



# City of Norman, OK

Municipal Building  
Council Chambers  
201 West Gray  
Norman, OK 73069

## Master

**File Number: K-1718-137**

**File ID:** K-1718-137

**Type:** Contract

**Status:** Consent Item

**Version:** 1

**Reference:** Item 30

**In Control:** City Council

**Department:** City Manager  
Department

**Cost:** \$113,500.00

**File Created:** 06/19/2018

**File Name:** Central Library Art Contract

**Final Action:**

**Title:** CONTRACT K-1718-137: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, KIRKPATRICK FOREST CURTIS, PC, AND PAUL COCKSEGE STUDIO IN THE AMOUNT OF \$113,500 FUNDED THROUGH THE NORMAN FORWARD PUBLIC ARTS FUND FOR THE DESIGN, ENGINEERING AND CONSTRUCTION ADMINISTRATION OF A SCULPTURE TO BE PLACED AT NORMAN PUBLIC LIBRARY CENTRAL AND TERMINATION AND REPLACEMENT OF CONTRACT K-1718-122.

**Notes:** ACTION NEEDED: Motion to approve or reject Contract K-1718-137 with Kirkpatrick Forest Curtis, PC, and Paul Cocksedge Studio in the amount of \$113,500; and, if approved, authorize the execution thereof and terminate Contract K-1718-122.

ACTION TAKEN: \_\_\_\_\_

**Agenda Date:** 06/26/2018

**Agenda Number:** 30

**Attachments:** K-1718-137, PAB Presentation

**Project Manager:** Terry Floyd

**Entered by:** kathryn.walker@normanok.gov

**Effective Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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### Text of Legislative File K-1718-137

Body

**BACKGROUND:** The City of Norman and the Norman Arts Council (NAC) have partnered in projects to install art in public places within the City of Norman. Through this partnership, the NAC has purchased art pieces, and the City provides a location for the piece(s) within public spaces owned by the City of Norman.

With the adoption of NORMAN FORWARD, the City committed to expend an amount not to exceed 1% of the aggregate construction costs of major facilities and community parks improvements costs on public art at those facilities and parks. Because of the City's positive relationship with the NAC and the NAC's commitment to the sense of community fostered by public art, the NAC has agreed to expand the partnership with the City of Norman to assist with the selection, location, and installation of public art purchased with Norman Forward sales tax revenue. The terms of this partnership were discussed at the City Council Conference of February 9, 2016 and at the Norman Forward Citizen's Financial Oversight Committee meeting of March 28, 2016.

Under the terms of the approved Services Agreement, Contract K-1516-132, the NAC will serve as the administrator for the selection, location, and installation of public art purchased with Norman Forward sales tax funds. The NAC works cooperatively with the City to recommend appropriate works of art for selected facilities and sites paid for with Norman Forward funds.

The NAC administers the selection of public art through four phases. The first phase, Project Development, includes research by the NAC into similar projects at applicable locations such as libraries, parks, sports facilities, aquatic centers, and public pools. During Project Development, the NAC will assemble a Project Team comprised of NAC members; community members with pertinent expertise; Norman Forward Ad Hoc Committee member(s); and Norman Public Arts Board member(s). The City may choose to appoint a Councilmember and/or city staff person to the Project Team.

Once the Project Team is assembled, the Team will evaluate public art opportunities; develop a project budget; create a Selection Panel for selection of the art work; and establish a timeline for each project. The Selection Panel may be different for each work of art, but the Panel may be made up of the following members: community stakeholders; design professionals; City Manager designee; and member(s) of the Norman Forward Ad Hoc Committee associated with the project.

The second phase is the Selection Process, including the following: project announcement and advertising; Selection Panel review of submissions as a "blind jury"; development of a finalist short list; mandatory site visits for selected finalists; final proposal presentations; selection of artist; and contract negotiation and approval. Once an artist is chosen, the NAC, through the City Attorney's Office, will negotiate a contract with the chosen artist. City Council will then consider the contract for approval, and the artist shall complete the work of art according to the terms of his or her contract.

The third phase will be the Execution and Installation Process. During this phase, NAC will coordinate with the City for permitting and plan approvals; with the artist for fabrication and installation; and with either the City or the artist regarding any issues which might arise.

The last phase is Public Engagement and Education. During this phase, once the work of art is complete, the NAC will design and install appropriate markers for the work of art as well as taking archival-quality audio, video, and/or photographs. The NAC will also work to generate public awareness and appreciation for each work of art through press releases, social media, and other appropriate channels. The NAC will also collaborate with City Staff regarding care and maintenance of each work of art.

Under the terms of the Services Agreement, the City of Norman will fund public art installed at or as a part of Norman Forward sales tax funded projects up to 1% of construction costs for: Central Library, East Library, Indoor Multi-Sports Complex Facility, Indoor Aquatic Center, Westwood Recreational Complex, Ruby Grant Park, Andrews Park, Saxon Park, Reaves Park, and Griffin Park. These costs (the "Norman Forward Public Arts Fund" or "NFPAF"), aggregated together, are estimated to be \$1.2 million.

Of the NFPAF, at least 90% shall be allocated to: art selection, artist fees, fabrication, installation, and maintenance. The remaining amount, up to 10% of the total NFPAF, shall be paid to NAC as an administrative fee. As projects come forward, the City will make the administrative fee available to NAC. The NAC will submit quarterly reports detailing the progress made including funds received and expended.

The Services Agreement is for an initial one year term and renews automatically for subsequent one year terms so long as Norman Forward revenues remain for the purchase and installation of public art.

**DISCUSSION:** The third project has reached the point in the process where it is necessary for Council to consider a contract with the selected artist. Paul Cocksedge Studio has been selected by the Selection Panel to create a piece of sculpture to be installed at the Central Library Project. The piece has also been approved by the Norman Arts Council and Public Arts Board. The permanent location for the work is proposed to be in plaza area on the south side of the new Norman Public Library Central in Norman, Oklahoma. A copy of the art presentation presented to the Public Arts Board is attached and depicts a rendering of the piece, along with

additional information on the project budget and materials. The Council approved Contract K-1718-122 in May 2018 with Paul Cocksedge Studio and Kirkpatrick Forest Curtis, PC (KFC) to purchase the selected art piece. Unfortunately, after Council's approval, City Staff learned that the structure of Contract K-1718-122 was no longer feasible.

Contract K-1718-137 is a replacement of Contract K-1718-122. The new contract includes the design of the art piece and collaboration with the artist through construction and installation, the necessary engineering services from KFC required because of the nature of the art piece, and construction administration by KFC to ensure the art piece is installed according to specifications. Staff plans to bring forward a change order to the Central Library construction contract with Flintco Constructive Solutions, Incorporated to cover manufacturing and installation services for the artwork, once the final design and specifications are completed by KFC.

The sculpture is proposed to be completed and installed no later than June 15, 2019. In addition, prior to implementing any changes to the sculpture, the Artist is required to obtain approval from the City of Norman. The total cost of this contract is \$113,500, \$21,500 of which is attributable to KFC's costs. The Artist's cost will be paid over five payments, with final payment upon final acceptance by the City of Norman. It is anticipated that the entire project can be completed within the public art budget for the Central Library.

Final acceptance will be determined solely by the City of Norman. The City of Norman retains the right to subsequently remove the work if it presents a safety hazard or cannot be reasonably restored to its original structural or aesthetic integrity.

Norman Forward Public Arts Project, Construction (account 051-9500-452.61-01; project NFP100) has adequate funds available to cover the award of this contract.

**RECOMMENDATION:** Based upon the above and foregoing discussion, it is the staff recommendation that Council approve and sign the attached contract, K-1718-137, if Council wishes to have the new Central Library art piece fabricated and installed at the Norman Public Library Central site.