

APPROVED
OCT 20 2010

REPORT OF GENERAL MANAGER

NO. 10-280

DATE October 20, 2010

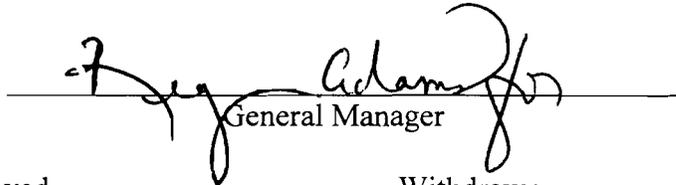
BOARD OF RECREATION
and PARK COMMISSIONERS

C.D. Various

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: AS-NEEDED BOOKING AGENT SERVICES – AWARD OF PERSONAL SERVICE CONTRACTS TO DAVID M. HEWITT DBA DMH ENTERPRISES, TODD ELLIOT DBA ELLIOT MANAGEMENT AND ENTERTAINMENT, AND JUMBO SHRIMP CIRCUS, INC.

R. Adams _____	*F. Mok <u>now</u>
H. Fujita _____	K. Regan _____
S. Huntley _____	M. Shull _____
V. Israel _____	


General Manager

Approved _____

Disapproved _____

Withdrawn _____

RECOMMENDATIONS:

That the Board:

1. Approve a proposed Personal Service Contract between the City of Los Angeles Department of Recreation and Parks and David M. Hewitt dba DMH Enterprises, substantially in the form on file in the Board Office, for as-needed booking agent services, in an amount not to exceed \$33,000 per year, for a term of one year, with two (2) one-year renewal options exercisable at the sole discretion of the General Manager, subject to the approval of the Mayor and of the City Attorney as to form;
2. Approve a proposed Personal Service Contract between the City of Los Angeles Department of Recreation and Parks and Todd Elliot dba Elliot Management and Entertainment, substantially in the form on file in the Board Office, for as-needed booking agent services, in an amount not to exceed \$33,000 per year, for a term of one year, with two (2) one-year renewal options exercisable at the sole discretion of the General Manager, subject to the approval of the Mayor and of the City Attorney as to form;
3. Approve a proposed Personal Service Contract between the City of Los Angeles Department of Recreation and Parks and Jumbo Shrimp Circus, Inc., substantially in the form on file in the Board Office, for as-needed booking agent services, in an amount not to exceed \$33,000 per year, for a term of one year, with two (2) one-year renewal options exercisable at the sole discretion of the General Manager, subject to the approval of the

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Mayor and of the City Attorney as to form;

4. Find, pursuant to Charter Section 1022, that the Department does not have personnel available in its employ with sufficient time and expertise to undertake these specialized services and that it is more feasible to secure these services by contract;
5. Find, in accordance with Charter Section 371(e)(10) and Los Angeles Administrative Code Section 10.15(a)(10), that the use of competitive bidding would be undesirable, impractical or otherwise excused by the common law and the Charter because, unlike the purchase of a specified product, there is no single criterion, such as price comparison, that will determine which proposer can best provide the services required by the Department for as-needed booking agent services. In order to select the best proposers for this service, the Board finds it is necessary to utilize a standard request for proposals process and to evaluate proposals received based upon the criteria included in the Request for Proposals (RFP). Also, find that the narrower and more specialized competitive sealed proposal process authorized but not required by Charter Section 371, subsection (b), would not meet the Department's needs and therefore opts to utilize the standard request for proposals process;
6. Direct the Board Secretary to transmit the proposed Personal Service Contracts to the Mayor in accordance with Executive Directive No. 3 and, concurrently, to the City Attorney for review and approval as to form; and,
7. Authorize the Board President and Secretary to execute the Personal Service Contracts upon receipt of the necessary approvals.

SUMMARY:

The Department of Recreation and Parks (Department) provides a variety of musical entertainment acts at various facilities throughout the City and uses experienced booking agents that are able to secure a wide range of musical genres and groups to provide talent at these events. Booking agent services have been utilized year round for many Department sponsored events, including the three day Salute to Recreation Family Festival in the Valley and the popular summer concert series at Pershing Square Park.

On May 20, 2009, the Board approved the release of the As-Needed Booking Agent Services Request for Proposals (RFP) in order to enter into a Personal Service Contract with up to six proposers responding to the RFP to provide as-needed booking agent services to secure musicians and musical groups for family-oriented entertainment at Department sponsored events (Board Report No. 09-129).

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The RFP was released on June 15, 2009 and advertised in the L.A. Daily Journal, made available on the Department's website and posted on the Los Angeles Business Assistance Virtual Network (BAVN). In addition, a letter inviting bids was mailed to over a hundred (100) organizations and individuals from a mailing list maintained by the Service Contracts Group.

On July 21, 2009, a Pre-Proposal Conference was held at the Central Service Yard and attended by four companies. On October 13, 2009, five proposals were received from the following firms:

- David M. Hewitt dba DMH Enterprises
- Todd Elliot dba Elliot Management and Entertainment
- Jumbo Shrimp Circus, Inc.
- La Jolla Booking Agency
- Community Arts Resources, Inc.

As stipulated in the RFP, evaluation of the bid proposals occurred in two levels. Level I was a check and review for required compliance and submittal documents and Level II was a comprehensive evaluation of the proposal by an evaluation panel. Proposers must successfully pass the first level to proceed to the next level.

Level I Evaluation

Staff performed a Level I review of the following required documents:

Compliance Documents:

- 1) Proposer's Signature Declaration and Affidavit
- 2) Disposition of Proposals
- 3) Affirmative Action Plan
- 4) Contractor Responsibility Ordinance Statement
- 5) Equal Benefits Ordinance Statement
- 6) Living Wage Ordinance/Service Contractor Worker Retention Ordinance
- 7) Bidder Certification - CEC Form 50

Submittal Documents:

- 1) Cover Letter
- 2) Proposal Deposit
- 3) Experience and Qualifications
- 4) Proposed Services and Products
- 5) Prices of Proposed Services and Products

Proposals are found either Responsive (pass) or Non-Responsive (fail). The following is the complete Level I findings:

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- David M. Hewitt dba DMH Enterprises was found responsive in all seven compliance documents and responsive in all five proposal item submittal requirements (Attachment A).
- Todd Elliot dba Elliot Management and Entertainment was found responsive in all seven compliance documents and responsive in all five proposal item submittal requirements (Attachment B).
- Jumbo Shrimp Circus, Inc., was found responsive in all seven compliance documents and responsive in all five proposal item submittal requirements (Attachment C).
- La Jolla Booking Agency was found responsive in seven compliance documents and non-responsive in one of the five proposal item submittal requirements (Attachment D).
- Community Arts Resources, Inc., was found responsive in all seven compliance documents and non-responsive in two of the five proposal item submittal requirements (Attachment E).

The following three proposals passed the Level I evaluation and were found responsive to the RFP: David M. Hewitt dba DMH Enterprises, Todd Elliot dba Elliot Management and Entertainment, and Jumbo Shrimp Circus, Inc.

Level II Evaluation

On September 2, 2010, an evaluation panel composed of three Department employees with extensive experience with Department sponsored public events evaluated the proposals. The panelists were:

- Louise Capone, Senior Recreation Director
- Robin Smith, Recreation Supervisor
- Gail Okazaki, Senior Recreation Director

Each of the three responsive proposals was reviewed in the areas of Experience and Qualifications, Proposed Services and Products, and Prices of Proposed Services and Products, in order to determine if the responsive proposers would be able to meet the needs of the Department at a reasonable price.

Background

David M. Hewitt dba DMH Enterprises has been booking live music since 1997. Mr. Hewitt has provided booking agent services securing a variety of specialty bands to the Department since 1998. Mr. Hewitt has also provided services to the cities of Santa Clarita, Camarillo and Valencia.

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Todd Elliot dba Elliot Management and Entertainment has been in business booking entertainment services since 1991. Mr. Elliot has provided professional bands and dancers to the Department since 2002, as well as, to Culver City and other large organizations in the greater Los Angeles County area.

Jumbo Shrimp Circus, Inc. began operating in 1994 and has been providing exclusive booking agent services for the Walt Disney Film Division since 1999. They have also provided family oriented entertainment to the Department since 2006, and to the cities of Oxnard, Burbank, Beverly Hills and Fontana.

Staff has reviewed the proposals and finds that David Hewitt dba DMH Enterprises, Todd Elliot dba Elliot Management and Entertainment, and Jumbo Shrimp Circus, Inc., are responsible and capable companies whose proposals meet the needs of the Department. The three companies have provided booking agent services to the City of Los Angeles or other municipalities and large organizations.

It is recommended that contracts to provide as-needed booking agent services be awarded to David M. Hewitt dba DMH Enterprises, Todd Elliot dba Elliot Management and Entertainment, and Jumbo Shrimp Circus, Inc., in an amount not to exceed \$33,000 per year, for a term of one year with two (2) one-year options to renew, exercisable at the sole discretion of the General Manager.

Charter Section 1022

Los Angeles City Charter Section 1022 prohibits contracting out work that could be done by City employees unless the Board determines it is more economical and/or feasible to contract out the service.

On January 23, 2008, the Personnel Department completed a Charter Section 1022 review (Attachment F) and determined that no City employees can perform the as-needed booking agent services. It is therefore more feasible to secure these services through an independent contractor.

FISCAL IMPACT STATEMENT:

There is no impact to the Department's General Fund as the services will be funded from various Municipal Recreation Program Fund accounts.

This report was prepared by Mark Stipanovich, Management Analyst II, Finance Division, Administrative Resources Section.