

## EXHIBIT A



# **COVID-19 and Fair Park Cultural Organizations Amended Guidelines: FY 2020-21 Cultural Organizations Program (COP)**

As recommended by the  
Arts and Culture Advisory Commission of the City of Dallas

Approved by the  
City Council of the City of Dallas  
by Council Resolution No. 21-\_\_\_\_  
on \_\_\_\_\_

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## COVID-19 Amended Guidelines: FY 2020-21 Cultural Organizations Program

COVID-19 and related government restrictions deemed necessary to ensure public health have negatively impacted the ability of Dallas-based arts and culture organizations to accurately plan cultural programming for the year beginning October 1, 2020. Due to these uncertainties, the Office of Arts and Culture does not believe that the current review panel process for the FY 2020-21 COP applications is fair or equitable. The Office of Arts and Culture amends the following sections of these guidelines:

- First-Time Applicants
- Review Panel & Selection Process
  - Panel Presentations
  - Selection
- Scoring
  - Review Panel Scoring
  - OAC Administrative Scoring for New Applicants

Foregoing the panel review of proposed FY 2020-21 services, initially planned for mid-May 2020, will enable the Allocations Committee of the Arts and Culture Advisory Commission to begin working with OAC staff in June 2020, restrictions permitting, to determine funding based on administrative scoring. Discussions and recommendations regarding funding allocation will continue over the summer months leading into FY 2020-21. Importantly, this maintains the integrity of the COP funding timeline and will allow OAC to execute contracts and remit payment to organizations as quickly as possible in the next fiscal year.

There is precedent for administrative-only scoring for COP. Until 2017, OAC did not require annual community panel reviews and instead did these reviews on a biennial basis. During the previous two-year cycle, organizations would not be required to present to a community panel in alternate years, and OAC would update administrative scoring based on the respective year's program guidelines. OAC would use those updated scores to inform the Arts and Culture Advisory Commission for the allocation of funds for the upcoming fiscal year. This is the general model OAC will be following with these amendments.

## Second Amendment: Fair Park Cultural Organizations Adjustments for the FY 2020-21 Cultural Organizations Program

Pursuant to the Fair Park First Management Agreement, Fair Park First, as the procured nonprofit manager of Fair Park, has been responsible for funding, operating, and managing the Museum of African American Life and Culture (known as the African American Museum of Dallas) and the Dallas Historical Society (collectively, the “Fair Park Cultural Organizations”), among other cultural resident institutions at Fair Park, in accordance with the Management Agreement and the City’s COP Guidelines. Fair Park First failed to provide funding pursuant to the amended COP Guidelines.

On June 9, 2021, by Resolution No. \_\_\_\_\_, City Council approved amendments to the Fair Park First Management Agreement. One of the amendments provides that the funding of the Organizations is now solely the responsibility and at the discretion of the City. Due to this, the following sections of the guidelines are hereby amended, as detailed herein, to allow for funding outside of the normal funding period for the Fair Park Cultural Organizations:

- FY 2020-21 Cultural Organizations Program
- FY 2020-21 COP Timeline
- Review Panel & Selection Process
- Compliance

## Office of Arts and Culture

### *Vision*

The Office of Arts and Culture aims to create an equitable, diverse and connected community, whose residents and visitors thrive through meaningful arts and cultural experiences in every neighborhood across Dallas.

### *Mission*

The Office of Arts and Culture works to enhance the vitality of the city and the quality of life for all Dallas residents by creating an equitable environment wherein artists as well as arts and cultural organizations thrive; people of all ages enjoy opportunities for creative expression; and all celebrate our multicultural heritage.

Our mission is to support and grow a sustainable cultural ecosystem that ensures all residents and visitors have opportunities to experience arts and culture throughout the city.

### *Statement on Cultural Equity*

In Dallas, we envision a city of people whose success and well-being are not pre-determined by their race, age, disability, sexual orientation, gender, social status, zip code, or citizenship status. We recognize that artistic and cultural expression are fundamental to the development of our identity, as individuals and as a community at large. We assert the right for all people to have access to arts and cultural experiences throughout Dallas.

We recognize the historic legacies of racism, overt bias and injustice that shape our present reality. In fact, the City of Dallas' arts funding originated to support organizations of the Western European canon, collectively referred to as "The Big Six." Going forward, we will strive to support the broadest range of art forms and creative producers, considering inclusivity, diversity and neighborhood impact to direct resources equitably to artists and organizations. We will work to build a robust arts ecosystem that continually evolves to better reflect the diverse composition of Dallas. Towards this end, we recognize and affirm the potential of new and emerging artists and organizations.

The Office of Arts and Culture will serve as convener and connector to catalyze equity in the policies and practices of its partners across the Dallas arts ecosystem. Core to this is leading other organizations and private resource providers to advance diversity, equity and inclusion in concrete, measurable ways. Annually, the Office of Arts and Culture will summarize its own support for artists and arts organizations, highlighting measures of equity and diversity.

As we work together to create a more vibrant Dallas, the Office of Arts and Culture is committed to nurturing the wide diversity of creative culture and experiences that make up this great city.

### *Contact OAC*

For general inquiries or assistance, please contact the Office of Arts and Culture, Cultural Programs Division at 214-670-3687, extension 2. Specific staff telephone numbers and email addresses may be found online at [dallasculture.org/contact](http://dallasculture.org/contact).

## FY 2020-21 Cultural Organizations Program

The Cultural Organizations Program (COP) is the program through which the City of Dallas Office of Arts and Culture (OAC) provide organizational support as described by the Dallas Cultural Policy, approved by City Council on November 28, 2018 [Section 5(D)(i)]. Per the Dallas Cultural Policy, the Office of Arts and Culture contracts for cultural services with established non-profit organizations for a variety of cultural programs that include concerts, plays, exhibitions, performances, workshops and other cultural programming for the benefit of Dallas residents and visitors. These cultural service contracts are awarded annually using a review panel approach to evaluate applications. Program eligibility and review criteria are published annually. An organization receiving COP funding is eligible to apply for and be funded a maximum of one time through the project-based funding program, ArtsActivate, subject to City Council approval. A COP organization may also be eligible to apply for the Community Artist Program (CAP) with the condition that they meet the requirements of the Council-approved program guidelines. Any funding for services provided through ArtsActivate or CAP must not be part of the scope of services to be provided in the COP contract.

This document contains guidelines, deadlines and application instructions for the COP managed by the OAC for fiscal year 2020-21. Please refer to the appropriate sections of this guide for more detailed information about the different parts of this program. The FY 2020-21 City of Dallas fiscal year begins October 1, 2020 and ends September 30, 2021. For Fair Park Cultural Organizations, the cultural services to be provided will take place between June 9, 2021 through September 30, 2021, due to the removal of the annual cultural services contracting responsibilities from Fair Park First Management Agreement (subject to City Council approval on June 9, 2021).

All applicants are required to read the guidelines and application instructions for details of program eligibility and requirements prior to beginning the application process. Guidelines are updated every funding cycle.

The organization is responsible for the quality, completeness and timely submission of the proposal and supplemental materials. Application steps and deadlines are included in this document and online at [dallasculture.org](http://dallasculture.org). OAC staff are available to answer additional questions. See [Contact OAC](#).

### FY 2020-21 COP Timeline

March 16, 2020	FY 2020-21 COP Online Application Opens			
April 27, 2020	FY 2020-21 COP Application Closes at 11:59 PM			
May 12-15, 2020	COP Panel Presentations (Tier date assignments may be subject to change. To confirm, visit the COP page at <a href="http://dallasculture.org">dallasculture.org</a> )			
	Tier 1 – May 12	Tier 2 – May 13	Tier 3 – May 14	Tier 4 – May 15
June 2020 – September 2020	COP Application Review/Funding Levels – Allocations Committee; COP funding recommendations made by the Arts & Culture Advisory Commission			
October 2020	COP funding recommendations approved by City Council; initiation of COP Contract execution			

January 2021	COP organizations eligible to receive first payment (if compliance and insurance requirements are met)
April 15, 2021	COP organizations eligible to receive second payment (if compliance and insurance requirements are met)
June 9, 2021	Fair Park Cultural Organizations contract period through September 30, 2021 to begin; payment timeline as contracted will differ from payment schedule above
October 15, 2021	COP Final Reports due for FY 2020-21
November 15, 2021	COP Final Monthly Report due for FY 2020-21
<b>COP organizations are eligible to receive final payment after FY 2020-21 Final Report and Final Monthly Report are submitted (if compliance and insurance requirements are met)</b>	

## FY 2020-21 COP Application

All organizations, new and previously funded, are required to complete an application and review process to be considered for funding through the FY 2020-21 Cultural Organizations Program (COP)

The FY 2020-21 COP Application can be found on the COP page of the OAC website at: <https://dallasculture.org/cultural-programs/cultural-organizations-program/>

Applications must be submitted via the online funding system by April 27, 2020 at 11:59 PM. Hard copies of funding applications will not be accepted.

NOTE: An organization that submits a substantially incomplete application at the time of the deadline, as deemed by the Office of Arts and Culture, will receive notification via e-mail as to the incomplete status of the application from OAC staff. This could result in the application being rejected.

### *COP Eligibility Requirements*

**Organizations must meet the following criteria to qualify for COP funding:**

- Must be a 501(c)(3) tax-exempt entity as provided by the U.S. Internal Revenue Code, as amended, in good standing for at least 3 years.
- Must be an established City of Dallas arts or cultural organization with an operation history of at least 3 years.
- Organizations must have administrative offices permanently located in the City of Dallas. **This does not include P.O. Boxes – organization must have a physical office and Dallas address.**
- Must have an annual operating budget of at least \$100,000, based on the organization's prior year's actual audited expenses. If not available at the time of application, an audited financial statement must be provided to the City before the organization may enter into a contract for organizational support.
- Obtain and maintain during the contract term all necessary licenses, permits, insurance and other approvals required by law for the provision of services.
- An audit that has been conducted by an outside certified accountant for the most recently completed fiscal year must be submitted by all COP funded organizations every year that they are funded.

- Must have at least one paid part-time Director/Manager staff person hired upon award of City contract and employed throughout the 12-month contract period.
- Must produce a season of programs, exhibitions, and/or performances in the City of Dallas for the public.
- Must work to have a diverse community representation on the Board of Directors.
- Must be in compliance with local, state, and federal laws prohibiting discrimination.
- Must be in good standing IRS regulations related to 501(c)(3) tax-exemption status.
- Must be authorized to transact business in the State of Texas.
- Must demonstrate community outreach programs.
- Must work to demonstrate commitment to cultural equity, diversity, and inclusion in all aspects of the organization's operations and programming.
- The primary focus of the organization's operation must be to provide services to residents and visitors in the city limits of Dallas and at least 50% of activities must take place within the city limits of Dallas. City funding may only be used for services provided within the City of Dallas.
- Comply with regulations pertaining to federal grant recipients including Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, the Education Amendments of 1972, the Americans with Disabilities Act of 1990, and the Drug Free Workplace Act of 1988.

**COP funds allocated cannot be used to pay direct costs for:**

- Activities which do not have a cultural or artistic focus or whose primary focus is religious in nature
- Projects planned primarily for fundraising purposes
- Activities restricted to members or which do not benefit the general public
- Tuition expenses
- College/university or school projects that are part of a course or curriculum or which do not benefit the general public
- Fellowships/grants, scholarships, cash prizes or awards
- Activities that include food or alcohol
- Out-of-city travel
- Underwriting of capital expenditures (buildings, land, permanent equipment or artwork)
- Purchase of artwork
- Activities that have occurred prior to the execution of the cultural services contract
- Underwriting of past deficits
- Endowments
- Non-contract related services, lobbying, attorney's fees, fees for penalties, and fees for incorporation or obtaining tax-exempt status
- Activities of Dallas-based organizations that occur outside of the City limits
- Permanent or semi-permanent public art that is located on City property

### *COP Diversity Requirements*

Per the Cultural Policy of the City of Dallas, organizations funded through the Cultural Organizational Program should aim to meet the following goals, as set forth in the Cultural Policy. Organizations' progress will be monitored by the OAC on an ongoing basis and OAC staff are available to answer any questions or provide guidance on achieving these goals:



- (1) Have board-approved safe workplace policies (including, but not limited to, anti-discrimination and anti-harassment policies).
- (2) Have a policy and measurable goals related to equity, diversity and inclusion that is board-approved and published on their website.
- (3) Board Diversity<sup>1</sup> goals (by organization budget size):
  - a. Annual operating budget of \$5 million and above: at least 30% board diversity.
  - b. Annual operating budget of \$1 million - \$5 million: at least 20% board diversity.
  - c. Annual operating budget of \$500,000 to \$1 million: at least 10% board diversity.
- (4) For organizations with operating budgets over \$1 million: offer paid internships with livable wages to increase the diversity of the pipeline for future arts leaders.

### *Funding Level Restrictions*

A. The limit on support through the COP program is scaled to be proportional, based on an organization's most recently completed fiscal year's audited revenue, and in no case shall the amount of funding for an organization through the COP program be greater than:

- (i) 25% of most recent year's audited revenue for organizations with revenue less than \$1 million;
- (ii) 15% of most recent year's audited revenue for organizations with revenue between \$1 million and \$5 million;
- (iii) and 10% of most recent year's audited revenue for organizations with revenue greater than \$5 million.

B. Total support by the City in a fiscal year, whether cash or in-kind, regardless of the department from which the funds and support originate, shall not exceed:

- (i) 50% of an organization's most recent year's audited revenue for organizations with revenue less than \$1 million.
- (ii) 40% of an organization's most recent year's audited revenue for organizations with revenue of \$1 million or more.

C. In-kind support includes, but is not limited to, utility payments made directly by the City, payments made to a third party, including other City departments, in support of the organization, and facility use fee discounts at Cultural Centers.

### *Source of Cultural Support Funds*

The City of Dallas invests in the arts by allocating a portion of the City's general fund (primarily property and sales tax collections) and a portion of Hotel Occupancy Tax (HOT) revenue to eligible applicants who meet the established program criteria and are recommended for funding as a result of an application

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<sup>1</sup> Diversity (as relates to board goals) means the percentage of non-majority (based on race/ethnicity) members of a board. For example, if the goal is at least 30% diversity on a board, an organization meeting that goal must have no more than 70% of any one racial/ethnic group on their board.

and review panel process. Per state law, revenue from the municipal Hotel Occupancy Tax collection may be used only to promote tourism and the convention and hotel industry (Texas Tax Code, Chapter 351.101. Use of Tax Revenue)

### *First-Time Applicants*

COVID-19 Amendment:

Given the unknowns of programming, budgetary, and gathering restrictions, OAC will be postponing the acceptance of new applicant organizations into the FY 2020-21 Cultural Organizations Program except for Fair Park Cultural Organizations previously contracted in the Cultural Organizations Program for FY 2017-18. Reassessment of OAC's ability to open COP for new applicants will occur for FY 2021-22.

~~First time applicants must contact OAC staff before the application deadline. This is to ensure that the applicant is aware of the COP requirements and additional information that is needed.~~

~~Note: The term first-time applicant refers to applicants submitting proposals to the program for the first time, as well as to applicants that have applied in the past but are not currently funded through the program.~~

~~In addition to the funding requirements, first-time COP applicants should submit one copy of the following:~~

- ~~• Charter and by-laws of the organization.~~
- ~~• Status as a non-profit 501(c)(3) corporation. A copy of the organization's Internal Revenue Service letter of determination must be submitted with the completed proposal form. Failure to submit this IRS letter will result in disqualification of the proposal.~~
- ~~• Prior Year Audited Financials or IRS Form 990's if audit is not completed. An audit will be required if the organization is recommended for funding in the COP program prior to contract execution.~~
- ~~• First time applicants will also be required to show the last three years of audited financial statements. This is a separate form that will be provided to you.~~

### *Review Panel & Selection Process*

COVID-19 Amendment:

COVID-19 and the related government restrictions deemed necessary to ensure public health have negatively impacted the ability of Dallas-based arts and culture organizations to accurately plan cultural programming for the year beginning October 1, 2020. Due to these uncertainties, the Office of Arts and Culture does not believe that the current review panel process for the FY 2020-21 COP applications is appropriate. OAC will forego the review panel process for the COP applicants who currently receive COP funds for FY 2019-20. Given the current and unknown future restrictions on large public gatherings in the interest of public health, the subjective panel scoring criteria based on future programming is not a viable solution for judging and allocating funds for our core Dallas-based arts and culture organizations.

Under this amendment, the Office of Arts and Culture will continue to provide objective administrative scoring to the Allocations Committee and will continue to seek the recommendation of the Allocations Committee and the Arts and Culture Advisory Commission as well as the approval of City Council to allocate the available funds for cultural services provided by the organizations currently receiving COP funding for FY 2019-20 and the Fair Park Cultural Organizations.

~~Applications for the Cultural Organization Program are evaluated by a review panel. The review panel should, to the greatest extent possible, reflect the diversity of the City of Dallas, without sacrificing expertise, knowledge, or demonstrated interest in arts and culture.~~

~~Nominations to review panels shall be provided by interested members of the public, the Arts & Culture Advisory Commission, and City staff. In no instance shall a City employee, Arts & Culture Advisory Commissioner, or other City official be a member of a review panel.~~

~~Review panel members shall be independent, impartial, and responsible only to the people of the city and shall comply with the Code of Ethics in Chapter 12A of the Dallas City Code including, but not limited to, recusal and disclosure provisions. Panelists should strive to avoid the appearance and risk of impropriety.~~

### *Tier Structure*

All COP funding applicants will be reviewed in tier levels based on their adjusted operating budget from the previous year's official audited records. There will be one review panel for each tier level. The tier levels are as follows:

Tier I – \$100,000 – \$499,999

Tier II – \$500,000 – \$999,999

Tier III – \$1,000,000 – \$4,999,999

Tier IV – \$5,000,000 or more

### *Panel Presentations*

COVID-19 Amendment:

The amended panel review process does not include panel presentations on proposed FY 2020-21 cultural programming and related scoring for the FY 2020-21 COP selection process.

~~Every organization that applies for funding is required to make a presentation to the review panel. Applicant organizations must be represented at the review panel by principal representatives, e.g. the Executive Director, Artistic Director, Board President and/or a Financial Officer or other staff as determined by the organization.~~

~~The presentation times will be allotted in the following manner:~~

~~2 minutes — Organization will be introduced to the panel members by a Commission member~~

~~10 minutes — Presentation time for the organization to the Panel~~

~~10 minutes — Q and A time for panel members with the organization~~

~~A notice about audio-visual capabilities and equipment for the presentation will be sent to groups prior to the panel dates. Failure to attend the Review Panel meeting will result in the organization being disqualified.~~

## *Selection*

COVID-19 Amendment:

Under this amendment, the Office of Arts and Culture will continue to provide objective administrative scoring to the Allocations Committee and will continue to seek the recommendation of the Allocations Committee and the Arts and Culture Advisory Commission as well as the approval of City Council to allocate the available funds for cultural services provided by the organizations currently receiving COP funding for FY 2019-20 and Fair Park Cultural Organizations. ~~Panel and staff scores are forwarded to the Arts & Culture Advisory Commission for review. The Commission recommends a level of funding for each organization taking into consideration the scoring, prior year funding, funding projections, contract compliance, and fiscal management of applying organizations.~~ **An organization whose normalized score is below 70% is only eligible to receive a maximum of 60% of their FY 2019-20 COP funding level.** All scores are normalized within their tier. Normalizing a score means each score is divided by the highest score of that tier.

~~The Commission's recommendation is then forwarded to the City Council through the City Manager's Office. The recommended allocation and individual contracts will receive approval or modification by the City Council in October of each year.~~

Variances from these guidelines may be approved by the Director; however, material variances shall require City Council approval.

## *Scoring*

COVID-19 Amendment:

Applicants will only be scored on a 30 point scale, as detailed in the OAC Administrative Scoring Section, calculated by OAC staff.

~~Each applicant will be scored on a 100-point scale. Seventy points will be at the discretion of the review panel. The remaining 30 points will be an administrative and compliance score calculated by OAC staff.~~

## *Review Panel Scoring*

COVID-19 Amendment:

No review panel scoring will be applied.

- ~~● **Quality of Services (35 points)** — The organization exhibits a commitment to high quality standards in its artistic and cultural services and programming for Dallas residents and visitors.~~
- ~~● **Impact of Community Programming and Neighborhood Outreach (20 Points)** — The organization has a broad and significant impact on the residents of Dallas by direct neighborhood/community outreach~~

~~or an intentional inclusion and involvement of underserved populations and/or outlying neighborhoods/communities at a headquarter location.~~

- ~~• **Overall (15 points)** – The overall evaluation of the organization. The organization demonstrates a benefit to the residents and visitors of Dallas through a strong application and panel presentation.~~

### *OAC Administrative Scoring for Returning Applicants*

**Contract Compliance & Financial Viability (8 points)** – the organization has shown the capacity to comply with COP monthly reporting and financial audit submission requirements that are required by the COP contract (measured from the prior complete fiscal year). The organization has sound financial viability in fundraising/development and unrestricted net assets (measured from the organization’s most recent audit).

**2 Points:** Monthly Reports (submitted by the 15th of each month)

2 = 75%-100%

1 = 51% - 74%

0 = 50% or below

**2 Points:** Audit submitted by deadline (6 months after the close of the organization’s fiscal year)

2 = Audit submitted on time

0 = Audit submitted after deadline

**2 Points:** Fundraising Expense Percentage – Percentage of sum of fundraising/development expenses to sum of fundraising/development revenues.

2 = Ratio less than 20%

1 = Ratio between 20% and 40%

0 = Ratio more than 40%

**2 Points:** Change in unrestricted net assets

2 = Change in unrestricted net assets greater than \$0 (surplus)

0 = Change in unrestricted net assets less than \$0 (deficit)

**Organization Program Management (8 points)** – Organization has performed in a reliable manner in the past in terms of contract sustainability. Special consideration will be taken for organizations going dramatically over their proposed number on an individual basis. Calculations based on proposed numbers in the FY 2017-18 COP contract Scope of Services versus actual reported FY 2017-18 numbers by the organization through the monthly reports.

**4 Points:** Services

4 = Has met or exceeded the proposed service numbers

2 = Has not met the proposed service numbers

0 = Is 50% or lower than the proposed service numbers

#### 4 Points: Attendance

- 4 = Has met or exceeded the proposed attendance numbers
- 2 = Has not met the proposed attendance numbers
- 0 = Is 50% or lower than the proposed attendance numbers

**Organization Board Governance (2 points)** – Organization has “give or get” policy with board of directors. In the most recently completed fiscal year, what percentage of board members contributed either by personal donation or securing predetermined funding from a third party for the organization.

- 2 = 90% - 100% board participation in “give or get” policy
- 1 = 75% - 89% board participation in “give or get” policy
- 0 = Less than 75% board participation in “give or get” policy

#### Adherence to Cultural Policy Diversity Criteria (12 points)

**Board Diversity (5 points)** – Per the City of Dallas Cultural Policy as adopted November 28, 2018, the following goals have been put in place for cultural organizations to demonstrate a commitment to diverse community representation of the organization’s board. (Diversity numbers taken from the FY 2020-21 COP Application)

Points	Tier I	Tier II	Tier III	Tier IV
5	10% or more	10% or more	20% or more	30% or more
3	3% - 9%	3% - 9%	6% - 19%	10% - 29%
0	2% or less	2% or less	5% or less	9% or less

**Staff Diversity (5 points)** – While the Cultural Policy does not set specific goals for staff diversity, the OAC will mirror staff diversity goals based on those of board diversity goals and definitions for the purposes of this scoring category. Staff is considered pay-rolled staff, not contracted labor. Because organizations in Tier I generally do not have significant numbers of staff, they are exempt from staff diversity goals.

Points	Tier I	Tier II	Tier III	Tier IV
5		10% or more	20% or more	30% or more
3		3% - 9%	6% - 19%	10% - 29%
0		2% or less	5% or less	9% or less

**Equity, Diversity & Inclusion Policy (2 points)** - Per the City of Dallas Cultural Policy as adopted November 28, 2018, organizations receiving operational support through COP must have measurable goals related to equity, diversity and inclusion that are board-approved and published on the organization’s website.

- 2 Points = Organization has completed and published their board-approved policy
- 0 Points = Organization has not completed and published their board-approved policy

## *OAC Administrative Scoring for New Applicants*

### COVID-19 Amendment:

Given the unknowns of programming, budgetary, and gathering restrictions, OAC will be postponing the acceptance of new applicant organizations into the FY 2020-21 Cultural Organizations Program. Therefore, OAC administrative scoring for new applicants will not apply for the COVID-19 amendments.

**~~Contract Compliance & Financial Viability (8 points)~~** — ~~the organization has shown the capacity to comply with IRS 501(c)(3) Status and financial audit submission requirements that are required by the COP contract (measured from the prior complete fiscal year). The organization has sound financial viability in fundraising/development and unrestricted net assets (measured from the organization's most recent audit).~~

**~~2 Points:~~** IRS non-profit status letter submitted with application

~~2 = Letter submitted with application~~

~~0 = Letter not submitted with application~~

**~~2 Points:~~** Financial audit or IRS Form 990 submitted with application (documentation based on most recent fiscal year of organization)<sup>2</sup>

~~2 = Audit submitted with application~~

~~0 = Audit not submitted with application~~

**~~2 Points:~~** Fundraising Expense Percentage — Percentage of sum of fundraising/development expenses to sum of fundraising/development revenues (calculated from financial audit or IRS Form 990)

~~2 = Expense percentage less than 20%~~

~~1 = Expense percentage between 20% and 40%~~

~~0 = Expense percentage more than 40%~~

**~~2 Points:~~** Change in unrestricted net assets (calculated from financial audit or Form 990)

~~2 = Change in unrestricted net assets greater than \$0 (surplus)~~

~~0 = Change in unrestricted net assets less than \$0 (deficit)~~

**~~Organization Program Management (8 points)~~** — ~~Organization has performed in a reliable manner in the past in terms of services/public events provided and event attendance. Calculations based on three-year services and attendance reporting in 2020-21 COP Application.~~

**~~4 Points:~~** Services/Public Events

~~4 = Shows an increase in both second and third year in services provided~~

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<sup>2</sup> NOTE: A financial audit will be required if the organization is recommended for funding in the COP program prior to contract execution.

2 = Shows an increase in either second or third year in services provided  
 0 = Shows decrease or no change in both second and third year in services provided

**4 Points: Event Attendance**

4 = Shows an increase in both second and third year in event attendance  
 2 = Shows an increase in either second or third year in event attendance  
 0 = Shows decrease or no change in both second and third year in event attendance

**Organization Board Governance (2 points)** — Organization has “give or get” policy with board of directors. In the most recently completed fiscal year, what percentage of board members contributed either by personal donation or securing predetermined funding from a third party for the organization.

2 = 90%–100% board participation in “give or get” policy  
 1 = 75%–89% board participation in “give or get” policy  
 0 = Less than 75% board participation in “give or get” policy

**Adherence to Cultural Policy Diversity Criteria (12 points)**

**Board Diversity (5 points)** — Per the City of Dallas Cultural Policy as adopted November 28, 2018, the following goals have been put in place for cultural organizations to demonstrate a commitment to diverse community representation of the organization’s board. (Diversity numbers taken from the FY 2020-21 COP Application)

Points	Tier I	Tier II	Tier III	Tier IV
5	10% or more	10% or more	20% or more	30% or more
3	3%–9%	3%–9%	6%–19%	10%–29%
0	2% or less	2% or less	5% or less	9% or less

**Staff Diversity (5 points)** — While the Cultural Policy does not set specific goals for staff diversity, the OAC will mirror staff diversity goals based on those of board diversity goals and definitions for the purposes of this scoring category. Staff is considered pay rolled staff, not contracted labor. Because organizations in Tier I generally do not have significant numbers of staff, they are exempt from staff diversity goals.

Points	Tier I	Tier II	Tier III	Tier IV
5		10% or more	20% or more	30% or more
3		3%–9%	6%–19%	10%–29%
0		2% or less	5% or less	9% or less

**Equity, Diversity & Inclusion Policy (2 points)** — Per the City of Dallas Cultural Policy as adopted November 28, 2018, organizations receiving operational support through COP must have measurable goals related to equity, diversity and inclusion that are board approved and published on the organization’s website.

2 Points = Organization has completed and published their board approved policy  
 0 Points = Organization has not completed and published their board approved policy





## Compliance

COP contracts require compliance for the entirety of the contract period (October 1, 2020 – September 30, 2021, or June 9, 2021 – September 30, 2021 for Fair Park Cultural Organizations only). Any major contract compliance issues such as current audits not being received, or other similar items will be presented to the Allocations Committee to recommend a course of action to be taken. This will then be presented to the full Arts and Culture Advisory Commission for recommendation of funding continuation.

To maintain compliance, organizations must provide the following:

### **Audited Financial Reports**

An annual audit that has been conducted by an outside certified accountant for the most recently completed fiscal year must be submitted by all COP funded organizations to the OAC. Audits should be available and sent no later than six months after the completion of the organization's fiscal year. Failure to meet audit deadlines may result in the withholding of contract payments. First time applicants must submit an audit prior to contract execution.

### **Monthly COP Reports**

A monthly report listing Dallas activities and programs presented by the organization, the total attendance at each activity and supporting information must be submitted by the 15th day of each month (reporting the prior month's activities) to OAC.

### **Final Report**

A final evaluation report summarizing activities for the contract period must be submitted to OAC by October 15, 2021. Failure to submit the report in a timely manner or submission of an incomplete report may result in delayed payment or non-payment of the final contract installment as well as payment on future contracts. This online form can be found on the COP page at [dallasculture.org](http://dallasculture.org).

### **Business Inclusion and Development: Minority and Women-Owned Business Enterprises**

It is the policy of the City of Dallas to use qualified Minority and Women-Owned Business Enterprises (M/WBEs) to the greatest extent feasible on the City's construction, procurement and professional services contracts. The City and its contractors shall not discriminate on the basis of race, color, religion, national origin, age or sex in the award and performance of contracts. In consideration of this policy, the City of Dallas has adopted the Business Inclusion and Development Plan (BID Plan) for all City of Dallas contracts. The purpose of the Business Inclusion and Development Plan is to increase participation of M/WBEs in City procurement and contracting opportunities. And to develop the local business base through the award of contracts and purchases to locally owned businesses. Under the BID Plan, bidders/proposers are required to sign an affidavit agreeing to comply with the City's BID Plan.

The BID Plan shall apply to all City contracts for the procurement of construction, architectural and engineering, goods, other services and professional services, with emphasis on first tier subcontracts on City contracts over \$50,000. As a prerequisite for City Council award, the prime contractor must make a

good faith effort to meet established M/WBE subcontracting goals and if goals are not met, must demonstrate and document its good faith effort to meet the established goals.

In addition to the goal-based policy, it is the preference of the City of Dallas for the workforce of contract awardees to be reflective of the diversity of the residents of the City of Dallas.

The City reserves the right to request a company's affirmative action plan or equal opportunity plan from potential contract awardees. In addition, if the potential awardee plans to hire additional staff to complete the contract, the City reserves the right to request a local hiring plan.

### **Insurance Requirements**

Insurance requirements are included in the contract and are determined by the City of Dallas Office of Risk Management. A Certificate of Insurance (COI) must be submitted to the City whenever a policy expires and is renewed. Funds cannot be released without a memorandum of compliance from the Office of Risk Management stating the insurance requirements have been met. Proof of insurance must meet the specific terms of the contract. During the contract term, applicants are required to obtain and maintain all necessary licenses, permits, insurance and other approvals required by law for the provision of services.

Failure to meet insurance requirements will be reported to the Arts & Culture Advisory Commission and could result in contract termination. *(For more information on insurance requirements please see 2020-21 COP Appendix)*

### **Logo and Credit Line**

It is imperative that the residents of Dallas know that their local tax dollars make it possible for them to enjoy the caliber of arts produced in this City. All contractors must recognize the City of Dallas in the same way it recognizes other contributors at the same support level in terms of benefits, type size on publications, and frequency of acknowledgment.

The City of Dallas logo can be downloaded from our website: [www.dallasculture.org/our-logo](http://www.dallasculture.org/our-logo).

Arts organizations and artists awarded City of Dallas contracts for cultural services must include the following reasonably visible and legible credit line and logo in publications, programs, press releases, season brochures, lobby displays, advertising and every other mode of public communication:

“(Name of your organization/program) is supported in part by the City of Dallas Office of Arts and Culture.”

### **Complimentary Tickets**

Cultural organizations shall make available up to four complimentary tickets per event, program, production, exhibition or other activity produced by the organization to the OAC for the purpose of allowing City staff to assess the management and operation of City-owned facilities within their jurisdiction and to oversee City sponsored events. This requirement applies to organization's regular programming only and not to special fundraising events. Additionally, the organization may provide free tickets to promotional activities to the Director for distribution to the general public at various OAC facilities.

Receipt of complimentary tickets by City staff is subject to the provisions of the City's Gift Policy For City Employees, provided in Council Resolution 17-0516 adopted on March 22, 2017.

## **Social Media Recognition**

In social media promotions related to any service funded by COP, you can tag City of Dallas Office of Arts and Culture and utilize preferred hashtags when appropriate. See Dallas Culture handles, preferred hashtags and recommendations for social media engagement below.

### **Twitter**

- Through professional and/or personal accounts follow Dallas OAC Twitter account <https://twitter.com/dallasculture>
- When making posts about your project tag us in your tweet by using our handle @dallasculture
- Include the hashtags: #dallasculture #liveart #oac

### **Facebook**

- Through professional and/or personal pages, "like" the City of Dallas Office of Arts and Culture
- Facebook page <https://www.facebook.com/dallasculture>
- When making posts about your project, tag in them @City of Dallas Office of Arts and Culture
- Tag @City of Dallas Office of Arts and Culture in any photos/videos you post related to your project. Be sure to share photos on the Dallas Culture page as well
- Utilize the #dallasculture #liveart #oac hashtags on Facebook posts of your projects

### **Instagram**

- Through professional and/or personal accounts follow Dallas OAC Instagram account [https://www.instagram.com/dallas\\_culture/](https://www.instagram.com/dallas_culture/)
- When making posts about your project tag us in your tweet by using our handle @dallas\_culture
- Include the hashtags: #dallasculture #liveart #oac

## Arts and Culture Advisory Commission Liaison

Funded COP organizations will be assigned a liaison from the Arts and Culture Advisory Commission whose duties will be outlined per organization needs. The liaison assignment will depend on the availability of the Commissioners.

## Probation

Organizations that fail to provide contractual services or meet program eligibility and reporting requirements may be in default of contract and may be placed on probation. Failure of an organization to satisfactorily address the City's concerns within a period of the probation may result in a recommendation of "no funding" for the next fiscal year.

## Revisions

Once the contract has been signed, any changes in the project (either programmatic or financial) must be approved in advance by the Director of the Office of Arts and Culture and may require a formal amendment. The contractor must submit a written request for approval of any changes.