



City of Montgomery

CAPITAL OF DREAMS.

PUBLIC ART COMMISSION

ARTIST HANDBOOK

City of Montgomery Public Art Commission

Artist Handbook

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.

A public art project will help advance your artistic career, you and your work will forever change their program and the community. Preparation is key to making a lasting favorable impression and increasing the chances of future commissions.

This handbook was developed to help artists' navigate the complex world of public art, and to help artists become more competitive when seeking public art commissions. The City of Montgomery Public Art Commission reserves the right to change or amend this handbook from time to time in order to meet the needs of the city's public art program.

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What is Public Art?

Public art is defined as an artwork temporarily or permanently placed in a public space. 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 and even site to site.

Public art contributes to the visual and textural character of a community, creates a sense of place and can foster a sense of spirit by celebrating history or cultural heritage. Public art seeks to inspire relationships and communication.

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.

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

About the City of Montgomery Public Art Commission

The City of Montgomery Public Art Commission was established by City Council resolution in August 2013 to establish a systematic, but flexible, approach for

- (a) identifying good locations for the placement of art objects;
- (b) evaluating the aesthetic appearance of art objects proposed for placement in public places; and
- (c) making informed decisions about the future needs of care and maintenance before art objects are placed on properties owned by the city.

It is not intended to establish complicated procedures requiring excessive review of minute details which will deter patrons from donating art to the city or which will stifle the spontaneity and creativity of artists.

The City of Montgomery Public Art Commission is not funded through the city's general fund. Funding for public art comes from various grants and corporate sponsors.

The Responsibilities of the Artist

The artist's role of a public commission is distinct from the artist who creates work that is not refined through an established public process. Public art projects have specific goals for the work and often times requires external direction.

Public art must be **relevant and responsive** to the site, the community it will serve, and be shaped by your dialogue with project representatives. The Artist's idea for the artwork must be shared with others because public art is fundamentally a collaborative process.

To learn about the goals for a particular project, requires that you **communicate** well. This communication is a two-way street. The Commission will articulate what we are trying to achieve and you must 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 for fabrication-construction). These communications will be both verbal and written.

There are many challenges to being a public artist. One of these challenges 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.

The artist selected for a public art installation will be required to adhere to a strict project schedule, the contractually obligated scope of work, and the budget. These project parameters can help focus the work and establish expectations.

The artist can still argue for what he/she believes will make the project its most successful. Be certain that you have addressed any project needs not clearly explained in the "call". It is wonderful when you can follow their lead, but be ready to push the boundaries of what is artistically possible. If something in the "call" is not clear it is the responsibility of the artist to ask questions.

The public art design **process is continuous**. You will be asked to listen to suggestions and consider the commission/project leader 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, you will not only be trying to satisfy the artistic goals of the project, but also recognize the multiple constituencies or voices that have an interest in the project. Your conceptual ideas will be reviewed by the Public Art Commission, where each member may have a contrary opinion about the proposed work.

Public art commissions frequently take considerable time to complete once you have been selected. Throughout the life of the project, priorities 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.

Managing Public Art Funds

Public art commissions have a finite budget established before the "call" goes out. This requires public artists to have a firm understanding of common principles of business, specifically regarding maintenance of records, receipts, warranties and other documents.

Public art commissions are typically paid for using grants or other government funds. Use of these types of funds require a tremendous amount of paperwork and backup to account for use of funds. Public artists must be prepared to provide such documentation upon request and substantiate any extraordinary expense or budget changes.

Even if the commission is to be paid for by a corporate sponsor you will also need to carefully **manage all funds** you receive for the commission and keep records of all expenditures.

Your strength as a project manager will show in your budgeting for the project, your proposed project schedule, and how you will work with other members of a design team or sub-consultants you have retained.

Types of Public Art “Calls”

The Public Art Commission enlists artist participation in a variety of ways. The process is designed to serve the commission, not the artist.

A “Call for Artists” is the standard means for announcing new projects by the Public Art Commission. “Calls” may be open and broad, or specific by site, theme, medium, etc.

The Public Art Commission uses a variety of outlets to advertise “calls”, including but not limited to, web postings, local artist groups/associations, national databases, local television media, social media and email to artists registered with the Public Art Commission. The Commission does its best to ensure all artists are informed when a call is released, but it is impossible to confirm receipt of call documents. It is incumbent on the artist to visit the Public Art Commission website or city social media pages on a regular basis to see if new “calls” have been posted.

The Public Art Commission uses three (3) 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, images 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, or make a 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. Artists compete in a larger applicant pool.

Request for Proposals (RFP)

An RFP is used when the commission is looking for proposals for a specific project/site. These “calls” may come with a specific theme in mind (i.e., civil rights) or be open. Artists are asked to submit their qualification materials and a proposal for the project.

Advantages – the process is shorter and the artist has an opportunity to win over a panel with his/her ideas for the project as well as their qualifications and prior work.

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

Digital Galleries

A digital gallery request may be used by the Public Art Commission in its role of assisting corporate sponsors select pieces for installation in public spaces. Digital gallery requests are similar to an RFQ. Artists are asked to submit samples of prior works along with their qualifications. They are submitted for all future commissions within a given time frame. 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. The Public Art Commission will provide the protocol for submitting electronic samples of work and qualifications for digital galleries.

When submitting work to the digital gallery the artist should consider listing a fee for making a piece available for a temporary installation or loan to increase the likelihood of work being considered when cost may be a primary deciding factor.

“Is this project right for me?”

Reading the RFQ/RFP

The RFQ/RFP will 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.

Considering the Opportunity

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

Questions to Ask Yourself

- 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.
- 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?

"You have decided to respond to the "call", now what?"

Developing Your RFP Response

When developing your RFP response there are several things that must be kept in mind. Not all of the areas below will apply to each "call"; however, it is important to consider each one as an important part of providing a comprehensive response to ensure your proposal is valid and considered by the Commission.

Generally, the phases of proposal development are:

1. Background Research and Conceptual Design
 - a) Meet with project representatives (if possible); tour the site(s) and the community; study the project's goals and listen to multiple constituencies.
 - b) Develop preliminary ideas for the work(s) including: form, material, location, response to climate, written project description
 - c) Identify any necessary consultants to the project
2. Budget and Scheduling
 - a) Develop a detailed budget for each element/phase of the work.
 - b) Develop a schedule for creating the work that meets project deadlines.
3. Finalizing the Design
 - a) Prepare 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) Finalize cost estimates (design, fabrication-construction, transportation to the site, installation, and post-installation maintenance.)
 - c) Develop a plan for fabrication/construction of work and timeframe for completing each component (materials, color, form, size, design, texture, finish, location, etc.)
5. Delivery and Installation
 - a) Identify all equipment and site preparation necessary to deliver and install the work(s). For 3-D works a set of stamped engineering drawings for footings will be necessary if the City will be responsible for site preparation and pouring of footings.
 - b) Arrange for off-site storage should that be necessary until work can be installed on the project site.

Budgeting for a Public Art Project

For projects to be commissioned by the Public Art Commission the budget range will be established prior to the "call" going out. It is incumbent upon the artist to determine what can be realistically done within that budget. Other privately supported commissions may have more flexibility. Being able to establish the cost of a piece of art is vitally important.

The Public Art Commission 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.

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

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.
- Do not reference web sites as panelists will not look at them.
- 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 “calls” will 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 as 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.

Visual Documentation

Follow the guidelines contained within the “Call” when submitting visual materials.

- Images should be professional looking. Reviewers often judge your proposal on the quality of your work as indicated by the images you submit before looking at your narrative.
- Images 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.
- Images 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 images of very similar pieces are not recommended. If the artwork is 3-D, include different angles.
- Image details should be included in your documentation set when they illustrate something of importance that cannot be seen in the original artwork image, i.e. overview image accompanied by a detailed view.

- Avoid placing yourself in the image to indicate scale. Scale can be indicated in the written image 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.
- Images should be marked with basic information and include an indication of the top of the image.
- Include a description list for submitted images with basic information about the artwork (title, size, date completed, media). You should include the commission cost, a brief description of the artwork and if the work is available for loan or temporary installation.
- When submitting your materials electronically, follow the “Call” instructions, remembering some file sizes, formats and resolutions may not be easily shown or are cumbersome to the panel, rendering your submission invalid.

The Selection Process

The Public Art Commission utilizes a variety of processes to select an artist(s) for a project. The selection may be made by the Public Art Commission or the Public Art Commission with one or more additional participants as each project dictates. These may include 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.

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 process 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

In the event the Public Art Commission or Selection Committee cannot make a unanimous decision finalists may be invited to make a presentation to help finalize the decision. Prepare yourself prior to the interview (Research, Research, Research).

Prior to the interview, ask questions of the Commission. 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!

Treat the interview as if it were a job interview. It Is!

- 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.

Finalist Evaluation Criteria

The criteria used to select the artist for a project is similar to the selection criteria, though more detailed. Those criteria also may vary from panel to panel.

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

“What happens after the project is awarded?”

Once the project is awarded to an artist(s) there are several requirements that must be met by a public artist that are different from a private work.

Contracts

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.

The Public Art Commission is a function of the City of Montgomery and as such must adhere to certain legal and financial operating procedures. These procedures require comprehensive documentation and all parts of the contract should be reviewed and clearly understood by the artist prior to signing a contract or scope of work. The City nor representatives of the Public Art Commission can provide legal advice and it is recommended that the artist retain legal representation for any contractual questions.

The contract used by the City of Montgomery for commissioning public art was modeled after agreements prepared by the Public Art Network of Americans for the Arts and Alabama State Council for the Arts.

Hold Harmless Agreements

Although an art project is visible by the public it may be placed on privately owned property (i.e., murals). In this case the artist(s) will be required to sign a “hold harmless” agreement with the property owner to limit their liability.

Continued Communication

An important dimension to the process of design, fabrication-construction, and installation is to keep in contact with the Public Art Commission.

The Commission expects the artist to make measured and **consistent progress** on the artwork 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) and photographs are all.

These communications may be written and formal, informal telephone conversations that are followed-up in writing or photographs. Open lines of communication is helpful in building reciprocal trust between you and the Commission. The Public Art Commission cannot afford any surprises because there are financial and political repercussions to misunderstandings that will extend beyond the reach of your specific project.

Addenda I

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)

Addenda II

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

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

Is only applicable to works produced after June 1, 1991

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

Rights Include:

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

Exceptions/Exclusions

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