



CALL TO ARTISTS

Lake Lytal Aquatic Complex

3635 Gun Club Road, Unincorporated West Palm Beach, FL

BUDGET: \$341,700

DEADLINE: **October 31, 2024 by 11:59pm EDT**

A. Project Summary

Palm Beach County's Art in Public Places program (PBC AiPP) seeks to commission an Artist or Artist team (Artist) to design, permit, fabricate and install art to support Palm Beach County Parks and Recreation Department's goals of promoting healthy, happy living for residents and visitors utilizing the proposed Lake Lytal Aquatic Complex, to be located at the northeast corner of Kirk Road and Gun Club Road in unincorporated West Palm Beach.

The selected Artist will be responsible for creating a comprehensive design for the proposed Complex, which includes design, fabrication, permitting, and installation of art onto select external walls of the proposed Complex's four (4) buildings. Art must be surface mounted to walls, must result in flat even surfaces that does not protrude from wall, and not require structural reinforcement to walls. The Artist will also recommend paint colors for select external building walls to compliment the professional artwork. Paint will be installed by the County's hired Construction Manager. Walls are concrete block and will be primed, unless artist proposed media does not require priming. Commissioned art will be inspired by lively recreational and competitive aquatic activities that promote enhanced physical and mental wellbeing, and community connection.

The mission of Lake Lytal Aquatic Complex is to provide a safe and affordable high quality facility that facilitates competitive and recreational water activities for residents and visitors to Palm Beach County.

Palm Beach County has a mural ordinance that applies to any such work of art. Applicable Artists are encouraged to reference Article 5, Chapter I of the Palm Beach County Unified Land Development Code for application procedures, design criteria and other information, and to fully inform a proposal, budgeting, scheduling, and other practical considerations.

B. Art Design Goals

- Art will support Parks and Recreation staff's efforts to create a welcoming, vibrant environment for all individuals and groups that use the Complex.
- Art will be inspired by recreational aquatic activities, as well as by the Lake Lytal Lightning Swim Team who competes at the facility.
- Art will include a cohesive design aesthetic that flows throughout and unifies the entire Complex.
- Art will provide visual interest that invites new discoveries for repeat visits.
- Wall art materials will be durable, require minimal maintenance and withstand the intense local environment (sun, high winds, salty moist air, and rain).
- Art materials must tolerate long exposure to moisture due to the Complex's activities.
- Art will complement the facility's architectural style and scale.

C. Areas for Art Integration

The Lake Lytal Aquatic Complex is planned to include approximately 14,600 square feet amongst four (4) concrete/stucco buildings, and a 70 meter pool. Three (3) of the four (4) buildings are designated for art integration, as summarized in the table that follows on page 3. Wall square footage dimensions are approximate and subject to change.

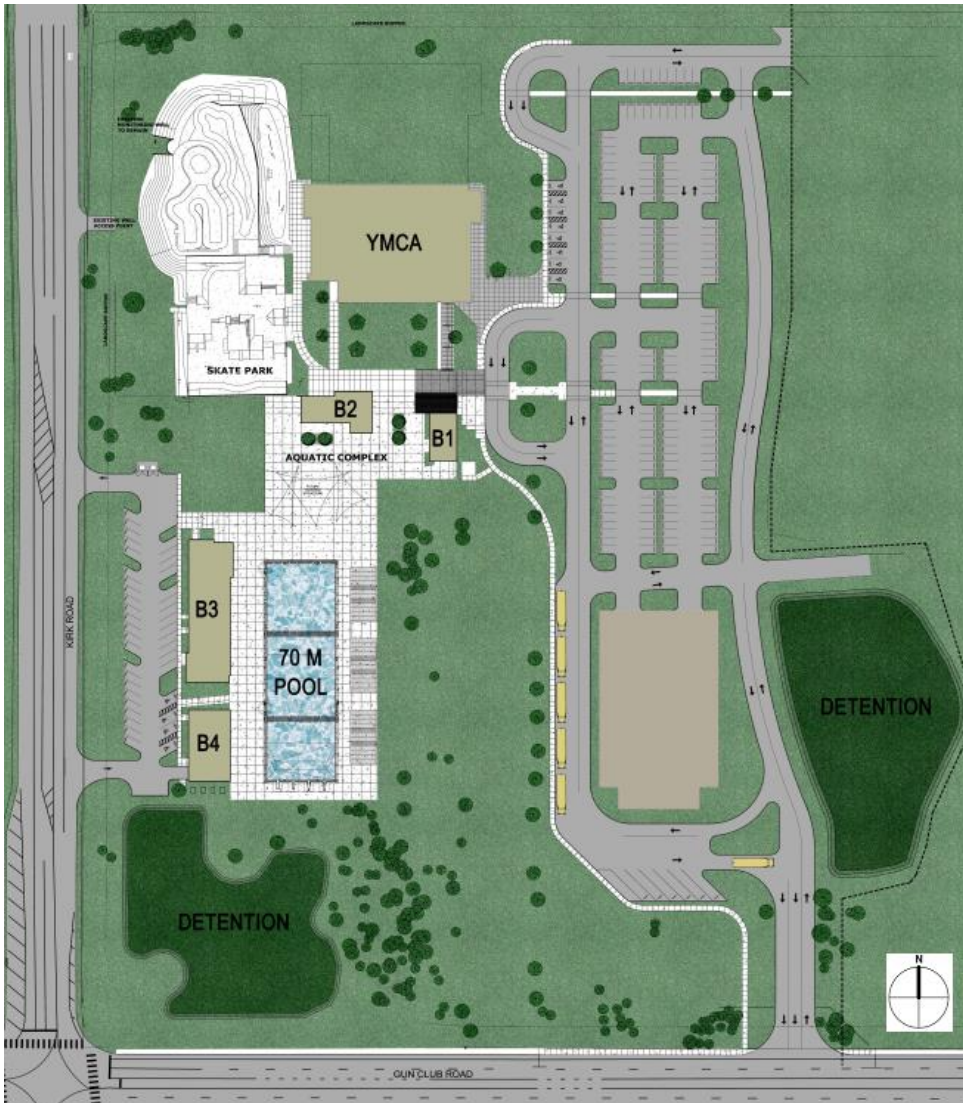
Building 1 (B1) Facade – Ticketing, Gift Store and Entry Point: Artist will design, permit, fabricate and install art on four (4) walls (406 SF, 517 SF, 1,078 SF, and 921 SF, respectively).

Building 2 (B2) Facade – Concessions: Artist will design, permit, fabricate, and install artwork on two (2) external walls (1,040 SF and 430 SF, respectively). Additionally, the Artist will recommend paint colors for two (2) additional walls, to complement a cohesive art presentation, to be installed by the Construction Manager.

Building 3 (B3) Façade – Support Center, Lifeguard and Restrooms: The selected Artist will design, permit, fabricate and install artwork on three (3) external walls (176 SF, 133 SF, and 1,520 SF, respectively). Additionally, the Artist will recommend paint colors for four (4) walls, to complement a cohesive art presentation, to be installed by the Construction Manager.

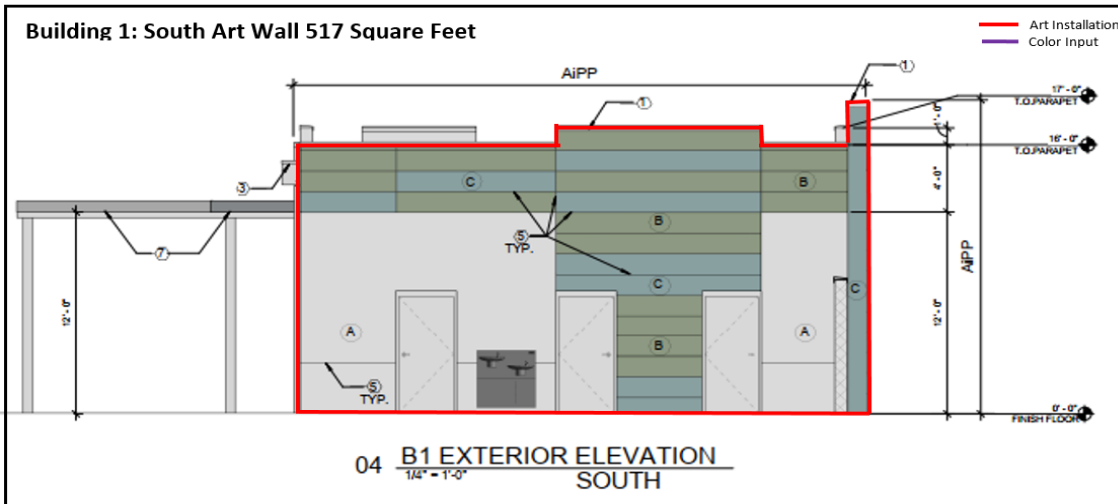
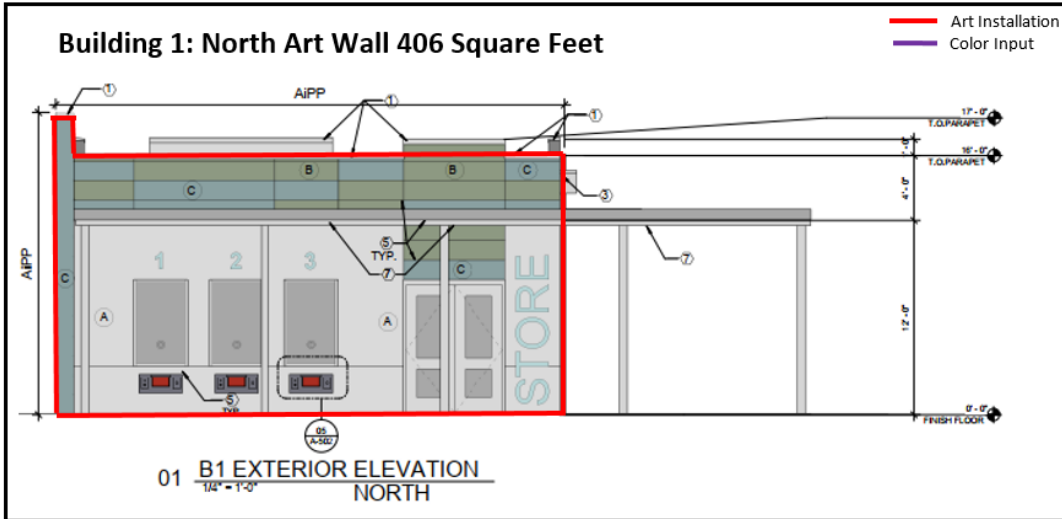
Building 4 (B4) Facade – Pump House: Artist will recommend paint colors for four (4) walls, to complement a cohesive art presentation, to be installed by the Construction Manager.

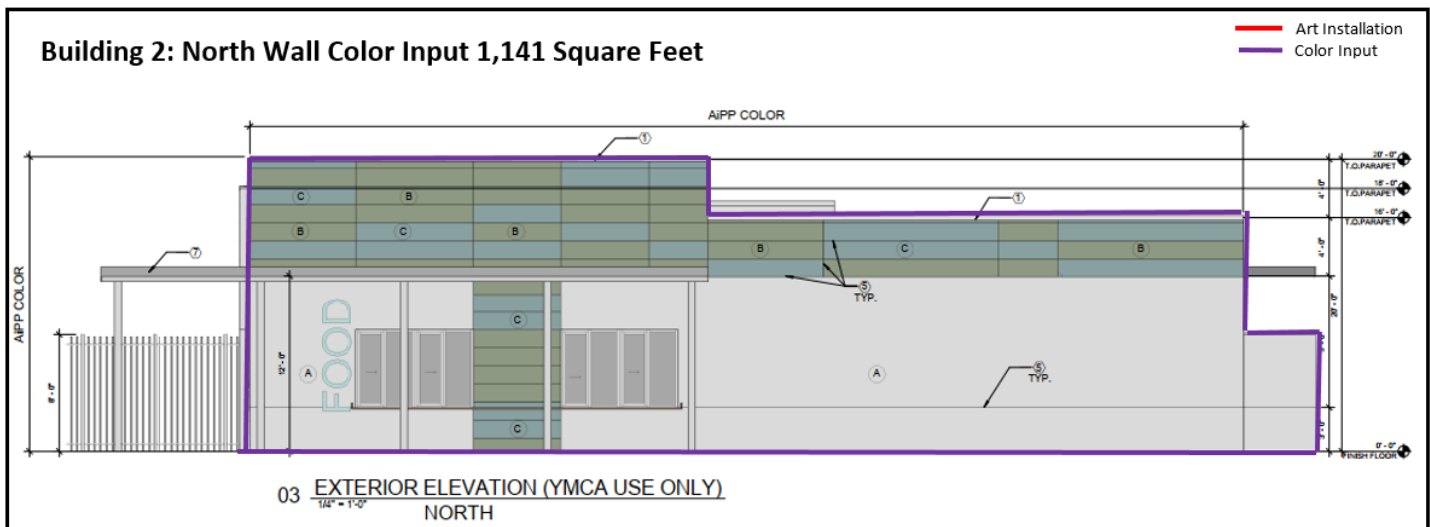
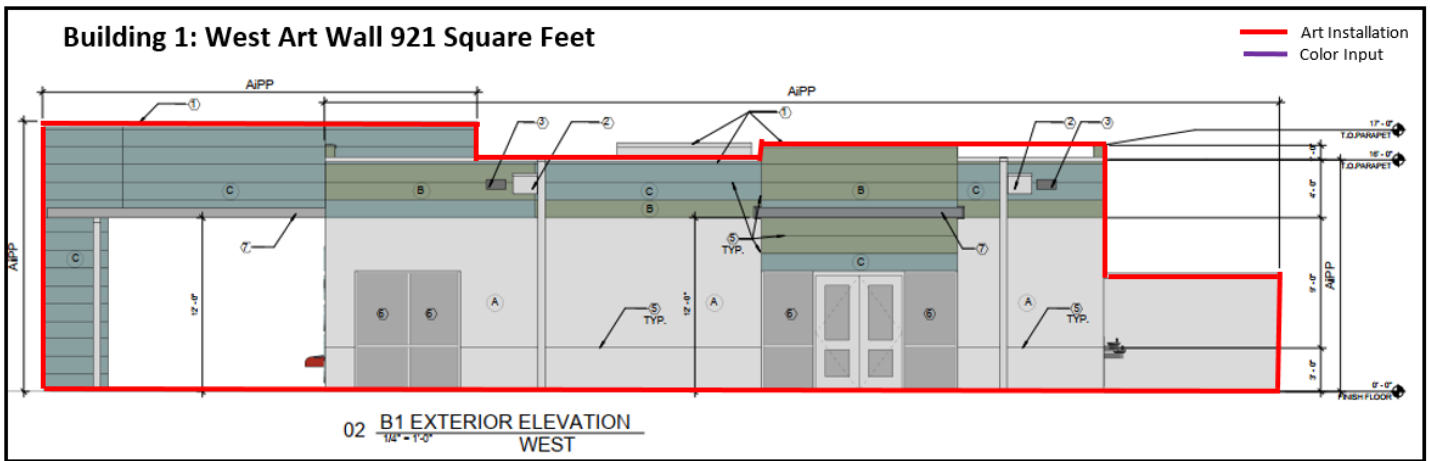
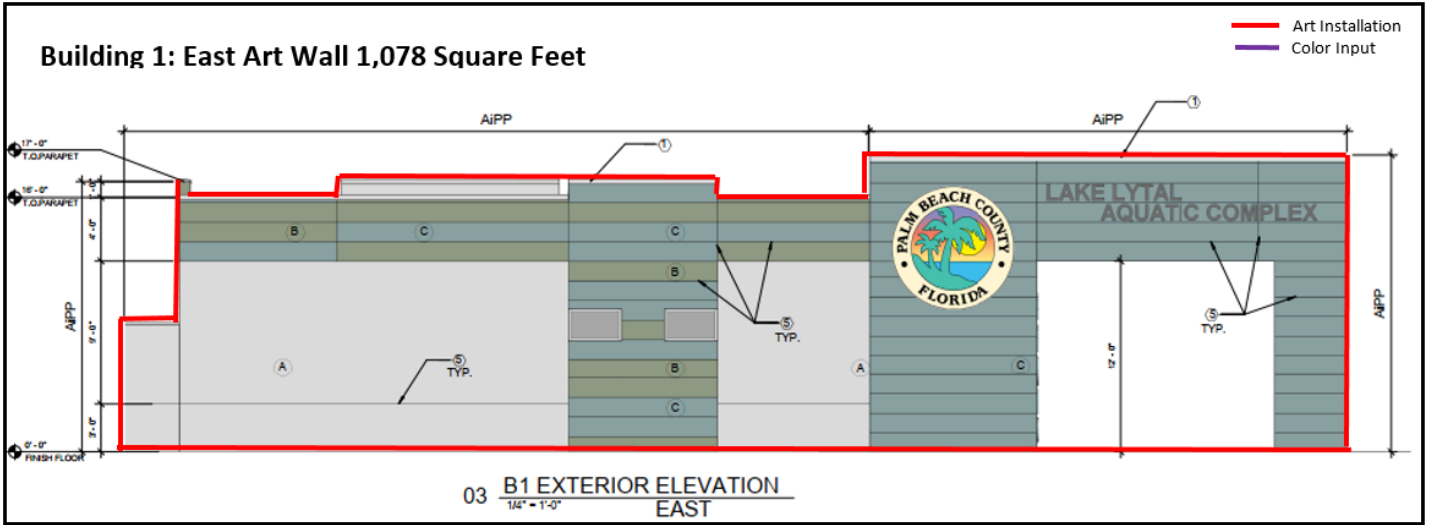
The images that follows include a section of the site plan showing the location of the four (4) buildings, and exterior elevation plans for each wall. Note that colors applied (i.e. the muted blue and green hues) and wall scoring detail were for the schematic design only and can be disregarded. Artist proposal will be developed as if the wall is completely blank, save for the necessary elements (i.e. ventilation, entrances, and structural fixtures). Shortlisted Artists will receive construction documents upon execution of a County standard form Non-Disclosure Agreement prior to Finalist art proposal development.

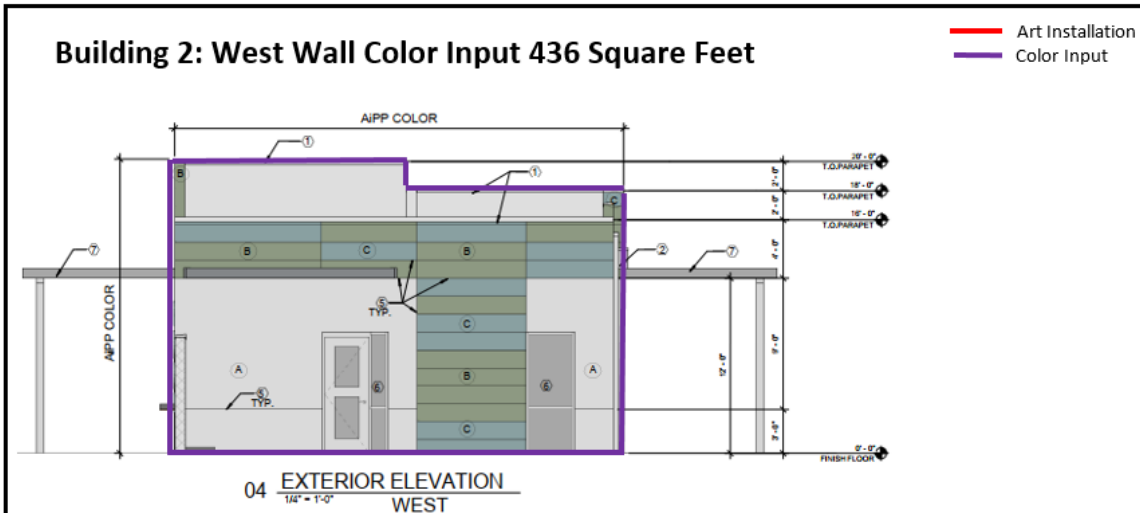
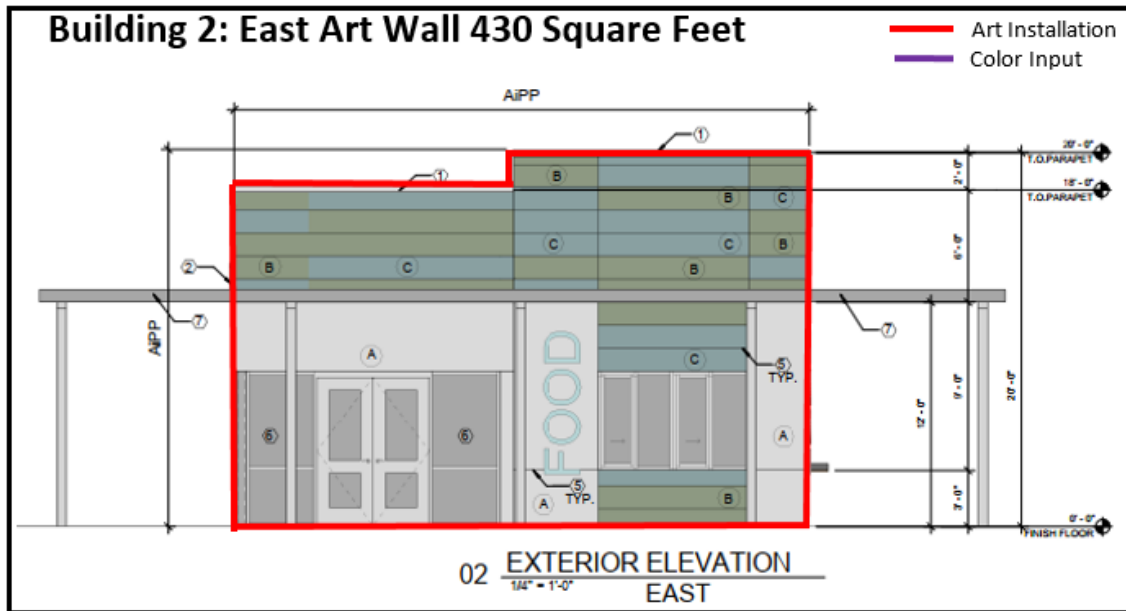
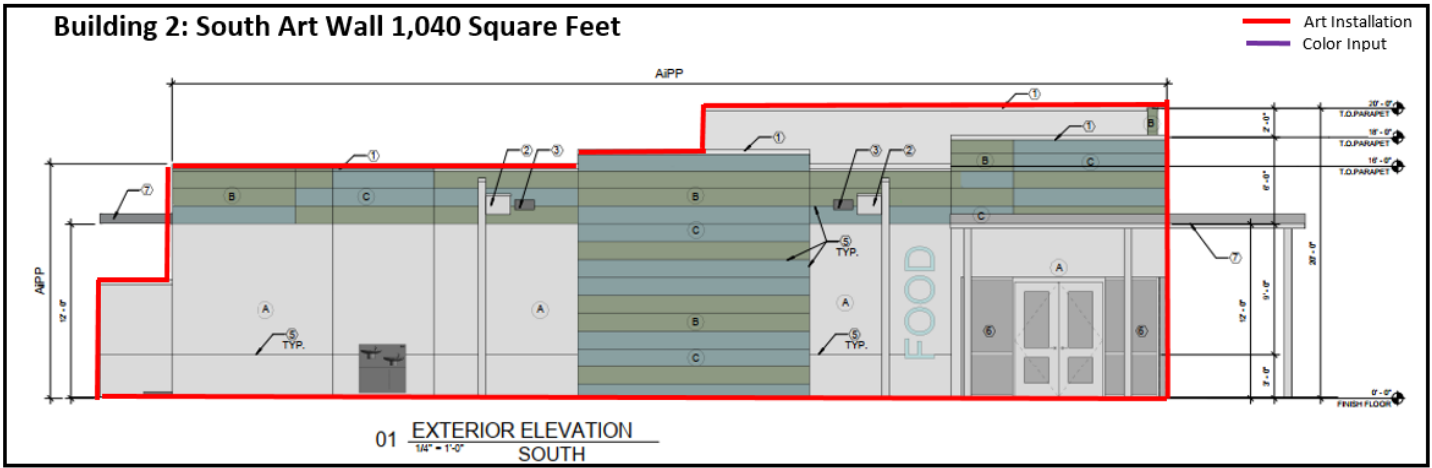


PBC - Lake Lytal Aquatic Complex - Art in Public Places Summary

Location	Description	Bldg	Building Façade			
			North	South	East	West
BUILDING 1	ADMIN / TICKETING	1,446	AiPP-406 SF	AiPP-517 SF	AiPP-1,078SF	AiPP-921 SF
BUILDING 2	CONCESSIONS	2,048	Color-1,141 SF	AiPP-1,040 SF	AiPP-430 SF	Color-436 SF
BUILDING 3	SUPPORT SERVICES	7,445	AiPP-176 SF Color-696 SF	AiPP-133 SF Color- 685 SF	AiPP-1,520 SF Color-712 SF	Color-2,767 SF
BUILDING 4	MAIN PUMP EQUIPMENT	3,687	Color-920 SF	Color-890 SF	Color-590 SF	Color-1,430 SF

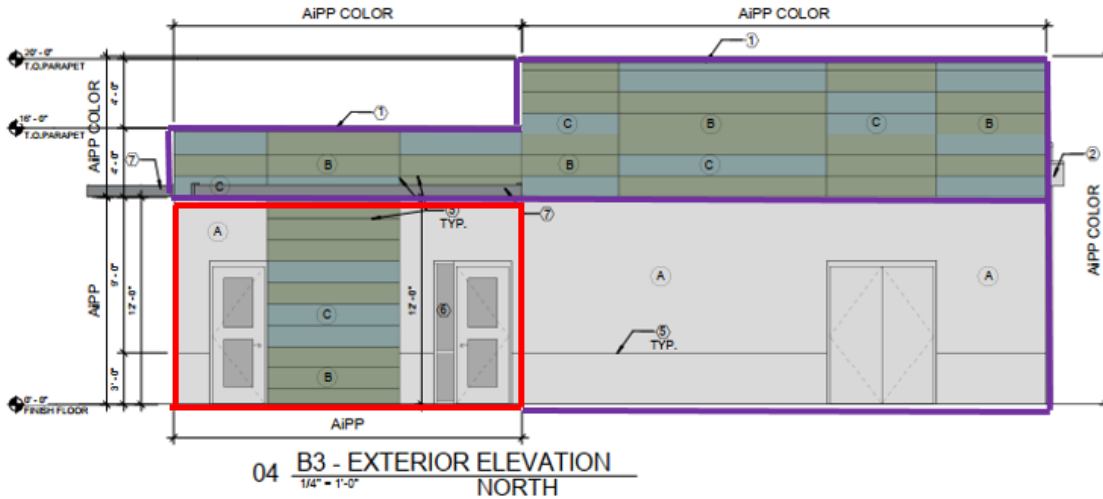






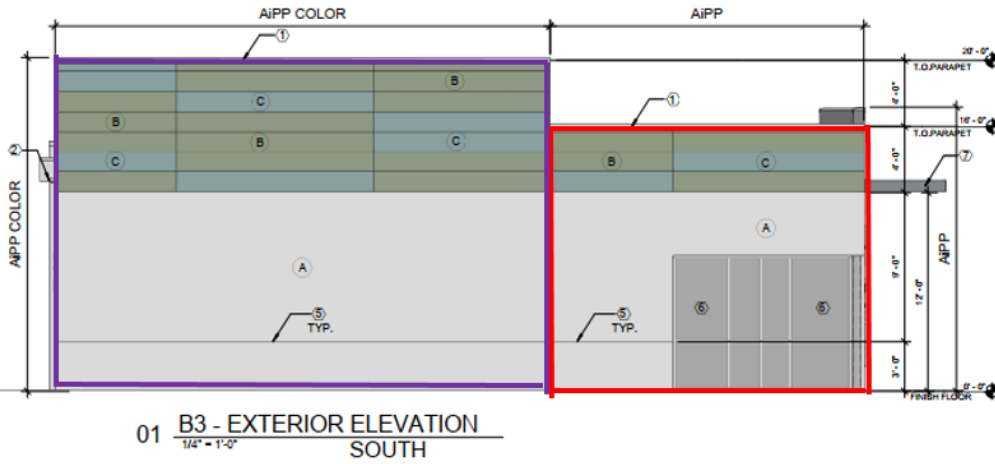
Building 3: North Wall Color Input 696 Square Feet / Art Wall 176 Square Feet

Art Installation
Color Input



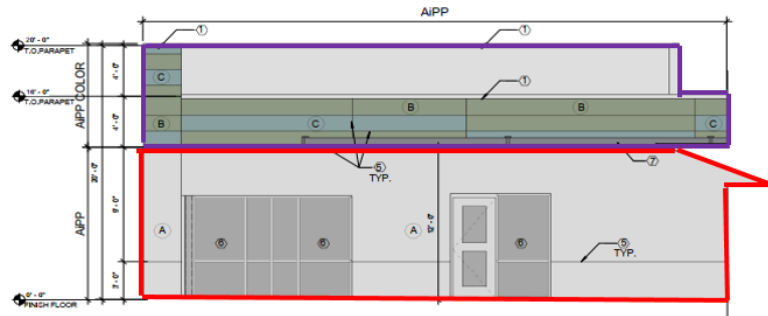
Building 3: South Wall Color Input 685 Square Feet / Art Wall 133 Square Feet

Art Installation
Color Input



Building 3: East Wall Color Input 712 Square Feet / Art Wall 1,520 Square Feet

— Art Installation
— Color Input



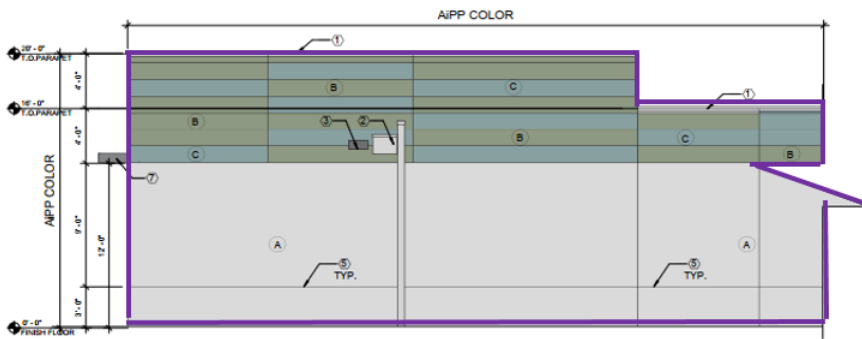
05 B3 - EXTERIOR ELEVATION EAST
1/4" = 1'-0"



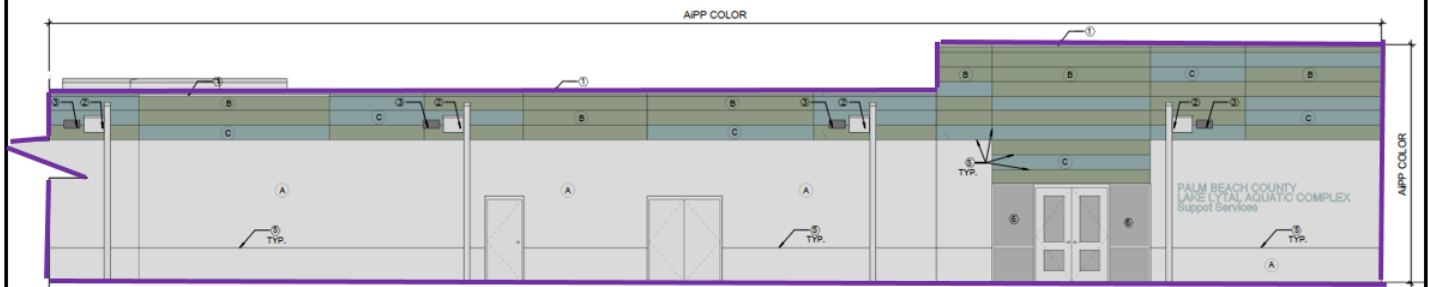
06 B3 - EXTERIOR ELEVATION EAST
1/4" = 1'-0"

Building 3: West Wall Color Input 2,767 Square Feet

— Art Installation
— Color Input



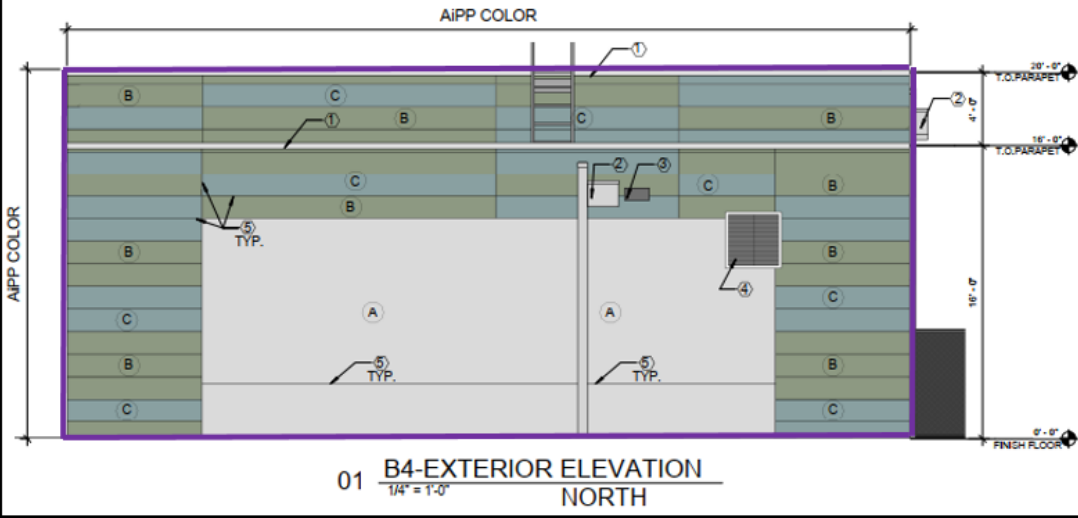
02 B3 - EXTERIOR ELEVATION WEST
1/4" = 1'-0"



03 B3 - EXTERIOR ELEVATION WEST
1/4" = 1'-0"

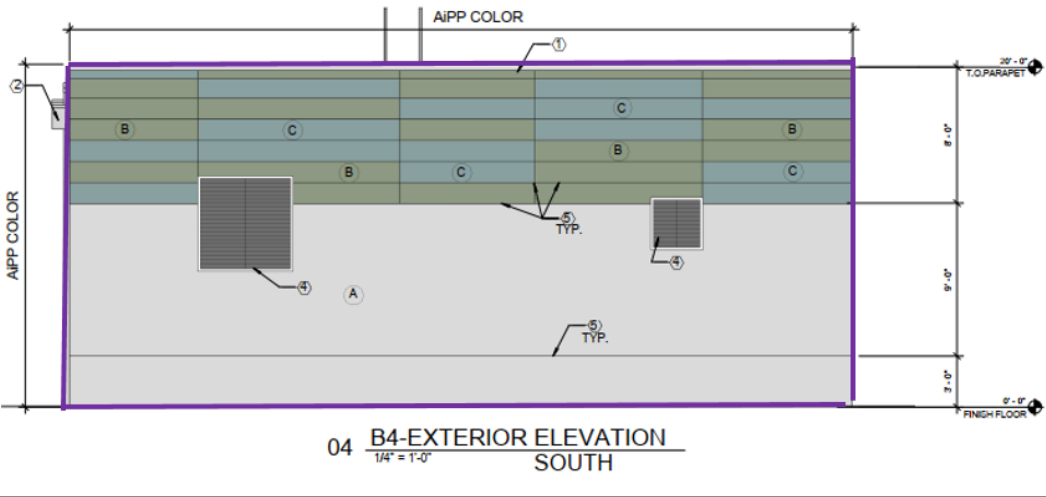
Building 4: North Wall Color Input 920 Square Feet

- Art Installation
- Color Input



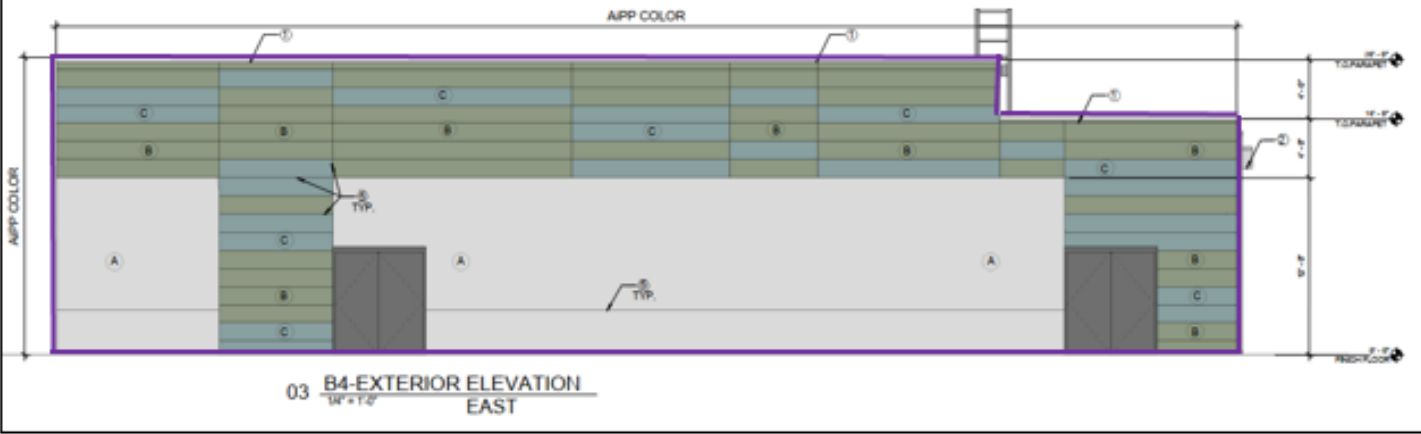
Building 4: South Wall Color Input 890 Square Feet

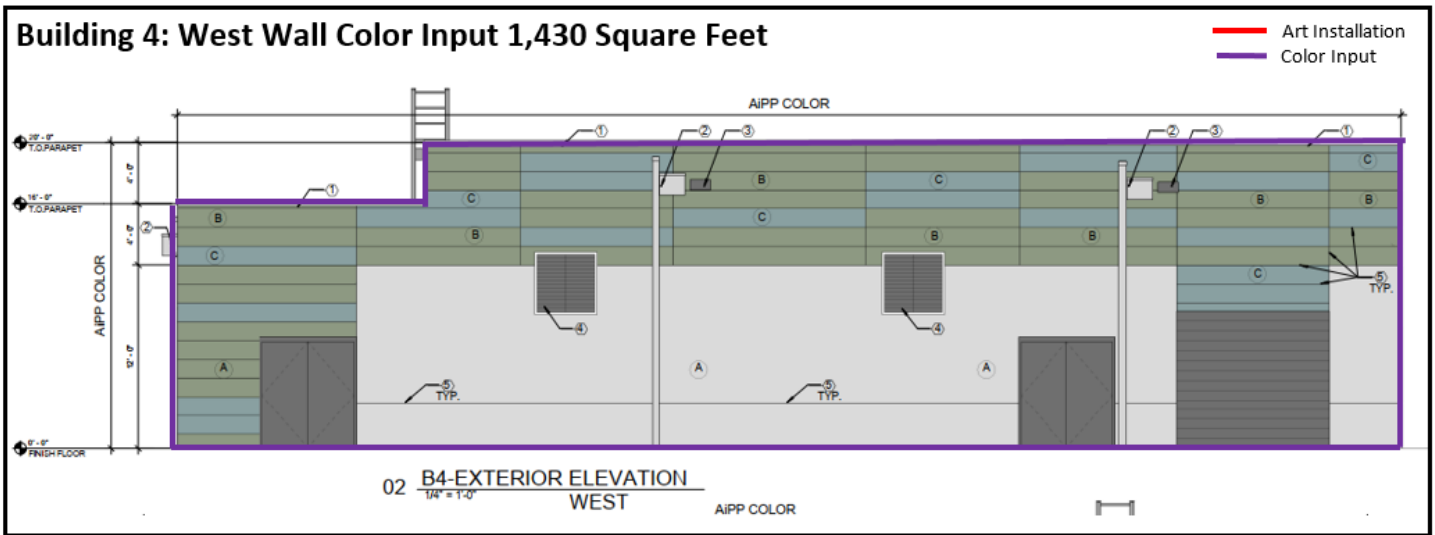
- Art Installation
- Color Input



Building 4: East Wall Color Input 590 Square Feet

- Art Installation
- Color Input





D. Artist Eligibility

Open to all adult Professional Artists with experience designing, fabricating and installing architecturally integrated art. Professional Artist means a practitioner in the visual arts, generally recognized by critics and/or peers as a professional of serious intent and ability. Indications of a person's status as a Professional Artist include, but are not limited to, income realized through the sole commission of artwork, frequent or consistent art exhibitions, placement of artwork in and/or upon the exterior or grounds of public institutions or museums, receipt of honors and awards, and training in the arts.

E. Budget

The Artist who is awarded the contract will receive a maximum fixed fee of \$341,700 inclusive of all expenses including Artist fee, design, engineering, permit, materials, fabrication, contractor, shipping, installation, construction oversight, travel, hotel, transportation, mileage, insurance, etc. All Artists who are selected to present their concept proposals to the Finalist Selection Panel (Shortlist Artists) will receive a flat fee (honoraria) of \$1,000 inclusive of all expenses.

F. Shortlist Application

1. CODAworx Account Required. To apply for this opportunity, sign up for a free CODAworx account at <https://www.codaworx.com/register/>. If you already have an account, you can log in. Use one of the following browsers: Chrome, Safari, or Firefox. Click on the person icon in the upper right corner, register with your email address, name and profession.

In order to see the "Apply to RFP" button, and access the application, you must be logged into your CODAworx account. Submit your Shortlist Application online through CODAworx at: <https://legacy.codaworx.com/commission-view-details/?key=MjYwODA4&rfp=1> [legacy.codaworx.com] using one of the following browsers: Chrome, Safari, or Firefox. Find the Call to Artists you are applying for under header: Artist Resources: All Open RFPs. You may save and return to your application before submitting it. To access an application in progress, log into your account on CODAworx, click on the RFP Applications tile to resume your application.

2. Contents of Application. A complete Shortlist Application must include the following information. Failure to include all of the information listed below may result in disqualification of your application.

a. **Resume** - Accepted format: pdf

b. **Letter of Interest** - Accepted format: pdf

- Express your interest in the project and address how your past artworks and experience demonstrate that you can successfully meet art design goals of this project.

c. Images of Past Work - Image specifications: JPG, PNG, 300dpi, 15MB Max

- Up to five (5) images of past artwork. Image files may feature one or multiple views per project.
- Only submit images of completed projects or projects that have been awarded. Images of proposals, models, and computer generated images and/or incomplete projects that have been awarded may be submitted.

d. Image Information -

- Title of work, location, budget or price, year completed, medium, dimensions.

3. Evaluation Criteria for Shortlist Selection. Up to three (3) Artists will be short listed based on the following criteria:

- Demonstrated ability to design, construct and install large scale public art – 40 points
- Quality and strength of past work as demonstrated in the submitted application materials – 60 points

4. Shortlist Scoring.

a. Pass/Fail Review. The Shortlist Panel may initially review each application for completeness, Artist experience and prior work and assign either a pass or fail rating. Those applications that receive a pass rating from a majority of the panel will then be scored and ranked by the Shortlist Panel.

b. Ranking. For each application that receives a pass rating from a majority of the panel, each criteria will be scored and when the scores awarded for all criteria are totaled, the scores will be tabulated and added to achieve the total points awarded to each Artist by each Shortlist Panel member. Using the total points awarded to each Artist, each Artist will be ranked by each Shortlist Panel member with the highest point total ranked 1, the next highest point total ranked 2, etc. The ranking of each Artist will be tabulated from each Shortlist Panel member and combined with other Shortlist Panel members to determine the total ranking score for the Artist, with the lowest point total ranked 1, the next lowest point total ranked 2, etc. These rankings will then be used by the Shortlist Panel to shortlist up to three (3) Artists. Should the ranking result in a tie, then the Shortlist Panel will select the Artist with the most first place votes; if there is still a tie, then the Artist with the most second place votes etc. until the Shortlist consists of just three (3) Artists.

G. Mandatory Pre-Proposal Conference Call for Shortlist Artists

Following Shortlist Selection, PBC AiPP will host a mandatory conference call to provide Shortlist Artists additional information and instructions. This is also an opportunity for Shortlist Artists to ask questions of the Project Team. Conference call tentative date is noted in the tentative schedule below. Prior to the mandatory pre-proposal conference call, Shortlisted Artists will receive Construction Documents upon execution of a Non-Disclosure Agreement (NDA) since plans for County buildings are considered confidential information under State law.

Prior to the Pre-Proposal conference call, Shortlist Artists will also receive a Business Information Form which must be completed and submitted to the PBC AiPP along with proof that the Artist's business entity is registered to do business in the State of Florida as either a Florida or a Foreign Corporation, or proof that the registration application has been submitted and is pending review. Prior to the Pre-Proposal conference call:

1. Register your business entity at [Corporations - Division of Corporations - Florida Department of State \(myflorida.com\)](http://myflorida.com)
2. Provide PBC AiPP the Business Information Form and proof that your business entity is registered or the registration application has been submitted to the Florida Department of State.

Shortlist Artists who do not attend the mandatory pre-proposal conference call will be disqualified and will not receive the \$1,000 honoraria.

H. VSS Registration for Shortlist Artists

In order for a Shortlist Artist to receive the \$1,000 honoraria, a Shortlist Artist must register with the County's Vendor Self Service ("VSS") system at <https://pbcvssp.co.palm-beach.fl.us/webapp/vssp/AltSelfService>.

I. Finalist Selection

1. Presentation. Shortlist Artists will develop and present to the Finalist Selection Panel one (1) concept art design proposal. Finalists will have the option to present their presentations in person or virtually to the Finalist Selection Panel. PBC AiPP will provide the Finalist Selection meeting invitation and link one week prior to the Finalist Selection meeting for any Shortlist Artist opting to present virtually. All concept art proposals must address the art design goals. Each Shortlist Artist will have fifteen (15) minutes to present his/her concept to the Finalist Selection Panel followed by questions from the Panel.

2. Contents of Finalist Submittal. A complete Finalist Submittal must include the following information. Failure to include all of the required information may result in disqualification.

a. Concept Art Design

- Color concept drawings/renderings

b. Narrative

- Artwork Title
- Artwork Medium
- Artwork Concept Narrative
- If Artist incorporated elements of the proposed Art design in other projects completed by the Artist or in other projects awarded to the Artist, Artist shall identify such element(s) and project(s) in the Narrative.

c. Schedule

- Include timeline for milestones including Design Development, Construction Documents, Permit (approximately 4 months), Fabrication, Shipping, and Installation.

d. Budget

- Include line items for Artist fee (not to exceed 10% of total project budget), design, engineering, permit, materials, fabrication, shipping, travel, installation, insurance, attorney fees, project management, etc.
- When preparing the budget, Artist should be aware that even though the County is exempt from payment of Florida State Sales and Use Taxes, the Artist is not exempt from paying sales tax to its suppliers for materials purchased nor is the Artist authorized to use the County's Tax Exemption Number in securing such materials.

e. Certification of Business Location Form

- Only for Shortlist Artists who have a permanent place of business in Palm Beach County prior to the issuance of this "Call to Artists".
- Shortlist Artists will be provided with the Certification of Business Location Form prior to the Mandatory Pre-Proposal Conference Call. A Shortlist Artist with a permanent place of business in Palm Beach County prior to the issuance of this "Call to Artists" must complete this form and include the form and a current Palm Beach County business tax receipt as part of its Finalist Submittal in order to receive 5 local preference points.

3. Evaluation Criteria for Finalist Selection. The Finalist Selection Panel will select artworks based on the following criteria:

- Artistic merit of the concept art design - 45 points
- Extent to which art concept design meets the art design goals - 50 points
- Local preference. Artists who have a permanent place of business in Palm Beach County - 5 points. During Finalist Selection, Shortlist Artists who have a permanent place of business in Palm Beach County will receive 5 points, if the Shortlist Artist submits the Certification of Business Location Form and a current Palm Beach County business tax receipt.

4. Finalist Scoring. For each finalist submittal, each criteria will be scored and when the scores awarded for all criteria are totaled, the scores will be tabulated and added to achieve the total points awarded to each Artist by each Finalist Selection Panel member. Using the total points awarded to each Artist, each Artist will be ranked with the highest point total ranked 1, the next highest point total ranked 2, etc. The ranking of each Artist will be tabulated from each Finalist Selection Panel member and combined with other Finalist Selection Panel members to determine the total ranking score for the Artist, with the lowest point total ranked 1, the next lowest point total ranked 2, etc. Should the ranking result in a tie, then the Finalist Selection Panel will select the Artist with the most first place votes; if there is still a tie, then the Artist with the most second place votes, etc.

J. Selection Panels

Shortlist and Finalist Selection Panels for this Call to Artists are comprised of the County's Public Art Committee members, a representative from the Palm Beach County Parks and Recreation Department, and a representative of the project architectural team, Harvard Jolly. The County reserves the right to make changes to the membership of the Shortlist and Finalist Selection Panels if necessary. While not common, the Finalist Selection Panel may request minor changes to the selected art concepts. If a Finalist refuses to make requested minor changes to his/her proposed concept art per the Finalist Selection Panel's request, Palm Beach County may opt not to contract with Artist for the art commission.

Artist whose concept art design(s) are selected by the Finalist Selection Panel will enter into the County's standard form Agreement for Artist Services to develop their concept design(s) into an original artwork.

K. Tentative Solicitation and Project Schedule

County reserves the right to alter these dates as necessary.

- Call to Artists Announced – September 18, 2024
- Artist Q & A Deadline – October 4, 2024 by 5:00pm EDT
- PBC AiPP posts answers to Artist questions – no later than October 11, 2024 at <http://discover.pbcgov.org/fdo/art/Pages/Calls-to-Artists.aspx> and at <https://pbcvssp.co.palm-beach.fl.us/webapp/vssp/AltSelfService>
- Shortlist Application Submittal Deadline – October 31, 2024 by 11:59pm EDT
- Shortlist Selection – December 6, 2024
- Provide Shortlist Artists Construction CDs after NDAs signed – Week of December 9, 2024
- Proof of Registration or Application Submittal to FL Division of Corporations – Week of December 16, 2024
- Mandatory Pre-Proposal Conference Call – Week of January 3, 2025
- Finalist Selection – February 10, 2025
- BCC Contract Approval – July 8, 2025
- Notice to Proceed – July 29, 2025
- Art Design Development Complete – November 1, 2025
- Art Construction Documents Complete – February 14, 2026
- Art Shop Drawings Complete – April 11, 2026
- Art Fabrication Complete – September 11, 2026
- Art Installation Complete – January 15, 2027

L. Palm Beach County Parks & Recreation - Background Information

The Palm Beach County Parks Department was created in 1951 as a department under the direction of the County Engineers Office. Reorganization in 1972 led to the separation of Parks and Engineering and so the Palm Beach County Parks and Recreation Department was born. The department steadily expanded during the late 1960s and 1970s. During the 1980s and 1990s, responding to Palm Beach County's exploding population growth and its equally exploding demand for leisure services, aggressive expansion efforts were accomplished. The department is recognized nationally for excellence in park and recreation management, operating 97 park properties spanning more than 8,100 acres and providing organized recreational programs and services for people of all ages and abilities. The Department's mission is "To provide opportunities for healthy, happy living through award-winning parks, inclusive experiences and environmental stewardship". For more information please visit <https://discover.pbcgov.org/parks/pages/default.aspx>.

M. Lake Lytal Aquatic Complex - Background Information

The existing Lake Lytal Aquatic Complex offers an Olympic sized pool, diving boards, slide flumes and a children's interactive play structure. The Complex also offers special training programs to any qualified and interested individuals or groups. Programs include Junior Lifeguard Camp, American Red Cross Lifeguard Certification, American Red Cross Water Safety Instructor Certification and American Red Cross CPR Certification. The facility is available for rent after hours to host functions such as birthday parties and group events.

The Lake Lytal Lightning is a year-round competitive USA Swim Club for children aged six (6) and older, who compete at the Lake Lytal Aquatic Complex. The mission at Lake Lytal is to see those character traits deemed positive to be instilled in the swimmers who commit to the competitive swim program. The program is designed to encourage maximum participation, provide an educational experience, enhance physical and mental conditioning, and develop character through competitive swimming. The adult swim team, Palm Beach Masters, also use the existing Complex as one of the locations they compete at in the county. Palm Beach Masters is an award-winning alternative fitness program that promotes healthy lifestyles through the sport of swimming. They offer an inspiring team atmosphere with organized workouts, competitions, clinics and social functions for new swimmers, avid fitness and competitive swimmers as well as multisport athletes.

N. Questions

By 5:00pm EDT on October 4, 2024, any Artist questions shall be sent to esinger@pbcgov.org - Subject line: "Lake Lytal Aquatic Complex, Artist Question, Last Name, First Name." By 5:00pm EDT on October 11, 2024, all questions and answers will be documented in an Amendment to the Call to Artists, which will be posted at <http://discover.pbcgov.org/fdo/art/Pages/Calls-to-Artists.aspx> and at <https://pbcvssp.co.palm-beach.fl.us/webapp/vssp/AltSelfService>.

Questions regarding this Call to Artists must be directed to Palm Beach County's Public Art Program Administrator, Elayna Toby Singer, at esinger@pbcgov.org. If applicants rely on information provided by persons other than Ms. Singer, they do so at their own risk. From the date of release of this Call to Artists until award of contract, no contact with Palm Beach County's Public Art Committee, members of Selection Panels for this Call to Artists, or representatives of Palm Beach County related to this Call to Artists is permitted except as authorized by Ms. Singer and/or in conjunction with scheduled Call to Artists activities. Any such unauthorized contact shall not be used as a basis for selection and may result in the disqualification of the Artist's proposal.

In addition, the Palm Beach County's Lobbyist Registration Ordinance prohibits an Artist or anyone representing an Artist from communicating with any County Commissioner, County Commissioner's staff, or any employee authorized to act on behalf of the Commission to award a particular contract regarding this Call to Artists, i.e., a "Cone of Silence." The "Cone of Silence" is in effect from the date/time of the deadline of the Shortlist application, and terminates at the time that the Board of County Commissioners or a County Department authorized to act on their behalf, awards or approves a contract, rejects all bids, or otherwise takes action which ends the solicitation process. Artists may, however, contact any County Commissioner, County Commissioner's staff, or any employee authorized to act on behalf of the Commission to award a particular contract, via written communication, i.e., facsimile, e-mail, or U.S. mail. Violations of the "Cone of Silence" are punishable by a fine of

\$250.00 per violation.

O. Amendments

Changes to this Call to Artists, when deemed necessary by Palm Beach County, will be completed only by written Amendment(s) issued prior to the deadline for receipt of proposals. Proposers should not rely on any representations, statements or explanation other than those made in this Call to Artists, or in any Amendment to this Call to Artists. Where there appears to be a conflict between the Call to Artists, and any Amendment issued, the last Amendment issued shall control.

ALL Palm Beach County Call to Artists and Amendments will be advertised at <http://discover.pbcgov.org/fdo/art/Pages/Calls-to-Artists.aspx> and at <https://pbcvssp.co.palm-beach.fl.us/webapp/vssp/AltSelfService>. It is the sole responsibility of Artists/proposers to routinely check this website for any Amendments issued prior to the deadline for receipt of proposals. Palm Beach County shall not be responsible for the completeness of any package (Call to Artists and Amendments) not downloaded from these websites.

P. General Terms and Conditions

1. **Florida Public Records Law.** Upon submission, all proposals become public records and the property of Palm Beach County, and subject to disclosure in accordance with Florida law.
2. **Due Diligence of Proposer.** Due care and diligence has been exercised in preparation of this Call to Artists and all information contained herein is believed to be substantially correct; however, the responsibility for determining the full extent of the requested services rests solely with those making proposals.
3. **Rejection of Responses; Waiver of Irregularities.** Palm Beach County reserves the right to reject any or all proposals submitted in response to this Call to Artists, waive any or all informalities and/or irregularities, re-advertise with either an identical or revised scope, or cancel this Call to Artists in its entirety, at its sole and absolute discretion. Palm Beach County is not under any obligation to select Shortlist Artists or a Finalist or to award a contract if, in the sole judgment of the County, the Artist materials do not meet the eligibility or qualifications for the project.
4. **Right to Reschedule or Cancel.** Palm Beach County reserves the right to reschedule or cancel Finalist Selection without paying expenses.
5. **Clarifications.** Palm Beach County reserves the right to contact any or all proposers after submittal in order to obtain supplemental information and/or clarification in either verbal or written form.
6. **Registration To Do Business In the State of Florida.** The selected Artist's business entity must be registered to do business in the State of Florida with Florida Department of State.
7. **County Standard Contract Required.** The selected Artist will be required to execute the County's standard contract for Artist's services. A copy of this document is available upon request.
8. **Public Entities Crimes/Convicted Vendor List.** Per Florida Statute 287.133, a person or affiliate who has been placed on the State of Florida convicted vendor list following a conviction for a public entity crime may not submit a response to a solicitation for a period of 36 months from the date of being placed on the convicted vendor list. Proposers suspended from doing business with the County at the time this solicitation is advertised are not eligible to submit a response.
9. **Non-Discrimination.** The County is committed to assuring equal opportunity in the award of contracts and complies with all laws prohibiting discrimination. Pursuant to Palm Beach County Resolution R2017-1770, as may be amended, the proposer warrants and represents that throughout the term of any resulting Contract, including any renewals thereof, if applicable, all of its employees are treated equally during employment without regard to race, color, religion, disability, sex, age, national origin, ancestry, marital status, familial status, sexual orientation, gender identity or expression, or genetic information. Failure to meet this requirement shall be considered default of any resulting Contract.
10. **Prohibition against Considering Social, Political or Ideological Interests in Government Contracting - F.S. 287.05701.** Proposers are hereby notified of the provisions of section 287.05701, Florida Statutes, as amended, that the County will not request documentation of or consider a Proposer's social, political, or ideological interests when determining if the Proposer is a responsible Proposer. Proposers are further

notified that the County's governing body may not give preference to a Proposer based on the Proposer's social, political, or ideological interests.

Q. Award of Contract

1. Notification of Recommended Award. Artists will be notified of the recommended award by email and the Notification will be posted for 5 business days on the following website: <http://discover.pbcgov.org/fdo/art/Pages/Calls-to-Artists.aspx>.

2. Right of Appeal/Protest.

a. Responsiveness Review and/or Shortlist Results. Any Proposer may appeal/protest the responsiveness review and/or shortlist results by submitting a written protest to the Director, Facilities Development and Operations Department within five (5) business days after receiving notice from the Department of the results of the responsiveness review and/or Shortlist Panel evaluation. Protests must be submitted in writing, must identify the protestor and the solicitation, must describe the grounds for the protest, and must be addressed to the Director, Facilities Development and Operations Department, via hand delivery or mail to 2633 Vista Parkway, West Palm Beach, FL 33411 or via email to IAyalaCollazo@pbcgov.org. A protest is considered filed when it is received by the Director, FDO. Failure to file a protest within five (5) business days of Artist's receipt of the Department's notice of the results of the responsiveness review and/or Shortlist Panel results shall constitute a waiver of the proposer's right to protest.

b. Finalist Selection. Any Proposer may appeal/protest a final selection by submitting a written protest to the Director, Facilities Development and Operations Department within five (5) business days after the posting of the Notice of Intent to Award by the Department. Protests must be submitted in writing, must identify the protestor and the solicitation, must describe the grounds for the protest, and must be addressed to the Director, Facilities Development and Operations Department, via hand delivery or mail to 2633 Vista Parkway, West Palm Beach, FL 33411 or via email to IAyalaCollazo@pbcgov.org. A protest is considered filed when it is received by the Director, FDO. Failure to file a protest within five (5) business days of the posting of the Notice of Intent to Award shall constitute a waiver of the proposer's right to protest.

3. Negotiations. The County will conduct negotiations with the highest ranked Artist. However, if an agreement is not reached with the top ranked Artist, negotiations will be terminated and the County will move to the second ranked Artist to attempt to reach agreement. If an agreement is not reached with the second ranked Artist, the County will move to the third ranked Artist.

4. Cancellation of Recommended Award. The County reserves the right to cancel the recommended award of any contract at any time before the execution of said contract by all parties without liability against the County. The proposer, by submitting a proposal, expressly waives any claims to damages of any kind whatsoever in the event the County exercises its rights under this subsection.