



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 1/10/2023

REQUESTER: Jason Olsen, Director of Parks and Recreation

PRESENTER: Beth Muckala, Assistant City Attorney

ITEM TITLE: CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2223-84: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND DIBARI INNOVATIVE DESIGN, L.L.C., IN THE AMOUNT OF \$192,000 FOR THE DESIGN AND CREATION OF A SCULPTURE TO BE PLACED AT THE YOUNG FAMILY ATHLETIC CENTER FUNDED THROUGH THE NORMAN FORWARD PUBLIC ARTS FUND.

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.

Under the terms of the approved Services Agreement, Contract K-1516-132, and all amendments thereto, 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 has administered the selection of public art through four phases: (a) Phase I: Project Development, including research into similar projects, assembly of a Project Team to evaluate the public art opportunities; (b) Phase II: Selection Process, including project announcement and advertising, "blind jury" review of submission, and ultimate selection of and contracting with an artist; (c) Phase III Execution and Installation, including coordination with the City for permitting and approvals during fabrication and installation of the selected artwork; and (d) Phase IV: Public Engagement and Education, including design and installation appropriate markers and other means of creating public awareness and appreciation for each work of art through press

releases, social media, and other appropriate channels, as well as the care and maintenance of each work of art.

Under the terms of the Services Agreement, the City of Norman has funded 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, Westwood Recreational Complex, Ruby Grant Park, Andrews Park, and have planned the future installation of artwork at the Young Family Athletic Center ("YFAC"), Saxon Park, Reaves Park, and Griffin Park. These costs (the "Norman Forward Public Arts Fund" or "NFPAF"), aggregated together, were originally 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, is 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 YFAC project has reached the point where an artist has been selected and a final contract with the selected artist is proposed for City Council consideration.

The Selection Panel Advisory Board and the Norman Arts Council Board began the artist selection process in January of 2022 through a formal public call for artists. Through a review of hundreds of artist's qualifications and proposals, the Selection Panel Advisory Board nominated and invited four finalists to visit the site of the proposed artwork in February. The finalists presented their proposals to the Selection Panel Board in April; the Board recommended the retention of artist Vito DiBari to build and install a sculpture entitled "Elevate the Game" at the site.

The sculpture is a visual representation of the movement and kinetic energy facilitated within the Young Family Athletic Center using the shapes of three athletes: a basketball player, a volleyball player, and a swimmer. The piece honors Norman and the Young Family by presenting the basketball player with Trae Young's "three pointer pose" and using the City of Norman's Seal colors. The athletes are made from multiple 1" carbon steel round powder-coated bars. The sculpture will be bolted to a 6' cylindrical concrete base and is 18' in height combined with the base.

While the artist is responsible for the sculpture itself, the City will be responsible for the concrete base and any associated landscaping. The City will be provided relevant engineering and construction administration services from FSB for the mounting of the sculpture.

The sculpture is proposed to be completed and installed no later than September 30, 2023. 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 \$192,000, \$72,000 of which is payable upon delivery of the signed contract and issuance of an Artist's invoice; \$60,000 of

which is due upon substantial completion of the three figures of the sculpture and upon issuance of an Artist's invoice; and the final \$60,000 upon final acceptance of the Work by the City.

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 51795500-46101; project NFP100) has adequate funds available to cover the award of this contract.

RECOMMENDATION:

Based upon the foregoing, City Staff recommends that Council approve Contract K-2223-84 with DiBari innovative design, LLC for the fabrication and installation of artwork at the YFAC.