



**CITY OF HOUSTON - CITY COUNCIL**

Meeting Date: 12/4/2018

ALL

Item Creation Date: 10/22/2018

E28724 - Civic Art Services - ORDINANCE

Agenda Item#: 68.

**Background:**

Sole Source for S69-E28724 - Approve an Ordinance awarding a contract between the City of Houston and Houston Arts Alliance for the amount not to exceed \$24,092,207.00 to provide for the commissioning of new art work and conservation for the General Services Department and Houston Airport System.

**Specific Explanation:**

The Director of the Mayor's Office of Cultural Affairs and the Chief Procurement Officer recommend that City Council approve an Ordinance awarding a contract for five (5) years to the Houston Arts Alliance (HAA) in the amount not to exceed \$24,092,207.00 for the commissioning of new art work and conservation for the General Services Department (GSD) and the Houston Airport System (HAS). The funding will be made available by supplemental allocations from various departmental civic art budgets, up to the maximum contract amount.

HAA, a nonprofit charity, is uniquely skilled in performing the varied professional services identified in the scope of work needed for the Civic Art Program. City of Houston Ordinance No. 2006-731 provides for the creation, funding and administration of the City's Civic Art Program. In compliance with the provisions of the City's Civic Art Ordinance, 1.75% of the appropriation for eligible City CIP projects is appropriated for Civic Art Program purposes, including new civic art projects and conservation projects.

The Houston Arts Alliance will provide services through Letter of Authorizations (LOA) issued by GSD and HAS, on a project-by-project basis. HAA fees will be determined by project size and scope and agreed upon in the LOA. The contract stipulates fees for projects with budgets over \$150,000.00 will not exceed thirteen (13) percent. Projects with budgets from \$50,000.00 to \$150,000.00 will not exceed fifteen (15) percent and conservation services for budgets under \$50,000.00 to be negotiated on a case-by-case basis. The proposed contract provides that the City may terminate the agreement at any time during the term on 30-days' notice. Duties include, but are not limited to, managing the artist selection process, negotiating artist contracts where appropriate, purchasing art on behalf of the City, project management, and assisting in closing out the projects. HAA will also assess the City's art collection, propose restoration/conservation treatment of those pieces in need of professional treatment, assist with professional conservator selections, negotiate conservator contracts and perform conservation management.

**M/WBE Participation:**

A 9.36% MWBE goal has been established based on the administrative services, excluding personnel and rental expenses, provided by HAA on this contract.

**Pay or Play Program**

This procurement is exempt from the City Contractors' Pay or Play Program in accordance with EO 1-7 4.1.1, due to funds being predominantly used for the purchase of property.

**Hire Houston First**

This procurement is exempt from the City's Hire Houston First Ordinance. Bids/proposals were not solicited because the department is utilizing a sole source contractor for this purchase.

**Fiscal Note**

No significant Fiscal Operating impact is anticipating as a result of this project.

  
**Jerry Adams, Chief Procurement Officer**  
**Finance/Strategic Procurement Division**

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**Department Approval Authority**

**Prior Council Action:**

Ordinance No. 206-731; 6/28/2006

**Amount of Funding:**

**\$24,092,207.00 - The funding will be made available by supplemental allocations from various departmental civic art budgets, up to the maximum contract amount.**

**Contact Information:**

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**ATTACHMENTS:**

Description	Type
<u>OBO Approval</u>	Backup Material
<u>Prior Council Action - Ordinance No. 2006-731</u>	Backup Material
<u>Sole Source Justification</u>	Backup Material
<u>Form A (Fair Campaign Ordinance)</u>	Backup Material
<u>Form B (Fair Campaign Ordinance)</u>	Backup Material
<u>Delinquent Tax Report</u>	Backup Material