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# **PUBLIC ART COMMISSIONS: AN ARTIST HANDBOOK**

A Publication of the  
North Carolina Arts Council

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COMPETING FOR A PUBLIC ART COMMISSION is challenging. In addition to the issues the studio artist faces, the public art arena is a world of competitions, negotiations, contracts, community involvement, schedules, and a great deal of public scrutiny.

This Handbook was developed to help artists' navigate the often complex world of public art, and to help artists become more competitive when seeking public art commissions. This handbook would not have been possible without the kind assistance of Janet Kagan, Chapel Hill Public Arts Commission; Jean Pastueur Greer, Arts & Science Council of Charlotte, Leah Wiebe-Smith, Raleigh Arts Commission and artist George Handy who provided material and/or reviewed the text. Copies of this handbook may be downloaded free of charge.

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## What is Public Art?

Defining public art as an artwork temporarily or permanently placed in a public space is too simplistic. Public art is not just one thing. It can be a variety of artistic forms. It can be placed inside or outside; be representational or abstract. It can be integrated with architecture, landscape or infrastructure. It can be functional, commemorative, decorative, or interactive. It can employ technology, text, or sound.

Both the form and role of public art varies from community to community. Public art can contribute to the visual and textural character of a community, create a sense of place or foster a sense of spirit by celebrating history or cultural heritage. Public art seeks to inspire relationships and communication. Perhaps the following haiku penned by Seattle architect/public artist Mark Spitzer defines the nebulousness of public art nicely.

*Artist involvement –  
Time, energy and money  
With community*

### The Nature of Contemporary Public Art

There has been a trend away from more traditional studio forms placed in a public space to an approach that is more site-determined, collaborative, integrated, and community driven.

Municipal capital improvement % for art programs fund public art in order to impact design elements of public buildings, infrastructure and amenities.

Funders want an art that is respectful of, meaningful for, and connected to the community.

## The Responsibilities of a Public Artist: How Does a Public Artist Work?

The role of the *public* artist is distinct from the artist who creates work that is not refined through an established public process, which articulates the goals for the work and includes opportunities for external direction. This work of art will therefore be **relevant and responsive** to the site, the community it will serve, and be shaped by your dialogue with project representatives. Your idea for the artwork must be shared with others because public art is fundamentally a collaborative process.

To learn about the goals for the particular artistic response you will be asked to create, requires that you **communicate** well. This communication is a two-way street: your client must be able to articulate what they are trying to achieve (ironically, something that they are actually hiring you to do for them!) and you must be able to ask questions and be integral to a comprehensive yet unlimited conversation about all aspects of the project (site conditions, population served, what the artwork is expected to achieve, materials of fabrication-construction). These communications will be both verbal and written.

There are many challenges to being a public artist. One of the conditions is to **open your artistic process** for access by others: the commissioning agency, peer professionals, design review and advisory committees, the general public, elected officials, the design and construction team. Each public art project that a community undertakes is born full of promise and with excitement. As you know, every design process is also full of surprises. There will be

times when you must remind your client of the project schedule, the contractually obligated scope of work, and the budget. These project parameters can help focus the work and establish expectations. Argue for what you believe will make the project its most successful, and be certain that you have addressed any project needs not presented by your client. It is wonderful when you can follow their lead, but be ready to push the boundaries of what is artistically possible - after all, that is why they selected you!

The public art design **process is iterative**. No doubt you may also work this way in your studio, but your client will expect you to share these ideas and be integral to your decision-making. You will be asked to listen to their suggestions and consider them to be a collaborator. Your responsibility is to first understand their perspective on the project and then create an artistic response that absorbs their ideas but has not been literally influenced by these predispositions. Throughout the project, your client will be trying to satisfy not only aesthetic pleasure but also recognize the multiple constituencies or voices that have an interest in the project. You may present your conceptual ideas to a public arts board, a municipal agency or department, residents of a neighborhood, and elected officials, each of which may have a contrary opinion about the proposed work.

As you learn about the history of the project and your client, and in turn develop responses to the project site and create design recommendations, this protracted conversation will be deliberate and help refine the project. As you develop the work you are also helping your client comprehend both *how* a work of art is made and *why* the work was commissioned. This process begins at the first project meeting and may not conclude until installation because public art is a constantly shifting ground in which decisions may need to be revisited based on changing conditions. Public art commissions frequently take several years to complete once you have been selected. Throughout the life of the project, clients may change, budgets may change, site conditions may change, and the scope of the project may change: these are dimensions of public art that demand flexibility and grace. When your client can serve as your advocate, and protect you and the integrity of the project itself during project reviews, then you have achieved a shared vision for the work.

Unlike how you may work in your studio, your client expects that you will be making measured and **consistent progress** on the commission until installation and dedication. Documentation of project development is important to satisfy this aspect of your working relationship. Notes from meetings, emails, written confirmation of project decisions (especially when made over the telephone) are all helpful in building reciprocal trust between you and your client.

You will also need to carefully **manage all funds** you receive for the commission and keep records of all expenditures; this will help you work within the project budget (chances are this is a fixed sum). Your strength as a project manager will show in your budgeting for each phase of the project, your proposed project schedule, and how you will work with other members of a client's design team or sub-consultants you have retained.

There are five primary phases of work with restrictive deadlines for each phase. Typically, the work flows sequentially from one phase to the next with a formal approval process that permits you to be paid. Generally, the phases of work are:

#### 1. Background Research and Conceptual Design

- a) meet with project representatives; tour the site(s) and the community; learn about the project's goals and listen to multiple constituencies; review all relevant drawings.
- b) development of preliminary ideas for the work(s).

## 2. Preliminary Design, Budget, and Proposed Schedule

- a) identification of any necessary consultants to the project.
- b) presentation of initial ideas: form, material, location, response to climate, written project description.
- c) proposed budget for each element.
- d) schedule that reflects the integration of the project with the overall construction site.

## 3. Final Design

- a) detailed drawings showing material selections and specifications for the artwork(s) and interface of the work(s) with building architecture, landscape, mechanical-electrical-plumbing, or other construction elements.
- b) final cost estimate (design, fabrication-construction, transportation to the site, installation, and post-installation maintenance.)

## 4. Fabrication-Construction

- a) inform the client of any changes to the work (materials, color, form, size, design, texture, finish, location, etc.)
- b) presentation of work-in-progress at approximately 50% and 75% completion.

## 5. Delivery, Installation, and Dedication

- a) identification of all equipment and site preparation necessary to deliver and install the work(s).
- b) arrange for off-site storage should that be necessary.
- c) prepare remarks for dedication ceremony and celebrate!

An important dimension to the process of design, fabrication-construction, and installation is to keep in contact with your client. These communications may be written and formal, or informal telephone conversations that are followed-up in writing. Public clients cannot afford any surprises because there are financial and political repercussions to misunderstandings that will extend beyond the reach of your specific project. As your client helps advance your artistic career, you and your work will forever change their program and the community.

Janet Kagan, 2005

## **Finding Commission Opportunities**

There are over 440 state, county, municipal, or transit public art programs in the U.S. Commission opportunities in N.C. are increasing. For a complete listing of N.C.'s Public Art Programs see the Public Art & Community Design portion of the NC Arts Council's web site, [www.ncarts.org](http://www.ncarts.org)

Public art commission opportunity notifications are scattered over hundreds of national, state and municipal government, transit authority web sites, and arts council sites and special project sites. A list of useful sites can be found from the above link. Joining e-mail listservs is the best way to receive timely information from established programs. A directory listing all the public art programs in the U.S. is available through the Americans for the Arts on-line book store at <http://www3.artsusa.org/> Periodicals like *Sculpture Magazine*, *Competitions*, *Public Art Review*, *Arts Calendar*, etc. with on-line versions also list opportunities, but subscription is required.

The **NC Public Art Network** maintains a free, secured listserv devoted exclusively to posting public art commission opportunities in North Carolina and around the U.S. Go to <http://wwwadm.ncmail.net/mailman/listinfo/ncpublicartnetwork> to join.

# Competition Types

Public art programs commissioning art projects enlist artist participation in a variety of ways, including “calls for Artists”, juried slide registries and direct invitations. A “Call for Artists” is a standard practice. Calls may be open and broad, or they can be narrowed by region, state, media, experience, etc. Note: The commissioning process is designed to serve the client, not the artist.

There are two main types of “Calls for Artists.”

## Requests for Qualifications (RFQ)

An RFQ is commonly used when the commissioning body is interested in a larger pool of applicants for a project. Applicants are asked to submit qualifying materials only (resume, slides of past work, letter of interest, etc.) that a panel will use to determine suitability for the project. A specific proposal is not requested.

Most RFQ’s use a tiered approach to selection. Based on the qualifying materials submitted, the pool of applicants is narrowed by a selection committee to 3-5 artists to move forward in the competition. Finalists may be asked to submit a more detailed proposal, perhaps asked to visit the site, and make a presentation. *Artists should be fairly compensated for their proposal and presentation.*

Advantages – any eligible artist can compete through the quality of their previous work.

Disadvantages – artist’s qualifications are primarily judged on the visual materials submitted, not on a potential idea, even if requested. Artists compete in a larger applicant pool.

## Request for Proposals (RFP)

An RFP is used when a commissioning body wants an already qualified pool of applicants or when streamlining the process is desirable. Artists are asked to submit their qualification materials and a proposal for a specific site.

Advantages – the process is shorter and the artist has an opportunity to win over a panel with his/her ideas as well as the submitted body of work.

Disadvantages – the process requires more (perhaps uncompensated) work on the part of the artist.

## Slide Registries

A slide registry request may be used by programs that commission artists on a frequent basis, mainly for very active % for art programs and private development initiatives. Slide registries requests are similar to an RFQ. Artists are asked to submit their qualifications, but instead of submitting them for a particular competition or project, they are submitted for all future competitions within a given time frame. Thus an artist is pre-qualified. The materials are kept on file, reviewed by prospective clients and then used to invite a particular artist or group of artists to apply for projects. Many but not all slide registries are juried. More and more registries are requiring electronic submissions.

The New York Foundation for the Arts web site has a listing of slide registries in the U.S.  
[http://www.nyfa.org/archive\\_detail.c.asp?id=272&fid=1&sid=17&date=8/6/2003](http://www.nyfa.org/archive_detail.c.asp?id=272&fid=1&sid=17&date=8/6/2003) - resource

## Applying for A Competition

### Reading A RFQ/RFP

A good RFQ/RFP should describe the project and site including the available budget, identify the goals or intent of the project, state clearly the requirements for eligibility, provide a description of the selection process, give explicit instructions on how to apply, include submission deadlines and a schedule for both the competition and the project completion, and provide contact information. It may also include information about compensation for travel and/or proposal fees to be paid to the selected artist(s). Carefully read the RFQ/RFP. If something is not clear, don't hesitate to call and ask. See sample RFQ and RFP documents in the addenda

RFQs/RFPs with vague or missing information should raise a **red flag** about the seriousness of the commission. Caveat Emptor, let the artist beware. Note: Unless you have reached the level of having your own design firm, avoid "Calls for Artists" with an entry fee!

### Considering the Opportunity

Not every commission opportunity is going to be right for you. Review the project for suitability and eligibility (Research, Research, Research).

### Self Questions

- Does the project's intent match my work? Is the creative opportunity the right match?
- Do I have the necessary experience(s)
- Does the expectation of community involvement fit with my working methodology
- Is the project budget adequate for my ideas?
- Does my schedule allow me to meet set deadlines?
- Will my cash flow support the project payment schedule? (most public art projects involve incremental payments based on the project's progress)
- Is adequate compensation being offered for extra proposal requirements, i.e. site visit, drawings, models, detailed proposal?
- Is the commissioning body serious and professional?

Note: If you feel you do not have the experience in a certain area, but think you have a good idea, consider adopting a team approach to the project with others who have experience in areas where you may not.

### Place-Related Questions

- Study the site. Visit the site if possible. If not, request site plans, blueprints etc.
- How is the site to be used? What are the expected traffic patterns and the time people are at the site?
- What is the relationship of the site to the surrounding area?
- Is there a master plan or program plan for the area in which the site is located? If so, consider it in relationship to the proposed art.

## **People/Process-Related Questions**

- Who is the commissioning entity?
- Who are the people that will be using the site?
- What is important to people about the site?
- What might the potential impact of the project be to residents or people utilizing the site?
- How will design decisions be made that will affect my work?
- What is the formal review and approval processes?

## **General Guidelines for Submitting a Proposal**

- Comply with exactly what is requested. Do not include unsolicited materials.
- Adhere to the deadline (note whether it is a postmark or desk deadline).
- Keep your materials packet basic. No 3-ring binders, color paper, color copies, stapled materials. Do not reference web sites as panelists will not look at them. Often, your materials will be photocopied for panel review. Be sure your materials photocopy clearly.
- Professionalism and attention to detail is very important. Proof all submitted materials.

## **Letter of Intent/Narrative**

Most competitions require an artist to submit a one or more page letter. This letter is an opportunity to give information about you, and express your artistic philosophy and experiences. The initial request may or may not ask you for your preliminary ideas about the project.

- Follow instructions (one page means one page)
- Make sure your narrative contains information about:
  - Your prior experience with projects of similar scope, type or caliber and your working methodology
  - Your philosophical approach to public art
  - Your personal understanding of the project goals and project site
  - Why you are interested in this particular project/What excites you about this project
  - Why your work would be appropriate for the project
  - If asked for a specific proposal, be concise and descriptive as possible. Indicate flexibility in adapting your ideas.
- Use language and terminology that non-artists will understand. If an art term, material or technique is used, e.g. dichroic glass, follow up with a brief description of what that means.

Sample RFQ and RFP letters are included in the addenda.

## **Visual Documentation**

Follow the guidelines contained within the "Call" when submitting visual materials.

- Slides should be professional looking. Reviewers often judge your proposal on the quality of your work as indicated by the slides you submit before looking at your narrative.
- Slides should be selected to give the panel an overview of the breadth of your abilities as an artist. i.e., there is no need to include paintings if it is obvious the panel wants a

3-D or integrated artwork. Slides illustrating your knowledge of different materials, are good provided they are relevant to the particular project. Consistency is more important and memorable than submitting works in different styles. Likewise numerous slides of very similar pieces are not recommended. If the artwork is 3-D, include different angles. Slide details should be included in your slide set when they illustrate something of importance that cannot be seen in the original artwork slide, i.e. overview image accompanied by a detailed view.

- Avoid placing yourself in the slide to indicate scale. Scale can be indicated in the written slide sheet. Not only does it detract from your art, your image may prejudice the selection committee one way or the other in a “blind” review process.
- Slides should be marked with basic information (see below) and include an indication of the top of the image.
- Many RFO’s/RFP’s require a slide list for submitted slides and include instructions for such a list. If not, include one with basic information about the artwork (title, size, date completed, media). You may also want to include the commission cost, and a brief description of the artwork
- When submitting CD-ROM, DVD or PowerPoint materials, follow the “Call” instructions, or inquire of the commissioning body, as some file sizes, formats and resolution dpi/ppi’s may not be easily shown or are cumbersome to the panel, rendering your submission invalid. Currently there are no digital image standards, yet web-based submission services like the CAFÉ™ site developed by the Western State Arts Federation are beginning to define digital standards for uploading digital images and information.  
[www.callforentry.org](http://www.callforentry.org)

## **Selection Process**

### **Panelists**

Most public art competitions utilize a selection panel process to select an artist(s) for a project. Selection committees vary considerably from project to project. A good selection committee should be made up of 6-8 individuals (can vary by more or less) and should include a representative of the commissioning agency/project manager, a representative of the site/building/community where the artwork is to be located, a local artist (not eligible for the commission) or public art administrator, at least one outside art/public art expert, an elected official or appropriate municipal employee, other experts in the areas of architecture, landscape architecture, engineering, urban planning, etc. as the project dictates, and any additional members so designated.

### **Review Process/Criteria**

Panelists may review the submitted visual material simultaneously with the written material or visual material may be viewed first. Artists are selected to move forward in the competition based on set criteria, which may vary, but is most often as follows:

- Quality, creativity & strength of past work as indicated by visual materials submitted
- Technical competence demonstrated by past work
- Understanding of the project goals as indicated in the letter of interest
- Relevance of submitted materials to the project
- Aptitude for planning and budgeting as indicated by past project information submitted
- Experience working on public art projects or a demonstrated ability to adapt studio work to meet the project goals as indicated in the letter of interest

- Commitment to participate with agency/community as part of concept development

## **Interview**

Should you be fortunate enough to be selected to move forward with the process, you will most likely be invited, and hopefully compensated for, an interview and/or proposal presentation. Prepare yourself prior to the interview (Research, Research, Research).

Prior to the interview, ask questions of the sponsoring agency. Many artists are reluctant to bother the contact person. The contact person will be helpful and may even appreciate your inquiries. Possible questions you may wish to ask include:

- Who are the panelists? (by occupations not names)
- What did they like best about my artwork and/or initial proposal?
- Which specific artworks that I presented did they respond to most, to which did they respond least.
- What questions were raised about my work or proposal?
- What is expected of me during the interview/presentation. This is sometimes spelled out in a letter to the finalists. If not, ask! See the Artist Presentation/Interview Guide in the addenda.

If possible, visit the site and talk to people in the area the work is to be located. Often a site visit is arranged by the commissioning agency for finalists.

Treat the interview as if it were a job interview. It Is! See the Presentation/Interview guide in the addenda for preparing answers to questions that may be asked.

- Be relaxed and establish a rapport with the panelists
- Be succinct, trustworthy and enthusiastic
- Don't read your proposal from a page.
- Listen attentively because you will be expected to be a collaborator and work together with the commissioning agency and the community
- Leave time for questions.
- Intelligently answer questions about your concept, approach, materials, safety, maintenance, budget, etc. Don't be defensive. If you do not know the answer, volunteer to research it and get the information back to the panel in a timely manner
- Be honest and realistic, do not promise more than you can deliver
- Be prepared to give names of references that can speak to your abilities, both as an artist and businessperson.
- If a model or drawing has been required, make them as professional as possible given the proposal stipend.

## **Finalist Evaluation Criteria**

The criteria used to select a commission winner are similar to the selection criteria, though more detailed. Those criteria also may vary from panel to panel. A sample question form from an actual project interview is included in the addenda.

General evaluation criteria might include:

- Artistic excellence
- Ability to relate the proposed artwork to the site
- Experience with projects in similar scope and/or type

- Knowledge of fabrication and installation of media proposed
- Ability to be an effective communicator, team player and work with diverse groups
- Ability to be detail oriented, a problem solver, an efficient project manager with an understanding of schedules and budgets
- Flexibility/openness to ideas
- Presented budget is realistic and flexible

## **Budgeting for a Public Art Project**

In most cases the budget for a public art commission is already set, or at least a budget range is suggested. It is incumbent upon the artist to determine what can be realistically done within that budget. Note: Most commissioning bodies will require a very detailed budget. Thinking about the commission as a construction project will serve you well. As with construction budgets, design fees, liability and contingency should be considered along with materials, fabrication and installation expenses.

Many of the project costs may be unknown to you. Involve others significant to the project, e.g., fabricator, contractor, architect, etc. in the budget process at the design phase to help you identify potential costs. Failure to do so may result in unpleasant surprises. Get quotes in writing.

Public art projects may be long-lived and may include more than one approval process. Be sure to allow for inflation and material price increases (contingency) due to uncontrollable delays. Delays should also be considered in the contract. Contingency should be built into the budget at between 10-20% of the overall project budget.

Some artists start the project with a high contingency with a commitment to the client that it will be reduced. As the unknowns become known, funds are moved out of the contingency and into the artwork budget line items.

A fairly comprehensive lists of items to consider when developing a public art project budget is included in the addenda.

## **Contracts**

Public art commission contracts come in many varieties. The purpose of a contract is to outline the responsibilities, obligations and rights of the signatories with respect to the products and services being provided by the artist, and the conditions desired by the commissioning agency, including their obligations to you to successfully realize the artwork.

The contract basically will specify what is being purchased, i.e. whether an artwork, design or other services, establishes a time frame for the completion of the work, and states the compensation for said work.

Although some commissioning agencies may not require a contract (particularly for smaller projects), because a contract specifies expectations, it is recommended. Although many sections of the contract may be boilerplate, all parties should recognize that writing a contract should be a negotiative process and remain flexible. Sometime conditions necessitate a standard contract be amended, and sometimes parties need to negotiate terms.

(excerpted from Ruri Yampolsky, "Contracts," in Public Art By The Book, edited by Barbara Goldstein, Seattle: University of Washington Press, 2005.

A list of basic elements of a public art commission contract, and a discussion of contracts from the artist and commissioning body's perspectives are included in the addenda. Also see [http://ww3artsusa.org/pdf/services/pan/annotated\\_contract.pdf](http://ww3artsusa.org/pdf/services/pan/annotated_contract.pdf) for a Model Public Art Commission Agreement prepared by the Public Art Network of Americans for the Arts.

## **Community Involvement**

By its very nature, public art means community involvement. When the public is engaged in the process, they are more likely to embrace and celebrate the completed piece. Determining the most effective way to involve the community for this project/program will directly impact the end result. Examples of ways community members can be involved are:

- Voting members of the art selection committee.
- Members of the board/agency that ultimately give approval to the project.
- Individuals or groups of people contacted by the art selection committee to contribute ideas about the site, theme, and/or style.
- Participants in community workshops that help create components of the artwork.
- Volunteers assisting a professional artist in the fabrication and/or installation of the artwork.

# Addenda I – Sample Request for Qualifications

## REQUEST FOR QUALIFICATIONS NORTH CAROLINA FREEDOM MONUMENT PROJECT, RALEIGH, NC

### Project Summary

The North Carolina Freedom Monument Project Committee (herein after referred to as “the Committee”) is issuing a “Request for Qualifications” (RFQ) for the design of a monument/artwork celebrating the African-American Experience in North Carolina. The selected artist will be expected to work in conjunction with the Committee and numerous state agencies involved in the approval process to implement the design. Expected completion date for the monument is 2007.

### Eligibility

This competition is open to all individuals 18 years of age or older: artists, designers, architects, landscape architects and/or teams, working in any medium.

### Project Budget

Up to \$1 million – inclusive of all artist/designer fees, travel, research, design, materials, fabrication, transportation and installation/construction. The artwork budget may be supplemented through in-kind services as a result of agency collaboration.

### Deadline for Submitting Application and Materials

October 30, 2004

### Selection Process

The competition will be conducted in two stages:

- (1) an initial submission of qualifications stage, from which 3-4 semi-finalists may be selected based on the materials submitted. A proposal is not requested at this stage
- (2) a finalist stage, during which each finalist will be paid a \$1,000 honorarium + a travel per diem to visit the site, meet with the commissioning body and develop a preliminary proposal for the monument/artwork to present to the Committee

### RFQ Submission Guidelines

The following components must be submitted with each application for it to be determined complete and eligible for review by the Committee:

*Please do not staple any of the materials together and do not use notebook or binders.*

1. Up to 12 slides (35mm) of recent work (teams may submit up to 18 slides). Slides must be in a clear plastic slide sheet. Each slide must be labeled with the artist’s name, indicate the top of the image, and be numbered to correspond to an annotated slide script. ½” videotapes (cued to a five-minute segment), or CD with PC compatible JPEG files may be submitted along with, or in lieu of, the slides. No models or original works of art should be submitted with the RFQ materials.
2. An annotated slide script (2 pages maximum), which includes title, medium, dimensions, date of completion, project budget, and a short statement describing the work.
3. A maximum 1 1/2-page (8 ½”x11”), typed artist statement that addresses interest, relevant experience, your philosophy of public art and your thoughts about public monuments.
4. A current resume (3 pages maximum) including references and up to 3 reviews or news clippings about the artist’s work, and
5. A self-addressed, correctly sized and stamped envelope with the necessary postage for return of slides and materials

The Committee reserves the right to select any proposal as the basis for negotiating a separate commission contract; to exercise its discretion and apply its judgment with respect to any aspect of this request for proposals; the evaluation of proposals and the negotiation and award of any contract; and to weigh its evaluation criteria in any manner it deems appropriate. The Committee also reserves the right, at its sole discretion, to reject any and all proposals and to waive minor irregularities.

## Addenda II – Sample Request for Proposal

### Utah Arts Council

#### Public Art Program

#### Health Sciences Education Building

#### **DEADLINE FOR PRELIMINARY PROPOSALS: July 8, 2003**

Proposals are requested from artists and/or artist teams interested in creating site specific art for the new Health Sciences Building planned for the University of Utah.

The site of new facility is nestled into the foothills of the Wasatch Mountain range overlooking Salt Lake City and the Great Salt Lake. This facility will be amid a complex of medical buildings serving the University community, Utah and beyond.

#### **Building Description:**

The Health Sciences Education Building (HSEB) is located on the Health Sciences campus directly adjacent to Skaggs Hall College of Pharmacy, the College of Nursing, the Spencer S. Eccles Health Sciences library, the George and Delores Eccles Institute of Human Genetics, and the Biomedical Polymers Research buildings. This part of the university campus has a fairly dense urban character with wide, straight sidewalks and large rectilinear buildings. The site for the HSEB is bordered by two major pedestrian pathways and offers views of the Wasatch Mountains and Salt lake Valley. As the teaching center for all of the Health Sciences, the building is comprised of a variety of teaching spaces with supporting study, interaction, and office spaces. Also included are two public facilities: the medical bookstore and a cafeteria, servicing both the HSEB and the larger Health Sciences campus.

The design of the HSEB is comprised of a five-story block to the east, a central glass corridor running the length of the building, and lower three and two story elements on the west side. The five-story block is interrupted by a full-height glass atrium, which provides a visual and actual gateway for people arriving to the campus from the east. On the west side, the main entrance is from a major pedestrian pathway, and the design contains a significant public forecourt providing space for outdoor dining and gathering. On this side of the building the form of the lower building elements inflects toward this outdoor space in a gesture of welcoming and enclosure. The cafeteria is prominently located on this west entry facade, near the main building entry, allowing direct access to the large outdoor plaza.

The exterior materials of the HSEB are primarily brick, glass curtainwall and metal panel. The red brick identifies the HSEB as part of the Health Sciences campus, visually connecting the new building to the existing adjacent buildings. Glass curtainwall defines the exterior of the main corridor and the atrium, marking these elements as special spaces and maximizing their openness to the exterior. On the west facade, sunscreens reduce glare and heat gain on the interior and animate the exterior with ever changing shadows throughout the day. Where more opaque enclosure is needed, metal panels are used.

Inside the HSEB, ([First floor plan pdf file](#)) the primary organizing elements are the main north-south corridor and the four-story atrium. The central corridor runs the length of the building on all five levels, perpendicular to the two building entries. This corridor expands into various kinds of social spaces at different places along its length. The atrium space provides a four-story vertical space in the building, allowing visual connections on floors two through five, symbolically connecting the different disciplines occupying various locations in the building. Balconies overlook the atrium from each floor level.

The interior plan arrangement ([Second floor plan pdf file](#)) accommodates a variety of general purpose and special purpose teaching and learning spaces, including classrooms and lecture halls of varying capacity, teaching laboratories, a clinical skills area, a computer training suite, a dental skills suite, etc. The building also contains a sizable complement of student support functions, including open and closed lounge spaces, locker areas, and discussion areas, as well as a variety of office and other support functions. The overriding interest in the organization of the interior spaces was to maximize student-student and faculty-student interaction and to provide a variety of spaces for student study and meeting. These spaces include the large, multi-story atrium, various open discussion areas, closed departmental lounges, and small meeting spaces at each end of the main corridor.

**Building Use:**

The goal of the Health Sciences Education Building is to create a multi-disciplinary environment balancing state of the art information dissemination with a quality hands-on learning experience within an interactive community space for students, faculty and staff.

The new building is linked by shared plazas of the School of Medicine and the Colleges of Nursing and Pharmacy all serving a student population connected in their common goals. To the east, the building interfaces with the University's research corridor with its promise of expanding knowledge for the betterment of all. From the atrium, a vista of the Wasatch Valley and the community this facility serves. Similarly the activities in and surrounding the Education Building reflect the goals of a holistic approach to health care. Linked to the Eccles Health Sciences Library, it is the epicenter of knowledge accumulation, sharing and dissemination. All the classrooms will be equipped with state-of-the-art audio, visual and computer technologies.

Learning will not be limited to within classroom walls but rather projected throughout the facility and to the world beyond. A cafe table, an outside bench, a stairwell, a quiet nook, or a student lounge will all be places of learning. At the same time, the tactile learning experiences in the clinical skills and basic science labs, or among the library stacks will balance and enhance the didactic education. Flexible seating classrooms

will encourage small group and interdisciplinary interactions and problem solving facilitating the movement from "the sage on the stage to the guide on the side" education paradigm. This will be a building full of life. Open 24 hours a day, 7 days a week. The pedestrian nature of its surrounding, the bookstore and cafe, its spaces for lecture and celebration and its proximity to the library will make this facility inviting not only to the University but to the community at large. The success of the Health Science Education Building will be reflected in the community it serves.

**Art Selection Committee Statement:**

In keeping with the teaching, learning and serving missions of this Health Sciences facility, the art selection committee desires works of art in the public spaces that are created from a holistic approach as part of the building and purpose. The teaching, learning and practice of care giving, healing and our common humanity are our primary goals.

The building contains many opportunities for art. The central atrium space, the main corridor, and the outdoor plaza on the west side offer obvious, prominent locations for artwork in any media. Other highly visible areas also offering opportunities for art are the locker and discussion areas on the west, the exterior entry area to the east, and the cafeteria. The preferred approach would be the development of concepts where the art is fully integrated as a part of the building design and would reinforce the spatial and social goals of the building. The basic design of the building is complete but is early enough in the process that the committee would like to remain open to artistic solutions in these or other artist identified areas. Some members of the committee have expressed interest in interactive media proposals but remain open to all concepts. Proposals for single, entire and/or multiple sites will be considered by the committee.

**Budget**

\$235,000 is available for all related expenses of this Public Art commission(s) including (but not limited to) artist fees, fabrication, insurance, shipping, travel, installation, documentation, etc.

**Eligibility**

Artists / artist teams are encouraged to apply. Students and/or employees of the contracted architectural firm are not eligible to submit public art proposals.

**Media & Specifications Required for Proposal**

Artists / teams must submit slides of previous work that represent site-specific artwork. Slides of work that use similar forms / materials / techniques relating to the artist's concept would be helpful to the committee. The committee reserves the right to disqualify works from consideration if they are deemed unspecific to the project.

Artists wishing to be considered must submit a complete application. Artists in a team should each prepare applications and submit them as one package. Applications must include the following:

1. A written description of preliminary concept not more than three typewritten pages. Proposals should outline: the theme or concept as related to the building use and committee statement; the proposed location of art work(s) and relationship to the site; and the probable form the art work may take including scale, format (suspended sculpture, free standing panel, wall relief, painting etc.), medium (and process if that will help to clarify), color and surface quality.
2. As an **option**, any support material which the artist's feels will bring clarity to the proposal, i.e. diagrammatic drawings, gestural renderings, color copies, etc. no larger than 11" x 14".
3. A preliminary budget.
4. Up to ten (10) slides (per artist) in 35mm format with 2" x 2" paper or plastic mounts of applicable work labeled in ink with artist's name, title of work, date and identification number. Please put an arrow to indicate the top of the image. Slides should be submitted in a 9" x 11" clear plastic slide file sheet. A slide identification sheet must accompany all slides
5. If your work cannot be adequately documented with slides only (light, audio, kinetic, etc.) please send alternative appropriate documentation for review.
6. A professional resume (do not staple or double side resume.)
7. An addressed and stamped envelope for return of slides. Slides that are not accompanied by a stamped envelope will not be returned.

Please do not staple or bind materials submitted for application. Oversized drawings and models cannot be accepted for the first phase. Submit all written materials single-sided, on white paper so that materials may be clearly photocopied.

All supporting materials must accompany application. Incomplete and/or late applications cannot be accepted. Faxed or e-mailed applications will not be accepted. The Utah Arts Council will not be responsible for applications lost in transit. While all reasonable care will be taken in the handling of materials, neither the Utah Arts Council nor the University of Utah Health Sciences Art Selection Committee are liable for lost or damaged materials. The University of Utah Health Sciences Art Selection Committee reserves the right to withhold the award of a commission should it be determined that the proposals submitted are not appropriate.

#### **Deadline**

Complete application packages must be RECEIVED on or before **July 8, 2003 by 5 p.m.** (THIS IS NOT A POSTMARK DEADLINE) All supporting materials must accompany application. Incomplete and/or late applications will not be accepted. Faxed or e-mailed applications cannot be accepted.

Please send applications to:

Jim Glenn  
Utah Public Art Program  
Utah Arts Council  
617 East South Temple  
Salt Lake City, UT 84102

#### **Pre-proposal Information Meeting**

An optional pre-proposal information meeting will be held for interested artists / teams on June 18, 2003 at 10:30 a.m. at the University of Utah, School of Nursing Auditorium, 10 South 2000 East, Salt Lake City

#### **Selection Process and Schedule**

The Selection Committee will review proposals. A short list of semi-finalists will then be selected and invited to interview and submit a more in depth proposal and maquette to the committee. A small honorarium will be extended to the finalists. The honorarium will be applied toward the commission amount for the artist(s) awarded the commission. Final selection(s) will be made from the semi-finalists. The schedule follows:

July 8, 2003 Deadline for receipt of proposals  
**July 16, 2003** Committee reviews proposals  
**August 27, 2003** Finalist presentation and interview  
**April 2005** Installation complete

Jim Glenn at 801-533-3585 or e-mail at: [jglenn@utah.gov](mailto:jglenn@utah.gov)

## Addenda III – Sample Letter of Qualifications

**John Doe**

742 Main Street • Apex, NC 27502 • (919)555.5555  
email@website.com

March 18,2005

Triangle Transit Authority Regional Rail Transit Project  
68 TW Alexander Drive  
RTP, NC 27709

Dear TTA Regional Rail Transit Project Committee:

Please accept this letter of interest in consideration for the opportunity to submit a proposal for innovative, original and educational artwork for the Community Canvases - Opportunity 3 with TTA Regional Rail Transit. I believe that the arts are an integral part of a healthy culture, and that public art provides significant opportunities for both communities and artists to strengthen bonds, encourage understanding and foster respect. To that end I am committed to creating a series of works that will honor and celebrate the mosaic of achievements and contributions of North Carolina's diverse communities.

As stated in the enclosed resume, I have a strong combined background in visual arts and art in public spaces with over ten years work experience exhibiting art outside the walls of galleries and other traditional venues. Over such time, I have conceived designs utilizing varied materials including: brick, stone, metal, wood and phenolics. My recent completion of a percent-for-art project with a historic African American community center for the Town of Chapel Hill has allowed me to further develop and strengthen my technique and problem-solving skills. Additionally, my skills in independent research and community organization were employed. This demanding project required a superb knowledge of project management principles, practices, techniques, and tools; proven ability to design and plan major construction projects within a cooperative work environment; and excellent organizing and coordinating skills. I believe I could make a significant and valuable contribution to the TTA Regional Rail Transit Project through my enthusiasm, organization, North Carolina ancestry, unique style and professional craftsmanship.

While the Community Canvases Opportunity will present its own design or project criteria, my goal is consistent with each project - to impart a greater understanding and accessibility of art to the public through dynamic and diverse creations. Throughout each of my projects, the design approach has remained fairly consistent:

- 1) Identify & meet (either personally or via telephone and computer) with all principals involved;
- 2) Define all project functions and requirements;
- 3) Establish general layout, sizes and schematics of art;
- 4) Review conceptals with all principals;
- 5) Coordinate design development through solicited feedback;
- 6) Review finals with all principals;
- 7) Finalize refinement and completion of design;
- 8) Implementation of design.

I consistently maintain the high level of experience, professionalism and ability to adjust to circumstances required of such a project. Further, my proven reliability, follow-through on assignments, and ability to multitask responsibilities separates me from other candidates. I believe you will find my skills and experience an asset to this project. Thank you for your consideration.

Sincerely,

John Doe

## Addenda III – Sample Letter of Proposal

**JANE DOE** 742 MAIN STREET/NEW YORK CITY 10003  
phone fax 212 555 5555 / [email@website.com](mailto:email@website.com)  
[www.website.com](http://www.website.com)

### WRITTEN NARRATIVE - ART IN TRANSIT

#### VISION

My vision for the "Community Canvases" is to work in carved glass which I have successfully used for windscreens in several light rail stations. I would create a series of images with pictures unique to the specific community served by each station, I would research each station and collect photographs of significant sites and buildings, then transform and simplify these pictures into very clear graphic images that could be carved in glass. My carved glass uses a variety of surface textures that conveys a great deal of contrast, for example; hazes from thin to very dense, speckles, grains, incised lines, frosted lines, clear lines. I have developed an extensive vocabulary of surfaces. If desired I could also make a thematic group of recurring images related to the regional rail system experience that could be carved on one glass section in all the stations.

There are four windscreens, 2 sets of two per station; each windscreen has 4 sections of glass. I propose to carve 2 sections in each windscreen, 4 in each set, 8 sections on each station. In total I am thinking of carving 96 glass sections. At this time I have not seen specific plans of these windscreens to know the sizes of the pieces of glass and how they would actually be divided. I have not been told if I will have any input into the final glass layout of the windscreens.

Laminated and tempered carved glass is a strong durable material that needs virtually no maintenance. Unlike mosaics there are no small pieces to be dislodged. The images are transparent and will be visible from both sides of the platform. In addition, this see through windscreen gives the rider a sense of security knowing that no one is lurking behind unseen.

#### MATERIALS

I am assuming the glass is already in the budget. I would ask the glass manufacturer to ship the laminated and tempered glass sections to my fabricator to be carved. The finished artwork would be shipped to the stations to be installed by the windscreen contractor hopefully with trade out dollars since it is the same glass enhanced.

## **DESIGN TEAM**

I have extensive experience in executing site-specific sculptures, on time and on budget. I truly enjoy the collaborative process of public art, particularly seeking to make artwork that welcomes the diverse community using a public space. My projects include sculpture, ornamental fences, gates, stair rails, pavement inserts, terrazzo floors and carved glass windscreens. I work in steel, aluminum, concrete, tile, glass, terrazzo and paint. When an artist is invited to become a member of the design team, the collaborative results of working with architects and engineers can spark exciting solutions and dynamic art. My experience has gives me faith in the public art and community dialogue.

## **EXPERIENCE**

NJ Transit commissioned me to create 6 art elements for Liberty State Park Station. It is the largest station on the Light Rail line and is heavily used to approach the Liberty State Park Science Center. Entitled "Riding the Rails", my theme was railroad history. I worked with the architects and engineers at Parsons Brinckerhoff, who had the design-build contract for the Light Rail Line. I have completed another project for Parsons Brinckerhoff in 2003, eight carved glass windscreens in Hoboken at NJ Transits' Terminal station.

North Carolina Zoological Park in Asheboro, commissioned "Passage to the Continents" Completed in 1999, these large scale sculptures, two paired sets, lead the Zoo visitors into either the North American Habit or the Africa Habitat. They depict in both positive and negative silhouettes, the animals and plants life of each exhibit. I collaborated with the Design and Zoological staff on this project. Also in North Carolina, The Town of Chapel Hill commissioned laser cut stainless steel art benches.

Hardy Holzman Pfeiffer Associates commissioned a 12' ornamental steel garden fence, in 2000, for the Brooklyn Heights' landmark district of NYC. I did a modern spin on the neighborhood's historical ironwork. After their selection of the final design, I joined the team that appeared before the Landmarks Commission for approval to build. I'm pleased to say it went thorough without a hitch.

I have been selected to be a member of the new Hillsborough Area Regional Transport Design Team in Tampa Florida. Do to funding issues this project has been delayed.

## **Addenda IV**

### **Basic Items to Include in a Public Art Commission Budget**

**1. Artist's fee** - a value assigned to the time the artist spends with research, travel, planning, meetings, idea development, model making, fabrication and installation (may vary between 10-25% of project costs depending on project type and artist reputation. 15-18% is more of a norm)

**2. Contract Labor**

- artist assistants/other labor for research, model making, fabrication, etc.

**3. Consultants/Other People-Related Costs**

- structural engineer, other specialists like electrical engineers, lighting designers or plumbers
- architects/landscape architects
- historians, sociologists, urban anthropologists, etc.
- lawyer
- photographer
- model maker, fabricator, builder

**4. Travel**

- airfare or automobile mileage
- car rental
- hotels, meals, other

**5. Transportation**

- shipping of materials to fabrication site
- shipping of work to installation site

**6. Materials**

**7. Site Preparation** (may be covered through the commissioning body, pay attention to contract)

- cleanup/removal
- electrical or irrigation preparation
- site survey (could include test drilling, GPS mapping, electronic detection)
- grading/landscaping

**8. Installation Needs/Equipment**

- rental of lifts, scaffolding, special equipment/materials etc.
- truck rental
- traffic barriers/off-duty police
- storage rental
- permits
- lighting

**9. Office/Studio Expenses (Overhead)**

- rental, phone/fax/, utilities, supplies

**10. Insurance**

- loss/theft/damage coverage to protect the supplies and fabricated parts prior to shipping
- loss/theft/damage coverage during shipping (Inland Marine)
- general liability for self, subcontractors and assistants
- workers' compensation for assistants
- automobile and any special insurance riders

**11. Contingency (10-20%)**

**12. Maintenance/repair costs until transfer of ownership takes place** (per contract)



## ASC Public Art Program

### ARTIST SELECTION CRITERIA

*The goal of the Public Art Program is to expand opportunities for local citizens to experience public art, and to create more aesthetically pleasing and humane environments throughout Charlotte-Mecklenburg. In addition, the Commission views public art as a vehicle to create a more livable community; enhance neighborhood identity; strengthen economic development and tourism; and educate and enrich the spirit and pride of its citizens.*

1. Level of professionalism as demonstrated by quality of body of work/ submission materials
2. Relevance of slides and submission materials for this project
3. Versatility – ability to adapt studio work to address the needs and objectives of project
4. Talent level/creativity/potential to go beyond the boundaries
5. Experience doing large-scale work, beyond the studio
6. Practical approach to budgeting and project management

## **Addenda VI**

### **Artist Presentation/Interview Guide**

**Prepared by Jeffrey York  
For the North Carolina Arts Council**

The following is provided to you as a guide for your interview. Its purpose is to identify the issues that the panel wants the artist to address in the course of his/her presentation or the question and answer period. It is not an outline for the presentation or discussion.

#### **I. Past work and artist's/designers methodology**

1. What kind of ideas and interests do you pursue in your work? How did they develop? How are they related to the styles and media you prefer?
2. How do you approach public art projects? How is the notion of 'public' evident in your works? Have you worked with students or community groups on previous projects?
3. What is your experience working with projects of a similar scale to this one, in scope, nature and budget? What have been your experiences with restrictions, such as meeting deadlines, staying within budgets and conforming to codes and regulations?
4. How do your works relate to the issues of permanence, maintenance, and safety?

#### **II. Presentation of your specific proposal and budget**

1. Place your proposal in your context of your past work. Describe the most relevant issues of your intended artwork/design.
2. What attracted you to apply for this commission? What is your understanding of this particular project? How does your work respond to the school/community?
3. What is the most suitable site for your artwork? If placed at your preferred site, how will the work respond to its physical context and the already developed space(s)? Do you propose any treatments for the spaces around your artwork/design? Are these treatments included in your budget?
4. What materials are being proposed and why? Where will the work be fabricated and assembled? What personal oversight do you have in the fabrication, assembly and installation of the work/design? How will the work/design be mounted/installed on the site? What kind of foundation is needed?
5. How does the work/design address the issues of permanence? What kind and level of conservation/maintenance/cleaning will this work require?
6. What special safety precautions need to be taken in order to ensure the safety of the artwork/design? How will it be assembled? Should visitors be permitted to interact with the work/design and touch it? Will supervision of the work/design be required in order to protect it?
7. Address any other special concerns or needs of your proposed work/design.
8. Please explain your budget. How do you propose to complete this project within the available budget? Discuss materials and fabrication, transportation and installation.

## Addenda VII

### Basic Commission Contract

Prepared by Jeffrey J. York, North Carolina Arts Council

**Scope of Services** – description of tangible obligations of what artist is to do, including travel, lectures and meetings related to the project and the agency is to do. If artist is not performing all services, it should describe the interaction between the artist and others. Specifies deliverables and dates each is to be completed

**Description of the Artwork** – a detailed physical description of the artwork including materials, dimensions, colors, location, quantity etc. (specifications for the artwork may be attached as an addenda item)

**Design Review and Revisions** – after acceptance of the proposal this spells out time table for submitting working drawings, the review process and terms and rights of revision (delineates the creative discretion to be allowed the artist after the approval of the proposal) also defines what constitutes a finished design (many programs require artist to submit a museum-quality drawing and include technical information on the materials)

**Schedule for Execution** – schedule for completion, fabrication and installation of work, submission of progress reports

**Compensation and Payment Schedule** – defines payment and/or reimbursement schedule, and affirms that the artist must pay all applicable taxes. Typical payment schedule is in five to six steps 1. upon approval of proposal, 2. upon submission/approval of drawings/maquette, 3. upon arrival of materials, 4. upon finishing fabrication, 5. upon installation, 6. upon official acceptance. An approval process should accompany each step.

**Proposal Approval Process** – step-by-step description of the process from design conception and approval of the proposed work (who decides)

**Delivery, Installation, Post Installation and Documentation** – defines who is responsible for site preparation, labor, equipment, landscaping etc. Defines details of the installation. Sets forth requirements of documentation and other post-installation requirements.

**Artwork Changes** – outlines a process for handling changes to the artwork prior to acceptance and after acceptance. Issues concerning the artist's rights are impacted

**Acceptance** – defines exactly what constitutes final acceptance of the work. There is usually a time period (30 days) between the installation and the acceptance so that inherent and other problems may be addressed. See warranties of quality and condition below.

**Risk of Loss to Artist** – sets forth artist responsibility of loss or damage until acceptance criteria is met or title is transferred

**Insurances** – type, amount, who is responsible (usually the responsibility of the artist, but commissioning agency needs to define scope and limits for protection)

**Indemnification** – states the artist must hold the agency harmless for any action or claims arising from the artist's negligence or omission

**Title Transfer** – insures legal title of ownership passes from artist to commissioning agency

**Copyright** – sets forth artist retention of intellectual property copyright and ownership of all drawings and maquettes (unless gifted by the artist). Also sets forth permission requirements for the use of image and defines royalties if applicable

**Artist Rights/Artist Agreements** – protects artist from the work being altered or intentionally destroyed, sets forth responsibility for signage), and maintaining the artwork (both usually the responsibility of the commissioning agency).

**Repairs and Maintenance** – designates who is responsible for maintaining the artwork

**Compliance** – relates to any state statutes defining and regulating performance

**Modification** – says that any modifications to design at any stage must be in writing and signed by all parties

**Extensions/Early Completion** – defines not only what constitutes construction or installation delays but assigns responsibility for costs incurred for extensions and early completion (who is liable for storage and damages when in storage)

**Termination** – defines what constitutes termination with cause, for reasons beyond control, for public convenience from either party and defines notice requirements prior to termination and payment stipulations for both parties in case of termination

**Independent Contractor** – says artist is or artist's subcontractors are not an employee of the commissioning body (impacts on both artist's and commissioning agencies rights).

**Assignment, Transfer, Subcontracting** – defines liability and roles of subcontracted service providers

**Contract Administrator** – name, address, phone, fax and e-mail for record keeping

**Warranties of Title** – guarantees the work to be original (unless otherwise disclosed) and free and clear of liens

**Warranties of Quality and Condition** – says that execution/fabrication and installation (if done by artist) was done in a workman-like manner and that the work will be free and clear of defects in materials and workmanship and that work will not require unreasonable maintenance for a set period of time. Assigns liability and responsibility to the artist for a specific time period (usually one year). Often the contract also states a specific length of time that the artwork should last if properly maintained. The length of a typical bond (30 years) is often used as a benchmark)

**Indemnity** – artist agrees not to hold commissioning body liable for damages due to the above.

**Artist's Address for Deliverables and Waiver of Artist Rights for Non-Compliance** – for record keeping and notices. Artist agrees to keep commissioning agency notified of any change of address.

**Conflict of Interest** – states the artist may not be related to an employee or commission member of the agency or jurisdiction who may be negotiating or administering the agreement

**Non-Discrimination** – as applicable to existing laws and fair labor practices

**Entire Agreement** – says that this contract embodies the entire agreement and sets forth an understanding that the contract and signed amendments to the contract supercedes all other oral or written agreements.

**Modification of Agreement** – says that any modification to any part of the agreement is only valid in writing and if agreed to by all participating parties

**Waiver** - says a waiver of one aspect of the agreement does not serve as a waiver of subsequent default or breach of other terms of the contract

**Governing Law** – the contract is construed in accordance with contract law of the state in which it is written

**Arbitration or Legal Recourse** – sets forth manner in which any un-negotiated dispute is to be settled (arbitration is recommended before legal action)

**Notices** – stipulates that all notices, requests, demands and other communication between parties be in writing

**Addenda** – for record keeping, should include all materials specifications, maintenance instructions, artist statement and other education agreements between the artist and commissioning agency (i.e. gives presentation, supplies verbiage for signage, etc.

## Addenda VIII

### Overview of Public Art Contractual Concerns Prepared by Janet Kagan, Chapel Hill Public Arts Commission

The successful public artist must have a broad view of *art-making* beyond core requirements of engaging with the client group(s), members of a design team, and creating exceptional works of art. The unspoken expectations between the artist and the client must become articulated in a contract, in which the nature of the collaboration and the schedule of fees and deliverables attempts to guarantee that each party receives fair and equitable treatment. Fundamentally, contracts address the process by which the work will be completed rather than reflect the work of art itself; it establishes responsibility for completion of the work, and who is obligated for what.

Contractual Clauses	Artist's Perspective	Client's Orientation
Communications	Timely Responses to Questions	Thorough Documentation
Phases of Work Payment	May Overlap  Difficult to Sequence with Architect Asked to Prepare for an Unknown Anticipates Informal Reviews	Completion of Work Triggers  Language must be Design-Driven Needs Rejection Clauses Expects Revisions and
Modifications	Would like to Surprise Client	Does not want any Surprises
Fabrication/Construction	On- or Off-Site Relies on Client Support	On- or Off-Site Assumes Limited Involvement
Liens	Work is without Debt	Assumes Ownership without Debt
Title	Work becomes Property of Client	Assumes Clear Title for Ownership
Warranties	Mutual Obligations	Mutual Obligations
Insurance Proceeds	Minimum Thresholds ▪ loss of work(s) ▪ damage, restoration ▪ bodily injury, property damage	Maximum Thresholds and
Copyright	Retains Copyright	Owns Reproduction Rights and
Title	▪ Grants Client Non-Exclusive Rights ▪ Credits the Commissioning Client	▪ Ability to Promote the Work(s) ▪ Maintains Work as Original, Unique
Repair and Maintenance	Obligation of the Client with Advice Difficulty Projecting Annual Costs	Independent Evaluation Utilizes Existing Resources
Termination	Protection from the unknown	Protection from the unforeseen
Deaccession of Artwork(s)	Obligation to Notify	Little Recourse as VARA Violations Difficult to Prove

## Addenda IX

### **Visual Artists Rights Act (VARA) Of 1990** Summary prepared by Jeffrey J. York, North Carolina Arts Council

Applies to only limited fine arts categories of "visual art works" - original paintings, sculptures, drawings, prints (in editions of 200 and below) and still photographs.

Is only applicable to works produced after June 1, 1991

Asserts in a limited way that art ownership is not an absolute property right. Artist injects his or her spirit into the work and the artist's personality as well as the integrity of the work should be protected. *Carter vs. Helmsley-Spear, Inc.*

#### **Rights Include:**

1. disclosure or divulgation, which allow the artist to determine when a work is complete and may be displayed.
2. paternity of attribution, which allows an artist to protect the identity of his name with his work, and to disclaim it when applied to another's
3. the right to modify or withdraw a work following publication
4. integrity, which allows the artist to prevent his work from being displayed in an altered, distorted or mutilated form that is prejudicial to the artist's honor or reputation (when the work is of recognized stature, the rights of integrity includes the right to prevent intentional or grossly negligent destruction of the work. Recognized statute left open to case-by-case interpretation. Work does not have to be copyrighted.

#### **Exceptions/Exclusions**

- Rights only protected during the artist's life and cannot be conferred to others. In case of joint authorship, rights remain in force for the life of the last surviving author.
- Modifications, etc. due to the passage of time or inherent nature of the materials are exempt. Works that threaten public safety are exempt and may be removed (loop hole)
- Works that are incorporated into a building in such a way that removing them will cause damage or modification are exempt. Ownership of attached works transfer with building title. Building owner may remove any work from property with fair and diligent notification of artist or attempt at fair and diligent notification.
- Works for hire and applied arts are exempt.
- VARA rights are subject to 107 fair use limitations on exclusive copyright –fair use purposes for which the work may be reproduced
- VARA does not intrude on the standard protections and agreements included in contracts.