Memorandum

MIAMI-DADE COUNTY

Date: December 4, 2012

To: Honorable Vice Chairwoman Audrey M. Edmonson and Members, Board of County Commissioners

Agenda Item No. 8(C)(1)

From: Carlos A. Gimenez
Mayor

Subject: Waiver of Formal Bid Procedures Allowing Payment for Entertainers and/or Artists to Perform and/or Exhibit at County Cultural Facilities and Parks

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Recommendation

It is recommended that the Board authorize the waiver of formal bid procedures pursuant to Section 5.03(D) of the Home Rule Charter and Section 2-8.1 of the County Code, to allow the Department of Cultural Affairs (CUA) and the Parks, Recreation and Open Spaces Department (PROS) to contract and pay professional performers, visual artists and associated expenses for engagements, in an amount not to exceed $2,500,000 in total, nor $125,000 per performance or exhibition fee. This waiver will remain constant for two years or until the aggregate recommended amount is expended, whichever occurs first.

Scope

The programs and artists presented have the potential to serve audiences county-wide and will have a direct positive impact on the cultural and recreational opportunities offered to residents of and visitors to Miami-Dade County.

Fiscal Impact/Funding Source

Funding will come from budgeted revenues approved for the operations and programming of the CUA and PROS departments, including grant and other outside funds, and will not exceed $2,500,000.

Track Record/Monitor

The negotiated agreements will require written authorization from Michael Spring, Director of the Department of Cultural Affairs or Jack Kardys, Director of the Parks, Recreation and Open Spaces Department. This waiver will be administered and monitored by CUA and PROS for activities in their respective departments.

Background

This recommendation to waive formal bid procedures to contract and pay for entertainers and/or artists to perform and/or exhibit is based on a successful model used for more than twenty years by PROS and more recently by CUA. Beginning in 1988, the Board has authorized a series of Resolutions (R-1055-88, R-1078-98, R-1252-01, R-1161-03, R-1470-04, R-1002-06, R-914-08, R-371-09, R-1229-10, and R-247-11) that authorized multi-year waivers of formal bid procedures for payments to performers and/or artists engaged to perform at PROS facilities (e.g., Miami-Dade County Auditorium, the Joseph Caleb Auditorium, the African Heritage Cultural Arts Center, Metrozoo, Tropical Park, Deering Estate, etc.) and most recently for the CUA-managed South Miami-Dade Cultural Arts Center (SMDCAC). These actions have facilitated the cultural programming at facilities throughout the county for the last two decades.

As a result of the Mayor's reorganization, the Department of Cultural Affairs has been charged with the management of the African Heritage Cultural Arts Center, the Caleb Auditorium, and the Miami-Dade County Auditorium in addition to managing the South Miami-Dade Cultural Arts Center since its inauguration in 2011. In order to ensure the continued and increased success of the County's cultural

programming throughout the County's facilities and parks, it is important to pro-actively program performances and exhibitions that will engage audiences, artists and performing arts groups.

This request for a waiver of the formal bid procedures for professional performers, visual artists and associated expenses for engagements at the County's cultural facilities managed by the Department of Cultural Affairs (African Heritage Cultural Arts Center, Caleb Auditorium, Miami-Dade County Auditorium, and the South Miami-Dade Cultural Arts Center) and throughout the venues and events managed by the Parks, Recreation and Open Spaces Department (Deering Estate, Raices Hispanic Heritage Center, The Women's Park and Roxcy Bolton Women's History Gallery, Redland Fruit and Spice Park, Zoo Miami, Fourth of July concerts, Love-in at Greynolds Park, Noches Tropicales, Ribfest, etc.) will be limited to fees up to $125,000 per performance or exhibition fee, and with a $2,500,000 cap and a two-year time limit or until the aggregate recommended amount is expended. The waiver of formal bid procedures for professional performers, visual artists and associated expenses is necessary to facilitate the planning and programming of arts and cultural activities and services.

The amount of $2,500,000 was calculated based on the combined projected annual programming budgets of the CUA-managed cultural facilities and PROS-managed cultural programming throughout the County's parks venues. Current expenditures by PROS authorized via Resolution R-1229-10, which expires on December 19, 2012, has a limit of $50,000 per performance or exhibition fee and $1,000,000 in total, are approximately $685,000. Current expenditures for the South Miami-Dade Cultural Arts Center authorized via Resolution R-247-11, which expires on April 4, 2013, has a limit of $125,000 per performance or exhibition fee and $1,250,000 in total, are approximately $588,000.

Contracting for professional performers, visual artists and associated expenses for CUA and PROS is contingent upon the annual authorization of the budgets for each department. CUA and PROS continue to generate revenue for these activities from grants and contributions to help offset fees and ancillary costs, and to make these programs as cost effective as possible and of the highest quality for residents and visitors.

While advance planning for performers and programs is a priority for CUA-managed facilities and PROS-managed events and activities, it also is important to be able to react quickly to programming opportunities as they become available. South Florida is a popular corridor for performers and visual artists from all over the world, and the opportunity to book exceptional talent on short notice often arises, usually at significantly reduced costs, subject to being able to address specialized contractual requirements and riders. When a booking opportunity occurs, virtually all artists require an immediate deposit to retain a date. In addition, most artists have contractual conditions that may include unique set-ups and other special requirements that must be met by the producer/presenter. These special conditions may include specific types of equipment (e.g., lighting, sound, staging, etc.), venue accommodations, security arrangements, community outreach activities in off-site venues (e.g., schools, community centers, etc.), special assistance and certain performance or exhibition and skills requirements, including personnel such as sound technicians, curators, and stagehands, and equipment and other miscellaneous purchases or rentals.

The channels for normal County purchasing and bid procedures cannot accommodate these special requirements which usually require a very quick turn around. 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 particular contracting requirements. In keeping with County procurement policies, staff will continue to make every effort to use existing qualified vendors and/or obtain multiple quotes whenever possible as it relates to securing the equipment, materials and other necessary resources related to the presentation of artists.

Lisa M. Martinez, Senior Advisor to the Mayor

MEMORANDUM
(Revised)

TO: Honorable Vice Chairwoman Audrey M. Edmonson and Members, Board of County Commissioners

DATE: December 4, 2012

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

SUBJECT: Agenda Item No. 8(C)(1)

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. 8(C)(1)
12-4-12

RESOLUTION NO. _____

RESOLUTION AUTHORIZING WAIVER OF FORMAL BID PROCEDURES FOR THE PURCHASE OF PROFESSIONAL ENTERTAINMENT AND ARTIST SERVICES AND ASSOCIATED EXPENSES IN AN AMOUNT NOT TO EXCEED $125,000 PER PERFORMANCE OR EXHIBITION AND $2,500,000 IN THE AGGREGATE, AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO AWARD AND EXECUTE SUCH AGREEMENTS AND TO EXERCISE ANY AMENDMENT AND CANCELLATION PROVISIONS CONTAINED THEREIN, PURSUANT TO SECTION 5.03(D) OF THE HOME RULE CHARTER AND SECTION 2-8.1 OF THE COUNTY CODE BY A TWO-THIRDS (2/3) VOTE OF THE BOARD MEMBERS PRESENT

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 waives formal bid procedures for the purchase of professional entertainment and artist services and associated expenses in an amount not to exceed $125,000 per performance or exhibition and $2,500,000 in the aggregate, authorizing the County Mayor or County Mayor's Designee to award and execute such agreements and to exercise any amendment and cancellation provisions contained therein, pursuant to Section 5.03(D) of the Home Rule Charter and Section 2-8.1 of the County Code by a two-thirds (2/3) vote of the Board members present.

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:

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	Juan C. Zapata

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of December, 2012. 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.

Daniel Frastai