

**The City of San José Public Art Program
Office of Economic Development and Cultural Affairs (OEDCA)**

**Call to Artists:
Request for Qualifications (RFQ)
for the
City of San José - Public Artist Roster (Multi-Year, Multi-Project)**

SUBMITTAL DEADLINE (EXTENDED):

Wednesday, MAY 4, 2022 10:59 p.m. PT (11:59 p.m. MT)

This is an online-only application process and the deadline is not flexible.

I. INTRODUCTION

The City of San José's ("City") Office of Cultural Affairs' Public Art Program seeks to build community identity by initiating artworks that enhance the civic landscape and enliven the way in which people experience public spaces. Public art strives to reflect the City's diversity, historic richness, and envision its present and future. [Public Art Next!](https://www.sanjoseca.gov/home/showdocument?id=2118) (<https://www.sanjoseca.gov/home/showdocument?id=2118>), the City's public art master plan, frames the policies and procedures that guide the program.

The City is seeking experienced artists, or artist teams ("Artists"), to submit Statements of Qualifications for a Pre-Qualified Public Artist Roster ("Roster"). The purpose of the Roster is to serve as a resource for future public art selection panels, streamlining the artist selection process for a range of upcoming public art projects, primarily those associated with the construction of new civic buildings and facilities, parks, environmental services, transportation, and streetscape improvement projects throughout San José. Some projects may also offer opportunities for Artists to work as part of a design team along with the project architect/designer. The Roster may be used either in combination with an open call or invitational or as the sole resource for identifying appropriate artists/teams for a project.

There is strong interest in developing a robust roster that is inclusive of artists from a rich diversity of backgrounds and cultures and who reflect a wide range of experience levels, creative visions, aesthetics and approaches.

This opportunity is open to individual artists or artist-led teams working or living in the United States.

II. OPPORTUNITY: ROSTER OF PREQUALIFIED ARTISTS

Artists who are chosen for inclusion in the Roster will be eligible to be considered for future public art projects in San José. Inclusion in the final Roster will be for a period of five years. The Roster will include, but is not limited to, site responsive visual artists who specialize in the following categories:

- Architecturally integrated: work designed as part of civic infrastructure. (e.g. terrazzo, tile, glass, light, furniture, landscaping, etc.), including design team and master planning collaborations.
- Environmental: considering nature, natural phenomena, eco-systems, and environmental issues, social and political issues relating to the natural and urban environment.
- Sculpture: bas-relief; 3-D, mechanical, and kinetic work.

Please note:

- Artists who are primarily muralists should not apply to this RFQ. The Public Art Program has a separate roster for muralists and an RFQ for that roster will be re-opened in the Spring/Summer of 2022.
- Due to limited resources, the Public Art Program is unable to commission electronic media-based artworks.
- The Pre-Qualified Artist Pool is not open to performing artists or architects.
- Inclusion in the Roster does not guarantee a commission.

Artists selected for the Roster may be directly selected for projects or selected using project-based selection committees. Depending on the goals and design criteria of each project, some projects may use a proposal-based selection in which a short list of Artists may be invited to submit a proposal. For other projects, Artists may be commissioned to work with the community and then subsequently develop a design proposal. The City's Public Art Committee will review all final design proposals for approval. Artists selected to create design proposals will be compensated commensurate with the specific project complexity and budget.

The City, may, at any time, expand or update the Roster by issuing a subsequent call for Artists or by other means.

In addition to being on the Roster, selected Artists may apply for any public art projects that are commissioned as open calls outside of this Roster. Artists not selected for this Roster may apply to open calls for specific projects administered by the San José Public Art Program.

Duration of Roster

Inclusion in the final Roster will be for a period of five years from the date of the San José Public Art Committee's approval of the recommendation of the Roster. Artists selected for the Roster for Public Art Projects will be considered for projects as appropriate and will not have to re-submit for specific projects being juried through the Roster during the five-year

duration of the Roster. The City, at its own discretion, may extend the duration of the Roster beyond the five-year period.

III. PROJECT BUDGETS AND SCOPE

Budgets for the City's upcoming permanent public art projects are expected to range from \$15,000 - \$320,000. Project budgets will vary on a case-by-case basis depending on base project opportunities.

The project funding will cover all expenses related to the research, community engagement, investigation, design, 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 development to stakeholders and approving bodies; signed and certified structural engineering, 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. All project construction budgets are required to include a contingency of at least 10% designated to cover unforeseen costs and circumstances. *Any remaining contingency at the completion of the project will revert to the City.*

IV. ELIGIBILITY

This opportunity is open to Artists residing in the United States. Artists who apply as part of a team may not also apply as an individual artist. All members of Artist teams must reside in the United States for the team to be eligible. 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.

Artists selected for the Roster who are then selected for a specific project, or under contract with an existing project, can only be contracted for one project at a time, and if under contract, would be removed from consideration for other projects until their project is complete. Artists who are currently under contract with the City for an existing project can respond to this RFQ. If selected, the Artist will be eligible to be considered for other projects once the existing project is completed. If you are unsure of your status, please contact Lynn Rogers (lynn.rogers@sanjoseca.gov) for verification.

If submitting as a team, a professional Artist with public art experience (represented by their portfolio of work, awards, collections, and exhibitions) must be the lead team member.

PLEASE NOTE: Only complete, timely submittals received from eligible Artists will be considered.

V. CITY OF SAN JOSE CONTRACTS, POLICIES, AND LEGAL REQUIREMENTS

The City will contract with Artists who are accepted into the Roster and selected for a project in a single agreement using the form of "[Agreement to Design, Fabricate and Install a Work of Art](#)" ("Agreement") available for review online here:

<https://www.sanjoseca.gov/Home/ShowDocument?id=54585>. If you cannot access this Agreement 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 Application.

Final award of any given project shall be contingent upon selected Artist accepting the terms, conditions, and insurance requirements of the Agreement in substantial conformity to the terms listed in the referenced document.

City Business Tax

The selected Artist will be required to provide proof of payment of the City's Business Tax prior to contract award.

VI. ROSTER SELECTION PROCESS

An Artist Selection Panel will review all eligible submittals and make a recommendation for the Artists to be included in the Roster. The Artist Selection Panel will consist of art professionals, one or more artists, and community representatives. City staff will preview all submissions for completeness and may reject incomplete applications or non-responsive submissions prior to Selection Panel review.

General Review Criteria

Artists will be reviewed and rated based on their submitted work samples from other completed projects. Review criteria will include, but is not limited to, the following:

- Aesthetic and technical excellence of past projects.
- Unique perspective and/or innovative methods.
- Professional experience (including commissions, awards, collections, exhibitions).
- Experience with projects realized through significant community engagement, and/or interest in, and commitment to, the process of community engagement as foundational in the realization of public artwork.
- Experience with materials and methods appropriate to creating artwork in public environments.
- Demonstrated ability to execute concepts.
- Demonstrated ability to manage projects on time and on budget.
- Demonstrated delivery of projects with similar budgets.

Selection and commissioning of Artists by the City and the pursuit of all Office of Cultural Affairs activities are implemented without preference to racial or ethnic origins, sex, sexual orientation, religious affiliation, disability, or age.

VII. DATES AND SCHEDULE

RFQ Release	February 24, 2022
Deadline for Submitting Questions	5:00 PM (Pacific Time) April 20, 2022
Deadline for Submitting Objections to the form and structure, content, and distribution of the RFQ	5:00 PM (Pacific Time) April 25, 2022
Application Deadline	May 4, 2022, 10:59 PM (Pacific Time)
Applications Review and Finalists Selected for Roster.	Week of May 23, 2022 [Tentative date]
Roster Approval by San José Public Art Program	June 7, 2022 [Tentative date]

VIII. HOW TO APPLY

Application Deadline

Applications (described below) must be submitted prior to **Wednesday, May 4, 2022 10:59 p.m. PT**. (Note: this is 11:59 p.m. Mountain Time, the time zone in which CaFÉ™, the host for online submittal is located; CaFÉ™ will automatically stop accepting submittals at 11:59 p.m. Mountain Time).

Late, incomplete, and/or ineligible applications will not be accepted. Please make sure you have started your application allowing yourself sufficient time to ask questions, particularly if you have not used CaFÉ™ previously.

Application Process

All materials will be submitted online, via the CaFÉ™ website (www.callforentry.org). There is no application fee to apply or to use the CaFÉ™ 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 “City of San José - Public Artist Roster (Multi-Year, Multi-Project)”.

Assistance in using the CaFÉ™ system is available during regular business hours (Mountain Time) 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. **Please review carefully as incomplete applications will not be eligible for consideration and will not be reviewed.**

1. Please address the following questions in your Statement of Qualifications submittal (each of these are in the CaFE application as required information you need to complete):

- i. Artist Statement: Please succinctly describe your experience in public art projects and how, through a particular conceptual, aesthetic, or material direction, you approach responding to civic space. (maximum 2000 characters)
- ii. Community Engagement: Please describe your approach to involving community input in your process of design and/or creation of public art projects. (maximum 2000 characters)
- iii. Maintenance: What has been your experience with the long-term maintenance and/or conservation of your artworks? Please address challenges and your approach to solutions. (maximum 2000 characters)
- iv. Design Team Experience: What is your experience collaborating with other design and/or construction professionals? What is your experience working on civic construction projects? (maximum 2000 characters)
- v. What is the largest project budget you have worked with to date? (maximum 2000 characters)

2. Resume: Submission shall include upload of a current resume that outlines your professional accomplishments as an artist (maximum 2 pages; if a team, then maximum 4 pages for the team. Note: this may require you to edit resumes). Please use a font type that is easily readable in no smaller than 10 pt. font size.

3. Images of Past Work: Submission must include visual representations of samples of your past artwork. These examples are the primary way of evaluating the quality of the Artist's work. Applicant must upload a total of 8 images of previously completed projects. Proposal images from prior projects or projects currently underway may be submitted, but must be clearly marked as proposals and cannot be more than 2 of the requested 8 images.

Do not submit images of works by other artists for which you played a supportive role (fabricator, engineer, etc.).

Do not include more than 2 images of the same work. Composite images are acceptable, but please keep them simple and easy to clearly view the project.

ALL submissions must be completed electronically through the CaFE™ system. (Instructions on how to format images to CaFE™ specifications can be found on the CaFE™ website under Image Prep.)

Optional Media: For dynamic, kinetic or interactive projects, Artist may submit 1 additional media file of no more than 30 seconds that illustrates one of the projects represented by submitted digital images. The media file shall be submitted electronically through the CaFE™ system. Instructions on how to format images and video file to CaFE™ specifications can be found on the CaFE™ website under [Media Prep](#).

Media Submission Notes:

- 1) Video must be edited to 30 seconds or they will not be shown.
- 2) Media files are ONLY to be submitted for dynamic, kinetic, or interactive projects.

Artist Teams:

Artist teams are limited to the same constraints as single artists (e.g., a total of 8 digital images.)

4. Descriptions of Past Work (Images): 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) type of commission (e.g. public art, private, etc.); e) dimensions; f) significant materials; and g) must clearly state the project budget.

If you were the member of a team or otherwise worked with other artists on a project you are submitting for consideration, please indicate, and clearly state your actual role in the creation of the work.

5. References: Please include a list of 3 references, their contact information, and your previous affiliation. If selected for a future project, references may be contacted.

6. Check your Application for Completeness: Incomplete applications will not be reviewed. Please confirm that your application includes all the required materials listed below.

- _____ Artist Statement of Qualifications (Note: This is the group of questions in the CaFE online application that you are required to complete; there is a 2000 character maximum per each)
- _____ Resume (maximum 2 pages, or maximum 4 pages for a team)
- _____ Images of Past Work (up to 8)
- _____ Descriptions of Images of Past Work
- _____ References
- _____ Reviewed the San José Public Art boilerplate agreement as recommended.

FOR QUESTIONS ABOUT THIS RFQ:

Please contact Lynn Rogers via email at lynn.rogers@sanjoseca.gov if you have questions about the project opportunity.

FOR QUESTIONS ABOUT CaFÉ™: Please contact CaFÉ™ at 303- 629-1166 or 1-888-562-7232, or via e-mail at cafe@westaf.org.

IX. GENERAL REQUIREMENTS

General Information

The deadline for response submittal is critical and must be adhered to as specified.

The City also reserves the right to waive any informality or irregularity in any submitted response.

Additionally, the City may, for any reason, decide not to award a contract as a result of this RFQ or to cancel the RFQ altogether.

The City shall not be obligated to respond to any submitted response nor be legally bound in any manner by submission of the response.

The City reserves the right to verify any information provided during the RFQ process and may contact any proposer-provided references, as well as any other persons known to have contracted with the proposer.

The City of San José reserves the right in their 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 call 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.

Objections

Any objections as to the structure, content or distribution of this RFQ must be submitted in writing to the Authorized City Representative listed in Section VII, "Dates and Schedule". Objections must be as specific as possible, and identify the RFQ section number and title, as well as a description and rationale for the objection.

All objections, questions and inquiries must be received by the deadline stated on the Schedule.

Protests

If an interested party wants to dispute the selection recommendation, they must notify the Director of Public Art no later than ten (10) calendar days after the Notice of Inclusion is published.

Protests must detail the grounds and factual basis for the protest and include all supporting information. Protests will not be considered for disputes of RFQ requirements and

specifications, which must be addressed in accordance with the Objections Section of this RFQ. Failure to submit a timely written protest to the contact listed below will bar consideration of the protest.

Protests must be addressed to the following:

City of San José
Attn: Michael Ogilvie
200 East Santa Clara Street, 12th Floor
San José, CA 95113

Protests may be submitted by email to michael.ogilvie@sanjoseca.gov with a copy to the RFQ Contact (lynn.rogers@sanjoseca.gov). The designated contact as noted above will respond to the protesting party, as well as any other vendor affected by the protest and/or protest decision.

Grounds for Disqualification

All applicants are expected to have read and understood “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 Resolution 77135 can be found at: <https://www.sanjoseca.gov/home/showdocument?id=19565> .

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

- Contact regarding this application packet with any City official or employee or evaluation team other than the contacts specified within this RFQ, from the time of issuance of this solicitation until the end of the protest period.
- Evidence of collusion, directly or indirectly, among applicants in regard to the amount, terms, or conditions of this proposal.
- Influencing any City staff member or evaluation team member throughout the solicitation process, including the development of specifications.
- Evidence of submitting incorrect information in the response to a solicitation or misrepresenting or failing to disclose material facts during the evaluation process.

In addition to violations of the 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 applicant and the City.
3. Evidence of applicant’s inability to successfully complete the responsibilities and obligations of the proposal.
4. Applicant’s default under any City contract resulting in termination.
5. Evidence of any wage theft judgements

Public Nature of Application Materials

All correspondence with the City including responses to this RFQ will become the exclusive property of the City and will become public records under the California Public Records Act (Cal. Government Code section 6250 et seq.) All documents that you send to the City will be subject to disclosure if requested by a member of the public. There are a very limited number of narrow exceptions to this disclosure requirement.

Therefore, any application which contains language purporting to render all or significant portions of their application “Confidential”, “Trade Secret” or “Proprietary”, or fails to provide the exemption information required as described below will be considered a public record in its entirety.

Do not mark your entire application as “confidential”.

The City will not disclose any part of any application before it announces a recommendation for award, on the ground that there is a substantial public interest in not disclosing applications during the evaluation process. After the announcement of a recommended award, all applications received in response to this RFQ will be subject to public disclosure. If you believe that there are portion(s) of your application, which are exempt from disclosure under the Public Records Act, you must mark it as such and state the specific provision in the Public Records Act, which provides the exemption as well as the factual basis for claiming the exemption. For example, if you submit trade secret information, you must plainly mark the information as “Trade Secret” and refer to the appropriate section of the Public Records Act, which provides the exemption as well as the factual basis for claiming the exemption.

Although the California Public Records Act recognizes that certain confidential trade secret information may be protected from disclosure, the City may not be in a position to establish that the information that a Proposer submits is a trade secret. If a request is made for information marked “Confidential”, “Trade Secret” or “Proprietary”, the City will provide Proposers who submitted the information with reasonable notice to seek protection from disclosure by a court of competent jurisdiction.