

**City of San José Public Art Program
Office of Cultural Affairs (OCA) / Office of Economic Development (OED)**

**Call for Submissions:
Interior Artworks for the
Office of Emergency Management / Fire Department Training Center**



The City of San José's Office of Cultural Affairs' Public Art Program ("City") is seeking digital submissions from **San José Artists** of new or previously created two-dimensional artworks that will be reproduced in order to create a collection of up to thirty (30) artworks for permanent display in the interior of the new facility (depicted below) in which the City's Office of Emergency Management and the Fire Department Training Center will be co-located at 1591 Senter Road, in San José, CA. In addition to display within the facility, the artworks will also be posted the City's website for additional exposure.



IMPORTANT: This opportunity is only open to visual Artists with either a physical or studio address within San José, CA. Submissions by Artists who do not meet this requirement will not be considered for selection.

I. BACKGROUND

The City has built a new public safety facility that will house two important operations: the Office of Emergency Management which serves the entire Santa Clara County region and counties beyond both as a resource for training and preparedness and also as the Emergency Operations Center when needed, and the Fire Department Training Center which trains the San José Fire Department's (SJFD) professional firefighters. These distinctly separate departments will be housed in a single, co-joined structure. The facility's construction will be complete in Fall 2023. Public art for the facility includes a completed, major two-dimensional cut metal work on the exterior of the building and with this Call for Submissions, the City is creating a collection of two-dimensional artworks that will be displayed in selected locations within the interior of the building.

II. OPPORTUNITY

The City is seeking submissions of artworks from San José Artists to create a collection of up to 30 artworks for permanent display in the interior of the new Office of Emergency Management (OEM) and Fire Department Training Center (FDTC). San José Artists are invited to submit images of their new or previously created original two-dimensional artwork that is conceptually relevant to the theme described below.

Artists whose work may be appropriate for this opportunity include but are not limited to illustrators, painters, graphic artists, photographers, printmakers, and those who specialize in two-dimensional art. Submissions may include but are not limited to drawings, paintings, prints, photography, mixed media, or other forms of two-dimensional art.

The final, selected artworks will be reproduced by the City as two-dimensional prints. The City will produce high-quality prints of the selected artworks and will enter into a license agreement with the Artist for long-term display of the artwork reproduction. Submitted artworks must be suitable for reproduction. The selected artworks will be on permanent display at this shared facility.

The fee paid to the Artist for the reproduction of a selected artwork will be \$5,000. The City will retain usage rights and license and the reproduced artwork will become part of the City's permanent public art collection. An image of the artwork and Artist's concept statement will also be displayed on City's website.

In order to participate in this opportunity, eligible Artists must submit one artwork image electronically via CaFÉ. (Instructions on using CaFÉ are below.) For the purpose of this Call for Submission, Camera Ready (required for reproduction) means that a printing company can use the 300 dpi digital art file "as is" and that no file editing on their end is required to print your artwork.

Selected artwork will be licensed directly from the Artist for reproduction by the City. Both portrait and landscape orientation will be accepted.

All copyrights will remain with the Artist. Images of the selected artworks will also be documented and shared on the City's website, for further reach and promotion.

Thematic Considerations

Emergencies encompass impactful situations that disrupt community life and place people in danger and can happen any time. Emergencies embody widely varied circumstances that range from intense, unexpected events such as floods, wildfires, earthquakes, pandemics, and terrorism to longer term issues embedded in the community with food insecurity, homelessness, and more.

Resilience is the overarching principle in both the OEM's and the SJFD's work. Bringing together a wide range of resources, the work of the OEM as it leads wide-ranging efforts to protect life, property, and the environment is to develop, coordinate, and manage programs that prevent, prepare for, respond to, recover from, and mitigate natural and man-made disasters and emergencies, and build the spirit of resiliency in the San José community and the region. The OEM is deeply involved in cultivating partnerships toward this goal. An important, ongoing activity of the OEM is to provide disaster training and effective emergency management to volunteers and disaster service workers from across the Santa Clara County region as well as Monterey County, Santa Cruz County and San Benito County. The FDTC focuses primarily on training firefighting and emergency professionals who will work for the City, both in fighting fires and related emergencies while also building public awareness about safety.

This opportunity seeks artworks that are conceptually reflective of these ideas and promote the mission of the OEM and SJFD, and that can motivate and inspire people who come to the OEM and FDTC facility to train and to work in service to the community to step up and engage at a tactical level in the process of resilience. Themes may include but are not limited to emergency response management; how San José and the community embodies resiliency and community spirit, in general as well as during and after emergencies; impact of emergency situations on the individual, community, society; meanings of community during an emergency; preparation, response, and recovery from natural and man-made disasters and emergencies; adaptability to emergencies; innovation in avoiding emergencies; the emergence of heroes and leaders from police, fire, and community members; and, the resilience of community spirit.

To learn more about the OEM's work and types of emergency situations and responses, please visit the City website at: <https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/emergency-management>.

III. ARTWORK SELECTION

Final selections of artworks will be curated by a panel comprised of representatives of the OEM and SJFD, artists, arts professionals, and other community or project stakeholders. Selection criteria will include the aesthetic integrity of the work, how it aligns with the opportunity and captures the spirit of this initiative and, with the Artist's conceptual statement about the artwork how it moves and/or provide a compelling reflection on emergency preparedness, services and operations and the San José community's resiliency and involvement.

Whether submitting as a single Artist or in collaboration, Artists may submit one (1) artwork for consideration.

IV. AWARDED COMPENSATION

Artists will be awarded \$5,000 if their submission is selected. Artists may receive no more than one (1) award. Up to thirty (30) local Artists will be selected based on the merits of their art however the final number selected may be less than thirty. Not all Artists that apply will be selected.

Once notified of award, Artist will enter into a Licensing Agreement with the City for their artwork. Payment will be made after submission of original artwork, print, or camera-ready artwork, and acceptance by City of final concept statement narrative, that may require edits as agreed to by Artist and City.

V. SCHEDULE

- **Monday, September 18, 2023** – Call for Submission (“Call”) opens and submissions accepted.
- **Monday, October 2, 2023** – Deadline for submitting objections to the form and structure, content, and distribution of this Call or questions about the Call.
- **Wednesday, October 18, 2023** – Submission Deadline: Entries (defined below) are due and must be submitted through CaFÉ™ (www.callforentry.org), per instructions below.
- **Tuesday, October 31, 2023** – Completion of curatorial panel review of entries.
- **Tuesday, December 5, 2023** – Artwork selection reported to City's Public Art Committee; notifications of selection will be released shortly thereafter.

VI. ARTIST ELIGIBILITY

This opportunity is open only to visual Artists with either a physical or studio address within San José, CA. Artwork submitted by Artists who do not meet this requirement are ineligible and their submissions will not be considered for selection.

All Artists submitting artworks for this call a must be at least 18 years of age, be eligible to work in the United States and have all necessary documentation and permits to work in the United States at the time of submittal.

VII. AGREEMENT TERMS

If an artwork by Artist is selected for this project:

1. Artist will be required to enter into a Licensing Agreement with the City of San José and will be required to comply with any relevant requirements, including but not limited to permits, licensing and/or insurance coverage requirements (if any). All copyrights will remain with the Artist.
2. Artist will be required to submit a Tax ID or Social Security Number to receive payment.
3. Artist must be able to provide Camera Ready image of the selected artwork. For the purpose of this Call for Submission, Camera Ready (required for reproduction) means that a printing company can use the 300 dpi digital art file “as is” and that no file editing on their end is required to print your artwork.
4. If an artwork is selected, award will be paid to Artists by direct deposit or by check upon:
 - a.) City and Artist entering into a Licensing Agreement for City’s use of Artist’s work,
 - and b) City’s confirmation of camera-ready art and approval of final narrative.

An example of the Licensing Agreement that includes the terms of agreement and scope of work is attached to the downloadable PDF version of the Call for Submissions as an Exemplar; it [is accessible on-line here](#). If you cannot access the Exemplar via the Internet, please request a copy be mailed to you prior to the submittal deadline so you may review it in advance of your submission.

VIII. HOW TO SUBMIT

APPLICATION DEADLINE

Entries (described below) must be received by the CaFÉ™ submittal deadline of 10:59 PM Pacific Time on October 18, 2023.

APPLICATION PROCESS

All materials will be submitted online, via CaFÉ™ website (www.callforentry.org); there are no exceptions. There is no Application fee to apply or to use the CaFÉ™ online system. To view the Application, go to www.callforentry.org, register a username and password, navigate to “Apply to Calls”, and search the list for “**San José Artists: 2-D Artworks for Office of Emergency Mgt.**”

Assistance in using the CaFÉ™ system is available during regular business hours by calling 303- 629-1166 or 1-888-562-7232, or via e-mail at cafe@westaf.org.

REQUIRED SUBMITTAL MATERIALS

The submission must include the information and materials described below all of which are required to constitute a complete submission (“Submission”). **Incomplete submissions will not be considered or reviewed.**

1. **Image of Work:** Submission shall include a visual representation of artwork. Whether submitting as a solo Artist or in collaboration with others, Artist may submit one artwork for consideration. Artwork must be submitted as a 300 dpi digital art file.
2. **Title and Specific Concept Statement about artwork submitted:** Indicate the title and date of completion for the artwork submitted. Also, include a brief conceptual statement (up to 150 words) reflecting on the artwork and/or commenting on what inspired or compelled its creation. If selected, this statement may be incorporated into the installation and/or posted on social media and the City’s website.
3. **Artist Perspective:** A paragraph (up to 250 words per submission) in the Artist’s own words describing their artistic practice and unique perspective, and Artist’s personal connection to San José. This statement, in whole or in part, may accompany the artwork’s presentation on the City’s website.
4. **Artist CV/Resume:** Submission shall include a current résumé that outlines your professional accomplishments as an Artist (maximum of 2 pages).

IX. EVALUATING SUBMISSION

A. **Responsiveness of Submission:** A submission that is not current, accurate and/or completed in accordance with the requirements of this Call will be deemed non-responsive and will be eliminated by the City from further consideration. Notwithstanding the foregoing, the City reserves the right to waive minor irregularities in a Submission.

B. **Supplemental Information:** The City reserves the right to require any or all Artists to provide supplemental information clarifying the submitted materials.

C. **Consideration of Information Outside the Submission:** The City has the right to conduct a further and independent investigation of the information provided in an application. This includes contacting and speaking with references. The evaluation panel may use any relevant information gathered by such investigation – and any other information that comes to the attention of the City – to evaluate an Artist.

X. COMMUNICATIONS REGARDING THIS CALL FOR SUBMISSIONS

A. **Submitting a Question or Objection:** Artists must submit any questions and/or objections to this Call to the Contact Person:

Lynn Rogers, Senior Project Manager
lynn.rogers@sanjoseca.gov

Questions and/or objections must be submitted via email. Contacting any City representative(s) other than the Contact Person about this Call is prohibited and is grounds for disqualification.

B. **Content of Question or Objection:** Questions and/or objections must be as specific as possible and must identify the section number and title at issue in the Call. An Artist submitting

an objection must describe the objection, as specifically as possible, and set forth the rationale for the objection.

C. The Deadline for Submitting Questions and/or Objections as noted in the schedule referenced in Section V above.

D. City's Issuance of Addenda, Notices and Answers to Questions: The City will post all addenda and notices regarding this Call for Submission. The City may provide a written response to any question(s) and/or objection(s) in the form of a single answer or by issuing an addendum.

E. Artists are Responsible for Checking CaFÉ™: The addenda, notices and answers to questions issued by the City become part of this Call for Submission. Each Artist is responsible for checking [the City of San José Public Art Program website's "For Artist"](#) for addenda, notices and answers to questions. In the event an Artist obtains this Call for Submission through any means other than CaFÉ™, the City will not be responsible for the completeness, accuracy, or timeliness of the final Call document.

F. Relying on Other Written or Oral Statements Prohibited: Artists can rely only on this Call and any subsequent addenda, notices and answers issued by the City. Artists cannot rely on any other written or any oral statements of the City or its officers, Directors, employees or agents regarding the Project or the Call.

XI. PROTESTS

A. If an interested party wants to dispute the award recommendation, they must submit their protest in writing to the City's Public Art Director no later than five (5) business days after the Recommendation of Award is approved by the Public Art Committee, detailing the grounds, factual basis, and providing all supporting information. Protests will not be considered for disputes of requirements or specifications, which must be addressed in accordance with the Objections Section above. Failure to submit a timely written protest to the contact listed below will bar consideration of the protest.

B. Protests must be addressed to the following:

Office of Cultural Affairs
Attention: Michael Ogilvie
200 E. Santa Clara Street, 12th Fl.
San José, CA 95113

C. Grounds for which No Protest is Allowed: There is no right to protest based on the following:

- Incomplete (non-responsive) applications;
- Late submission of applications; or
- A dispute regarding the application requirements and/or specifications that could have been addressed by submitting a question and/or objection in accordance with Section X.

D. Director's Decision: The Director or an appropriate designee of the Director will issue a written decision on any protest. The Director, or designee, may base the decision on the written protest alone or may informally gather evidence from the Artist filing the protest or any other person having relevant information. The Director's decision is final.

XII. GROUNDS FOR DISQUALIFICATION

A. All Artists are expected to have read and understand the "Procurement and Contract Process Integrity and Conflict of Interest", Section 7 of the Consolidated Open Government and Ethics Provisions adopted on August 26, 2014. A complete copy of [the Resolution 77135 can be found here.](#)

Any Artist who violates the Policy will be subject to disqualification. Generally, the grounds for disqualification include:

1. Contact regarding this procurement with any City official or employee or Evaluation team other than the Procurement Contact from the time of issuance of this solicitation until the end of the protest period.
2. Evidence of collusion, directly or indirectly, among Artists in regard to the amount, terms, or conditions of this proposal.
3. Influencing any City staff member or evaluation team member throughout the solicitation process, including the development of specifications.
4. Evidence of submitting incorrect information in the response to a solicitation or misrepresent or fail to disclose material facts during the evaluation process.

B. In addition to violations of Process Integrity Guidelines, the following conduct may also result in disqualification:

1. Offering gifts or souvenirs, even of minimal value, to City officers or employees.
2. Existence of any lawsuit, unresolved contractual claim or dispute between Artist and the City.
3. Evidence of Artist's inability to successfully complete the responsibilities and obligations of the proposal.
4. Artist's default under any City Special Purchase Demand, resulting in termination of such Purchase Order.

XIII. MISCELLANEOUS PROVISIONS

A. City's Right to Terminate Process: The City reserves the right to terminate this Call at any time.

B. Costs of Preparing Submission: Artist bears all costs associated with its efforts in responding to this Call.

C. Gifts Prohibited: Chapter 12.08 of the San José Municipal Code generally prohibits a City officer or designated employee from accepting any gift(s). The Artist selected as a result of this procurement will be required to comply with [Chapter 12.08 accessible here.](#)

- By submitting a response to this Call, the Artist represents that:
 - It is familiar with the requirements of Chapter 12.08, and
 - It has complied with, and throughout the remainder of this application process will continue to comply with, the requirements of Chapter 12.08.

The Artist's failure to comply with Chapter 12.08 at any time during this process is a ground for disqualification.

D. Discrimination: It is the City's policy that the selected Artist shall not discriminate, in any way, against any person on the basis of race, sex, color, age, religion, sexual orientation, actual or perceived gender identity, disability, ethnicity, or national origin, in connection with or related to the performance of City of San José contracts.

E. Public Nature of Submissions: All applications and submissions and other correspondence with the City regarding this Call become the exclusive property of the City and become public records under the California Public Records Act (California Government Code Section 6250 et seq.) All submissions and other correspondence will be subject to the following requirements:

1. The City has a substantial interest in not disclosing submissions during the evaluation process. For this reason, the City will not disclose any part of the Application before it issues the Final Notice of selection. After issuance of the Final Notice of selection, all submissions will be subject to public disclosure.
2. There are a limited number of exceptions to the disclosure requirements under the Public Records Act, such as for trade secret information. The City is not in a position to determine what information in a submission, if any, may be subject to one of these exceptions. Accordingly, if an Artist believes that any specific portion of its submission is exempt from disclosure under the Public Records Act, the Artist must mark the portion of the submission as such and state the specific provision in the Act that provides the exemption and the factual basis for claiming the exemption. For example, if an Artist believes a submission contains trade secret information, the Artist must plainly mark the information as "Trade Secret" and refer to the appropriate section of the Public Records Act, which provides the exemption for such information and the factual basis for claiming the exemption.
3. If a request is made for information in a submission that an Artist has properly marked as exempt from disclosure under the Public Records Act (e.g. information that the Artist has marked as "Confidential", "Trade Secret" or "Proprietary"), the City will provide the Artist with reasonable notice of the request and the opportunity to seek protection from disclosure by a court of competent jurisdiction. It will be the Artist's sole responsibility to seek such protection from a court.
4. Any submission that contains language attempting to make all or significant portions of the submission exempt from disclosure or that fails to provide the exemption information required above will be considered a public record in its entirety. Therefore, do not mark your entire submission as "confidential," "trade secret," or "proprietary."

F. Environmentally Preferable Procurement Policy: The City has adopted an "Environmentally Preferable Procurement" (EPP) policy. The goal is to encourage the procurement of products and services that help to minimize the environmental impact resulting from the use and disposal of these products. These products include, but are not limited to, those that contain recycled content, conserve energy or water, minimize waste or reduce the amount of toxic material used and disposed. Computers and other electronics are a growing focus of environmentally preferable purchasing activities due to their high prominence in the waste stream, their numerous hazardous chemical constituents, and their significant energy use. Moreover, when these products are improperly disposed of they can release hazardous substances that pollute the environment.

1. In support of this policy, the selected Artist will be required to work with the City to apply this policy where it is feasible to do so. In addition, Artists should address any environmental considerations with their proposal response.
2. The entire [EPP policy may be found in the City's internet site here.](#)

G. Unfair Competitive Advantage:

1. The City seeks applications for this Call through a competitive, impartial process in which all Artists are treated fairly. An Artist that has an actual or apparent unfair competitive advantage jeopardizes the integrity of the competitive process.
2. A number of different situations can give rise to an actual or apparent unfair competitive advantage. Most commonly, an actual or apparent unfair competitive advantage arises because the Artist has unequal access to nonpublic information or unique insight into the scope of work. Whether an unfair competitive advantage exists depends on the specific facts of each situation.
3. The existence of an unfair competitive advantage is a basis for the City to disqualify an Artist's participation in this Call. If the City determines that an Artist is disqualified because of the existence of an unfair competitive advantage, it will provide the Artist with a written statement of the facts leading to its conclusion that an unfair competitive advantage exists. The Artist may protest the determination in accordance with Section XI of this Application. Notwithstanding anything to the contrary in Section XI, the Artist shall submit its written protest no later than 5 business days after the date of the City's letter of disqualification.
4. The Artist represents that before submitting a response to the Call it investigated and considered the issue of potential unfair competitive advantage, including considering any subconsultants it has worked with. By submitting a response to the Call, the Artist further acknowledges that performing the work resulting from this Call potentially could be the basis of creating an actual or apparent unfair competitive advantage for any future work. The City strongly advises Artists to consult with their legal counsel regarding these issues.

H. Disqualification of Former Employees:

1. Chapter 12.10 of the City's Municipal Code generally prohibits a former City officer or "designated employee", as defined in Chapter 12.10, from providing services to the City connected with his/her former duties or official responsibilities. The Artist selected as a result of this process will be prohibited from either directly or indirectly using any former City officer or designated employee to perform services in violation of Chapter 12.10.
2. By submitting a response to this Call, the Artist represents that:
 - It is familiar with the requirements of Chapter 12.10, and
 - Its response to this Call does not contemplate the use of any former City officer or designated employee in violation of Chapter 12.10.
3. The Artist's failure to comply with Chapter 12.10 at any time during this application process is a ground for disqualification

I. All applicants must be at least 18 years of age and have all necessary documentation and permits to work in the United States at the time of submittal of qualifications.

J. The City of San José reserves the right in its sole discretion to reject any or all applications, proposals, applicants, or projects, and to modify or terminate the application process or the selection process for any reason and without prior notice.

K. Applicant agrees that any and all materials submitted pursuant to this Application for entry become the property of the City of San José and shall not be returned to Applicant. Notwithstanding the foregoing, Applicant shall retain all copyright in the work, which may be held by Applicant.