Memorandum

MIAMI-DADE COUNTY

Date: June 18, 2013

To: Honorable Chairwoman Rebeca Sosa
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 Professional Performers, Individual Artists, and Associated Expenses for Artistic Services and Projects in Support of Culture Shock Miami

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RECOMMENDATION

It is recommended that the Board approve a 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 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 not to exceed $30,000.00 per performance, project or exhibition fee, and with an aggregate amount not to exceed $300,000.00 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 Department of Cultural Affairs.

Background

Culture Shock Miami is an Internet-based discount ticketing program created by the Miami-Dade County 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 Garden, 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 $30,000.00 per performance, project or exhibition fee, and with a $300,000.00 cap and a two-year time limit or until the aggregate recommended amount is expended. Similar to the benefits afforded to Parks, Recreation and Open Spaces Department's (PROS) venues and to 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), 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 $300,000.00 reflects projected programming expenses both for an annual season kick-off event and other smaller scale events and projects throughout the year. 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 PROS and is now also being used by the Department of Cultural Affairs to facilitate programming for the cultural facilities that it operates (African Heritage Cultural Arts Center, Caleb Auditorium, Miami Dade County Auditorium, and the South Miami-Dade Cultural Arts Center). 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, R-247-11) that authorized multi-year waivers of formal bid procedures for payments for artists to perform at PROS' venues and for the Department of Cultural Affairs-managed South Miami-Dade Cultural Arts Center. Most recently, on December 4, 2012, the Board approved Resolution R-1004-12 that authorized waivers of formal bid procedures for payments to artists and associated expenses for activities at venues and facilities managed by the Department of Cultural Affairs and PROS. Current expenditures for Culture Shock Miami authorized via Resolution R-461-11, which expires on June 7, 2013, are approximately $65,000.00 and has a limit of $25,000.00 per performance or exhibition fee and $200,000.00 in total.

The current bid waiver (R-461-11) allowed Department staff to create a pilot program, beginning in late 2011, and was used to test the response of target audiences to Culture Shock Miami-presented events. To date, the Department has incurred expenses totaling $37,000.00 for five (5) one-day special events as part of a pilot program to assess the effectiveness of Culture Shock Miami-presented performances.

This limited test phase confirmed that special events were an effective strategy to promote ticket sales and awareness for the program. The Department also concluded that with the added assistance of marketing professionals, a year-round schedule of special promotional events could be an important element of a comprehensive plan to increase ticket sales and awareness. This renewal of this program will build on the test phase by directly presenting higher profile performing artists and arts organizations, developing more integrated advertising and promotional tie-ins, and increasing the number and frequency of events. This will result in more Culture Shock Miami events each year and increased costs on a per event basis, with the objective of having greater impact on our target audience. To that end, increases to the aggregate and per performance amounts are being requested to make this important component of the Culture Shock Miami marketing and promotional campaign possible.

Consequently, to maximize the success of these special promotional events and incorporate them into a comprehensive marketing and public relations strategy, the Department decided to secure the assistance of industry professionals to help develop a Culture Shock Miami campaign. In the fall of 2012, the Department hired Matrix2 Advertising and Arts Marketing Network, to address the program's marketing and public relations needs, respectively. Both firms prepared detailed marketing and media plans to promote the program and identify innovative and tried strategies that will increase ticket sales and awareness about the program. In addition to standard marketing practices, the firms affirmed the effectiveness of the pilot program's promotional events and recommended that the program aggressively present entire seasons of Culture Shock Miami branded events to effectively reach the program's target audience. Matrix2 Advertising and Arts Marketing Network are working with Department staff to expand the 2011 pilot program and present, over the next two years, a series of Culture Shock Miami performances that are high quality, youth-oriented arts events designed to promote ticket sales and awareness year-round to Miami-Dade's youth.

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.

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 June 19, 2013.

Lisa M. Martinez, Senior Advisor, Office of the Mayor

MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: June 18, 2013

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 Mayor'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)
6-18-13

RESOLUTION NO. _____

RESOLUTION WAIVING FORMAL BID PROCEDURES PURSUANT TO SECTION 5.03(D) OF THE HOME RULE CHARTER AND SECTION 2-8.1 OF THE COUNTY CODE, BY A TWO-THIRDS VOTE TO ALLOW THE DEPARTMENT OF CULTURAL AFFAIRS TO CONTRACT AND PAY PROFESSIONAL PERFORMERS, INDIVIDUAL ARTISTS, AND ASSOCIATED EXPENSES FOR ARTISTIC SERVICES AND PROJECTS IN SUPPORT OF CULTURE SHOCK MIAMI IN AN AMOUNT NOT TO EXCEED $300,000.00 IN TOTAL, NOR $30,000.00 PER PERFORMANCE, PROJECT OR EXHIBITION FEE; 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 procedures pursuant to Section 5.03(D) of the Home Rule Charter and Section 2-8.1 of the County Code, by a two-thirds vote to allow the Department of Cultural Affairs to contract and pay professional performers, individual artists, and associated expenses for artistic services and projects in support of Culture Shock Miami in an amount not to exceed $300,000.00 in total, nor $30,000.00 per performance, project or exhibition fee, and authorizes the County Mayor, or County Mayor's designee to execute contracts therefore, following approval of the County Attorney's Office, and to exercise amendment and cancellation provisions contained therein.

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:

Rebeca Sosa, Chairwoman
Lynda Bell, Vice Chair

Bruno A. Barreiro	Esteban L. Bovo, Jr.
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 18th day of June, 2013. 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. DF

Daniel Frastai