

**Addenda #2**  
**Issued September 23, 2011**

**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

1. Please be advised the Attachment A **Proposal Guidelines – Acknowledgement of Receipt** pertaining to ***New York State Route 5, Skyway*** site, owned by the New York State Department of Transportation (“NYSDOT”) has been revised. The original Attachment A pertaining to New York State Route 5, Skyway site that was issued with the Invitation of Submit Qualification shall be replaced by the revised version dated September 23, 2011.

**Attachment A**

**REVISED September 23, 2011**

**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”):

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1. Under the requirements 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. The artwork may not offend public decency and must not create a potential unsafe distraction or danger to the public.
2. NYSDOT shall be given the opportunity to review the proposed material, application procedure, and proposed application schedule to ensure that the artwork will not affect planned maintenance and inspection of BIN 1001579, Buffalo Skyway Bridge. NYSDOT shall not be responsible for any delays in the application schedule.
3. In addition to all other required documents, all artists requiring access to the bridge and the surrounding NYSDOT property for construction of artwork must apply for and acquire the proper NYSDOT permits before such access will be allowed. The artist and/or its contractor hired to install the artwork will be required to secure the necessary Highway Work permit from the NYSDOT. Permittees must comply fully with all terms of such permits at all times, including insurance obligations and ensuring the safety of the traveling public and flow of traffic, in accordance with NYSDOT guidelines
- 4 ECHDC, as owner of the artwork, must be the applicant for the actual Use and Occupancy Permit, which grants permission for the artwork to remain present on the bridge.
5. Painting of the bridge or piers will not be permitted.
6. 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 any maintenance, inspection, construction or reconstruction of BIN 1001579, Buffalo Skyway Bridge.
7. All scaffolding plans must be NYS PE certified and stamped and submitted to the NYSDOT for review and approval prior to the issuance of the necessary permits.
8. If the accepted proposal requires attaching the artwork to the bridge structure, a NYS Professional Engineer stamped detailed plans must be submitted for review and approval by NYSDOT prior to the issuance of the necessary permits and start of construction.
9. 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 Erie Canal Harbor Development

Corporation (ECHDC) to include any required repairs and all associated costs whether performed by NYSDOT or ECHDC.

10. NYSDOT reserves the right, in NYSDOT's sole discretion, for any reason at any time, to suspend or withdraw its permission to erect and place the artwork and remove the artwork from the structure at ECHDC's cost. NYSDOT shall not be responsible for any damage to the artwork due to such removal.

11. The artwork shall not compromise the load carrying capacity of BIN 1001579, Buffalo Skyway Bridge.

12. ECHDC shall 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.

13. 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.

14. 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.

15. 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 Artist's Name: \_\_\_\_\_

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