

Memorandum

Date: October 10, 2023

To: Chair and Members
Art in Public Places Trust

From: Marialaura Leslie, Interim Director
Department of Cultural Affairs

Subject: Trust Resolution No. APPT 23-67/ Ruben Ochoa – Carrie Meek International Business Park / Addendum II

Trust Resolution No. APPT 23-67

RESOLUTION APPROVING ADDENDUM II TO THE PROFESSIONAL ARTIST SERVICES AGREEMENT IN SUBSTANTIALLY THE FORM ATTACHED WITH RUBEN OCHOA IN THE FIXED-FEE AMOUNT OF \$50,000.00 FOR ADDITIONAL PHASE II - FABRICATION AND INSTALLATION FOR THE OUTDOOR SCULPTURE PROJECT AT THE CARRIE MEEK INTERNATIONAL BUSINESS PARK (FROM THE MIAMI-DADE AVIATION DEPARTMENT - CARRIE MEEK INTERNATIONAL BUSINESS PARK PUBLIC ART FUNDS).

Recommendation

It is recommended that the Art in Public Places Trust approve Addendum II to the Professional Artist Services Agreement in substantially the form attached with Ruben Ochoa in the fixed-fee amount of \$50,000.00 for additional Phase II - Fabrication and Installation Services for the outdoor sculpture project at the Carrie Meek International Business Park (from the Miami-Dade Aviation Department (MDAD) - Carrie Meek International Business Park Public Art Funds).

Background

In August 2018, a Professional Advisory Committee (PAC) meeting was held to review proposals for the new Carrie Meek International Business Park and the Carrie Meek Foundation building sited within the grounds of the Miami Opa-locka Executive Airport. The PAC unanimously recommended artist Ruben Ochoa for the implementation of his outdoor sculptural proposal for the main entrance to the Carrie Meek International Business Park. On November 13, 2018, the Trust, through Resolution No. APPT 18-41, authorized an initial \$50,000.00 contract for full design development of the artist's original large-scale sculptural concept.

The artist completed the design of the sculpture resembling a twisted tower of polished metal pallets rising 16'-8" feet above a concrete base to be surrounded by lush landscape. The artist, in consultation with his selected fabricator and APP team, chose to produce the work using water jet cut solid structural aluminum to be assembled and welded together to replicate in true scale a pile of 40 common wood pallets. On December 10, 2019, the Trust, through Resolution No. APPT 19-53, authorized a \$450,000.00 contract for fabrication and installation of the sculpture.

Per his contract, the artist completed the fabrication of all the sculptural components over two years ago and secured a firm price from a local contractor for the construction and installation portion of the work. Since then, the work has been in storage at the fabricator's shop pending the Aviation Department's Notice to Proceed with the artwork installation. This project has experienced significant delays not only because of its timing overlapping with the COVID-19 pandemic but also from a lengthy and complicated permit process that all aviation-related projects as subject to. The permit

requirements for installing this artwork at one of the main entrances to the Miami Opa-locka Executive Airport triggered the costly processing of an Entrance Feature application requiring the review and approval of the County's Zoning and Planning Board in advance of submittal for the construction permit. Several unforeseen and expensive exploratory services and consulting fees required and paid by the artist over the course of three (3) years, for permitting purposes, have fully depleted the artist's contingency funds.

To help expedite the permit approval and the installation of the sculptural elements, the artist, in consultation with APP and MDAD staff, have determined to defer the permitting and installation of the artwork's electrical and lighting scope until after the building-related portions of the work are substantially complete. This second phase of work will incur additional mobilization costs as well as consulting and permitting fees. Also, due to current inflationary conditions, the artist's fabricator and contractor have requested a 10% adjustment to their original bids to help compensate for increased labor and materials costs. Based on this information, APP staff is recommending a \$50,000.00 commission budget increase to help the artist cover these additional expenses and implement the full scope of work as he originally envisioned. The additional funds will be covered by available and unencumbered dollars in the APP Carrie Meek internal program contingency with a current balance of \$120,000.00.

APP staff recommends the approval of Trust Resolution No. APPT 23-67 authorizing Addendum II to the Professional Artist Services Agreement with Ruben Ochoa in the not-to-exceed amount of \$50,000.00 for additional Phase II - Fabrication and Installation Services for the large-scale outdoor sculpture for the Carrie Meek International Business Park at the entrance to the Miami Opa-Locka Executive Airport.