



City of Richmond Sole Source Justification

THIS FORM MUST BE COMPLETED AND APPROVED PRIOR TO ANY PURCHASE

Contact the Purchasing Division and discuss your rationale before completing this form. If Purchasing can help you make this a competitive purchase, then this form will not be required.

Attach this completed/approved form to requisitions when competitive quotes/bids/proposals are not solicited. (Required for requisitions > \$3,000)

Requested Sole Source Supplier:

Company Name: Rebeca Garcia-Gonzalez Contact Name: Rebeca Garcia-Gonzalez

Address: 637 25th St, Richmond CA 94804

City: Richmond State: CA Zip Code: 94804

Phone Number (510) 932-1526 E-Mail rebeca@rebecasart.com

Duration of Contract: December 31, 2025

Estimated Cost: \$ 310,000.00 Funding Source (Account String)

Is the product/service IT related? Yes No If Yes, please attach the approved IT Authorization Form

For Product: Is the recommended company the manufacturer of the product? Yes No n/a

For Product: Does the manufacturer sell the item(s) through distributors? Yes No n/a

Description of Product or Service:

Describe the full scope of work or service contemplated including installation if required; items should include brand, model and part number if applicable; (if additional space is needed, include them in a separate page)

CAL Trans State Beautification Grant, managed by the Community Services Division, has requested Rebeca Gonzalez and Jerarde Gutierrez aka her team to restore two murals and will also design and paint two new murals located on CAL Trans property on Macdonald and on San Pablo at Barrett. Rebeca has previously worked with John, and Jerarde worked with John Werhle on the Mcdonald murals in the 1990s. John, who is now in his 80s, is the original painter on both existing graffiti tagged murals and will advise her team, as the only team for the job. This job will take 6 - 12 months to complete.

Sole Source Rationale: PLEASE ANSWER ALL THE FOLLOWING QUESTIONS: Explain why the recommended company is the only company that can meet the requirement. Address the following: Are there any other companies who can do this job? What condition (e.g. technological superiority, or performance risks, etc.) exists so that the recommended company has a significant advantage over any other company who can do this job? It is important to sufficiently address the key reason for awarding an order/contract without soliciting competitive bids. The rationale must be clear and convincing, avoiding generalities and unsupported conclusions.

As the team including the original designer and painter of the two graffiti tagged murals, Rebeca, Jerarde and John are the only team for this job. They will ensure that the new murals will complement the existing paintings in color scheme, design and style. Also, that the restoration of the tagged murals will be done properly. This will eliminate the risk of hiring any other muralists for the restoration job. John has the original designs and the paint samples and sources. He has an existing relationship with the City of Richmond Public Works Division, who will support this project by power washing the walls before the restoration and storing the paint and samples for future use. CAL Trans will repair the sprayed concrete surface so the murals can be painted on flat surfaces, and install flashing to prevent future water damage.

(if additional space is needed, include them in a separate page)

Complete the following checklist

A specific contractor is the only source of the required item because (check all that apply):

- The required items are **proprietary to the Contractor**, and contractor solely transacts (sells) direct to the customer. (There are no dealers or distributors for contractor).
- The required items are **proprietary to the Contractor**, and **contractor does not sell direct to the customer**. Contractor solely distributes the item or service through only one dealer or distributor in the United States. (There are no dealers or distributors for contractor).

Note: If item or service is available from more than one source, the item or service may be treated as proprietary, but must be competitively solicited from multiple (two or more) sources.

- A specific item is needed:
 - To be compatible or interchangeable with existing hardware
 - As spare or replacement hardware For the repair or modification of existing hardware
- Federal or state grant names vendor as condition of funding. (Attach copy of grant that names vendor)
- There is a **substantial risk** in contracting with any other contractor, (e.g., only one contractor has been successful to date in implementing a difficult manufacturing process or the **services sought**). *In a brief explanation, provide supporting evidence of why other contractors are considered to be unable to overcome the substantial risk.*

The original murals were designed and painted in the 1989 and 1995. Rebeca will work closely with John and Jerarde to complete this important project with the design of two new murals and the restoration of two tagged murals. There is a substantial risk to contract with any other vendor, while John Wehrle, who is in his 80s, is still alive. Not only is John the only one who has all the original mural drawings and paint color matches to complete the restoration job properly, he has worked with CAL Trans, and understands the State of California requirements. Rebeca has previous experience as both mural painter and administrator of public art projects and has agreed to all of the CAL Trans and City of Richmond mural restoration contract terms.

- Continuation of prior Work** – Additional item, service or work required, but not known to have been needed when the original order was placed with vendor, and it is not feasible or practicable to contract separately for the additional need. *Provide brief explanation and supporting evidence.*

This is considered a long-term project including the restoration and maintenance of two murals originally painted over 30 years ago in 1989 and 1995. The two new mural concept designs will complement the existing tagged murals. The CAL Trans Beautification grant expires in December of 2024 so time is of the essence.

(if additional space is needed, include them in a separate page)

I acknowledge the City's requirements for soliciting competitive quotes/bids for purchases over \$3,000.00 and the criteria for justification for Sole Source purchases. I have gathered the required information, have made a concerted effort to review comparable/equal equipment/services (e.g., market research), and further affirm that there is no conflict of interest involved in the selection made.

Department: Economic Development

Requester Name and Title: Winifred Day, Arts and Culture Manager

Note: Requester must be able to defend this justification.

Date: March 7, 2024

Phone: 620-6952

Department Director (Print) Nannette Beacham (Sign) *Nannette Beacham* Date: 03/07/2024

Submit completed form to the Purchasing Division (Prior to submission to City Manager)

Finance Director:

APPROVED: _____

DATE: 3/22/2024

NOT APPROVED: _____

COMMENTS:

City Manager
(Under \$10,000.00)

City Clerk Attesting to Council Approval
(Over \$10,000.00) (Copy of Minutes may be substituted)

Note: Richmond Municipal Code Section 2.52.326 Sole Source Procurement requires final approval by the City Manager and/or City Council. Sole Source must be approved by Finance Director, PRIOR to Council Approval.

PROCEDURE

Sole Source purchase/service are exceptions to the normal bidding process and require a detailed justification. In processing Sole Source requests for supplies, services and/or equipment, the Purchasing Division adheres to and is governed by the principles set forth in City of Richmond Municipal Code Section 2.52.326 Sole Source Procurement.

If you are requesting a particular vendor, brand or product, you must make this fact clear on your Sole Source form. Your request will then be restrictive and non-competitive, and will fall into a sole source category. If the sole source justification is approved, the requisition can be expedited without the normal bidding requirements.

Such a request should not be made unless you are confident that your request is reasonable and appropriately justified to meet the City's requirements and withstand any possible audit. The City's requirements and the format for submitting such requests are contained herein. Sole Source form must be signed by authorized department representative(s). The certification will remain on file for audit purposes.

The following factors **DO NOT** apply to sole source requests and should not be included in your sole source justification. They will not be considered and only tend to confuse the evaluation process.

1. Personal preference for product or vendor.
2. Cost, vendor performance, and local service (these are generally considered award factors in competitive bidding).
3. Features which exceed the minimum department requirements.

CAL Trans Mural Concept Design Narrative

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Prepared by Rebeca García-González
March 5, 2024

Note: The restoration portion of this document borrows heavily from a report written by John Wehrle for a presentation he made to the Richmond Art and Culture Commission on Nov 9, 2021.

New San Pablo Mural Design

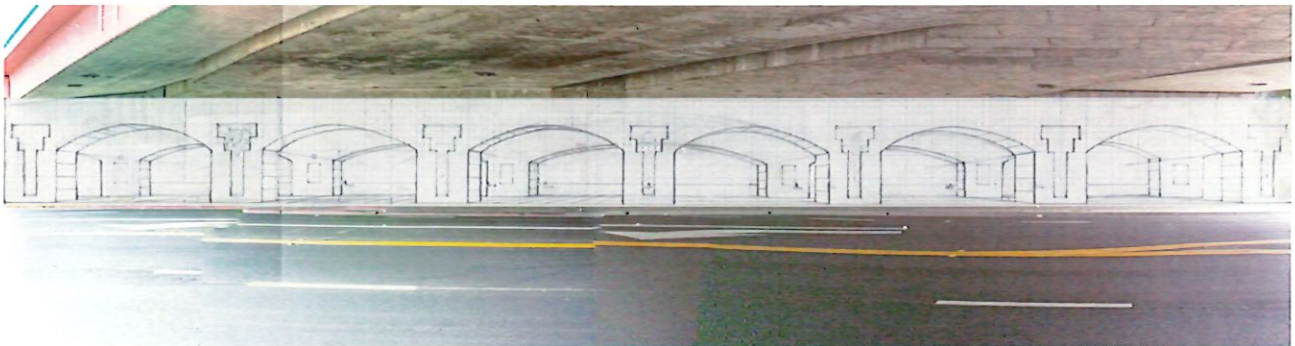
Introduction by Jerarde Gutiérrez

John Wehrle's original mural, *Revisionist History*, served as both a literal and metaphorical bridge. Observing that freeways disrupt and separate communities and small businesses, he created a design that offered a visual bridge of the space disconnected by the freeway. Playful store fronts, trees, and views of the hills behind the freeway served as a means to alleviate the stark environment that large amounts of concrete impose on a neighborhood. Metaphorically, he uses elements of the past to create a whimsical reality where we bridge our past to our present (1997). Although it is not a historical mural, John's design allows us a glimpse into the past by connecting it to the present.

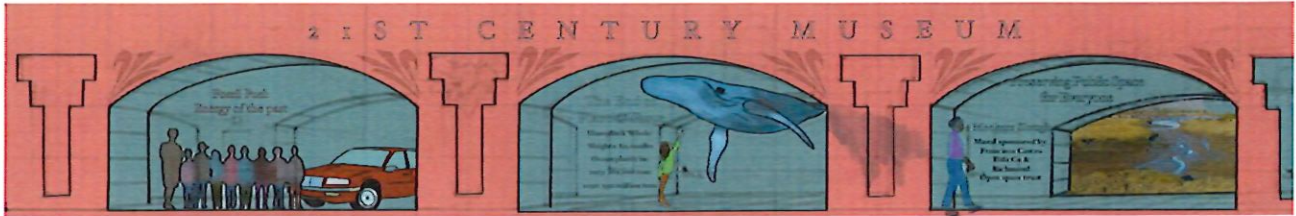


Envisioning Our Future Concept

The *Revisionist Future* mural will look into our future through the lens of museum exhibitions. A repeating trompe l'oeil archway motif will playfully showcase various outcomes of our future and serve as a grounding design element that established the mural's environment.



Within each archway window will be a scene that showcase positive outcomes of our current life choices. For example, one scene will depict the end of fossil fuel consumption with a teacher and students observing a 21 century vehicle. Paying homage to John's original mural, the car will be the front side of the same make and model at a gas station in John's original design. Another scene will share a whimsical floating whale display with a wall plaque noting the weight of the whale vs the weight of ocean plastic through 2050 declaring the end of plastic waste. Many of the scenes will reference elements of the *Revisionist History* mural. Approximately 6 archways will go across the mural, each with its own scene. Decorative elements will adorn the facade of the archways create architectural trompe l'oeil designs throughout.



Concept Narrative (from left to right):

Archway scene 1: Students observe a vehicle of the “past” as fossil fuels will no longer be used in the future. (the car used is the same make and model from John’s original mural the opposite side of the underpass.)

Archway scene 2: Plastic waste in the future will be a thing of the past! Illustrated with comparisons to the weight of a whale and ocean plastic waste as it stands now and projected into the future. A whimsical whale display playfully comes out of the archway with a child in awe.

Archway scene 3: A mural of Meeker’s Slough references a hypothetical future open land trust, ensuring future generations have public space and a clean environment to enjoy. Paying homage to the original mural, one of the sponsors listed in the scene is the “Castro Title company” used in the Revisionist History mural.

Design Notes

To foster unity and continuity between Past Perfect and the new mural, the style will continue to be representational, with saturated, flat colors laid in values conveying the three-dimensional qualities of objects in space, and elements in the distance depicted in tints. It will echo some colors, structures, characters, and elements from John's original work.

New Mcdonald Mural

Introduction by Rebeca Garcia-González

Past Perfect, the mural opposite to this new mural, was painted almost 30 years ago. John Wehrle originally designed a smaller, 70 foot-long mural with a large trolley and an open view of the space under the overpass and the buildings next to it. When Cal Trans let him know he had to expand it, he added a yellow, flat-arched schematic that covered most of it but allowed the viewer to see parts of the original mural under these arches. The western third of the mural remained open.



Taking Care of Our Own Concept

The new mural responds to a "what if" question taking place 30 years the future. What if disenfranchised groups in Richmond developed the resources to feed, educate and heal themselves 30 years from now? The flat arches schematic occupies two thirds of the wall and works as a portal into an uplifting, Afro-Latino, and futuristic reality. This utopian vision is people-centered, multigenerational, and it will reference current local initiatives that share this mission.

Most of the freeway was dismantled shortly after a country-wide revolt against the greed of fossil fuel companies, its rubble used in new construction as a sand substitute. In the background we see newer 3D-printed newer buildings with round corners and dome roofs. Old buildings have been lifted to account for storm surges, and use cable ties to protect roofs from hurricane force winds. Smaller domed dwellings, solar energy generators and water treatment plants have covered most of the Wildcat hills. One sixth of the mural shows an urban garden tended by Richmond residents of all ages.



The flat-arched schematic is the only part of the freeway remaining. It has been converted into an open market featuring a rooftop edible garden. Transportation is now mostly people-powered in our city, with rechargeable drones and land vehicles replacing our current gas-guzzling vehicles.



Elders gather weekly to receive food and health care from city-funded programs, now that there is no need for non-profits. Everyone wears natural fibers and is dressed for a warmer climate since plastics are no longer in use. Children get lots of play outdoors away from devices now that our air is cleaner, and we'll see people with disabilities in leadership roles.



Design Notes

The horizon line will be higher in this design, both to account for a 4 foot high guardrail that will be installed as part of the larger improvements that are part of this project, and to simplify the graffiti abatement work that city crews might do in the future. The overall color scheme will be warm to compensate for the natural darkness of the underpass and to fit this utopian concept. The far away hills will be done in tints to create a sense of distance, while figures closer to the viewer might reach a height of 10-12 feet and feature more saturated colors. As with the new San Pablo mural, this concept will include some elements from Past Perfect, in this case versions of John's characters in the future and a 2055 vehicle.

New Mural Execution

Mural painting will begin as soon as Cal Trans can remove a one-inch deteriorating layer of textured cement covering both of the new walls. The surface will then be cleaned and white washed with a high quality acrylic primer. Our team will place a grid on its surface to ensure the elements' proportions are correct and in the right locations, then the elements will be outlined. We will use 10 foot high scaffolding for all of the Macdonald mural and most of the San Pablo mural to reach the top of the 16 foot high wall, with the exception of the 30 foot high opening in between, which will require a lift. Foot traffic will have to be diverted to the opposite sidewalk, precluding the possibility working on both sides of the underpass simultaneously (painting the new mural at the same time we restore the mural on the opposite side).

We will paint the murals sequentially, beginning with the San Pablo mural, continuing with the Mcdonald mural, and ending with the restoration of John's murals. A team of 2-3 apprentices supervised by Jerarde or Rebeca will paint the largest areas of the new murals first. Some will work on the higher reaches while others work on the parts below the 8-foot mark. A crew of 2-3 experienced, skilled painters will follow this crew to paint figures, foliage and man-made objects in a representational style reminiscent of John's murals and keeping within Cal Trans transportation art guidelines.

As noted later in this document, we will use high-quality acrylic paints to complete the new murals and not silicate paints. This decision responds to John's wish to put in place a restoration protocol that would respond to future graffiti or water damage with paint that city crews and younger muralists will find more accessible and easier to use¹. In a similar note, John felt (as we do) that the use of sealants (i.e. anti-graffitti varnish) does not reduce the amount of time spent on the restoration of mural surfaces, as most of these sealant removers end up removing the paint as well.

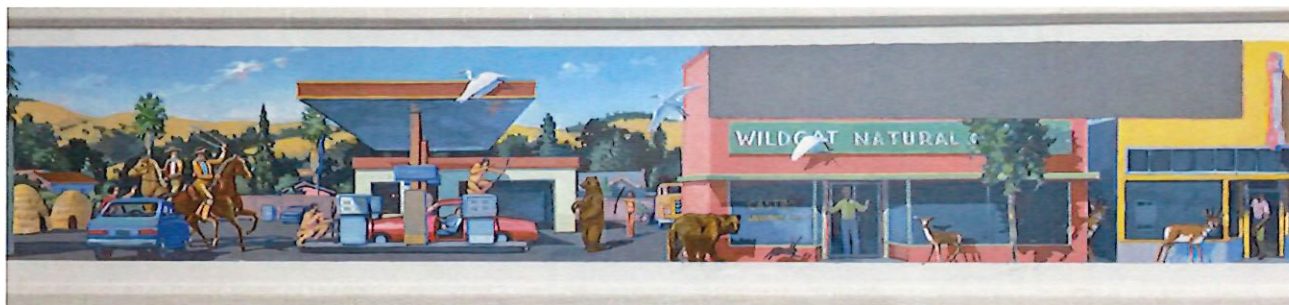
Some of the restoration work could be done concurrent to the painting of the new murals on days when we are not painting and closer to their completion, for example, the gentle washing of Revisionist History or Past Perfect.

¹ See John's notes on silicate paint on p. 9

Revisionist History Restoration

History

Revisionist History was commissioned by the City of Richmond in 1990. Leveron Bryant, Assistant City Manager at that time, was instrumental in securing funding and permits from Cal Trans. Work began in spring of 1991, but was halted due to a two-year project widening of Interstate 80. A portion of the completed central image was demolished and an additional 60 feet was added to the south end of the structure during that time, necessitating additional design work. Work resumed in 1993 and the enlarged wall painting was finished in 1995. Original funding was \$22,500 with additional funding following to cover costs of additional wall and replacement center section, bringing the total to around \$40,000 in 1993.



Description

The 210 foot-long mural depicts a long line of old-fashioned shops visited by modern shoppers. Next to the shops is an Ohlone village and a startled motorist watching Spanish vaqueros. Depicted in a style John called "over-the-edge realism," the images in *Revisionist History* were the result of John's research at the Richmond Museum. Among them was a photo of a steel arch with the name "Richmond" across it that was torn in 1952. He incorporated it into the design as the painted sides of the overpass, to recreate the feeling of an arch over the street," to bring together what he saw as a neighborhood divided by the freeway.



Damage

In the 26 years following the completion the mural has incurred a number of minor graffiti incidents and one major fire extinguisher spraying. These were dealt with ad hoc by John or an assistant. Ed

Paasch, the City's graffiti abatement specialist, has been repainting undecorated surfaces. On several occasions, Ed and John coordinated efforts to restore details in conjunction with flat areas.

In addition to graffiti and surface discoloration, other issues include water staining from freeway runoff where the roadbed meets the wall. John successfully dealt with this in one area by "the simple addition of a small piece of flashing adhered with silicone to the joint creating a downspout 3 inches out from the wall." He feels there are 2-4 other areas where this approach might help mitigate runoff stain that could be included in the concentrated restoration effort.



John spoke with Ed concerning the use of the city's Water Buffalo to "gently wash road grime from the vertical surfaces." He believed it would do "a great deal to brightening the mural and distinguish which marks need serious attention and those more ephemeral ones that will wash away with the grime."



Restoration

The following are John's technical notes regarding the restoration of *Revisionist History*:

Keim silicate paint is a potassium silicate material that bonds chemically to mineral surfaces. It is lightfast and does not peel or fade, as evidenced by the center section that has received full afternoon sun for 26 years unchanged except for water erosion on the top edge. Some of you

might recommend applying an anti-graffiti varnish, but no sealant is completely effective, especially on porous surfaces. Keim is a non-toxic particulate rather than an emulsion. This allows moisture to escape from the rear. Because of this, a sealant is not recommended, as it would inhibit this action. In addition, once the sealant is removed, the image must be repainted and the coating reapplied. More work. Sealants are also glossy and Keim paint is very matte. I have found repainting a much more effective solution with fewer steps and better results.

The treatment plan, once the mural is washed, would be to lightly sand tags and repaint areas to color match the original image using acrylic paint. A somewhat tedious but effective restoration method with paint that is more readily accessible and easier to use by both graffiti abatement crews and muralists alike.



Past Perfect Restoration

History

Past Perfect, along with Rigo Gouvia’s Liberty Ferry, were the first projects commissioned by the newly formed Richmond Art and Culture Commission in 1989, before there was a percent for a public art program in place. John’s team applied to Cal Trans for a permit, but “so far as he knows” they were only given an application number, and the permit was never issued. The original measurements John was given were half of what the wall’s actual dimensions were and he ended up having to stretch the design to fit a 196 foot-long wall.

The work was altered by construction /additions from the I-80 freeway widening in 1992. In 2007, Alan Wolken received a redevelopment grant for improvements. With a crew that included Jerarde Gutierrez, Hershell West and Dan Fontes, John reimagined “significant parts of the overpass adding the connector and incorporating salient geographical information to the historical element of the painting.”



In 2008 the work was enlarged to include the flyover crossing and the two east façades creating a gateway (known as the Macdonald Gateway) to downtown Richmond. The original mural was subsumed in an architectural illusion of openings and faux stonework. This was done as part of a Redevelopment project beautifying Macdonald Avenue. John remembers that this project’s budget was around \$48,000 and had a crew of 10 workers. It required scaffolding, lane closures and lift work.



Description

The setting was to be a mirror image of the opposite side of the street. John’s original design pictured a ghost trolley circa 1908 that used to run on Macdonald Avenue. This concept was a mirror image of the freeway off ramp and buildings opposite combined with a ghost image of the 1908 trolley that formerly ran on Macdonald Avenue, peopled by a mix of historical and contemporary figures. Several neighbors and passersby were drawn from photos taken at Susan’s middle school at Portola. The

imagery introduced in 2008 referenced pertinent information about the city, including 33.8 square miles of land, 22.3 square miles of water and the interior and “Thirty Two Miles of Shoreline.”

Damage

The interior painting has been compromised from a mix of materials. Originally painted with Keim silicate paint as is the flyover gateway, portions of the mural image have been replaced with acrylic. Parts of the mural within reach of taggers have been heavily graffitied. Over the years, tags have been covered by city crews in colors close to the originals, changing the sense of depth created by the differences in value.

There are issues of water runoff similar to *Revisionist History*, and flashing might help with this problem. Both ends of *Past Perfect* as well as a couple of interior spots have been damaged by water runoff, identifiable by the mold that has grown in the water’s downward path along the wall.

Twenty-five years have passed since the objects and figures under the overpass were painted and their original, vibrant colors have faded despite their protection from UV rays. Most of the surface is covered in soot, grime and right under the lights, bird droppings.

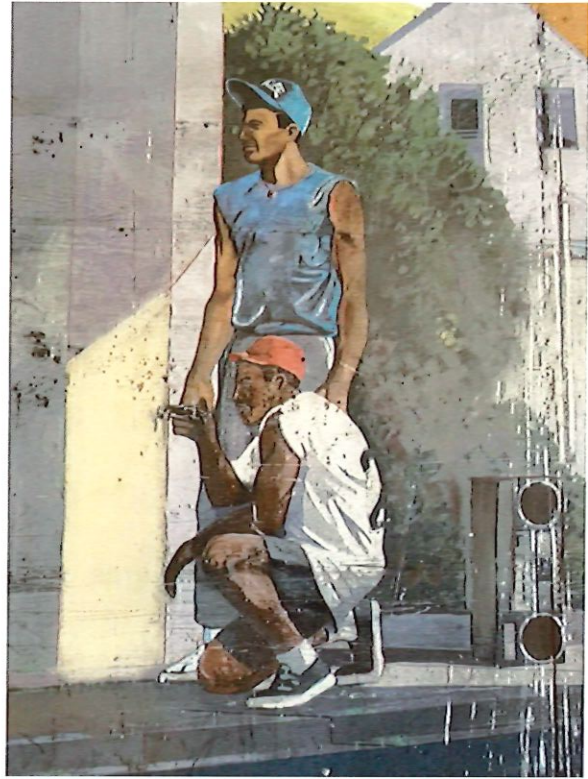


Restoration Plan

John’s 2022 plan mentioned that the wall would benefit from gentle water cleaning before painting.

While he originally stated that eliminating the graffiti could be done with silicate paint, he changed his mind later in late 2023, as our team began meeting to discuss the restoration of both murals. Thinking of the future, John wanted the restoration to be done with acrylic paint because it is a “more easily obtainable paint with which the city crews in charge of graffiti abatement and younger muralists are more familiar.” To restore *Past Perfect*, our team would reproduce John’s original colors using some of the references he has provided. John also wanted some of the 1989 characters to be updated, and

some minor elements from the *Taking Care of Our Own* to be added to *Past Perfect*, for a more unified look.



Maintenance

John had envisioned a coordinated effort between the city's crews, the Richmond Art Commission and a small team of local, skilled artists to maintain the murals. Below are the notes he drafted in his 2021 report to the Richmond Art Commission:

I have officially become an octogenarian, and while still in good physical health, there are no guarantees, how long this might continue. Each one of these artists is familiar with materials used on the paintings and knows what to do. I have assembled a crew of experienced professional artists, all of whom have worked or lived in Richmond. Dan Fontes and Jerarde Gutiérrez both worked on these projects previously. Rebeca Garcia-Gonzalez lives here and has painted eight murals in this city. My thought for both projects is that one or all of these younger artists could manage future restorations.

A long-term maintenance plan, coordinated with Ed Paasch and the City. In the course of the restoration we will be able to remix major colors, which could then be restocked, enabling him to have proper materials on hand. Since there has been no coordinated system in place, Ed is often left to his own devices to match colors and materials in the field. Over the years my original stock has been depleted. We could send samples to Keim, they could catalog them in their system, and we could re-order as needed.

received
12/22/23

LAW OFFICES
BURKE, WILLIAMS & SORENSEN, LLP
444 SOUTH FLOWER STREET
SUITE 2400
LOS ANGELES, CALIFORNIA 90071-2953
TELEPHONE (213) 236-0600
TELECOPIER (213) 236-2700

APPROVED FOR PAYMENT

December 13, 2023
Invoice: 312581

CITY OF RICHMOND
450 CIVIC CENTER PLAZA
RICHMOND, CA 94804
Attn: SHANNON MOORE

By: SM
Date: 12/27/23

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Do Not File With Publicly Accessible Documents

Our File No.: 08563 - 0007
Re: 12TH & MACDONALD

<u>Date</u>	<u>Description of Services Rendered</u>	<u>Hours</u>	<u>Tkpr</u>
11/13/23	ZOOM CALL WITH CITY TEAM RE STATUS, DEFAULT; REVIEW CORRESPONDENCE AND PRO FORMA	0.70	SEB
BLOCH, SUSAN E		0.7 x 465.00 =	325.50
TOTAL FEES			325.50
TOTAL DISBURSEMENTS			<u>0.00</u>
TOTAL CURRENT CHARGES			325.50

Approved by: Nannette Beacham
Signature:
Date:

Vendor: 8245
PO #: 24200954
PO Rec'ing: 03/08/2024

received
12/22/23

LAW OFFICES
BURKE, WILLIAMS & SORENSEN, LLP
444 SOUTH FLOWER STREET
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LOS ANGELES, CALIFORNIA 90071-2953
TELEPHONE (213) 236-0600
TELECOPIER (213) 236-2700

IN ACCOUNT WITH:

FEDERAL I.D. NO.
95-1705973

CITY OF RICHMOND
450 CIVIC CENTER PLAZA
RICHMOND, CA 94804
Attn: SHANNON MOORE

October 10, 2023
Invoice: 308988

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Do Not File With Publicly Accessible Documents

Our File No.: 08563 - 0007
Re: 12TH & MACDONALD

PREVIOUS BALANCE	\$3,580.50
PAYMENTS	0.00
BALANCE FORWARD	3,580.50
FEEs FOR PROFESSIONAL SERVICES RENDERED THROUGH September 30, 2023:	511.50
DISBURSEMENTS MADE TO YOUR ACCOUNT THROUGH September 30, 2023:	<u>0.00</u>
CURRENT CHARGES	511.50
TOTAL DUE	\$ 4,092.00

Approved by: Nannette Beacham
Signature:
Date:

Vendor: 8245
PO #: 24200954
PO Rec'ving: 03/08/2024

received
12/22/23

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APPROVED FOR PAYMENT

December 13, 2023
Invoice: 312581

CITY OF RICHMOND
450 CIVIC CENTER PLAZA
RICHMOND, CA 94804
Attn: SHANNON MOORE

By: SM
Date: 12/26/23

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Do Not File With Publicly Accessible Documents

Our File No.: 08563 - 0007
Re: 12TH & MACDONALD

<u>Date</u>	<u>Description of Services Rendered</u>	<u>Hours</u>	<u>Tkpr</u>
11/13/23	ZOOM CALL WITH CITY TEAM RE STATUS, DEFAULT; REVIEW CORRESPONDENCE AND PRO FORMA	0.70	SEB
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Approved by: Nannette Beacham
Signature: Nannette J. Beacham
Nannette J. Beacham (Mar 7, 2024 16:07 PST)
Date: Mar 7, 2024

Vendor: 8245
PO #: 24200954
PO Rec'ving: 03/08/2024