

**RESOLUTION NO.**

**2014-28722**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER PERTAINING TO THE RANKING OF PROPOSALS, PURSUANT INVITATION TO NEGOTIATE NO. 2014-215-LR (THE ITN), FOR BAND SHELL MANAGEMENT SERVICES; AUTHORIZING THE ADMINISTRATION TO ENTER INTO NEGOTIATIONS WITH THE RHYTHM FOUNDATION, INC.; AND IF UNSUCCESSFUL IN NEGOTIATING AN AGREEMENT WITH THE RHYTHM FOUNDATION, INC., AUTHORIZE THE ADMINISTRATION TO NEGOTIATE WITH THE FANTASY THEATRE FACTORY, INC. AND THE MARKET COMPANY, INC.; AND FURTHER AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT UPON CONCLUSION OF SUCCESSFUL NEGOTIATIONS BY THE ADMINISTRATION.**

**WHEREAS**, Invitation to Negotiate No. 2014-215-LR (the ITN) was issued on April 23, 2014, with an opening date of June 26, 2014; and

**WHEREAS**, a voluntary pre-proposal meeting was held on May 14, 2014; and

**WHEREAS**, the City received a total of three (3) proposals; and

**WHEREAS**, on August 18, 2014, the City Manager via Letter to Commission (LTC) No. 290-2014, appointed an Evaluation Committee (the "Committee"), consisting of the following individuals:

- Cynthia Casanova, Parks Facilities Manager, Parks & Recreation Department
- Mark Milisits, Leasing Specialists, Tourism, Culture & Economic Development
- Charles Million, City of Miami Beach Cultural Arts Council

Alternates:

- Carlos DaCruz, Office Associate V, Parks & Recreation Department

**WHEREAS**, the Committee convened on August 21, 2014 to consider the proposals received; and

**WHEREAS**, the Committee was provided an overview of the project; information relative to the City's Cone of Silence Ordinance and the Government Sunshine Law; general information on the scope of services, references, and a copy of each proposal; and engaged in a question and answer session after the presentation of each proposer; and

**WHEREAS**, the Committee was instructed to score and rank each proposal pursuant to the evaluation criteria established in the ITN; and

**WHEREAS**, the Committee's ranking was as follows: The Rhythm Foundation, Inc., as the top-ranked firm; Fantasy Theatre Factory, Inc., second highest ranked; and The Market Company, Inc., the third highest ranked; and

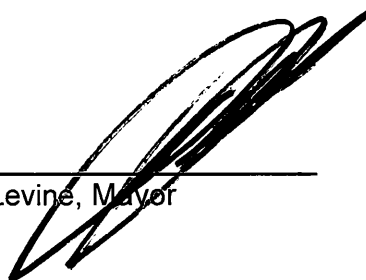
**WHEREAS**, after reviewing all the submissions and the Evaluation Committee's rankings, the City Manager exercised his due diligence and is recommending that the Administration be authorized to enter into negotiations with The Rhythm Foundation, Inc.; and further authorize the City Manager to execute an Agreement upon conclusion of successful negotiations by the Administration. The Administration recommends that if successful negotiations cannot be reached with The Rhythm Foundation, Inc., that the Mayor and City Commission authorize the Administration to negotiate with the Fantasy Factory Theatre, Inc. and The Market Company, Inc.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission hereby accept the recommendation of the City Manager pertaining to the ranking of proposals, pursuant to Invitation to Negotiate (ITN)) No. 2014-215-LR, for Band Shell Management Services; authorize the Administration to enter into negotiations with the top-ranked proposer, The Rhythm Foundation, Inc.; and if unsuccessful in negotiating an agreement with The Rhythm Foundation, Inc., authorize the Administration to negotiate with the Fantasy Factory Theatre, Inc. and The Market Company, Inc.; and further authorize the Mayor and City Clerk to execute an agreement upon conclusion of successful negotiations by the Administration.

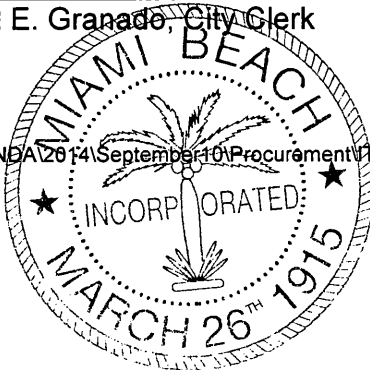
**PASSED AND ADOPTED** this 10 day of September 2014.

**ATTEST:**

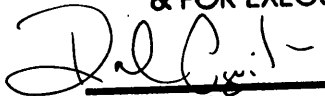
  
\_\_\_\_\_  
Rafael E. Granado, City Clerk

  
\_\_\_\_\_  
Philip Levine, Mayor

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**APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION**

  
\_\_\_\_\_  
City Attorney *AM* 9/3/14  
Date

**Condensed Title:**

A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals, Pursuant To Invitation to Negotiate (ITN) No. 2014-215-LR, For Band Shell Management Services.

**Key Intended Outcome Supported:**

**Supporting Data (Surveys, Environmental Scan, etc):** N/A

**Item Summary/Recommendation:**

On April 23, 2014, the City Commission approved the issuance of the ITN, which was issued on April 24, 2014, with an opening date of June 26, 2014. A pre-proposal conference was held on May 14, 2014. The City received three (3) proposals from Fantasy Theatre Factory, Inc., The Market Company and The Rhythm Foundation.

On August 18, 2014, the City Manager appointed an Evaluation Committee (the "Committee"), which convened on August 21, 2014 to consider proposals received. The Committee was instructed to score and rank each proposal pursuant to the evaluation criteria established in the RFQ. The results of the evaluation committee process were presented to the City Manager for his recommendation to the City Commission.

While the ITN process allows for negotiations with multiple proposers, the results of the evaluation process indicate that The Rhythm Foundation is overwhelmingly the most qualified proposer; therefore, after reviewing the submissions and the Evaluation Committee's rankings of proposals received, the City Manager recommends that the Mayor and the City Commission, pursuant to Invitation to Negotiate (ITN) No. 2014-215-LR, for Band Shell Management Services, authorize the Administration to enter into negotiations with The Rhythm Foundation; and further authorize the City Manager to execute an Agreement upon conclusion of successful negotiations by the Administration. The Administration recommends that if successful negotiations cannot be reached with The Rhythm Foundation, that the Mayor and City Commission authorize the Administration to negotiate with the Fantasy Factory Theatre and The Market Company.

**RECOMMENDATION**

The Administration recommends that the Mayor and the City Commission, pursuant to Invitation to Negotiate (ITN) No. 2014-215-LR, for Band Shell Management Services, authorize the Administration to enter into negotiations with The Rhythm Foundation; and further authorize the City Manager to execute an Agreement upon conclusion of successful negotiations by the Administration. The Administration recommends that if successful negotiations cannot be reached with The Rhythm Foundation, that the Mayor and City Commission authorize the Administration to negotiate with the Fantasy Factory Theatre and The Market Company.

**RECOMMENDATION**

**Adopt the Resolution.**

**Advisory Board Recommendation:****Financial Information:**







| Source of Funds | Amount          | Account                    |
|-----------------|-----------------|----------------------------|
| 1               | \$45,000        | 011-0950-000312 (FY 14/15) |
| <b>Total</b>    | <b>\$45,000</b> |                            |

**Financial Impact Summary:** Listed expenditure is based on FY 14/15 anticipated approved budgeted amounts.

**City Clerk's Office Legislative Tracking:**

Alex Denis, Extension 6641

**Sign-Offs:**

| Department Director  | Assistant City Manager   | City Manager  |
|--|--|---|
| AD  MS  JR  | KGB  MT  | JLM  |

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# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

## COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: September 10, 2014

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER PERTAINING TO THE RANKING OF PROPOSALS, PURSUANT TO INVITATION TO NEGOTIATE NO. 2014-215-LR (THE ITN), FOR BAND SHELL MANAGEMENT SERVICES.**

### **ADMINISTRATION RECOMMENDATION**

Adopt the Resolution.

### **FUNDING**

Account No. 011-0950-000312 (FY 14/15) - \$45,000

### **BACKGROUND**

The City of Miami Beach is seeking a public or private (not-for-profit or for-profit) entity to manage the North Beach Band Shell and activate the facility with year-round programming. The successful proposer must program the facility a minimum of 35 events annually, including programming for the monthly food truck events. Annual programming must include a combination of free and paid ticketed events.

In exchange for these services, the City will provide up to \$45,000 annually toward the operation of the facility, continue to provide day-to-day maintenance, as well fund all capital improvements. The City is also budgeting for the purchase of a tent to cover the open air portion of the band shell to be used to shade attendees from inclement weather.

Proposers were encouraged to submit proposals that will address the needs of the community and provide both daytime and nighttime uses if possible. Collaborations in order to provide a wide array of community offerings including, but not limited to, music, theater, dance, and other performing arts were encouraged.

### **RFP PROCESS**

On April 23, 2014, the City Commission approved the issuance of the ITN, which was issued on April 24, 2014, with an opening date of June 26, 2014. A pre-proposal conference was held on May 14, 2014. The City received three (3) proposals.

- Fantasy Theatre Factory, Inc.
- The Market Company
- The Rhythm Foundation

On August 18, 2014, the City Manager appointed an Evaluation Committee (the “Committee”), consisting of the following individuals:

- Cynthia Casanova, Parks Facilities Manager, Parks & Recreation Department
- Mark Milisits, Leasing Specialists, Tourism, Culture & Economic Development
- Charles Million, City of Miami Beach Cultural Arts Council

Alternates:

- Carlos DaCruz, Office Associate V, Parks & Recreation Department

The Committee convened on August 21, 2014, to consider the proposal received. The Committee was provided an overview of the project, information relative to the City’s Cone of Silence Ordinance and the Government Sunshine Law. The Committee was also provided general information on the scope of services, references, and a copy of each proposal. The Committee was instructed to score and rank the proposal pursuant to the evaluation criteria established in the RFP.

The evaluation process resulted in the following:

| <b>ITN 2014-215-LR Band<br/>Shell Management<br/>Services</b> | <b>Cynthia<br/>Casanova</b> | <b>Ranking</b> | <b>Mark<br/>Milisits</b> | <b>Ranking</b> | <b>Charles<br/>Million</b> | <b>Ranking</b> | <b>LOW<br/>AGGREGATE<br/>TOTALS</b> | <b>Final<br/>Rankings</b> |
|---|-----------------------------|----------------|--------------------------|----------------|----------------------------|----------------|-------------------------------------|---------------------------|
| Fantasy Theatre<br>Factory, Inc.                              | 75                          | 2              | 80                       | 2              | 82                         | 2              | 6                                   | 2                         |
| The Market Company  | 45                          | 3              | 67                       | 3              | 74                         | 3              | 9                                   | 3                         |
| The Rhythm<br>Foundation                                      | 98                          | 1              | 95                       | 1              | 95                         | 1              | 3                                   | 1                         |

In determining responsiveness and responsibility of the firms, the Department of Procurement Management verified compliance with the minimum requirements established in the ITN, and financial capacity as contained in the Dun & Bradstreet Supplier Qualifier Report.

The Rhythm Foundation, is a Miami-Beach based non-profit organization, established in 1988 to promote international cultural exchange through the presentation of live music. Special focus is given to those cultures of greatest interest to South Florida residents and visitors, allowing better understanding between communities. The Rhythm Foundation has grown to become one of the largest independent presenting organizations of its kind in the United States, with year-round programming and a budget of over \$1,000,000. They provide similar services to the Hollywood Community Redevelopment Agency for the Hollywood ArtsPark Experience; the City of Miami’s Little Haiti Cultural Center for their Big Night in Little Haiti; and the City of Boca Raton’s for the Boca Brazilian Beat.

Fantasy Theatre Factory, Inc., is a non-for-profit professional theater and cultural arts institution founded in 1978, and incorporated in 1982. Its primary mission is to make the arts and culture more accessible to people of all cultures and backgrounds. Fantasy Theatre Factory produces all street entertainers and specialty skills acts for the annual Art Deco Weekend festival; yearly theatre for young audiences at schools, parks, museum and numerous other venues throughout the City, as well as, Miami-Dade and Broward Counties.

The Market Company, has produced and managed the Lincoln Road Farmers Market since 1997. It also runs the Normandy Village Marketplace and Espanola Way Weekend Festival which includes artistic presentations. The Market Company produces ten (10) additional markets each year throughout Miami-Dade County.

#### **MANAGER'S DUE DILIGENCE & RECOMMENDATION**

While the ITN process allows for negotiations with multiple proposers, the results of the evaluation process indicate that The Rhythm Foundation is overwhelmingly the most qualified proposer; therefore, after reviewing the submissions and the Evaluation Committee's rankings of proposals received, the City Manager recommends that the Mayor and the City Commission, pursuant to Invitation to Negotiate (ITN) No. 2014-215-LR, for Band Shell Management Services, authorize the administration to enter into negotiations with The Rhythm Foundation; and further authorize the City Manager to execute an Agreement upon conclusion of successful negotiations by the Administration. The Administration recommends that if successful negotiations cannot be reached with The Rhythm Foundation, that the Mayor and City Commission authorize the Administration to negotiate with the Fantasy Factory Theatre and The Market Company.

#### **CONCLUSION**

The Administration recommends that the Mayor and the City Commission, pursuant to Invitation to Negotiate (ITN) No. 2014-215-LR, for Band Shell Management Services, authorize the Administration to enter into negotiations with The Rhythm Foundation; and further authorize the City Manager to execute an Agreement upon conclusion of successful negotiations by the Administration. The Administration recommends that if successful negotiations cannot be reached with The Rhythm Foundation, that the Mayor and City Commission authorize the Administration to negotiate with the Fantasy Factory Theatre and The Market Company.



JLM / KGB / MT / MS / AD