



Agenda Action Form Overview

Execution of the Public Art Agreement with David Wilson of Wilson & Utley for the Fabrication/Installation of the Public Art at the Administrative Building II Renovation (former Judicial Building) Project No.: DC073

Background/Justification

On August 18, 2016, the Site Plan for the project was approved which included language from the Unified Development Ordinance mandating Public Art be provided as part of the Judicial Building renovation project due to the monumental designation of the building. Based on this UDO designation, "...a minimum of one element of (pubic art) interest (i.e. fountain, art, clock, etc.) shall be provided". As this was the first County building project downtown to be so designated, staff began the process of recruiting an artist for the project. As noted in the AAF, an initial RFQ was issued and the Wilson & Utley response was the only one received. In an effort to increase interest in the project within the Public Art community, the RFQ was revised with additional assistance of Mr. Chris Ogden of the Public Art Committee and re-issued. Only one response was received to the revised RFQ, again from Wilson & Utley. On June 21, 2017, the Public Art Committee received a presentation from Wilson and Utley and voted unanimously approving the concept. Durham County then executed a concept design agreement with David Wilson on July 18, 2017. During the December 2017 worksession, the BoCC was provided a briefing by David Wilson of Wilson & Utley on the design concept unanimously endorsed by the Public Art Committee. The purpose of this contract is for the actual fabrication/installation of the Public Art for the project.

Policy Impact

On August 22, 2016, the BOCC authorized the County Manager to into a contract with Whiting-Turner/Holt Brothers, Inc. for the renovation of the Judicial Building, consistent with the issuance of Limited Obligation Bonds authorized by the BoCC to fund this renovation and other approved projects. Funding for the Public Art was included in the renovation project estimate and is available in the Judicial Building Renovation capital project account. County Engineering is also currently developing a draft Public Arts Policy based on this UDO requirement and direction received to date from the BoCC. Once approved, this policy will serve as a guide for the Public Art process as it relates to future County Capital Improvement Projects.

Procurement Background

Wilson and Utley has extensive experience with Public Art as evidenced in their proposal and highlighted during the interview process. Wilson & Utley is a qualified team providing fair pricing for the Public Art which is consistent with the overall art allocation for this project.

Type of purchase

- ☒ Goods
☒ Services
☐ Architect, Engineer or Surveyor Services
☐ Construction and Repair

Did this request for purchase go through a bid process? Yes ☐ No ☒



Durham County Government
Agenda Action Form Supplemental Document – Contract Approval

*Goods: Bids required if $\geq \$30,000$, BOCC approval if $\geq \$90,000$
Services: Bids required if $\geq \$30,000$, BOCC approval if $> \$40,000$*

Construction/Repair work: Bids required if $\geq \$30,000$, BOCC approval if $\geq \$500,000$

If yes, attach a copy of bid tab and the minority and women business enterprise (MWBE) compliance review form provided by the Purchasing Division.

If no, why?

- ☐ Sole source exemption
- ☐ Cooperative purchasing program exemption
- ☐ State and federal contract exemption
- ☐ Contract is an amendment to an existing contract
- ☒ Other (please explain)

If exempted from bidding, has this request been reviewed and approved by the Purchasing Division in the agenda Legistar system? Yes ☒ No ☐

If no, why? Qualification based RFQ process as required by G.S. 143-64.31

Fiscal Impact

Funding for this Public Art Agreement is available in the Judicial Building Renovation Capital Project Account.

Recommendation

The County Manager recommends that the Board authorize the execution of the Public Art Agreement with David Wilson in the amount of \$60,500.00 for the fabrication/installation of the Public Art at the Administrative Building II Renovation project.