

Public Art Commissions: An Artist Handbook

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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.

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North Carolina Arts Council
MSC 4632
Raleigh, NC 27699-4632
c. 2005, North Carolina Arts Council

Revised excerpts, c. 2016

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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 4

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). 5

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 448 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

Public art commission opportunity notifications are scattered over hundreds of national, state and municipal government, transit authority web sites, and arts council and special project sites. Joining e-mail listservs is the best way to receive timely information from established programs. The National Public Art Network through the Americans for the Arts has great resources including an opportunities listing on their list serve. Membership in AFTA is required. <http://www.americansforthearts.org/by-program/networks-and-councils/public-art-network>

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. 7

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 - 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 RFQ'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

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 negotiated 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 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.

Addendum I – Sample Request for Qualifications (RFQ)

Request for Qualifications (Limited Call) – Joe Herzenberg Memorial Bench Project

Project Summary

DESCRIPTION: The Joe Herzenberg Memorial Bench will both honor the memory of Joe Herzenberg and serve users of the Bolin Creek Trail in Chapel Hill, NC. The bench is being commissioned by the non-profit Friends of Chapel Hill Parks, Recreation, and Greenways.

PROJECT BUDGET: \$11,500

DEADLINE FOR APPLICATIONS: Friday, February 12, 2016

Project Overview

The Friends of Chapel Hill Parks & Recreation seek to commission a professional artist to create a bench or benches to be placed along the newest section of the Bolin Creek Greenway trail (currently under construction), in a semi-circular alcove-like space in front of a curved faux-stone retaining wall (see trail plans, bench(s) location, and wall dimensions attached).

The bench(s) should be functional. Durable, low-maintenance materials are recommended (no wood or treated wood designs will be considered) and safety is imperative.

The bench(s) must enhance or complement the natural setting and surroundings of the trail environment, and reflect in design or theme who Joe Herzenberg was and the contributions he made to the Town and people of Chapel Hill (see below for a brief biography of Joe Herzenberg). The wording to the effect of “In memory of Joe Herzenberg” must be somehow incorporated into the bench or bench design.

Up to three selected finalists will each receive a \$1,000 honorarium (inclusive of travel) for their submission of a final proposal and presentation to the selection committee. The funds allocated for the Herzenberg art bench is \$11,500 inclusive of all related design, fabrication, and installation expenses for the commissioned bench(s).

About Joe Herzenberg

Joe Herzenberg was a long time resident of Chapel Hill. He was an amateur historian of all things Chapel Hill. He was also very politically active. In 1987 he was elected to the Chapel Hill Town Council and became the first openly gay elected official in the state.

Herzenberg was a noted advocate for the environment, civil liberties, and the interests of low-income people. He was a founder of Equality NC PAC (originally NC Pride PAC), and he served on its board for more than a decade.

After leaving the council in 1993, Herzenberg continued to serve the town on several advisory boards, including chairing the Town Greenways Commission, the Merritt’s Pasture Committee, and the committee to rename Airport Road in honor of Martin Luther King, Jr. He played a great part in the enactment of Chapel Hill’s tree protection ordinance, the creation of the Chapel Hill Greenways system, and the preservation of the Chapel Hill downtown historic district. He died at the age of 66 from complications of diabetes. Herzenberg left funds to the Friends of Chapel Hill Parks, Recreation, and Greenways to be used for “the Bolin Creek Trail and benches”. Several large projects related to the Bolin Creek Trail have been completed as well as several non-dedicated bench projects have already been completed.

How to Apply

Artists may upload materials as digital files or send through the postal mail a CD or DVD containing digital application materials to the Public and Cultural Arts Office (addresses provided below). No hardcopy portfolios will be considered or returned. Artists working in a team may only submit one proposal; they may not also submit proposals as individuals. Artists will be responsible for submitting a proposal packet that includes the following four components:

1. *Resume*

Resume (no more than two pages). Teams should submit one resume for each team member. File name: *resume_Lastname_Firstname* (example: "resume_Smith_Jane")

2. *Statement of Interest*

A one-page letter of intent expressing interest in the project and qualifications. File name: *statement_Lastname_Firstname*

3. *Previous Work, Digital Images*

Six digital images of recent previous work (teams may submit up to ten images) in PC compatible JPG format as close as possible to 650 pixels tall by 900 pixels wide at a resolution of 72 pixels per inch. File name: Name of work#_Lastname_Firstname (example: "flower bench1_Smith_Jane")

4. *Annotated Image List*

An annotated image list corresponding to the previous works mentioned above that provides the artist's name, title of work, media, project cost, and any other relevant information. File name: *imagelist_Lastname_Firstname*

Please upload all digital application materials by Friday, February 12, 2016 to:

<https://app.smartsheet.com/b/form?EQBCT=224147d30ecb4038887e6012395b720b>

(files submitted in a single .zip file is preferred, though files may be uploaded individually as well)

or send a CD or DVD containing application files through the postal mail to:

Cultural Arts Division, Department of Parks & Recreation
200 Plant Road
Chapel Hill, NC 27514
Attention: Jeffrey York

Selection Process

The selection process will be facilitated by the Cultural Arts Division of the Chapel Hill Parks & Recreation Department. An Artist Selection Committee comprising representatives of the Chapel Hill Public Arts Commission, the Cultural Arts Division, Friends of Parks & Recreation and local artist community will review all complete applications and select up to three finalists and then one final design to commission for the project. The selection criteria are (1) the artistic excellence of the design, (2) the design's ability to reference the life and contribution to Joe Herzenberg, and (3) appropriateness of the bench design for the location, durability/safety and safety.

Schedule (subject to change)

Friday, February 12, 2016

Deadline for submission of applications

by Friday, February 26, 2016

Applicants are contacted with Selection Committee results

by Friday, April 8, 2016

Finalist proposals due

by Friday April 22, 2016

Artist selected

by May 6, 2015

Artist under contract

by September 30, 2016

Bench(s) installed

Disclaimer

The Town of Chapel Hill reserves the right to refuse any or all submissions, substituted artwork, and any finalist(s); to waive informalities in proposals or procedures; to withhold the award of the honorarium should it be determined that submissions are not adequate; or for any other reason prior to a written contractual arrangement being reached.

Chapel Hill Cultural Arts Division Information

The Town of Chapel Hill's Parks & Recreation Department's Cultural Arts Division develops and implements public art programs to increase public access to the arts, provides opportunities for local artists to display their work, and promotes public understanding and awareness of the arts. The Division is advised by the Chapel Hill Public Arts Commission, an 11-member volunteer board established in 1992 and appointed by the Town Council.

Additional Information

If you have questions or need additional information please contact:

Jeffrey York, Public & Cultural Arts Administrator

Chapel Hill Public and Cultural Arts Office

200 Plant Road

Chapel Hill, NC 27514

E: [jyork@townofchapelhill.org](mailto: jyork@townofchapelhill.org)

T: 919-968-2750

Addendum II – Sample Request for Proposals (RFP)

Stadium Blvd. Reconstruction Project Public Art Installation - Ann Arbor, MI

Overview

The Ann Arbor Art Center, acting on behalf of the City of Ann Arbor, is calling for proposals by an artist or artist-led team for a commissioned, site-specific, permanent art installation. The work will be installed on any element(s) of the streetscape along East Stadium Boulevard between Kipke Drive and South Main Street in Ann Arbor, Michigan. The successful proposal will include details of the design, fabrication, and installation of artwork at the site. Submissions will be reviewed in public by committees of site stakeholders and arts professionals, and the selection process will conclude with a public vote on semifinalists and final approval by Ann Arbor's City Council. The winner will be selected by December 31, 2016 and site construction of the planned roadway improvements is expected to begin in early 2017.

Background

This commission is part of the Stadium Boulevard Reconstruction Project, a major city initiative that involves reconstruction of the roadway and construction of sidewalks and retaining walls—approximately 717 feet long combined—on the south side of Stadium Boulevard from Main Street east to the entrance of Ann Arbor Golf and Outing.

Partners in the commission include the Ann Arbor Art Center and its 15-member advisory committee, Ann Arbor's City Council and Public Art Commission, and City of Ann Arbor staff (with lead support from the project's manager/engineer).

Site Details

The site for this project is along the south side of East Stadium Boulevard—a highly trafficked vehicular and pedestrian transit artery of Ann Arbor. It is also notably near the downtown, adjacent to a private golf course (Ann Arbor Golf and Outing), and across the street from the University of Michigan's Crisler Arena and football stadium (the Big House).

This commission has the ability to make a memorable statement about the Ann Arbor community. The proposed artwork at the site is intended to beautify the space, excite public interest in the community, and inspire civic pride.

Spaces to infuse art into the site include, but are not limited to, new retaining walls and the adjacent sidewalk and green spaces. The retaining wall will exist in two parts. One wall peaks at 9 feet high and is 497 feet long and the other peaks at 6 feet high and is 220 feet long. Retaining walls are available in two variations: one is the wall as presented in the attached drawings that includes rectangular 3-inch-deep recesses, and the alternative presents the wall as a uniform flat surface. The width of the sidewalk ranges from 5 to 13 feet, narrowest at the intersection of Main Street and Stadium Boulevard and gradually widening to the west.

Site-Specific Ideals

- Special consideration will be given to proposals that express the identity, name, attributes, or history of Ann Arbor, though this connection is not required.
- The successful proposal will maximize usage of the site.
- No bid process for fabrication or material sourcing is required, but artists are encouraged, though not required, to use Michigan or Ann Arbor area fabricators and materials.
- The primary viewpoint of the installation site is from a moving vehicle, which should be taken into consideration in the overall design.
- Despite the site's close proximity to a regional epicenter of athletics and academics, which makes it subject to heavy vehicular and pedestrian traffic, ideal proposals will avoid overt references to sports or area educational institutions.

Site-Specific Requirements

- A city seal (depicted on engineering drawings as a square box on Wall 1 and Wall 2) or some commemoration of the city's sponsorship of this project must be included as part of the art installation.
- The installation must not require electricity, running water, moving parts, or any maintenance other than light and limited cleaning once every three years.
- Completed projects must be durable, withstanding the elements and time (for 20 years minimum).
- Sculptural reliefs in and on the wall(s) may not exceed 3 inches depth.
- Installed art must not impede pedestrian accessibility, contain elements that noticeably project into pedestrian traffic, or create “snags” in which people and/or equipment could become entangled, and it should not hamper the operations of motorized snow removal equipment.
- The proposal should state which variation of the wall is preferred: flat or recessed wall.
- The artist should be aware that due to the construction schedule associated with the roadway project, that the flat retaining wall alternative may not be an option. The City of Ann Arbor will make an effort to inform the respective proposers of the status of the construction as the project progresses.

Budget

An all-inclusive budget of \$100,000 is provided to the artist for this project. This budget encompasses all project costs including, but

not limited to, artist fee, installation costs, materials, engineering and design expenses (if needed), shipping, and travel and accommodation expenses. Artists are required to include a proposed, detailed project budget that outlines how the project funds will be spent. Projects will not exceed the allocated budget unless additional private funds have been secured and confirmed by the artist prior to public review of proposals.

Selection Process/Timeline

The selection of artwork for this project will occur through a process of rigorous public review and participation, including the following:

- Internal reviews by Art Center staff, advisory committee members, and City staff;
- External reviews, open to the public for observation, by panels composed of area art and design professionals, site neighbors and stakeholders, and general community members; and,
- Public vote on 3-5 semifinalists, resulting in a winner to be presented to Ann Arbor's Public Art Commission and City Council for final approval.

Dates

- July 1: Call for entry opens; questions period opens;
- July 28: Question period closes;
- August 31: Call for entry closes; Internal review by Art Center staff, advisory committee, and City staff begins;
- September 26: External panel reviews in public resulting in 3-5 semifinalists;
- October 1-14: Public voting on the top 3-5 semifinalists resulting in a finalist;
- October 15-31: Confirmation with the finalist (the selected artist or artist-led team);
- November 1 - December 15: City staff work with Art Center staff and the artist to prepare for the presentation of the finalist to the Ann Arbor City Council and Public Art Commission for final approvals; and
- December 19: Finalist presented to the Public Art Commission and City Council for approval.

Semifinalists announced prior to October 1; finalist announced prior to December 31.

Semifinalist Selection Considerations

- Aesthetics and responsiveness to the site and community;
- Adherence to specifications of the site, including maintenance;
- Effective use of project funds; and,
- Proven experience with large-scale art and/or public art projects and professional references

Eligibility

This call for submissions is open to all individuals who are over 18 years of age, regardless of race, color, national origin, age, marital status, sex, sexual orientation, gender identity, gender expression, disability, religion, or veteran status. All individuals must have a legal right or authorization to work in the United States.

Qualifications

Artists should have experience managing project budgets as well as experience with fabrication processes related to large-scale art installations or art in public spaces. Proven knowledge of and experience with the proposed materials and mediums of the installation are highly desirable and will be given preference.

Submission Requirements

1. Artist statement and detailed description of proposed installation (2-page max; 8.5"x11")
2. Visual mock-up of proposal, such as illustrations, digital models, sketches, or images of a maquette; artists may include up to 5 items of the following in any combination: 8.5"x11" page (PDF), image (jpeg, 300 dpi), or video link listed in a PDF (Vimeo or YouTube); visual mock-ups must consider the provided specifications from the engineering drawings
3. Up to 5 additional images that represent previous large scale or public art projects
4. Proposed budget
5. CV (if submitting as a team, submit one CV for each team member)
6. Three references who can describe your experience with large-scale art projects, art in public spaces, or experience with contractors, construction, and fabrication

Incomplete submissions, such as proposals including visual mock-ups that do not adhere to the provided engineering specifications, will be disqualified from the competition. All submissions to this call for art remain the intellectual property of the submitting artist.

Administration

The Ann Arbor Art Center is solely managing the call for art and selection process on behalf of the City of Ann Arbor. Upon the Art Center's selection of the finalist and the City's approval, the selected artist will then work directly with the City of Ann Arbor regarding payment, installation, or contract details, including developing a mutually agreeable schedule for installation. During the application period, project questions should be directed to the Ann Arbor Art Center (see below). After the Ann Arbor Art Center's final recommendation for the project artist/artwork, the City of Ann Arbor will also conduct all background checks including applicable processing of work authorizations pertaining to international candidates. Upon installation of art at the site, the artwork become the property of the City of Ann Arbor. Artists and artist-led teams will be required to complete a media release form and give permission to reproduce submissions in support of project promotion efforts.

Questions

For technical assistance regarding proposal submission, e-mail the CaFÉ team at café@westaf.org or visit the CaFÉ Help webpage.

For general questions, please e-mail wrush@annarborartcenter.org (no phone calls, please). Questions will only be answered during the 'Question Period,' July 1 - July 28, and responses will promptly be posted on the Ann Arbor Art Center's website (www.annarborartcenter.org) as part of an FAQ accessible to all entrants.

Addendum III Sample Letter of Qualifications/Statement of Interest

INTEREST

Today's libraries must play a much broader role than that of a traditional repository for books. They provide a crucial place for the social exchange of information and for participation in a community of ideas -- a type of face-to-face interaction unavailable online. Yet the contemporary library must undeniably embrace the new technologies associated with information search, storage and access. For the renovated and expanded Chapel Hill Library, I would like to explore the diverse paths to discovery available in today's library, and the myriad ways it facilitates the exchange of ideas and knowledge within a community. There are new paths being forged every day, and every time a user interfaces with the collection, new opportunities created. This is an incredible chance to draw on Chapel Hill Library's collection itself, expressing not only the resources available there, but also the new ways that it is used, accessed.

I would also be very interested in exploring the nature of the book itself. Clearly our relationship to this object has changed, but the physical book is quite an efficient piece of technology in its own right (albeit an old one). I would like to explore how today's technologies mediate our relationship to the library's physical holdings, but also how contact with the actual item continues to be such a powerful and revealing act -- one that keeps us coming back to the library, upholding the library itself as a valuable and irreplaceable institution in our communities.

I would be most interested in creating a piece for the atrium at the main level tower, or an exterior piece for the main entry traffic circle. My design process would include direct interaction with the library's collection and with patrons of the library, so that the final piece is representative of the specific relationship that Chapel Hill residents have with their local library.

APPROACH

I am a media artist and composer whose work reflects the ways we interact with our built and natural environments. I use light, video and sound as interpretive elements, examining our sense of history and memory, and tracking activity in the public realm. I also place a great emphasis on searching out hidden or forgotten details: by bringing these elements to the fore, we gain a new understanding of both ourselves and the values we place on our surroundings. I strive to create public works that provide a fulfilling passive viewer experience, while also inviting deeper engagement through multi-media elements and interactivity. Our surroundings are dynamic, and our relationship to them multi-faceted, and a successful public art installation will provide a range of paths for engagement.

EXPERIENCE

I have completed both public and private art installations over the last 6 years, collaborating with community groups and specialists to develop projects that directly communicate with the public, incorporating local history, specialized research, and knowledge of use patterns.

For my *Cloud Seeding* installation at the Denver Public Library, I worked directly with librarians and community members (including schoolchildren) to compile an extensive database of source material for this layered, responsive artwork. As part of this commission, I spent two weeks at a research residency in Denver's main library, working intimately with the library's collection. *Cloud Seeding* uses custom software to create an ever-shifting, layered video representation of the library's daily usage, with interactive input by library users. This real-time collage creates new meanings by juxtaposing quotes and images drawn from the library's vast

holdings and inspires new paths for inquiry by revealing unexpected associations and unfamiliar items in the library's collections.

In 2012 I completed 103 short films of Rhode Island's unique roadways for *In Passing*, a dynamic interactive video installation for the lobby of RI's Dept. of Motor Vehicles. *In Passing* celebrates the unique movements of automobile travel, focusing a lens on landscapes streaming past the car's side window, while also creating a record of Rhode Island's diverse roadways circa 2012. Viewers also engage with the passing landscape by triggering "snapshots," – still frames captured momentarily from the video, allowing them to inspect the details of each environment. For the past two years, I have curated the *Curiouser* exhibit in the Victorian-era lobby of RI's Museum of Natural History. This exhibit explores the "history of natural history," utilizing the museum's vast collection of antique specimens in collaborative installations by contemporary New England artists.

With 17 years experience as an artist and architect, I have regularly collaborated with diverse project teams during all phases of project development and execution. I place great importance on utilizing compelling and compatible materials in my work, and look forward to working with the library's stakeholders during the development of a project's conceptual approach and design details. I will also strive to utilize local fabricators, engineers and consultants in the execution of my artwork, as a means to engage with, learn from, and support the Chapel Hill community.

MEDIUM + DESIGN

I primary work with new media, including light, video and sound, with sculptural or structural elements coming from glass, metal and re-used or recycled materials. While technology often plays a part in my public pieces, it is always incorporated seamlessly and simply, allowing for a direct engagement with the public. I regularly collaborate with experienced programmers and fabricators for the creation of custom software and lighting systems in my work. The physical design and presentation of my work is a crucial element, and I strive to logically and elegantly incorporate my installations into the surrounding architecture, working closely with architects and other team members throughout the design process.

Addendum IV Sample Letter of Proposal

JANE DOE 742 MAIN STREET/NEW YORK CITY 10003
phone fax 212 555 5555 / email@website.com
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 given 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 Habitat 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 through 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.

Addendum V 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)

Addendum VI 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

Addendum VII Artist Presentation/Interview Guide

Prepared by Jeffrey York

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.

Addendum VIII Contract Basics

BASIC COMMISSION CONTRACT

Prepared by Jeffrey J. York

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 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 supersedes 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.