



October 13, 2015

Subject: **Town of Los Gatos Veterans Memorial**

Earlier this year, the Los Gatos Town Council voted to construct a Veterans Memorial that serves to recognize and honor the courage, dedication and sacrifice of those who have defended America's freedom. This initiative will ultimately result in a Veterans Memorial installation in the heart of Los Gatos at the Town's Civic Center, where the memorial will receive outstanding exposure to Town residents and Silicon Valley visitors.

The Veterans Memorial & Support Foundation of Los Gatos is the sponsor for this exciting endeavor. As you're already aware from John Lochner's, Chuck Swan's or Kent Hillhouse's prior telephone conversation with you, members of the Foundation committee have seen samples of your work and are impressed with your design capabilities. As a result, the committee would like to formally invite you to compete for this prestigious opportunity.

An overview of our preliminary Request for Proposal is enclosed. We encourage you to partake in a two-hour Pre-proposal Conference for Participants to be conducted via online electronic conference on November 18, 2015 at 1:00 PM PT. In advance of the Pre-proposal Conference, by November 16 2015, we will send to you via email, directions for participating in the Pre-proposal Conference in addition to instructions for responding to our Request for Proposal. In the interim, please review the preliminary RFP enclosure in advance of the conference. The Pre-proposal Conference will offer the opportunity to learn more about our Foundation, the project, and how to respond to the RFP in addition to offering participants the freedom to ask questions of the Foundation committee. In advance of that, should you have any questions, please feel free to direct them to one of the three of us in writing at the following email address': John Lochner - papaloc@gmail.com, Chuck Swan - chucksara@msn.com or Kent Hillhouse - kent.hillhouse@cushwake.com.

I know I speak for my Foundation colleagues in encouraging you to participate in this worthwhile opportunity. We hope you will be as excited about this undertaking as we are and choose to compete in our design challenge. Should you choose to engage, I look forward to speaking with you on November 18th.

Sincerely,

Major General Kent Hillhouse, US-Army (Ret)
Foundation President

REQUEST FOR PROPOSAL

Los Gatos Veterans Memorial Project

KEY DATES:

RFP Invitation Release:	October 13, 2015
Pre-proposal Conference for Participants:	November 18, 2015 1:00 p.m. PT
Application Deadline:	January 11, 2016 4:00 p.m. PT
Construction Commences:	TBD, 2016

ELIGIBILITY:

This commission is open to invited Artist and/or Architect design teams; all members of the team must be practicing, professionals residing in the United States.

PURPOSE:

The Los Gatos Veterans Foundation Memorial Project will create a Veterans Memorial at the Town of Los Gatos Civic Center. The Veterans Memorial will honor and recognize the courage, loyalty, dedication, commitment and sacrifice of those who have served to defend America's freedom and will offer a site of contemplation for reflection and remembrance. The Veterans Memorial and Support Foundation of Los Gatos (hereinafter referred to as the Veterans Foundation) is a nonprofit foundation and the project sponsor.

BACKGROUND

The Town of Los Gatos is a community of over 30,000 residents nestled against the Santa Cruz Mountains on the edge of Silicon Valley. Situated within the largest metropolitan area of northern California, Los Gatos is closely tied to Silicon Valley and its fast-paced economy. Located at the southern edge of Silicon Valley, Los Gatos harbors more than 3,000 businesses with a full range of services for its residents, and serves as a destination point for visitors who are attracted to its restaurants, hotels, and the variety of high-end specialty shops within the pedestrian-oriented downtown setting. Downtown Los Gatos is listed on the National Register of Historic Places and is the model of what communities strive to achieve in a downtown.

The Veterans Foundation is dedicated to honoring and supporting both currently serving service members and all veterans of all branches of the U.S. military—Army, Navy, Air Force, Marines, Coast Guard. The mission of the Veterans Foundation is to:

- Build and maintain a tribute to U.S. military service members and veterans;
- Honor all U.S. military members and veterans—past, present and future;

- Educate the community and;
- Provide humanitarian support.

More information regarding the Veterans Foundation can be found at the Veterans Foundation website: honorAvet.org.

With the authorization from the Los Gatos Town Council, the Veterans Foundation has initiated a capital campaign to raise funds to complete this project and has proposed to erect and manage in perpetuity, a memorial at the Los Gatos Civic Center, one that celebrates freedom and gives tribute primarily to service members and Veterans of the United States Military while recognizing also Merchant Marine, Emergency Services personnel and local heroes of 9/11's Flight 93 - Mark Bingham and Todd Beamer.

The Veterans Foundation serves as an advisory body to the Los Gatos Town Council for this endeavor. The Veterans Foundation's role is to conduct a design selection process with a select group of contributing artists and/or architect teams who in turn develop proposals and renderings for memorial design consideration. In the end, the Veterans Foundation will preview semi-finalist designs in the community and render ultimate recommendations to the Town Council, whose decision is final.

VETERANS MEMORIAL ANTICIPATED BUDGET

Implementation budget: estimated \$700,000 to \$1.5 Million. The final budget will be dependent upon two factors:

- 1) Town Council's approval of the final plans;
- 2) And the success of the Foundation's private fundraising campaign.

HONORARIUM

The Veterans Foundation Board is prepared to award a financial honorarium to the top artists of choice.

PROJECT DESCRIPTION:

In accordance with the direction from the Town of Los Gatos Town Council, the Veterans Foundation will conduct a selection process for an artist and/or architect team to develop a proposal for a tribute to the veterans who have served their country. The Town and the Veterans Foundation will enter into a contract with the chosen artist and/or architect team. The artist and/or architect team will work in conjunction with any additional design professional(s) and/or consultants required for engagement in the process.

The memorial will be located at the Town of Los Gatos Civic Center, and is proposed to be located in the Redwood Grove located in the southwest corner of the Civic Center lawn fronting Main

Street and immediately adjacent to Pageant Way. Photos of the proposed location are attached to this document.

The Veterans Foundation has worked with a Los Gatos based architect to develop a draft site plan for recommended placement of the proposed memorial. (Please refer to “Attachment 2, Draft Site Plan” and “Attachment 3, Elevation.”)

The draft site plan is presented as an example showing how the memorial area could be utilized and shows the following:

- A proposed placement and footprint for a memorial;
- The use of a walk-way for pedestrian access, including optional benches for viewing a memorial;
- Donor recognition through the use of donor bricks and other potential elements.

In addition to the inherent Redwood Trees occupying the space, a Memorial proposal may include and is not limited to the following elements:

- A Memorial Wall,
- An area for placement of the memorial focal point, which may include statuary or other composition,
- Donor pavers,
- Path and/or walkway to the Memorial, for visitor access,
- Benches to provide seating,
- Landscape to enhance the memorial,
- And for possible placement near the memorial grounds, a historical Los Gatos fire bell that was used decades ago to summon Los Gatos Fire Fighters.

It is important to note that the draft site plan herein is optionally configured with some of the elements as proposed in the RFP. To that end, the Foundation is open to artist recommendations should he/she choose to offer alternatives for consideration for which the artist believes may better serve the overall objectives cited above (e.g. a wall of a different shape, donor recognition through an alternative to bricks and benches, etc.).

The Veterans Foundation is looking for interested artists and/or architect teams to design any or all of the elements listed below (artist discretion):

- A memorial focal point - one that commemorates freedom, portrays liberty and considers inclusion of iconic American or US military symbols such as the American flag, American Bald Eagle, olive branch, Great Seal of the United States of America, peace dove, Constitution of the U.S., as examples.
- A Memorial Wall which is intended to recognize the individual five branches of the military – Army, Navy, Marines, Air Force and Coast Guard, the Merchant Marine, First Responders, local 9/11 Flight 93 heroes from Los Gatos – Mark Bingham and Todd Beamer, the military men and women from Los Gatos who were Killed In Action (KIA) and the military men and women declared Missing In Action (MIA) over the course of American history. The Foundation is open ended on form, use of elements (bas reliefs, inscriptions, imagery, other) design and shape for the Wall. The Foundation only requests that artists recommend use of vandal-proof materials, as example: granite, sheet metal, concrete, stone,

Starphire Glass (used in the Apache helicopter and B-2 bomber which can withstand hurricane-force winds without bending, breaking or leaning,) or similar substance etc. While it is important to note that the current draft site plan references the use of bricks and black granite, the Foundation leaves the ultimate choice of materials to the artist.

- Optional water elements,
- Appropriate lighting, and
- Artist/architect team recommendations for the walkway, pavers and site itself.

It is preferred that artists and/or architect teams establish designs that also support the following characteristics:

- Compliance with the American with Disabilities Act,
- Design that is complementary to the surrounding existing Civic Center architecture,
- Design and construct a “green project,” conserving energy and water, and
- Create a serene setting where visitors can pause and reflect.

DESIGN TEAM SELECTION CONSIDERATIONS:

Please be advised that:

- All design professionals must be licensed and carry professional liability insurance. The successful artist(s) whose art is ultimately approved by the Town Council will be required to secure a Town business license. Los Gatos Town business license information can be found on the Town of Los Gatos website: <http://www.losgatosca.gov/421/Business-Licenses>.
- Participating artists and/or architect teams shall provide references for prior commissions/design projects to the Veterans Foundation. This point is elaborated upon later in this section.

Following are the artist and/or architect qualifications to be considered to participate in this opportunity. The designer/design team's:

- i) Professional experience, anticipated individual roles and the team's adequacy to meet the demands of the project.
- ii) Artistic and design excellence, innovation and originality as evidenced by representations of past work and other supporting material. The aesthetic sensibility of both artist and design professional(s) on the team will be considered.
- iii) Perceived ability for the artist's work to be capable of being consistent with and enhance the Civic Center's architectural design and in the end, complement the Town's community character.
- iv) Availability to participate in the design, approval and implementation of the project as required and availability to participate in public meetings to present their proposal.
- v) Ability to meet project deadlines, and to perform work in a timely and professional manner.
- vi) Results of reference checks for prior commissions/design projects.
- vii) Ability in the eyes of the Veterans Foundation to create a Veterans Memorial of lasting significance for the Town of Los Gatos.

APPLICATION REQUIREMENTS

Application directions along with RFP response instructions will be electronically sent to participating artists and/or architect teams by November 16, 2015 – prior to the Pre-proposal Conference. Application directions and RFP response instructions will also be discussed at the Pre-proposal Conference. These materials may be obtained from Christina Gilmore, Assistant to the Town Manager of Los Gatos at cgilmore@losgatosca.gov or at 408.354.6822 if for any reason a participant has not received their packet by November 16, 2015.

Artists and/or architect teams will be expected to provide the following sample information in the response:

- Artist Contact, Profile and Examples of Past Works
- Team composition and roles of team participants
- Resumes of all team members
- Images for review (photographs in electronic format - PDF, jpg, GIF, TIFF) of previous works including description, media/materials, dimensions, location, budget, client or commissioning organization.
- Three (3) prior references for whom work has been conducted
- Artist and/or architect Statement of Interest about participating in this project
- Design(s) renderings. Each application can should be accompanied by images that illustrate their design(s) - sketches, drawings, images and/or photographs and are to be submitted in an electronic format (PDF, .jpg, GIF, TIFF). Information on Dropbox to follow.
- Memorial design title
- A brief description of the vision/description/philosophy or message behind the design.
- Suggested dimensions for the finished product – height, length, weight, etc.
- Recommended materials used for constructing the memorial
- Additional resources required outside of the proposing team at any point from day of proposal through to and including implementation
- Financial projection and anticipated budget requirements
- Recommended implementation schedule, process and considerations.
- Ongoing maintenance considerations
- Affirmative representation that the artist owns all copyright rights without restriction or infringement on any third party rights to the artwork submitted for consideration and agreement to terms.

SELECTION PROCESS

After the application deadline, the Town of Los Gatos staff will receive and screen incoming submissions for completeness to be considered for this commission that will be forwarded to the Foundation for initial review. The Foundation will present its selection of qualified renderings to a stakeholder ad hoc committee consisting of members of the Veterans Foundation, Arts & Culture Commission, Police and Fire First Responders, Library Board, Friends of the Library, Adult Recreation Department, Parks Commission, NUMU, Youth Commission, Los Gatos Music and Arts, Community Groups – Los Gatos Lions, Kiwanis, Rotary Club – Morning, Rotary Club - Afternoon, Town Staff and Families of 911 victims Mark Bingham and Todd Beamer. The

Stakeholders will have input to provide advice, counsel and community feedback to the Veterans Foundation to determine the best proposed designs for consideration.

The Los Gatos Veterans Foundation will select up to four semi-finalist teams (the ultimate number of semi-finalists is dependent upon the number of qualified submissions). Semi-finalist designs will be shared with the public for comment. The Veterans Foundation will take into consideration the input from the ad hoc committee and public commentary as it establishes its recommendation for the Town Council who will hear the proposal and render final approval on the project. Contract establishment with the artist and/or architect team of choice and construction implementation will follow.

Proposed design renderings will be placed on display in the Los Gatos Civic Center for public comment and review prior to being presented to the Town Council. Final approval of the Veterans Memorial rests with the Los Gatos Town Council.

Submitted designs will be evaluated in accordance with the Town of Los Gatos Public Art Selection Policy and Procedure in that evaluation criteria will include, but not be limited to, the following:

- Aesthetics: deemed to be an artwork of lasting aesthetic value.
- Quality: artistic merit as determined by the selection committee.
- Style: compatible in scale, materials, form and content with its surroundings.
- Permanence: Due consideration given to structural/surface soundness, resistance to theft, vandalism, weathering and maintenance costs.
- Public Liability: safety conditions and factors that may bear upon public liability.
- Technical Feasibility: Convincing evidence of the artist's ability to successfully complete the artwork as proposed.
- Duplication: Artist shall be asked to warrant that the sculpture is unique to this project, unless stated to the contrary in the contract.

The full text of the Public Art Selection Policy which identifies criteria for consideration for public art is available on the Town's website at www.losgatosca.gov/artselection.

PROJECT TIMELINE (Proposed dates are subject to change.)

- Invitation letter and RFP overview issued to invited Artists and Architect teams – Oct 13 2015.
- Pre-proposal Conference for participating artists and/or architect teams. This WEBEX conference will include an overview of the application process in addition to a project overview – Nov 18 2015, 1:00 PT.
- Application Deadline & Design Proposal due in digital format – Jan 11 2016, 4:00 PT.
- Veterans Foundation Board preliminary review of proposals and electronic meetings with artists. Jan 12 2016 through Feb 1 2016.

- Stakeholder Ad Hoc Committee Review Design Selection for up to four Semi-Finalists to include artist and/or architect team individual presentations to the Stakeholder Ad Hoc Committee – Feb 2 2016 through Feb 22 2016.
- Review of Semi-Finalists design selections by the Town of Los Gatos Town Council — on or about Mar 15 2016.
- Design Proposal due in 3D digital format and delivery of Proposal Boards — Apr 4 2016.
- Public Display and Feedback of semi-finalist designs — Apr 18 2016.
- Veterans Foundation rank order selection of semi-finalist proposals based on input from ad hoc committee and public commentary — Apr 25 2016.
- Recommendation for final approval to the Town of Los Gatos Town Council – on or about May 3 2016.
- Town of Los Gatos and Veterans Foundation complete contract phase with artist and/or architect team of choice. – Jun 10 2016.
- Fundraising Campaign Design Launch – Jun 13 2016
- Construction begins – Design and fundraising dependent
- Construction complete—Design and fundraising dependent
- Formal dedication— TBD

FOR FURTHER INFORMATION

Please put any questions in writing and contact Kent Hillhouse at kent.hillhouse@cushwake.com who will respond to questions directly or forward inquiries to the appropriate Foundation member as appropriate. Questions and answers will be published to all artists/designers who have received this RFP and have indicated a desire to participate.

NOTIFICATION OF RESULTS

Participating artists and/or architect teams will be notified by e-mail following the selection of the Semi-Finalists and again following the approval of the final design by the Los Gatos Town Council.

RULES, TERMS AND CONDITIONS

All artist and/or architect teams submitting a proposal acknowledge and knowingly agree to be bound to the following terms:

- The Veterans Foundation may require additional drawings and/or a maquette for its review.
- The Veterans Foundation and the Town Council reserves the right to reject any or all proposals.
- The Veterans Foundation reserves the right to accept any application, to reject any incomplete proposal and to not accept any artist application recommended by the ad hoc committee to initiate an alternate selection process, to terminate the application or selection process or to reissue the RFP for any reason and without prior notice.
- Maquette Policy: The Veterans Foundation shall:
 1. Reserve the right to use the selected artists' work in the Town of Los Gatos and for any other Veterans Foundation purpose, to use any image including digital and photographic images of project art or maquette for archival, advertising and promotional purposes. The duration of use will be in perpetuity.
 2. Be given credit upon display and/or reproduction of any maquette or proposal.
 3. Provide credit to the artist upon display and/or reproduction of any maquette or proposal.
 4. Reserve the right to transfer this right to any governmental, commercial, private or public entity or entities, which may in the future, become the rightful owner(s) of the Veterans Memorial.
- By submitting the proposal, proposers agree that the Town of Los Gatos and the Veterans Foundation is not responsible for any incorrect information caused by any technical or human error that may occur in the processing of submissions by the Veterans Foundation and/or the Town, including but not limited to any misprints or typographical errors.
- The Town of Los Gatos and the Veterans Foundation will not be responsible for incomplete, defective, or unreadable entries or for failure to receive entries due to transmission failures or technical failures of any kind.
- Required Contract - The artist/artist team selected for the project shall be asked to enter into contract with the Veterans Foundation for the entire duration of the project.
- Artist Teams – If design teams are proposed for commission consideration, it will be expected that the exact individuals proposed will fulfill their roles as submitted in the proposal of the project. This is for the reason that selections will be made based on the design proposed as well as the talent behind the design. Exceptions to this will be made only with the express approval of the Veterans Foundation.
- Indemnification - Artists shall indemnify and hold the Veterans Foundation and the Town of Los Gatos harmless from all liability for loss, damage, or injury to person(s) or property

resulting from the negligence or misconduct of artist, artist teams, subcontractors and/or consultants.

- Environmental Regulation - The selected artist(s) will be required to comply with all applicable local, state and federal regulations. The selected artist(s) will be encouraged to develop artwork(s) sensitive to the unique site elements presented in the detailed memorial site location description in cooperation with the Veterans Foundation.
- Force Majeure - Economic and other conditions affecting the livelihood of achieving the stated goals of any non-profit are typically not within the control of the Veterans Foundation. Neither the Veterans Foundation nor the Town of Los Gatos is obligated to erect a Veterans Memorial.
- Removal or Repair - Selected artists will be required to waive their rights of integrity to commissioned artwork as pertains to its removal or repair as set forth in the California Art Preservation Act and the Visual Artists Rights Act.
- Site Photos - Artists are advised that site photos provided on honorAvet.org are for location reference only and are therefore to be used at their own risk.
- Mailed Submissions - Any materials mailed to the Veterans Foundation to be used at any time during the evaluation process will be returned at the artist's expense. While the Veterans Foundation will do everything possible to ensure the safe care of project materials while in the possession of the Veterans Foundation, the artist knowingly ships project materials to the Veterans Foundation c/o Christina Gilmore of the Town of Los Gatos at 110 East Main Street, Los Gatos, CA 95030 his/her/their own risk. The Veterans Foundation is not responsible for the materials themselves or their safe arrival and return to the artist.
- Contract - The artist/artist team selected and approved by Los Gatos Town Council shall be required to enter into contract with the Town of Los Gatos and the Veterans Foundation for the duration of the project.
- Licensing - Throughout the duration of the contract, the commissioned artist and/or architect team, and the commissioned artist's/architect's subcontractors, will be required to maintain a Town of Los Gatos business license per Chapter 14 of the Town of Los Gatos Municipal Code, and may need to obtain various types of insurance, including Automobile Liability insurance, General Liability insurance, Fine Arts insurance (or other insurance against loss), and other insurance, as required by the Town and the Veterans Foundation. Contractors will require a license to operate within the state of California.

All information contained herein does not constitute either an expressed or implied contract and these provisions are subject to change.