

Holding the Moment: A Public Art Initiative Responding to COVID-19
The City of San José Public Art Program
Office of Cultural Affairs (OCA) / Office of Economic Development (OED)

CALL FOR LOCAL ARTIST SUBMISSIONS
This opportunity is open to San José Artists

Application Deadline: **Tuesday, August 18, 2020 11:59 p.m. MDT.**

I. BACKGROUND

The COVID-19 virus is an unprecedented health and economic crisis that is changing our lives. We are bearing witness to rapid loss of life and increasing suffering caused by loss of jobs. Enterprises of all sizes, and in most sectors, have been economically crushed by quarantines. School closures have impacted education. The stay-at-home order interrupted the nature of how we connect with one another. It is a time where counterintuitively we are being called to *be still* vs. *do more*. We don't know how deep, long, or widespread the impacts will ultimately be, but it is clear that our community will be changed.

It is in these times of profound change artists can help our communities make sense of it all by reflecting on, and interpreting, the world around us. Recognizing our creative community is among those economically impacted by COVID-19, with the following initiative we have an opportunity to engage, and award, their valued aesthetic perspective.

II. INTRODUCTION

Approximately 90 artworks, new or previously created (at any time), will be selected for a series of six one-month installations. The opportunity of this initiative is to reflect on the inversion of 'normalcy' we have been experiencing and envision a new normal; it is an opportunity to consider what has been, what is, and to imagine what shall be.

III. PROJECT SUMMARY

San José artists are invited to submit *new or previously created* 2-dimensional work, conceptually relevant to this time. Selected work will be included in a serial exhibition in the San José Airport Terminal B Showcases. Submissions will be received electronically via CAFÉ, and if selected, reproduced by the City in a poster-like format, and mounted for display in a standard size (likely 18" x 24"). Both portrait and landscape orientation will be accepted. All copyrights will remain with the artists and City-produced prints will be gifted to artists upon de-installation. Work will also be

documented and shared on the City’s 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: reflections on sheltering in place; scenes from quarantine; impact on the individual, community, society; meanings of community in this unprecedented time; loss; images of a new normal; and the emergence of heroes and leaders.

Final selections will be curated by a panel of artists, arts professionals, and a representative of the airport. Selection criteria will include the aesthetic integrity of the work, the power of its conceptual statement, and how it aligns with the opportunity of this initiative. The aspiration is that the combination of imagery and its conceptual statement will in some way move and/or provide a compelling reflection on this time.

Whether submitting as a single artist or in collaboration, Artist may submit up to 3 artworks for consideration.

IV. AWARDED COMPENSATION

Artists will be awarded \$2,500 per selected submission. Artists may receive no more than 2 awards.

Once notified of award, Artist will enter into a Special Purchase Demand (see Section VII below). Payment will be made after submission of camera-ready artwork, and acceptance of final narrative, that may require edits as agreed to by Artist and City). For the purpose of this Call For Submission, **Camera Ready** means that the printing company can use the 300 dpi digital art file “as is” and that no file editing on their end is required to start printing your artwork.

V. SCHEDULE

- **July 15, 2020 – Call for Submission (“Call”)** released
- **July 21, 2020** – Deadline for submitting objections to the form and structure, content, and distribution of this Call.
- **August 18, 2020 – Submission Deadline:** Applications (defined below) are due, and will be submitted through CaFÉ™ (<http://www.callforentry.org>), per instructions below.

- **Week of August 31, 2020** -- Applications reviewed by curatorial panel with notifications of selection will be released shortly thereafter.

VI. ARTIST ELIGIBILITY

Visual artists with either a physical or studio address within San José, CA are eligible.

VII. AGREEMENT TERMS

Award will be paid by check upon via a Special Purchase Demand (SPD) upon: 1) City's confirmation of camera-ready art and approval of final narrative and 2) upon receipt of invoice. Artists will be required to submit a Tax ID or Social Security Number to receive payment.

An Exemplar of the Special Purchase Demand Award Terms is attached to the PDF version of this Call for Submissions on Page 11 (also accessible on line here: <https://www.sanjoseca.gov/your-government/departments/office-of-cultural-affairs/public-art/for-artists>).

VIII. APPLICATION REQUIREMENTS

APPLICATION DEADLINE

Applications (described below) must be received prior to 11:59 p.m. (MDT) **Tuesday, August 18, 2020.**

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 "Holding the Moment."

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 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. Whether submitting as a solo artist or in collaboration with others, artist may submit up to three (3) artworks for consideration.
2. **Title and Specific Concept Statement about artwork(s) submitted:** Indicate the title for each artwork submitted. Also for each artwork submitted, include a

brief conceptual statement 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. (Up to 150 words per artwork).

3. **Artist Perspective:** Paragraph in the artist's own words describing their artistic practice and unique perspective, and artist's personal connection to San José. (Up to 250 words per submission). This statement, in whole or in part, may accompany the artwork's presentation on Social Media platforms.
4. **Artist CV/Resume:** Application shall include a current résumé that outlines your professional accomplishments as an artist (maximum of 2 pages).

Incomplete Applications will not be reviewed.

IX. EVALUATING APPLICATIONS

A. 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 City from further consideration.

Notwithstanding the foregoing, the City reserves the right to waive minor irregularities in an Application.

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 Application: 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. AIRPORT-SPECIFIC PROCUREMENT PROVISION

Title VI Solicitation Notice:

The City, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 USC §§ 2000d to 2000d-4) and the Regulations, hereby notifies all applicants that it will affirmatively ensure that any contract entered into pursuant to this Call For Submission, disadvantaged business enterprises will be afforded full and fair opportunity to submit in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

XI. 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: Mary Rubin, Senior Project Manager: mary.rubin@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. Deadline for Submitting a Question and/or Objection: Artists must submit any questions or objections no later than 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" (<https://www.sanjoseca.gov/your-government/departments/office-of-cultural-affairs/public-art/for-artists>) for addenda, notices and answers to questions. In the event an Artist obtains this Call for Submission through any means other than to 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.

XII. 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
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 XI**.

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.

XIII. 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 at: <https://www.sanjoseca.gov/home/showdocument?id=19565>.

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.

XV. 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 Submittal: 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 (https://library.municode.com/ca/san_jose/codes/code_of_ordinances?nodeId=TIT12E_TOPGPR_CH12.08PRGI).

- 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 at the following link: <https://www.sanjoseca.gov/your-government/environment/business-school-resources/for-schools/environmentally-preferable-procurement>

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 XII of this Application. Notwithstanding anything to the contrary in Section XII, 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.

The Artist's failure to comply with Chapter 12.10 at any time during this application process is a ground for disqualification

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.

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.

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.

If selected for a public art commission, Applicant will be required to enter into an Special Purchase Demand 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). Special Purchase Order Terms is on Page 11 of this Call for Submissions as an Exemplar.

(Exemplar scope of work and award on next page)

EXEMPLAR
SINGLE PAYMENT DEMAND SCOPE OF WORK AND AWARD TERMS
Holding the Moment: A Public Art Initiative Responding to COVID-19

I. General Description of Project:

The City of San José’s Office will cause an installation of approximately 90 artworks, new or previously created, to create six one-month installations reflecting, commenting, and interpreting the aftermath of COVID-19. The installations will be located in the Norman Y. Mineta Airport Terminal B, in large Showcases centrally located between Baggage Claim and Ticketing. The artworks will also be posted on social media for further exposure.

In response to City’s Call for Submittals, dated July 15, 2020 (“Call”), Artist responded with an application. Based on review and recommendation by a professional jury, and approval by the San José Public Art Committee, the following artwork(s) were selected for display:

1. [Title]
2. [Title]

The City will be responsible for printing artwork, installation of work on-site at the San José Airport, and disseminating via its social media channels.

II. Artist Deliverables:

Artist deliverable under this single payment demand are as follows:

1. Artist will provide camera-ready artwork (as defined in the Call for Submission) to the specifications required by City in order to produce work for final display. Specific file format and specifications to be determined. Artist understands that City will be responsible for printing final Artwork from digital files. Final dimensions may vary from Artists’ original.
2. Artist, in collaboration with City staff, and others as required, will work to finalize text narrative providing context for the artwork. Text may be included on-site at the airport or as part of social media postings.
3. Once display period is completed, Artist will pick up final artwork print from San Jose Airport Administrative Offices, at a mutually agreed to time.

III Schedule

Transmittal of camera-ready art: Within 7 days of notification of artwork selection, Artist will email Public Art Project Manager camera ready art in agreed to digital file format.

Finalization of Narrative Statement: Recognizing that time is of an essence, Artist will work responsively with Public Art Project Manager to expedited approval of text edits as mutually agreed to by Artist and City.

IV Payment

Payment: Upon confirmation of camera-ready art and approval of final narrative Artist will submit an invoice in the amount of:

Amount: [based on number of qualifying entries]

Invoice shall also include Artist name, address, phone, email and either Tax ID or Social Security Number.

Payment will be made by check within 30 calendar days upon receipt of invoice.

V. Copyrights

Artist is the sole and absolute owner of the Artwork and the Artwork Design, and the copyrights pertaining to the Artwork, and all the rights associated or relating to it. Artist authorizes City to make, and to authorize the making of, photographs and other two-dimensional reproductions of the Artwork for educational, public relations, arts promotional and other noncommercial purposes.

VI. Acknowledgement

Artist is required to respond to this award notification as an acknowledgment of receipt of scope of work and understanding terms required for payment. This acknowledgement shall be in writing; email to mary.rubin@sanjoseca.gov is acceptable form of acknowledgment.