,995	\$42,285
Postage	\$15	
Web hosting Fee	\$2,138	\$1,069
Total Expenses:	<u>\$313,679</u>	<u>\$302,919</u>
 <u>Revenues</u>		
Carryover from prior FY	\$469,252	\$233,000
Proprietary revenues:		
Tourist Development Tax	\$50,854	\$167,000
Interest Earnings	\$5,176	\$839
Misc. Revenue / Ticket sales	\$21,397	\$23,719
Total Revenues:	<u>\$546,679</u>	<u>\$424,558</u>
Net Revenue less expenses:	\$233,000	\$121,639

According to DCA staff, in FY 2009-2010, the Cultural Shock Miami program sold approximately 7,000 tickets last season (an increase of more than 20% over the number of tickets sold in FY 2008-2009).

Tickets purchased through this program are all \$5 (2 for \$5 for museums); the activities are marketed directly to students (via e-newsletter, the web site and social media); and all transactions can be made online through partnership with TicketWeb.

Prepared by: Mia B. Marin