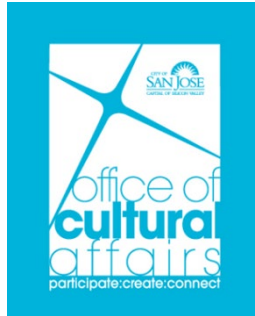


The City of San Jose Public Art Program
Office of Cultural Affairs (OCA) / Office of Economic Development (OED)



Call to Artists:
Request for Qualifications (RFQ)
for the
Pre-Qualified Artist Roster for Public Art Mural Projects

SUBMITTAL DEADLINE:

Monday, October 24, 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. DESCRIPTION OF OPPORTUNITY

The City of San Jose Public Art Program (SJPA) is growing its Roster of Pre-Qualified Mural Artists. The purpose of the Roster is to streamline the artist selection process for a range of upcoming mural projects. Artists who are chosen for inclusion in the Roster will be eligible to be considered for future public art mural 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, artists who work in the following two-dimensional artwork media:

- Painting
- Drawing
- Printmaking
- Photography
- Digital media
- Graphic design

Possible mural project locations may include but are not limited to a range of outdoor and indoor sites; surfaces may include concrete, plaster, wood, asphalt (such as crosswalks), vinyl or poly-vinyl mesh, and other materials; they may also include digitally-projected images. Sites may have pre-existing paint or other treatments.

Artists not working in the mural genre of art will not be considered for inclusion in this roster.

II. ELIGIBILITY

This project is open only to artists or artist teams who reside and do their artistic work in one of the following counties in Northern California:

Santa Clara County	Solano County
Alameda County	Marin County
San Francisco County	Monterey County
San Mateo County	Napa County
Santa Cruz County	Sonoma County
Contra Costa County	Sacramento County

Applicants who do not meet this geographic requirement are not eligible for consideration in this call. 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. **PLEASE NOTE: Only complete, timely submittals received from eligible artists will be considered.**

III. PROJECT BUDGETS AND SCOPE

The anticipated budget range for the City's upcoming mural projects is \$2,000 - \$320,000. Project budgets will vary on a case-by-case basis and may be determined by considerations such as location, size and other project-specific factors.

The final budget for each project budget must include all project costs including but not limited to costs for: artist fees for design and implementation, other design costs (if any), community engagement and presentations, equipment, materials and supplies, production and installation including site preparation, anti-graffiti treatment, artist's studio and artist's own overhead costs, transportation, travel expenses, permits, taxes and license fees, and bonds and insurance, as required.

Artists in the Roster under consideration for specific projects will be asked to develop a detailed budget as part of a design proposal. A final budget for design, fabrication and installation must be approved by the City before a project can proceed.

IV. ROSTER USE

Duration of Roster

Inclusion in the final Roster of Prequalified artists will be for a period of five years.

Artists in the Roster of Pre-Qualified Artists for Public Art Mural Projects will be considered for mural projects that come up during this time and will not have to submit for mural projects during this time. ***Inclusion in the Roster does not guarantee a commission.***

Artist(s) included in the Roster may be individually contacted regarding specific projects. Artists in the Roster may be considered and selected for specific mural projects through the use of project-based selection committees. Depending on the specific goals and design criteria of each project, some mural projects may use a proposal-based selection in which a short list of artists may be invited to submit a proposal; for other projects an artist may be commissioned to work with the community and develop a design proposal. All final designs for projects must be approved by the City of San José's Public Art Committee.

Artists included in the Roster may update their work samples and related information during the duration of the Roster.

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

V. DATES AND SCHEDULE

- **September 15, 2022** – Call for Submission (“Call”) released.
- **September 30, 2022** – Deadline for submitting objections to the form and structure, content, and distribution of this Call.
- **October 17, 2022** – Deadline for submitting questions about the call that will be posted as an addendum on City
- **October 24, 2022, 10:59 PM Pacific Time (11:59 PM Mountain Daylight Time, where CaFE operates from)** – Submission Deadline: Entries (defined below) are due and must be submitted through CaFÉ™ (www.callforentry.org), per instructions below.
- **November, 2022** – Completion of curatorial panel review of entries.
- **December, 2022** – Roster selection reported to City’s Public Art Committee; notifications of selection will be released shortly thereafter.

VI. SELECTION PROCESS AND EVALUATION CRITERIA

All interested artists must complete their submittal for this artist call online through CaFE (www.callforentry.org); there are no exceptions. There is no fee for submitting for this RFQ.

Based on the review of all eligible submittals by an Artist Selection Panel, a recommendation shall be made for the artists to be included in the Roster. The Artist Selection Panel will consist of art professionals, community representatives and one or more artists.

All application materials including qualifications, work samples, and statements of interest shall be submitted through CaFÉ™ in accordance with the instructions below. There are no exceptions. Staff will preview all submissions for eligibility and completeness prior to Selection Committee review and may reject incomplete applications or inappropriate submissions.

Specific proposals are not requested and will not be reviewed at this time.

General Review Criteria

Artists or artist teams 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 excellence of past projects.
- Experience, success and/or interest in community engagement in the process of creating public artwork.
- Experience with materials and methods appropriate to creating visual murals in public

environments

- Demonstrated ability to manage projects on time and on budget. Demonstrated delivery of projects with similar budgets will be reviewed.

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. HOW TO APPLY

APPLICATION DEADLINE

Submissions (described below) must be received as a complete application in CaFÉ™ by no later than **10:59 p.m. PT on Monday, October 24, 2022**. (Note: this is 11:59 p.m. MT, the time zone in which CaFÉ™, the host for online submittal is located; CaFÉ™ will automatically stop accepting submittals at 11:59 p.m. MT.)

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 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 Jose Pre-Qualified Artist Roster for Public Art Mural Projects**”. **Assistance in using the CaFÉ™ system is available during regular business hours (Mountain Time) 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. Artist Statement of Interest: Submission must include an Artist Statement of Interest that specifically addresses your interest in this opportunity. It will be an important aspect of the review process; it will assist the selection panel in understanding your perspective on your work as a mural artist, and your perspective on this opportunity. The Artist Statement of Interest is part of the CaFE application platform. **Please address the following in your statement (3000 character maximum):**

- i. What is your interest in creating public murals?
- ii. Please describe your experience in public mural-type art projects?
- iii. Please describe your approach to involving community input in your process of design and/or creation of mural art projects.

2. Resume + References: Submission shall include a current resume that outlines your professional accomplishments as an artist (maximum of 2500 characters/equivalent of 2 pages; if a team, then 4000 characters maximum for the team.)

3. Images of Past Work: Submission must include visual representations of samples of your past artwork appropriate to this project. In order to be considered for this project, the applicant must upload a total of 8 images that represent previously completed projects. Proposal images from prior projects may be submitted, but should be clearly marked as proposals and cannot be more than 3 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.)

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) dimensions; e) significant materials; and f) budget if publicly available.

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.

5. Check your Application for Completeness: Incomplete applications will not be reviewed.

Please confirm that your application includes all of the required materials listed below.

- _____ Artist statement of interest (3000 character maximum)
- _____ Resume (2500 character maximum or 4000 for a team)
- _____ Images of Past Work (up to 8)
- _____ Descriptions of Images of Past Work
and that you have
- _____ Reviewed the San Jose Public Art boilerplate agreement as recommended?

VIII. FOR QUESTIONS & COMMUNICATIONS ABOUT THIS RFQ AND SUBMISSIONS:

- A. A downloadable PDF version of the RFQ for Submission is available as an Exemplar and is accessible on-line here: <https://www.sanjoseca.gov/your-government/departments/office-of-cultural-affairs/public-art/for-artists>
- B. **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 publicart@sanjoseca.gov.

Questions and/or objections must be submitted via email. prior to Monday, October 17, 2022 and 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>

Contacting any City representative(s) other than the Contact Person about this Call is prohibited and is grounds for disqualification. No calls please.

FOR QUESTIONS ABOUT CaFÉ™: Please contact CaFÉ™ at cafe@westaf.org .

- C. **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.

- D. **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.
- E. **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.
- F. **Artists are Responsible for Checking and the City of San José Public Art Program website's "For Artist" and 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.
- G. **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.

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

A. Contracts

All artists or members of artist teams accepted into the Roster must be at least 18 years of age and be eligible to work in the United States and have all necessary documentation and permits to work in the United States at the time of submittal of qualifications.

Artists who are offered commissions for specific mural projects must enter into a contract with the City of San José using its standard design-fabrication agreement. A generic boilerplate of this agreement can be viewed at [San José Public Art Program Design-Fabrication Boilerplate Agreement: Mural Projects](#). Final award of a mural commission shall be contingent upon the selected artist/team accepting Terms and Conditions of the agreement to the terms listed in the boilerplate. In some instances, for mural commissions of less than \$10,000, artists may work under a Purchase Order with the City. Per the agreement (or purchase order), contracted artists must comply with City policies pertaining to non-discrimination, gifts, environmental safety and other City statutes.

Artists selected for a commission must complete an IRS W-9 form (to be provided by the CITY after selection) and must comply with local business licensing requirements including any local Business Tax requirements. If selected for a project, the artist Artists will also be required to obtain Automobile Insurance and General Liability Insurance coverages in conformance with requirements set by the City of San Jose's Risk Manager.

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.

X. PROTESTS

- A. If an interested party wants to dispute the final mural roster artist selection, they must submit their protest in writing to the City's Public Art Director no later than five (5) business days after the Roster Artists Recommendation is reported to 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.

XI. 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 or contract.
5. Evidence of any wage theft judgements.

XII. 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=TIT12ETOPGOPR_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.

SAN JOSE PUBLIC ART PROGRAM

San José Public Art (SJPA) seeks to build community identity by initiating artworks that enhance the civic landscape and impact 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!, the City of San José's public art master plan, frames the policies and procedures that guide the program.