

Port of San Francisco **PUBLIC ART PROGRAM**

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1. Overview

Public Art aids in celebrating the Port's history and diversity while demonstrating a vision for the future and a commitment to cultural values. Through Public Art the Port hopes to educate, inspire discussion, delight residents and visitors, and add to the waterfront's sense of recognizable place.

"Public Art" refers to original works of physical or visual art in any artistic medium that is in the public realm, permanent or temporary, whether owned by a public agency or by a private entity. It can be sculptures, murals, utility covers, lighting, paving patterns, railings, entry portals or gates, street furniture, fountains, play equipment, mosaics, tapestries, drawings, signage, and more.

2. Purpose

The purpose of the Port's Public Art Program (Program) is to describe the process for selection of artists and public art and guide its placement along the Port of San Francisco waterfront. The Port's Public Art Program is a guide for the Port and the public to accomplish the following:

- Set forth how and where public art can enhance and enliven the Port's network of parks, public spaces, and natural areas;
- Administer a transparent and inclusive process for the selection of diverse artists and artwork; and
- Expand opportunities for indigenous people and people of color to display art, inclusive of local and regional artists.
- The Program applies to all Port property except in areas of an existing and/or planned special use district (SUDs) that include a development agreement that defines a process and/or requirement for the development and implementation of Public Art.

3. Locations for Public Art

Public Art shall be placed where its size and presence will enhance the use and enjoyment of the area where it is located. Larger sculptures require appropriately sized areas while many other or smaller forms of art can complement a variety of spaces. Sites most likely to be attractive for large scale Public Art include, but are not limited to: Pier 29 Tip Public Access, Cruise Terminal Plaza, Harry Bridges Plaza, Pier 14, Brannan Street Wharf, Crane Cove Park, Bayview Gateway, and Heron's Head Park.

In 2019, the Port Commission adopted a resolution (Resolution No. 19-24) authorizing the Port's Executive Director to waive Public Art use fees in license agreements and MOU's for Public Art located in areas that meet the following criteria:

- There are no existing or anticipated revenue generating uses for the area during the term of the license/MOU;
- No uses would be displaced;

- The Port would not expend any or only minimal or incidental resources or revenues to support the installation; and
- There is a direct benefit to the Port in that the Public Art enlivens and attracts people to the waterfront.

4. Artist Selection Process

The Port may employ one of the three following processes for the selection of artists and artworks: Open Call, Direct Selection, or Artist Sponsored proposals. Each process is set to respond to the purpose, scale, duration, and budget of proposed Public Art as determined by the Port Commission or the Executive Director. The artist and art selection processes shall follow the San Francisco Arts Commission (SFAC) *Public Art Program Guidelines* for the Civic Art Collection, summarized below. For projects that require project management or assistance from SFAC or SFAC staff, a Memorandum of Understanding (MOU) shall be entered into and executed by both parties that outlines goals and deliverables, schedules, and ownership and maintenance responsibilities.

Open Call

For the Port, each Open Call selection process will be either a local, national or international competition open to professional practicing artists that meet minimum eligibility requirements.

Applicability: Permanent art proposals that utilize City funds per the City's 2% for public art program or other major public art on Port Property as directed by the Port Executive Director or Port Commission.

Outreach: Outreach is conducted by the SFAC with assistance from Port staff and will include the distribution of a publicized Request for Qualifications (RFQ) to professional practicing artists. Outreach will be conducted consistent with Section 5 of this document.

Selection Process: Using the SFAC *Public Art Program Guidelines*, SFAC with assistance from Port staff will engage in the following steps for selection:

- Distribute a publicized RFQ to professional practicing artists;
- Form an Art Selection Panel that may include representatives from Port staff, the site design team, BCDC, community advisory committee members or community members, and arts professionals;
- Conduct the artist selection process to determine conformance with selection criteria which may include consultation with professional art conservators regarding future maintenance;
- Enter into agreements with selected finalists to develop design proposals for the site;
- Produce materials for a 2-week public display of proposals at an appropriate site near the Project site and on the SFAC and/or Port's websites;
- Proposals may be reviewed by the Port's Advisory Committees and/or BCDC and/or the Civic Design Review Committee if required by the scope of each group or committee;
- Present selection panel's final recommendation and maintenance plan to the Port Commission and when applicable to the SFAC for consideration and approval;
- Notify artists of Selection Panel decision as approved by the Port Commission and when applicable the Arts Commission

Ownership & Maintenance: Upon completion of the project and final payment to the artist, it is intended that ownership and maintenance for all Public Art involving City funds shall transfer to the City under the jurisdiction of the Arts Commission; however, this will be negotiated on a case-by-case basis with the SFAC. For Public Art not involving City funds the Port may request the SFAC accept the Public Art into the City's Civic Art Collection, pending SFAC's ability for acceptance. Maintenance shall be performed as described in Section 8 of this Program.

Direct Selection

A Direct Selection process may be used for temporary or permanent artworks of limited budget as described below, consistent with City Purchasing Department contract threshold requirements for Professional Services under [Chapter 21](#) of Administrative Code (Code).

Applicability: Per [Chapter 21](#) of the Code, the Direct Selection process may be used if the proposal or project budget is less than the minimum competitive amount as described in the Code. This selection process is distinguished from Open Call in that Port or SFAC staff are not required to publicize a RFQ or RFP if the contract is below \$10,000, but are required to complete an informal solicitation process if the contract is between \$10,000-\$129,000 (per Code). Once bids are submitted only one artist and/or artist team will be pursued to develop a full proposal as described below.

Outreach: SFAC or Port staff will reach out to qualified artists through an inclusive outreach process that is consistent with SFAC *Public Art Program Guidelines* and Section 5 of this document.

Selection Process: Using the SFAC *Public Art Program Guidelines*, SFAC and/or Port staff will engage in the following steps for selection:

- Contracts under \$10,000: no RFQ or RFP is required, however, the Port is encouraged to solicit three (3) written bids or proposals and select the lowest responsive and responsible bidder.
- Contracts over \$10,000 but less than the Minimum Competitive Amount (currently set at \$129,000 per Code) informal solicitation is required. Port staff will follow the informal bidding rules established by Contracts Monitoring Division (CMD) under the Code and Chapter 14B rules and regulations;
- Port and/or SFAC staff will review bids or proposals and determine conformance with the selection criteria as per section 6 of this Program, and pursue one artist and/or artist team to develop a full proposal for the project site;
- Review of bids or proposals may also be administered by a Selection Panel at the discretion of Port staff;
- Proposals may include review by the Port's Advisory Committees and/or BCDC if required by the scope of each group of committee;
- Port staff will present a final proposal as an informational item to the Port Commission for review and comment prior to consideration of approval by the Port's Executive Director.

Ownership & Maintenance: Upon completion of the project and final payment to the artist, it is intended that ownership and maintenance for all public art involving City funds shall transfer to the City under the jurisdiction of the Arts Commission; however, this will be negotiated on a case-by-case basis with the SFAC and their ability for acceptance For all other Direct Selection public art, the Port shall negotiate ownership and maintenance with

the artist prior to finalizing the artist selection. Maintenance shall be performed as described in Section 8 of this Program.

Artist Sponsored Proposals

Artist Sponsored proposals occur when artists or arts organizations approach the Port requesting permission to temporarily display their art on Port property. Artist Sponsored proposals are by Executive Director approval and are at the sponsor's expense.

Applicability: Artist Sponsored art offered or proposed to the Port to temporarily display art at the artist or arts organization's expense.

Outreach: The Port or with assistance from SFAC staff, will inform the public of Public Art opportunities per Section 5 of this Program.

Selection Process: Art Sponsored or unsolicited proposals are evaluated by Port staff up to three (3) times a year (February, June, and October) or as directed by the Port's Executive Director. Port staff will engage in the following steps for selection:

- Proposals will be reviewed by Port staff for consistency with *Criteria for Artist Sponsored Art* (Section 7) per this Program.
- Selection process may include review by the Port's Advisory Committees and/or BCDC, if required by the scope of each group of committee.
- Port staff may present final proposals as an informational item to the Port Commission for review and comment prior to consideration of approval by the Port's Executive Director.

Ownership & Maintenance: Upon completion of the project, ownership and maintenance for Artist Sponsored Public Art shall be the responsibility of the sponsoring artist or arts organization, unless ownership of the Public Art is accepted by the Port. Maintenance shall be performed consistent with Section 8 of this Program.

5. Outreach for Artists

Outreach for artists and artworks will play a critical role in developing a comprehensive public art program along the Port's waterfront. The Port will continue to work with SFAC on outreach to notice and promote opportunities for public art along the Port's waterfront. In addition, Port staff will broaden its Public Art outreach and ensure that an expanded audience of artists are aware of opportunities to submit art proposals. Staff strives to achieve a wider diversity of artists by utilizing the following strategies:

- Publicize the Port's Public Art Program and promote opportunities for artists and artworks through established Port communication channels such as newsletters, social media, and the Port's website.
- Develop a transparent Port Public Art Program webpage with an overview of the Program, including, but not limited to:
 - Requirements and process for using Port property for public art, such as processes for Licenses and Encroachment Permits.
 - Review process for large, small-scale, and temporary art.
 - Locations and sites for suitable large scale art installations.

- Expansion of opportunities to increase diversity of artists and artworks, inclusive of Black, Indigenous, and People of Color (BIPOC).
- Develop, maintain and utilize an email distribution list within the 9-county Bay Area region to highlight the Port's Public Art Program and opportunities for involvement.
- Partner with San Francisco Cultural Districts and applicable City agencies to expand outreach to potential artists.

6. Artist/Artwork Selection Criteria for Open Call & Direct Selection

The Port will use the following criteria to evaluate artist candidates and proposals submitted for permanent and temporary installations including proposed gifts, loans of artwork and projects proposed by third parties.

- A. **Artist Qualification:** Artists will be selected on the basis of their qualifications, as demonstrated by the judged quality of their past work and appropriateness of their artistic expression, professional experience, or specific proposal for a particular project, and the assessed ability of the artist to successfully execute the project within the project timeline.
- B. **Cultural Equity:** The program/project will assist the Port in implementing goals set forth in its Racial Equity Action Plan (REAP) and such goals will be considered throughout the process of selecting artists and projects in terms of the demographics of the artists selected, the cultural communities served, and the diverse perspectives represented.
- C. **Inherent Artistic Quality:** The aesthetic merit of the artwork will be assessed based upon artistic excellence, innovation, originality, and quality of craftsmanship.
- D. **Artworks Appropriate to Context:** Works of art must be compatible in scale, material, form, and context in which they are to be placed.
- E. **Artistic Diversity:** Artworks will be selected that reflect diversity in the broadest sense in terms of style, scale, media, and artistic sources, including both exploratory types of work and established art forms.
- F. **Ability to Maintain:** Artworks must be designed and constructed for durability in the Port of San Francisco urban and maritime environment. Consideration will be given to the inherent resistance to weather, which is characterized by strong winds, bright or sometimes harsh sunlight and salt air and to the cost and amount of ongoing maintenance and/or repair anticipated.
- G. **Public Safety and Accessibility:** Each work will be evaluated to ensure that it does not present a hazard to public safety and is compliant with applicable building codes and accessibility requirements.
- H. **Feasibility:** The feasibility of proposed objects will be evaluated relative to the artist's ability to successfully complete the work as proposed. Factors to be considered include the artist's experience, project budget, timeline, constructability of the project from an engineering perspective, appropriateness of materials, required City approvals, and level of community support where applicable.

- I. **Unique:** The artist will be asked to warrant that any permanent artwork is unique and an edition of one, unless otherwise stated in the contract.

7. Artist/Artwork Selection Criteria for Artist Sponsored Art

- A. There should be a compelling reason to site the artwork on Port property, such as the relevance of the artwork within the natural, architectural, cultural, historical, social/political or environmental context of the site.
- B. Artwork should have merit as a work(s) of art, independent of other considerations.
- C. The artwork should enhance the public's experience of the site.
- D. The artwork should be an opportunity to expose the public to diverse artists and artistic styles.
- E. The artwork should not contradict the City's or Port's values of environmental sustainability, accessibility, and cultural inclusiveness.
- F. The artwork should be appropriate in scale, media and context with its intended display location and should not impede the typical uses of the site.
- G. There is evidence that the artwork has community support. The artwork should be judged to be able to withstand unprotected display in an outdoor environment and be able to be maintained by the sponsor throughout the public display period.
- H. The artwork must not present a safety hazard and must comply with applicable building codes and disability access requirements.
- I. The artwork must be evaluated to be feasible, with convincing evidence of the sponsor's ability to create and install the artwork as proposed. Factors to be considered include but are not limited to, project budget, timeline, the artist's experience, and soundness of materials.
- J. Project sponsors must be willing to pay all costs associated with the artwork and display, including fabrication, installation, de-installation, and where applicable, SFAC staff time involved in assisting the sponsor with the exhibit, required insurance, and permit fees.

8. Public Art Maintenance Requirements

City Ownership

SFAC Civic Art Collection and Maintenance

Where Public Art is identified in this Program to be owned by the City, the following procedures identify the maintenance requirements:

- A. Upon completion of the project and final payment to the artist, ownership of the artwork shall transfer to the City under the jurisdiction of the SFAC. The SFAC shall incorporate the artwork into the City's Civic Art Collection.

- B. The SFAC will maintain files containing artwork records, artist files, condition reports, maintenance reports, conservation records, and other similar records. The SFAC staff may provide copies of the files to Port staff for duplicate storage purposes upon request.
- C. The SFAC shall maintain the artwork to the best of its abilities within available resources. However, although the SFAC strives to maintain the Civic Art Collection in good repair and condition, SFAC is not required to maintain the artwork to any particular standard. The Port shall work in good faith with the SFAC by informing of needed maintenance or repairs, and to assist in the maintenance of the artwork by providing non-specialized cleaning services that fall within the scope of standard maintenance. Future maintenance responsibility may be addressed in other agreements between the Port and SFAC and may supersede these conditions.

Port Ownership

Where Public Art is identified in this Program to be owned by the Port, the following procedures identify the maintenance requirements:

- A. Upon completion of the project and final payment to the artist, ownership of the artwork shall transfer to the Port.
- B. The Port will maintain files containing artwork records, artist files, condition reports, maintenance reports, conservation records, and other similar records.
- C. The Port shall maintain the artwork to the best of its abilities within available resources. However, although the Port strives to maintain public art in good repair and condition, the Port is not required to maintain the artwork to any particular standard. Port staff shall work in good faith with the Port Commission by informing the Commission of needed maintenance or repairs, and to assist in the maintenance of the artwork by providing non-specialized cleaning services that fall within the scope of standard maintenance.
- D. **Removal, Relocation or De-accessioning of Gifts of Art.** In accepting a gift of artwork or commemorative plaque, the Port Commission shall not be bound by any agreement with the donor that restricts its ability to act in the best interests of the Port of San Francisco. Nothing in the acceptance of a gift of artwork shall prevent the Port from approving subsequent removal, relocation or de-accessioning of such gifts if it serves the Port's best interest to do so. The Port shall de-accession and dispose of works of art in its collection in accordance with both the City Arts Commission De-accessioning policies and in accordance with the requirements of Section 10.100.30 of the Administrative Code.