

Memorandum



Date: October 5, 2021

To: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

Agenda Item No. 8(C)(1)

From: Daniella Levine Cava
Mayor

Daniella Levine Cava

Subject: Resolution Approving Waiver of Competitive Bidding to Contract with and Pay
Professional Performers, Individual Artists, Exhibitions, and Associated Expenses

Resolution No. R-885-21

Recommendation

It is recommended that the Board of County Commissioners (Board) waive the competitive bidding procedures by a two-thirds vote of Board members present, pursuant to Section 2-8.1 of the County Code and Section 5.03(D) of the Home Rule Charter, to allow Cultural Affairs (CUA); Parks, Recreation and Open Spaces (PROS); Miami-Dade Aviation (Aviation); and Public Library System (Library) to contract and pay for professional entertainment, artist services and associated expenses in an aggregate amount not to exceed \$11,400,000 in total nor \$125,000 per performance or exhibition fee. This waiver will remain constant for three (3) years or until the aggregated recommended amount is expended, whichever occurs first.

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, Aviation, and the Library System. Professional entertainment, artist services, and associated expenses are unique in nature and cannot be acquired effectively through the County's traditional procurement process. This recommendation also follows that approved by Resolution No. R-1025-19 which approved a waiver of competitive bidding for these same purposes in an amount not to exceed \$125,000 per performer and for a two-year period or until the aggregate amount of \$7,466,000.00 was expended, whichever occurred first.

The current allocation requirements for PROS and CUA are now \$10,650,000 for three (3) years. 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 \$6,500,000 to the current recommended total of \$10,365,000 for three years as a result of adding one year for this authorization period, a forecasted increase in activities for these venues and programs, and the re-opening of the Joseph Caleb Auditorium upon completion of its expansion project. The Library System requests an allocation of \$480,000 and the Aviation department requests \$270,000 for a total of \$750,000 for the three-year period. All departments use expert 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.

The channels for normal County purchasing and competitive bidding procedures are not feasible given the short notice of availability, the uniqueness of the artistry, 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.

Scope

The scope of this item is countywide in nature.

Fiscal Impact/Funding Source

The fiscal impact for the three (3) years waiver is \$11,400,000. The previous allocation under Resolution R-1025-19 was \$7,466,000 for two (2) years. 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.

Department	Allocation	Funding Source	Contract Manager
Cultural Affairs	\$10,365,000	Proprietary Funds	Olga Gonzalez/Steven Padilla
Parks, Recreation and OpenSpaces	\$285,000	General Fund	Fernando L. Robreno
Aviation	\$270,000	Proprietary Funds	Neivy Garcia
Public Library System	\$480,000	Library District	Kimberly Craig
Total:	\$11,400,000		

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 PublicLibrary 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 directors of the CUA, PROS, Aviation Department, and the Public Library System will have the authority to select artists; negotiate, approve and execute contracts therewith; pay

such artists for the work; and 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.



Morris Copeland
Chief Community Services Officer



MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: October 5, 2021

FROM: 
Gen Bonzon-Keenan
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 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(C)(1)
10-5-21

RESOLUTION NO. R-885-21

RESOLUTION WAIVING COMPETITIVE BIDDING 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 2/3 VOTE OF THE BOARD MEMBERS PRESENT, 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 \$11,400,000.00 IN THE AGGREGATE OVER A TIME PERIOD NOT TO EXCEED THREE YEARS; AUTHORIZING THE DIRECTORS OF THE DEPARTMENTS OF CULTURAL AFFAIRS, PARKS, RECREATION AND OPEN SPACES, AVIATION AND PUBLIC LIBRARY SYSTEM TO SELECT THE PROFESSIONAL PERFORMERS AND ARTISTS, AND NEGOTIATE, APPROVE AND EXECUTE AGREEMENTS THEREWITH AND TO EXERCISE ALL PROVISIONS CONTAINED THEREIN

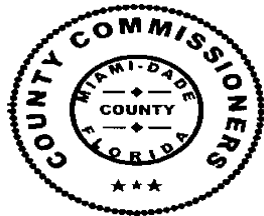
WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board waives competitive bidding 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 2/3 vote of the Board members present, 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 \$11,400,000.00 in the aggregate over a time period not to exceed three years, and authorizes the directors of the Miami-Dade Departments of Cultural Affairs, Parks, Recreation and Open Spaces, Aviation and Public Library Systems to select the professional performers and artists, and negotiate, approve and execute agreements therewith and to exercise all provisions contained therein.

The foregoing resolution was offered by Commissioner **Raquel A. Regalado**, who moved its adoption. The motion was seconded by Commissioner **Joe A. Martinez** and upon being put to a vote, the vote was as follows:

Jose "Pepe" Diaz, Chairman	aye		
Oliver G. Gilbert, III, Vice-Chairman	aye		
Sen. René García	aye	Keon Hardemon	aye
Sally A. Heyman	aye	Danielle Cohen Higgins	aye
Eileen Higgins	aye	Joe A. Martinez	aye
Kionne L. McGhee	aye	Jean Monestime	aye
Raquel A. Regalado	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 5th day of October, 2021. 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

Melissa Adames

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

MRP

Monica Rizo Perez