

ORDINANCE/RESOLUTION REQUEST

Please email requests to the Mayor's Legislative Team
at MileHighOrdinance@DenverGov.org by **3:00pm on Monday**.

**All fields must be completed.*
Incomplete request forms will be returned to sender which may cause a delay in processing.*

4/18/13 _____

Please mark one: Bill Request or Resolution Request

1. Has your agency submitted this request in the last 12 months?

Yes No

If yes, please explain:

2. Title:

This request is for the execution of a contract with Ned Kahn Studio Inc. of Sebastopol, California to design, fabricate and install a signature artwork for the exterior plaza area between the existing Jeppesen Terminal and the new Westin Hotel at Denver International Airport

3. Requesting Agency: Department of Aviation

4. Contact Person: (With actual knowledge of proposed ordinance/resolution.)

- Name: Amy Raaz
- Phone: (303) 342-2201
- Email: Amy.Raaz@flydenver.com

5. Contact Person: (With actual knowledge of proposed ordinance/resolution who will present the item at Mayor Council and who will be available for first and second reading, if necessary.)

- Name: **Stu Williams (Manager, South Terminal Redevelopment Program) and Kendall Peterson (STRP Art Program Manager)**
- Phone: (303) 542-7111 or (730) 840-5292
- Email: Stuart.Williams@flydenver.com

6. General description of proposed ordinance including contract scope of work if applicable:

Approval of this contract will allow for the design and planning of a major new work of public art project to proceed on schedule. The artist, Ned Kahn, is an internationally recognized artist who has installed his work on major building projects in the US, Asia and Europe. Based on a portfolio submitted to the DIA Art Committee, a personal interview, and a proposal presentation, Ned Kahn was unanimously selected to design, fabricate and install a unique work of art to activate the Plaza between the new hotel and existing terminal. This selection was also approved by DIA Management and the Denver Commission on Cultural Affairs (as per ordinance/policy). Once the contract is executed, he will begin further development of his proposal and upon approval, will proceed to final design phases, engineering, fabrication and installation of the artwork. Installation of the artwork will coincide with the expected opening of the commuter rail to DIA, in 2016. The artwork will provide scale and presence during the day and night.

(Please see Contract Scope and Milestones attached).

***Please complete the following fields: (Incomplete fields may result in a delay in processing. If a field is not applicable, please enter N/A for that field.)*

- a. Contract Control Number: **201310482**
- b. Duration: 3 years
- c. Location: DIA
- d. Affected Council District: 11

To be completed by Mayor's Legislative Team:

SIRE Tracking Number: _____

Date: _____

e. **Benefits:** partial fulfillment of public requirement as per Denver Revised Municipal Code [DRMC] 20-85, *et seq.* (see additional Benefits in section below)

f. **Costs:**

<i>Current Contract Amount</i> <i>(A)</i>	<i>Additional Funds</i> <i>(B)</i>	<i>Total Contract Amount</i> <i>(A+B)</i>
\$2,000,000	n/a	\$2,000,000

<i>Current Contract Term</i>	<i>Added Time</i>	<i>New Ending Date</i>
May 1, 2013-Dec. 31, 2016	n/a	n/a

g. **Date Goals Assigned:** n/a

h. **Goals:** this contract’s Scope of Services does not fall under the definition of DSBO’s CEI (Construction Empowerment Initiative) Ordinance. Professional Services for design, construction or reconstruction are subject to the goals ordinance. Anything outside of these services, including professional services not related to construction are reviewed on a case-by-case basis. Professional Services not related to construction usually do not have assigned goals; design and fabrication of artwork is not considered construction.

7. **Is there any controversy surrounding this ordinance?** (*Groups or individuals who may have concerns about it?*) **Please explain.**

Ned Kahn is an internationally recognized and sought-after artist for large public and private art projects of this kind. His work, together with the exterior landscape project being created by Patrick Marold (from Denver), will bring two unique and high-profile projects to the public spaces of DIA. Kahn’s artwork for the Plaza will be a bold addition to Denver’s Public Art Collection overall, and a wonderful introduction for visitors to the City as they travel through the airport and for the employees of DIA. Kahn has a proven track record of accomplishing projects on time and on budget and being a collaborative team player. The artist was selected in a competitive, public selection process overseen by in accordance with DRMC 20-85, approved by our DIA Art Committee, DIA Manager, and the Denver Commission on Cultural Affairs.

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Key Contract Terms

Vendor/Contractor Name: **Ned Kahn Studio**

Contract control number: **201310482**

City's contract manager:

Was this contractor selected by competitive process? **Yes** Was it the low bid? **N/A**

The contractor was selected using the public art process as defined in the 2006 City and County of Denver Public Art Policy. The process was modified to fit the needs of the project, and that modification was approved by DIA Management and the Denver Commission on Cultural Affairs. The selection panel was approved by both these approval bodies on January 2012. The contractor was selected in a competitive process, and the recommendation was approved by both approval bodies (DIA Design Review Committee and Denver Commission on Cultural Affairs) in March 2013. The Art Committee allotted a budget of \$2 million for this project and that will cover all costs associated with the creation of the artwork: design and artist's fee, engineering, fabrication and materials and installation.

Term/Duration of contract/project: **Contract ends December 31, 2016 or upon completion of milestones requirements (if sooner).**

Renewal terms: n/a

Purpose:

According to Mayor Federico Pena's Executive Order 92 of 1988, the purpose of the Public Art Program is to "...expand the opportunities for Denver residents to experience art in public places, thereby creating more visually pleasing and human environments." (Revised language for the Public Art Program was brought before City Council and became law in 1991. The Denver Public Art Ordinance can now be referenced as Denver Revised Municipal Code [DRMC] 20-85, et seq.) The sculptural artwork that Ned Kahn will build will activate the plaza area of STRP, visually enhance the area for all viewpoints (air, land and from hotel/plaza area) during the day and at night. It will enhance and provide visual interest for visitors coming to Denver and Denver International Airport employees coming to and from work. The artist will work closely with the design team and DIA staff and management to account for all specific parameters of the site, including safety and security issues, circulation patterns, drainage/water issues, FAA requirements, etc.

Scope of services to be provided with performance bench marks:

See attached Scope/Milestones Document

Cost/value:

\$2,000.000 USD

Source of funds:

1% for Art Funds generated from CIP and STRP projects at the Airport

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Benefit:

The sculptural artwork that Ned Kahn will build will activate the plaza area between the terminal and the new Westin Hotel. It visually enhance the area from all viewpoints (air, land and from hotel/plaza area) during the day and at night. It will enhance and provide visual interest for visitors coming to Denver and Denver International Airport employees coming to and from work. It will be a gateway to our City and contribute to the overall design excellence of the airport.

We believe this unique artwork will become a signature artwork for the City and a backdrop for the many events that will be planned on the Plaza.

Termination provision for City and for contractor:

Yes; contract may be canceled at any time if project is cancelled or contractor is not performing according to milestone/scope requirements.

WBE/MBE/DBE commitments (construction, design, Airport concession contracts): n/a

This contract's Scope of Services does not fall under the definition of DSBO's CEI (Construction Empowerment Initiative) Ordinance. Professional Services for design, construction or reconstruction are subject to the goals ordinance. Anything outside of these services, including professional services not related to construction are reviewed on a case-by-case basis. Professional Services not related to construction usually do not have assigned goals; design and fabrication of artwork is not considered construction.

Who are the subcontractors to this contract?

Unknown at this time; subcontractors will be approved by Project Manager for STRP.

Location:

Denver International Airport; Exterior Plaza between Jeppesen Terminal and Westin Hotel.

Affected Council District:

Council District 11

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