



Edmund G. Brown Jr., Governor

Advancing California through the Arts and Creativity

Craig Watson, Director

**REQUEST FOR PROPOSAL - Secondary
Notice to Prospective Proposers**

**California Arts Council Public Art Consultant
RFP #2016-001**

March 20, 2017

You are invited to review and respond to this Request for Proposal (RFP), entitled **RFP #2016-001, California Arts Council Public Art Consultant**. In submitting your proposal, you must comply with these instructions.

Note that all agreements entered into with the State of California will include by reference General Terms and Conditions, and Contractor Certification Clauses that may be viewed and downloaded at Internet site <http://www.dgs.ca.gov/ols/Resources/StandardContractLanguage.aspx>. If you do not have Internet access, a hard copy can be provided by contacting the person listed below. The Disabled Veterans Business Enterprise Participation does not apply to this bid.

In the opinion of the California Arts Council (CAC), this RFP is complete and without need of explanation. However, if you have questions, or should you need any clarifying information, the contact person for this RFP is:

Caitlin Fitzwater, Director of Public Affairs
California Arts Council
caitlin.fitzwater@arts.ca.gov

Please note that no *verbal* information given will be binding upon the State unless such information is issued in writing as an official addendum.

Caitlin Fitzwater
Director of Public Affairs

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A. Purpose, Background and Scope of Work

1. Purpose

The California Arts Council (CAC) is seeking proposals from arts consultants to provide expert project management, research, and advisory services in the field of public art. The individual or firm selected will work with the CAC staff in an advisory and project management role to assist the agency in developing and responding to the public art needs of the State of California, and other related projects.

2. Background about the California Arts Council

The CAC, a state agency, is dedicated to building public will and resources for the arts; fostering accessible arts initiatives that reflect contributions from all of California's diverse populations; serving as a thought leader and champion for the arts; and providing relevant programs and services. More information about the agency may be found on the website: www.arts.ca.gov.

The CAC, with its mission to advance California through the arts and creativity, provides funding for arts education and community arts programs across California, and provides services for the state's arts community.

3. Scope of Services / Goal of This RFP

The goal of this RFP is to contract with an individual or firm who will provide expert project management, research, and advisory services in the field of public art to the CAC and affiliated state agencies on an ongoing and as-needed basis for the duration of the contract. The scope of services may include, but is not limited to:

- Advising on best practices on the administration of public art projects, such as parameters, goals, and selection criteria
- Developing policy memos, strategies, and procedures for public art projects in state buildings/property
- Responding to inquires related to public art projects in state buildings/property
- Researching and documenting past public art acquisitions of the state
- Participating in the implementation of procedures for public art projects
- Providing reports for review and distribution

4. Expected Expertise

Minimum expertise of a vendor for this RFP include, but are not limited to

- Experience developing and implementing public art programs or public art activities for local, county, regional, or state government
- Experience working with artists
- Experience managing complex administrative projects
- Experience writing detailed and complex procedural documents

The contractor is expected to maintain communication with CAC staff throughout the contract period on a weekly basis, at minimum. Hours are flexible although meetings will take place during regular business hours.

5. Intellectual Property Considerations

- The collective work created under this contract shall be considered a work for hire.
- Contractor shall acquire and transfer to the California Arts Council in written form all necessary rights and permissions for ideas and/or images use without restriction.

B. Minimum Qualifications for Proposers

- A) The proposer must be located in California.
- B) The proposing individual or firm must have an expertise and focus in developing and implementing public art programs or public art activities for local, county, regional, or state government and have worked in these areas for at least 5 years.
- C) The proposing individual or firm must have at least 5 years experience working with artists.
- D) The proposing individual or firm must have at least 5 years experience managing complex administrative projects and writing detailed and complex procedural documents.
- E) The proposing individual or firm must demonstrate experience and/or educational background in art collection curation, management, maintenance, and/or conservation.

C. Proposal Requirements and Information

1. Key Action Dates

EVENT	DATE	TIME
RFP Available to Prospective Proposers	March 20, 2017	12:00 noon
Final Date for Submission of Questions on RFP	March 31, 2017	5:00 p.m.
All Questions Answered and Posted Online	April 4, 2017	5:00 p.m.
Final Date for Proposal Submissions	April 10, 2017	5:00 p.m.
Closed Session Committee Review of Proposals	April 11, 2017	10:30 a.m.
Notice of Intent to Award	April 12, 2017	12:00 noon
Proposed Award Date	April 19, 2017	12:00 noon

2. Work Schedule Requirements

- a) The CAC anticipates that the services will start before May 1, 2017 and conclude 6 months after the start date of the contract; depending upon approval of this contract by the California Department of General Services, if required. The contract term is for a maximum of 6 months. Any extension shall be by mutual agreement between the contractor and the State. The terms, conditions and prices for the contract extension shall be by mutual agreement between the contractor and the State. If a mutual agreement cannot be met, the contract may be terminated at the end of the initial contract term.

The timeline and milestones for payment will be developed between the CAC and the contractor once the award of this contract has been finalized. Post-contract award revisions to timeline and finish date are subject to approval by the CAC.

3. Proposal Requirements

- a) **Summary Letter** - A summary letter to introduce the responding Contractor. Provide a brief individual or firm history and summary. Please express the individual or firm's ability and desire to meet the

requirements of this RFP. The evaluation committee should be able to determine the essence of the proposal and generally how well it meets the requirements by reading this summary.

- b) **Demonstration of Minimum Requirements** – A completed submission of the Demonstration of Minimum Requirements worksheet.
- c) **Experience in Providing Public Art Services** - A narrative description of the individual or firm's experience with public art consulting or in house services. A list of examples should be included in this section of the response, including dates of past activities and the role of the proposer in each project.
- d) **Work Samples** - Proposer must provide a CD, DVD, or USB Flash Drive containing actual work samples. A minimum of two public art policy or proposal documents must be included. Additional samples may include photographs, artist contracts, presentation materials, etc. Clearly mark your CD, DVD, or USB Flash Drive with vendor's name at minimum.
- e) **Project Personnel** – Bios(s) of individual(s) proposing to provide services.
- f) **Cost Proposal Worksheet** – Hourly fees of proposing firm or individual.

4. Cost Detail

The selected Contractor will be contracted for a total amount based on hourly fees not to exceed **\$15,000** total. The CAC anticipates that the services will start before May 1, 2017 and conclude 6 months after the start date of the contract; depending upon approval of this contract by the California Department of General Services, if required. The contract term is for a maximum of 6 months. Use the Cost Proposal Worksheet (Attachment 4) as a guide in preparing your cost proposal.

5. Submission of Proposal

- a) Proposals should provide straightforward and concise descriptions of the proposer's ability to satisfy the requirements of this RFP. The proposal must be complete and accurate. Omissions, inaccuracies or misstatements may be cause for rejection of a proposal.
- b) The proposal package should be prepared by the least expensive method.
- c) All proposals must be submitted under **sealed** cover and sent to California Arts Council by date and time shown in the **Proposal Requirements and Information - Key Action Dates (page 4)**. Proposals received after this date and time will not be considered.
- d) A minimum of 4 copies plus the original of the proposal must be submitted.
- e) The original proposal must be marked "ORIGINAL COPY". All documents contained in the original proposal package must have original signatures and must be signed by a person who is authorized to bind the proposing individual or firm. All additional proposal sets may contain photocopies of the original package.
- f) The proposal envelopes must be plainly marked with the RFP number and title, your proposing individual or firm name and address, and must be marked with "DO NOT OPEN", as shown in the following example:

J.P. Bidder
XYZ Consultant Group
123 Main Street
Somewhereville, CA 90000

RFP #2017-001
Public Art Consultant
DO NOT OPEN

- g) If the proposal is made under a fictitious name or business title, the actual legal name of proposer must be provided.
- h) Proposals not submitted under sealed cover and marked as indicated may be rejected.
- i) All proposals shall include the documents identified in Section F, Required Attachment Checklist (see page 9). Proposals not including the proper "required attachments" shall be deemed non-responsive. A non-responsive proposal is one that does not meet the basic proposal requirements and may be rejected.
- j) Mail or deliver proposals to the following address:

Nicole Sanchez
Contract and Procurement Officer
California Arts Council
1300 I St., Suite 930
Sacramento, CA 95814

- k) Proposals must be submitted for the performance of all the services described herein. Any deviation from the work specifications will not be considered and will cause a proposal to be rejected.
- l) A proposal may be rejected if it is conditional or incomplete, or if it contains any alterations of form or other irregularities of any kind. The State may reject any or all proposals and may waive an immaterial deviation in a proposal. The State's waiver of an immaterial deviation shall in no way modify the RFP document or excuse the proposer from full compliance with all requirements if awarded the contract.
- m) Costs incurred for developing proposals and in anticipation of award of the contract are entirely the responsibility of the proposer and shall not be charged to the State of California.
- n) An individual who is authorized to bind the proposing individual or firm contractually shall sign the Attachment 3, Proposal/Proposer Certification Sheet, page 11. The signature must indicate the title or position that the individual holds in the firm. An unsigned proposal may be rejected.
- o) A proposer may modify a proposal after its submission by withdrawing its original proposal and resubmitting a new proposal prior to the proposal submission deadline as set forth in the Key Action Dates. Proposal modifications offered in any other manner, oral or written, will not be considered.
- p) A proposer may withdraw its proposal by submitting a written withdrawal request to the State, signed by the proposer or an authorized agent. A proposer may thereafter submit a new proposal prior to the proposal submission deadline. Proposals may not be withdrawn without cause subsequent to proposal submission deadline.
- q) The awarding agency may modify the RFP prior to the date fixed for submission of proposals by the issuance of an addendum to all parties who received a proposal package.
- r) The awarding agency reserves the right to reject all proposals. The agency is not required to award an agreement.
- s) Before submitting a response to this solicitation, bidders should review, correct all errors and confirm compliance with the RFP requirements.
- t) The State does not accept alternate contract language from a prospective contractor. A proposal with such language will be considered a counter proposal and will be rejected. The State's General Terms and Conditions (GTC's) are not negotiable, and are located at: www.documents.dgs.ca.gov/ols/GTC-610.doc.
- u) No oral understanding or agreement shall be binding on either party.

6. Evaluation Process

- a) At the time of proposal opening, each proposal will be checked for the presence or absence of required information in conformance with the submission requirements of this RFP.
- b) Proposals that contain false or misleading statements, or which provide references, which do not support an attribute or condition claimed by the proposer, may be rejected.
- c) Award, if made, will be to the highest scored, responsible and responsive proposal.

7. Proposal Evaluation

The proposals that meet the minimum qualifications will be evaluated and scored according to the criteria indicated below.

<u>Rating/Scoring Criteria</u>	<u>Maximum Possible Points</u>
Summary Letter.....	15
Demonstration of Minimum Requirements	30
Experience in Public Art Services	30
Work Samples.....	15
Project Personnel.....	10
Cost of Proposal*.....	30
Total Possible Points	130

*Cost of Proposal: highest score for this criterion is given to the proposer with the lowest overall bid. Scores for other proposers are given by standard formula in relationship to the lowest bid submitted. For example, if the lowest bid is \$35,000, that bid will be awarded the full point value of 30. If another bid comes in at \$52,500, that bid will be awarded 20 points ($\$35,000/\$52,500 \times$ full point value).

8. Award and Protest

- a) Notice of the proposed award shall be posted on our website at www.arts.ca.gov and in a public place in the office of the California Arts Council; 1300 I St., Suite 930; Sacramento, CA 95814 for a minimum of five (5) working days prior to awarding the agreement.
- b) If any proposer, prior to the award of contract, files a protest with the California Arts Council and the Department of General Services, Office of Legal Services, 707 Third Street, 7th Floor, Suite 7-330, West Sacramento, CA 95605, on the grounds that the (protesting) proposer would have been awarded the contract had the agency correctly applied the evaluation standard in the RFP, or if the agency followed the evaluation and scoring methods in the RFP, the agreement shall not be awarded until either the protest has been withdrawn or the Department of General Services has decided the matter. It is suggested that you submit any protest by certified or registered mail.
- c) Within five (5) days after filing the initial protest, the protesting proposer shall file with the Department of General Services, Office of Legal Services and the California Arts Council a detailed statement specifying the grounds for the protest.
- d) Upon resolution of the protest (if one is filed); award of this contract will be made.

9. Disposition of Proposals

- a) Upon proposal opening, all documents submitted in response to this RFP will become the property of the State of California, and will be regarded as public records under the California Public Records Act (Government Code Section 6250 et seq.) and subject to review by the public.
- b) Proposal packages may be returned only at the proposer's expense, unless such expense is waived by the awarding agency.

10. Agreement Execution and Performance

- a) Performance shall start not later than 14 days, or on the express date set by the awarding agency and the Contractor, after all approvals have been obtained and the agreement is fully executed. Should the Contractor fail to commence work at the agreed upon time, the awarding agency, upon five (5) days written notice to the Contractor, reserves the right to terminate the agreement. In addition, the Contractor shall be liable to the State for the difference between Contractor's Proposal price and the actual cost of performing work by another contractor.
- b) All performance under the agreement shall be completed on or before the termination date of the agreement.

D. Preference Programs

Small Business Preference – <http://www.dgs.ca.gov/pd/Programs/OSDS.aspx>. Certified, responsive and responsible proposers with State of California Small Business designation will receive an additional 5 % of the total points awarded to the highest scored responsive and responsible non-small business bidder (per State Contracts Manual Volume 1, Chapter 8, Section 8.20). A bidder may claim the Small business and/or Micro business preference if the bidder submits a complete application for certification to the DGS/OSDS by 5:00 p.m. on April 6, 2017.

E. Standard Agreement (STD 213)

Standard Agreement (STD 213) is for reference only. A Sample of the Standard Agreement (STD 213) can be viewed at: <http://www.dgs.ca.gov/ols/Forms.aspx>. It does not need to be filled out and submitted at this time.

Standard contract language (General Terms and Conditions: GTC-610) referred to in STD 213 may be viewed at: www.documents.dgs.ca.gov/ols/GTC-610.doc

F. Required Attachments

Refer to the following pages for a list and links (where applicable) to Required Attachments 1-12, that are a part of this request for proposal.

ATTACHMENT 1: REQUIRED ATTACHMENT CHECK LIST

A complete proposal or proposal package will consist of the items identified below. Complete this checklist to confirm the items in your proposal. Place a check mark or "X" next to each item that you are submitting to the State. For your proposal to be responsive, all required attachments must be returned. This checklist should be returned with your proposal package also.

<u>Attachment</u>	<u>Attachment Name/Description</u>
_____ Attachment 1	Required Attachment Check List (this page)
_____ Attachment 2	Summary Letter
_____ Attachment 3	Demonstration of Minimum Requirements
_____ Attachment 4	Experience in Public Art Services
_____ Attachment 5	Project Personnel – Bio(s)
_____ Attachment 6	Proposal/Proposer Certification Sheet
_____ Attachment 7	Proposer References
_____ Attachment 8	Cost Proposal Worksheet
_____ Attachment 9	Payee Data Record (STD 204) can be found on the Internet at: http://www.dgs.ca.gov/ofam/Forms.aspx , (see OSP Forms)
_____ Attachment 10	Contractor's Certification Clauses (CCC) can be found on the Internet at: http://www.dgs.ca.gov/ols/Resources/StandardContractLanguage.aspx (see "Standard Contract Language").
_____ Attachment 11	Darfur Contracting Act can be found on the Internet at: www.documents.dgs.ca.gov/pd/poliproc/darfurpcc10478.doc
_____ Attachment 12	CD, DVD, or USB Flash Drive Containing Work Samples

This checklist is not meant to be exhaustive. If the proposer needs to add additional documents to satisfy the need for information as outlined in this RFP or desires to add information in order to make the bid more competitive, the proposer should do so.

ATTACHMENT 3: DEMONSTRATION OF MINIMUM REQUIREMENTS

(Please use additional pages as needed)

- 1) Address of the proposing firm or individual within California:

- 2) Specify the number of years the proposing individual or firm have engaged in developing and implementing public art programs or activities for local, county, regional, or state government, with dates:

- 3) Specify the years the proposing individual or firm have worked with artists, with dates:

- 4) Specify the number of years the proposing individual or firm must have managed complex administrative projects and writing detailed and complex procedural documents, with dates:

- 5) List the proposing individual or firm's experience and/or educational background in art collection curation, management, maintenance, and/or conservation:

ATTACHMENT 6: PROPOSAL/PROPOSER CERTIFICATION SHEET

This Proposal/Proposer Certification Sheet must be signed and returned along with all "required attachments" package with original signatures on all copies. The proposal must be transmitted in a sealed envelope in accordance with RFP instructions.

Do not return Section C, Proposal Requirements and Information (pages 1 through 8) or the "Sample Agreement" at the end of this RFP.

- A. Place all required attachments behind this certification sheet.
- B. The signature affixed hereon and dated certifies compliance with all the requirements of this proposal document. The signature below authorizes the verification of this certification.

An Unsigned Proposal/Proposer Certification Sheet May Be Cause For Rejection

1. Company Name	2. Telephone Number	2a. Fax Number
3. Address		
Indicate your organization type:		
4. <input type="checkbox"/> Sole Proprietorship	5. <input type="checkbox"/> Partnership	6. <input type="checkbox"/> Corporation
Indicate the applicable employee and/or corporation number:		
7. Federal Employee ID No. (FEIN)	8. California Corporation No.	
9. Indicate applicable license and/or certification information:		
10. Proposer's Name (Print)	11. Title	
12. Signature	13. Date	
14. Are you certified with the Department of General Services, Office of Small Business Certification and Resources (OSBCR)		
a. California Small Business Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, enter certification number: _____	b. Disabled Veteran Business Enterprise Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, enter your service code below: _____	
<p>NOTE: A copy of your Certification is required to be included if either of the above items is checked "Yes".</p> <p>Date application was submitted to OSBCR, if an application is pending: _____</p>		

Instructions for Completion of Proposal/Proposer Certification Sheet

Complete the numbered items on the Proposal/Proposer Certification Sheet by following the instructions below.

Item Numbers	Instructions
1, 2, 2a, 3	Must be completed. These items are self-explanatory.
4	Check if your firm is a sole proprietorship. A sole proprietorship is a form of business in which one person owns all the assets of the business in contrast to a partnership and corporation. The sole proprietor is solely liable for all the debts of the business.
5	Check if your firm is a partnership. A partnership is a voluntary agreement between two or more competent persons to place their money, effects, labor, and skill, or some or all of them in lawful commerce or business, with the understanding that there shall be a proportional sharing of the profits and losses between them. An association of two or more persons to carry on, as co-owners, a business for profit.
6	Check if your firm is a corporation. A corporation is an artificial person or legal entity created by or under the authority of the laws of a state or nation, composed, in some rare instances, of a single person and his successors, being the incumbents of a particular office, but ordinarily consisting of an association of numerous individuals.
7	Enter your federal employee tax identification number.
8	Enter your corporation number assigned by the California Secretary of State's Office. This information is used for checking if a corporation is in good standing and qualified to conduct business in California.
9	Complete, if applicable, by indicating the type of license and/or certification that your firm possesses and that is required for the type of services being procured.
10, 11, 12, 13	Must be completed. These items are self-explanatory.
14	If certified as a California Small Business, place a check in the "yes" box, and enter your certification number on the line. If certified as a Disabled Veterans Business Enterprise, place a check in the "Yes" box and enter your service code on the line. If you are not certified to one or both, place a check in the "No" box. If your certification is pending, enter the date your application was submitted to OSBCR.

ATTACHMENT 7: PROPOSER REFERENCES

Submission of this attachment is mandatory. Failure to complete and return this attachment with your proposal will cause your proposal to be rejected and deemed nonresponsive.

List below three references for services performed within the last five years, which are similar to the scope of work to be performed in this contract. If three references cannot be provided, please explain why on an attached sheet of paper.

REFERENCE 1			
Name of Firm			
Street Address	City	State	Zip Code
Contact Person		Telephone Number	
Dates of Service		Value or Cost of Service	
Brief Description of Service Provided			

REFERENCE 2			
Name of Firm			
Street Address	City	State	Zip Code
Contact Person		Telephone Number	
Dates of Service		Value or Cost of Service	
Brief Description of Service Provided			

REFERENCE 3			
Name of Firm			
Street Address	City	State	Zip Code
Contact Person		Telephone Number	
Dates of Service		Value or Cost of Service	
Brief Description of Service Provided			

ATTACHMENT 8: COST PROPOSAL WORKSHEET

*The selected Contractor will be contracted for a total amount based on hourly fees not to exceed **\$15,000** total.*

DIRECT LABOR	HOURS	RATE	TOTAL
Title _____	_____ @	_____	_____
Title _____	_____ @	_____	_____
Title _____	_____ @	_____	_____
		\$ _____	\$ _____
TOTAL COSTS			\$ _____

* Append to this page

ATTACHMENT 9: PAYEE DATA RECORD (STD 204)

Proposer must complete, sign and submit the Payee Data Record (STD 204, this form can be found on the Internet at: <http://www.documents.dgs.ca.gov/dgs/fmc/pdf/std204.pdf>.

ATTACHMENT 10: CONTRACTOR'S CERTIFICATION CLAUSES (CCC)

Proposer must complete, sign and submit page 1 of the Contractor Certification Clauses (CCC 307), which can be found on the Internet at: www.pd.dgs.ca.gov, by performing a search, or directly at www.documents.dgs.ca.gov/ols/CCC-307.doc .

ATTACHMENT 11: DARFUR CONTRACTING ACT

Proposer must complete, sign and submit the Darfur Contracting Act Form, which can be found on the internet at: www.documents.dgs.ca.gov/pd/poliproc/darfurpcc10478.doc

ATTACHMENT 12: WORK SAMPLES ON CD, DVD, OR USB FLASH DRIVE (only one copy required)

Proposer must provide a CD, DVD, or USB Flash Drive containing actual work samples. A minimum of two public art policy or proposal documents must be included. Additional samples may include photographs, artist contracts, presentation materials, etc. Clearly mark your CD, DVD, or USB Flash Drive with vendor's name at minimum.