Memorandum

MIAMI-DADE COUNTY

Date:	May 17, 2016
To:	Honorable Chairman Jean Monestime and Members, Board of County Commissioners
From:	Carlos A. Gimenez Mayor
Subject:	Waiver of Formal Bid Procedures Allowing Payment for Professional Performers, Individual Artists, Exhibitions and Associated Expenses under the Auspices of the County's Department of Cultural Affairs and the Parks, Recreation and Open Spaces Department

Agenda Item No. 8(C)(1)

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 artistic services and engagements, in an amount not to exceed $4,400,000 in total, nor $125,000 per performance or exhibition fee. This waiver will remain constant for two (2) years or until the aggregate recommended amount is expended, whichever occurs first.

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 25 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, R-247-11, R-1004-12 and R-587-14, as well as Resolutions R-474-13 and R-1066-15 with this same intent, specifically for Culture Shock Miami) that authorized multi-year waivers of formal bid procedures for payments to performers and/or artists engaged to perform at PROS and CUA-facilities. These actions have facilitated the cultural programming at facilities throughout the County for the last two (2) decades. On the effective date, this Resolution automatically replaces and supersedes all other Resolutions for this same purpose that may be in place through prior actions of this Board.

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 and visitors of 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, through CUA Index Codes including CUESMDCC, CUEMDCA, CUEAHCAC, CUECALEB, CUECULSHOCK, and venue-specific PROS Index Codes including, as representative examples, PRECHD519200 (Deering Estate), PRERED177109 (Redland Fruit and Spice Park), PREEVT458001 (Noches Tropicales), etc., and Sub-object codes 21030 and 33050, among others, and will not exceed $4,400,000. Funds will be drawn from Fund 125, Subfunds 127 and 130, for CUA, and from Fund 040, Subfund 001, for PROS.

The amount of $4,400,000 was calculated based on the combined projected annual programming budgets of the CUA-managed cultural facilities, the Culture Shock Miami program, and PROS-managed cultural programming throughout the County's parks venues. The prevailing Resolution R-587-14, which expires July 1, 2016, has a maximum fee cap of $125,000 per performance or exhibition fee, and a total expenditures authorization limit of $3,800,000, with a departmental allocation of $3,100,000 for CUA (with current expenditures of approximately $2,500,000), and $700,000 for PROS (with current expenditures of approximately $600,000). The prevailing Resolution R-1066-15, specific to the Culture Shock Miami program, which expires December 1, 2017, has a maximum fee cap of $30,000 per performance or exhibition fee, and a total expenditures authorization limit of $300,000. On the effective date, this Resolution automatically replaces and supersedes all other Resolutions for this same purpose that may be in place through prior actions of this Board.

Track Record/Monitor

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

Background

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 CUA (African Heritage Cultural Arts Center, Caleb Auditorium, Miami-Dade County Auditorium, and the South Miami-Dade Cultural Arts Center), under the auspices of the Culture Shock Miami program, and throughout the venues and events managed by PROS (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 $4,400,000 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.

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 while maintaining the highest quality programming for residents and visitors.

While advance planning for performers and programs is a priority for CUA-managed facilities, the Culture Shock Miami program and PROS-managed events and activities, it is also important to be able to identify and 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, instruments, etc.); venue-provided accommodations and amenities; security arrangements; community outreach activities in off-site locations (e.g., schools, community centers, etc.); special assistance and certain performance or exhibition and skills requirements, including personnel such as audio-visual 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 such performances, exhibitions and public events.

Michael Spring, Senior Advisor

MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: May 17, 2016

FROM: Abigail Price-Williams
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

_____ Statement of social equity 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)
5-17-16

RESOLUTION NO. _____

RESOLUTION AUTHORIZING, 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, WAIVER OF FORMAL BID PROCEDURES FOR THE PURCHASE OF PROFESSIONAL ENTERTAINMENT AND ARTIST SERVICES AND ASSOCIATED EXPENSES IN AN AMOUNT NOT TO EXCEED $125,000.00 PER PERFORMANCE OR EXHIBITION AND $4,400,000.00 IN THE AGGREGATE OVER A TIME PERIOD NOT TO EXCEED TWO YEARS; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO AWARD AND EXECUTE SUCH AGREEMENTS AND TO EXERCISE ALL 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 that this Board 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, waives formal bid procedures for the purchase of professional entertainment and artist services and associated expenses in an amount not to exceed $125,000.00 per performance or exhibition and $4,400,000.00 in the aggregate over a time period not to exceed two years, authorizing the County Mayor or County Mayor's designee to award and execute such agreements and to exercise all 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:

Jean Monestime, Chairman
Esteban L. Bovo, Jr., Vice Chairman

Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
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 17th day of May, 2016. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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.

Monica Rizo Perez