

ART IN CITY CAPITAL IMPROVEMENT PROJECTS

**POLICY STATEMENT**

As a policy the City will budget one percent (1%) of its construction costs to include public art for City capital improvement projects that have an external visual impact on the surrounding environment by altering a site through new construction or reconstruction. The Public Art Commission, through its staff liaison, will work with the appropriate City departments (which may include but are not limited to Planning, Public Works, Utilities, and Community Services) to identify and select the appropriate projects and artists.

**PROJECTS INCLUDED AS POTENTIAL SITES**

City capital improvement projects that have a visual impact on the surrounding environment by significantly changing or altering a site with the addition of new construction or reconstruction are potential sites for an art component or architectural enhancement. Contact the Public Art Commission office early in the design phase to initiate the public art process.

Examples of projects may include but are not limited to:

- New buildings such as libraries, public safety buildings, community centers, parking garages and lots, transit stations, or performing art center, new restrooms or small structures.
- Parks, medians and plazas
- Gateways entering and existing at the City boundaries
- Bridges, walls and tunnels

**PROJECTS EXCLUDED FROM CONSIDERATION AS POTENTIAL SITES**

City capital improvement projects with minor or no visual impact are excluded from consideration. To receive an exemption to the Percent for Art policy, contact the Public Art Commission office during the design phase to obtain written confirmation to the project manager that the project (or portions thereof) is exempt.

Examples of excluded projects may include but are not limited to:

- Any improvements, upgrades, and/or repair to existing systems such as irrigation, mechanical or electrical, and projects where the significant portion of the work is placed in underground locations, such as the Electric Utility undergrounding projects and the Water Utility, Gas Utility or Wastewater Utility rehabilitation and augmentation projects.
- Any installation of a new system such as irrigation, mechanical or electrical, and projects where the significant portion of the work is placed in underground locations, such as storm drain, electric underground projects, and water, gas or wastewater rehabilitation and augmentations projects.

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- Projects with no design or construction, such as studies associated with capital projects.
- Customer connection projects associated with the utility meters and equipment for electric, water, and gas services to customers for which customers are charged for the services. It is not the intention of the procedure to cause an increase in connection fees to customers.
  - Replacement in-kind due to maintenance of roofing, heating systems or painting.

Projects that include grant funding from other agencies

- Projects designed and constructed to protect and guard the security of City Utility facilities.
- Projects associated with software, hardware and other IT related products.
- ADA compliance
- Seismic retrofitting
- Open space maintenance projects such as trail and erosion repair
- Parking lot repair or reconstruction
- Annual street maintenance and sidewalk replacement projects
- Any project of a temporary nature such as construction fencing and signage, vehicle or equipment replacement.
- Projects for which funding is provided through government, non-profit, or private grants are excluded unless identified for the specific and restricted purpose of the creation of artwork

### **PROCEDURE FOR IDENTIFYING AND SELECTING PROJECTS**

- A. Project Managers, the staff liaison to the Public Art Commission and appropriate City departments will first identify projects over \$200,000 that have a visual impact on the surrounding environment, significantly changing or altering a site with the addition of new construction.
- B. Identified projects that merit further consideration will be presented to the Public Art Commission. Consideration will include, but not be limited to:
  - Significant visual impact on the surrounding environment
  - Safety and security of the project and the public
    - Maintenance costs over time
- C. Projects selected to include public art and submitted during the regular budget process will include one percent (1%) of the project construction budget for art. The project manager will determine the one percent budget derived from the construction estimates, excluding the contingency and design budget. The one percent (1%) will be based on the initial CIP budget and adjusted if the CIP budget is later increased through the annual budget process. If the CIP budget is later decreased, the art contract shall be adjusted as much as allowed depending upon the status of the art design and/or fabrication. Establishing a budget at the initial

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creation of the CIP allows the artist to be hired at an early stage of design so that the art can be better incorporated with the design.

- D. The Finance Committee will review and recommend to the City Council the financing of any public art element in any Infrastructure Management project costing over \$20 million.
- E. Every effort should be made to identify and select projects in a timely manner.

### **PROCEDURE FOR IDENTIFYING AND SELECTING ART WORKS**

Once the City Council has approved the Capital Improvement Project (CIP), the designer/architect is selected by the City's Project Team and purchasing staff. When the design work for the project has begun, the staff liaison to the Public Art Commission and the Project Manager will develop the RFP for the artwork in consultation with the selected designer/architect. The art budget will be derived from the 1% of the construction budget of the project, excluding the contingency and design budget. The one percent (1%) will be subject to change during the design phase with the determination of final cost estimates for construction. The RFP will include, but not be limited to:

- Artist's timeline beginning with the project design phase.
  - Any restrictions and requirements of the project as defined by staff and/or project manager.
  - Artist's responsibilities to the project in regards to time and involvement with the project manager and project team.
- A. Selection of the artist will include input from the appropriate City department representative as well as the Public Art Commission. Selection of the artist will occur according to the procedures outlined in the City's Purchasing Manual.
  - B. Artists' submittals will be reviewed by a selection panel composed of representatives of the Public Art Commission, staff liaison to the Public Art Commission, appropriate City department representative, project manager, and architect/designer. Considerations in selecting the proposed work of art will include:
    - Safety and security
    - Maintenance and repair to the work of art
    - Appropriateness to the purpose of the site
  - C. The Public Art Commission will recommend the selected artist and artist's proposal to the City with the concurrence of the Director of Community Services.
  - D. The selected artist will work with the appropriate department(s) and project manager as noted in the RFP and contract.
  - E. Every effort should be made to conduct the artist selection and contract process in a timely manner to optimize coordination during the construction phase.

### **OWNERSHIP AND MAINTENANCE**

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The City of Palo Alto owns and maintains all art in City projects and has sole fiscal and legal responsibility for the artworks and the maintenance of the works. This includes all artworks in utility projects, separate from the structures. It is mandatory that project managers with existing art, including murals, sculpture or land art, within their project site or within 100 feet of their project site contact the Public Art Commission office immediately to insure the proper legal procedures are followed for the protection of the artwork. A comprehensive inventory of all art shall be maintained and updated by the City and made available for review.

*NOTE: Questions and/or clarification of this policy should be directed to the Public Art Commission Liaison with the Community Services Department.*