

CITY OF OAKLAND
AGENDA REPORT

OFFICE OF THE CITY CLERK
2006 AUG 31 PM 6:23

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Cultural Arts & Marketing Division
DATE: September 12, 2006

RE: **Report And Resolution Authorizing the City Administrator to Negotiate and Execute Professional Services Agreements with Artists John Roloff and Lewis deSoto for Public Art Design and Fabrication Services for the Lake Merritt – Oakland Estuary Channel Public Art Project in an Amount not to Exceed Seventy Seven Thousand Five Hundred Dollars (\$77,500) Per Artist.**

SUMMARY

This report includes a resolution authorizing the City Administrator to negotiate and execute professional services agreements with John Roloff and Lewis deSoto, the team of artists selected to collaboratively create public art elements that will be integrated into the Lake Merritt – Oakland Estuary Channel Project as part of Measure DD, the Oakland Trust for Clean Water and Safe Parks. The amount of the contracts is not to exceed \$77,500 per artist.

In response to a nationally distributed Request for Qualifications, the City of Oakland Public Art Program received 49 eligible applications for this public art project opportunity. On May 24, 2006, the four top-rated finalist teams made detailed presentations on their qualifications, interest and proposed approach to a ten-member panel convened by the City. Based on these interviews and presentations, the team of John Roloff and Lewis deSoto was selected as most qualified to complete this project.

FISCAL IMPACT

The two professional service agreements will not exceed \$77,500 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 percent-for-public-art ordinance (Ordinance Number 11086 C.M.S.). Lake Merritt – Oakland Estuary Channel Public Art Project funding was approved by City Council in the Public Art Annual Plan for Fiscal Year 2004 as part of Measure DD Bond program public art project improvements. Funding is available for the total artwork design project budget of \$155,000 within the Measure DD Capital Improvement Fund (5320), Capital Project Management Organization (92242), Miscellaneous Contractual Services Account (54919), Lake Merritt Municipal Boathouse Project (C241920), Lake Merritt Systemwide Improvements Project (C242120), Lake Merritt Pedestrian/Bike Path Project (C242320) and Lake Merritt El Embarcadero Project (C242420).

Item: _____
Life Enrichment Committee
September 12, 2006

BACKGROUND

With funds authorized through Measure DD, the City of Oakland is implementing improvements to the Lake Merritt – Oakland Estuary Channel that will encompass the 10th Street Bridge, the 7th Street Bridge and Flood Control Station, Channel Park and the surrounding greenways intersecting Laney College and the Peralta Community College District up to the Interstate 880 overpass. Construction for this scope of work will terminate at I-880, but conceptual design development will include linkages to the Oakland Estuary at Estuary Park and the San Francisco Bay Trail. The City of Oakland's 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.

If approved by City Council, the selected artist team will collaborate with the City's project staff, landscape architect and other project team consultants in the development of artistic enhancements and public art elements within the overall project plans.

Selection Process:

For the Lake Merritt – Oakland Estuary Channel Design Team artist opportunity, the Public Art Program released a Request for Qualifications nationwide seeking a qualified artist or team of artists to collaborate as part of the design team for this project.

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: (1) Professional and artistic qualifications and standards of excellence in innovation, creativity and originality as demonstrated in materials submitted as well as appropriateness of applicant's medium and style; (2) Demonstrated ability to work collaboratively with architects, landscape designers and project managers in a design team context; (3) Previous experience as it relates to the project goals, setting, scale and scope; (4) Familiarity with public agencies, the public review process and/or previous collaboration with local government and environmental groups; and (5) 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 voting members of the selection panel, all Oakland-based, were arts professionals Jennifer Easton and Alan Leon and Public Art Advisory Committee (PAAC) members Scott Atthowe, Deborah Lozier and Carole Jeung. Chairing the meeting (a non-voting function) was PAAC co-chair Cherie Newell. Other non-voting advisors to the panel were Joel Peter, Measure DD program manager; Joanna Fong, representative of project landscape architects Sasaki Associates; and Public Art Program staffers Steven Huss and Kristen Zaremba. Alton Jelks, representative of the Office of the Chancellor, Peralta Community College District, briefed the panel on Peralta's desired project goals.

The selection panel met in a two-phase process. In the first phase, five finalists were selected from the eligible application pool of 49; in the second phase, finalists were interviewed and a team was recommended to receive the project commission. In preparation for the finalist interviews, finalists

were required to attend an on-site orientation to become familiar with aspects of the project site and current improvement plans.

At second-phase review on May 24, 2006, following interviews with and presentations by all the finalists, the panel recommended the experienced team of John Roloff and Lewis deSoto to receive the project commission. The panel further recommended the Los Angeles-based team of Russell Rock and Jeanine Centouri as the alternate selection, should the team of Roloff and deSoto be unable to accept the commission. In June 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.

Mr. Roloff lives and works in Oakland. Mr. deSoto lives in Napa and maintains a studio in Oakland. As established, practicing artists with years of public art experience, they have created many environmentally sensitive, well-integrated public art projects in various locations throughout California and nationally.

If Council approves the resolution, City staff will make certain that Roloff and deSoto 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 Lake Merritt – Oakland Estuary Channel Project. In consultation with the landscape architecture consultant firm Sasaki Associates, 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 their contracts, the artists' overall public art proposal will be presented in several public meetings, to Peralta Community College District and Laney College representatives, and subsequently to the Public Art Advisory Committee and Cultural Affairs Commission for review prior to any fabrication and installation of artwork.

Materials used for all artwork features in the Channel 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. 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, John Roloff and Lewis deSoto, are based in Oakland and Napa, CA. They will personally fabricate artistic elements, and/or may also 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, pathway and bridge crossing enhancements along the Lake Merritt – Oakland Estuary Channel, and will help bridge the gap between the urban character of the surrounding

neighborhoods, the Laney College campus project surroundings, Lake Merritt, and the mandates of the wetlands improvements associated with the project.

Social Equity: The public artwork described in this report will enhance the recreational and aesthetic aspects of the Lake Merritt - Oakland Estuary Channel 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 Lake Merritt – Oakland Estuary Channel area will be accessible and visible to viewers from many vantage points adjacent to the Channel. The artwork will be ADA compliant and will not create a tripping hazard for senior citizen access.

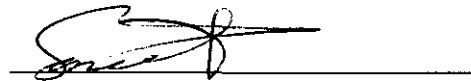
RECOMMENDATION AND RATIONALE

While all of the finalists demonstrated relevant experience and a thoughtful approach to the challenges of this project, the team of John Roloff and Lewis deSoto was most highly rated by the selection panel, which valued the skills and experience they would bring to the project, their aesthetic orientation and conceptual approach. Therefore, staff recommends that City Council approve the resolution authorizing the City Administrator to negotiate and execute Professional Services Agreements with artists John Roloff and Lewis deSoto in an amount not to exceed \$77,500 per artist.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that City Council approve the resolution.

Respectfully submitted,



SAMEE 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
September 12, 2006

SCOPE OF WORK/OUTLINE OF SERVICES TO BE PERFORMED

I. PROJECT DESCRIPTION, LOCATION OF ARTWORK & TASKS

Description:

In partnership with artist Lewis deSoto, Contractor shall develop artwork design concepts in collaboration with the Lake Merritt – Oakland Estuary Channel Project landscape architects, Sasaki Associates, and City of Oakland representatives. In partnership with artist Lewis deSoto, Contractor 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 project area along the Lake Merritt – Oakland Estuary Channel and Channel Park, located between the 10th Street Bridge and Interstate 880, in Oakland.

Task 1: Off-Site Elements – In partnership with artist Lewis deSoto, 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 Lewis deSoto, 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:	October 1 – November 31, 2006
Integration of Design Concepts with Construction Documents:	December 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 **Payment Schedule** 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

- A. Fee. Contractor’s fee for design, fabrication and installation of Artwork, including all expenses relating thereto, shall not exceed the sum of seventy-seven thousand five hundred dollars (**\$77,500**). 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.

B. 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.

C. Payment Schedule.

First payment (10%), to begin design development, upon execution of this Agreement:	\$7,750
2 nd payment (10%), for continuing design development services, approximately three months following 1 st payment:	\$7,750
3 rd payment (40%), at commencement of fabrication phase, upon evidence of purchase or commitment to purchase materials:	\$31,000
4 th payment (30%), at completion of fabrication phase, following progress review and approval by Public Art Project Manager:	\$23,250
5th payment (10%), upon City's issuance of the Notice of Acceptance, plus thirty (30) days:	\$7,750

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

E. 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.

F. 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)

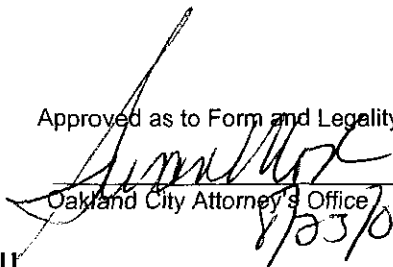
(Signature)

(Date)

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2006 AUG 31 PM 6: 23

Approved as to Form and Legality


Oakland City Attorney's Office
8/23/06

OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE PROFESSIONAL SERVICES AGREEMENTS WITH ARTISTS JOHN ROLOFF AND LEWIS DESOTO FOR PUBLIC ART DESIGN AND FABRICATION SERVICES FOR THE LAKE MERRITT – OAKLAND ESTUARY CHANNEL PROJECT IN AN AMOUNT NOT TO EXCEED SEVENTY SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$77,500) 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 Lake Merritt – Oakland Estuary Channel project between the 10th Street Bridge and Interstate 880; and

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

WHEREAS, a national outreach effort to solicit artist candidates resulted in 49 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 24 and May 24, 2006, a ten-member selection panel consisting of regional artists, community members, and project representatives met to select an artist team to develop and to build integrated public art elements for the Lake Merritt – Oakland Estuary Public Art Project, and recommended the team of John Roloff and Lewis deSoto; and

WHEREAS, on June 5, 2006 the Public Art Advisory Committee voted to accept the recommendation of the selection panel, and on June 26, 2006 the Cultural Affairs Commission

voted to approve the commission of the artist team John Roloff and Lewis deSoto for the Lake Merritt – Oakland Estuary Channel 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 \$155,000 within the Measure DD Capital Improvement Fund (5320), Capital Project Management Organization (92242), Miscellaneous Contractual Services Account (54919), Lake Merritt Municipal Boathouse Project (C241920), Lake Merritt Systemwide Improvements Project (C242120), Lake Merritt Pedestrian/Bike Path Project (C242320) and Lake Merritt El Embarcadero Project (C242420); now, therefore, be it

RESOLVED, that the City Council hereby authorizes the City Administrator to negotiate and execute professional services agreements with John Roloff and Lewis deSoto in an amount not to exceed seventy seven thousand five hundred dollars (\$77,500) 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