

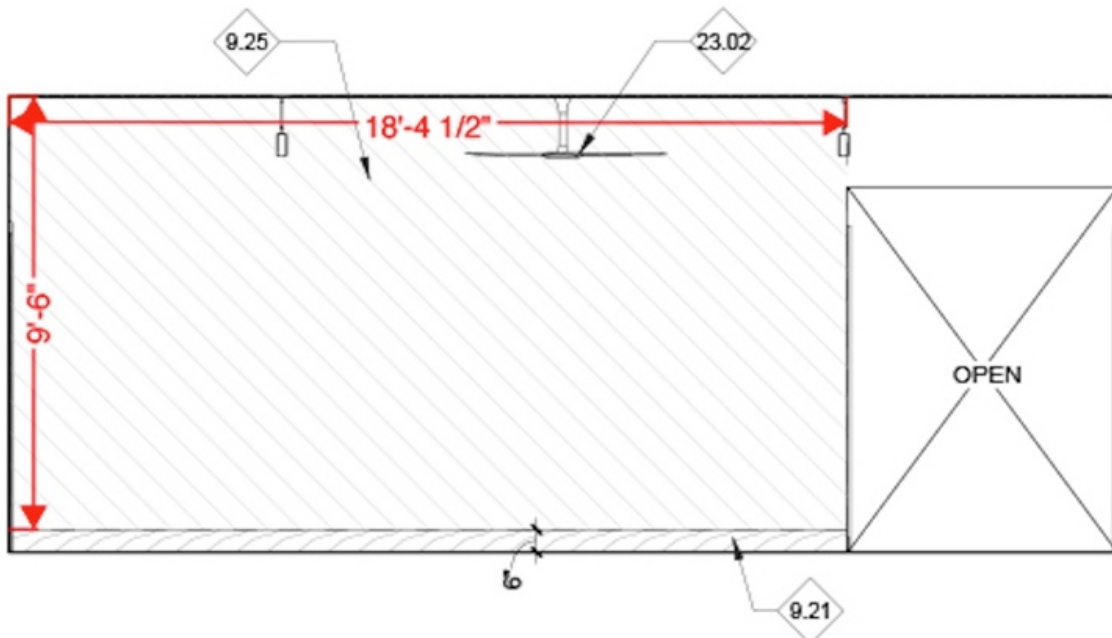
**REQUEST FOR QUALIFICATIONS (RFQ)**  
**Specification No. 24-11646-C**  
**WILLARD CLUBHOUSE PUBLIC ART**  
**PROPOSALS WILL NOT BE OPENED AND READ PUBLICLY**

**RFQ Issue Date:** February 13, 2024  
**Applicant Questions Due:** March 12, 2024 (by 5:00pm PT)  
**Responses to Questions Posted:** March 15, 2024  
**Application Deadline:** April 9, 2024 (by 5:00pm PT)

**Applications Accepted Through Submittable:** <https://cityofberkeleyoed.submittable.com/submit>

Proposals will not be accepted after the date and time stated above. Incomplete proposal or proposals that do not conform to the requirements specified herein will not be considered. Issuance of the RFQ does not obligate the City of Berkeley (the “City”) to award a contract, nor is the City liable for any costs incurred by the proposer in the preparation and submittal of proposals for the subject work. The act of submitting a proposal is a declaration that the proposer has read the RFQ and understands all the requirements and conditions.

**I. PROJECT SUMMARY**



## **SITE DESCRIPTION**

Built in 1971, Willard Clubhouse is located at the southeast corner of Willard Park at [2720 Hillegass Avenue](#), between Derby Street and Stuart Street. The small 565 square-foot one-story, one-room clubhouse has long been a staple of Berkeley's after-school and summer day camp programs, with each program serving a maximum of 45 elementary school aged children.

Enrollment for both the after-school and summer day camp programs quickly reach the maximum capacity every year with a typical waitlist of approximately 25 children. Occupancy of the existing clubhouse is limited, therefore in order to accommodate 45 children, staff makes use of the adjacent covered patio, as well as the outside open lawn area to run activities and programs. Additionally, the large open lawn area makes the clubhouse and park a suitable location for the City's recreation staff to host events such as the Annual Spring Egg Hunt Extravaganza.

In the spring of 2019, the City of Berkeley selected ELS Architecture and Urban Design, a local firm, to provide professional architectural design services for the Willard Clubhouse and Restroom Replacement Project. Together with the City, the project team set out to design a new Willard Clubhouse that would meet the City's program needs and also be sustainable, modern, accessible, and multi-generational.

The final conceptual design for Willard Clubhouse calls for a 1,700 square foot all electric, multi-purpose recreation building which features a lobby, all-gender restrooms, an office, kitchen, and a large community room with a dividing wall to split the space into two smaller rooms. Completion of the project is anticipated for Spring 2025.

## **PUBLIC ART PROJECT**

Berkeley Civic Arts seeks to commission an Artist to translate two-dimensional imagery to tile or mosaic on an interior lobby wall measuring 18'-5" wide by 10' high. (The available area for artwork is 18'-4.5" wide x 9'-6".) While the main viewing experience within the Clubhouse, the artwork will also be visible from the outside through the glass entryway.

To view images of project location, please visit:

[https://www.flickr.com/photos/182423535@N08/albums/72177720314641146/with/53515\\_505311/](https://www.flickr.com/photos/182423535@N08/albums/72177720314641146/with/53515_505311/)

## **PROJECT GOALS**

- a. To enhance a visitor's experience of Willard Park and Clubhouse with a visual amenity
- b. To respond to the site thematically, which may include the history, architecture, culture, or other site-specific concepts
- c. To appeal to a wide age range of Willard Park and Clubhouse visitors and guests

## **PROJECT BUDGET**

The total Artist contract amount is \$135,000. This is inclusive of the Artist fee, design, fabrication, transportation, travel, and any other related project costs. The City will hire a licensed tile contractor to install the artwork. Artist will be required to be on site during installation.

## **ARTIST ELIGIBILITY**

Professional practicing Artists residing in the United States are eligible to apply. Artists who belong to a historically underrepresented population are strongly encouraged to apply.

## II. SCOPE OF SERVICES

- a. Artist will enter into a Personal Services Agreement with the City of Berkeley. The anticipated agreement term is from February 2025 to December 2025
- b. Artist will design, fabricate, transport, and oversee the installation of an artwork at Willard Clubhouse for an amount not to exceed \$135,000.
- 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. 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 approach in planning, designing, and fabricating public art. One-page maximum. Acceptable file types: .doc, .docx, .pdf.

**b. Resume and/or Biography**

One-page maximum. Acceptable file types: .doc, .docx, .pdf.  
If you are applying as a team please combine individual resumes into one document.

**c. Images**

Up to ten (10) images of previous work. Acceptable file types: .jpg, .jpeg, .png  
For all images, list the following: title, medium, dimensions, year, and a brief description. For team applications, please indicate the lead Artist.

## IV. SELECTION CRITERIA

Selection Criteria for Artists and Artwork will be selected in accordance with the Mission and Goals of the Civic Arts Commission and in accordance with the criteria below. Criteria to be used when scoring an Artist's application for a commission shall include, but not be limited to, the following considerations. Per City contracting requirements, Artist applicants who are registered as a City of Berkeley Local Business will be given a bonus of 5 points for a possible total of 105 points.

**Letter of Interest (30 points)**

Compatibility of Artist to the Project Goals

**Experience (30 points)**

Experience with projects of similar scope and scale, or comparable professional experience to address the requirements of working in the public sector.

**Portfolio (40 points)**

Artistic excellence and originality as shown in submitted Images of previous work and Image List

## V. ARTIST SELECTION PROCESS

### **Qualification Panel**

The applications will be screened by a panel of three Bay Area arts professionals to identify a pool of qualified Artists.

### **Review Panel**

Qualified Artists will then be presented to the Willard Clubhouse Artist Review Panel consisting of three Bay Area arts professionals, a Civic Arts Commissioner, a Parks, Recreation and Waterfront Commissioner, a member of the architect or design team, and a community representative. Using Selection Criteria, this panel will identify three finalists who will be invited to the project site for a Q+A session with the project team and key stakeholders. Each finalist will be paid an honorarium of \$1000 plus travel reimbursement for development of a proposal.

The Willard Clubhouse Artist Review Panel will reconvene to consider the finalists' proposals in an interview format. The panel will select one Artist to recommend to the Civic Art Commission.

### **Commission Approval**

The Willard Clubhouse Artist Review Panel recommendation will be submitted first to the Public Art Subcommittee, a subcommittee of the Civic Arts Commission and then to the full Civic Arts Commission for approval. All Willard Clubhouse Artist Review Panel recommendations are subject to the Public Art Subcommittee and Civic Arts Commission. The City reserves the right to reject any and all submissions.

## VI. SCHEDULE (dates are subject to change)

RFQ Issue Date	February 13, 2024
Applicant Questions Due	March 12, 2024 (by 5:00pm PT)
Responses to Questions Posted	March 15, 2024
Application Deadline	April 9, 2024 (by 5:00pm PT)
Three Finalists Selected	May 2024
Finalists Site Visit	Mid-June 2024
Finalists Proposals Due	Mid-August 2024
Finalists Presentations	November 2024
Commission Approval	January 2025
Artist Under Contract	February 2025
Design Development	March/April 2025
Fabrication	May - October 2025
Installation	November/December 2025

## VII. QUESTIONS REGARDING RFQ

For questions concerning the anticipated work, or scope of the project, please contact Berkeley Civic Arts, via email at [civicarts@berkeleyca.gov](mailto:civicarts@berkeleyca.gov) no later than March 12, 2024 (by 5:00pm PT). Answers to questions will not be provided by telephone or email. Answers to all questions or any addenda will be posted as an attachment in the RFQ posted on the City of Berkeley's Civic Art Submittable portal at <https://cityofberkeleyoed.submittable.com/submit>. 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](mailto:support@submittable.com). Their business hours are 9am-5pm MT. They aim to respond within 24 business hours.

***Please see Terms of Use below for insurance and other requirements for the selected artist only.***

## VIII. CITY CONTRACTING 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 Nos. 59,853-N.S., 60,382-N.S., and 70,606-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](https://www.cityofberkeley.info/Finance/Home/Vendors_Living_Wage_Ordinance.aspx).

The Living Wage rate is adjusted automatically effective June 30<sup>th</sup> 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.

### IX. OTHER REQUIREMENTS

#### A. 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 \$N/A 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 insured.

***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.)*

**B. 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.)**

**C. 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.

**D. 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.**

**E. 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](http://www.dir.ca.gov/OPRL/statistics_and_databases.html)

## **X. 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 cc Mark Salinas [msalinas@berkeleyca.gov](mailto:msalinas@berkeleyca.gov) ; **(List on invoice, Attn: Mark Salinas, Civic Arts)** and reference the contract number.

City of Berkeley  
Civic Arts Program  
2180 Milvia Street, 5th Floor  
Berkeley, CA 94706  
Attn: [Accounts Payable@Berkeleyca.gov](mailto:Accounts Payable@Berkeleyca.gov)  
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.