

OFFICE OF THE CITY CLERK
2005 JUN 29 PM 4:58

CITY OF OAKLAND
AGENDA REPORT

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Cultural Arts & Marketing Division
DATE: July 11, 2006

RE: **Report And Resolution Authorizing the City Administrator To Negotiate and Execute Professional Services Agreements With Valerie Otani And Fernanda D'Agostino for Public Art Design and Fabrication Services for the 66th Avenue Gateway Project in an Amount not to Exceed One Hundred Thousand Dollars (\$100,000) Per Artist.**

SUMMARY

This report includes a resolution authorizing the City Administrator to negotiate and execute professional services agreements with Valerie Otani and Fernanda D'Agostino, who compose the artist team selected to collaboratively create public art elements that will be integrated into the 66th Avenue Gateway Project as part of Measure DD, the Oakland Trust for Clean Water and Safe Parks. The maximum contract amount is not to exceed \$100,000 per artist.

In response to a nationally distributed Request for Qualifications, the City received 134 eligible applications for this public art project opportunity. On April 7, 2006, the top five short-listed finalist teams made detailed presentations on their qualifications, interest and proposed approach to a six-member panel convened by the City. Based on these interviews and presentations, the team of Valerie Otani and Fernanda D'Agostino was selected as most qualified to complete this project.

FISCAL IMPACT

These two professional service agreements will not exceed \$100,000 per artist for the development of artistic concepts and collaboration with the project design team to integrate artistic concepts into the overall design plan, as well as the fabrication and installation of separate art elements as needed. Public art projects are funded from the City of Oakland's percentage for art ordinance (Ordinance Number 11086 C.M.S.). The 66th Avenue Gateway Project funding was approved by the City Council in the Public Art Annual Plan for Fiscal Year 2004 as part of the Measure DD Bond program, public art project improvements. Funding is available for the total artwork project budget of \$200,000 within the Measure DD Capital Improvement Fund (5320), Capital Project Management Organization (92270), Miscellaneous Services Account (54919), Public Art – 66th Avenue Gateway Project (C244320).

BACKGROUND

With funds authorized through Measure DD, the City of Oakland is constructing a Gateway Corridor from the 66th Avenue overpass to Oakport Street that will terminate in a bayfront

Item: _____
Life Enrichment Committee
July 11, 2006

observation platform beside an existing portion of the San Francisco Bay Trail. The Gateway Corridor is defined by the City as an *Estuary Waterfront Access and Cleanup Project* whose primary objectives are “to serve as a visible and convenient entrance from I-880 into the shoreline parks” and to allow users to interact with marshland edge conditions. General objectives for this category of project are the creation and enhancement of linear park and trails, surface waters, native plant restoration, shoreline access, waterfront park enhancement and public access. The bayfront observation platform will include a central space measuring approximately 100 by 60 feet, an ideal site for a public artwork that engages the waterfront, marsh and Bay Trail.

If approved by the City Council, the selected artist team will collaborate with the project landscape architect in the development of public art elements within the park plans.

Selection Process

For the 66th Avenue Gateway project, the Public Art Program released an RFQ seeking a qualified artist or team of artists to design, fabricate and install art elements into the proposed park.

The voting members of the selection panel were regional arts professionals Carin Adams, Ly Nguyen, and Hershell West and community representative Sandra Threlfall. Chairing the meeting (a non-voting function) was Public Art Advisory Committee co-chair Scott Atthowe. Non-voting advisor to the panel was Diane Tannenwald, Oakland Public Works Agency project manager.

The selection panel met in a two-phased process. The first phase included the selection of five finalists from the eligible application pool of 134 and the second phase included the interview of the five finalists and recommendation of the commission. Finalists were required to attend an orientation meeting to become familiar with aspects of the project site and current reconstruction plans in order to prepare for the finalist interview.

Public Art staff prepared objective selection criteria for use by the panel in rating the qualifications of applicants in order to determine the short list of finalists. These criteria, found in the project RFQ, included:

- Professional and artistic qualifications and standards of excellence in innovation, creativity and originality as demonstrated in materials submitted;
- Appropriateness of applicant’s medium and style;
- Previous experience as it relates to the project goals and setting, as well as scale and scope;
- Familiarity with public agencies, the public review process and/or previous collaboration with local government and environmental groups;
- Demonstrated ability to work collaboratively with architects, landscape designers and project managers during design and installation phases; and
- Demonstrated ability to undertake and successfully execute the work in accordance with the construction schedule, in a professional manner and within the project budget.

The selection panel met for second-phase review on April 7, 2006, in City Hall to interview the finalists. Following interviews with and presentations by all the finalists, the panel recommended the very experienced team of Valerie Otani and Fernanda D'Agostino to receive the project commission. The panel further recommended the Oakland-based team of John Roloff and Lewis DeSoto as the alternate selection, should the team of Otani and D'Agostino be unable to accept the commission award. In May 2006, both the Public Advisory Committee and the Oakland Cultural Affairs Commission approved the panel's recommendation of the selected and alternate teams of artists

Ms. Otani and Ms. D'Agostino live and work in Portland, Oregon. Ms. Otani was raised in Oakland, has family still living in our city and owns a home here as well. As a team, these artists have created many environmentally sensitive, well-integrated public art projects in various West Coast locations.

If Council approves the resolution, Public Art staff will make certain that Otani and D'Agostino are in compliance with City policies before the Professional Service Agreements are executed.

KEY ISSUES AND IMPACTS

This is a collaborative design team process. The artwork program developed by the artists will be integrated with the landscape architecture and engineering plans for the 66th Avenue Gateway Project. In consultation with the landscape architecture consultant firm DC&E, and under the direction of the City's Public Art Coordinator, the artists will develop a comprehensive plan for integrated public art.

At the conclusion of the first phase of the artists' contracts, their overall public art proposal will be presented in several public meetings, to the East Bay Regional Parks District Board, and subsequently to the Public Art Advisory Committee, Cultural Affairs Commission and City Council for review prior to any fabrication and installation of artwork.

Materials used for all artwork features in the Gateway project will be durable, resistant to vandalism, appropriate for heavy public use in an outdoor setting and impervious to the elements. Integrated designs will be developed to require minimal or no maintenance beyond routine cleaning of the park. Any extraordinary maintenance requirements that may arise will be managed by the Public Art Program from its art maintenance fund account.

SUSTAINABLE OPPORTUNITIES

Economic: The selected artists, Valerie Otani and Fernanda D'Agostino, will principally perform any hands-on fabrication of artwork, though they may subcontract with Oakland-based artisans and fabricators to build and install artistic elements as needed.

Environmental: The artwork will be designed to be compatible with and integrated into the landscape architecture of the 66th Avenue Gateway and will help bridge the gap between the urban character of the project surroundings and the mandates of the wetlands preservation project.

Item: _____
Life Enrichment Committee
July 11, 2006

Social Equity: The public artwork described in this report will enhance the recreational and aesthetic aspects of the Oakland Estuary and surrounding neighborhoods, adding to the quality of life for all residents of and visitors to Oakland.

DISABILITY AND SENIOR CITIZEN ACCESS

The public art elements within the 66th Avenue Gateway area will be accessible and visible to viewers from many vantage points adjacent to the Estuary. The artwork will be ADA compliant and will not create a tripping hazard for senior citizen access.

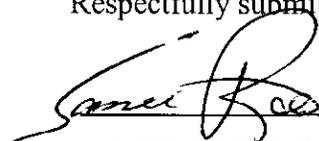
RECOMMENDATION AND RATIONALE

Although all of the finalists demonstrated relevant experience and a thoughtful approach to the challenges of this project, the team of Valerie Otani and Fernanda D'Agostino was most highly rated by the selection panel, which valued the skills and experience they would bring to the project and their aesthetic orientation and conceptual approach. Therefore, staff recommends that Council approve the resolution authorizing the City Administrator to negotiate and execute Professional Services Agreements with artists Valerie Otani and Fernanda D'Agostino in an amount not to exceed \$100,000 per artist.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the Council approve the resolution.

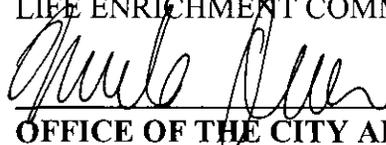
Respectfully submitted,



SAMEE LYNN ROBERTS, MANAGER
Cultural Arts & Marketing Division
Office of the City Administrator

Report prepared by:
Steven Huss, Acting Cultural Arts Programs Coordinator

APPROVED AND FORWARDED TO THE
LIFE ENRICHMENT COMMITTEE:


OFFICE OF THE CITY ADMINISTRATOR

Item: _____
Life Enrichment Committee
July 11, 2006

SCOPE OF WORK/OUTLINE OF SERVICES TO BE PERFORMED

I. PROJECT DESCRIPTION, LOCATION OF ARTWORK & TASKS

Description:

In partnership with artist Fernanda D'Agostino, Contractor shall develop artwork design concepts in collaboration with the 66th Avenue Gateway project landscape architects, DC&E. Contractor in partnership with artist Fernanda D'Agostino shall also fabricate and install specified unique public art elements as are approved by the Public Art Project Manager. Final artwork designs will be reviewed by City staff, the Public Art Advisory Committee, and other project stakeholders before approval is made in writing by the Public Art Project Manager.

Location:

The Artwork will be located within the 66th Avenue Gateway park and observation platform located on the Oakland Estuary, west of Oakport Street at 66th Avenue in Oakland.

Task 1: Off-Site Elements – In partnership with artist Fernanda D'Agostino, Contractor shall:

- Meet on an as-needed basis with the project landscape architects to develop integrative artwork concepts for the project.
- Develop scale drawings of proposed artwork and obtain engineering review, if required.
- Meet with community groups and project stakeholders as directed by Public Art Project Manager.
- Purchase materials for all proposed artwork components.
- Fabricate or cause to be fabricated all artwork elements not integrated in the general contractor's scope of work.
- Prepare all materials with protective and anti-graffiti coatings as needed.

Task 2: On-Site Elements – In partnership with artist Fernanda D'Agostino, Contractor shall:

- Coordinate final artwork delivery and installation schedule with Public Art and Public Works Agency staff prior to transportation.
- Transport artwork elements to site.
- Prepare the site for installation.
- Oversee installation of all artwork elements.
- Inspect artworks for any damage occurring during transport and installation and repair or touch up as needed.
- Document all artworks as specified below.

Task 3: Supplemental Materials

To be Delivered to Public Art Project Manager Prior to Final Payment:

- A manual for the City’s public art collection management program which includes materials specifications and describes routine maintenance needs, recommendations for care of the artwork elements, and other considerations for upkeep of the project.
- A series of high-resolution digital photographic images of the completed public art project in situ, including a minimum of two different images per specific element and two views of the overall project.
- A brief (one to two pages) narrative description of the public art project, including the Contractor’s themes and concepts and other information that will enhance public enjoyment and understanding of the project and the artist’s work, and for possible incorporation into explanatory signage to be installed at the site.

II. SCHEDULE OF PERFORMANCE

Contractor shall perform work according to the following schedule. Contractor shall not commence Contractor’s Services until this Agreement is fully executed and City issues a notice to commence work.

	<i>Date</i>
Design Development Meetings:	August 15 – October 31, 2006
Integration of Design Concepts with Construction Documents:	November 1 – December 31, 2006
Fabrication of Off-Site Elements:	January 1 – August 31, 2007
Completion of Installation:	October 31, 2007
Final Contract Completion:	December 31, 2007

The parties agree that the schedule of performance set forth above may, by mutual agreement, be modified in writing without the necessity of a formal amendment to this Agreement.

The schedule for payment will occur in accordance with the milestones set forth below. In the event that City accepts the Artwork, one or more payments set forth in **the Schedule of Payment** may occur following the completion date for the Artwork as set forth above or as may be modified in writing by the parties.

III. COMPENSATION

1. Fee. Contractor’s fee for design, fabrication and installation of Artwork, including all expenses relating thereto, shall not exceed the sum of one hundred thousand hundred dollars (**\$100,000**). This fee includes but is not limited to the following costs: Labor of assistants; materials, communication and other indirect costs; travel expenses of the Contractor for site visits and supervision of work; and fabrication, installation, and transportation costs.

2. Interim Payments. City agrees to pay Contractor in installments as set forth in the schedule below and in accordance with the terms of Section 23 of this Agreement.

3. Payment Schedule.

First payment, upon execution of this Agreement, to begin design development (10%):	\$10,000
2 nd payment, for continuing design development services, approximately three months following 1 st payment (10%):	\$10,000
3 rd payment, at commencement of fabrication phase, upon evidence of purchase or commitment to purchase materials (40%):	\$40,000
4 th payment, at completion of fabrication phase, following progress review and approval by Public Art Project Manager (30%):	\$30,000
5 th payment, upon City's issuance of the Notice of Acceptance, plus thirty (30) days (10%):	\$10,000

4. Reimbursables. City will not make any additional payment for Contractor's expenses.

5. Notwithstanding the foregoing, Contractor expressly acknowledges that approval of work to permit an interim payment is solely for the benefit of Contractor. Unless and until the City issues a Notice of Acceptance for the Artwork, no interim approval shall constitute acceptance or approval of the Artwork by City nor shall it be construed as a waiver of City's right to require that the Artwork conform strictly to the Final Proposal and to the Plans.

6. Pursuant to California Revenue and Taxation Code Section 6365, the Artwork is exempt from sales taxes imposed under the California Revenue and Taxation Code.

Contractor:

(Please Print)

(Signature)

(Date)

City Representative:

(Please Print)

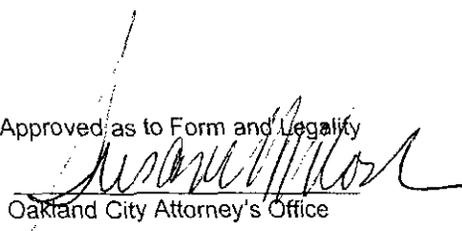
(Signature)

(Date)

OFFICE OF THE CITY CLERK
CITY OF OAKLAND

2006 JUN 28 PM 3: 54

Approved as to Form and Legality


Oakland City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE PROFESSIONAL SERVICES AGREEMENTS WITH VALERIE OTANI AND FERNANDA D'AGOSTINO FOR PUBLIC ART DESIGN AND FABRICATION SERVICES FOR THE 66th AVENUE GATEWAY PROJECT IN AN AMOUNT NOT TO EXCEED ONE HUNDRED THOUSAND DOLLARS (\$100,000) PER ARTIST.

WHEREAS, Measure DD, the Oakland Trust for Clean Water and Safe Parks Fund, includes a number of projects along the Oakland Estuary; and

WHEREAS, one of these projects is the 66th Avenue Gateway project at the west end of 66th Avenue/Zhone Way; and

WHEREAS, professional artists' services are needed to develop public art components for the project, and

WHEREAS, an extensive national outreach effort to solicit artist candidates resulted in 134 qualified responses; and

WHEREAS, in February 1989, the City of Oakland adopted a Public Art Ordinance (no. 11086 C.M.S.) authorizing the allocation of 1.5% of City capital improvement project costs for the commissioning of public artwork; and

WHEREAS, it is the intent of the Public Art Ordinance to provide a means for the City to commission artists to create artwork, which enlivens, enhances, and enriches the visual environment of the City of Oakland; and

WHEREAS, on April 7 and April 21, 2006, a six-member selection panel, consisting of regional artists, community members, and project representatives met to select an artist or artist team to develop and to build integrated public art elements for the 66th Avenue Gateway Project, and recommended the team of Valerie Otani and Fernanda D'Agostino; and

WHEREAS, on May 1, 2006 the Public Art Advisory Committee voted to accept the recommendation of the selection panel, and on May 22, 2006 the Cultural Affairs Commission

voted to approve the commission of the artist team Valerie Otani and Fernanda D'Agostino for the 66th Avenue Gateway Project; and

WHEREAS, the City of Oakland finds that these contracts are professional in nature and will not result in a loss of employment or salary by any person having permanent status in the competitive service; and

WHEREAS, funding is available for the total artwork project budget of \$200,000 within the Measure DD Capital Improvement Fund (5320), Capital Project Management Organization (92270), Miscellaneous Contractual Services Account (54919), Public Art – 66th Avenue Gateway Project (C244320); now, therefore, be it

RESOLVED, that the City Council hereby authorizes the City Administrator to negotiate and execute professional services agreements with Valerie Otani and Fernanda D'Agostino in an amount not to exceed one hundred thousand dollars (\$100,000.00) each from the Measure DD bond funding; and be it

FURTHER RESOLVED, that the City Administrator is hereby authorized to execute any amendments or modifications of said contract within the limitations of the project specifications; and be it

FURTHER RESOLVED, that the agreement will be reviewed and approved by the City Attorney and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2006

PASSED BY THE FOLLOWING VOTE:

AYES - BRUNNER, KERNIGHAN, NADEL, QUAN, BROOKS, REID, CHANG, AND
PRESIDENT DE LA FUENTE

NOES --

ABSENT --

ABSTENTION --

ATTEST:

LATONDA SIMMONS
City Clerk and Clerk of the Council of
the City of Oakland, California