



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/3/2019

ALL

Item Creation Date: 11/14/2019

E29217 - Professional Art Grantmaking and Administration Services - ORDINANCE (2 of 2)

Agenda Item#: 28.

Summary:

ORDINANCE approving and authorizing a contract between the City and **THE HOUSTON ARTS ALLIANCE** for the support, advancement and promotion of the arts; providing for contract payments from hotel occupancy tax revenue; establishing a maximum contract amount

Background:

Sole Source for S76-E29217 - Approve an ordinance awarding a contract to Houston Arts Alliance in the maximum contract amount not to exceed \$128,443,044.00, providing for the contract payment from Hotel Occupancy Tax Revenue for the support, advancement, and promotion of the arts for the Mayor's Office of Cultural Affairs.

Specific Information:

The Director of the Mayor's Office of Cultural Affairs and the Chief Procurement Officer recommend that City Council approve an ordinance awarding a **five year contract with two option years to renew** to the **Houston Arts Alliance** in the maximum contract amount not to exceed **\$128,443,044.00** for the support, advancement, and promotion of the arts for the Mayor's Office of Cultural Affairs.

The Mayor's Office of Cultural Affairs (MOCA) advises the Mayor on cultural policy and sets the vision and goals for the City's cultural investments. It is the least staffed cultural affairs office of any major city in the United States and relies on cultural contracts for the delivery of services. With the City Council's adopted Arts & Cultural plan as the guide, MOCA's leadership has instituted a high level of fairness and equity resulting in more accessibility, standardized data collection, improved reporting and greater transparency. Houston Arts Alliance will enter the first calendar year of a five-calendar year contract with MOCA (January 1, 2020 through December 31, 2024). MOCA is charged with the annual review of the statutory requirements set out in the contract to ensure statutory compliance from Houston Arts Alliance.

The Texas Tax Code allows municipalities to spend up to a maximum of 19.3% of the Hotel Occupancy Tax (HOT) revenues for the support of the arts to promote tourism and advance the convention and hotel industry. 2020 marks the 42nd year of the public/private partnership of the City of Houston in support of the Arts in Houston. This long-standing collaboration has proved highly effective in developing the nonprofit arts community and providing vital services to citizens and visitors in Houston. Arts and culture offerings provide benefits to residents and improve quality of life through lifelong learning, student success, social and civic engagement, as well as significant economic benefits and jobs. Locally, the nonprofit arts and culture sector is a \$1.2 billion industry - one that employs a wide range of professions and generates local and state government revenue and pumps more than half a billion dollars into restaurants, hotels, retail stores, parking garages, and other local businesses. In a single year, the HOT-funded groups generated admittance of more than 11 million and over fifty percent was free for residents and visitors to enjoy. This return on investment ensures residents and visitors will continue to have access to a full range of cultural offerings from the largest institutions to neighborhood-based groups

throughout the City providing film, choir, literary works, visual art, jazz, dance, theatre, musicals, outdoor sculpture, classical music, opera, murals, poetry, craft, folk & traditional arts, photography, and more.

Houston Arts Alliance (HAA) administers competitive peer review grant programs to support the delivery of cultural services through over 300 non-profit arts and cultural organizations, individual artists, and special art projects. As the local arts agency, HAA also administers a City funded cultural calendar open to any organization or event and will serve as a single point of contact for MOCA's disaster-related communications going forward. This contract includes Miller Theatre Advisory Board, Inc., a significant cultural tourism asset as the most attended amphitheater in the country. The Miller Outdoor theatre Advisory Board, an all-volunteer body appointed by the Mayor and confirmed by City Council, is charged with programming Miller Outdoor Theatre. HAA's management of the City's Civic Art Program is provided through a separate contract.

MWBE Participation:

This Sole Source contract is being issued with a 3.14% goal for MWBE participation. Houston Arts Alliance has designated the below-named companies as its certified MWBE subcontractors.

Name	Type of Work	Percentage
Blazek & Vetterling	Accounting/Audit	1.88%

De'LehCar Fine Catering	Food/Meals	0.51%
Medley, Inc.	Marketing Consulting	0.75%

Pay or Play:


The proposed contractor requires compliance with the City's Pay or Play ordinance regarding health benefits for employees of City contractors. In this case, the contractor provides health benefits to eligible employees in compliance with City policy.

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:

Funding for this item is included in the FY2020 Adopted Budget. Therefore, no Fiscal Note is required as stated in the Financial Policies.

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Jerry Adams, Chief Procurement Officer
 Finance/Strategic Procurement Division

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Department Approval Authority Signature

Estimated Spending Authority			
DEPARTMENT	Fiscal Year 2020	OUT YEARS	TOTAL
Mayor's Office - Office of Cultural Affairs	\$8,211,668.00	\$120,231,376.00	\$128,443,044.00

Amount of Funding:

\$8,211,668.00 (estimated) -Tourism Promotion Fund (2429)

Contact Information:

NAME	DEPARTMENT/DIVISION	PHONE
Candice M. Gambrell, JD Deputy Assistant Director	FIN/SPD	(832) 393-9129
Bridget W. Cormier, Sr. Procurement Specialist	FIN/SPD	(832) 393-8715
Necole S. Irvin, Cultural Tourism Officer	MYR	(832) 393-1097

ATTACHMENTS:

Description	Type
Affidavit of Ownership or Control	Backup Material
AM Best Ratings	Backup Material
Drug Forms	Backup Material
Form 1295	Backup Material
Form A - Fair Campaign Ordinance	Backup Material
Form B	Backup Material
OBO Goal Modification Recommendation	Backup Material
Secretary of State	Backup Material
COI and Endorsements	Backup Material
Sole Source Justification	Backup Material
Pay or Play forms 1 & 2	Backup Material
The Arts Institutions Letter of Support	Other
MWBE Participation Forms	Backup Material
Funding documentation	Backup Material
Contract	Contract/Exhibit