

APPROVED
FEB 05 2014

REPORT OF GENERAL MANAGER

NO. 14-026

DATE February 5, 2014

BOARD OF RECREATION
& PARK COMMISSIONERS


C.D. Various

BOARD OF RECREATION AND PARKS COMMISSIONERS

SUBJECT: AS-NEEDED BOOKING AGENT SERVICES - AMENDMENT TO CONTRACT NO. 3344 WITH DAVID M. HEWITT DBA DMH ENTERPRISES AND TO CONTRACT NO. 3345 WITH JUMBO SHRIMP CIRCUS, INC. TO EXTEND THE TERM AND INCREASE THE CONTRACT AMOUNT

R. Adams _____
H. Fujita _____
V. Israel _____

K. Regan _____
M. Shull _____
*N. Williams ADD



General Manager

Approved _____

Disapproved _____

Withdrawn _____

RECOMMENDATIONS:

That the Board:

1. Approve a proposed Amendment to Contract No. 3344, substantially in the form on file in the Board Office, between the City of Los Angeles Department of Recreation and Parks (Department) and David M. Hewitt dba DMH Enterprises for professional booking services, to extend the current term by one (1) year to February 28, 2015, with two (2) one (1) year renewal options, exercisable at the sole discretion of the General Manager, and increase the not-to-exceed, on an as-needed basis, total contract amount to Six Hundred Twenty-Two Thousand Dollars (\$622,000.00) subject to approval of the Mayor and of the City Attorney as to form;
2. Approve a proposed Amendment to Contract No. 3345, substantially in the form on file in the Board Office, between the Department and Jumbo Shrimp Circus, Inc. for professional booking services, to extend the current term by one (1) year to February 28, 2015, with two (2) one (1) year renewal options, exercisable at the sole discretion of the General Manager, and increase the not-to-exceed, on an as-needed basis, total contract amount to Six Hundred Twenty-Two Thousand Dollars (\$622,000.00) subject to the approval of the Mayor and of the City Attorney as to form;
3. Find, in accordance with Charter Section 1022, that the Department does not have personnel available in its employ with sufficient time and expertise to undertake these specialized professional tasks and that it is more feasible to secure these services by contract;

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4. Find, in accordance with Administrative Code Section 10.5(b)(2), that this contract amendment does not require approval by the Council, as annual payments to or by the City do not exceed the current annual Consumer Price Index (CPI) adjusted Contract Exemption Limit of \$139,150.00;
5. Direct the Board Secretary to transmit forthwith the proposed Amendment to the Mayor in accordance with Executive Directive No. 3 and, concurrently, to the City Attorney for approval as to form; and
6. Authorize the Board President and Secretary to execute the Amendment upon receipt of the necessary approvals.

SUMMARY:

Pershing Square Park (Park) provides a variety of musical events and concerts throughout the year. One of the most popular and largest events for the past fifteen (15) years is the Summer Concert Series. It boasts an attendance of fifty thousand patrons during a six (6) week summer period year after year. Additionally, Pershing Square hosts a Halloween Carnival, Winter Concert program, Winter Holiday Festival, St. Patrick's Day Celebration, Spring Festival, and the Art-Squared Gallery Event. Due to the popularity of all of the above events, staff is seeking to expand programming and hire higher profile entertainers, which are more expensive to book.

Currently, the Department contracts with booking agents David M. Hewitt dba DMH Enterprises and Jumbo Shrimp Circus, Inc., to book and pay the various performers for various events and concerts. (Contract Nos. 3344 and 3345 respectively). Both of the contracts are essentially identical and each has a contract amount not to exceed Thirty-Three Thousand Dollars (\$33,000) per year or Ninety-Nine Thousand Dollars (\$99,000) over the term of the agreement, which is set to expire on February 28, 2014. The Board authorized an additional encumbrance of Seventy-Five Thousand Dollars (\$75,000) for each contract on May 13, 2013 (Board Report 13-136), with the contract amendments to be submitted to the Board on a future report. This Report requests the amendments to the contracts referenced above with contract history, and a table with term extension and increase of contract totals. A formal Request for Qualifications or Proposals is planned to be completed within the next two (2) years as additional booking requirements and actual expense figures for proposed expanded programming are known.

The increase in contract amount is due to the increased number of events and the higher quality of the events provided, mainly at the Park. In recent years, the revitalized Park has become a more popular destination for many residents of the Downtown area and in the region. Attendances at events have increased significantly. The increased contract ceiling will allow the Department to expand programming and provide more and better services for the communities. The contract is for a not-to-exceed amount and on an as-needed basis.

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- By Report No. 09-129 the Board approved an RFP for up to six (6) booking agents for contracts authorizing an as-needed amount of \$99,000 per contract, totaling Five Hundred Ninety-Four Thousand Dollars (\$594,000) over three (3) years for all booking agent services.
- By Report No. 10-280 the Board awarded three (3) contracts to responsive bidders effective March 1, 2011. All three (3) were utilized for two (2) of the three (3) contract years, but only two (2) of the three (3) contracts were extended, at the option of the General Manager, for the third (3rd) contract year, through February 28, 2014.
- By Report No. 13-136 the Board approved for each of the two contracts an encumbrance of an additional Seventy-Five Thousand Dollars (\$75,000) for a not-to-exceed total of One Hundred Seventy-Four Thousand Dollars (\$174,000). These funds were not awarded. This report to the Board pertains to the amendments, including extension of the contract terms.

To ensure that the needs for event programming are met for the balance of the third (3rd) year of the contract, as well as the fourth (4th) year with additional two (2) one-year renewal options, exercisable at the sole discretion of the General Manager, staff now requests and recommends approval of the not-to-exceed yearly dollar amounts shown below for a not-to-exceed total of Six Hundred Twenty-Two Thousand Dollars (\$622,000.00) per contract and the extension of terms to Contract No. 3344 and Contract No. 3345 as shown in the table below:

Contract Number	Year 1- to 2/29/12	Year 2- to 2/28/13	Year 3- to 2/28/14	Year 4- to 2/28/15	Year 5- to 2/29/16	Year 6- to 2/28/17	Not-to-Exceed Contract Total
3343	\$33,000	\$33,000					\$66,000
3344	\$33,000	\$33,000	\$139,000	\$139,000	\$139,000	\$139,000	\$622,000
3345	\$33,000	\$33,000	\$139,000	\$139,000	\$139,000	\$139,000	\$622,000
Total for All Contracts	\$99,000	\$99,000	\$278,000	\$278,000	\$278,000	\$278,000	\$1,310,000

All other existing terms and conditions of their contracts will remain unchanged. David M. Hewitt DBA DMH, and Jumbo Shrimp Circus, Inc. are both in agreement with the proposed contract amendments.

In accordance with Section 10.5(b)(2) of the Los Angeles Administrative Code (LAAC), Council approval is not required as annual payments will not exceed One Hundred Thousand Dollars (\$100,000.00) plus increases to the consumer price index, currently set at a maximum of One Hundred Thirty-Nine Thousand One Hundred Fifty Dollars (\$139,150.00).

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Charter Section 1022 Determination

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

On January 23, 2008, as part of the initial award process, the Personnel Department completed a Charter 1022 review (Attachment) and determined that City employees do not have the expertise to perform the work.

FISCAL IMPACT STATEMENT:

Funding for this contract amendment will be provided from Fund 301, Department 88, Appropriation Account Nos. 88012M and 88015M, Pershing Square Parking Operations. There is no impact to the Department's General Fund.

This report was prepared by Nancy Jeffers, Management Analyst II, Finance Division, Personal Services Group.

PERSONNEL DEPARTMENT CONTRACT REVIEW REPORT

1. Requesting Department: Recreation and Parks

2. Contacts

Department: Karen Freire Phone (818) 243-6488 Fax No. (818) 243-6451
CAO: Veronica Salumbides Phone (213) 473-7561 Fax No. (213) 473-7514

3. Work to be performed:

The Department of Recreation and Parks is seeking booking agents to secure and pre-qualify to assist the Department in securing musical talents utilized by various parks and facilities for large seasonal events. The contractor shall provide and have available individual musicians, musical units, and other various acts to perform in public on an as-needed basis.

4. Is this a contract renewal? Yes No

5. Proposed length of contract: 3 years Proposed Start Date: Unknown

6. Proposed cost of contract (if known): \$90,000

7. Name of proposed contractor: Unknown

8. Unique or special qualifications required to perform the work

Booking agents must have knowledge and expertise in the music industry.

9. Are there City employees that can perform the work being proposed for contracting?
Yes No

If yes,

- a. Which class(es) and Department(s): _____
- b. Is there sufficient Department staff available to perform the work? Yes No
- c. Is there a current eligible list for the class(es)? Yes No Expiration Date _____
- d. Estimated time to fill position(s) through CSC process? Unknown
- e. Can the requesting department continue to employ staff hired for the project after project completion? Yes No
- f. Are there City employees currently performing the work? Yes No

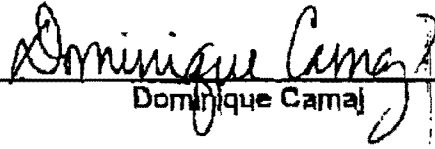
10. Findings

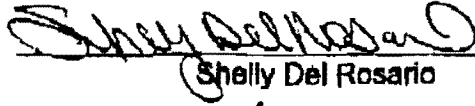
- City employees DO NOT have the expertise to perform the work
- City employees DO have the expertise to perform the work


Check if applicable (explanation attached) and send to CAO for further analysis

- Project of limited duration would have to layoff staff at end of project
- Time constraints require immediate staffing of project
- Work assignment exceeds staffing availability

SUMMARY: The City does not currently have any classifications that can secure as-needed musical talent, etc. for seasonal events at Rec and Park facilities.

Submitted by: 
Dominique Cama

Reviewed by: 
Shelly Del Rosario

Approved by: 
Shannon C. Pascual

Date: 1/23/08