



Miami-Dade Board of County Commissioners
Office of the Commission Auditor

Parks and Cultural Affairs Committee (PCAC) Meeting

March 14, 2018
9:30 A.M.
Commission Chambers

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**PCAC Meeting: March 14, 2018
Research Notes**

Item No. 3A

File No. 180382

Researcher: JFP Reviewer: PGE

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 \$5,100,000.00 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

ISSUE/REQUESTED ACTION

Whether the Board should authorize the waiver of competitive bidding 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 \$5,100,000 in total/\$125,000 per performance or exhibition fee for a two-year period or until the aggregate recommended amount is expended, whichever occurs first.

APPLICABLE LEGISLATION/POLICY

Section 5.03(D) of the County's Home Rule Charter states that contracts for public improvements and purchases of supplies, materials, and services other than professional shall be made whenever practicable on the basis of specifications and competitive bids.

<https://www.miamidade.gov/charter/library/charter.pdf>

Section 2-8.1 of the County Code specifies bid requirements for certain purchases, wherein it is stated that nothing in the ordinance shall affect the County Mayor's authority to recommend a waiver of competitive bids when he determines such waiver to be in the best interest of the County.

[https://library.municode.com/fl/miami -
dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.1COPUGE](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

Resolution R-364-16, adopted on May 17, 2016, authorized waiver of full bid procedures to allow CUA and PROS to contract and pay professional performers, visual artists, and cover associated expenses for artistic services and engagements, in an amount not to exceed \$4,400,000 in total/\$125,000 per performance or exhibition fee.

<https://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2016/R-364-16.pdf>

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Department of Cultural Affairs

This item has no procedural history.

FISCAL IMPACT

This Resolution would automatically replace and supersede all other Resolutions for this same purpose that have previously been approved by the Board, namely R-364-16, which allows for a maximum performance or exhibition fee cap of \$125,000, and a total expenditures authorization limit of \$4,400,000. This Resolution would increase the total

PCAC Meeting: March 14, 2018
Research Notes

expenditures authorization limit by \$700,000 (15%) to \$5,100,000. There is a two-year time limit on the expenditure of funds.

Funding will come from budgeted revenues approved for the operations and programming of the CUA and PROS departments, including grant and other outside funds. 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.

ANALYSIS

This Resolution seeks to waive the competitive bidding process 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 \$5,100,000 in total/\$125,000 per performance or exhibition fee.

Below are links to the facilities' event websites where recent events are listed. Any event that it presented by the facility is an event that the bid waiver would be used for.

- South Miami-Dade Cultural Arts Center: <http://www.smdcac.org/content/all-events> ("SMDCAC Present/s")
- Miami-Dade County Auditorium: <https://www.miamidadecountyauditorium.org/events/list/> ("MDCA present/s")
- African Heritage Cultural Arts Center: <https://www.ahcacmiami.org/events-calendar/list/>
- Caleb Auditorium is closed for renovations

The facilities also rent out its spaces/auditoriums to independent organizations. The waiver would not apply to the performers renting the facility, as these events are private and those renting pay the County.

Historically, the Board has authorized a series of Resolutions for the same purpose—facilitating the cultural programming at facilities throughout the County—involving multi-year bid waivers for payments to performers, artists, and for artistic services and associated expenses engaged by PROS and CUA-facilities and /or through the auspices of CUA programs. The Resolution numbers are: 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, R-587-14, R-364-16, R-474-13 and R-1066-15.

By contrast, Broward County does not broadly waive competitive bidding for this purpose, but rather does so on a case-by-case basis. According to the Purchasing Manager at Broward County, waiver of competitive bidding is done very rarely.

This blanket bid waiver will allow Miami-Dade County to respond to the unique requirements of the entertainment arena as there is often a need to identify and react quickly to programming opportunities as they become available. Given the attractiveness of South Florida as a performance location, the opportunity to book exceptional talent on short notice often arises, usually at reduced costs (if contractual requirements are met). This Resolution would automatically replace and supersede all other Resolutions for this same purpose that have previously been approved by the Board.

ADDITIONAL INFORMATION

This request for a waiver of competitive bidding is 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, etc.).

PCAC Meeting: March 14, 2018
Research Notes

Culture Shock Miami provides \$5 tickets for high school and college students ages 13-22 to attend cultural activities presented by the community's top performing and visual arts organizations, representing the broadest diversity of Miami's artistic offerings. Since its inaugural season in 2006-07, Culture Shock Miami has served the student community with diverse mix of cultural offerings.

<http://www.cultureshockmiami.com/>

Here are some of the recent examples of events/performers that the waivers are used for:

- Fruit & Spice Park: Walker Entertainment Inc. Blues, Brew and BBQ Fest
- Deering Estate: Yuletide Carolers – Christmas Caroling singers
- Tropical Park: Pati Vargas – Noches Tropicales outdoor concert series
- Greynolds Park: Talent Ventures – Love-in Party in the Park
- Deering Estate: Colin R. Paul – Concert performance
- Deering Estate: Walker Entertainment – Valentine's Day concert
- Haulover Park: Talent Ventures – Coconuts Festival
- Tropical Park: Pink Chaos Productions – outdoor festival

<http://www.miamidadearts.org/>

<https://www.miamidade.gov/parks/>

**PCAC Meeting: March 14, 2018
Research Notes**

**Item No. 3B
File No. 180337**

Researcher: SM Reviewer: PGE

RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$304,000.00 FOR CONTRACT NO. 102115-BBB FOR THE PURCHASE OF SCHOOL BUSES WITH RELATED PARTS AND SERVICES FOR THE PARKS, RECREATION AND OPEN SPACES DEPARTMENT

ISSUE/REQUESTED ACTION

Whether the Board should approve this Resolution authorizing additional expenditure authority in a total amount up to \$304,000 for the purchase of three school buses with related parts and services under Contract No. 102115-BBB for the Parks, Recreation and Open Spaces Department.

APPLICABLE LEGISLATION/POLICY

Section 2-8.1 of the County Code Requires formal sealed bids for purchases over \$250,000; describes the circumstances under which non-competitive purchases may be approved; establishes requirements for legacy purchases, designated purchases, and single vehicle leases; provides that procurement procedures shall be established by I.O. and approved by the Board.

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE

Implementing Order 3-38 governs the County's processes and procedures for the purchase of goods and services including professional services. It establishes the roles and responsibilities of the Internal Services Department, methods of purchasing goods and services, and the authority to award contracts. Contains requirements for access contracts, emergency purchases, bid waivers, confirmation purchases, and sole sources.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-38.pdf>

Resolution No. R-187-12, adopted February 21, 2012, directs the County Mayor to include due diligence information in memoranda recommending certain contract awards.

<http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2012/120287.pdf>

Resolution No. R-689-17, adopted July 6, 2017, authorizing additional expenditure authority in a total amount up to \$331,205.00 for contract No.102115-BBB for school buses with related parts and services for the Corrections and Rehabilitation Department.

<http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2017/171282.pdf>

PROCEDURAL HISTORY

Prime Sponsor: None

Requester/Department: Internal Services

This item has no procedural history.

FISCAL IMPACT

The Bid Tracking System shows an awarded amount of \$993,612.36 and a current value of \$1,325,612.36 for the contract, which expires on November 17, 2019. This Item wishes to allocate an additional \$304,000 to the contract, which would result in a cumulative allocation of \$ 1,629,612.36 if approved. The table below shows purchase orders related to the contract as seen in the Bid Tracking System:

PCAC Meeting: March 14, 2018
Research Notes

Department	Vendor Name	Amount.	Allocation Amount.	Released Amount	Balance Remaining
Department of Corrections and Rehabilitation	Florida Transportation Systems Inc.	\$993,612.36			
Department of Corrections and Rehabilitation	Florida Transportation Systems Inc.	\$331,204.12			
	Total:	\$1,324,816.48		\$1,324,816.48	\$795.88

ANALYSIS

This Item proposes authorizing additional expenditure for the Miami-Dade Parks, Recreation, and Open Spaces Department (PROS), requesting access to a competitive contract from National Joint Powers Alliance (NJPA). Contract No. 102112-BBB, in the amount of \$304,000 for a one-time purchase of three buses for its Disability Services and General Recreation Program, as stated by the mayoral memo. The mayoral memo states that the buses will transport adults and children whom are disabled to field trips as it is required by the Medicaid Waiver Program and the Children's Trust. PROS justifies the need for this additional expenditure in its need to increase the Disability Services and General Recreation Program's operational efficiency, and to replace a bus that is no longer in service. These buses must be compliant with Americans Disabilities Act (ADA) requirements to transport an average of 200 children and adults.

NJPA is a public agency serving as a national contracting agency established under the Service Cooperative statute by Minnesota Legislative Statute 123A.21 with the authority to develop and offer, among other services, cooperative procurement services to its membership. These procurement contracts are created in compliance with applicable Minnesota Municipal Contracting Laws.

The awarded vendor is Florida Transportation Systems, Inc. which is not a local vendor. It is located in Tampa, FL with a principal address of 7703 Industrial Lane Tampa, FL. The Office of the Commission Auditor did a local vendor search per the commodity code, 07033, School Buses, Complete, Conventional Type as it is stated in the bid tracking system and did not find any local vendors related to such services.

ADDITIONAL INFORMATION

The National Joint Powers Alliance (NJPA), which is where the County originally accessed this contract from, is established as a public agency serving member agencies across the United States and Canada as a municipal contracting agency. JPA establishes and provides nationally leveraged and competitively solicited purchasing contracts. The Joint Exercise of Powers Law allows their members to legally purchase through their contracts without duplicating their own competitive solicitation process and requirements. The result of this cooperative effort is a high quality selection of nationally leveraged, competitively solicited contract solutions to help meet the ever challenging needs of their current and future member agencies.

<https://www.njpacoop.org/files/1114/3940/2774/aboutus.pdf>

Disability Services and General Recreation Program

Programs provided are for Children with Disabilities ages 6-21 and are funded by Miami-Dade Parks, Recreation and Open Spaces and The Children's Trust at no cost to participants. See the below link for available activities.

<http://www.miamidade.gov/parks/library/disability-service-programs.pdf>