

**CITY OF OAKLAND**  
**AGENDA REPORT**

2006 SEP 27 PM 4: 36

TO: Office of the City Administrator  
ATTN: Deborah Edgerly  
FROM: Cultural Arts & Marketing Division  
DATE: October 10, 2006

RE: **Resolution Authorizing the City Administrator to Negotiate and Execute a Professional Services Agreement with Rene Yung for Public Art Design, Fabrication and Installation Services for the 81<sup>st</sup> Avenue Branch Library in an Amount Not to Exceed Ninety-Two Thousand Five Hundred Dollars (\$92,500)**

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**SUMMARY**

This is a resolution authorizing the City Administrator to negotiate and execute a professional services agreement with artist Rene Yung to create a public art project for the new 81<sup>st</sup> Avenue Branch Library. The proposed artwork will enhance the architecture and interior of the new library while *engaging community and library users*. The maximum contract amount is not to exceed \$92,500.

In response to a Request for Qualifications distributed to the nine-county Bay Area region, the City received 30 applications for this public art project opportunity. On July 28, 2006, the five top-rated finalists made detailed presentations on their qualifications, interest and approach to a ten-member panel convened by the City. Based on these interviews and presentations, artist Rene Yung was selected as most qualified to complete this project.

**FISCAL IMPACT**

This professional services agreement will not exceed \$92,500 for design, fabrication, and installation of the completed art project. Public art projects are funded from the City of Oakland's percent for art ordinance (Ordinance Number 11086 C.M.S.). Funding for the total artwork project budget of \$92,500 is available within the Municipal Improvement Capital Fund (5505), Public Art Organization (62511), 81<sup>st</sup> Ave-Public Art Project (C274430). Future maintenance costs will be minimal. Any extraordinary maintenance requirements that may arise will be managed by the Public Art Program from its art maintenance fund account.

**BACKGROUND**

The 81<sup>st</sup> Avenue Branch Library, to be located at the intersection of 81<sup>st</sup> Avenue and Rudsdale Street in East Oakland, is a new community library being implemented as part of the Oakland Public Library's proposed Master Facilities Plan. As a "Community Branch" library, this will be the first to incorporate new concepts for improved services developed in response to community identified needs. The 81<sup>st</sup> Avenue Branch will function as the primary library for two elementary

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schools adjacent to the site, ACORN Woodland Elementary School and EnCompass Academy, provide teen and adult programs and services to the surrounding community, and provide additional services for patrons of the nearby Brookfield, Elmhurst and Martin Luther King, Jr. neighborhood libraries. Possible public art opportunities specified for this facility included work applied to glass; sculptural or two-dimensional wall surface treatments; or suspended sculptural work. The goal of the public art component is to capture the history and spirit of the community and celebrate the value of libraries in our communities while enhancing the building architecture.

If approved by City Council, the selected artist will collaborate with the City's project staff, landscape architect and other project team consultants in the development of public artwork(s) for this project (see Schedule A: Scope of Services).

***Selection Process:***

The Public Art Program released a Request for Qualifications (RFQ) within the Bay Area seeking a qualified artist to design architecturally integrated site-specific work for this new facility. Public Art staff prepared objective selection criteria for use by the panel in rating the qualifications of applicants. 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; and 2) Appropriateness of artist's medium and style as they relate to the 81<sup>st</sup> Avenue Branch Library project design goals, setting, scale and scope; and 3) Previous experience with projects of a similar scale and scope or the demonstrated ability to procure the professional expertise required to work in the public sector; and 4) Demonstrated ability to undertake and successfully execute the work in accordance with the construction schedule, in a professional manner and within the project budget.

Voting members of the selection panel were regional arts professionals and community representatives Rose Kelly, Alexandra Kulka, and Judy Moran, all Oakland residents; and Oakland Public Library Representatives Pete Villasenor, Teen Librarian, and Mary Weinstein, Administration. Chairing the meeting (a non-voting function) was Public Art Advisory Committee (PAAC) member Norm Schneider. Other non-voting advisors to the panel were Calvin Hao, Public Works Agency; David Schnee and Nancy Chow-Yan, Group 4 Project Architects; Larry Gallegos, Community & Economic Development Agency (CEDA). The selection panels were facilitated by Public Art staff.

The selection panel met in a two-phase process. The first phase included selection of five finalists from the eligible application pool of 28 and the second phase included interviews and recommendation of the commission. On July 19, 2006, finalists attended an orientation meeting with the project architects, City staff and principals from the two schools to become familiar with aspects of the Library's programmatic and construction goals, and the project site. At the second-phase review on July 28, 2006, following presentations by all the finalists, the panel recommended Rene Yung to receive the 81<sup>st</sup> Avenue Branch Library Public Art commission.

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Social Equity: The public artwork designed for this facility will enhance the aesthetic aspects of the new 81<sup>st</sup> Avenue Branch Library, adding to the quality of life for residents of and visitors to Oakland, particularly library users, students at the two adjacent schools and residents in the surrounding community. The artist's designs will reflect the identity and character of this East Oakland community and bolster community pride in this City facility.

#### **DISABILITY AND SENIOR CITIZEN ACCESS**

The public art will be accessible and visible to viewers from many vantage points. The artwork will be ADA compliant, and will not create a tripping hazard for senior citizen access.

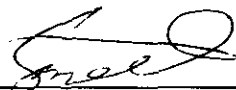
#### **RECOMMENDATION**

The Cultural Affairs Commission recommends that City Council authorize the City Administrator to negotiate and execute a professional services agreement with Rene Yung for public art design, fabrication and installation services for the 81st Avenue Branch Library, in an amount not to exceed ninety-two thousand five hundred dollars (\$92,500).

#### **ACTION REQUESTED OF THE CITY COUNCIL**

That Council approves the resolution authorizing the City Administrator to negotiate and execute a professional services agreement with Rene Yung for public art design, fabrication and installation services for the 81st Avenue Branch Library, in an amount not to exceed ninety-two thousand five hundred dollars (\$92,500).

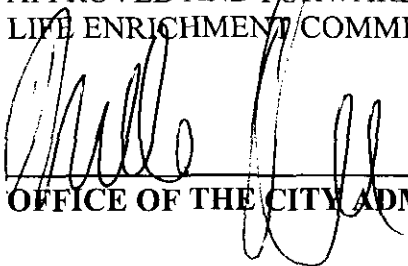
Respectfully submitted,



\_\_\_\_\_  
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

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## SCOPE OF WORK/OUTLINE OF SERVICES TO BE PERFORMED

### I. PROJECT DESCRIPTION, LOCATION OF ARTWORK & TASKS

#### Description:

Contractor shall finalize artwork design concepts for the 81<sup>st</sup> Avenue Branch Library Public Art Project. 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 new 81<sup>st</sup> Avenue Branch Library, to be located at the intersection of 81<sup>st</sup> Avenue and Rudsdale Street, in East Oakland.

#### Task 1: Off-Site Elements –Contractor shall:

- Meet on an as-needed basis with community representatives and City staff to develop integrative artwork designs and budget 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 –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:               | November 1 – March 31, 2007      |
| Fabrication of Off-Site Elements: | April 1, 2007 – October 30, 2008 |
| Completion of Installation:       | November 30, 2008                |
| Final Contract Completion:        | February 28, 2009                |

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 ninety-two thousand five hundred dollars (**\$92,500**). 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.

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%):  | \$9,250  |
| 2 <sup>nd</sup> payment, for continuing design development services, approximately three months following 1 <sup>st</sup> payment (10%): | \$9,250  |
| 3 <sup>rd</sup> payment, at commencement of fabrication phase, upon evidence of purchase or commitment to purchase materials (40%):      | \$37,000 |
| 4 <sup>th</sup> payment, at completion of fabrication phase, following progress review and approval by Public Art Project Manager (30%): | \$27,750 |
| 5 <sup>th</sup> payment, upon City's issuance of the Notice of Acceptance, plus thirty (30) days (10%):                                  | \$9,250  |

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.

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Approved as to Form and Legality  
  
Oakland City Attorney's Office

## OAKLAND CITY COUNCIL

Resolution No. \_\_\_\_\_ C.M.S.

Introduced by Councilmember \_\_\_\_\_

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**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH RENE YUNG FOR PUBLIC ART DESIGN, FABRICATION AND INSTALLATION SERVICES FOR THE 81<sup>ST</sup> AVENUE BRANCH LIBRARY IN AN AMOUNT NOT TO EXCEED NINETY-TWO THOUSAND FIVE HUNDRED DOLLARS (\$92,500).**

**WHEREAS**, the City of Oakland will be constructing a new community branch library at 81<sup>st</sup> Avenue and Rudsdale Street in East Oakland; and

**WHEREAS**, professional artistic design services are needed to develop a public art component for the project; and

**WHEREAS**, an extensive outreach effort to solicit qualified artist candidates resulted in responses from thirty Bay Area artists; 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 that enlivens, enhances, and enriches the visual environment of the City of Oakland; and

**WHEREAS**, on June 23, 2006 and July 28, 2006, a ten-member selection panel consisting of community members, artists, arts professionals and project representatives met to select and approve an artist or artist team to create public art elements for the 81st Avenue Library, and unanimously recommended artist Rene Yung; and

**WHEREAS**, on August 7, 2006, the Public Art Advisory Committee voted to accept the recommendation of the selection panel and approve the commission of artist Rene Yung for the 81<sup>st</sup> Avenue Branch Library Public Art Project; and

**WHEREAS**, the City of Oakland finds that this contract is 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 for the total artwork project budget of \$92,500 is available within the Municipal Improvement Capital Fund (5505), Public Art Organization (62511) , 81<sup>st</sup> Ave- Public Art Project (C274430); now, therefore, be it

**RESOLVED**, that the City Council hereby authorizes the City Administrator to negotiate and execute a professional services agreement with Rene Yung for public art design, fabrication and installation services for the 81<sup>st</sup> Avenue Branch Library in an amount not to exceed ninety-two thousand five hundred dollars (\$92,500) from Public Art Program 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.

**FURTHER RESOLVED**, 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