



Legislation Text

File #: 23-0031, Version: 1

MOTION TO APPROVE THE AGREEMENT WITH RS PHOTOGRAPHY, LLC D/B/A TSS PHOTOGRAPHY, TO PROVIDE PHOTOGRAPHY SERVICES FOR THE RECREATION & CULTURAL ARTS DEPARTMENT'S RECREATIONAL SOCCER PROGRAM AT NO COST AND SHALL REMIT PAYMENT TO THE CITY IN THE AMOUNT OF TWENTY ONE PERCENT (21%) OF THE NET SALES OF THE PHOTOS EXCLUDING TAXES, PURSUANT TO SECTION 35.18(C)(7) (C) AND SECTION 35.34 OF THE CITY'S CODE OF ORDINANCES.

PROCUREMENT PROCESS TAKEN:

- *Chapter 35 of the City's Code of Ordinance is titled "PROCUREMENT PROCEDURES, PUBLIC FUNDS."*
- *Section 35.34 of the City's Code of Ordinances is titled "PROMOTING BUSINESS WITH THE CITY; NO EXPENDITURE OF PUBLIC FUNDS."*
- *Section 35.18(C) states that "Only the following situations are exempt from the competitive bid and competitive proposal requirements of this section:"*
- *Section 35.18(C)(7) states that "The following contractual services are not subject to the competitive procurement requirement:"*
- *Section 35.18(C)(7)(c) states that " Artistic services which are original and creative in character and skill in a recognized field of artistic endeavor such as music, dance, drama, painting and sculpture, photography, culinary arts, fashion design and the like;"*
- *Section 35.34 states, "Notwithstanding any provision of this chapter, the city may, by a majority vote of the City Commission, enter into a mutually beneficial arrangement with a private business entity for the specific benefit of the citizens and residents of the city provided that no public funds are expended in furtherance of such arrangement. If the City Commission votes to enter into such an arrangement with a particular private business entity, all such other private businesses within the city that provide the same or similar goods or services shall be fully afforded the same or similar business opportunity. Notwithstanding the other provisions of this section, the City Manager, at his or her discretion, may adopt an administrative policy permitting the city to enter into sponsorships or other similar relationships with private businesses in the city."*

SUMMARY EXPLANATION AND BACKGROUND:

1. On April 10, 2019, RS Photography D/B/A TSS Photography entered into an agreement with the

City to provide photography services at no cost to City and provided the City with twenty one percent (21%) of the net sales of the photographs (excluding taxes) no later than thirty (30) days after photo shoots were completed. This agreement provided for one (1) additional two (2) year term which expired on November 30, 2022.

2. The Recreation & Cultural Arts Department's Recreational Soccer Program is in need of photography services.

3. RS Photography D/B/A TSS Photography will provide all team and individual photographs at West Pines Soccer Park, 350 SW 196 Avenue. These photos will be offered for sale to the parents and guardians of the children in the program.

4. RS Photography D/B/A TSS Photography will remit payment to the City in the amount of twenty one percent (21%) of the net sales (excluding taxes) no later than thirty (30) days after photo shoots are completed.

5. The agreement will commence on the date of execution and end on November 30, 2023, with two (2) additional one (1) year terms.

6. Staff requests Commission approval of the agreement with RS Photography D/B/A TSS Photography for photography services for the Parks & Recreation Department's Recreational Soccer Program, pursuant to Section 35.18(C)(7)(c) and Section 35.34 of the City's Code of Ordinances.

FINANCIAL IMPACT DETAIL:

a) Initial Cost: NA

b) Amount budgeted for this item in Account No: NA

c) Source of funding for difference, if not fully budgeted: NA

d) 5 year projection of the operational cost of the project: NA

	Current FY	Year 2	Year 3	Year 4
Year 5				
Revenues	\$2,500	\$2,500	\$2,500	
Expenditures				
Net Cost				

e) Detail of additional staff requirements: NA

FEASIBILITY REVIEW:

A feasibility review is required for the award, renewal and/or expiration of all function sourcing contracts. This analysis is to determine the financial effectiveness of function sourcing services.

a) Was a Feasibility Review/Cost Analysis of Out-Sourcing vs. In-House Labor Conducted for this service? Not Applicable

b) If Yes, what is the total cost or total savings of utilizing Out-Sourcing vs. In-House Labor for this service? Not Applicable

