

APPROVED
APR 15 2009

REPORT OF GENERAL MANAGER

NO. 09-085

DATE April 15, 2009

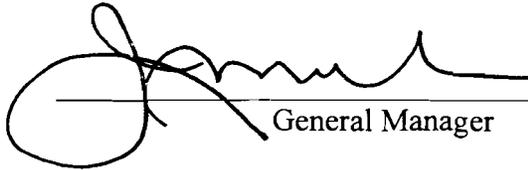
BOARD OF RECREATION
and PARK COMMISSIONERS

C.D. ALL

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: PROFESSIONAL BOOKING AGENT SERVICES FOR MUSICAL PERFORMANCE – AWARD OF PERSONAL SERVICE CONTRACTS

R. Adams	_____	J. Kolb	_____
H. Fujita	_____	*F. Mok	<u><i>f.m.</i></u>
S. Huntley	_____	K. Regan	_____
V. Israel	_____	M. Shull	_____



General Manager

Approved _____

Disapproved _____

Withdrawn _____

RECOMMENDATION:

That the Board:

1. Approve a proposed Personal Service Contract between the City of Los Angeles and David M. Hewitt dba DMH Enterprises, to provide professional booking agent services for musical performances at various Department facilities, for a term of one (1) year with one (1) one-year renewal option exercisable at the sole discretion of the General Manager, substantially in the form on file in the Board Office, 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 and Earthtone Music, Inc., to provide professional booking agent services for musical performances at various Department facilities, for a term of one (1) year with one (1) one-year renewal option exercisable at the sole discretion of the General Manager, substantially in the form on file in the Board Office, 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 and LA LA Music, Inc., to provide professional booking agent services for musical performances at various Department facilities, for a term of one (1) year with one (1) one-year renewal option exercisable at the sole discretion of the General Manager, substantially in the form on file in the Board Office, subject to the approval of the Mayor and of the City Attorney as to form;

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4. 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;
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 impossible and because the Department seeks to enhance the recreational experience for the public by providing musical entertainment, it is in the City's best interest to enter into interim personal service contracts while a formal Request for Proposals (RFP) process is completed and multi-year agreements may be executed;
6. Find, in accordance with Charter Section 371 (e)(2), that the services to be provided by the booking agents are professional and special services of a temporary and occasional character for which competitive bidding is not practicable or advantageous and because it is necessary for the Department to be able to call on contractors to perform this work as-needed and on an occasional, but frequent, basis without engaging in a new competitive process for each individual project to be performed; however, from among as-needed contractors each individual project is assigned on the basis of availability of an as-needed contractor to perform the work, the price to be charged and the unique expertise of the as-needed contractor;
7. Find, in accordance with Charter Section 372, that obtaining competitive proposals or bids for each individual project for which work maybe performed pursuant to this agreement is not reasonably practicable or compatible with the Department's interests of having available as-needed contractors who are assigned various projects on the basis of availability, price and expertise and that it is therefore necessary to have several as-needed contractors for this type of service available when called upon by the Department to perform services;
8. 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 approval as to form; and,
9. Authorize the Board President and Secretary to execute the Personal Service Contracts upon receipt of the necessary approvals.

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SUMMARY:

The Department provides musical performances at various venues throughout the City at Department sponsored events in order to enhance the recreational experience for the public. Two examples are the Pershing Square Summer Concert Series and the Valley's Salute to Recreation Family Festival, both of which are popular events.

The Department intends to use the booking agent services of David M. Hewitt dba DMH Enterprises, Earthtone Music, Inc., and LA LA Music, Inc., to book a variety of musical acts, some of which are exclusive to the respective booking agent, for upcoming Department sponsored events. As the three booking agents have provided booking agents services in the past, it is in the best interest of the Department to continue this service with the aforementioned booking agents in order to maintain the quality of the musical performances.

The Department is in the process of beginning a Request for Proposals (RFP) in order to award long-term contracts to qualified booking agents. As the RFP process could take up to twelve months to complete, staff is requesting approval to enter into personal service contracts with David M. Hewitt dba DMH Enterprises (DMH), Earthtone Music, Inc., and LA LA Music, Inc., to provide booking agent services to provide musical performances at various Department sponsored events for a term of one-year, with one (1) one-year option to renew at the sole discretion of the General Manager, in an amount not to exceed \$99,000 per contract for the term of the agreements. The contract amounts are an estimate, and the Department does not guarantee that the contract maximum amounts will be reached. The services that the Department is requesting shall be on an as-needed basis; the Department, in entering into the agreements, guarantees no minimum amount of business or compensation. The personal service contracts shall be subject to funding availability and early termination by Department, as provided in the Standard Provisions for City Contracts.

Charter Section 1022 Finding

On January 15, 2009, the Personnel Department completed a Charter Section 1022 review (Attachment A) and determined that there are no City classifications with sufficient expertise to provide the services required. It is therefore more feasible to secure these services through an independent contractor.

FISCAL IMPACT STATEMENT:

Funding in an amount not to exceed \$99,000 per contract for the term of the agreements is available in the Municipal Recreation Program, Fund 301, Department 88, in various accounts, depending on the facility or program requesting the service. There is no impact to the Department's General Fund.

Report prepared by Raymond Chang, Senior Management Analyst I, Service Contracts Group, Administrative Resources Section, Finance Division.

Attachment A

PERSONNEL DEPARTMENT CONTRACT REVIEW REPORT

1. Requesting Department: Department of Recreation and Parks

2. Contacts

Department:	<u>Raymond Chang</u>	Phone No.	<u>(818) 243-6488</u>	Fax No.	<u>818-243-6451</u>
CAO:	<u>Veronica Salumbides</u>	Phone No.	<u>(213) 473-7561</u>	Fax No.	<u>213-473-7514</u>

3. Work to be performed:

Department of Recreation and Parks is seeking an as-needed booking agent to secure musicians and/or musical units for the purposes of providing family-oriented musical performances at various Recreation and Park facilities.

4. Is this a contract renewal? Yes No

5. Proposed length of contract: One year

Proposed Start Date: May 1, 2009

6. Proposed cost of contract (if known): \$50,000

7. Name of proposed contractor: David M. Hewitt, dba DMH Enterprises

8. Unique or special qualifications required to perform the work:

The contractor 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?

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:

Submitted by:

Cathy T. Tanaka
Cathy T. Tanaka

Reviewed by:

Shelly Del Rosario
Shelly Del Rosario

Approved by:

Shannon C. Pascual
Shannon C. Pascual

Date:

1/15/09