

County of Santa Clara: Public Art Collection at Valley Health Clinic - Morgan Hill

CALL FOR ARTWORK SUBMISSIONS FROM ART GALLERIES WORKING WITH LOCAL ARTISTS

This opportunity is INVITATIONAL ONLY

A. BACKGROUND

The County of Santa Clara, in coordination with its contracted curators, will curate an installation of approximately 50 artworks, new or previously created, for permanent display at the County of Santa Clara's Valley Health Clinic (VHC) in Morgan Hill, California. The installation of this collection will be primarily in the clinic's public facing areas, such as the waiting rooms, corridors, and exam rooms.

Selection of artworks will be guided by the Board of Supervisors' goals to support the local arts community and do so in a way that reflects our community and our local environment; to foster pride in the county and provide a sense of place; and, in addition, to select works that will be sensitive to the location and the hospital client population.

B. INTRODUCTION

Approximately 50 artworks, new or previously created (at any time), will be selected for permanent display at Valley Health Clinic in Morgan Hill.

C. PROJECT SUMMARY

Local art galleries and non-profit arts organizations (Proposers) are invited to submit up to twenty (20) new or previously created 2-dimensional artworks for consideration. Artwork that is selected from this consideration will be purchased by County and installed at the Valley Health Clinic (VHC) in Morgan Hill. Submissions will be received electronically via CAFÉ, and if selected, will be delivered for installation to VHC. Artwork must be professionally mounted for display, and City will provide input on the framing to ensure there is cohesiveness within the collection. Both portrait and landscape orientation will be accepted. All copyrights will remain with the artists. Artwork will be documented and shared on the County website and social media platforms for further reach and promotion.

Artists whose work may be appropriate for this opportunity include but are not limited to: painters, muralists, graphic artists, photographers, and poets who can present their work visually and two-dimensionally.

Themes may include but are not limited to: healthcare and wellness; healing environments; supporting the physical, mental, and emotional recovery of patients; fostering a positive environment that reduces stress and provides an opportunity for self-expression; relief from anxiety and pain; and relating to local history and diversity of the population.

Final recommendations will be curated by local arts professionals, artists, and the County's contracted curator, with final approval of artwork selections from the County of Santa Clara. Selection criteria will include the aesthetic integrity of the work and how it aligns with the

opportunity of this Call. The aspiration is that the imagery will foster a positive environment that reduces stress and supports the physical, mental, and emotional recovery of patients.

By invitation only, Proposers may submit up to 20 artworks for consideration. For each artwork purchased the artist will retain all copyrights in any and all documents, studies, drawings and the like which were developed by the artist in the course of development of the artwork. However, the artist will be required to expressly agree waive any and all rights to the artwork the artist may have pursuant to Title 17 of the U.S. Code Section 106A, (commonly known as the "Visual Artists Rights Act of 1990" or "VARA") and the California Art Preservation Act, California Civil Code Sections 987 and 989 (CAPA). Proposers whose artwork is selected will need to provide signed VARA/CAPA waivers from each artist prior to conclusion of purchase. In addition: County shall have the right to reproduce artwork for any non-commercial, County-related purposes; to move, relocate or remove the artwork from the intended location; to store or dispose of the artwork as County deems appropriate; and to loan the artwork as County deems appropriate.

D. AWARDED COMPENSATION

Proposers will be awarded \$2,500 per selected artwork submission, with a suggested 50-50 split with the original artist. There is no guarantee an artwork will be selected. The maximum compensation to a Proposer is not to exceed \$50,000.

Once notified of award, Proposers will enter into a Purchase Agreement with the County for the number of artworks selected, and upon execution will be required to deliver framed and ready-to-hang artwork to VHC. Payment will be made after artwork is delivered ready-to-hang to VHC. For the purpose of this Call for Submission, **ready-to-hang** means that the 2-D artwork is professionally framed with archival materials, in a frame that matches the aesthetic qualities of the site and per advisement of the City and County and is mounted appropriately with D-rings and hanging wire. Sawtooth hangers and keyhole hangers will not be accepted.

E. SCHEDULE

- January 22, 2024 – Invitation sent.
- February 2, 2024 – Deadline for submitting objections to the form and structure, content, and distribution of this Call.
- February 29, 2024– Submission Deadline: Applications (defined below) are due, and will be submitted through CAFÉ (www.callforentry.org)
- Week of March 4, 2024 – Applications reviewed by curatorial panel. Notifications of artwork selection will be released shortly thereafter.
- March 18, 2024 – April 12, 2024 - Artwork purchase orders created through County.
- April 22 – 26, 2024 – Delivery of selected Artworks to VHC.
- April 29 – May 3, Artwork installation at VHC.
- May 10, 2024 Installation complete

F. GALLERY AND/OR NON-PROFIT ELIGIBILITY

A gallery and/or non-profit arts organization located within Santa Clara County, CA and invited to participate are eligible.

G. AGREEMENT TERMS

Award will be paid upon 1) County confirmation of receipt of ready-to-hang artwork, and 2) upon receipt of invoice. Proposers will be required to submit a Tax ID to receive payment. The County's standard terms and conditions are accessible on the [County's website](#).

If you cannot access the Terms 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.

H. SUBMISSION DEADLINE

Submissions (described below) must be received prior to 11:59p.m. (PST) Friday, February 29, 2024

I. APPLICATION PROCESS

All materials will be submitted online, via CaFÉ™ website (www.callforentry.org). 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 "Valley Health Center – Morgan Hill."

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.

J. REQUIRED APPLICATION MATERIALS

The application submission must include the information and materials described below all of which are required to constitute a complete application ("Application").

1. **Image of Work:** Application shall include visual representations of artwork. Proposers are invited to submit up to twenty (20) original artworks created by artists they represent. Each submitted artwork must be available for purchase for \$2,500 or less.
2. **Slide list:** Application shall include the name of the artist, title of the artwork, dimensions (height x width) in inches of the artwork and the cost for each artwork not to exceed \$2,500 per artwork, and a total for all artworks not to exceed \$50,000.
3. **Gallery and/or Non-profit Conceptual statement:** A written statement of no more than 500 words that articulates the conceptual approach of the artists and artworks submitted to this Call.
4. **Proposer's Declaration:** Proposer must complete the DECLARATION SUBMITTAL FORM containing Non-Collusion Declaration, Declaration of Local Business, and Declaration of Compliance with Equal Opportunity/Nondiscrimination, Wage Theft Prevention, and Declaration of Compliance with the Levine Act.

Incomplete Applications will not be reviewed.

K. EVALUATING APPLICATIONS

1. **Responsiveness of Applications:** An application 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 County from further consideration. Notwithstanding the foregoing, the County reserves the right to waive irregularities in an application.
2. **Supplemental Information:** The County reserves the right to require any or all Proposers to provide supplemental information or clarify the submitted materials.
3. **Consideration of Information Outside the Application:** The County 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 County – to evaluate a given proposal.

L. COMMUNICATIONS REGARDING THIS CALL FOR SUBMISSIONS

1. **Point of Contact:** Proposers must submit any questions and/or objections to this Call to the Contact Person: Cynthia Cao, Arts Program Coordinator, Cynthia.Cao@sanjoseca.gov
2. Questions and/or objections must be submitted via email. Contacting any County representative(s) other than the Contact Person about this Call is prohibited and is grounds for disqualification.
3. **Content of Question or Objection:** Questions must be as specific as possible and must identify the section number and title at issue in the Call.
4. **Deadline for Submitting a Question and/or Objection:** Proposer must submit any questions no later than the Deadline for Submitting Questions as noted in the schedule referenced in Section E above.
5. **County's Issuance of Addenda, Notices and Answers to Questions:** The County will post all addenda and notices regarding this Call for Submission. The County may provide a written response to any question(s) in the form of a single answer or by issuing an addendum.

M. PROTESTS

The County's Protest Process is located on the [Procurement Department's website](#) and is [linked here](#).

N. MISCELLANEOUS PROVISIONS

1. **County Rights:**
The County reserves the right to do any of the following at any time:

- a. Reject any or all submissions;
 - b. Waive or correct any defect, irregularity or error in this Call;
 - c. Request that Proposers supplement or modify all or certain aspects of their proposals or other documents or materials submitted;
 - d. Terminate the Call, and, at its option, issue a new Call;
 - e. Procure any product or services specified in this Call by any other means;
 - f. Modify the selection process, the specifications or requirements for materials or services, or the contents or format requirements for proposals;
 - g. Extend a deadline specified in this Call, including deadlines for accepting proposals;
 - h. Negotiate with any or none of the Proposers;
 - i. Modify in the final agreement any terms and/or conditions described in this Call;
 - j. Terminate failed negotiations with a Proposer without liability, and negotiate with other Proposers;
 - k. Disqualify any Proposer on the basis of a real or apparent conflict of interest or evidence of collusion evaluated by the County;
 - l. Eliminate, reject or disqualify a proposal of any Proposer who is not a responsible Proposer or fails to submit a responsive offer as determined solely by the County; and/or
 - m. Accept all or a portion of a Proposer's proposal.
2. **Incurring Costs:** Proposers will bear all costs associated with its efforts in responding to this Call. This Call does not commit the County to award, nor does it commit the County to pay any cost incurred in the submission of the proposal, or in making necessary studies or designs for the preparation thereof, nor procure or contract for services or supplies. Further, no reimbursable cost may be incurred in anticipation of a contract award.
 3. **Claims Against the County of Santa Clara:** Neither Proposers' organization nor any of their representatives shall have any claims whatsoever against the County or any of its respective officials, agents, or employees arising out of this Call or these procedures.
 4. **No Public Proposal Opening:** There will be no public opening for this Call.
 5. **Gifts Prohibited:** Board Policy 5.2.5.2(H) provides that County employees that are involved in the making of a contract are prohibited from accepting gifts from the contractor under that contract, unless it falls under an exception approved by County Counsel.
 6. **California Public Records Act (CPRA):** All proposals become the property of the County, which is a public agency subject to the disclosure requirements of the California Public Records Act ("CPRA"). If Proposer asserts information contained in documents submitted to County is exempt from disclosure under the CPRA, proposer must clearly mark such information "CONFIDENTIAL," and identify the specific lines containing the information. In the event of a request for such information, the County will make reasonable efforts to provide notice to proposer prior to disclosure. If Proposer wishes to prevent disclosure, it is required to obtain a protective order, injunctive relief or other appropriate remedy from a court of law in Santa Clara County before the County's

deadline for responding to the CPRA request. If proposer fails to obtain such remedy within County's deadline for responding to the CPRA request, County may disclose the requested information without penalty or liability.

Proposer further agrees that it shall defend, indemnify and hold the County harmless against any claim, action, litigation, damage or injury (including but not limited to all judgments, costs, fees, and attorney's fees) that may result from partial or complete denial of access to, or non-disclosure or redaction of, documents arising from any representation, or any action (or inaction), by the proposer.

7. **Sustainable Purchasing Policy:** The Board of Supervisors has adopted Board Policy 5.15 – Sustainable Purchasing Policy. The goal is to encourage the procurement of products and services that embody the County's commitment to sustainability. Sustainable purchasing is purchasing that considers social, human health, environmental, and economic impacts, while supporting a diverse, equitable, and vibrant community and economy.

In support of this policy, the selected Proposer will be required to work with the County to apply this policy where it is feasible to do so. In addition, Proposer should address any environmental considerations with their proposal response. [Board Policy 5.15](#) can be found on the County's website.