OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 8(C)(1)

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

DATE: December 1, 2015

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution waiving, by a two-thirds vote of Board members present, formal bid procedures pursuant to Section 5.03(D) of the Home Rule Charter and Section 2-8.1(b) of the County Code, to allow the Department of Cultural Affairs to contract for 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 $30,000.00 per performance, project or exhibition fee and $300,000.00 in the aggregate over a two-year time period; authorizing the County Mayor to execute performance agreements, following County Attorney approval as to form and legal sufficiency, and to exercise all provisions contained therein

Resolution No. R-1066-15

The accompanying resolution was prepared by the Cultural Affairs Department and placed on the agenda at the request of Prime Sponsor Commissioner Dennis C. Moss.

Abigail Price-Williams
County Attorney

APW/cp

Memorandum

MIAMI-DADE COUNTY

Date: December 1, 2015

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, and Associated Expenses for Artistic Services and Projects in Support of Culture Shock Miami

---

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) approve a waiver of formal bid procedures pursuant to Section 5.03(D) of the Home Rule Charter and Section 2-8.1(b) 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 (2) 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 countywide 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 as approved in the Department's annual budget. 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 expenses, 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 $5.00 tickets to a wide variety of cultural events and two-for-$5.00 tickets to area museums. Students ages 13-22 can purchase one (1) 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 more than 100 local arts organizations including Actors' Playhouse, Miami City Ballet, New World Symphony, and South Miami-Dade Cultural Arts Center, as well as museums and other area attractions such as Fairchild Tropical Botanic Garden, Pérez Art Museum Miami, ZooMiami, 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 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. The amount of $300,000.00 reflects budgeted and projected programming expenses both for season-long performances and activities, and other smaller scale projects throughout the year. Funding for professional performers, visual artists and associated expenses for artistic services and projects for Culture Shock Miami is included in the Department's FY 2015-16 budget and contingent upon the annual authorization of the budget for the Department of Cultural Affairs.

On June 18, 2013, the Board approved Resolution R-474-13, authorizing waivers of formal bid procedures allowing for payments for professional performers, individual artists, and associated expenses for artistic services and projects in support of Culture Shock Miami. The current bid waiver (R-474-13), which expired on June 18, 2015 and has a limit of $30,000.00 per performance or exhibition fee and $300,000.00, allowed Department staff to increase Culture Shock Miami's presentations and reach more audiences. Beginning in July 2013, the program increased its presentations from one (1) performance a year in FY 2012-13, to 10 performances planned for its 2015-16 season. To date, the Department has incurred expenses for 17 special events and outreach activities as part of the program's expansion and ongoing efforts to reach more young audiences in Miami-Dade County. To date, expenditures for Culture Shock Miami, authorized via Resolution R-474-13, are approximately $162,600.00.

Given Culture Shock Miami's target audience, 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 (4) quotes whenever possible as it relates to equipment, sound and lighting, and other items related to the presentation of artists.

This recommendation to waive formal bid procedures to contract and pay for artists' services is based on a successful model used for more than 20 years by the Parks, Recreation and Open Spaces Department 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, R-587-14) that authorized multi-year waivers of formal bid procedures for payments for artists to perform at Parks, Recreation and Open Spaces Department and Department of Cultural Affairs-managed venues.

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 was approved by the Cultural Affairs Council on October 21, 2015.

Michael Spring, Senior Advisor
Office of the Mayor

MEMORANDUM

(Revised)

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

DATE: December 1, 2015

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)
12-1-15

RESOLUTION NO. R-1066-15

RESOLUTION WAIVING, BY A TWO-THIRDS VOTE OF BOARD MEMBERS PRESENT, FORMAL BID PROCEDURES PURSUANT TO SECTION 5.03(D) OF THE HOME RULE CHARTER AND SECTION 2-8.1(B) OF THE COUNTY CODE, TO ALLOW THE DEPARTMENT OF CULTURAL AFFAIRS TO CONTRACT FOR 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 $30,000.00 PER PERFORMANCE, PROJECT OR EXHIBITION FEE AND $300,000.00 IN THE AGGREGATE OVER A TWO-YEAR TIME PERIOD; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE PERFORMANCE AGREEMENTS, FOLLOWING COUNTY ATTORNEY APPROVAL AS TO FORM AND LEGAL SUFFICIENCY, 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 this Board finds it in the best interest of the County to waive, by a two-thirds vote of Board members present, formal bid procedures pursuant to Section 5.03(D) of the Home Rule Charter and Section 2-8.1(b) of the County Code, 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 $30,000 per performance, project or exhibition fee and $300,000 in the aggregate over a two-year time period, and authorizes the County Mayor or County Mayor's designee to execute contracts therefore, following approval of the County Attorney's Office as to form and legal sufficiency, and to exercise all provisions contained therein.

The foregoing resolution was offered by Commissioner **Sally A. Heyman**, who moved its adoption. The motion was seconded by Commissioner **José "Pepe" Diaz** and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman **aye**
Esteban L. Bovo, Jr., Vice Chairman **absent**

Bruno A. Barreiro	**aye**	Daniella Levine Cava	**aye**
Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**aye**
Sally A. Heyman	**aye**	Barbara J. Jordan	**aye**
Dennis C. Moss	**aye**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**aye**	Xavier L. Suarez	**aye**
Juan C. Zapata	**absent**		

The Chairperson thereupon declared the resolution duly passed and adopted this 1st day of December, 2015. 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: Christopher Agrippa
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Monica Rizo Perez