

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

**Public Art Project Artist Call:
Fire Department Training Center and Emergency Operations Center**

CALL FOR LOCAL ARTIST - SUBMISSIONS NOTICE:

This opportunity is open only to visual artists who maintain either a residential or studio address within one of the following Bay Area counties: Santa Clara, Alameda, San Francisco, San Mateo, Santa Cruz, Contra Costa, Marin, Napa, Sonoma or Solano. Submittals by artists who do not meet this requirement are ineligible and will be eliminated from consideration for this project. (See Section VI - Artist Eligibility.)

Submission Deadline:

Wednesday, April 14, 2021 10:59 p.m. Pacific Time (11:59 p.m. Mountain Time)

I. OVERVIEW

The City of San Jose is seeking an artist or artist team to create a public art treatment for the exterior of the new joint facility that will house the Fire Department Training Center and the Emergency Operations Center. Possible art enhancement will need to be either 2-dimensional or bas-relief and may include but is not limited to: laser or water jet cut metal panels, modular aluminum façade panels, textured architectural foam, low-relief 3-dimensional wall panels made of lightweight composite materials, lightweight foam cladding, lightweight fiber cement façade materials, etc. Artist will be expected to deliver a custom design that uses materials with superior external longevity. **No painted murals will be permitted on this project**, however, artists with 2-dimensional skills are encouraged to apply if they can adapt their designs to an architectural material that can be installed on the building and have experience doing this. The budget for the project will be up to \$300,000 (see Section IV Public Art Budget).

Image 1



II. BACKGROUND

The City of San Jose is building a new public safety facility that will house two important operations: the City's Fire Department Training Center and the Emergency Operations Center. These are separate departments which provide distinct services that will be housed in a single, co-joined structure. The facility is fully-designed; construction will start in the late spring, and is expected to be fully-completed in December, 2022.

III. OPPORTUNITY

The City of San Jose is seeking an artist or artist team to create a public art surface enhancement for the exterior of the new joint facility that will house the Emergency Operations Center and the Fire Department Training Center. Due to architectural constraints, the possible sites and treatments are limited to specific locations on the façade of the building. Opportunity is for a 2-dimensional or low-relief surface enhancement on the building's Senter Road plaster façade (image 2) which would integrate well with the facility architecture, or a thin sculptural metal grid façade or laser/water cut panels primarily self-supported and with minor attachments to wall.

Image 2



IV. PUBLIC ART PROJECT BUDGET

The funding for this public art project is up to \$300,000, for design development, fabrication, and installation. This amount also includes a mandatory contingency holdback equivalent of 10% of the approved fabrication/installation budget.

The project funding is allocated as follows:

- **Design:** \$45,000 for completion of all steps of the design phase from concept development through and including the submittal of construction documentation prepared by a licensed engineer.
- **Fabrication & Installation:** Up to \$255,000. The actual amount of funding for fabrication and installation will be determined by the artist's design and supporting detailed fabrication and installation budget proposal that is approved by the City as part of the design phase of the process. The budget proposal will include the mandatory contingency fund hold back of up to \$25,500 to cover unanticipated costs that are the result of critical, unforeseen circumstances which impact the artist's ability to deliver the project.

The project funding must cover all expenses related to the research, investigation, design, engineering, fabrication and installation of the artwork including, but not limited to: design time and fees; design documents, renderings and/or other media as required to communicate artist's concept design to stakeholders and approving bodies; signed and certified structural, electrical and/or other construction/engineering drawings and specifications, required for fabrication; fabrication of the artwork; transportation and installation of materials, transportation and accommodations for artist(s); insurance and all other project related expenses.

V. SCHEDULE OVERVIEW (Dates may be subject to change.)

- **March 18, 2021** - Call for Submission ("Call") released.
- **March 22, 2021** - Deadline for submitting objections to the form and structure, content, and distribution of this Call.
- **April 14, 2021** - Submission Deadline: Applications (defined below) are due, and will be submitted through CaFÉ™ (www.callforentry.org).
- **Week of April 19, 2021** - Submittals reviewed by curatorial panel.
- **Week of April 29, 2021** - Possible interviews of a designated selection of finalists and final selection.
- **By May 21, 2021** - Artist contract and development of concept proposal.
- **May thru July 2021** – Artist engagement with base project team and stakeholders, and artist concept development.
- **August 3, 2021** - Artist presentation of concept proposal to Public Art Committee for approval.
- **October 5, 2021** - Artist presentation of final schematic and design development proposal to Public Art Committee for approval.
- **August 2021 - July 2022** - Fabrication and installation coordination with base project.
- **August 2022** – Public art project completion.

VI. ARTIST ELIGIBILITY

This opportunity is open only to visual artists/artist teams who maintain either a residential or studio address within one of the following Bay Area counties: Santa Clara, Alameda, San Francisco, San Mateo, Santa Cruz, Contra Costa, Marin, Napa, Sonoma or Solano.

One artist or artist team will be selected for the project. 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.

Submittals by artists who do not meet these requirements are ineligible and will be disqualified for consideration for this project.

VII. SCOPE OF WORK

The artist is responsible for the design, engineering, fabrication, and installation of the artwork within the given project budget. The artist will be asked to develop a design proposal with a detailed budget; the approved budget will determine the total fabrication and installation budget for the project.

Where possible, there may be coordination with other City departments to gain efficiencies in the construction or installation process that may benefit the public art project and optimize design opportunities.

It is expected that the artist will attend all meetings necessary for the design and successful completion of the project. These may include but are not limited to meetings with key stakeholders including community members and personnel and others, representatives of the Department, City public works staff and others involved in construction coordination. It will also include meetings of the City's Public Art Committee for approval of the concept and final design of the artwork. Meetings may be virtual (online) or in person depending on status of local and State COVID-19 Health Directives.

VIII. AGREEMENT WITH CITY

The artist or artist team selected for this commission will be required to enter into a Design/Build agreement with the City.

[A sample of the boilerplate Design/Build Agreement can be viewed here.](#)

If an artist or artist team cannot access the sample Agreement via the Internet, they can request a copy by mail prior to the submittal deadline so they can review it in advance of their submission.

IX. APPLICATION REQUIREMENTS

APPLICATION DEADLINE

Applications (described below) must be received prior to **10:59 p.m. Pacific Time (11:59 p.m. (Mountain Time) Wednesday, April 14, 2021.**

APPLICATION PROCESS

All materials must 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 (while submittal through CaFÉ is free to artists, any other potential costs associated with responding to this request are to be borne by the Artist.) To view the Application, go to www.callforentry.org, register a username and password, navigate to “Apply to Calls”, and search the list for “**City of San Jose Office of Emergency Management**”

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). Please review carefully as incomplete applications will not be eligible for consideration and will not be reviewed.

- A. **Images of Past Work:** Submissions must include visual representations of past or in-process artwork that demonstrate your qualifications for this project. The applicant must submit a total of 8 digital images that represent previously completed projects; no more than three (3) of these may be renderings of artworks not yet completed but in process. Proposal images from prior projects may be submitted, but should be clearly marked as proposals and cannot be more than 2 of the requested 8 images. Submissions must be completed electronically through the CaFÉ™ system. (Instructions on how to format images to CaFÉ™ specifications can be found on the CaFÉ™ website under Image Prep.)
- B. **Descriptions of Past Work:** Submission must include a list of the submitted project images with descriptions that clearly explain both the projects and images. Each image must include information about: a) title; b) date of completion; c) location; d) dimensions; e) significant materials; f) budget and g) description. If you were the member of a team or otherwise worked with other artists on a project you are submitting for consideration, please clearly state your actual role in the creation of the work.
- C. **Artist Statement of Interest in this project:** Submission must include a statement in the artist’s own words describing their artistic practice and unique perspective, and addresses key points including: What specifically interests you about this project? What interests you in the site or site opportunities? Do you have specific interests as an artist that you feel align well with a project of this nature?
- D. **Stakeholder Engagement/Community Outreach:** What is your public art experience engaging with clients and communities in development of your work? Given issues associated with COVID-19, how might you approach community and stakeholder engagement?
- E. **Résumé:** Submission shall include a current résumé that outlines your professional accomplishments as an artist (maximum of 5000 characters/equivalent of 2 pages; if a team, then 3000 character maximum for each team member.)

Please refer to CaFE for complete application requirements.

X. EVALUATION OF SUBMITTALS AND SELECTION PROCESS

Submissions will be reviewed and ranked by Selection Panel of project and community stakeholders and arts professionals, based on the following general criteria. Staff will preview all submissions for completeness prior to Selection Committee review and may reject incomplete applications, ineligible or non-responsive submissions. NOTE: Specific proposals are not requested and will not be reviewed at this time.

- A. Responsiveness of Application:** The panel will carefully review all materials submitted, in context of this particular project. 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 or artist team.
- D. General Review Criteria**
- Aesthetic excellence of past projects
 - Experience, success, and/or interest in creating public artworks in collaboration with stakeholder groups including public engagement, and interest in socially-distanced community engagement strategies.
 - Experience developing artworks in outdoor environments
 - Experience in construction materials and methods appropriate to the scope of the project
 - Demonstrated ability to manage projects on time and on budget.
 - Demonstrated delivery of projects with similar budgets and experience developing and implementing projects in public space of comparable scale.
 - Experience working with a government agency

The panel may choose to recommend one artist or artist team for the project or, at its discretion, may choose to recommend up to five finalists to be interviewed and the final selection will then be based on the outcome of the interview process.

XI. COMMUNICATIONS REGARDING THIS CALL FOR SUBMISSIONS

- A. Submitting a Question or Objection:** Artists must submit any questions and/or objections to this Call by email to the Contact Person:
Lynn Rogers, Senior Project Manager at 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. 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. 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 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, 12th Floor
 - 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;
 - Disqualification due to not meeting the **Eligibility Requirements** in **Section VI**.
 - 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. GROUND 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.
 5. Evidence of any wage theft judgements.

XIV. MISCELLANEOUS PROVISIONS

- A. City's Right to Terminate Process:** The City of San José reserves the right in its sole discretion to reject any or all submittals, applications, proposals, applicants, or projects, and to modify or terminate the application process or the selection process at any time for any reason and without prior notice.
- B. Costs of Preparing Submittal:** Artist bears all costs associated with its efforts in responding to this Call.
- C. Ownership of Submission:** Any and all materials submitted pursuant to this Call for Submissions become the property of the City of San José and shall not be returned to the artists or artist teams. Notwithstanding the foregoing, artists or artist teams shall retain all copyright in the work which may be held by the artists or artist teams.
- D. 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 or Artist Team 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=TIT12ET_OPGOPR_CH12.08PRGI).

By submitting a response to this Call, the Artist represents that:

- He/she is familiar with the requirements of Chapter 12.08, and
- He/she 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.

- E. 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 contracts.
- F. 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.”

G. 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>

H. 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 sub-consultants 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.

I. 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:
 - He/she is familiar with the requirements of Chapter 12.10, and
 - His/her 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.

XV. CONTACT INFORMATION FOR QUESTIONS

FOR QUESTIONS ABOUT THIS RFQ:

Please contact Lynn Rogers via email at lynn.rogers@sanjoseca.gov if you have questions about the project. No calls please. Any pertinent questions submitted prior to Friday, April 9, 2021 will be addressed by an addendum and posted on City website here: <https://www.sanjoseca.gov/your-government/departments/office-of-cultural-affairs/public-art/for-artists>

FOR QUESTIONS ABOUT CaFÉ™:

Please contact CaFÉ™ at cafe@westaf.org.