



Civic Arts
Office of Economic Development

REQUEST FOR QUALIFICATIONS (RFQ)
Specification No. 23-11540
FOR
AQUATIC PARK BAY TRAIL WALL
PUBLIC ART PROJECT

RFQ Issue Date: October 11, 2022
Applicant Questions Due: November 15, 2022
Application Deadline: December 12, 2022 (by 5 PM Pacific Time)

I. PROJECT SUMMARY

Berkeley Civic Arts invites artists and artists teams to submit qualifications for a public art commission at Aquatic Park. This is an opportunity for an artist to translate two-dimensional imagery to tile, mosaic, or other permanent material.



ARTWORK SITE

Aquatic Park is a long linear 100-acre park between Ashby and University Avenue that provides a wide range of recreational opportunities including, walking, biking, picnicking, boating, bird watching and Frisbee golf. The park features a 2.3-mile pedestrian and bicycle path that loops around a central lagoon. This loop is part of the larger Bay Trail project that, when completed, will allow continuous travel for pedestrians and cycles across 500 miles of the San Francisco Bay Shoreline.

The artwork will be located at a prominent, large, curved wall situated along Aquatic Park's pathway, near the intersection of Addison Street and Bolivar Drive. This location is near the Northwest entry point for the park, adjacent to Berkeley Animal Care Services.

Wall dimensions are approximately 42.5' long x 3.5' high x 2' deep.

PROJECT GOALS

The goals for the artwork are:

- To enhance the visitor’s experience of Aquatic Park by beautifying its context, reflecting the multi-layered history of the site, and highlighting its ecological importance.
- To create a durable artwork that can withstand public interaction and the natural elements.

BUDGET

The project budget is \$70,000 inclusive of the artist fee, design, fabrication, transportation, and installation of the artwork.

ELIGIBILITY

Professional practicing artists residing in the United States are eligible to apply.

II. SCOPE OF SERVICES

- a. Artist will enter into a Professional Services Agreement with the City of Berkeley. The anticipated agreement term is from August 2023 – July 2025.
- b. Artists will design, fabricate, transport and install an artwork at the Aquatic Park Bay Trail Wall for an amount not to exceed \$70,000.
- c. Artist will attend meetings and site visits, and supply shop drawing, renderings and material samples as needed to complete the project.
- d. Artist will provide a maintenance plan for the artwork.

III. APPLICATION SUBMISSION REQUIREMENTS

APPLICATION MATERIALS

In order to be considered for this public art opportunity, applicants must submit a fully completed application **using the online portal, [Submittable](#)** and provide all required application materials. **Applications that are mailed, emailed, or hand-delivered will not be considered.**

The application consists of the following components:

- a. **Letter of Interest**
Provide a description of your artistic focus, career highlights and qualifications, and particular interest in this project. One-page maximum. **Acceptable file types: .doc, .docx, .pdf.**
- b. **Resume**
If you are applying as a team, please include your team/studio resume. If that is not available, please combine the individual resumes (one right after the other) of each team member into one document. **Acceptable file types: .doc, .docx, .pdf.**
- c. **Ten (10) images of previous work**
Acceptable file types: .jpg, .jpeg, .png, .tif, .tiff
- d. **Image List**
Provide a list of artworks with the title, medium, dimensions, and year for each work. For team application, please indicate the lead artist for each project. You may also include a brief statement (2 sentences maximum) about each work. **Acceptable file types: .doc, .docx, .pdf.**

IV. SELECTION CRITERIA

ARTISTIC MERIT

Artistic Merit may be judged by such measures as originality of concept and artistic vision; the mastery of skills, techniques and the quality of craftsmanship; the degree to which the work engages the viewer emotionally, intellectually and spiritually. Artistic merit may also be credited to artwork that reflects a significant or direct relationship between the artist and distinct racial or cultural communities.

RELEVANT SKILLS & EXPERIENCE

Review Panels and the Civic Arts Commission shall consider the assessed ability of an artist to successfully implement a proposed project; their ability to work constructively with other project stakeholders; willingness to resolve issues as they arise; manage the demands of the project to meet deadlines; cultural competency and/or significant connection between the artist and the project constituency; and experience that may particularly qualify an artist to meet project goals may also be considered.

MEET PROJECT GOALS

The proposed artwork (or the assessed ability of an artist to design a proposal) meets the specific goals of the project as defined in the RFQ.

THE ARTWORK IS APPROPRIATE TO THE SITE

The artwork or proposed artwork is appropriate for its intended display location in terms of scale, media, design or imagery and is judged to be relevant within the context of the surrounding area.

FEASIBILITY, MAINTAINABILITY

Proposed objects shall be evaluated relative to their feasibility and evidence of the artist’s ability to successfully complete the work as proposed. Factors to be considered include, but are not limited to: project budget, timeline, and the artist’s experience. Due consideration shall be given to the structural and surface soundness; inherent resistance to theft, vandalism and weathering; and the anticipated costs and amount of ongoing maintenance and/or repair.

LOCAL VENDOR PREFERENCE

A local business is defined as “a business firm with fixed offices or distribution points located within the City of Berkeley boundaries and listed in the Permits and License Tax paid file, with a Berkeley business street address.”

Pricing is not considered while reviewing competitive responses for professional services. When evaluating a technical response for professional services, local Berkeley business can earn an additional five (5) points by meeting the following years as a local Berkeley-based business:

| Years as a Local Business | |
|---------------------------|-------------------|
| Years in Berkeley | Additional Points |
| 0 - 5 | 1 |
| 6 - 10 | 2 |
| 11 - 15 | 3 |
| 16 - 20 | 4 |
| 20 + | 5 |

As an example, if a firm is evaluated and their score is 85/100, and they have been a (verifiable) Berkeley business for 25 years, five (5) points would be added to their score under the heading of “local vendor preference”, and their adjusted score would be 90/100.

V. ARTIST SELECTION PROCESS

PRE-QUALIFICATION

Civic Arts staff will review applications to identify a list of prequalified artists using the list below:

| Criteria | Points |
|---|---------------|
| Artistic Merit | 1 - 35 |
| Relevant Skills & Experience | 1 - 30 |
| The Artist's Past Work is Appropriate to the Site | 1 - 30 |
| Local Vendor Preference | 1 - 5 |
| Maximum Points | 100 |

REVIEW PANEL ONE

This list of prequalified artists will be presented to the Aquatic Park Public Art Review Panel consisting of 2 arts professionals, a Civic Arts Commissioner, a Parks, Recreation and Waterfront Commissioner, and a community representative. The panel will identify 3-4 finalists for this opportunity. Criteria for this phase of the process are:

| Criteria | Points |
|------------------------------|---------------|
| Artistic Merit | 1 - 50 |
| Relevant Skills & Experience | 1 - 45 |
| Local Vendor Preference | 1 - 5 |
| Maximum Points | 100 |

CONCEPTUAL PROPOSALS

Finalists will be invited to develop conceptual site-specific proposals after attending an orientation session with the project team and key stakeholders. Finalists will be paid an honorarium of \$1,000 for development of a proposal.

REVIEW PANEL TWO

The Panel will reconvene to consider the finalists' proposals in an interview format and will select 1 artist/artist team for this opportunity. The artist/artist team selected will be recommended to the Civic Art Commission for final approval. Criteria for this phase of the process are:

| Criteria | Points |
|---|---------------|
| Artistic Merit | 1 - 20 |
| Relevant Skills & Experience | 1 - 15 |
| Meet Project Goals | 1 - 20 |
| The Artwork Proposal is Appropriate to the Site | 1 - 20 |
| Feasibility, Maintainability | 1 - 20 |
| Local Vendor Preference | 1 - 5 |
| Maximum Points | 100 |

The City reserves the right to reject any and all submissions.

VI. SCHEDULE (dates are subject to change)

- Issue RFQ to Potential Bidders: October 11, 2022
- Questions Due November 15, 2022
- Application Deadline December 12, 2022 (by 5 PM PST)
- Complete Selection Process May 2023
- Council Approval of Contract (over \$50k) July 2023
- Award of Contract Date July 2023
- Sign and Process Contract Date August 2023
- Notice to Proceed Date August 2023

VII. QUESTIONS REGARDING RFQ

For questions concerning the anticipated work, or scope of the project, please contact Zoe Taleporos, Public Art Program Lead, via email at ZTaleporos@CityofBerkeley.info no later than **November 15, 2022**. Answers to questions will not be provided by telephone or email. Answers to all questions or any addenda will be posted on the City of Berkeley’s Civic Art site at <https://www.cityofberkeley.info/civic-arts/>. It is the vendor’s responsibility to check this site.

TECHNICAL SUPPORT

Submittable technical support is available on their website <https://www.submittable.com/help/submitter/> or by emailing support@submittable.com. Their business hours are 9am-5pm MT. They aim to respond within 24 business hours.

VIII. CITY CONTRACTING REQUIREMENTS

Firms receiving contracts with the City shall comply with the following requirements:

A. Non-Discrimination Requirements:

Ordinance No. 5876-N.S. codified in B.M.C. Chapter 13.26 states that, for contracts worth more than \$3,000 bids for supplies or bids or proposals for services shall include a completed Workforce Composition Form. Businesses with fewer than five employees are exempt from submitting this form. (See B.M.C. 13.26.030)

Under B.M.C. section 13.26.060, the City may require any bidder or vendor it believes may have discriminated to submit a Non-Discrimination Program. The Contract Compliance Officer will make this determination. This applies to all contracts and all consultants (contractors). Berkeley Municipal Code section 13.26.070 requires that all contracts with the City contain a non-discrimination clause, in which the contractor agrees not to discriminate and allows the City access to records necessary to monitor compliance. This section also applies to all contracts and all consultants.

Bidders must submit the attached Non-Discrimination Disclosure Form with their proposal

B. Nuclear Free Berkeley Disclosure Form:

Berkeley Municipal Code section 12.90.070 prohibits the City from granting contracts to companies that knowingly engage in work for nuclear weapons. This contracting prohibition may be waived if the City Council determines that no reasonable alternative exists to doing business with a company that engages in nuclear weapons work. If your company engages in work for nuclear weapons, explain on the Disclosure Form the nature of such work.

Bidders must submit the attached Nuclear Free Disclosure Form with their proposal.

C. Oppressive States:

The City of Berkeley prohibits granting of contracts to firms that knowingly provide personal services to specified Countries. This contracting prohibition may be waived if the City Council determines that no reasonable alternative exists to doing business with a company that is covered by City Council Resolution No. 59,853-N.S. If your company or any subsidiary is covered, explain on the Disclosure Form the nature of such work. **Bidders must submit the attached Oppressive States Disclosure Form with their proposal.**

D. Sanctuary City Contracting Ordinance:

Chapter 13.105 of the Berkeley Municipal Code prohibits the City from granting and or retaining contracts with any person or entity that provides Data Broker or Extreme Vetting services to the U.S. Immigration and Customs Enforcement Division of the United States Department of Homeland Security ("ICE").

Bidders must submit the attached Sanctuary City Compliance Statement with their proposal.

E. Conflict of Interest:

In the sole judgment of the City, any and all proposals are subject to disqualification on the basis of a conflict of interest. The City may not contract with a vendor if the vendor or an employee, officer or director of the proposer's firm, or any immediate family member of the preceding, has served as an elected official, employee, board or commission member of the City who influences the making of the contract.

Furthermore, the City may not contract with any vendor whose income, investment, or real property interest may be affected by the contract. The City, at its sole option, may disqualify any proposal on the basis of such a conflict of interest.

Please identify any person associated with the firm that has a potential conflict of interest.

F. Berkeley Living Wage Ordinance:

Chapter 13.27 of the Berkeley Municipal Code requires that contractors offer all eligible employees with City mandated minimum compensation during the term of any contract that may be awarded by the City. If the Contractor is not currently subject to the Living Wage Ordinance, cumulative contracts with the City within a one-year period may subject Contractor to the requirements under B.M.C. Chapter 13.27. A certification of compliance with this ordinance will be required upon execution of a contract.

The current Living Wage rate can be found here:

https://www.cityofberkeley.info/Finance/Home/Vendors_Living_Wage_Ordinance.aspx.

The Living Wage rate is adjusted automatically effective June 30th of each year commensurate with the corresponding increase in the Consumer Price Index published in April of each year. If the Living Wage rate is adjusted during the term of your agreement, you must pay the new adjusted rate to all eligible employees, regardless of what the rate was when the contract was executed.

G. Berkeley Equal Benefits Ordinance:

Chapter 13.29 of the Berkeley Municipal Code requires that contractors offer domestic partners the same access to benefits that are available to spouses. A certification of compliance with this ordinance will be required upon execution of a contract.

H. Statement of Economic Interest:

The City's Conflict of Interest Code designates "consultants" as a category of persons who must complete Form 700, Statement of Economic Interest, at the beginning of the contract period and again at the termination of the contract. The selected contractor will be required to complete the Form 700 before work may begin.

I. Insurance:

The selected contractor will be required to maintain general liability insurance in the minimum amount of \$2,000,000, automobile liability insurance in the minimum amount of \$1,000,000 and a professional liability insurance policy in the amount of \$2,000,000 to cover any claims arising out of the performance of the contract. The general liability and automobile insurance must name the City, its officers, agents, volunteers and employees as additional insureds.

Insurance not Necessary: If the services are such that the risk of exposure to liability is very low, insurance may not be required. An example of such a service is an individual using his/her computer at home to lay out a newsletter for the City.

This determination must be made by the Risk Manager in writing before the RFP is issued.

Insurance Waiver: A situation in which insurance is not necessary is different from a case in which insurance may be waived. An insurance waiver is appropriate where insurance would usually be necessary but when, as a policy matter, the City is willing to take the risk of allowing an uninsured or under-insured individual or business to perform the work (usually when the risk of liability is low). An insurance waiver may be granted only by the Risk Manager in writing with the approval of the City Manager. If a potential bidder expresses an inability to meet the insurance requirement, he or she should be encouraged to contact the Project Manager & Risk Manager for assistance in obtaining insurance.)

J. Worker's Compensation Insurance:

A selected contractor who employs any person shall maintain workers' compensation insurance in accordance with state requirements. Sole proprietors with no employees are not required to carry Worker's Compensation Insurance.

(Worker's Compensation Insurance cannot be waived for any person who employs others.)

K. Business License:

Virtually every contractor that does business with the City must obtain a City business license as mandated by B.M.C. Ch. 9.04. The business license requirement applies whether or not the contractor has an office within the City limits. However, a "casual" or "isolated" business transaction (B.M.C. section 9.04.010) does not subject the contractor to the license tax. Warehousing businesses and charitable organizations are the only entities specifically exempted in the code from the license requirement (see B.M.C. sections, 9.04.295 and 9.04.300). Non-profit organizations are granted partial exemptions (see B.M.C. section 9.04.305). Persons who, by reason of physical infirmity, unavoidable misfortune, or unavoidable poverty, may be granted an exemption of one annual free license at the discretion of the Director of Finance. (see B.M.C. sections 9.04.290).

Vendor must apply for a City business license and show proof of application to Purchasing Manager within seven days of being selected as intended contractor.

The Customer Service Division of the Finance Department located at 1947 Center Street, Berkeley, CA 94704, issues business licenses. Contractors should contact this division for questions and/or information on obtaining a City business license, in person, or by calling 510-981-7200.

L. Recycled Paper:

Any printed reports for the City required during the performance of the work shall be on 100% recycled paper, and shall be *printed on both sides of the page* whenever practical.

M. State Prevailing Wage:

Certain labor categories under this project may be subject to prevailing wages as identified in the State of California Labor Code commencing in Section 1770 et. seq. These labor categories, when employed for any “work performed during the design and preconstruction phases of construction including, but not limited to, inspection and land surveying work,” constitute a “Public Work” within the definition of Section 1720(a)(1) of the California Labor Code requiring payment of prevailing wages.

Wage information is available through the California Division of Industrial Relations web site at:
http://www.dir.ca.gov/OPRL/statistics_and_databases.html

IX. PAYMENT

Invoices: Invoices must be fully itemized and provide sufficient information for approving payment and audit. Invoices must be accompanied by receipt for services for payment to be processed. Email invoices to the Accounts Payable and ZTaleporos@CityofBerkeley.info; (List on invoice, Attn: Zoe Taleporos/City Manager’s Office) and reference the contract number. Project Manager name and reference the contract number.

City of Berkeley
Civic Arts Program
2180 Milvia Street, 5th Floor
Berkeley, CA 94706
Attn: Accounts Payable@CityofBerkeley.info
Phone: 510-981-7310

Payments: The City will make payment to the vendor within 30-days of receipt of a correct, approved and complete invoice.

Thank you for your interest in working with the City of Berkeley for this service. We look forward to receiving your Statement of Qualifications.