

RESOLUTION NO. 17-150

Resolution Of The City Council Of The City Of Emeryville Approving The Release Of A Request For Qualifications For A Public Art Installation At The Emeryville Marina

WHEREAS, on December 6, 2016 the City Council adopted the Public Art Master Plan (PAMP), which identifies several public art programs and projects including a public art installation in the area of the Emeryville Marina; and

WHEREAS, the Public Art Committee (PAC), as a permanent advisory committee to the City Council, is charged with review and implementation of the PAMP and with making recommendations regarding related projects; and

WHEREAS, on January 12, 2017, the PAC recommended prioritization of a public art installation at the Emeryville Marina (the "Project"); and

WHEREAS, as part of the discussion regarding development of the Project, an ad-hoc subcommittee of the PAC was formed and developed recommendations for a Request for Qualifications (RFQ) for the Project, which was then reviewed by the PAC during their meeting of August 10, 2017; and

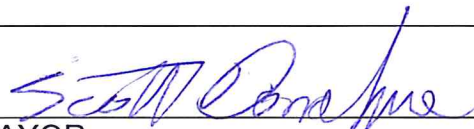
WHEREAS, the Capital Improvement Program for Fiscal Years 2016-2017 through 2020-2021 includes an appropriation for Implementing Art Projects – Master Plan of up to \$125,000 in Fiscal Year 2017-2018, which is available for the Project; and

WHEREAS, on August 10, 2017 the PAC voted to recommend that the City Council approve release of the RFQ to allow the Project to move forward; now, therefore, be it

RESOLVED, that the City Council of the City of Emeryville hereby approves the Release of a Request for Qualifications for a Public Art Project at the Emeryville Marina in substantial form as attached as Exhibit A to this Resolution.

ADOPTED by the City Council of the City of Emeryville at a regular meeting held Tuesday, September 19, 2017, by the following vote:

AYES:	<u>5</u>	Mayor Donahue, Vice Mayor Bauters and Council Members Martinez, Medina and Patz
NOES:	<u>0</u>	
ABSTAIN:	<u>0</u>	
ABSENT:	<u>0</u>	


MAYOR

ATTEST:

APPROVED AS TO FORM:


CITY CLERK


CITY ATTORNEY



CITY OF EMERYVILLE



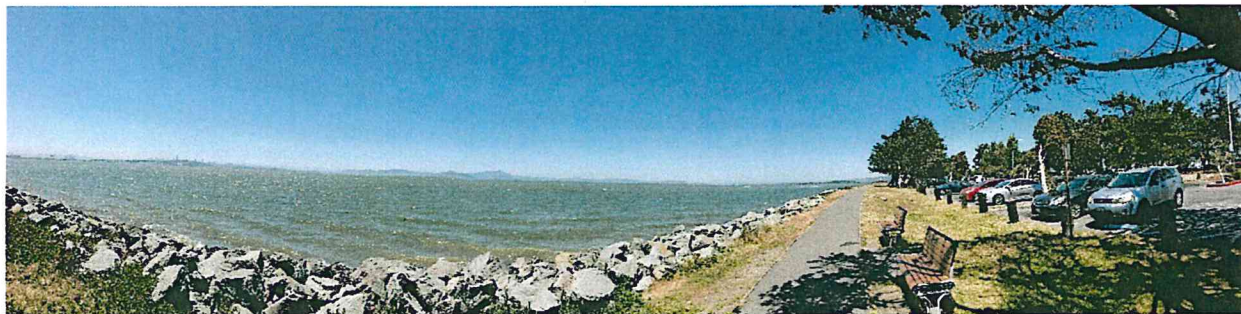
City of Emeryville

INCORPORATED 1896

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CITY OF EMERYVILLE PUBLIC ART PROGRAM REQUEST FOR QUALIFICATIONS FOR A PUBLIC ART PROJECT AT THE EMERYVILLE MARINA



The City of Emeryville invites artists and design professionals, as individuals or teams, to submit qualifications for the design and implementation of a public art project at the Emeryville Marina on the City's western shoreline. A developed site on the San Francisco Bay, the Emeryville Marina presents a unique opportunity for artists to celebrate the Marina as a gateway to Emeryville, the site's spectacular views and the cherished shoreline, while defining an icon for the City.

SUBMISSION DEADLINE: November 10, 2017 See Application Procedures Below.

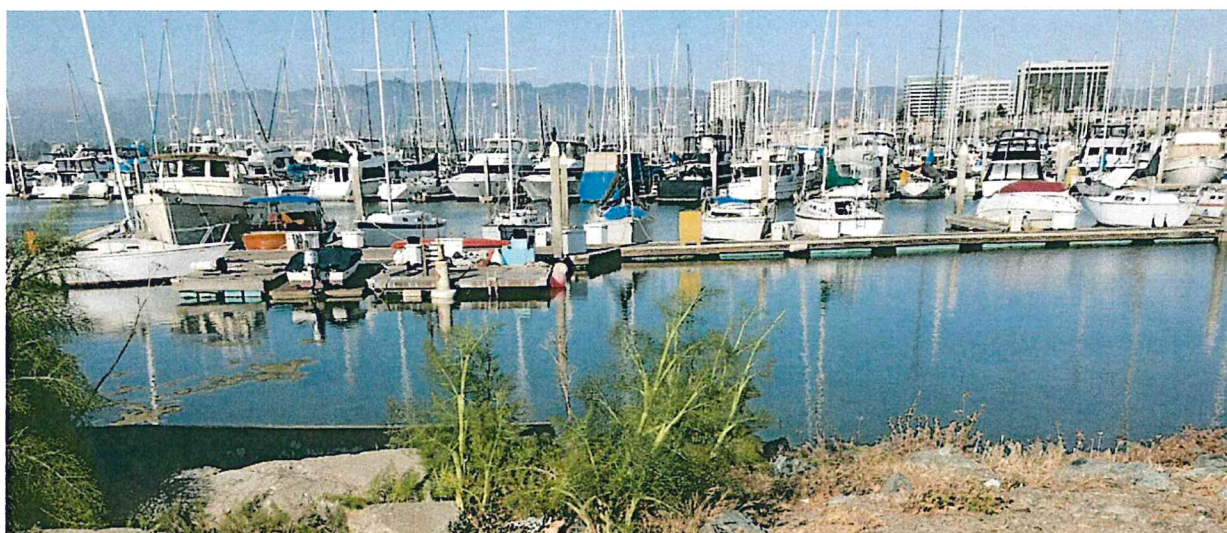
PROJECT DESCRIPTION/ SITE LOCATION

Emeryville is a small, vibrant, city located in a corridor between Berkeley and Oakland. The City connects east to west at the eastern foot of the San Francisco Bay Bridge and is a regional retail destination as well as headquarters to a number of companies in high-tech, biotech, film, new media, culinary and the fine arts. Its residential population of just under 12,000 includes an ethnically and culturally diverse mix of people. Emeryville has a unique production-oriented cultural arts district and was recently awarded one of only 14 coveted State of California Cultural District designations. Our community has a large number of artists who live and work in older industrial properties that have been converted to live/work spaces. The Emeryville Marina is located at the center of the city's shoreline, and is a premier place to take in incredible views of San Francisco, the new Bay Bridge, the Golden Gate Bridge and Marin County across the Bay. The Emeryville Marina is popular among picnickers, boaters, kite boarders, fishers, joggers, walkers and those enjoying special events such as weddings at Hong Kong East Ocean Seafood restaurant. It is accessible from the I-80 Frontage Road and a major onramp and off ramp from I-80 at Powell Street. Public improvements complementing the two harbors and major parking lots include: rentable picnic spaces with BBQ, public restrooms, a fishing pier and benches along a trail. There is an asphalt pathway circling the Marina. The site is inundated by regional visitors once a year on July 4th when the Emeryville Marina offers

Exhibit A

views of nearly all the region's fireworks and a front row seat to San Francisco's pyrotechnics. Further, the site is directly across from the Golden Gate and prone to heavy, reoccurring winds such that materials appropriate for the setting must be considered to reduce wind resistance, rusting and damage.

As an often overlooked gateway into the City, the Marina could host an iconic piece of public art that both welcomes visitors entering by boat, and deepens the pride of the locals. Two harbors host 840 slips. This location could invite a large-scale and playful piece of art. The project will require approvals from the San Francisco Bay Conservation and Development Commission (BCDC), as the entirety of the Marina is within BCDC's jurisdiction. Preservation of existing views is expected to be a significant consideration, consequently lower profile works may be a priority.



The Emeryville Marina is bordered to the north and south by the Eastshore State Park, which extends 8.5 miles along the East Bay shoreline from the Bay Bridge to Richmond. The park includes 1,854 acres of uplands and tidelands along the waterfronts of Oakland, Emeryville, Berkeley, Albany, and Richmond. Eastshore State Park parallels the most heavily traveled corridor in the East Bay (on I-80), making it a highly visible, highly accessible area of parkland.

The Emeryville Marina is a destination along the San Francisco Bay Trail (Bay Trail), a recreational corridor that, when completed, will encircle San Francisco and San Pablo Bays with a continuous 500-mile network of trails. The Bay Trail provides easily accessible recreation for outdoor enthusiasts, including hikers, joggers, bicyclists and skaters. It also offers a setting for wildlife viewing and environmental education. Over the past decades, the Bay Trail and other efforts such as Save the Bay have been dedicated to increasing public awareness, respect, and appreciation for the Bay. The Bay Trail will eventually connect the shoreline of all nine Bay Area counties, link 47 cities as well as cross the major toll bridges in the region.

PROJECT GOALS

Elements of the Emeryville Marina Public Art Project (“Project”) may:

- Create an iconic image for Emeryville unique to the setting and of a scale and quality to be a memorable image evocative of Emeryville
- Enhance public awareness of and respect for the shoreline, including its diverse uses and users, natural habitat and biodiversity
- Craft a landmark that welcomes visitors by boat and trail and deepens the pride in place of local residents
- Create kinetic or engageable/climbable pieces for residents and visitors while highlighting the site, the environment and the unique vista points.
- Utilize innovative and visionary methods to create installations with durable materials evocative of the spirit of prior temporary art works to honor historic temporary art installations at the nearby mudflats of the Emeryville Crescent. (For more examples of such prior temporary installations please see:
https://www.instagram.com/emeryville_mudflats/ or
<http://www.spacesarchives.org/explore/collection/environment/emeryville-mud-flats-aka-driftwood-sculptures--tidal-flats/>)
- Integrate art functionally with the public spaces, creating delightful spaces among the public open spaces of the Marina Park
- Create a memorable artwork to increase the public enjoyment of this beautiful site, and its relationship to both the natural environment and its urban setting

PRIORITY SITES AND SITE CONSTRAINTS

Please see the attached Priority Location Map with sites and project area delineated. The public areas of Marina Park on the Northwest corner of the Marina have been prioritized for installation of the public art commissioned in the RFQ as outlined in Attachment B. Artists submitting qualifications should consider their ability to work in the conditions here.

Site Constraints include:

- significant wind,
- limited power access,
- impacted dirt as the surface treatment
- anticipated sea level rise
- BCDC regulatory review with consideration of both view impacts and prohibitions against installation in the water
- competing site uses

- presence of children and others who may expect unrestricted access to open spaces
- expectations of uninterrupted views of the region's iconic bridges, both the Golden Gate Bridge and the Bay Bridge.

Within Marina Park, three sites have been identified as minimizing conflict with users and views while maximizing visibility. Other sites within Marina Park (as outlined in Attachment B) may be considered, as long as the main open spaces and view corridors within, through and from Marina Park are preserved.

Site 1: North-Western Point

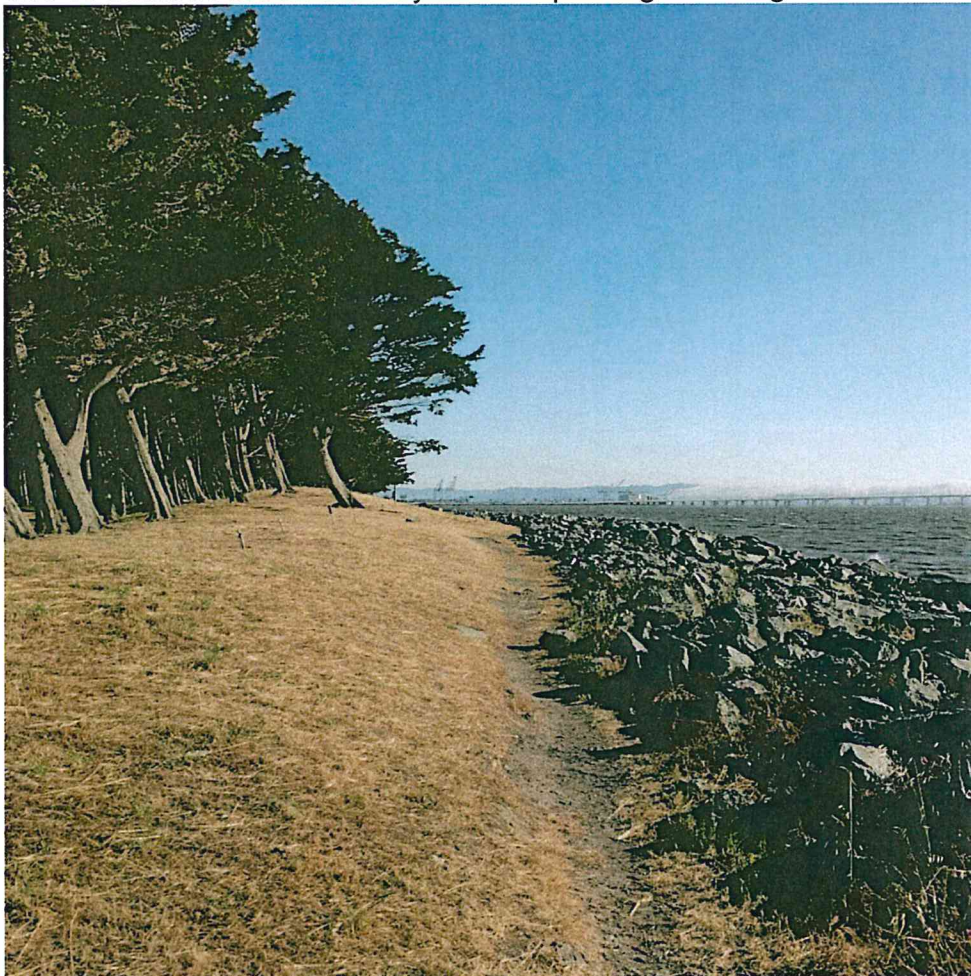


As seen from the East of the point.

Site 2: Mound to the east of the Family Meadow



Site 3: Berm between the Bay and the parking lot along outer trail



PUBLIC ART BUDGET

The budget for the Project is not-to-exceed \$150,000. This amount includes all costs related to the team's design and project management fees; all subcontracted and consultant costs, including engineers, electricians, materials, fabricators, studio and overhead costs; fabrication, transportation, delivery, storage and installation of all Project components; General and Automobile Liability, Professional Liability and Fine Arts insurance as required; and all other costs associated with the Project including a minimum budget contingency of 15%. The City will also reserve \$15,000 in contingency for costs potentially incurred by the City or to be allocated to the artist for unforeseen reasons. Please note that the budget also includes all costs required for all permits and licenses, except BCDC permit fees, for which the City has reserved an additional \$2,000.

ELIGIBILITY:

This RFQ is open to professional artists residing in the United States who meet the minimum eligibility qualifications indicated below:

- Successful completion of at least two permanent, exterior art installation or design projects, preferably those that are similar in scope and nature to this project. Prior work could include architecture, landscape or urban design projects if public art was an integral component.
- Experience in working cooperatively with multiple professionals including City staff, regulatory agencies, community members and design professionals such as engineers, landscape architects, and architects.
- Aesthetic excellence in the design and execution of completed projects.
- Ability to install, or oversee the installation of the commissioned work.
- Ability to comply with the project deadlines as indicated below.

REGULATORY AGENCY AND STAKEHOLDER REVIEWS

Due to its location along the waterfront, there are numerous public agencies and other stakeholders with jurisdiction over, or interest in, various aspects of the Marina site. These agencies and groups and their respective missions include:

BCDC

Along the San Francisco shoreline, BCDC's authority relates primarily to public access, defined as "physical public access to and along the shoreline of the Bay and visual public access (views) to the Bay from other public spaces". When developing proposals for artwork at the Marina, artists must not obstruct physical access to the Bay, submerge any work in the Bay, nor impede the view of the Bay from the adjacent roadways or paths. Artists will be required to submit an image of the proposed artwork that illustrates the relationship of the artwork from the nearest roadway to the Bay as part of the review process. Information about BCDC and its design guidelines may be found at:

<http://www.bcdc.ca.gov/pdf/planning/PADG.pdf>

The Audubon Society

The Audubon Society's mission is to conserve and restore natural ecosystems, focusing on birds, other wildlife, and their habitats for the benefit of humanity and the earth's biological diversity. Impacts from installations on birds' flights, nesting and other behavior may be of concern to the Society's regional membership.

California Department of Fish and Game

The Department of Fish and Game maintains native fish, wildlife, plant species and natural communities for their intrinsic and ecological value and their benefits to people. This includes habitat protection and maintenance in a sufficient amount and quality to ensure the survival of all species and natural communities. The department is also responsible for the diversified use of fish and wildlife including recreational, commercial, scientific and educational uses.

East Bay Regional Parks District/California Parks and Recreation Department

The East Bay Regional Parks District (EBRPD) manages lands owned by the California Parks Department to the south and north of the City owned land at the Marina. The EBRPD's mission is to acquire preserve, protect, and operate regional parklands in perpetuity for public use, while conserving these lands for the natural resource values they contain. The goal of the District resource enhancement projects is to conserve and enhance important resource values such as vegetation, wildlife and water to ensure that natural parkland ecosystems are maintained in a healthy and productive condition. The diverse assortment of birds, mammals, reptiles and invertebrates that dwell in the Regional Parks is an integral part of the ecology of the San Francisco Bay Area and an aesthetic natural feature of the parks that visitors greatly enjoy. While the scope of this RFQ is solely within City lands, these park lands adjacent to the site prioritized for natural restoration need to be considered as part of the Project site's context. EBRPD's park space includes restored marshlands south of the Marina previously used by artists for temporary installations in the mudflats prior to restoration.

COMMUNITY PARTICIPATION

The Emery Unified School District has a robust "Artist in the Schools" program and the Emeryville Art in Public Places Program is interested in incorporating school children and other members of the community in the design and development of artist's works or creating teaching opportunities for students and/or community members with working artists. For artists proposing the inclusion of community participants, including Emery Unified School District children, a stipend of \$1,500 is available to support such efforts, independent of the Project budget. Participation can be in the design, fabrication or installation of the Project or an educational opportunity for an apprentice or multiple students in proposer's studio space or at the Project site. An additional optional narrative of the proposal for community participation can be submitted with the Artist qualifications at the time of application or after selection, should an artist wish to explore this opportunity.

ARTIST SELECTION PROCESS

A. PHASE ONE: SELECTION OF FINALISTS

- Applications will be pre-screened by the City to ensure that applicants meet the minimum qualifications.
- A Selection Panel comprised of:
 - a. a representative from the City of Emeryville,
 - b. two arts professionals with experience in evaluating or administering large-scale outdoor art projects,
 - c. two Public Art Committee members,
 - d. a Marina representative, and
 - e. a community representative.

The Selection Panel will review the applications and rank them according to the selection criteria outlined below. The artists or artist teams with the highest scores will be invited to develop conceptual design proposals. The Selection Panel will then review the final submissions, and rank them to recommend an artist or artist team for consideration by the City's Public Art Committee (PAC). The PAC will review and make a recommendation to the City Council for final approval and appropriation of funds.

PHASE ONE INITIAL SELECTION CRITERIA

Artists will be selected to produce design concepts based on the following criteria:

- The aesthetic quality of the artist's past work, including content, craftsmanship, uniqueness and relevance to its environment.
- The degree to which the artist's past work relates to the goals and parameters of the Marina Public Art project.
- The artist's demonstrated ability to translate art concepts into durable and safe materials that can withstand long-term exposure in a marine environment.
- Evidence that the artist's existing public artworks have maintained an appropriate level of quality and integrity over time.
- The artist's demonstrated ability to work successfully as a member of a project design team and ability to work within public review processes.

RESPONSIBILITIES OF FINALISTS

1. Artists selected to design conceptual proposals will be asked to attend a project orientation with representatives from the City, regulatory agencies and other project stakeholders. Artists who attend the orientation and who travel more than 90 miles to the orientation site will receive a pre-approved travel allowance based on applicable Federal reimbursement rates.

2. Artists will be given 10-12 weeks to develop design concepts.
3. Artists must confer with the City and applicable regulatory agencies when developing the conceptual design for the Project, including identifying initial ideas for artwork locations, content, scale and media.
4. A technical advisory committee comprised of City staff, regulatory agencies and art conservators will be established to review the conceptual designs prior to submittal to the Selection Panel to ensure that any proposed artwork is compliant with applicable building codes and other regulations required of the site.
5. Conceptual design proposals must indicate the artist's design intent, the location of the proposed artwork or installation, materials and fabrication processes, a preliminary budget based on actual cost estimates, and a Project timeline. Finalists will be expected to provide scale renderings and other visual materials to adequately illustrate the proposed artwork.
6. Proposed Project budgets must include verifiable cost estimates for design development, fabrication and/or fabrication oversight, delivery, installation, professional consultants, including engineers, the artist's project management fees, project documentation, required insurance, and all other costs associated with the art project. The proposed artist fees, which may include artist's design and Project management costs, are expected to be within 10% to 20% of the total art budget. The proposed budgets will be evaluated based on the artist's proposed scope of work and will be an integral part of the selection process.
7. A Maintenance Plan is required from each Finalist. If the proposal includes electrical or mechanical components, artists will be required to submit a proposed maintenance plan that specifies how the City can maintain these components over a 20-year lifespan. All proposals must address how graffiti will be reduced through design or treatments. All projects must address how they will weather in the conditions at the site.
8. The concepts will be placed on display in City Hall for a two-week period during which the public may comment on, though not vote on, the proposals.

PHASE ONE FINAL SELECTION CRITERIA

The Selection Panel will review and evaluate the proposals based on the following criteria:

- Artistic excellence, creativity and originality of the project's concept.
- The artist's response to the stated goals of the project, including the physical, geographical, and ecological relationship of the artwork/installation to the site.
- The technical feasibility of the proposed artwork/installation, including minimum maintenance requirements, resistance to vandalism and appropriateness for public use and access.

- An evaluation of the proposed budget, including: 1) its feasibility for the nature and scope of the project, and 2) an analysis of whether the artist has done appropriate research and obtained viable cost estimates from subcontractors and suppliers.
- Positive feedback from professional references.

FINALIST'S HONORARIUM

The honorarium for the submission of the conceptual design proposal is \$3,000, plus pre-approved travel expenses, as well as reimbursable costs for the shipping of the proposal display materials for the presentation, not exceeding \$4,000. The honorarium will be paid upon the successful submission of the proposals and reimbursable expenses as invoiced. Only expenses for which receipts are presented and verified can be reimbursed. Any expenses in excess of the budget will be the sole responsibility of the artist. Reimbursement is limited by day and by category; alcohol is not eligible for reimbursement.

OWNERSHIP OF MATERIALS

All documents, including sketches, plans, specifications, reports, and all other materials, including models, submitted as part of the conceptual design proposal will become the property of the City of Emeryville upon payment of the honoraria to the artist. Exceptions include material samples, tapes, or other materials presented to illustrate the proposal, but which are not integral parts of the proposal.

B. PHASE TWO: DESIGN DEVELOPMENT

During Design Development, each selected artist or artist team will develop final designs for the Project. Artists will collaborate with the City, regulatory agencies, and others as required to ensure compliance with applicable regulations.

PROJECT SCHEDULE**

Target dates for completion of preliminary design and final design are shown below.

RFQ Issued	September 25, 2017
Applications Due	November 10, 2017
Panel meets to select semi-finalists	November 15, 2017
Project Orientation for semi-finalists	November-December 2017
Conceptual Design Proposals Due	January 31, 2018
Proposals displayed for public viewing in City Hall	February 1-15, 2018
Project Finalists Recommended by Selection Panel	February 2018
PAC Reviews Selection Panel Recommendations	March 8, 2018
City Council Considers Public Art Committee Recommendations - Project Finalists Selected	March 2018
Contracts and Notice to Proceed Issued, Permits	March 2018
Design Development, Fabrication and Installation	April–September 2018
Dedication Event	Tentatively October 2018

*****This schedule may be subject to change due to permitting processes, fabrication periods, and installation requirements. Final schedule will be refined with artists or artist team, agencies, and consultants.***

INSURANCE REQUIREMENTS

Selected artists will be required to carry insurance, including a minimum of \$1,000,000 combined single incident general liability insurance, \$1,000,000 combined single limit per accident automobile liability, and Workers' Compensation and Employer's Liability Insurance (if applicable) in the amount of \$1,000,000 per occurrence. Fine Arts Insurance for the value of the artwork/art elements will also be required.

SUBMITTAL REQUIREMENTS

PLEASE SUBMIT EIGHT (8) collated packets of the following written materials in the order listed:

A. WRITTEN MATERIALS:

1. A maximum 1,500-word letter indicating interest in and potential approach to the project. If applying as a team, please indicate the name and contact information for the team's representative, and their project role.
2. If proposing community participation, a description of the means and methods for recruiting participants and roles to be taken by participants.
3. Professional resumes for each applicant. Edited versions of not more than three pages per applicant are requested.
4. A hard copy printout of six images (see B, below), and an image list for submitted projects that includes each submitted project's name, location, date of installation, project budget, and commissioning agency.
5. Five professional references, including phone and email contact information.

B. ONE CD OR Thumb drive OR Dropbox submittal containing the following:

1. A maximum of 6 digital images, total, for individual artists or for teams, of completed projects that are relevant to the goals stated in this RFQ. Images of studio work will not be accepted.
2. Images must be in JPG format at 72 dpi. Images formatted into a Microsoft Power Point presentation are preferred.
3. A pdf file of the written materials required in A. 1-5 above.

C. One signed copy of the application form, included herein as Attachment A.

D. A self-addressed, stamped envelope (SASE) for the return of materials. Applications without a SASE will not be returned and will be destroyed upon completion of the review process.

**APPLICATION MATERIALS MUST BE RECEIVED NO LATER THAN 5:00 PM
PACIFIC STANDARD TIME ON FRIDAY, NOVEMBER 10, 2017.**

SEND TO:

Amber Evans, *Art in Public Places Program*
Economic Development & Housing Division, Community Development Department
City of Emeryville, 1333 Park Avenue, Emeryville, CA 94608

PROJECT ASSUMPTIONS

1. The selected artist or artist team will be required to confer with City staff and their designated consultants, as well as with other regulatory agencies involved in the stewardship of the shoreline, when developing the conceptual design proposals and, if selected, in the final design development and construction phases of the project.
2. All proposed concepts for artwork or environmental installations are subject to approval by the City and must meet all applicable regulations for public access, safety and security. Applicable regulations will be provided to artists who are selected to prepare conceptual design proposals.
3. Artwork may not be sited in the water; all artwork elements must be land-based. Consideration must be given of the work and its effect upon the view corridor from the land to across the Bay.
4. All applicants must read and acknowledge acceptance of the terms of the City's public art contract as found here <http://www.emeryville.org/DocumentCenter/View/6265> prior to responding to this RFQ. **The terms of the contract are non-negotiable and failure to accept the terms of the contract will result in disqualification from the Project at the conceptual design proposal phase.**
5. Selected artists will be required to waive their rights of integrity to commissioned artwork as pertains to its removal or repair as set forth in the California Art Preservation Act and the Visual Artists Rights Act.
6. All artwork materials must have a 20-year minimum lifespan, and artists or artist teams must be prepared, if selected, to provide a detailed maintenance plan for the work as part of the final submission.

The City of Emeryville reserves the right to reject any or all applications or proposals and to modify or terminate the application process or the selection process for any reason and without prior notice.

Direct all questions related to this RFQ **via email** only to: aevans@emeryville.org

Attachments: A. Application form
 B. Potential Public Art Sites in Marina Park

**CITY OF EMERYVILLE MARINA PUBLIC ART PROJECT
PUBLIC ART APPLICATION FORM**

Artist or Team Representative's Name _____

Address _____

City/State _____ Zip Code _____

E-Mail Address _____

Telephone(s) _____

Names and E-mail or telephone numbers of additional team members, if applicable:

Name _____

E-mail or Phone _____

Name _____

Email or Phone _____

I / We have submitted the following EIGHT (8) collated packets of the following in the order listed:

A. WRITTEN MATERIALS:

1. A maximum 1,500-word letter indicating interest in and potential approach to the project.
2. Description of any proposed community participation, if proposed. including means of outreach and roles of participants
3. Professional resumes for each applicant. Edited versions of not more than 3 pages, per applicant, are requested.
4. Hard copy printout of six images (see B) of completed projects, and an image list for submitted projects that includes each submitted project's name, location, date of installation, project budget, and commissioning agency.
5. Five professional references, including phone and email contact information.

B. ONE CD OR Thumb drive OR Dropbox submittal containing the following:

1. A maximum of 6 digital images, total, of completed projects that are relevant to the goals stated in this RFQ. Images of studio work will not be accepted.
2. Images must be in JPG format at 72 dpi. Images formatted into a Microsoft Power Point presentation are preferred.
3. A pdf of the written materials required in A. 1-5 above.

C. A self-addressed, stamped envelope for the return of materials.

Optional: Community Participation Proposal (CPP) included?

- ☐ Yes, include up to 500 words on process and participants for proposed CPP
- ☐ No

I / We have read the Emeryville Marina Project RFQ and the City of Emeryville Public Art Contract and agree to abide by the terms therein:

Artist or Team Representative

Attachment A

Emeryville
Marina Public
Art RFQ –
Priority
Locations

