

**DEPARTMENTAL INPUT**  
**CONTRACT/PROJECT MEASURE ANALYSIS AND RECOMMENDATION**

New     OTR     Sole Source     Bid Waiver     Emergency    Previous Contract/Project No. N/A  
 Re-Bid     Other: Accessing Contract    LIVING WAGE APPLIES:     YES     NO

Requisition No./Project No.:    RQID2100231    TERM OF CONTRACT    4    YEAR(S) WITH     YEAR(S) OTR

Requisition /Project Title:    Performing Arts Apparel, Instruments, Furnishings, Storage and Related Services

Description:    Accessing OMNIA Performing Arts Apparel, Instruments, Furnishings, Storage and Related Services contract for CUA to purchase stage equipment.

Issuing Department:    ISD    Contact Person:    Alonzo Joseph    Phone:    305-375-2774

Estimate Cost:    \$ 400,000.00    GENERAL    FEDERAL    OTHER  
Funding Source:     GOB Funds/CIIP Proceeds

**ANALYSIS**

**Commodity Codes:**    90948    [REDACTED]    [REDACTED]    [REDACTED]    [REDACTED]

Contract/Project History of previous purchases three (3) years  
Check here  if this is a new contract/purchase with no previous history.

**EXISTING**                                      **2<sup>ND</sup> YEAR**                                      **3<sup>RD</sup> YEAR**

**Contractor**    [REDACTED]

**Small Business Enterprise:**    [REDACTED]

**Contract Value:**    [REDACTED]

**Comments:**    [REDACTED]

Continued on another page (s):     Yes     No

**RECOMMENDATIONS**

**SBE**                      Set-aside                      Sub-contractor goal                      Bid preference                      Selection factor

**Basis of recommendation:**    [REDACTED]

**Signed:**    Alonzo Joseph

Date sent to SBD: 08/30/2021

Date returned to DPM:    [REDACTED]

# MARKET RESEARCH

<b>Contract No.:</b> R191204	<b>Recommendation:</b>
<b>Title:</b> Performing Arts Apparel, Instruments, Furnishings, Storage and Related Services	<input type="checkbox"/> Exercise Option to Renew (OTR)
<b>Procurement Contracting Officer:</b> Alonzo Joseph	<input type="checkbox"/> Non-Competitive Acquisition
	<input type="checkbox"/> Solicit Competition
	<input checked="" type="checkbox"/> Access Contract
	<input type="checkbox"/> Other

## Background:

The Department of Cultural Affairs (Department) requires the purchase of specialty theatrical equipment such as platforms, music chairs and stands for facilities managed by the Department (African Heritage Cultural Arts Center, Caleb Auditorium, Miami-Dade County Auditorium, South Miami-Dade Cultural Arts Center, and Westchester Cultural Arts Center).

One of the Department's goals is to establish uniform standards between their facilities in order to improve operational efficiencies. Part of the standardization process includes using the same type of certain equipment, such as the platforms used to create stages and raised audience seating areas, so that these parts may be interchangeable between facilities as needed for different events.

Wenger Corporation, Contract No. R191204 awarded bidder specialize in providing performing arts products to include but not limited to apparel, instruments, furnishing, storage, and related services. Currently, the Department facilities already include Wenger platforms that would not require training since they are familiar with the Wenger staging equipment. Therefore, the Department does not desire to add other brands to their staging portfolio that are not interchangeable with their current platform. As such, the Department position is that it is advantageous that future equipment purchases are Wenger equipment.

Consequently, the Department identified and requested that ISD-Procurement review and access OMNIA contract no. R191204 titled Performing Arts Apparel, Instruments, Furnishings, Storage and Related Services. Goods and services provided through this contract includes performing arts apparel, instruments, furnishings, storage, and related including but not limited to: Apparel accessories, band uniforms, blouses, choir, dresses, gowns, jackets, orchestra, shells, shoes, shrugs, skirts, tops, tuxedos, woodwind instruments, brass instruments, percussion instruments, string instruments, classroom instruments, keyboards and pianos, repair and tuning, instrument accessories, auditorium seating, music and method books, sound systems and acoustic related products, indoor performance products (podiums, workstations, staging equipment, storage/lockers, indoor lighting, rigging), and outdoor performance products (field podiums, mobile storage/lockers, carts, outdoor lighting).

The client department identified GOB Funds and/or CIIP Proceeds as the funding source on their allocation request form (ARF). As a follow-up to the ARF, the client Department was asked if there are any known restrictions with the funding source. They stated "none we know of; we believe we will use a mix of GOB funding mainly and maybe CIIP." They was not sure if UAP/IG funds was applicable. Based on other sourcing, UAP and IG most likely does not apply. Additional, typically UAP and IG do not apply to accesses; unless, the contract being access allows for it and the vendor agrees to the UAP/IG fee.

The requested allocation on the access per the ARF provided is \$450,000.

## Research Conducted:

OMNIA conducts competitive solicitations which are made available to public agencies nationally, including state and local governments. At the following site the sourcing documents can be found for the contract the department would like for the County to access: <https://www.omniapartners.com/publicsector/suppliers/wenger-corporation/contract-documentation>.

In reviewing the documents, it was determined that accessing the Omnia contract is a viable sourcing option. The solicitation was issued by Region 4 ESC which represents/serves seven county areas in Texas that comprises of 48 public school districts and 34 charter schools. Notice of the solicitation was sent to potential offerors, as well as advertised in the following: Region 4 ESC website, OMNIA Partners, Public Sector website, USA Today – nationwide, Arizona Business Gazette, San Bernardino Sun, Honolulu Star-Advertiser, The Advocate – New Orleans, New Jersey Herald, Times Union, Daily Journal of Commerce, The State – SC, Houston Community Newspapers, Cy Creek Mirror, Deseret News, Richmond Times, Seattle Daily Journal of Commerce, and Helena Independent Record. The solicitation opened on September 26, 2019 and six vendors [responded](#) to the RFP ([RFP 19-12](#)): Wenger, Korg USA (SoundTree), Music & Arts, Omega, Stanbury Uniforms, and Washington Music. The proposal were evaluated and the committee determined that four propels demonstrated the ability to provide the products and services. Agreements were executed with the four responsive, responsible proposers.

RFP# 19-12 Performing Arts		
Thursday, September 26, 2019		
2:00 PM CST		
Received Bid/Proposal - Name of Company	Description of Receipt (# of boxes and/or Envelopes)	Date and Time Received
Music & Arts	1-Brown Box	9/26/19 @ 10am
Omega Broadcast	1-Fedex Box	9/26/19 @ 10am
Stanbury Uniforms	1-Fedex Box	9/26/19 @ 10am
Washington Music Center	1-Fedex Box	9/26/19 @ 10am
Korg USA Inc	1-Fedex Box	9/26/19 @ 10am
Wenger Corp	1-Fedex Box	9/26/19 @ 10am

The intent of the solicitation was to establish cooperative purchasing for schools and other Omnia members. Region 4 ESC is acting as the contracting agency for any other Public Agency that elects to utilize the resulting Master Agreement. Use of the Master agreement by any agency requires them being registered with Omnia Partners; per Appendix D of the RFP.

WHEREAS, the Contract will provide that any state and local governmental entities, public and private primary, secondary and higher education entities, non-profit entities, and agencies for the public benefit ("Public Agencies") may purchase products and services at prices indicated in the Contract upon the Public Agency's registration with OMNIA Partners.

Additionally, section 1.3 also states that the resulting master agreement to be made available to them (other Participating Public Agencies) through OMNIA Partners.

In regards to value, the RFP states that the contractor must be able to accommodate a nationwide demand for services and to fulfill obligations as a nationwide Contractor. The Anticipated annual value is 5 million under the Master Agreement per the second screenshot to the right also found on page 16 of the executed agreement. Furthermore, the above is part of Exhibit A (starts on page 14 of 234) which focuses on the cooperative component of the agreement.

While no minimum volume is guaranteed to the Contractor, the estimated annual volume of Performing Arts Apparel, Instruments, Seating, Equipment, and Related Services purchased under the Master Agreement through OMNIA Partners is approximately \$5M. This projection is based on the current annual volumes among Region 4 ESC, other Participating Public Agencies anticipated to utilize the resulting Master Agreement to be made available to them through OMNIA Partners, and volume growth into other Public Agencies through a coordinated marketing approach between the

During the evaluation process, the issued RFP allowed proposer's to stipulated any exceptions for consideration and if accepted would be incorporated as part of the resulting contract. Appendix B listed the exceptions made and none limited who can access the contract. The exception pertained only to the Delivery and Pricing Adjustments per the screenshot to the right.

✕ Offeror takes the following exceptions to the RFP and draft Contract. All exceptions must be clearly explained, reference the corresponding term to which Offeror is taking exception and clearly state any proposed modified language, proposed additional terms to the RFP and draft Contract must be included:

(Note: Unacceptable exceptions may remove Offeror's proposal from consideration for award. Region 4 ESC shall be the sole judge on the acceptance of exceptions and modifications and the decision shall be final.)

If an offer is made with modifications to the contract provisions that are not expressly approved in writing, the contract provisions contained in the RFP shall prevail.)

Section/Page	Term, Condition, or Specification	Exception/Proposed Modification	Accepted (For Region 4 ESC's use)
Page 4 14.	Delivery	Wenger products are shipped within 30 days after receipt of order.	
Page 4 17.	Pricing Adjustments	All pricing is for product ONLY. Shipping and handling charges will be calculated and added at time of quote.	

The executed contract effective date was November 1, 2019 with an initial three (3) year term and two (2) one year periods or portions thereof per the contract term section. Therefore, the potential cumulative term is an five (5) year term and would expire on October 31, 2024.

Note worthy, Exhibit F contain documents which consider the use of Federal Funds, which the awarded bidder signed and agreed to those terms as well, page 24 of 234. The department does not intend to use Federal funds; however, if for any reason that changes Exhibit F should be reviewed at that time.

**Comparable Contracts:**

Since Wegner does not have any authorize sellers, they were contacted directly to see if they had any other contract that could be consider. They responded saying at this time the Omnia contract has the best pricing available and that they did not have any government contracts that could provide the requested goods.

**Recommendation:**

It is in the County best interest to access the Omnia contract for the Department in order for them to purchase the equipment necessary to create standardization between their numerous locations. In doing so, the standardization will allow interchangeable equipment resources to be shifted as needed between locations in order to scale up or down as necessary. Furthermore, the Omnia contract provides a sourcing method that maximized economy of scale; which probably resulted in lower pricing. The Omnia contract was established with the intent of being provided nationally and Statewide. Additionally, not mentioned above, the Department desires to start receiving products as early as November. Therefore, an access would present the quickest route to establishing a contract for the required need with sufficient time for ordering and delivery to occur.

Hence, the benefits of accessing Omnia contract no. R191204 would be as follows:

- Quickest method to source equipment and having delivered received starting November; or sooner.
- Provides access to the equipment needed to allow the Department operations to have interchangeable equipment that would allow for the resources to be shifted between sites easily.
- Due to Omnia sourcing method advertised and award with the intent of providing services nationally, economy of scale was applied resulting in lower pricing then typically available in the market through this recommended access.
- Minimum to no training required since Department staff are familiar with the equipment.

Therefore, it is in the County best interest to move forward with accessing Contract No. R191204 for the cumulative term initial term inclusive of all OTRS's for the Department. Hence the contract expiration date of the access will be October 31, 2024.

Procurement Contracting Officer: *Alonzo Joseph*

Date: 09/1/2021