



DATE: August 25, 2016

AGENDA ITEM # 4

TO: Public Arts Commission

FROM: Jon Maginot, Staff Liaison

SUBJECT: Review the draft Request for Proposals for a Public Arts Master Plan

BACKGROUND

As part of the Fiscal Year 2016/17 Capital Improvement Program, the City Council approved a project to draft a Public Arts Master Plan.

DISCUSSION

A draft Request for Proposals (RFP) has been prepared. The purpose of the RFP is to solicit proposals from qualified firms to engage a consultant to draft the Public Arts Master Plan. Once finalized, the RFP will be published and distributed.

Attachments:

1. Draft Request for Proposals



City of Los Altos
One North San Antonio Road
Los Altos, California 94022-3087

REQUEST FOR PROPOSALS

for

**PLANNING CONSULTANT SERVICES FOR
DEVELOPMENT OF A PUBLIC ARTS MASTER PLAN
FOR THE CITY OF LOS ALTOS**

Issuing Entity: City of Los Altos
One North San Antonio Road
Los Altos, CA 94022

Contact: Questions regarding this solicitation should be directed to:
Jon Maginot, City Clerk/Assistant to the City Manager
(650) 947-2609
jmaginot@losaltosca.gov

Due Date: Proposals must be received no later than 4:00 P.M. on xxxxxxxxxxxx

**REQUEST FOR PROPOSAL
PLANNING CONSULTANT SERVICES FOR
DEVELOPMENT OF A PUBLIC ARTS MASTER PLAN
FOR THE CITY OF LOS ALTOS**

The City of Los Altos is requesting proposals from highly qualified consulting firms to provide professional services for the “**Los Altos Public Arts Master Plan**” project. Your firm is invited to submit a proposal for your services, together with other required information listed in the attached Request for Proposal.

All proposals will be compared on the basis of understanding the scope of work to be performed, methods and procedures to be used, management, personnel and experience, and consultation and coordination with the City of Los Altos. Only those proposals submitted in accordance with the Request for Proposals and certified by an authorized company officer will be considered.

Proposals will be received at the office of the City Clerk at City Hall, City of Los Altos, until 4:00 p.m., xxxxxxxxxxxx. The proposal requirements found on pages 6-7 of this package must be completed. Proposals shall be submitted in an envelope and clearly marked “**Los Altos Public Arts Master Plan**” project. Please include your fee schedule in a separate sealed envelope. Additional proposal packages and specifications may be obtained from the City Clerk’s Office, One North San Antonio Road, Los Altos, CA 94022 or by calling (650) 947-2720. For questions regarding the proposal please call Jon Maginot at (650) 947-2609.

Jon Maginot
City Clerk/Assistant to the City Manager

Date

REQUEST FOR PROPOSAL PLANNING CONSULTANT SERVICES FOR DEVELOPMENT OF A PUBLIC ARTS MASTER PLAN FOR THE CITY OF LOS ALTOS

I. GENERAL PROJECT DESCRIPTION

The City of Los Altos is seeking proposals from qualified firms, consultants or consultant teams with specific experience in public art master planning for the purpose of developing the first Public Arts Master Plan for the City. The selected consultant will work in conjunction with City staff and the City of Los Altos Public Arts Commission to gather and utilize broad public involvement in the creation of the Public Arts Master Plan.

Proposals should include information demonstrating experience in public arts planning and community outreach, as well as the information requested in this RFP. The goal of the Public Arts Master Plan is to develop guidance for the City of Los Altos Public Art Program, to identify resources for the support of public art throughout Los Altos, and to set priorities for public art within Los Altos. The Public Art Master Plan should identify a unified community vision, establish a plan for potential selections and placement of public art throughout the community, and strive to educate the public about the valuable role public art plays in the community. The Master Plan will provide direction to the Public Arts Commission, City Council and City staff on the planning and processes necessary to develop, administer and maintain the Public Art Program.

The City seeks a Consultant that has experience in facilitating public meetings, developing a vision and goals based on input received at those meetings, and compiling a citywide vision for public art. The City will look at past planning efforts by consultants for examples of successful outcomes and consultants are encouraged to provide a list of successful projects. The selected consultant will work closely with City staff and there will be some overlap between staff duties and consultant duties.

II. PROJECT AREA

The Master Plan will cover the entire City of Los Altos with an emphasis on those areas most heavily used by members of the public, including, but not limited to, commercial centers, parks, public facilities and major thoroughfares.

III. BACKGROUND

The City of Los Altos is a full service, general law city. It is located in Santa Clara County in the heart of Silicon Valley. It has a population of approximately 30,000 residents. The City operates under a Council-Manager form of government.

The City of Los Altos can trace its roots back to agriculture and began in 1907 with the creation of the town plan centered around the Southern Pacific Railway Station in what is now the Downtown.

Several commercial buildings were developed prior to 1940, surrounded by residential uses, ranches, and agriculture.

Most of the land within the City's existing boundaries was developed in the two decades following City incorporation in 1952.

The Public Art Program in Los Altos began in the late 1980s with the installation of the first public sculpture. Throughout the years, the program focused on outdoor sculptures. In 2011, the City Council re-established the Public Arts Commission with a charge to "take an active role in bringing about public awareness of the visual arts as well as in the definition, execution and promotion of those programs." (Los Altos Municipal Code § 2.08.150A) In 2012, the Public Arts Commission developed the following Mission Statement:

The Mission of the Public Arts Commission is to advise the City Council on incorporation public art that improves the aesthetic quality of public spaces and makes the City of Los Altos a unique and vibrant community.

Current Collection

Currently, the City owns 18 outdoor sculptures. These sculptures have been acquired primarily through donations by artists and/or residents. In addition, there are approximately 14 sculptures on loan to the City. More information regarding the City's Sculpture Program can be found at <http://www.losaltosca.gov/publicartscommission/page/public-sculpture>.

In 2015, the City purchased and installed six artistic bicycle racks in the Downtown area. These racks were designed by members of the public.

Current Policies

Through the efforts of the Public Arts Commission, the City has adopted the following policies related to public art:

- Artwork Donation Policy (<http://bit.ly/2bBzXxA>)
- Artistic Bicycle Rack Policy (<http://bit.ly/2beq9HF>)

IV. OBJECTIVE AND SCOPE OF WORK

The Final Public Arts Master Plan shall include, but not be limited to, the following key elements:

1. Refinement of the mission, vision, goals and guiding principles for the Public Arts Commission and Public Art Program;
2. Clear goals and implementation strategies that include short- and long-term priorities and estimated costs;
3. Recommended changes to existing public art guidelines, policies and processes;
4. Recommended policies and programs related to the implementation of the mission, vision and goals for the Public Art Program;
5. Provide site identification criteria or recommendations for placement of art;
6. Summary of research, findings and community outreach results;

7. Mapping of current permanently sited public art pieces and evaluation of the placement of art in public places;
8. Strategies for ongoing community engagement and outreach to a diverse group of stakeholders;
9. Identification of sites for future temporary and permanent public art projects, including “iconic” and “gateway” art placement and spaces for participatory art;
10. Opportunities for additional funding models for public art, and analysis of existing funding sources;
11. Analysis of the existing collection and recommendations for the evaluation of the existing collection and a collection strategy, as well as recommendations for a collection maintenance and conservation plan.

Note that the Consultant(s) must be willing to work in conjunction with staff and the Public Arts Commission to help reach the goals outlined, which may be subject to change.

V. CITY RESPONSIBILITIES

The CONSULTANT shall provide the necessary resources and services to execute the Scope of Work described above, and in coordination with the selected CONSULTANT, the City of Los Altos will, in general, be responsible for the following items:

- Provide copies of available policies, plans and reports on file for consultant’s reference;
- Designate a staff person as a contact for the project;
- Act as a liaison with the appropriate legislative bodies; and
- Coordinate document review and supply edits or approvals in a timely manner.

If the CONSULTANT assumes the City of Los Altos will provide resources other than those specifically indicated above, those assumptions should be clearly stated and highlighted in its proposal.

VI. SCHEDULE

The tentative RFP timeline is as follows:

Proposals due (must be received by City)	By 4:00 p.m. on XXXXXXXXXXXXX
Selection Panel Convenes	(PROPOSALS + 1 WEEK)
Candidates notified	(SELECTION PANEL + 1 WEEK)
Candidate Interviews	(NOTIFICATION + 3 WEEKS)
Finalist Announced	(INTERVIEWS + PAC MEETING + 1 WEEK)
Contract awarded	(ANNOUNCEMENT +2 WEEKS)
Submission of draft Plan to Public Arts Commission	(AWARD + 6 MONTHS)
Plan Approval by City Council	(PAC REVIEW + 2 MONTHS)

VII. COMPENSATION

The City of Los Altos will negotiate a contract with the selected CONSULTANT based on the proposed fee submitted by the CONSULTANT and based on a “not to exceed” amount.

VIII. PROPOSAL REQUIREMENTS

- A. **Questions** – Written questions regarding the project and this RFP will be accepted until the proposed due date. Questions may be submitted by fax or e-mail. The City of Los Altos will make every effort to provide written answers no later than 48 hours via e-mail or fax to all questions submitted.
- B. **Submittals** – Faxed copies will not be accepted. To be considered, proposals must be received no later than **4:00 p.m., Friday, xxxxxxxx**. Interested firms are invited to submit six (6) copies of their proposals to the following address:

Attn: Jon Maginot, City Clerk/Assistant to the City Manager
City of Los Altos
One North San Antonio Road
Los Altos, CA 94022-3087

Proposals shall be submitted in a sealed envelope clearly marked with the project name “**Los Altos Public Arts Master Plan**.” Please include your fee schedule in a separate sealed envelope. Additional proposal packages and specifications may be obtained from the City Clerk’s Office at the above address or by calling (650) 947-2720. For questions regarding the proposal, please email administration@losaltosca.gov.

- C. **Contents of the Proposal** – At a minimum, proposals should contain the information outlined herein. Additional information that the proposer deems relevant to the selection process may be included; however, concise and focused submittals are strongly encouraged. By submitting a proposal, and unless otherwise stated, it is understood that the CONSULTANT has reviewed the relevant information, and that based upon that review, the CONSULTANT has developed an informed understanding of the projected scope of work and has satisfied itself with the applicable conditions and requirements expressed in those documents.
- D. **Letter of Interest** – Provide a written description of the proposal outlining your approach to the Plan and any additional narrative to help the panel to understand your work, not to exceed three pages.
- E. **Firm Background** – In two pages or less, provide a brief overview of the firm that will assume all contract responsibilities and identify all proposed sub-consultants.
- F. **Project Team** – Include your name, or each team member’s name if applying as a team, address, e-mail and telephone number.
- G. **Qualifications and Experience** – Provide resumes and any other information on previously related experience not to exceed three pages per team member. Artists working collaboratively must submit a resume or other background information for each team member. Description of prior collaborations and demonstrated success in working together should be included for all teams.

- H. **Statement of Understanding and Scope of Work** – Proposals should provide a statement of your understanding of the project by highlighting the dominant issues and outlining your approach toward addressing those issues. Any recommendations regarding improvements to the process to more effectively meet the City of Los Altos’ stated objectives should be emphasized in your proposal and would be a clear means of demonstrating your understanding of the project requirements.
- I. **Schedule** – Proposals should present a project schedule showing milestones, deliverable dates, and the duration of each task where it is known.
- J. **References** – Provide three professional references.
- K. **Proposal format** – Sufficient information should be provided to justify the proposed fee and to serve as a basis for negotiating a contract and any Supplemental Agreements that may be warranted for out of scope services. In this regard, the fee proposal should identify personnel, estimated number of hours, and rate; type of equipment, hours, and rate; and any outside costs for each identified work element including travel and consultant-associated costs for travel and stay in the Los Altos area.
- L. **Fee** – Consultant’s Fee must be sealed in a separate envelope and will not be opened until all other factors have been considered. Unusually high or low fees may affect the ratings.

Consultant compensation shall be on a “fixed fee, not to exceed” basis and shall include all items described in the scope of work on this project. The consultant team shall submit a fee estimate based upon:

- The tasks to be performed.
- A breakdown of the employees and professionals to be assigned to the tasks, the average hourly rates of each, and the man-hour cost assigned.
- The project fee costs.

Regardless of the proposed method of compensation, any Contract resulting from this solicitation will specify a maximum, not-to-exceed fee amount. Except in the unusual situation wherein the CONSULTANT encounters circumstances that could not be reasonably anticipated, the City of Los Altos will not authorize payment beyond this amount.

In consideration of this, any assumptions and/or the need for any contingencies must be clearly spelled out in the Fee Proposal and used as a basis to compute a “not-to-exceed” figure for the project. This figure should be sufficient to provide for any reasonably anticipated circumstances that may be encountered during project execution and completion.

- M. **Commitment** – The individual or company official with the power to bind the company in its proposal must sign the proposal. The contents of the proposal shall become a contractual obligation if a consultant’s bid is accepted.

IX. SELECTION CRITERIA AND PROCESS

Proposals received will be evaluated based on the following criteria:

- A. The qualifications and experience of the applicant;
- B. Strength of examples of previous master plans, including plans for similar scale communities to Los Altos;
- C. The process proposed for community outreach and input, including demonstrated examples of creative and effective methods to get the community engaged in the master planning process;
- D. Cost to the City;
- E. Demonstrated ability for the candidate to tailor the master plan/outreach process to a specific community;

The proposals will be evaluated by a panel of City staff and representatives from the Public Arts Commission to determine the top candidates. Those candidates will be asked to participate in an interview with the panel to select a final consultant.

The selection panel recommendations will be forwarded to the Public Arts Commission for review and consideration. Upon recommendation by the Public Arts Commission, a final consultant will be selected and the City will enter into a contract.

Right to reject all proposals – The City of Los Altos reserves the right to reject any and all proposals, and to re-issue the RFP.

This solicitation in no way obligates the City of Los Altos to award a contract for the services described herein, nor will the City of Los Altos assume any liability for the costs incurred in the preparation and transmittal of proposals in response to this solicitation.

The City of Los Altos reserves the right to not accept any proposal, to reject any or all proposals, to reject any part of any proposal, to negotiate and modify any proposal, and to waive any defects or irregularities in any proposal at the sole discretion of the City of Los Altos.

Furthermore, the City of Los Altos shall have the sole discretion to award the contract, as it may deem appropriate to best serve the interests of the City of Los Altos. In this regard, the City of Los Altos may consider demonstrated quality of work, responsiveness, professional qualifications, assigned personnel, references, and proposed fees, when determining the most responsive proposal.

X. INDEMNIFICATION

The City of Los Altos requires the successful bidder to indemnify the City of Los Altos according to a set of provisions that will become contractual obligations. The CONSULTANT shall defend, indemnify and hold harmless the City of Los Altos, its respective officers, agents and employees, from any and all claims, demands, damages, costs, expenses, judgments or liability arising out of this Contract or attempted performance of the provisions hereof.

Coverage shall be predicated upon theories of violation of statute, ordinance, or regulation, professional malpractice, negligence, or recklessness including negligent or reckless operation of motor vehicles or other equipment, furnishing of defective or dangerous products or completed

operations, premises liability arising from trespass or inverse condemnation, violation of civil rights and also including any adverse determination made by the Internal Revenue Service or the State Franchise Tax Board.

With respect to CONSULTANT's independent contractor status, this provision establishes liability for failure to make social security and income tax withholding payments, failure to comply with workers' compensation laws, or any act or omission to act, whether or not it be willful, intentional or actively or passively negligent on the part of CONSULTANT or his agents, employees or other independent CONSULTANT's directly responsible to CONSULTANT. In addition, the foregoing shall apply to any wrongful acts or any active or passively negligent acts or omissions to act, committed jointly or concurrently by the CONSULTANT or the CONSULTANT's agents, employees or other independent Contractors and the City of Los Altos its agents, employees or independent Contractors.

Nothing contained in the foregoing indemnity provision shall be construed to require indemnification for claims, demand, damages, costs, expenses or judgments resulting solely from the conduct of the City of Los Altos.

XI. INSURANCE

The City of Los Altos will require the successful bidder to provide insurance which meets certain provisions, which will become contractual obligations. These provisions can be found in Exhibit A of this RFP. The CONSULTANT shall not perform any work under the Contract until it has obtained insurance complying with the provisions of this section, delivered a copy of each insurance policy to the City of Los Altos, and obtained the City of Los Altos' approval of all such policies.

EXHIBIT A
INSURANCE

CONSULTANT shall provide his insurance broker(s)/agent(s) with a copy of these requirements and request that they provide Certificates of Insurance complete with copies of all required endorsements to: **Project Manager, City of Los Altos, 1 N. San Antonio Rd., Los Altos, CA 94022**

Minimum Scope of Insurance

Coverage shall be *at least as broad as*:

1. **Commercial General Liability (CGL):** Insurance Services Office Form CG 0001 covering CGL on an “occurrence” basis, including products-completed operations, personal & advertising injury, with limits no less than **\$1,000,000 (or \$2,000,000)** per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
2. **Automobile Liability:** Insurance Services Office Form Number CA 0001 covering , Code 1 (any auto), or if Consultant has no owned autos, Code 8 (hired) and 9 (non-owned), with limit no less than **\$1,000,000** per accident for bodily injury and property damage.
3. **Workers’ Compensation** insurance as required by the State of California, with Statutory Limits, and Employer’s Liability Insurance with limit of no less than **\$1,000,000** per accident for bodily injury or disease.
4. **Professional Liability (Errors and Omissions)** Insurance appropriate to the Consultant’s profession, with limit no less than **\$1,000,000** per occurrence or claim, \$2,000,000 aggregate.

Other Insurance Provisions. The insurance policies are to contain, or be endorsed to contain, the following provisions:

Additional Insured Status. The City, its officers, officials, employees, and volunteers are to be covered as additional insureds on the CGL policy, with endorsements under CG 20 26, with respect to liability arising out of work or operations performed by or on behalf of the Consultant including materials, parts or equipment furnished in connection with such work or operations.

Primary Coverage. For any claims related to this contract, the Consultant’s insurance coverage shall be primary insurance as respects the City, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees, or volunteers shall be excess of the Consultant’s insurance and shall not contribute with it.

Notice of Cancellation. Each insurance policy required above shall be endorsed to state that coverage shall not be canceled except after thirty (30) days’ prior written notice (10 days for non-payment) has been given to the City.

Waiver of Subrogation. Consultant hereby grants to City a waiver of any right to subrogation which any insurer of said Consultant may acquire against the City by virtue of the payment of any loss under such insurance. Consultant agrees to obtain any endorsement that may be necessary to affect this

waiver of subrogation, but this provision applies regardless of whether or not the City has received a waiver of subrogation endorsement from the insurer.

Deductibles and Self-Insured Retentions. Any deductibles or self-insured retentions must be declared to and approved by the City. The City may require the Consultant to provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention.

Acceptability of Insurers. Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the City.

Claims Made Policies. If any of the required policies provide claims-made coverage:

5. The Retroactive Date must be shown, and must be before the date of the contract or the beginning of contract work.
6. Insurance must be maintained and evidence of insurance must be provided *for at least three (3) (or five (5)) years after completion of the contract work.*
7. If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a Retroactive Date prior to the contract effective date, the Consultant must purchase "extended reporting" coverage for a minimum of *three (3)* years after completion of contract work.

Verification of Coverage. Consultant shall furnish the City with original certificates and amendatory endorsements effecting coverage required by this clause. All certificates and endorsements are to be received and approved by the City before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive the Consultant's obligation to provide them. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

Special Risks or Circumstances. City reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.