



City of Austin Purchasing Office

Certificate of Exemption for Professional Services, Public Health and Safety or Other Exempt Purchase (Non-Competitive)

DATE: 10.26.2021

DEPT: EDD

TO: Purchasing Officer or Designee

FROM: Stephanie Bergara

PURCHASING POC: Brenita Selemen

PHONE: (512) 974-7804

Chapter 252 of the Local Government Code requires that municipalities comply with the procedures established for competitive sealed bids or proposals before entering into a contract requiring an expenditure unless the expenditure falls within an exemption listed in Section 252.022.

Refer to Local Government Code 252.022 for a complete list of exemptions:

[Link to Local Government Code](#)

The City has selected a vendor for contract award and declares the competitive solicitation procedures in Local Government Code Chapter 252.022 to be exempt for this procurement. This Certificate of Exemption is hereby executed and filed with the Purchasing Office as follows:

1. The undersigned is authorized and certifies that the following exemption is applicable to this procurement.

Please check the criteria listed below that applies to this request:

- ☒ A procurement made because of a public calamity that requires the immediate appropriation of money to relieve the necessity of the municipality's residents or to preserve the property of a municipality.
- ☐ A procurement necessary to preserve or protect the public health or safety of the municipality's residents.
- ☐ A procurement necessary because of unforeseen damage to public machinery, equipment, or other property.
- ☐ A procurement of personal, professional, or planning services
- ☐ Other exemption from Chapter 252.022: _____

2. Describe this procurement

- What it is for and why it is needed?
- Describe the following (as applicable):
 - **For Public Calamity, Public Health and Safety, Unforeseen Damage to Public Machinery or Equipment, or Critical Business Need Exemptions:**
 - Provide description of the event leading to the procurement and a business justification for this purchase.
 - What would be the impact to department operations and the community if this purchase was not made?
 - How and why this vendor was selected?
 - **For Professional, Personal, or Planning Service Exemptions:**
 - **For Other Exceptions from Chapter 252.022:**
 - Explain the circumstances of the procurement.
 - **Prices were determined to be reasonable based on the following (select all that apply):**
 - ☐ Prices are established under a current Cooperative contract.
Notes: **At a minimum, note the contract number, contract title, cooperative entity, and government or entity who created the contract.**
 - ☐ Prices are the same or similar to current City contract.
Notes: **At a minimum, note the City of Austin contract number and title.**
 - ☐ Prices are the same or similar to current contract with another government.
Notes: **At a minimum, note the contract number, title and government that created the contract.**
 - ☐ Prices are on a current and publicly available list price, for the same or similar products, available to all government and commercial customers.
Notes: **At a minimum, note the list price title, source of the list price (catalog and catalog publish date or web address and download date).**
 - ☐ Prices are established by law or regulation.
Notes: **At a minimum, note the legal or regulatory reference that established the prices.**
 - ☒ Other means of determining Price Reasonableness.
Notes: **Describe any other source that was used to establish Price Reasonableness.**

* The questions in the form are designed to justify why this purchase should be exempt from a competitive procurement process. Failure to provide adequate documentation to substantiate the request may lead to the request being rejected.

The Austin Music Disaster Relief Grant (AMDRG) supports equitable recovery through immediate economic stabilization for households through \$2,000 one-time emergency relief grants awarded to eligible applicants through a scoring process prioritizing equity, vulnerability, and long- time Austin area residents.

The program expands eligibility from past iterations of the program to include professional musicians, independent promoters, and Music/Music Composition/Music Industry Creative Workers. AMDRG was approved by Music Commission [Recommendation No: 20210820-1a](#) on August 20, 2021, in response to Staff’s spending framework recommendation for the American Rescue Plan Act.

Since AMDRG is funded through the American Rescue Plan Act (ARPA), program key outcomes must align with the “[State & Local Fiscal Recovery Funds \(SLFRF\) Interim Final Rule](#) to support an equitable recovery through immediate economic stabilization for households and businesses”

FY22 Austin Music Disaster Relief Grant

\$2.3M for \$2K individual grants

Est. No. of Applicants: 1,500 – 2,500

No. of awardees & \$2K checks: 1,150

City of Austin Economic Development Department seeks to contract with Greater Austin Performing Arts Center, Inc., doing business as “The Long Center” to complete the following functions:

- City of Austin “Portal” Application System:
 - City of Austin Portal Application System Training
 - City of Austin Portal Admin Access
 - Documentation & Online Verification
 - MSA Eligibility Verification
 - Qualified Census Tract (QCT) Verification
 - Evaluation & Scoring
- Austin Music Industry Panel: Form and coordinate a panel of Austin-based music industry experts to double-check and affirm 3rd Party Administrator application evaluations and scores.
- Daily Update Meetings: Provide daily updates on progress to City of Austin Contract Manager and Program Managers.
- Marketing and Promotion: Coordinate marketing and promotion regarding the Austin Music Disaster Relief Grant with the City’s Economic Development Department Communications Team.
- Grant Payments to Awardees: Facilitate \$2,000 grant payments to awardees via checks.
- Financial & Data Reporting: Document administration hours and completed deliverables at the conclusion of process.

3. Forward the completed and signed Certificate of Exemption to the Purchasing Office along with the following documentation:
- ☒ Scope of Work or Statement of Work (if applicable)
 - ☐ Vendor's proposal/quote (if applicable)
 - ☐ Project timeline with associated tasks, schedule of deliverables or milestones, and proposed payment schedule
 - ☐ Professional resumes, certifications, and/or licenses (Professional, Personal or Planning Services Only)
 - ☐ Other supporting documentation

4. Because of the above facts and supporting documentation, the City of Austin exempts this procurement from Local Government Code Chapter 252 and intends to contract with:

(Vendor Name): Greater Austin Performing Arts Center, Inc., doing business as "The Long Center"

(Description of Procurement): Administrative facilitation of the Austin Music Disaster Relief Grant

Check the contract type (one-time or multi-term) and fill in the dollar amount and term as applicable:

☒ This is a one-time request for \$2,530,000

☐ This is a multi-term contract request for _____ (# months for base term) in the amount of \$ _____ with _____ (# of renewal options) for \$ _____ each for a total contract amount of \$ _____.

Recommended Certification	<u>Erica Shamaly</u>	<u>11/16/2021</u>
	Originator	Date

Approved Certification	<u>Shirley West Lohb</u>	<u>November 18, 2021</u>
	Department Director or designee	Date

Assistant City Manager / General Manager Date or designee (procurement requiring Council approval)	<u>Rodney Gonzales</u>	<u>12/1/2021</u>

Purchasing Office Review	_____	_____
	Authorized Purchasing Office Staff	Date

Purchasing Office Management Review (If required due to signature authority level)	_____	_____
	Purchasing Officer or designee	Date