

## **MEMORANDUM**

Agenda Item No. 8(C)(1)

**TO:** Honorable Chairman Oliver G. Gilbert, III  
and Members, Board of County Commissioners

**DATE:** July 2, 2024

**FROM:** Geri Bonzon-Keenan  
County Attorney

**SUBJECT:** 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 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 \$17,622,940.00 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

Resolution No. R-581-24

The accompanying resolution was prepared by the Cultural Affairs Department and placed on the agenda at the request of Prime Sponsor Commissioner Kionne L. McGhee.

  
Geri Bonzon-Keenan  
County Attorney

GBK/jp

MDC001

# Memorandum



**Date:** July 2, 2024

**To:** Honorable Chairman Oliver G. Gilbert, III  
and Members, Board of County Commissioners

**From:** Daniella Levine Cava *Daniella Levine Cava*  
Mayor

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

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## **Executive Summary**

This item is requesting that the Board of County Commissioners (Board) approve a waiver of the competitive bidding procedures to contract and pay for professional entertainment, artist services and associated expenses as they are unique in nature and cannot be acquired effectively through the Miami-Dade County's traditional procurement process. These recommendations are made by the County Mayor on behalf of the Departments of Cultural Affairs; Parks, Recreation and Open Spaces Department (PROS); Miami-Dade Public Library System (Libraries); and Miami-Dade Aviation Department (Aviation), allowing payment towards professional performers, individual artists, exhibitions, and associated expenses, while also encouraging interdepartmental collaborations. Approval of this item will replace Resolution No. R- 885-21, which allowed for a waiver of the competitive bidding procedures for these same purposes and expires October 5, 2024.

## **Recommendation**

It is recommended that the 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 the Departments of Cultural Affairs, PROS, Aviation and Libraries to contract and pay for professional entertainment, artist services and associated expenses in an aggregate amount not to exceed \$17,622,940.00 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.

## **Scope**

The scope of this item is countywide in nature.

## **Delegation of Authority**

If this item is approved, directors of Cultural Affairs, PROS, Aviation and Libraries will continue to have the delegated 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.

## **Fiscal Impact/Funding Source**

The fiscal impact for the three (3) years is \$17,622,940.00. The previous allocation under

Resolution R-885-21 was \$11,400,000 for three (3) 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.

<b>Department</b>	<b>Allocation</b>	<b>Funding Source</b>	<b>Contract Manager</b>
Cultural Affairs	\$15,502,940	Proprietary Funds	Regla Lee/ Steven Padilla
Parks, Recreation and Open Spaces	\$285,000	General Fund	Fernando L. Robreno
Aviation	\$330,000	Proprietary Funds	Sylvia Novela
Public Library System	\$1,505,000	Library District	Kimberly Craig
<b>Total:</b>	<b>\$17,622,940</b>		

**Track Record/Monitor**

The negotiated agreements will require written authorization from the Directors of each department: Marialaura Leslie (Cultural Affairs), Maria Nardi (PROS), Ralph Cutié (Aviation) or Ray Baker (Libraries). This waiver will be administered and monitored by Cultural Affairs, PROS, Aviation and Libraries for activities in their respective departments.

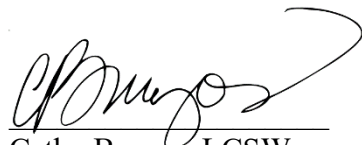
**Background**

This recommendation to waive formal competitive bidding procedures to contract and pay for professional entertainment, artist services and associated expenses (including such associated specialized expenses as theater stagehands, theatrical equipment rentals, art installation services, etc.) is based on the successful model used for more than 25 years by PROS and more recently by Cultural Affairs, Aviation and the Libraries. Professional entertainment, artist services and associated expenses are unique in nature and cannot be acquired effectively through the County’s traditional procurement process. This item also follows Resolution No. R-885-21, which approved a waiver of competitive bidding for these same purposes in an amount not to exceed \$125,000 per performer and for a three (3) year period or until the aggregate amount of \$11,400,000.00 was expended, whichever occurred first.

The current total for the requested allocation requirements for these Departments is \$17,622,940.00 for three (3) years. This amount was calculated based on the aggregate projected annual programming budgets of the Cultural Affairs-managed cultural facilities (African Heritage Cultural Arts Center, Dennis C. Moss Cultural Arts Center, Joseph Caleb Auditorium and the Miami-Dade County Auditorium), Cultural Affairs’ Culture Shock Miami program ( program for high school and college students that provides discounted tickets), PROS-managed cultural programming throughout the County's parks venues and cultural programming at Libraries throughout the County and Miami International Airport. The allocation for Cultural Affairs has increased from the prior three-year authorization of \$10,365,000 to the current recommended total of \$15,502,940 for three (3) years, as a result of inflation, increased

activities being forecasted for these and other venues and programs, including the re-opening of the Joseph Caleb Auditorium upon completion of its expansion project. Libraries requested an allocation of \$1,505,000 for enhanced cultural activity County-wide, Aviation requested \$330,000, and PROS requested \$285,000, for the three (3) year period. The requests also include Cultural Affairs-managed interdepartmental collaborations including Mayoral and Commission-directed cultural events, such as artistic lobby activations, in line with the *Arts Energize 305* Strategic Plan. All departments use expert staff and representatives from the arts and culture community to conduct extensive market research to identify and select diverse 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 the County's 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, 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.



Cathy Burgos, LCSW  
Chief Community Services Officer



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairman Oliver G. Gilbert, III  
and Members, Board of County Commissioners

**DATE:** July 2, 2024

**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)  
7-2-24

RESOLUTION NO.                      R-581-24

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 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 \$17,622,940.00 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 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 \$17,622,940.00 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 **Danielle Cohen Higgins** ,  
who moved its adoption. The motion was seconded by Commissioner **Kionne L. McGhee**  
and upon being put to a vote, the vote was as follows:

Oliver G. Gilbert, III, Chairman	<b>aye</b>		
Anthony Rodríguez, Vice Chairman	<b>aye</b>		
Marleine Bastien	<b>aye</b>	Juan Carlos Bermudez	<b>aye</b>
Kevin Marino Cabrera	<b>aye</b>	Sen. René García	<b>aye</b>
Roberto J. Gonzalez	<b>aye</b>	Keon Hardemon	<b>aye</b>
Danielle Cohen Higgins	<b>aye</b>	Eileen Higgins	<b>absent</b>
Kionne L. McGhee	<b>aye</b>	Raquel A. Regalado	<b>aye</b>
Micky Steinberg	<b>aye</b>		

The Chairperson thereupon declared this resolution duly passed and adopted this 2<sup>nd</sup> day of July, 2024. 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

JUAN FERNANDEZ-BARQUIN, CLERK

By: Basia Pruna  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

A handwritten signature in black ink, appearing to read "MRP", written over a horizontal line.

Monica Rizo Perez