

CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT

April 19, 2011

Agenda Item: 5.9

Subject: Approval of Agreement for the Commission of Public Artwork "Spark" by Wowhaus, Chabot College

Background: Artwork "Spark" was named a winner of the Chabot College Call for Entries for Public Art on December 9, 2010. "Spark" was initially designed for the Welcome Desk in the Community and Student Services Center. The Welcome Desk underwent numerous alterations that rendered it incompatible with the artwork. The Public Art Committee undertook numerous discussions of the possible alternative installation sites with the Public Art Technical Review Team, the Chabot College Facilities Committee, campus users, and the artists themselves. The Planetarium (building 1900) was chosen as the new location for the installation of "Spark."

The District shall pay the Artist the contract amount of \$117, 855, which shall constitute full and complete compensation for all the services performed and materials furnished by the Artist under this agreement. Payment shall be made in accordance with the following scheduled installments, each installment representing full and final payment for all services and materials provided prior to payment thereof:

1. One-fourth (1/4<sup>th</sup>) of the Contract Amount (or \$29,463.75) shall be paid upon approval by the District of the first (1<sup>st</sup>) Progress Report. The first (1<sup>st</sup>) Progress Report shall consist of Construction Documents (pursuant to Section 1.3 of the Agreement), and an invoice for one-fourth of the Contract Amount;
2. One-fourth (1/4<sup>th</sup>) of the Contract Amount (or \$29,463.75) shall be paid upon approval by the District of the second (2<sup>nd</sup>) Progress Report, submitted when fabrication of the Artwork is approximately one-third (1/3<sup>rd</sup>) complete, along with an invoice for one-fourth of the contract Amount;
3. One-fourth (1/4<sup>th</sup>) of the Contract Amount (or \$29,463.75) shall be paid upon approval by the District of the third (3<sup>rd</sup>) Progress Report, submitted when fabrication of the Artwork is approximately two-thirds (2/3<sup>rd</sup>) complete, along with invoice for one-fourth of the Contract Amount;
4. One-fourth (1/4<sup>th</sup>) of the Contract Amount (or \$29,463.75) shall be paid upon final acceptance by the District of the installed Artwork. Pursuant to Section 1.9 (a) of the Agreement.

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Recommended Action: That the Board of Trustees approves the proposed Approval of Agreement for the Commission of Public Artwork “Spark” by Wowhaus, Chabot College. It is further recommended that the Board authorizes the Vice Chancellor, Business Services, to execute this agreement and any future augmentations or amendments to the agreement on behalf of the District.

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Submitted: Lorenzo Legaspi/Date

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Approved: Joel L. Kinnamon/Date

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