

Planning for Public Art:

DEVELOPER GUIDE

Keep It Simple (2013) The University of Akron's Arts LIFT Program, Lead Artist Jesse Strother, UA Faculty Elisa Gargarella, Located on Angel Falls Coffee Company
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ARTSNOW

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These Developer Guidelines are intended to provide developers with a comprehensive understanding of the power of public art as well as the process to place public art on their property.

Developers throughout the country are finding they can benefit in concrete ways from engaging artists and commissioning public art for their developments.

BENEFITS OF PUBLIC ART

Public Art Creates a Unique Brand

Public art enhances your brand and sets it apart from other developments throughout your area.

Public Art Creates Community Trust

An investment in public art is an investment in public trust.

Public Art Attracts Businesses

Public art is a unique amenity helping developments attract and retain tenants and customers for your development.

Public Art Creates Pride in Residents

A public art project instills pride in the tenants of the development and accomplishes recognition from local media and attention from your peers.

What is Public Art?

Public art is a dynamic field with new approaches and ideas emerging daily. However, you should consider several key aspects of “what makes public art?”

- Public art is created by professional artists, which means someone with a track record of exhibitions or who has commissioned visual or public art.
- Architects, landscape architects and other design professionals are not considered professional artists under this definition unless they otherwise meet the criteria above.
- Public art is in places generally accessible to the public without having to pay. Public art is site-specific, created through a process that considers the social and physical context of its location, or is acquired with a specific location in mind.

What is not considered Public Art?

The following are not considered public art:

- Reproductions or copies of original artwork, unless part of an artist-sanctioned limited edition.
- Artworks that are decorative objects, unless created by an artist or mass-produced.
- Features that are decorative, ornamental or functional elements of the architecture or landscape design, unless they have been commissioned from a professional artist as an integral aspect of a structure or site.
- Features involving commercial expression related to the business or development where the artwork is located or otherwise would be considered a sign under the zoning code for the city/municipality.

PLANNING FOR YOUR PROJECT

Your project and your artwork will become an important part of your community's landscape and the neighborhood where it is located. Each development project and site is unique. Early in your project planning you should set clear goals and determine an approach to public art that enhances the development project and supports the community's broader goals.

Setting Goals

Every successful public art project starts with a clearly articulated set of goals that serves as guidance for decisions along the way. The goals can address how the artwork should relate to the site, what kind of artist would be best and how the community should be involved.

These goals are shaped by the values of the development company, the needs of the project, the official plans for the area where the project is located and input from the surrounding community.

Reviewing Plans

The goals and opportunities you identify for your project should consider the wider context. This can be learned from site observation and engagement with community leaders and stakeholders. The physical context focuses on the way the site is seen and accessed from surrounding areas. The social context includes the social and economic makeup of the surrounding community, including its assets and challenges. The cultural context includes an understanding of the community's history, makeup and cultural infrastructure.

Find out about local artists, special civic or cultural events, cultural facilities and organizations in the area, and other organizations that can help foster connections between artists and the community.

Site Review

The opportunities you identify for public art should consider how the development will be seen and how it will be used.

What to look for:

- Site lines to the development site and within the development site
- Major entries, circulation routes and gathering areas
- Locations where an artistic concept can be coordinated with architectural and site designs
- Areas physically or visually accessible to the public, including people of different ages and backgrounds

What to avoid:

Certain areas and project features are generally not conducive to public art, such as:

- Areas cut off from general public access and pedestrian activity
- Areas where artwork will be difficult to maintain
- Areas primarily used for servicing or storage
- Features related to the project's branding

Setting a Budget

To best get to an appropriate budget for the artwork, look at budgets for recent art projects of a similar scale, with similar materials and/or with a similar artistic approach. This can be done with the assistance of an experienced public art consultant or curator.

Funding for public art requires foresight and creativity. Include public art in your earliest project budgets, either as a lump sum or a percentage of your costs. In some cases, you can stretch your funding by commissioning an artist to create an element already in your project budget, such as a seating area, fencing, wall treatments, lighting or landmark features. In these cases you would assign your baseline budget to the artist and add incremental funds for the artist's fees, coordination, and special design, fabrication and installation conditions.

Some developers also stretch their funding by assigning marketing or community engagement budget lines to public art projects serving those purposes. Setting the right budget is one of the most important decisions in developing a successful public art project. The overall project budget should encompass the cost of the artwork (design, fabrication, installation and anticipated maintenance) as well as costs, outlined below.

Artist Fees

The artist's budget generally encompasses all phases of design, fabrication and installation. The artist will develop a budget breakdown as part of their design development process. The budget's breakdown between design, fabrication and installation will depend on many factors, including the design's complexity, the medium, the project's scale and the demands of the site.

Artist design fees generally range from 10 to 20 percent of the overall project budget but can be more if the design is particularly complex, requiring computer modeling or complex engineering, if the timeline is tight or if the artist is in high demand. The artist may also budget time for themselves or their studio to manage the project, to fabricate all or part of the work or to participate in the installation.

Some artists fabricate their own work; others work with outside fabricators. In most cases the artist will work with a fabricator of their choosing and hold the contract with the fabricator. The fabricator's cost estimate is incorporated in to the budget breakdown the artist develops.

Sample Public Art Budget

This document is only a guide. It provides a template for a public art project where the artist is responsible for the design, fabrication, and installation of an artwork. The percentages outlined for each section of this budget should be reallocated based on the specific circumstances of an individual project.

| Description: | | Amount: |
|---|----|-------------------|
| Artist Design and Project Management Fee (20%) | \$ | 20,000.00 |
| Includes artist design fee and costs of managing the project. May also be used to pay artist's assistants and other management consultants hired by the artist. | | |
| Fabrication (30%) | \$ | 30,000.00 |
| Can be paid by to a fabricator(s) hired by the artist, paid to the artist who completes their own fabrication, or a combination. Includes cost of fabrication drawings. | | |
| Installation (20%) | \$ | 20,000.00 |
| Includes all costs associated with site preparation, transportation of artwork, installation of artwork, lighting | | |
| Insurance (5%) | \$ | 5,000.00 |
| Varies according to location. Can include general liability and fine arts insurance. | | |
| Artist Travel (5%) | \$ | 5,000.00 |
| When an artist is not local to the site, or has to travel to visit the fabricator. | | |
| Professional Consultant Fees (5-10%) | \$ | 6,000.00 |
| Examples of consultants include: conservator assessment of artist proposal (highly recommended), required construction drawings or approvals by architect or engineer, lighting consultants, etc. | | |
| Contingency (10% of Budget) | \$ | 10,000.00 |
| A fund to pay for unforeseen costs or changes associated with the artwork. If not used, can be paid to artist or invested in maintenance fund for this artwork. | | |
| Documentation of Artwork (1%) | \$ | 1,000.00 |
| Signage, Educational Materials and Programs (3%) | \$ | 3,000.00 |
| TOTAL PROJECT COSTS: | \$ | 100,000.00 |

Most artists typically hold the contract for installation as well. In some cases it may be easier for you to hold that contract, especially if work is happening in coordination with other contractors on the site. The artist or their representative should always be present for installation.

Additional Costs

There are some additional costs you should be prepared for that are typically handled outside of the artist's budget.

Site Preparation

You may need to set aside funding to prepare the site for the artist to bring in their work.

For murals, this might include cleaning and priming the surface (or repairing and tuck-pointing an existing masonry surface). For sculpture or other installations this may mean grading or foundation work, bringing electrical or other utilities to the site and more.

There may be instances when you want the artist to take responsibility for some elements of site preparation. These conversations should happen as the artist is developing the design and budget and should be memorialized in a contract or letter of agreement.

Coordination with your Design Team

If you are commissioning an artist to create an artwork as part of new construction or renovation, you will likely need the artist to coordinate their work with members of your design team. The design team's role may include participating in artist selection, sharing architectural drawings, plans and project briefs with the artist, participating in work sessions with the artist during the design development process, reviewing and providing aesthetic and technical feedback on artist designs and incorporating elements of the artist's work, as needed, in to architectural plans and bid documents.

These expectations should be communicated up front to the design team and an appropriate budget should be set aside to compensate the design team for its time.

Signage

Set aside funds for a durable plaque or sign to be placed near the artwork. It should indicate, at a minimum, the artist, title, year, media and who commissioned the artwork.

Communication and Dedication

Budget time and funds for preparing press releases, marketing materials and, if desired, a dedication and/or celebration for the work.

Maintenance and Conservation

Public art requires regular maintenance and occasional conservation. While these costs may not be part of the budget, you should anticipate these annual budget items.

Contingency

Every budget should start with a contingency. Depending on your and the artist's uncertainties about different budget items, a contingency should start between five percent and twenty percent of your project budget. You can narrow your contingency as the project evolves and costs become clearer.

Establish Timeline

Your schedule will depend on a variety of factors, particularly the nature and complexity of your project and the degree of integration into the design and construction.

You should be sure to allocate time for:

- Finding an appropriate artist: This includes time to research artists, collect and review their qualifications, and interview candidates. Be aware the artists you are interested in might have other commitments preventing them from starting right away. Building in buffer time for getting the artist on board will allow some flexibility for scheduling your kickoff.
- Finalizing the contract: Expect this to take twice as long as it should.
- Design development: There are typically several steps in the design development process, beginning with hiring the artist(s) (see below). Depending on the nature and complexity of the project, the artist may need four to eight weeks for developing an initial concept design and then up to four months to prepare design documents, especially if there is complex engineering involved.
- Fabrication and installation: These depend on the nature of the project. For a small mural an artist may require a few weeks to mobilize and paint. For a complex sculpture or integrated installation, this stage could be a minimum of six months to a year.

HIRING THE ARTIST(S)

A professional artist is considered at least 18 years of age with a minimum of two years of commissioned public art or visual art exhibition history, not including work created during or for undergraduate education.

Your public art consultant will be your most important resource in identifying an appropriate artist. These professionals will have a vast knowledge of artists who could be appropriate for your project, research capabilities and networks and connections that will help you get a response from artists you are interested in. There also are public networks for distributing calls to artists.

Americans for the Arts - <https://www.americansforthearts.org/by-program/networks-and-councils/public-art-network/opportunities>

CODAWORX - <https://www.codaworx.com/>

LAND Studio - <https://www.land-studio.org/artists/calls-for-artists>

PublicArtist.com - <https://www.publicartist.org/>

SummitLive365.com - <https://www.summitlive365.com/classified>

SELECTION PROCESS

Selection Team

An important first step in selecting an artist is deciding who will facilitate your process and who will be involved in decision-making. Your public art consultant will play a key role in facilitating the selection by ensuring appropriate information is collected from artists and facilitating your team's review of artist qualifications, selection of candidates and review of artist proposals.

Usually, a selection panel is created to advise the sponsor or owner of the project. The panel would have a representative of the sponsor, as well as one or more members of the design team, one or more community stakeholders and independent arts professionals. This group will advise on the selection of the artist and the review of the concept design. You also may want to pull in an engineer, conservator or individuals with other types of technical expertise for reviews of the artist's designs.

Qualifications

The next step is to solicit qualifications from artists. Artists typically are asked to provide images of completed projects (their portfolio) with an annotated description of each project, including the location, media, dimensions, client and budget; a resume; references; and a letter of interest.

Upon review of qualifications, you may know which artist you want to work with, or you may decide you want to interview and/or solicit proposals from more than one artist.

Interview

Once you have narrowed your list down, you may want to interview these candidates to discuss how they would approach your project, where they get their inspiration, how they work with a client and design team, their research and community engagement process, etc.

Competitive Proposal

In addition to the interview, you may decide you want one or more artists to develop specific concepts for your consideration prior to selecting them as the artist for the project. If this is the case, artists should be offered a stipend to cover the time spent developing the proposal and any expenses incurred, such as travel. Many experienced artists will not prepare proposals without being compensated, as crafting a proposal is a core aspect of the services an artist provides.

For the proposal phase, you should develop a brief letter of agreement with the artists. According to copyright law, artists own the concepts they develop and you will not be able to give concepts to other artists or fabricators to execute unless you obtain the original artist's permission.

Artist Contracts

Once you have selected an artist for the project, you will need to draft and negotiate a contract to confirm your agreement with the artist or their studio. The contract should outline various rights and responsibilities of each party. The contract typically includes:

- Budget, timeline, fee and payment schedule.
- Design review, revision and approval process.
- Responsibility for design, fabrication and installation of the artwork.
- Responsibility for improvements to the site where the artwork will be located, including foundations, structural support, lighting, landscaping and signage.
- Responsibility for permits and approvals.
- Warranties made by the artist regarding the artwork's originality, soundness and durability.
- Insurance requirements for design, fabrication, transportation, installation and warranty phases.
- Artist moral rights, copyright, rights of reproduction and licensing.
- Protocols for involving artist(s) in conservation, repair, relocation, de-accession and changes to the site.

Intellectual Property and Moral Rights

When you commission an artist to create an artwork, you should be aware the artist will own the copyright to the work and have moral rights in the work, according to federal law. Artworks are generally not considered works for hire.

Copyright is a property right allowing the artist (or the person or entity to whom he or she transfers the copyright) to prevent unauthorized copying, publishing or other use of their copyrighted work. According to copyright law, the creator automatically retains the copyright of the completed artwork and of any designs developed during the design development process. Many experienced artists will not enter a contract requiring them to give up their copyright. Developers experienced with commissioning public art do not want to be responsible for enforcing copyrights.

Moral rights provide for the proper attribution and integrity of an artwork, in order to protect the reputation of the artist. Generally, if you wish to alter or relocate an artwork you have commissioned, you must obtain the artist's permission in writing. Moral rights exist for as long as the artist is alive.

If you would like to use images of the artwork in the marketing of your project, you should negotiate those permissions and terms when negotiating your contract with the artist.

Warranties

There are two types of warranties a public art contract generally outlines. A warranty of title recognizes the artist is responsible for assuring the work is original and does not infringe any copyright. A warranty of quality and condition outlines the artist's responsibility for fabricating the artwork in quality materials, in accordance with professional standards and with a sensitivity to the nature and long-term behavior of materials and methods used and the conditions of the installation site (including weather, temperature, type and density of audience and other environmental and architectural features).

The artist's warranties relating to the condition and quality of the work are generally limited to a year. If there are elements of the artwork covered by a manufacturer's warranty, the owner should work with the artist to get the longest possible warranty on covered items.

Insurance

If the artist is going to be working on your site or driving a vehicle in the course of their work, you may want to request they provide you with a certificate for commercial general liability insurance and that the artist's subcontractors have named the artist as additional insured. Artists typically are not able to acquire professional liability insurance because "artist" is not a licensed profession. If the artist is working with an architect, engineer or similarly licensed professional, you may want to request those professionals provide an endorsement on their insurance.

Project Documentation and Maintenance Protocols

It is customary for a contract to require an artist to provide project documentation and maintenance protocols as a deliverable. This would include:

- An inventory of materials used in the artwork, the sources of the materials and any product information available from the manufacturer.
- Contact information for fabricators and other subcontractors who may have worked on the project.
- Instructions from the artist about how to clean and perform routine maintenance on the artwork.
- A report from a conservator on how to perform preventative maintenance and flagging potential conservation issues.

Developing the Project

The design phase of the project development process for public art projects is in many ways like an architectural design process, with concept, schematic and final design documentation phases.

Community Engagement

At the outset of your project, it is a good idea to map out goals and strategies for working with the community where your development is located. The community is likely to take a great interest in your public art project. Some developers find that including public art in their projects is a way of creating additional community goodwill.

At a minimum, it is a good idea to keep your neighbors informed about your plans. Consider announcing the artist selection and artist concept as you would other important milestones in your project. Some developers see public art as a way to highlight, celebrate or reflect on something unique about the site and/or the surrounding community. Consider asking your artist to meet with community leaders as a way of collecting information that would inform their project.

Depending on the circumstances, you may consider engaging the community more directly. Some developers have worked with artists and arts organizations experienced at such participatory practices as community paint days or workshops. Your public art consultant can help you map out goals and a strategy for working with the community.

Concept Design

In the concept design phase, the artist develops and presents to the selection team a physical rendering of the artwork (drawings, digital renderings, models, etc., depending on the working method of the artist), a list of the materials, a narrative description of the work, specifics on siting, a description of special considerations regarding site work and installation, a preliminary budget breakdown and a preliminary schedule. The artist may want to conduct site visits, meet with the design team, meet with project stakeholders and/or engage in research to help inform their concept design.

Schematic Design

Once you have signed off on the concept design, there may be a need to develop the design further in a schematic design phase. In this phase the artist provides more specific information regarding siting, fabrication methods, materials, budget, timeline, project coordination and approvals.

Final Design Documentation

The final design phase includes structural drawings detailing every physical feature of the construction of the artwork and its integration with the site. Where appropriate, the artist should be responsible for having a qualified licensed engineer provide certification that the artwork will be of adequate structural integrity and provide signed and stamped drawings.

In some cases the owner may request the artist also present the final design to a qualified conservator to make recommendations on the maintenance and conservation of the work.

Fabrication and Installation

Once you have accepted the final design documentation, you should give the artist notice to proceed with fabrication. Regular check-ins, photographic documentation and physical site visits will help ensure the fabrication is on schedule and in substantial conformity with the approved design.

In most cases, the artist is contractually responsible for the installation. The installation should be closely coordinated with the owner to ensure the site is ready to accept the work, there is appropriate room to stage the installation, all permits have been pulled, proper equipment and workers are available and other relevant details are in order.

What Approvals Will I Need?

Depending on the location of your project, you may need to discuss your plan for public art with your city planning department. Check its website for more information on any design overlays, historic preservation guidelines and the downtown code. All have specific architectural standards.

Your public art should not be a commercial advertisement. If it is, you will need to follow the sign permit process with your city planning department. If your project encroaches into the Right of Way, contact Public Works for a Right of Way permit.

Marketing and Communication

At the outset of your project it is a good idea to map your goals and strategies for communication about your public art project.

You may consider a range of goals, from attracting positive attention to your project to ensuring the community resource you are providing can be enjoyed by as many people in the community as possible. To accomplish this you may consider a range of strategies, from press releases to presentations at community meetings, from signage on-site to online resources. Your public art consultant can help you map out goals and appropriate strategies for marketing and communication.

CLOSE OUT OF PROJECT

There are a few final things to do to ensure the artwork remains a valuable part of your development project and is enjoyed by the community for years to come.

Transfer of Title

The title to the artwork generally passes to the owner upon final acceptance of the artwork. This step should be outlined in the contract. You may also want to consider a “Transfer of Title” exhibit in the contract signed by the owner and the artist once the work has been completed and accepted by the owner.

Project Documentation and Maintenance Protocols

The artist should provide the project documentation and maintenance protocols described in the section on Artist Contracts in Section 3.

Dedication and Celebration

A dedication is a great way to acknowledge the artist and all the people who helped make the project possible, as well as to get broader attention for the project. Dedications can be small, invitation-only celebrations or larger community events, depending on goals and budget.

Maintenance and Conservation

Once you have accepted the artwork, you are the owner of the artwork and are responsible for its maintenance and conservation. Maintenance is the routine care and repair of works of public art not requiring specialized expertise (e.g. dusting, washing, changing light bulbs, lubrication of moving parts, etc.).

Property maintenance staff should be informed and, if necessary, trained on any special requirements for maintenance. Materials needed for maintenance should be kept in stock. Conservation is the regularly scheduled examination, documentation, treatment and preventative care of an artwork conducted by a professional art conservator. The owner should have the work inspected by a professional conservator every two years, or as recommended by the artist, to document and treat any conservation needs. Maintenance and conservation should be guided by the instructions provided by the artist.