

**Invitation to Submit Qualifications and Proposals**  
**PUBLIC ART INSTALLATION**  
**Buffalo, New York**

Solicitation Issue Date: September 1, 2011  
Qualifications Due Date: October 6, 2011, 12:00PM EST

Issued by:

**Erie Canal Harbor Development Corporation**  
A subsidiary of the New York State Urban Development Corporation d/b/a  
Empire State Development Corporation

*95 Perry Street- Suite 500*  
*Buffalo, NY 14203-3030*  
*716-846-8200*

## I. Invitation to Submit Qualifications and Proposals

The Erie Canal Harbor Development Corporation (“ECHDC”), a subsidiary of the New York State Urban Development Corporation d/b/a Empire State Development Corporation (ESDC), invites internationally and critically acclaimed artists to submit qualifications and proposals for an art commission at the Connecting Terminal Grain Elevator (the “CTGE”) and/or New York State Route 5 Skyway (the “Skyway”) in the City of Buffalo, New York (the “Project”). ECHDC seeks artists who can demonstrate the ability to design and implement large scale, complex, public art commissions. This Project represents one part of a larger vision for the Canalside Area and the redevelopment of Western New York’s Waterfront, which includes the Inner Harbor, Outer Harbor, and the Buffalo River. ECHDC feels it is important to create visually interesting and appealing public art components at the Canalside Area and the Waterfront that will attract visitors, but will also make the citizens of Buffalo proud of the redevelopment of their Waterfront. The CTGE represents an era of pride for Buffalo. The invention of the grain elevator resulted in a heavy influx of industry and commerce that made Buffalo one of the fastest growing cities, and one of the well-respected cities in the nation at that time. The Skyway, though heavily debated, is one infrastructure element that literally touches and connects the Canalside Area and Western New York’s Waterfront. Starting at the Inner Harbor, soaring above the Buffalo River, and landing at the Outer Harbor, the Skyway physically and visually unites urban downtown Buffalo with the natural beauty of Lake Erie. ECHDC is inviting artists to submit qualifications and proposals that prove their ability to work within the historic context and envision significant utilization of Western New York’s Waterfront while incorporating ECHDC’s vision to revitalize Western New York’s Waterfront and restore economic growth to Buffalo based on the region’s legacy of pride, urban significance, and natural beauty. The current project budget is \$1.5 million to \$2 million. After submitting qualifications, the ECH Art Advisory Committee will recommend to the ECHDC Board of Director’s up to five (5) qualified artists based upon the evaluation criteria explained in this document. The five (5) shortlisted artists will contract with ECHDC and receive a \$10,000 stipend to complete their proposal. Before the proposals are due, ECHDC will establish a Selection Committee consisting of ECHDC and ESDC Personnel, Art Advisory Committee, representatives of the New York State Department of Transportation (owner of the Skyway), the New York Power Authority (owner of the CTGE), and the City of Buffalo. After a series of public presentations and final evaluations, the ECH Selection Committee will recommend to the ECHDC Board of Director’s one or more final artists to select, contract with, and move forward with final design and installation. The current project schedule is in Section IV of this document.

## II. Project Components

### *Connecting Terminal Grain Elevator*

In 1842, Joseph Dart invented the first grain elevator at the foot of Main Street in downtown Buffalo, New York. The invention of grain elevators revolutionized the distribution and production of grain and other goods. Grain elevators began to dominate the skyline of Buffalo’s Waterfront and Buffalo became the largest grain supplier in the world. This was a time when Buffalo was one of the top respected and growing cities of the nation. The grain elevators along the Buffalo River serve as a symbol and a reminder of Buffalo’s industrial and commercial importance, and a proud time of

economic development. The CTGE is visible from the Canalside Area and downtown Buffalo, while also being situated along the Buffalo River and on Outer Harbor property. The unique location and symbolism of the CTGE is the reason it is one of the preferred locations for this art commission. The CTGE is located at 32 Fuhrman Boulevard, Buffalo, New York (see Exhibit A and D). The CTGE is made up of two structures, the original 1915 terminal grain elevator and the 1954 terminal grain elevator, added to increase capacity. The 1915 grain elevator is a concrete structure built to replace a wooden grain silo at the same location that burned down in 1914. The 1915 concrete silos are 223 feet long x 66 feet wide in total. The main concrete silos are comprised of a plan grid of equally spaced silos that are 3 silos by 10 silos. These silos have a 21-foot diameter and the walls are 8-inches thick. There are also 18 interstitial silos and 22 outer perimeter silos (as opposed to 30 outer silos mentioned above, see Exhibit B for clarification). The silos measure 93 feet high. The 1954 grain elevator is a concrete grain silo built adjacent to the 1915 grain elevator in order to add capacity. The structure was built in line and to the south of the original structure and is comprised of 2 rows of 5 concrete silos. As opposed to the plan layout of the 1915 structure, the 1954 structure does not have any interstitial space or any added exterior silos. These silos have a 32-foot diameter with 8-inch thick walls. The CTGE is owned by the New York Power Authority (NYPA). Artists will be required to address any and all guidelines, constraints, and concerns with NYPA; as well as acquire the necessary approvals by NYPA throughout proposal development, design and installation phases. Attachment A is an acknowledgement of receipt for the initial Proposal Guidelines. Each artist must submit a signed copy acknowledging he or she has read and understands the Guidelines proposed by NYPA. The initial guidelines will need to be addressed during proposal development, and may be expanded based on the development and submission of proposals as the process moves forward.

ECHDC is in the process of studying and designing the Buffalo Harbor Bridge. The purpose of the project is to directly and efficiently connect Buffalo's downtown to the Outer Harbor area with a multi-modal (pedestrian, bicyclist, and motorized traffic) route over the Buffalo River. The present routes between Buffalo's downtown and the Outer Harbor do not provide for adequate multi-modal access. Recent and proposed development along the Inner Harbor area as well as the improvements along the Outer Harbor where multiuse paths and trails have been constructed, have increased the demand for direct and efficient connection between the Inner and Outer Harbor areas. One of the Preferred Alternatives for the Buffalo Harbor Bridge is at the foot of Main Street, which calls for two design alternatives that will connect to Kelly Island, and then either cut directly through the CTGE and remove 1 or 2 silos, or the bridge would go around the CTGE. Although this project is still in the review and design stages, it is important to recognize to potential alterations to the CTGE and its surrounding areas in the future.

### ***New York State Route 5, Skyway***

The Skyway is an elevated steel bridge that sits 100 feet over the Buffalo River and spans 1.1-miles connecting the Canalside Area, downtown Buffalo, and the Inner Harbor to the Outer Harbor (see Exhibit C and D). Construction of the Skyway began in 1950, and was completed by 1956 for an approximate cost of \$9.6 million (current value is approximately \$129 million). At the time, the Skyway was one of the most efficient and direct routes for people and goods to go from downtown Buffalo to the Outer Harbor and then on to the southern suburbs. Not only did the Skyway and NYS Route 5

allow people to move from downtown Buffalo to the suburbs, but it also allowed for more people and families to live in the southern suburbs and easily commute to downtown Buffalo. The roadway currently handles 43,000 commuter vehicles daily. The Skyway consists of 48 piers and 53 spans. It is elevated to provide 100 feet of vertical clearance above the Buffalo River for commercial shipping traffic. A number of Great Lakes freight ships pass under the Skyway each year. The way the Skyway physically and visually connects the major components of Western New York's Waterfront is the reason why the Skyway is one of the preferred locations for this art commission. The Skyway has been the subject of considerable debate in Western New York. Much of the discussion has focused on the structural integrity and safety for vehicles traversing the elevated structure. Other discussions consider the Skyway a barrier to the redevelopment of Western New York's Waterfront since it occupies valuable real estate and creates difficult development opportunities. Other debates recognize the beauty of the arches, the ribbon like quality that add to the urban landscape, and the significance of different interactions and intersections the Skyway creates as it connects Western New York's Waterfront. The NYS State Route 5 Skyway is owned and operated by the New York State Department of Transportation (NYSDOT). Artists will be required to address any and all guidelines, constraints, and concerns with NYSDOT; as well as acquire the necessary approvals by NYSDOT throughout proposal development, design and installation phases. Attachment A is an acknowledgement of receipt for the initial Proposal Guidelines. The Skyway is functioning piece of a major piece of infrastructure. It is important to recognize the potential emergency situations that could arise, and result in the temporary removal and dismantling of artwork. ECHDC will work with NYSDOT and the selected artist to ensure if the work is to be removed in an emergency, that the work is reinstalled properly and in a timely manner.

Each artist must submit a signed copy acknowledging he or she has read and understands the Guidelines proposed by NYSDOT. The initial guidelines will need to be addressed during proposal development, and may be expanded based on the development and submission of proposals as the process moves forward.

### **III. Selection Process**

The ECHDC Public Art Installation selection process has three (3) stages:

*STAGE 1 – Submission of Qualifications*

*STAGE 2 – Development of Proposal*

*STAGE 3 – Design & Implementation of Art Installation*

#### **STAGE 1- Submission of Qualifications**

##### **a) Submission**

All artists who wish to be considered as candidates for this commission at the CTGE and/or the Skyway must submit their qualification materials on by **12:00pm EST on October 6, 2011** to:

**Thomas P. Dee, President  
Erie Canal Harbor Development Corporation  
95 Perry Street, Suite 500  
Buffalo, New York 14203**

To be considered for this commission, please submit the following materials by mailing five (5) bound, printed originals and one electronic (CD) copy that include:

1. Up to 20 images of work created within the last ten years. For the electronic copy, please submit the images in JPEG format. All JPEG file sizes should be less than 1 MB. Please use JPEG file names with your name and a number, for example: 01AlexanderCalder, 02AlexanderCalder, etc. Please also include an image list, in a PDF format for the electronic copy, that provides the title, date, media, dimensions, location, and budget of each artwork.
2. A current résumé. This résumé should include any previous public commissions and museum collections, recent exhibition history, awards, honors, and grants. Please submit in PDF Format for the electronic copy.
3. A short synopsis explaining how the artist's work will fulfill the goals of the project. Please submit in PDF Format for the electronic copy.
4. Signed copy of Proposal Guidelines – Acknowledgement of Receipt (Attachment A)
5. Other Certifications & Requirements  
Upon final selection, the artist shall be required to use his or her best efforts to achieve 20% Minority Owned Business Enterprise and 5% Women Owned Business Enterprise. All respondents to this procurement will be required to comply with ESDC's Terms and Conditions (Schedule A) and Insurance Requirements. Respondents will also be required to comply with State Tax Law Section 5-a and State Finance Law Section 139j-k which are included in Schedule A. ESDC's Policy regarding Permissible Contracts under State Finance Law Sections 139j and 139k will also apply. Respondents must complete and submit Offerer Disclosure of Prior Non-Responsibility and the Offerer's Affirmation of Understanding of and Agreement to the State Finance Law. Copies of that policy and the forms are available at <http://www.esd.ny.gov/CorporateInformation/RFPs.html> by going to the link on that page "vendors download required forms here", or from the contact person listed below. For purpose of compliance with State Finance Law 139-j, contact with Kaitlin McGee, Assistant Project Manager of ECHDC, is considered permissible. Below is contact information for Ms. McGee. Contact with any other person at ECHDC or ESDC or the State regarding this solicitation is prohibited by law.

**Kaitlin McGee, Assistant Project Manager  
Erie Canal Harbor Development Corporation  
95 Perry Street, Suite 500**

Buffalo, New York 14203  
[kmcgee@empire.state.ny.us](mailto:kmcgee@empire.state.ny.us)

Any questions regarding the submission must be presented in writing to Ms. McGee by **September 15, 2011 and responses will be issued on September 22, 2011.**

All submission materials will be used for the sole purpose of qualifying artists, and will not be distributed, nor returned to the artists. Minority and Women-owned businesses are encouraged to participate.

Please be advised that under no circumstances will ECHDC obligate itself to consider a submission which is received after the deadline or does not include the basic items requested for the submission.

## **b) Qualification Evaluation**

The ECH Art Advisory Committee is composed of local and national art professionals and collectors. Louis Grachos, Executive Director of the Albright Knox Art Gallery, is the chair of the committee. The members include Molly Donovan, Associate Curator at the National Gallery of Art in Washington, DC; Sandra Firmin, Curator at the UB Art Gallery, Center for the Arts in Buffalo, NY; and Michael Joseph, President of Clover Management Inc., and prolific collector of international contemporary art. The ECH Art Advisory Committee will evaluate artists based on the following criteria of the artist's past performances, along with the artist's past performance and experience with commission of projects similar to the Project described above.

1. **MEDIA:** This criterion considers the extent of the artist's past work in any of the artistic media determined by the Selection Committee to be appropriate for this commission. These areas are broad, overarching categories that include, but are not limited to sculpture, painting, architectural media (e.g., windows, floors, and ceilings), electronic media, landscape media, and graphics.
2. **MATERIALS:** This criterion considers the extent of the artist's past work in the materials determined by the Selection Committee to be appropriate for this commission. Materials may include, but are not limited to oil or acrylic paints on canvas, cast metals, stone, glass, mosaics, neon, LEDs, or any other durable and non-toxic material.
3. **CONTENT:** This criterion considers the subject matter, meaning, range, and focus of the artist's work.
4. **STYLE:** This criterion considers the stylistic or aesthetic skill demonstrated by the artist's past work. Style encompasses the formal qualities of the artist's work, such as the use of color, shape, scale, volume, texture, composition, and other visual elements. The Selection Committee must not prescribe any one acceptable artistic style for the Project, such as "abstract" or "representational". Rather, this criterion evaluates the skill with which the artist composes the stylistic elements within his or her own body of work.

5. **SCOPE:** This criterion considers the recognition of an artist's work by art institutions as documented by the artist's history of exhibitions, commissions, honors, awards, and public collections that hold the artist's work.
6. **PAST PERFORMANCE:** This criterion considers the relevant information regarding an artist's performance under previous contracts or agreements.
7. **EXPERIENCE:** This criterion considers the extent of an artist's past experience with similar commissions or projects, based upon the scale, complexity, predictability, budget, and range of production over time.

After the evaluation, the ECH Art Advisory Committee will recommend to the ECHDC Board of Directors up to five (5) qualified artists on **November 15, 2011** based upon the artists' responses and demonstration to meet the qualifications.

## **STAGE 2 – Development of Proposal**

Upon receiving notification on November 16, 2011 of being short-listed, the five (5) artists will contract with ECHDC and receive a \$10,000 stipend to complete the proposal. The stipend is designed to cover the costs of travel, research and development, reimbursable expenses, and presentation preparation. ECHDC will not reimburse the artists and their teams above \$10,000. At this time the shortlisted artists will be given a set of instructions elaborating on requirements regarding proposal materials, insurance, regulations and guidelines relating to the two different sites, and any updates to the schedule and budget. During the development of the proposals, artists need to address the initial Proposal Guidelines, and be aware that the guidelines may be expanded based on proposals and as the process moves forward. The current project budget is \$1.5 million to \$2 million. Artists should keep ECHDC's vision to revitalize Western New York's waterfront and restore economic growth to Buffalo as a continuing guideline for the Project.

ECHDC and the Art Advisory Committee will coordinate site visits and overall project presentations with the five (5) shortlisted artists and their teams in November. Each artist will have a mandatory one hour meeting with NYPA and/or NYSDOT. After the meeting, artists will have a specific time to submit questions to NYPA and/or NYSDOT regarding the use of the sites. NYPA and DOT will respond accordingly. Each artist will have the opportunity to develop a full proposal for the Project by of March 2012. Proposals will be reviewed and presented to the ECH Selection Committee in May 2012 The ECH Selection Committee will be made up of personnel from ECHDC, ESDC, the Art Advisory Committee, and representatives from NYPA, NYSDOT, and the City of Buffalo. The evaluation criteria for the proposals will be defined and presented to the artists and teams prior to the presentation. Artists should be prepared to respond to questions regarding their qualifications and general approach to the Project, as well as determine where the work will be substantially performed. Artists will have a chance to address any concerns or necessary revisions brought up during the review and presentations prior releasing the proposals to the public.

ECHDC will hold a Spring Lecture Series in June 2012. Each artist will have an opportunity to present his or her proposal in a public forum. After the public meetings and further refinement, the artists' teams will present a final proposal to the ECH Selection Committee. The ECH Selection Committee will then make a final recommendation to the ECHDC Board of Directors at the August 2012 Board Meeting.

### **STAGE 3 – Design & Implementation of Art Installation**

In August 2012 the final successful artist or artists will contract with ECHDC to design and install the public art work. The artist or artists and team will be responsible for addressing all guidelines, concerns, and regulations as per NYPA and/or NYSDOT, as well as any necessary approvals mandated by local, city, state, federal governing agencies, outside interest groups, NYPA and/or NYSDOT. Further explanation and negotiation of schedule and project budget will be discussed at the time of contract execution. A copy of Schedule A can be found at <http://www.esd.ny.gov/CorporateInformation/RFPs.html>. This schedule includes generally applicable contract terms and conditions.

If ECHDC cannot come to successful terms with the selected artist and/or team on the contract, scope of work, and costs for the effort, ECHDC would disband negotiations and move to the next highest-ranked artist and/or team.

## **IV. Project Schedule**

### **STAGE 1**

- |  |                              |
|--|------------------------------|
| 1. Publish Invitation to Submit Qualifications | September 1, 2011            |
| 2. Deadline to submit questions or comments    | September 15, 2011           |
| 3. Responses to submitted questions issued     | September 22, 2011           |
| 4. Qualification Materials Due                 | October 6, 2011, 12:00pm EST |

### **STAGE 2**

- |  |                          |
|--|--------------------------|
| 5. Notification to Shortlisted Artists     | November 16, 2011        |
| 6. Site Visits and Project Presentations   | November - December 2011 |
| 7. Mandatory Meeting with NYPA and NYSDOT  | December 8 - 21, 2011    |
| 8. Deadline to submit questions            | January 11, 2012         |
| 9. Responses to submitted questions issued | February 1, 2012         |

10. Proposals Due	March 14, 2012
11. Proposal Review	March 15 – April 30, 2012
12. Presentation to ECH Selection Committee	April 30 – May 11, 2012
13. Public Lecture Series	June, 2012
14. Final Presentation to ECH Selection Committee	July, 2012

### **STAGE 3**

15. Final recommendation to ECHDC Board of Directors\* August, 2012

\*Final schedule for design and installation stages to be negotiated at the time of contract execution.

## **V. General Terms and Conditions**

ECHDC may at any time, and at its sole discretion, determine to modify the Project currently proposed or not to select an artist, not to build, or to suspend any portion of the Project.

## **VI. Attachments**

Attachment A- Proposal Guidelines – Acknowledgement of Receipt

Exhibit A- Location Map and Images of Connecting Terminal Grain Elevator

Exhibit B- Sketch and Clarification Map of Connecting Terminal Grain Elevator

Exhibit C- Location Map and Images of NYS Route 5 Skyway

Exhibit D- Web based video diagram of the Skyway and Connecting Terminal Grain Elevator

## Attachment A

### Proposal Guidelines – Acknowledgement of Receipt

Proposing artists shall sign below acknowledging he or she has read and understands the following Proposal Guidelines:

Proposal Guidelines pertaining to ***Connecting Terminal Grain Elevator*** site, owned by the New York Power Authority (“NYPA”):

1. The selected artwork shall be visible from off of NYPA property, i.e. no public access will be given to the NYPA site to view the artwork.
2. Painting of the silos will not be permitted and all artwork will be of a removable nature.
3. All artists requiring access to the property will sign the NYPA permit form in addition to all other required documents.
4. NYPA must be given the opportunity to review and accept the proposed material and application procedure to ensure that the artwork will not negatively impact an already deteriorating structure.
5. If a proposal is received to attach something to the silos, detailed plans for attaching to the silos including NYS PE stamped drawings and calculations must be submitted for review and acceptance by NYPA.
6. The initial plan for installation of the artwork must be submitted to NYPA clearly defining work area and scaffolding requirements. Work must be performed so as not to interfere with operations at the marina or during winter mooring. Any scaffolding plans must be NYS PE certified and stamped.
7. NYPA will not be responsible for any future maintenance of the artwork from weathering or any degradation caused by the deteriorated condition of the silos.
8. No artwork would be allowed to be installed until after the silos are secured and the roof repaired (currently scheduled for March – July, 2012).
9. NYPA will limit access to the site for maintenance of the artwork so as not to interfere with NYPA and/or marina operations at this site. ECHDC and the selected artist(s) will be responsible for repairing any damage caused to NYPA property.
10. ECHDC and the selected artist(s) shall be responsible for obtaining necessary approvals from all local, city, state, and federal governing agencies and any special interest groups outside of NYPA.

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_/\_\_\_/\_\_\_

## **Attachment A**

### **Proposal Guidelines – Acknowledgement of Receipt**

Proposing artists shall sign below acknowledging he or she has read and understands the following Proposal Guidelines:

Proposal Guidelines pertaining to ***New York State Route 5, Skyway*** site, owned by the New York State Department of Transportation (“NYSDOT”):

1. Under the stipulations of the Highway Beautification Law, the artwork shall not contain any advertising or messages within the NYS right of way or visible from NYS right of way.
2. NYSDOT shall be given the opportunity to review and accept the proposed material and application procedure to ensure that the artwork will not affect maintenance and inspection of BIN 1001579, Buffalo Skyway Bridge.
2. Painting of the bridge or piers will not be permitted.
3. The initial plan for installation of the artwork must be submitted to NYSDOT clearly defining work area(s) and any scaffolding requirements. Work must be performed so as not to interfere with maintenance and inspection of BIN 1001579, Buffalo Skyway Bridge. All scaffolding plans must be NYS PE certified and stamped.
4. If a proposal is received to attach the artwork to the bridge structure, a NYS Professional Engineer stamped detailed plans must be submitted for review and acceptance by NYSDOT. Damage caused by the attachment of the artwork to the structure or any other damages caused to NYSDOT property will be the sole responsibility of ECHDC to include any required repairs and all associated costs whether performed by NYSDOT or ECHDC. NYSDOT reserves the right to remove the artwork from the structure at ECHDC’s cost.
5. The artwork shall not compromise the load carrying capacity of BIN 1001579, Buffalo Skyway Bridge.
6. NYSDOT will not be responsible for any future maintenance of the artwork including that resulting from weathering or any degradation caused by deterioration of BIN 1001579, Buffalo Skyway Bridge. The art work shall not cause staining onto to bridge structure proper.
7. NYSDOT will limit access to the site for maintenance of the artwork so as not to interfere with maintenance and inspection of the BIN 1001579, Buffalo Skyway Bridge.
8. The artwork shall be removable such that when major bridge maintenance or reconstruction work is performed, it can be removed and replaced once bridge work is completed.
9. All artists requiring access to NYSODT property for construction of artwork will require the proper NYSDOT permit in addition to all other required documents. The ultimate owner of the artwork must be the applicant for the actual Use and Occupancy Permit.

10. ECHDC and the selected artist(s) shall be responsible for obtaining necessary approvals from all local, city, state, and federal governing agencies and any special interest groups outside of NYSDOT.

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_/\_\_\_/\_\_\_