

Memorandum



Date: October 3, 2019

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

From: Carlos A. Gimenez
Mayor

Agenda Item No. 8(F)(6)

Resolution No. R-1025-19

Subject: Resolution Rescinding Resolution No. R-320-18 and Resolution No. R-357-17, and Authorizing Waiver of Competitive Bidding Allowing Payment of Professional Performers, Individual Artists, Exhibitions and Associated Expenses

Recommendation

It is recommended that the Board of County Commissioners (Board) rescind Resolution No. R-320-18 (covering Cultural Affairs and Parks, Recreation and Open Space departments) and Resolution R-357-17 (Contract No. BW8970-4/14-4, covering Aviation and Public Library System departments) which waived the competitive bidding procedures for the purchase of professional entertainment, artist services and associated expenses pursuant to Section 5.03(D) of the Home Rule Charter and Section 2-8.1 of the County Code, and authorizes waiver of competitive bidding pursuant to Section 5.03(D) of the Home Rule Charter and Section 2-8.1 of the County Code to allow Cultural Affairs (CUA); Parks, Recreation and Open Space (PROS); Miami-Dade Aviation (Aviation) and Public Library System (Library) to contract and pay for professional entertainment, artist services and associated expenses, in an amount not to exceed \$7,466,000 in total, nor \$125,000 per performance or exhibition fee. This waiver will remain in effect for two years or until the aggregated recommended amount is expended, whichever occurs first.

Aviation and Library are currently using Contract No. BW8970-4/14-4, which was modified under Resolutions No. 807-14 and Resolution No. R-357-17 and expires on 11/25/2019, for the purchase of professional entertainment, artist services, and associated expenses, which are unique in nature and cannot be acquired through the County's traditional procurement process. Both departments use selection committees composed of staff and representatives from the arts and culture community to conduct extensive market research to identify and select companies and individuals offering distinct art exhibits.

This recommendation to waive formal bid procedures to contract and pay for professional entertainment, artist services and associated expenses (including such associated specialized expenses as theater stagehands, theatrical equipment rental, art installation services, etc.) is based on the successful model used for more than 25 years by PROS and more recently by CUA.

The channels for normal County purchasing and competitive bidding procedures are not feasible given the uniqueness of the artistry, the short notice of availability, the specialized nature of the equipment and skilled labor required, and the variability and negotiations of the particular contracting requirements. In keeping with County procurement policies, the departments' 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, material and other necessary resources related to presentation of such performers, exhibitions and public events.

Accordingly, it is in the County's best interest to waive formal bid procedures to contract and pay for professional entertainment, artist services and associated expenses pursuant to Section 2-8.1 of the County Code and Section 5.03(D) of the Home Rule Charter to facilitate the planning and programming of arts and cultural activities and services.

On the effective date, this Resolution automatically replaces and supersedes all other Resolutions, including Resolution R-320-18 and Resolution R-357-17 (Contract No. BW8970-4/14-4), for this same purpose that may be in place through prior actions of this Board.

Scope

The scope of this item is countywide in nature.

Fiscal Impact/Funding Source

The fiscal impact for the two year waiver is \$7,466,000. The previous allocation under Resolution No. R-320-18 was \$5,100,000 for two years; and \$2,324,000 for five years, under Resolution No. R-357-17 (Contract No. BW8970-4/14-4). The contracting for professional entertainment, artist services and associated expenses for all departments under this waiver is contingent upon annual authorization of the budgets for each department.

This amount was calculated based on the combined projected annual programming budgets of the CUA-managed cultural facilities (African Heritage Cultural Arts Center, Joseph Caleb Auditorium, Miami-Dade County Auditorium, and South Miami-Dade Cultural Arts Center), CUA's Culture Shock Miami program (discount ticket program for high school and college students), and PROS-managed cultural programming throughout the County's parks venues. The allocation for CUA has increased from the prior two-year authorization of \$4,700,000 to the current recommended total of \$6,500,000 as a result of consolidating associated expenses for the specialized services of theater stagehands under this resolution.

Department	Allocation	Funding Source	Contract Manager
Cultural Affairs	\$6,500,000	Proprietary Funds	Olga Gonzalez
Parks, Recreation and Open Spaces	\$400,000	General Fund	Bernie Rodriguez
Aviation	\$266,000	Proprietary Funds	Neivy Garcia
Library	\$300,000	Library District	Kimberly Craig
Total:	\$7,466,000		

Track Record/Monitor

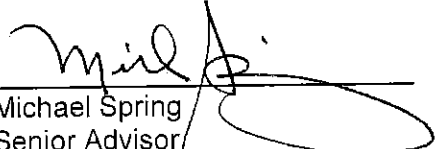
The negotiated agreements will require written authorization from Michael Spring, Director of the CUA; or Maria Nardi, Director of PROS; or Lester Sola, Director of Aviation; or Ray Baker, Director of Public Library System. This waiver will be administered and monitored by CUA, PROS, Aviation and Public Library System for activities in their respective departments.

Delegated Authority

If this item is approved, the County Mayor or County Mayor's designee will have the authority to exercise all provisions of any contract or agreement, including any cancellation, renewal and extension provisions, resulting from this waiver pursuant to Section 2-8.1 of the County Code and Implementing Order 3-38.

Applicable Ordinances and Contract Measures

- The two percent User Access Program provision does not apply.
- The Small Business Enterprise measures and Local Preference do not apply.
- The Living Wage Ordinance does not apply.


Michael Spring
Senior Advisor



MEMORANDUM
(Revised)

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

DATE: October 3, 2019

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 8(F)(6)

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 present , 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) 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(F)(6)
9-16-19

RESOLUTION NO. R-1025-19

RESOLUTION RESCINDING FURTHER PURCHASING AUTHORIZATION IN RESOLUTION NO. R-320-18 AND RESOLUTION NO. R-357-17 WHICH APPROVED WAIVER OF COMPETITIVE BIDDING FOR THE PURCHASE OF PROFESSIONAL PERFORMERS, INDIVIDUAL ARTISTS, EXHIBITIONS AND ASSOCIATED EXPENSES; AND 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, ARTIST SERVICES, AND ASSOCIATED EXPENSES IN AN AMOUNT NOT TO EXCEED \$125,000.00 PER PERFORMANCE OR EXHIBITION AND \$7,466,000.00 IN THE AGGREGATE OVER A TIME PERIOD NOT TO EXCEED TWO YEARS; AUTHORIZING THE COUNTY 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:

Section 1. This Board rescinds further purchasing authorization in Resolution No. R-320-18 and Resolution No. R-357-17 which approved waiver of competitive bidding for the purchase of professional performers, individual artists, exhibitions and associated expenses.

Section 2. 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, artist services, and

\$7,466,000.00 in the aggregate over a time period not to exceed two years, authoring 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 **Esteban L. Bovo, Jr.**, who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

Audrey M. Edmonson, Chairwoman	aye		
Rebeca Sosa, Vice Chairwoman	aye		
Esteban L. Bovo, Jr.	aye	Daniella Levine Cava	aye
Jose “Pepe” Diaz	aye	Sally A. Heyman	aye
Eileen Higgins	aye	Barbara J. Jordan	aye
Joe A. Martinez	aye	Jean Monestime	aye
Dennis C. Moss	aye	Sen. Javier D. Souto	aye
Xavier L. Suarez	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 3rd day of October, 2019. 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

Linda L. Cave

By: _____
Deputy Clerk



Approved by County Attorney as
to form and legal sufficiency.

Oren Rosenthal