



CITY OF ATLANTA PUBLIC ART MASTER PLAN

A project of the City of Atlanta
Department of Parks, Recreation and Cultural Affairs
BUREAU OF CULTURAL AFFAIRS
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Preface

In 1994, a multi-disciplinary team was hired by the BCA to initiate a Public Art Master Plan for the City of Atlanta. This team, lead by Project for Public Spaces Inc. and the Public Art Fund, both based in New York, worked with advisors from the Atlanta community and the Bureau of Cultural Affairs (BCA) to develop an initial plan.

The initial plan focused on broadening the public's participation in the creation of a public art master plan and increasing the public's awareness of both the then 17 - year-old Percent-for-Art Ordinance and the projects that had been completed. During its three site visits to the City, the team coordinated several days of meetings designed to assemble individuals, organizations, and city agencies all with a stake in public art.

Several aspects of the BCA's public art program were discussed, including artist selection, creating more opportunities for local artists, encumbering funds, siting public art in neighborhoods, increasing the communities' involvement in decision making, and broadening the definition of public art.

Meetings were held with the appropriate city agencies, including the Bureaus of Planning, Parks, Finance, Purchasing and Real Estate, Contract Compliance, Construction Management, and the Urban Design Commission. Meetings were also held with representatives from other agencies involved in public art projects, such as the Fulton County Arts Council, the Atlanta Fulton Public Library, the Architecture Society of Atlanta, The Atlanta Committee for the Olympic Games, and the High Museum of Art. In addition, the team attended several monthly Neighborhood Planning Unit (NPU) meetings, and individual meetings were held with NPU chairpersons. Input from local artists was solicited and coordinated with the assistance of the Individual Visual Artists Coalition (IVAC).

The team also developed a questionnaire to gather information regarding the perception of public art in Atlanta. During the course of the project, surveys of over 100 people were conducted at the site of two public artworks. The results suggested that there was a tremendous interest in, and support for, public art in the City. The team also photographically documented many of the public art works in the City's collection. This was the BCA's first systematic documentation of its public art collection.

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A public forum designed to solicit public reaction and suggestions from the community was held to help further refine the plan, review the draft recommendations, and generate excitement.

The team reviewed several of Atlanta's urban design and public art documents, including the Percent-for-Art Ordinance, Arts Blueprint for Action, calls for artists, and artist contracts. A wide range of Percent-for-Art documents and materials from many cities across the country were collected including ordinances, gift policies, de-accession policies, sample contracts, master plans, artist and site selection procedures, funding sources, project cost data, fabrication and installation requirements, and organizational structure information.

As part of the information gathering activity, telephone and in-person interviews and discussions were also held with artists, arts administrators, and Percent-for-Art Program directors.

The initial Plan, based upon an extensive review of both the existing Percent-for-Art Program in Atlanta and innovative programs and projects across the United States, guided the Bureau of Cultural Affairs (BCA) through the 1996 Olympic Games and the procurement of a number of new projects. The plan provided additional structure and support to the public art program and a context for implementing future changes to the Percent-for-Art Ordinance.

In April of 1999 a task force was convened to review and update the initial Public Art Master Plan. Participants discussed details of the existing plan, developments within Atlanta City government, and other plans around the nation. The task force also looked at the Plan's ability to meet the needs of a growing Atlanta. A number of recommendations to strengthen the existing plan were identified and a revised Public Art Master Plan followed.

The revised Plan was presented to the Community Development/Human Resources Committee for a public hearing on February 14, 2001. Changes to the Plan were made on July 11, 2001 and the Plan passed Committee review. It was forwarded to the Atlanta City Council and was adopted into law on July 16 and approved by the Mayor on July 24, 2001.

EXECUTIVE SUMMARY

The Public Art Master Plan (PAMP) will give structure to public art stewardship in Atlanta while setting forth a series of policy measures and processes to enable the City to fulfill its public art objectives effectively and efficiently. This plan references all Public Art Programs administered by the City of Atlanta. Specifically, PAMP establish the following actions:

1. GOALS FOR PUBLIC ART IN ATLANTA

- Definition, types and locations for public art
- Strengthened administration and inter-agency coordination for the planning, siting, and conservation of public art.
- Increased community awareness, involvement, and ownership of public art projects.
- Processes for site, artists and art selection that reflect community values and identity.
- Cooperation and coordination among public art interests citywide.

2. CHANGES TO THE PERCENT-FOR-ART ORDINANCE

- A consistent and systematic allocation of funds to support public art.
- Temporary and permanent artworks to be located away from municipal construction project sites, with special emphasis on community-based projects.
- Flexibility in the use of public art funds to expand the opportunities for siting artworks throughout the City and particularly in communities where there is demonstrated interest and advocacy for public art.
- Efficient levels of program administration and special maintenance and conservation of existing public art works.

3. NEW LEGISLATED SOURCES OF PERCENT-FOR-ART FUNDING

- 1.5% of all municipal capital construction projects.
- Enterprise funds and 1% of airport construction funds for the Airport Art Program.
- Recommend that specific geographic locations be designated to encourage a public art component.

4. EXPANDED PUBLIC ART ORGANIZATIONAL STRUCTURE

- *Public Art Advisory Committee:* a nine (9) member committee comprised of representatives from the arts, community, and business sector will assist the Bureau of Cultural Affairs (BCA) in short-and long-term planning, assisting in the review of gifts of art to the City, and helping with educational and community outreach.
- *Public Art Interagency Task Force:* an interdepartmental working group with representatives from Finance, Purchasing and Real Estate, Law, Contract Compliance, Risk Management, Parks, Planning, Public Works, Construction Management, Aviation, and the Mayor's office. This committee will meet several times a year to work with the BCA on the development of the Annual Percent-for-the-Arts Plan and assist in identification of all Percent-for-Art funds and eligible projects on an annual basis.

5. AN ANNUAL PERCENT-FOR-ART PLAN

A plan with input from the Public Art Advisory Committee and the Public Art Interagency Task Force that describes the upcoming year's public art projects. This plan will identify capital construction projects eligible for funding, describe the proposed public art projects for the year, and define artist selection procedures.

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6. AMENDED PROCEDURES FOR ARTIST AND SITE SELECTION

- Expanded opportunities for community involvement in the program including an increased role of stakeholders in the conceptualization, artist selection, and review of projects. Additionally, the Public Art Advisory

Committee and Public Art Interagency Task Force will help the BCA outline goals for the year and suggest artist and site selection procedures to accomplish those goals.

7. A GIFT POLICY AND PROCEDURES

- Direct all potential gifts of public art to the Bureau of Cultural Affairs (BCA) for review and recommendation.
- The UDC will review potential gifts and recommend their acceptance or rejection to the Mayor and City Council.
The UDC will base its recommendation on information submitted by the donor, supplemented with input from relevant entities including the BCA, other impacted city agencies (e.g., Parks, Planning, Public Works), and the appropriate Neighborhood Planning Unit.

8. A DE-ACCESSIONING POLICY AND PROCEDURES

- The UDC will review public art proposed for de-accessioning and recommend their acceptance or rejection. The UDC will base its recommendation on information submitted by the BCA, community, other impacted city agencies (e.g., Parks, Planning, Public Works) and the appropriate Neighborhood Planning Unit.

9. CONTRACT CHANGES

Modify existing contracts to expedite the approval of artist contracts, control project costs, solve problems related to project evaluation, fabrication, installation, and specify the relationship between and responsibilities of artists and commissioning city agencies.

10. IMPROVED PUBLIC ART PROGRAM ADMINISTRATION

Develop all aspects of the administration of the Public Art Program, including education, outreach, artist eligibility, diversity, compliance, maintenance, conservation, documentation, and evaluation of the City's public art collection.

1. Goals of the Public Art Master Plan

The overall goal of the Public Art Master Plan is to develop a new approach to public art in Atlanta. Enhancement of the existing Percent-for-Art Ordinance will enable the City to fulfill its public art objectives. Specifically, the Public Art Master Plan seeks to address the following key objectives:

- 1. Broaden the definition of the Percent-for-Art Ordinance.**
 - A. The Public Art Program will design a consistent and systematic method of collaboration between city agencies to ensure the most appropriate application and siting of artwork throughout the city
 - B. The Percent-for-Art Ordinance includes allocation of funds for temporary public art projects. The Public Art Program will develop temporary public artwork providing the following benefits: (1) the training of local artists new to public art (2) more public art opportunities and sites (3) opportunities for artists to create artworks that inspire debate; and (4) venues for the expression and discussion of changing social, economic, and political issues.
 - C. The Public Art Program will address the need for flexible use of public art funds. A formal yet flexible process will be created to expand the opportunities for siting artworks throughout the City, particularly in communities where interest and advocacy for public art is demonstrated.

- 2. Strengthen and streamline the administration and interagency coordination for the planning, siting, and conservation of public art projects.**
 - A. The public art organizational structure will expand and efficiently manage a successful public art program. Adequate staff will be needed to address the areas of maintenance and conservation, documentation, education and outreach, contract supervision project and program evaluation.

- B. Cooperation and communication between city agencies affects the following: timely allocation of Percent-for-Art funds from construction projects to the BCA; early involvement of artists in the design process; prompt processing of artist design contracts; and the BCA's ability to plan for, and ensure diversity.
- C. The staff from the Department of Planning, Development & Neighborhood Conservation and other city agencies will be made aware of the public art requirements and the timetable for introducing artists into a project(s). City staff involved with construction will be periodically informed about the Percent-for-Art Program review process and implementation requirements.
- D. Contracts will be refined to improve efficiency, reduce bureaucratic delays, better control project cost, ensure risk management and increase the programs ability to enforce contract terms.
- E. Percent-for-Art monies currently exist for providing artists with public art commissions. Funds should be made available, for; education, training and professional development. This support will aid artists in successfully completing public art projects. Consequently, the BCA will be able to serve the City better by increasing the pool of qualified artists.
- F. The Memorandum of Understanding between the City of Atlanta and the Atlanta Public Arts Legacy Fund (APAL) maintains a working relationship for the purpose of providing support for the conservation, restoration, and non-routine maintenance of designated artworks in the public art collection. In addition, a program for emergency and preventative maintenance and conservation of all works in the City's public art collection will be maintained by the BCA. The BCA has authority to set aside a portion of each public art project budget to cover maintenance and conservation.

3. Increase community awareness, involvement, and ownership of public art projects.

One of the principle findings of the research conducted for the Public Art Plan is the considerable interest of Atlanta neighborhoods to produce public art. Survey results indicate communities view public art as a means of addressing critical issues such as at-risk youth and urban blight.

The BCA has made considerable progress in initiating programs that address the findings outlined in the survey. Increased involvement of Atlanta's communities is evident in the development of public art projects like *The Summer Mural Program*. Initiated in 1999, the program teams artists with children from Camp Best Friends and other summer youth programs to collaborate on mural projects. The murals are installed at sites throughout the community.

- The Public Art Program will increase community involvement and ensure that public art projects reflect the interests and culture of the surrounding community. Participants will be involved in all phases of the public art process. This ensures greater positive acceptance and response to the project.
- The Public Art Program will include a mechanism for soliciting and receiving contributions toward the purchase or commissioning of public artworks from the private sector.

4. Develop processes for site, artist, gift, and art selection that reflect community demographics, values, and identity.

- The processes for selecting artists and art projects will continually be evaluated and updated to connect new public art to community demographics, values and identity.
- Policies will be established for the review of proposed gifts of public art to the City, for considering artworks for de-accession, and for determining criteria for public art project sites.

- There will be a deliberate search for an increase of useable and active public spaces. The role that public art can play in activating the City's public spaces will be emphasized.

5. Foster cooperation and coordination among public art interests citywide.

- Strengthening Partnerships to form public art alliances with other public art programs, organizations, and institutions, such as Atlanta Public Arts Legacy (APAL), The Metropolitan Public Art Coalition (MPAC), the Fulton County Arts Council, the High Museum of Art, and the Atlanta Fulton Public Library will help to provide ongoing input to the BCA, create a unified public art front, and pave the way for long-term interdepartmental collaborations. Partnerings between the public and private sectors also increase the source of funds available for community-initiated public art projects.

The relationship between the Department of Aviation's Airport Public Art Program and the Bureau of Cultural Affairs (BCA) Public Art Program will be strengthened and coordinated. Cooperation between the two agencies ensures the long-term vitality of public art in Atlanta. Interdepartmental cooperation and collaborations between the two programs will ensure a unified front for public art in Atlanta.

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In order to clarify the goals of public art in Atlanta, the following mission statements should be adopted regarding the role of public art in Atlanta.

The Mission of the City of Atlanta Public Art Programs are:

The Bureau of Cultural Affairs

Produce public artworks with the full consultation and cooperation of the community for whom it is intended;

Site artworks in publicly accessible residential, commercial, municipal, and recreational sites throughout the City's neighborhoods;

Anchor, activate, and revitalize the City's urban spaces and provide opportunities for artists to play active roles in this planning and redevelopment process;

Involve local, regional, and national artists of diverse backgrounds; provide artists an opportunity to advance their art forms with temporary as well as permanent works of public art;

Provide for the conservation, maintenance, and cataloging of the public art collection;

Encourage public dialogue about, and understanding of public art; and

Emphasize an aggressive public education and community outreach effort to ensure the long-term success of the Public Art Program.

The Department of Aviation

The Airport Art Program is envisioned as an essential customer service and is designed to be in support of the Department of Aviation's mission "To Be The World's Best Airport by Exceeding Customer Expectations." The Airport Art Program helps to humanize the vast scale of the airport environment, to highlight the distinctive culture of Atlanta and the South, underscore the airport's stature as an international gateway, to make the distances that must be traversed seem shorter and more enjoyable, support local artists and to create an environment that is more beautiful, thought-provoking and memorable.

2. Percent-for-Art Ordinance

A. *The legislated Percent-for-Art Ordinance includes the following:*

1. The creation of an interagency task force assigned to work with the BCA to help develop the Annual Percent-for-Art Plan and to assist in the identification of Percent-for-Arts funds and eligible projects on an annual basis.
2. Requests for Proposals (RFPs) and bid documents issued by the Bureau of Purchasing and Real Estate for capital construction projects must include: (1) a statement describing the art component; (2) a requirement that the architect work with an artist in the development of a Percent-for-Art project; and (3) a description of the role of the artist in the project as outlined in the annual Percent-for-Art Plan.
3. Commitment from the Bureau of Purchasing and Real Estate that project funds will not be released nor will architects be allowed to begin work unless information regarding the existence and requirements of the Percent-for-Art Program is described in the RFP.
4. The inclusion of the Airport Art Program in the City's Percent-for-Art Ordinance and a set aside of 1% of airport revenue funds from construction projects at Hartsfield Atlanta International Airport. Eligible funds would include actual construction or renovation costs of the building/facility and would exclude engineering and architectural fees, land acquisition, site preparation such as earth moving, roadways, etc.

B. *The use of Percent-for-Art funds includes:*

1. Temporary and permanent artworks located away from municipal construction project sites, with special emphasis on community-based projects.

2. Funding of off-site public art projects with pooled monies from small capital improvement projects.
3. Program administration, special maintenance and conservation of existing public art works.
4. Support for the development of rotating exhibitions throughout the airport, commissioning temporary and permanent site-specific artworks and providing for the ongoing conservation and maintenance of all airport art.

C. Sources of Percent-for-Art funds include:

1. One and one half percent (1.5%) of all municipal capital construction projects to facilitate the management and funding of the expanded Percent-for-Art Program in a professional and efficient manner;
2. One percent (1%) of construction funds from revenue funds from construction projects at Hartsfield Atlanta International Airport to support the Airport Art Program; and
3. A Public Art Trust Fund, will be set up as an account within the Municipal Art Fund, to receive monies from corporations, foundations, individuals, families, and other institutions interested in providing financial support for the realization of public artworks throughout the City of Atlanta. The Public Arts Advisory Committee (PAAC) will act as a reviewing agency for funding public art projects with private funds.

D. Public/Private Partnerships:

The program aims to develop a public/private relationship that specifies commercial development that exceeds a specific dollar amount, in designated areas, will adhere to the legislated percent for art contribution. To verify a public art component, Certificate of Occupancies maybe withheld until developers demonstrate compliance or make a specific

contribution to the general public art fund that can be used within their area. By utilizing the Urban Design Commission as well as the Bureaus of Planning and Zoning, and the Department of Aviation, Atlanta will demonstrate the benefits of a public art component in private commercial developments in the Downtown Corridor, Midtown Area, and Airport terminals, as well as other specific locations.

3. Organizational Structure

The public art planning process includes relationships between the following:

Public Art Advisory Committee (PAAC)

The PAAC will act as an ongoing advisory group to the City's public art programs on the overall public art plan. PAAC will also serve as a think-tank for the City's Percent-for-Art Program by evaluating projects, articulating a general philosophy for the program, and recommending policies to guide the program. The PAAC will also review gifts of public art and commissions at the request of the BCA or the Urban Design Commission. Members of the approximately nine-member advisory committee will reflect the City's diversity goals and should include five (5) art professionals (including working visual artists), two (2) business leaders who have some familiarity and knowledge of public art, and two (2) community activists.

The Bureau of Cultural Affairs will select members and forward the list to the Mayor for consideration. Members will serve two-year terms, which will be staggered to ensure the presence of experienced members. Members will be allowed to serve two terms, either consecutively or nonconsecutive. *(See Section 10, page 73 for a listing of the PAAC's tasks and responsibilities and Appendix B. for the Public Art development process chart.)*

Bureau of Cultural Affairs (BCA)

The BCA will serve as the city agency responsible for the administration of public art throughout the city of Atlanta, procuring public art for recreation and community centers, city parks and other public spaces (For the purpose of this document the Public Art Program and Bureau of Cultural Affairs (BCA) are interchangeable). The Percent-for-Art fund supports the public art administrative staff in fulfilling the duties outlined in the Master Plan. In addition to a Cultural Affairs Manager, Public Art Project Coordinators are responsible for managing the public art program. As the number of Percent-for-Art commissions, budgets and responsibilities for project administration increase additional staff will be hired. *(See Section 10 page 68, Staff Responsibilities.)*

Department of Aviation (Public Art Program)

The Department of Aviation administers public art throughout Hartsfield International Airport (For the purpose of this document the Airport Art Program and Department of Aviation (DOA) are interchangeable). The Airport Art Program, a division of the Department of Aviation will work with the Bureau of Cultural Affairs to assure unity in the planning and development of public art projects. The percent-for-art funds allocated to the Airport program from revenue funds shall support public art administration of Airport projects.

Public Art Interagency Task Force

A task force will assist the BCA, DOA and the PAAC in the development of the annual Percent-for-Art Plan and assist in the identification of all Percent-for-Arts funds and eligible projects on an annual basis. Representatives should be included from the following departments and bureaus: Cultural Affairs, Finance, Purchasing and Real Estate, Law, Contract Compliance, Risk Management, Parks, Planning, Public Works, Aviation, and the Mayor's Office. Representatives from other departments and agencies with information regarding upcoming capital construction projects should also be included.

The Stakeholders Committee

For each public art project a group of three (3) to eight (8) members of a Stakeholders Committee will be assembled by the Public Art Program with input from the PAAC. This group will assist in directing the artist selection process and help conceive the themes, locations, and other specifics of a particular art project. The Stakeholders Committee will consist of individuals who have a confirmed interest in the site and project, an interest in visual arts, and are representative of the community. The Stakeholders Committee will make recommendations concerning the following: the number of artists to be commissioned for a particular site, if the art should be located on or away from a construction project site, and which spaces are appropriate for artwork. (*See Section 5, Artist Selection and Procurement Procedures*). If the art is to be integrated into the overall design of the facility, the Stakeholders Committee may recommend that the artist, architect, and engineers work as a

team to create a project. This Stakeholders Committee will replace the BCA's existing panel system with a broader based committee. The committee should be comprised of voting and non-voting members. Voting members will include: Art professionals, such as art administrators, art historians, and working visual artists; a representative from the commissioning city agency; a representative from the BCA; and at least one representative from the local NPU. Non-voting members who serve as consultants or volunteers should include: a City Council representative from the respective district; a member of the PAAC, as an advisor; a representative from the Mayor's office, and the project architect.

The following additional representatives are to be selected as nonvoting members or are to replace voting members on a project by project basis: a selected group of employees, users of the facility, and members of the adjacent residential and business communities.

The Airport Stakeholders Committee

The Airport Stakeholders Committee will be assembled by the Department of Aviation and make recommendations on artist site selection, themes, budget, and other specifics of a particular project. The Airport Stakeholders Committee will be comprised of partners at the airport that are effected by airport art projects, a representative of the Airport's Public Art Program; and at least one representative from the Department of Aviation's management. The Airport Art project specifics will be submitted to the Public Art Advisory Committee for review and comment.

Neighborhood Planning Units (NPU's)

One of the goals of this Public Art Master Plan is to involve the community more fundamentally in the City's Percent-for-Art Program. Fostering educational interaction between the artist and community during all stages of the design process ensures the art created is responsive to the site and truly reflective of the community. NPUs will be involved in the public art planning process in the following ways:

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1. Providing the BCA, project architects, and prospective artists with information about the history, demographics, architectural heritage, and culture of the project community;
2. Assisting in the initial project conceptualization, identification of sites for artworks, recommendation of artists for consideration, and approval of artists' design proposals;
3. Identifying potential community members to possibly assist in the fabrication and installation of completed artworks; and
4. By reviewing gifts of public art to the City to be placed within an NPU.

Urban Design Commission (UDC)

The UDC presently reviews all works of art for which the City proposes to contract and site on city property. It reviews all works of art to become the property of the City by purchase or gift. Reviews should be scheduled on a timely basis to ensure UDC's full involvement.

Atlanta City Council

The City Council will periodically review the Public Art Master Plan to assess compliance by departments and bureaus. It is also anticipated that City Council members will serve as non-voting members on the Stakeholders Committee for public art projects in their districts, and help to promote public art in general to the citizens of Atlanta.

4. Annual Percent-for-Art Plan

To improve program efficiency and to increase the BCA's and DOA's capture rate of earmarked Percent-for-Art monies an annual Percent-for-Art Plan will be developed in collaboration with the Inter-Agency Task Force to:

1. Identify all projects in the Capital Improvement Plan for the current year for allocable funds to be encumbered by the Department of Finance. Specific projects and monies will also be pooled from small construction projects;
2. Allocate portions of the overall Percent-for-Art budget to specific projects to a pooled fund for community based and temporary projects—less funds for project administration, emergency repair of artwork, education and community outreach;
3. Develop an overall allocation of percentages of construction projects to be awarded to local artists on an annual (rather than project by project) basis, based upon a five-year goal. (*See Section 10, Program Administration*);
4. Identify the appropriate scope of selection for artists; local, regional, national, and international artists.
5. Identify a design process (artist-architect or community collaboration) for each project to guide selection procedures for both the project design team and the artist and recommend general siting and placement of artworks (on or off-site);
6. Establish procedures and contracts to expedite review by the departments of Purchasing and Real Estate, Law, and Risk Management; and
7. Determine special maintenance and conservation efforts needed for existing art.

5. Artist Selection & Procurement Processes

To provide an artist selection procedure that is manageable and efficient, provide flexibility in the allocation of percent for art funds and facilitate community involvement in the public art process, public artworks will be procured in the following ways:

1. Artists can be commissioned to create stand alone artwork by: (1) operating independently of a design team; (2) working collaboratively with architects, landscape architects, urban planners, and engineers (as an equal member of a design team; or (3) acting as a subcontractor, being responsible for developing an art concept and coordinating its construction, integration, and installation.
2. Artists can create new works off-site in the immediate geographic vicinity of the municipally funded construction; or
3. Funds can be pooled for community-based public art projects if the art project budgets are less than \$20,000.

Artist Selection for a Site-Specific Artwork

Architect Notification of Art Component

To expedite the artist selection process and enable the artist to participate in the early design phase of the project, the artist should be selected during the preliminary concept stage. This allows time for the artist to work with the architects and engineers before the design specifications are developed and sent out to bid. The Percent-for-Art Ordinance supports the following: (1) that RFPs and bid documents issued by the Bureau of Purchasing and Real Estate for capital construction projects include a line item for the art allocation; (2) that the project architect will be required to work with an artist in the development of a Percent-for-Art project; (3) that a description of the role of the artist in the project as outlined in the annual Percent-for-Art Plan be included; (4) that the Bureau of Purchasing and Real Estate will not release project funds nor will architects be allowed to begin work if language regarding the existence and requirements affiliated with the art component is not described in the bid response document.

The BCA should sign off on the official signature page on contracts for capital construction projects and other contracts with a mandate for Percent-for-Art funds. The description of the project's art component will be developed by the BCA in conjunction with the commissioning city agency.

Stakeholders

The Stakeholders Committee (*see Section 3*) helps to conceptualize each project, select artists, review design stage proposals, gifts, etc.

The project architect is allowed to suggest artists to be considered for a project and often introduces a project to a community. The architect is usually a nonvoting member. Representatives from the community and offices of elected officials provide valuable contextual information to guide the decision making process but they do not vote in order to prevent the voting process from becoming too unwieldy and to ensure that the Stakeholders Committee remains apolitical.

In an effort to enable the BCA to meet the City's diversity goals (*see Section 9, Minority Business Enterprise Goals*), the BCA will not use "blind juries" and that the Stakeholders Committee will be apprised of the name, ethnicity, race, and gender of a proposing artist when necessary. The Stakeholders Committee will adhere to the Americans with Disabilities Act (ADA) in making recommendations concerning both artist selection process and the ultimate design of artworks. Whenever feasible, artworks or associated programs will incorporate components sensitive to Americans with disabilities.

Options for Identifying Artists

The Stakeholders Committee will have a variety of approaches available to identify artists depending on certain specifics, including project timing, budget, role of the artist in project design, etc. Options include:

1. Slide registry
The BCA and DOA will preselect qualified artists from the slide registry to be presented to the Stakeholder Committees for review. (*See Section 10 for more information on the Artist Registry.*)

2. Notice to Artists

The BCA and DOA notify (RFP) all artists on the registry informing them of upcoming projects and requesting letters of interest. RFPs will indicate the variety of methods available to artists for creating art projects in compliance with the ordinance.

3. Direct invitation to specific artists

Based upon an artist's reputation or experience, the Stakeholders Committee may nominate artists for a project and invite specific artists to participate. They may elect to pay an artist to develop proposals for an art project. Selection of artists by direct invitation should be based upon those attributes qualifying them for a specific project in keeping with the City's diversity requirements. The Stakeholders Committee will notify invited artists far enough in advance to allow them to submit the necessary materials (e.g. slides) to qualify them for consideration.

4. Open calls for artists

The BCA and DOA in conjunction with the Stakeholders Committees will draft the calls for artists, and the Stakeholders Committee will be a resource to assist in the development of the Call. In order to ensure that the most qualified candidates respond, calls for artists and RFPs will state that only "eligible" artists may apply. (*See definition of artist eligibility in Section 10, Overall Program Management and Administration*). In addition, as much information as possible should be provided about the project so that applying artists and members of the Stakeholders Committee understand the goals, purpose, and parameters of the art project. Information will be included regarding:

- Project budget;
- Goals and vision of the art project (including the type of project, i.e. project specific, off-site, community-based, etc.);
- Proposed site and alternative sites;
- Issues of concern as identified by the community;
- Artist selection criteria and process;
- Process of community involvement;
- Application guidelines and materials to be submitted;
- Preferred media and scale;
- Estimated timelines and project scheduling; and

- Names of design team members and others with whom the artist will be expected to work.

Conditions limiting the competition or statements of preference shall be included as well. For example, a call for artists or RFP for a Percent-for-Art project to be located in a predominantly ethnic neighborhood could request that submitting artists have demonstrated knowledge of, and experience with, that particular culture, history, and traditions. They could also state preferences for artists from specific geographic regions (e.g., the Atlanta Metropolitan Area, the State of Georgia, or the Southeastern United States).

Prior to the date that artist proposals are due, the BCA and DOA will hold a pre-proposal workshop for interested artists and members of the Stakeholders Committee. The project architect will discuss the project, site, etc., and members of the community (NPU chair, for example) will have an opportunity to inform prospective artists about the neighborhood and community in which the Percent-for-Art project will be located.

Purchase or Acquisition of an Existing Work of Art

The Stakeholders Committee may consider purchasing an existing work rather than commissioning a new work when:

1. The art project budget is under \$10,000;
2. The site or facility does not provide an ideal opportunity for an artist to create a site-specific work, such as a temporary or interim use facility or one where the facility is already built;
3. The Stakeholders Committee wants to include artists who normally do not create site-specific work or who might find it difficult to work within the constraints of a given construction project;

4. The commissioning city agency of the facility has internal deadlines that make commissioning a work untenable or unfeasible;
5. Works by a desired artist may be acquired after their death; or
6. The Stakeholders Committee or the commissioning city agency has a predilection for paintings, small sculptures, or other collectible objects.

Selection Procedures

The Stakeholders Committee will meet to review the artist(s) work under consideration. They will select from a pool of artists and request maquettes and design proposals from a group of between 2 to 5 artists. The artists will be paid a stipend based on design fees set by the BCA. These fees will comprise a percentage of the total budget for the art project and will vary depending upon the amount of work required to comply with the proposal request. For example, if an artist is asked to prepare a maquette, meet with the community, and visit a project site, the fee should be higher than if he/she only has to complete one of these tasks. When artist maquettes, working drawings, and sketches are returned to the artist, the fee will be less than when these materials remain the property of the commissioning city agency.

Contracts

Contracts with the artists are negotiated. (*See Section 9, Contracts.*)

The Off-Site Alternative to a Public Art Project

One of the major goals of the public art program is the flexible use of monies to create temporary artworks and the placement of artwork offsite in a community. As part of the project concept process, the stakeholders committee may determine that an offsite location is preferable.

The decision to locate a work of art funded by the Percent-for-Art Ordinance in an off-site location but within the project NPU or immediate vicinity should:

1. Be made after a determination that the project site is not appropriate for a work of art. Sites deemed inappropriate for art include those with insufficient public access (sewer improvements, electrical substations, etc.) and with no appropriate location for the art.
2. Not harm the project site.
3. Improve the off-site location and be of general benefit to the surrounding communities.

After the decision to locate a work off-site is made, the commissioning city agency, with input from the Stakeholders Committee, and the PAAC, will select an alternative site, or they will transfer monies to a pooled fund for use on community-based or temporary art projects. Unless other funds are available from the commissioning city agency, any additional installation and site preparation costs normally covered by the facility construction budget will be added to the costs of the art project.

Sites to be considered as off-site locations for Percent-for-Art funded artworks must meet the requirements described in Section 6, (*Eligibility Criteria for Artworks*).

Off-site locations for public art projects may include parks, plazas, roadways, sidewalks, traffic islands or medians, bridges, historic places or landmarks, and public buildings (recreation centers, hospitals, etc.).

While it is usual and customary for off-site Percent-for-Art funded projects to be located on property owned or leased by the City, exceptions can be made if an appropriate easement or long-term agreement with the property owner can be reached (7-year minimum). Before a publicly funded work of art is displayed on private property, the BCA and the Stakeholders Committee will make a determination if it is in the best interest of the City, the artist, and the community to do so. Since private owners benefit from the display of publicly funded Percent-for-Art projects, they will be encouraged to share the cost for site preparation, installation, and maintenance.

The artist selection process is the same for an off-site as for an on-site project, with the exception that the Stakeholders Committee may change in composition to reflect the community of the new location.

Community-Based Public Art Projects

NPU's have demonstrated tremendous interest in coordinating public art projects in their communities. Therefore, pooled monies may be taken from small construction projects and other ventures to fund community-based public art projects. The process for commissioning temporary and permanent community-based public art projects, as well as artist and site selection, will be very flexible. The selection process will involve a number of selection choices, such as sites, artists, and projects.

Public Art Idea Bank

The Public Art Idea Bank is an information-gathering tool utilized by the Bureau of Cultural Affairs, which allows for citizens to contribute their ideas and suggestions on potential art projects, sites, methods and processes that will assist the public art program.

Project Selection

To assure fairness and equity, the BCA will issue RFPs for select community-based art projects. A single project may be funded without competitive review if the project is of unique benefit, or if it provides an opportunity for ongoing public art projects, such as a rotating exhibition area for temporary public art. Following are a few of the processes available to solicit and develop community-based projects:

1. The BCA can develop a request for proposals for NPUs for sites and artists. The RFP will require specific information from the NPU regarding the proposed cost of the project, processes for involving the community in the project, the project's ability to help the BCA meet the City's diversity goals, the number of people expected to benefit from the project, and plans for maintaining the artwork;
2. The BCA can identify a site and create an RFP for artists;

3. The BCA along with the PAAC can identify selected artists from the slide registry and ask communities to propose sites, such as favorite neighborhood gathering places, historic or significant neighborhood landmarks, or recreational areas;
4. One or more city agencies with funds for an artwork off-site could commission artists to do projects in the community;
5. The BCA can review unsolicited proposals from community groups twice a year and identify projects for funding; and
6. The BCA working with PAAC can review and select projects for funding. After a project site is selected, the Stakeholders Committee will be set up by the BCA to review artist designs and proposals and to ensure that the processes used for designing, installing, maintaining, and evaluating the final artwork are compatible with the procedures used by the BCA for procurement of on-site works of art.

6. Process and Criteria for Design and Review of Public Art

This section describes the process that takes place between selected artists and the Stakeholders Committee in facilitating a public art project and the process for officially reviewing and approving proposed Percent-for-Art projects.

Project Design

Site-Specific Artworks

Once an artist has been selected and placed under contract, the Stakeholders Committee will meet with the artist to discuss and explore ideas for the artwork. If a maquette or specific design proposal is part of the selection process, the Stakeholders Committee will identify issues and concerns about the proposed piece during the design process.

The artist will begin any background planning work, community outreach, and site visits as outlined in their proposal. When an artist is part of a design team, it is recommended that the project architect participate in community outreach, public education programs, and site visits.

Before artists begin the actual design process, they will meet with the BCA to discuss the following:

1. Art project timeline (as it relates to the construction schedule);
2. Schedule of meetings and presentations (to the community, project architect, commissioning city agency, etc.);
3. Any limitations and/or constraints intrinsic to the project or required by the City; and
4. A review of general guidelines and goals of Public Art in Atlanta.

The Stakeholders Committee will convene at least once at the project concept stage and once at the end of the pre-final design phase in order to review submitted designs, maquettes, and design proposals. These proposals are to include fabrication, installation, and maintenance requirements. If approved by the Stakeholders Committee and the BCA, the artist's designs will be forwarded to the UDC for review and comment. At the discretion of the UDC,

the PAAC can be requested to make a formal review of the designs. The art project will only go into final design and fabrication after all approvals have been issued and once the final installation and maintenance description has been received—as specified in the artist's contract. (*See Section 9, Contracts.*)

After all site preparations are made and the artwork is installed, the Stakeholders Committee will convene with the project's structural engineer to inspect the artwork and make sure that it has been executed and installed properly. The evaluation and documentation of the artwork will take place as soon after installation as possible. Once a post-installation site visit has been made and the work approved as installed, the maintenance program developed by the artist in conjunction with the commissioning city agency becomes effective. This process applies to project-specific artworks, community-based, off-site, and temporary art projects.

Community-Based and Off-Site Art Projects

If the Stakeholders Committee decides during the project concept phase that a project is best located away from the construction project site, or that the project funds should be pooled and later used to commission a community-based art project, the same process for developing and reviewing public art projects will be used. (*See Chapter 5, Artist and Site Selection Policies and Procedures.*)

Temporary Community-Based or Off-Site Art Projects

Should artworks be installed on a temporary basis, the artist's designs will require approval of the BCA and/or the Stakeholders Committee, and the project principal (a city agency, private property owner, or private donor). After design approval, the artwork will go immediately into the final design stage. Although a maintenance plan is not required, the artist is to provide information regarding how and when to de-install and plans for returning the site to its original condition.

Review Guidelines

Eligibility Criteria for Artworks

The BCA will adopt specific criteria for review of proposed permanent public art projects. The following guidelines will also help to guide the design process:

1. Relevance of the work to the City of Atlanta, its values, culture and people;
2. Technical suitability of the work for outdoor display, including its maintenance and conservation requirements;
3. Relationship of the work to the site, especially how it serves to activate or enhance the public space; and
4. How closely the proposed artwork meets the specifications as outlined in the RFPs.

In general, a proposed work of public art will not be accepted if it is not original (in the case of a work of fine art—sculpture or painting). If accepted artwork is a multiple, it will only be accepted as a limited edition (200 or less in the case of fine art prints and photographs). In general reproductions; unlimited editions/mass productions; decorative, ornamental and functional elements of architecture; directional elements, such as super graphics, signage and color-coding; and landscape usually are NOT considered artworks unless done by an artist.

Acceptable media include:

1. Sculpture: in the round, bas-relief, mobile, fountain, kinetic, electronic;
2. Mosaic; ceramic, glass, metal, wood, mixed media;
3. Fountains or water elements;
4. Crafts: clay, fiber, textiles, wood, metal, plastics, stained glass;
5. Mixed media;
6. Earthworks and environmental artworks;
7. Decorative, ornamental, or functional elements designed by an artist; and
8. Murals and paintings.

Unacceptable criteria:

The artwork does not meet professional standards for public art due to one or more of the following:

1. Faults of design or workmanship which will either pose a public safety hazard or diminish the value of the work;
2. The possibility that the artwork is fraudulent or not authentic; and/or
3. The artwork appears to be of inferior quality relative to the quality of other works in the City's collection.

Additionally, the BCA, commissioning city agency, the UDC, and the Stakeholders Committee will consider the following questions and criteria when conducting its review:

I. AESTHETIC QUALITY AND ARTISTIC MERIT

Longevity, craftsmanship, accomplishments of the artist, creativity, scale, color, proportion, standard of excellence, and representation.

- A. Does the work considered have artistic merit?
- B. If the work is of historical significance; does it have aesthetic merit as well?
- C. Is the work relevant to the City of Atlanta, its values, culture and people?
- D. Does the work have value as an addition to the City's public art collection? Does the City already have sufficient examples of this type or style or theme of artwork?
- E. Will the work appeal to a large portion of the City's population?
- F. Is the artist willing to commit to the project being a unique work (or limited edition)? Is there a copyright on the work? Would the copyright have any impact on the display or use of the work? What are the artist's plans for reproduction and marketing of the work (on T-shirts, etc.)?
- G. Is the artist willing to develop and disseminate interpretive and educational materials?

II. PLACEMENT/SITING

Potential site location, limitations, restrictions, environmental concerns, replacement/relocation, restoration of site to original condition, appropriateness, relationship to site, and relationship to the collection as a whole.

- A. What is the relationship of the work to the site? Is it appropriately scaled?
- B. Has a list of alternative sites been developed?
- C. Will the site become a destination itself?
- D. Will the work help to anchor and activate the site and enhance the surrounding area?
- E. Will there be convenient public access to the site?
- F. Will additional parking be required?
- G. What preparations need to be made to the site in anticipation of the installation?
- H. Have arrangements been made to restore the site to its original condition for temporary works?
- I. Has the commissioning city agency approved the site?
- J. What are the utility requirements of the site?
- K. Is the neighborhood/NPU interested in having the work located in their community?

III. FABRICATION, HANDLING, AND INSTALLATION

- A. Are the projected costs accurate and realistic?
- B. Have written estimates been obtained from technical support and fabrication contractors?
- C. Does a certain site present special obstacles?
- D. How many people will be needed to site or move the work?
- E. Can the work be easily hung, transported, and installed?
- F. Does the work require special vehicles or equipment?
- G. Can the work be easily removed if necessary?
- H. Has written permission been granted by the artist for work by a qualified conservator, if needed?
- I. Has the stated value of the work been sent to the Office of Risk Management?

IV. MAINTENANCE REQUIREMENTS

Permanence of materials, source of maintenance funds, maintenance schedule, environmental issues, durability, and lifespan.

- A. Is the work suitable for outdoor display?
- B. What effect will the elements potentially have on the work?
- C. How long is the material expected to last in a public setting, without being archived?
- D. What age have other works of the same materials attained?
- E. Will the materials last? Does the work have a limited lifespan due to built-in obsolescence or inherent weakness?
- F. What are the existing or projected maintenance requirements of the work?
- G. What is the potential maintenance impact of the work?
- H. What is the maintenance schedule for the work?
- I. Are the workmanship and materials of high quality?
- J. Might the work be prone or susceptible to vandalism?
- K. What suggestions does the artist have about protecting the work-should it become subject to vandalism?
- L. Will the work have a graffiti-resistant coating, or can one be easily applied?

V. CONSERVATION AND PRESERVATION

- A. Are unusual or ongoing costs likely?
- B. Has written permission been granted by the artist for work by a qualified conservator, should the need arise?
- C. How difficult will it be to conserve the object?
- D. Who will bear the cost of conservation?

VI. LIABILITY AND SAFETY

- A. Is the work a potential safety hazard?
- B. Does the work propose a potential danger to the public?
- C. Does the work meet safety codes?
- D. Will fencing or other types of security measures be required?

VII. COMMUNITY

Because the NPUs involvement in the commissioning of a Percent-for-Art project is key to community support and endorsement of a potential artwork, it is recommended that a special series of questions be asked of NPUs when works are to be located in their neighborhoods.

1. Is the selection process an open one for artwork proposals generated by a community group?
2. How is the surrounding community involved?

Sites for Public Art

Site Selection and Placement Criteria

To ensure the fair and equitable distribution of public art throughout the City and to ensure that public art enhances, anchors, and activates the City's public spaces, criteria has been developed to guide the placement of off-site, community-based, and on-site art projects. These criteria will ensure the artwork is displayed prominently on the building site, or if it is integrated into the architecture, is recognized as artwork.

Sites where public art is to be displayed should:

1. Experience high levels of pedestrian traffic and be part of the City's paths of circulation;
2. Be easily visible and accessible to the public;
3. Serve to anchor and activate the site;
4. Enhance the overall public environment;
5. Enhance the streetscape experience for pedestrians;
6. Help to create a place of congregation and activity;
7. Establish landmarks and neighborhood gateways; and
8. Be dispersed throughout the City—as opposed to being concentrated in the central business districts.

The following points should be considered in site selection:

1. Work displayed in interior public spaces will be accessible to the public at least during normal building operating hours without requiring the public to obtain special passes or permits to view the work;

2. Work displayed in exterior public spaces should be accessible to the public 24 hours per day. If a work is sited in a park or similar setting, it should be accessible during the normal operating hours of that site or facility;
3. Work should not block windows or entranceways or obstruct normal pedestrian circulation entering or exiting a building (unless it is specifically a part of the experience or design of the work);
4. Work should not be placed at site if the landscaping and maintenance requirements of that site cannot be met;
5. Work should be sited for immediate and/or maximum visibility;
6. Work should be sited where it is not overwhelmed by, or competing with, the scale of the site, adjacent architecture, large retail signage, billboards, etc;
7. Work should be placed at a site where it will enhance the surroundings;
8. Work should not create a blind spot where illegal activity can take place;
9. Work should be sited where it will create a place of congregation or in a location that experiences high levels of pedestrian traffic and activity and;
10. Work should be sited where it will be effective in enhancing and activating the pedestrian and streetscape experience.
11. The installation of public artwork should comply with any master plan developed for the intended site, including any neighborhood or park master plans.

On-site locations for public art projects include, but are not limited to, the following: walls, ceilings, floors, windows, staircases, escalators, roof tops, and entrances and exits.

Signage

Acknowledgement of public art must be consistent with the City's sign ordinance, Section 16-28(A)-007(Q) and not contain or intended to convey a commercial message primarily. Sponsor name(s) may be displayed on an adjacent plaque or similar display no more than two (2) square feet in area.

7. Gift Policies and Procedures

Because there are limited funds to protect, maintain, preserve, and conserve public artworks, and a finite number of suitable sites on most City-owned property for these works, a careful review process will be established to evaluate proposed gifts. Any gift of art to be located on City property will undergo a review process to determine if it is to be accepted.

Similar to the criteria for the selection of public art projects, gifts will be considered first on artistic merit, including the qualifications and proven ability of the commissioned artist. Equally important considerations include context in the City's art collection, programming, site appropriateness, oversight responsibility, maintenance requirements, and the City's liability. Potential gifts to the City must carry a proposed maintenance agreement between the City and the donor. As part of this agreement the City will require a guarantee of maintenance, preservation, and conservation in perpetuity from the donor—unless the commissioning city agency responsible for siting a potential gift agrees to fund the performance of these duties.

The UDC will play a central role in the review of gifts of art to the City. The UDC functions as an advisory agency to the Mayor and City Council that reviews and comments on all matters concerning city-owned works of art and architecture, as well as private structures that extends onto or over city property. The UDC's mandated duties include review and comment on the original design, any removal, relocation, rehabilitation, and alteration of all such buildings and works of art, except in cases of historic districts and properties, where the UDC's power is regulatory.

In cases where the Mayor or a council member is approached by a donor with a work of public art they would like to present to the City, the UDC will undertake a full gift review process and make a recommendation to the Mayor and City Council to accept or reject the proposed gift. The Mayor and City Council are strongly encouraged to refer all gifts to the UDC for review and to uphold all of the UDC's recommendations. The UDC's recommendation for accepting or declining a proposed gift will be made based upon the results of the reviews conducted by the BCA, the impacted NPU, and the proposed commissioning city agency.

Gift Review Process

The gift review process will begin with the BCA. Before the BCA begins its review process, they will send to the donor a “Donor Information Checklist.” Each donor will be required to provide the BCA with the pertinent documentation and information necessary to conduct a fair and thorough review of a proposed gift of public art. (*See Donor Checklist below.*)

Once this information is received and certified complete, the BCA will refer it to the UDC. If the donor has identified an intended site for the gift, the BCA will send the “Donor Information Checklist” to the commissioning city agency which controls the property or building for which the gift is intended, and to the appropriate NPUs for their review and initial recommendations.

If there is no designated site, the proposed gift will go to the BCA and the PAAC for review to determine if it is of sufficient merit to warrant site designation, whether it is of benefit to the City and a valuable addition to Atlanta's public art collection. If the BCA and the PAAC agree the gift is of sufficient merit, they will contact the appropriate city agencies to identify suitable sites for the gift. At this point, the BCA will send the “Donor Information Checklist” to the appropriate city agencies responsible for the potential site for review. Note: All gifts to the City must receive the endorsement of the city agency responsible for the property on which it will be sited prior to the UDC's review.

The BCA director and staff will review the artwork according to the established gift evaluation criteria listed below and submit a written evaluation to the UDC. At the discretion of the BCA director, a gift can be submitted to the PAAC for comments. The BCA will also offer guidance to the city agency and NPU being offered the gift regarding acceptance of the gift, evaluation criteria, and review of appropriateness of the gift to the City of Atlanta.

The host city agency will review the work based on its technical feasibility and site appropriateness. This will include a study of detailed construction/fabrication drawings submitted by the donor consisting of the site plan, elevation, and section view of artwork to determine whether the artwork can be built and installed as proposed.

The host city agency and NPU will review and comment on the proposed gift and also make their decisions known to the UDC in writing. The UDC will review the decisions of the city agency, the BCA, and the NPU and will make its recommendation to the Mayor and City Council for acceptance or rejection of the gift. Every gift must receive all requisite approvals before it receives final acceptance or rejection.

If the gift of public art is temporary (as with a loan), the Donor Information Checklist will go to the BCA who will conduct the review with the PAAC, NPU and the host city agency. The same review process and approvals will be required of permanent gifts, and the commitments on the part of the donor will be the same. If interest in accepting the work is strong, but adequate funding to cover the costs is unavailable, the BCA, the donor, and the host agency may raise funds to cover the costs of accepting the loaned artwork. The UDC will become involved in decisions regarding temporary gifts if the artworks are loaned to the City for a period of more than one year.

Once the Donor Information Checklist has been certified complete by the BCA there is a 60-day time limit for review. If a reviewing entity misses the deadline, the BCA will proceed with a decision without the reviewing agency's input. To expedite the process the BCA may ask the donor to make a joint presentation to all of the above groups. If it is not possible to bring the groups together at one time, the BCA will work with the donor to keep the number of meetings and presentations concerning the work to a minimum.

Acceptance Agreement

A recommendation to accept a gift of public art will be delineated in an acceptance agreement between the City and the donor. This agreement, prepared by the BCA and signed by the Mayor, will describe the terms and conditions under which the art is to be accepted, including responsibilities for installation and fabrication, site preparation, insurance, ongoing maintenance, conservation, etc. The obligations of the City will also be included (e.g. will the City be responsible for securing and placing a plaque with the name of the donor at the site?). A statement that the City of Atlanta retains full rights of reproduction, removal, relocation, and de-accessioning of the gift will be included.

It is important that the host city agency and the donor meet following installation to confirm that the work was properly constructed and sited according to plan.

If a proposed gift cannot be completed within the timeline originally established, or if significant changes (both conceptual and/or financial) to the proposed work occur, the work must be reviewed again by the UDC.

Gifts of Sites for Public Art

The donor will go through a similar process for gifts of land or site (*refer to the gift review process*).

Donor Information Checklist

The information on the Donor Information Checklist include:

1. The name, address, phone, and fax number of the donor or donor's agent;
2. The Donor's Statement of Intent:
 - A. Three statements that acknowledge the following: (1) intent of the donor/receiver; (2) relationship between donor/receiver; and (3) the origin of contact between donor/receiver;
 - B. The Statement of Intent will also describe the following: (1) the donor's reason(s) for offering this gift to the City of Atlanta; (2) the aesthetic value of the work (by the donor's estimation); and (3) the value of the work as an addition to the City and its public art collection;
3. Credentials of the Artist. This will include all that are applicable: (1) name, address, phone and fax number(s); (2) bio or resume; (3) exhibition catalogues; (4) ten to twenty slides of recent artworks; (5) name, address, phone and fax numbers of current gallery representative or agent;

4. A description of the work and any specifications, models, presentation drawings, slides, or photographs. A statement of technical feasibility by an independent engineer stating the work can be built and/or installed as proposed is to be included. In addition, detailed construction/fabrication drawings consisting of the site plan, elevation, and a section view of the artwork will be submitted describing the surrounding site conditions, if applicable; the dimensions of the work as proposed; the materials for fabrication; proposed color(s) of the work; construction/installation method; and all utility requirements, including the electrical power and plumbing;
5. Responsibilities and Funding for Installation and Maintenance Costs;

The donor will also provide the following:

- A. A description of responsibilities and funding sources to cover costs of fabrication, transportation, storage, insurance, installation (personnel and equipment), site preparation, utilities, maintenance and conservation, fencing or other security devices as needed, and artist fees.
- B. A final report on future maintenance including a plan for routine care, with estimated costs. The BCA may ask that this report be prepared with the assistance of a qualified conservator.
- C. A letter of guarantee of indemnification for maintenance, preservation, and conservation of the artwork in perpetuity from the donor, unless otherwise agreed to by the host city agency.

The host city agency must agree to the responsibilities and funding outlined in the Donor Information Checklist regarding installation and maintenance before the start of the review process;

6. Name, address, phone, and fax numbers of the fabricator(s), engineer(s), etc., to be involved in designing, fabricating, transporting, installing, and maintaining the work of art;
7. The process by which the artist was selected;

8. Provenance and documentation of existing work, including locations where the work may have been previously displayed and previous owners;
9. A timeline for completing and installing the gift; and
10. If the Donor suggests a particular site for the gift, the host city agency receiving the gift will need to approve the site before the start of the review process.

The Donor Information Checklist form will include notification that once a gift of art is formally accepted, the City retains full rights to the gift, including reproduction, removal, relocation, and de-accessioning. In addition, there will be a statement indicating that the donor agrees to make presentations during the gift review process as requested by the UDC and BCA. *(See Appendix C, Donor Profile and Work of Art Specifications)*

Gift Evaluation Criteria

Each proposed gift of art will be reviewed based on the criteria described in Chapter 6, Process and Criteria for Design and Review of Public Art.

8. De-accessioning Policy and Procedures

The term *de-accession* applies to the disposition or exchange of public artworks no longer appropriate for display and to the process by which title to artwork is transferred from the City to another institution or individual, or otherwise disposed of. All de-accessioning plans and policies must consider the federal regulations set forth in the Visual Artists Rights Act of 1990. This act states, "the significant or substantial distortion, mutilation, or other alteration to a pictorial, graphic, or sculptural work, which is publicly displayed, caused by an intentional act or by gross negligence, is a violation of the exclusive rights of the copyright owner where the author of the work is the copyright owner."

Eligibility for De-accessioning

Work will be eligible for de-accessioning under any of the following conditions:

1. The site for the artwork has become inappropriate (it is no longer accessible to the public, unsafe, or due to be demolished);
2. Significant changes in the use, character, or actual design of the site require re-evaluation of the relationship of the artwork to the site;
3. A suitable place for display no longer exists;
4. The agency displaying the work has requested it to be de-accessioned;
5. The artwork is found to be fraudulent or not authentic;
6. The artwork has been determined to be of inferior quality relative to the quality of other works in the collection;
7. The artwork possesses faults of design fabrication or workmanship that calls into question its aesthetic merit;
8. The artwork requires excessive or unreasonable maintenance;
9. The artwork is damaged irreparably or to an extent where repair is unreasonable or impractical;
10. The artwork represents a physical threat to public safety;
11. The artwork is rarely or never displayed;
12. A written notice from the artist requesting de-accession has been received; or
13. The City wishes to replace the artwork with a work of more significance by the same artist.

De-accessioning Process

Once valid reasoning for de-accessioning has been established, the BCA in conjunction with the PAAC and the UDC will convene to review the request. As needed, a conservator and an art historian will be consulted. Input from the originating artist and involved city agency should be considered in all cases.

The criteria for de-accessioning public art will not be determined by popularity of a particular style or public tastes, but by the quality of the work itself as representative of its style or genre and its relation to public context. However, if after a work is the target of sustained objections, if it has been in place for a specified minimum of years, and if the City wishes to consider removal, the following are useful guidelines for the process:

1. Pertinent documents should be reviewed, including the original contract and federal legislation—specifically the Visual Artists Rights Act;
2. A discussion with the artist of the circumstances prompting the review;
3. A discussion with the parties critical of the work to determine their specific objections; and
4. A consultation with qualified independent professionals, including conservators, engineers, architects, art critics, and safety experts.

The reviewers may consider the following alternatives to de-accessioning artwork:

1. Relocation of the artwork at the City's expense. If the work was designed for a specific site, relocation should be to a site consistent with the artist's original intention. The artist's assistance and consent is normally required to make this determination; or
2. Covering the artwork for a period of time without damaging the work—at the City's expense (relates primarily to murals). Every effort will be made to uncover the work once the situation has been resolved.

If the reviewers recommend that the artwork be de-accessioned by sale, extended loan, trade, or gift, the City will obtain independent professional

appraisals of the fair market value of the artwork. In addition, the following points need to be considered:

1. The artist will be given the first option to purchase;
2. Sale of the work may be through auction, gallery resale, or direct bidding by individuals;
3. Trade of the work may be through the artist, gallery, museum, or other institution; and
4. Proceeds from the sale of the work are to be deposited into an account to be used only for future public art projects. Any pre-existing contractual agreements between the artist and the responsible project architect or engineer regarding the resale shall be honored.

The costs for removing or relocating artwork de-accessioned by sale, loan, trade, or gift will be borne by the new owner or recipient of the artwork.

If none of the above options are viable, the artwork may have to be destroyed.

Conclusion

Clearly defined de-accessioning policies will help ensure the integrity and quality of the public art collection. To reduce the necessity for de-accessioning public art from the City's collection, artworks must be of the highest quality and be acquired initially without any legal or ethical restrictions as to future use and disposition—with the exception of restrictions of copyright and certain residual rights that are part of a contract with an artist. In addition, a legal instrument of conveyance that transfers title of the artwork should accompany all works defining the rights and responsibilities of all concerned parties. For example, if the artwork is a gift, the City has the right to remove the work and will consult with the donor when possible.

9. Contracts

A contract is the formal agreement between the City and the artist that outlines what is required and expected of each party. Contracts include all the information necessary for a clear understanding between the artist and the City. The contract will detail the commission amount, the artist's expected payment date, the party responsible for payment, and the procedure by which the artist's designs and maquettes will be reviewed and approved. Schedules for fabrication, transportation, and installation of the artwork and the responsibility of the City in maintaining the completed work will also be detailed. Though there will be a standard contract, flexibility within its structure will address the particulars of each project.

In cases where artists are not familiar with contracts or binding agreements, city administrators will take time to walk the artist through the process ensuring that the requirements and expectations are clear, especially with regard to budgets and timetables.

Overall Contract Structure

Two-Tiered Contracts

The contract structure will be modified and divided into two separate parts: the design phase and the fabrication phase. The two-tiered contract will expedite the approval of artist contracts; allow for better control of project costs; solve problems with project evaluation, fabrication, and installation; and achieve the public art program goals as set forth herein.

In the design phase, the artist is contracted to design the art project and is paid approximately 20% of the total project budget as a design fee.

The design fee covers the following items:

1. Models and working drawings, maquettes, sketches, site plans, photographs of the model, artwork-in-progress, etc;
2. An independent structural engineer to sign off on artist's drawings if necessary;

The design fee may be reduced if the construction and fabrication costs of the design are anticipated to exceed the remaining 80% of the art project budget.

After review and approval of the design, the artist enters into the second phase of the contract. The remaining 80% of the budget covers all areas of execution of the artworks:

1. Space and Equipment Rental;
2. Materials;
3. Fabrication (subcontracted/foundry, etc.);
4. Storage;
5. Packing/crating;
6. Shipping;
7. Installation;
8. Insurance (liability, etc.); and
9. Other fees (contingency fees, project administration, etc). (*See Chapter 10, Costs of Artwork.*)

A detailed budget is required as part of the submitted proposal during the design phase of the contract and before the fabrication/installation phase begins or before the fabrication/installation agreement is signed (may include back-up materials, such as written estimates from a fabricator). The artist's budget may equal, but not exceed, the available art budget.

Artist-Architect Collaborations

The two-tiered contract structure creates an opportunity for artist-architect collaboration. The artist may be a subcontractor to the architect for the following reasons:

1. To expediting the artist's contract and the overall design process;
2. To assure the architect understands the requirements to work with the artist on the project; and
3. To assure the architect will not proceed past the preliminary design phase without consulting the artist.

4. The architect serves as a buffer between the artist and commissioning agency, often allowing greater time and working flexibility.

Reasons for creating a separate contract between the artist and the BCA include:

1. To prevent architects from cutting artists' budgets or change the original terms of the contract without the knowledge of the BCA;
2. To prevent cash flow problems from delaying payment to artists;
3. To prevent architects from charging artists 10% of artists' budget for contract administration;
4. The BCA can act as an intermediary between the architect and the artist to solve conflicts and disputes; and
5. Because the artist will work directly for the commissioning city agency or "client" in this scenario:
 - A. The artist can deal directly with that agency rather than having to go through the architect;
 - B. The artists will be on an equal footing with the architect and other contractors; and
 - C. The artist will be able to exercise greater control over the art project and will be in a better position to complete it in a timely manner.

In either scenario, it is important that both the architect's and the artist's contracts reflect the artist as a member of the project design team working with the project architects, landscape architects, engineers, etc., to create artwork that integrated into the overall project design. This language will specify that artists are full and equal members of design teams, and that they are responsible for the design of the art project and for supervising contractors through fabrication.

Artist-Community Collaborations

The contracts for artist-community collaborations will be similar to artist-architect contracts. However, the following will be specified:

1. The role the community will play in the project (such as concept design, execution of the art, assistance with installation, etc.);

1. Which members of a community will be involved (names of individuals and organizations); and
2. The responsibility of the artist to solicit information and to work with those designated groups.

Contract Terms

The following items will be added to the existing BCA artist contracts or modified as follows:

Title and Ownership

The artist retains all rights and interest in the artwork except for rights of ownership and possession, which are passed to the City upon final acceptance. The artist warrants that the artwork is his/her sole and original creation, does not infringe upon any copyright or trademark, and has not been offered elsewhere. (If the commissioned artwork is one of a multiple edition, the warranty will be modified to state this.)

Reproduction Rights/Copyright

Artist retains all rights under the Copyright Act of 1976. However, the artist agrees not to make an exact duplicate or permit others to do so, except by written permission of the City; the artist also grants the City the irrevocable license to make two-dimensional reproductions for promotional purposes. In turn, the City agrees to give the artist the appropriate credit on all such promotional pieces. The credit will include the copyright symbol, name of artist, title of piece, and date of completion.

On projects with a total budget of less than \$25,000, leniency may be allowed for limited editions. Conditions of limited editions will be specified in the contract.

Artist Eligibility

After an artist has received a public art commission he/she is ineligible to compete for another commission for at least two years. The artist(s) will also have to successfully meet all evaluation criteria for any previous commissions before another commission is awarded.

Warranties/Risk of Loss

Artist warrants that:

1. The artwork is made of quality materials;
2. The artwork is free of defects; and
3. The artwork will remain in good condition for 10 years under normal conditions with routine maintenance.

Additionally, the artist will remedy at his/her own expense any defect that occurs during the first year after installation. Finally, the artist warrants that the artwork will not contain any physical characteristics, which pose a hazard to public safety. The City will cover risk for any damage or loss which occurs on city property and/or which is beyond the control of any party.

Fabrication and Installation

Because no two public art projects are exactly alike, the fabrication and installation stipulations required of artists in their contracts will be fairly general in nature. In terms of fabrication, the contract will stipulate reasonable durability and protection of materials, such as the use of anti-graffiti coatings on all works. Though the BCA's Percent-for-Art Program may outline certain material preferences for maintenance, it is too restrictive for both the artist and for the city's public art program to present those preferences as contractual specifications. Artists will supervise fabrication to assure quality control warranties of the contract. Fabrication requirements will include, at minimum, that:

1. Artworks be free from defect,
2. Artworks be made of high quality materials,
3. Craftsmanship be of high quality,
4. The artist, the BCA, and the Stakeholders Committee review the fabrication of the work while in progress.

Installation responsibilities between the artist, the City, and the commissioning city agency will be detailed in contracts. For installation, the artist's methods will be approved by the commissioning city agency and, if necessary, a state-licensed engineer (particularly when artists are responsible for paying for the installation, such as with artist-community collaborations). The permanence of installation will be the issue of that approval, and specific requirements will be imposed, such as the use of safety hardware for hanging a suspended

artwork. In addition, the following points will be considered:

1. Artist will approve site preparation before installation begins;
2. Artwork is to be installed when it is in no danger of being damaged by on-site construction work;
3. Standards and requirements set forth by the commissioning city agency for installation should be adhered to; and
4. The artist is responsible for loss or damage to artwork prior to its installation on city property.

Maintenance

The artist will submit maintenance requirements and guidelines for artwork to the City, developed in conjunction and cooperation with the BCA and/or the commissioning city agency. In turn, the City will maintain the artwork and make decisions regarding repairs and restoration based on the maintenance guidelines submitted and in consultation with the artist when necessary (as per the Visual Artists Rights Act of 1990). The City agrees that it will not intentionally destroy, damage, alter, or modify artwork, and that the artist will be informed of any alteration to their artwork.

Risk Management

The artist shall provide and maintain policies of comprehensive general liability insurance in specified amounts to be determined by the City covering the period from which the art is being installed until the final acceptance by the City. The City and architect will be named as insured on all insurance policies.

Assignment of the insurance responsibility prior to, during, and after installation be clarified in contracts. The more information the Office of Risk Management receives the more helpful it can be.

The following points should be considered:

1. To reduce the City's liability, fabrication will be done off-site whenever possible;
2. The engineer who signs off on the artist's drawings must verify that the final artwork has been built to specifications by inspecting the artwork after installation;

3. The artist is responsible for providing general liability insurance when the artwork is in transit, being delivered, and installed;
4. The artist is responsible for damage to the artwork until installation on city property; and
5. Risk will be borne by the City for any damages or loss that occurs on city property that is beyond the control of any party.

Performance Bonds

Architects and engineers are exempt from bonding requirements, as contracts involving "aesthetic judgment" cannot be measured objectively.

“Because artists, like architects, are creating projects and providing services that are unique, a performance bond is not the recommended mechanism for ensuring performance.”

Jeffrey L. Cruikshank and Pam Korza, Going Public: A Field Guide to Developments in Art in Public Places. (Massachusetts: Arts Extension Service, 1988), pg. 223.

This is accomplished through the contract wherein payment of fees is tied to completion of explicit aspects of the contract. In order to avoid incurring the need for performance bonds when the artwork can be considered "construction" or when the artist is fabricating a work that is part of the structure of a facility (a wall, for example), it is recommended that the BCA negotiate professional service contracts rather than construction contracts with the fabricating artist(s) involved.

Documentation

The artist must attach a detailed description of the project with approved designs and drawings to the BCA upon completion of the work. Under the present agreement, the City also stipulates that the artist is responsible for providing photo documentation. The City may wish to consider assuming the responsibility of photo documentation for archival and public affairs purposes. (*See section 10, Maintenance of Artworks, Conservation of Art Collection.*)

De-accession

De-accessioning may be addressed by referring to the approved de-accessioning policy or by specifically addressing the issue directly in the

contract. De-accessioning public art must consider the federal regulations set forth in the Visual Artists Rights Act of 1990.

Signage

The City will prepare and install a plaque at the site that identifies the artist, the title of artwork, copyright symbol, date of completion, size of the work, and medium.

Contract Enforcement

Performance requirements identify whether or not artists are in compliance with the stipulations of the contract. There must be set guidelines if an artist is late, over budget, or completes project ahead of schedule. These requirements may be tied to budget allocations. When the artist is under contract to the architect, the architect is responsible for the enforcement of that contract.

Termination or Cancellation of Contract

The agreement terminates if the underlying construction project is canceled. The City may also terminate the agreement if the artist willfully or negligently fails to fulfill any of the covenants, agreements, or stipulations of the agreement in a timely manner. If the artist is not able to produce an acceptable design in a timely manner, the body with whom the artist has contracted (the architect or the BCA) has the right to terminate the contact by giving written notice to the artist of its intent. The artist shall have thirty (30) days to cure the default by producing an acceptable design. If the artist defaults, all finished and unfinished drawings, sketches, photographs, models, and maquettes of the work shall become the city's property in payment for damages caused to the City by the default on the part of the artist (project cost, overruns, etc.).

The City must pay the artist for any work completed up to the point of termination as stipulated by the payment schedule. The remaining monies revert back to the BCA to finance the completion of the artwork when feasible. The City may withhold a reasonable amount of payment to the artist until the exact amount of any damages is determined.

Should an artist's contract be terminated by the City due to negligence or noncompliance on the part of the artist, the City has the right to consider that artist ineligible for any future art projects funded by the City.

Project Delays

If the artwork is ready on time, but the construction project is late, the commissioning city agency should pay all maintenance and storage costs for the artwork until it can be safely installed. When an artist completes a work before the completion date agreed upon in the contract, the artist will be responsible for storage charges. Should the construction project be completed on schedule, but, due to conditions beyond reasonable control, the artist is late producing the finished artwork, it will not be considered a breach of contract, and the City will grant a reasonable extension of time to the artist. If the City incurs costs by such a delay, the contingency fee (see below) will be used to cover these charges.

Contingency Fee

10% of the total art project budget will be set aside as a contingency fee to cover unforeseen and unavoidable expenses associated with the artist's completion of the project. If the contingency fee is not adequate to cover such costs, a renegotiation of the budget terms of the contract and /or an option to terminate the contract can be considered. (*See Two-Tiered Contracts above for termination procedures and compensation to the commissioning City agency*). If the contingency fee is not used, it can be either added to the artist's design fee, set aside for emergency conservation of the artwork, or used in whatever manner the artist and the commissioning city agency agrees upon.

Contract Processing

For consistency, a model contract will be used. To expedite the processing of contracts, a signature list should be attached to the front of each model contract indicating that:

1. This is a standard contract and all paragraphs are present; and
2. A person with binding authority has approved the contract.

Any modifications to the model contract can be identified on the punch list.

Minority Business Enterprise Goals

An MBE goal of 35% of fees to minority contractors has been established by the City and applies to public art projects as well. However, compliance is

more difficult with regard to art projects because it is not simply a matter of several artists bidding on the same "job" or offering the same "goods." Instead, artists propose ideas and concepts and are selected, not in terms of the lowest bid, but according to the quality of the ideas proposed, the feasibility of their realization, and the appropriateness of the ideas for a project.

Therefore, it is recommended that:

1. The BCA's MBE compliance be calculated on the basis of total public art projects over a five year period.
2. The BCA be able to use the waiver option available to other city departments stating that the "BCA made a good faith effort to hire MBE artists, but the candidates were found to be unqualified or no qualified applicants were available."

Other actions that the BCA can take to support MBE goals include:

1. Selecting membership to the PAAC and the Stakeholders Committee reflective of the City's MBE goals;
2. Making the Stakeholders Committee aware of MBE goals at the start of the artist selection process;
3. Disclosing demographic information with juries/Stakeholders as part of the selection process. The use of *blind juries* (wherein the Stakeholders Committee are not informed of the race, gender, or ethnicity of the proposing artists) makes it impossible for the BCA to ensure that MBE artists are selected 35% of the time;
4. Requesting minorities in the RFPs;
5. Making temporary and rotating art projects eligible for Percent-for-Art funding. This will enable MBE artists to receive the training and experience needed to create permanent art projects, allowing them to participate in the public art program in a significant way;

6. Allowing gifts of public art offered to the City by MBE artists and accepted in a given year to qualify towards fulfilling the BCA's MBE requirements for that year; and
7. Changing the public art ordinance to allow for funding of art projects off-site and in collaboration with communities. In this way the BCA is better able to respond to public art funding requests from its Public Art Idea Bank and support those Idea Bank projects that meet the City's MBE goals.

10. Program Administration

The following are changes made in the administration of the BCA's Percent-for-Art Program:

1. Specifications for a maintenance, conservation, documentation, and evaluation process of the City's public artworks;
2. The development of an artists slide registry as well as educational programs; and
3. Staffing tasks and requirements for the Percent-for-Art Program.

Maintenance of Artwork

Routine maintenance of an artwork is the responsibility of the BCA. As part of the contractual requirements, the artist will develop a maintenance program in cooperation with the BCA for their artwork.

The artist will specify what materials were used to fabricate their work in the maintenance program correspondence. The BCA will be responsible for communicating this information to the commissioning city agency. The agency may be responsible for providing the necessary tools or equipment to ensure proper daily maintenance of their public artwork. Custodial staff may need training and / or supervision in the care of the artwork.

Conservation of Art Collection

Should conservation work be necessary or repairs needed, the artist will be notified immediately, and a qualified conservator/restorationist will also be consulted. The artist may be hired to perform or supervise the repair and conservation of the work for a reasonable fee. The BCA in conjunction with the commissioning city agency will implement the conservation. Commissioning city agencies should contact the BCA regarding any conservation or preservation needed for artwork in the collection that predates the Public Art Master Plan. The program manager of the public art program must approve emergency repairs to prevent loss or damage to an artwork. The management and staff of the public art program will evaluate artwork in order to select the proper conservator. Every effort will be made to work with the

artist to maintain artistic integrity of the artwork (as per the Visual Artists Rights Act).

As described in Section 2, Percent-for-Art monies will be made available for funding conservation and restoration of the entire public art collection and for special and emergency maintenance of artworks not covered under the memorandum of understanding with APAL. It is recommended that:

1. The BCA will channel 20% of the Percent-for-Art funds into program administration, a portion of which should be used for conservation.
2. 5% of the program administration allocation will be earmarked to fund the maintenance and conservation needs of the collection, including repainting, restoring, and deep cleaning.

Documentation

Visual and written documentation of the artwork as installed and intended by the artist is a necessary element of both the public education and conservation programs. What the artist had in mind when designing the piece, what materials and fabrication methods were used, and how the piece is to be maintained and conserved is vital information that can ensure the success of a project.

There will be a documentation portfolio for each project. The artist will provide much of this physical information in the maintenance recommendations. The artist's statement of intent a one to two page philosophy of the artwork is to be included in the documentation portfolio. In addition, there are several resources that can prove invaluable in future conservation, including blueprints (schematics, sketches, photos, construction, and working and shop drawings) and professional photographs of the finished work from several viewpoints.

To facilitate future conservation, the documentation will be standardized for all projects and controlled by the BCA and its Public Art Program. The BCA will establish the specific physical information required about the artwork and the minimum level of detail in that information. Typical entries should include:

1. Artist's statement of intent;
2. Location and drafter of blueprints, working drawings, shop drawings, and construction drawings;
3. Location and fabricator of maquettes, sketches, and photographs;
4. Artwork dimensions;
5. Materials;
6. Construction details: Joining materials and methods (such as hardware, types of welds);
7. Surface treatment; and
8. Name of fabricator and installer.
9. Original cost.
10. Updated valuation.

Because materials differ greatly from project to project, the staff will determine what additional information will best help a conservator (e.g., a Pantone color sample might be added to the documentation). The BCA staff will evaluate the artist's statement of intent for clarity. The BCA Public Art program will be responsible for acquiring its own photographs of the artwork and for making sure that the photos serve the program's publicity and conservation needs. By assigning documentation to one body, the archival quality of the material submitted is consistent.

One practical concern in acquiring thorough documentation of each project is finding the appropriate space to store the archival material. Therefore, documentation will be housed at the public art offices of the BCA.

Evaluation of Completed Artworks

Documentation states *how* the artwork will be conserved, and the evaluation indicates *when*. A systematic evaluation process is the most important link in an affective conservation program. The Public Art Program staff will "at least once annually...provide for the inspection of, and shall report on, each work of art in the public art collection, including present location of the artwork, present condition of the artwork, and recommendations regarding needed maintenance or repairs."

Each work in the public art collection will be evaluated once a year to assess the relevance of each work to the collection and affective documentation and collection management.

Needs Assessment

The Public Art Program will utilize a standardized survey form accompanied by photographs to evaluate public artworks. The form will include information to gauge the condition of the artwork and descriptions of any additional maintenance or conservation work that may be necessary.

Public Opinion

An evaluation of each public art project conducted within the first two years of a work's installation will determine its success relative to the siting, selection procedures used and its acceptance by the community. The various methods of evaluation include informal on-site interviews with passerbys, questionnaires handed out to NPUs which have works of public art in their communities, and videotapes of public response.

Costs of Artworks

There may be bare minimum costs for various kinds of artwork, but actual costs are affected by many factors including:

1. The types and quality of material selected;
2. Fabrication cost;
3. Inflationary considerations;
4. Whether or not elements of the artwork can be paid for and fabricated by the general contractor or donated as in-kind contributions;
5. Methods of executing the artwork;
6. Artist design fee.

During the selection process, the Stakeholders Committee will get a general sense of the budget for artists' proposed ideas, and it should also know if the actual funds available will be sufficient.

To enable artists to design a work that is financially feasible, detailed budget guidelines will be provided to the artist during the artist selection phase that include the following:

1. The artist's design fee (generally 20% of the overall commission);
2. Models, maquettes, working and construction drawings;
3. Artist's assistant(s);
4. An independent structural engineer (to stamp drawings);
5. Other consultants, researchers, and professional services;
6. Travel and site visits;
7. Space and equipment rentals;
8. Fabrication materials;
9. Subcontracted fabrication (foundry, etc.);
10. Storage
11. Packing/crating of the artwork;
12. Shipping and transportation of the artwork to the site;
13. Installation;
14. Insurance (liability, etc.);
15. Contingency fees; and

Site preparation, lighting signage and photography of the finished work are separate costs that are to be paid by the commissioning city agency.

Other Administrative Programs

Artist Slide Registry

A well-maintained artist slide registry eliminates the needs for open calls or open competitions for every project. The BCA, with input from the PAAC, will jury artists into the BCA public art slide registry. All artists will be required to complete a registration application/data base form that will register them by discipline, zip code, and other relevant demographics. Artists will be required to submit a set number of slides of professional quality and a resume. Other pertinent high quality presentation materials (i.e., printed materials and reviews) will support the application. Candidates for the public art registry will be asked to include previous public art proposals or other documented evidence of having worked with communities on a public art project.

The information submitted should include:

1. Artist's name, address (home and studio), city, state, zip code, phone number(s), and fax number;
2. Nationality, city of birth, ethnicity;
3. Primary gallery or representing agent (name, address, zip code, phone number (s), fax number(s);
4. Media/materials;
5. Subject matter;
6. Style;
7. Price range of artworks;
8. Size range of artworks;
9. Date of last commission in Atlanta; and
10. Preference for working with communities or design teams.

The Percent-for-Art Program will consider all eligible artists for commissions.
Definition of an eligible artist:

1. A practitioner of the visual arts;
2. One whom critics and peers recognize as an artist of serious intent.

Those artists who are ineligible include:

1. Undergraduate students;
2. City employees;
3. Artists who are currently under contract with the Percent-for-Art Program; and
4. Artists who have received a commission within a two year period of time (as determined by the BCA).

Graduate students are eligible for public art commissions, but they must produce at least one letter from an instructor confirming their eligibility as defined above.

The BCA will request artists to updated their slides on an annual basis. The registry will be available as a reference to other government agencies, art consultants, writers, and curators.

Education and Training

To facilitate public understanding, support and participation in the public art process the public art program will establish a budget for education and training. The budget for education, training, and community outreach will incorporate the following:

1. An annual orientation workshop for members of the Stakeholders Committee who have been selected for projects in accordance with the annual Percent-for-Art Plan. This workshop will include information about the Percent-for-Art Ordinance, an overview of public art possibilities, a slide presentation of the City's current Percent-for-Art collection, a review of upcoming projects, sample RFPs, the Public Art Master Plan, and artist selection procedures. This will also provide an opportunity for the Stakeholders Committee to meet representatives of the BCA, the PAAC, and the UDC.
2. Cultivate an understanding and appreciation of the public art context with the business community and solicit their support for continued public art program development.
3. Facilitate educational forums for artists, particularly local and underserved to gain requisite expertise to work in the public art venue. These professional development and training workshops would increase the pool of potential public artists and secure the future of public art in Atlanta.
4. Provide art administrators, artists, and other art professionals public art training sessions for their participation on artists, design and gift review and selection panels.
5. Increase media/press contacts to maximize coverage and promotion of activities and achievements of the public art program.

Percent-for-Art Administration

Bureau of Cultural Affairs

A Cultural Affairs Program Manager assigned to the visual arts division manages the Public Art Program. The Public Art Program Manager is responsible for the following:

1. Community outreach and public education;
2. Organizing community meetings with NPUs;
3. Conducting training and educational programs for artists and communities;
4. Notifying artists of upcoming public art projects;
5. Writing and disseminating RFPs and calls for artists;
6. Act as a liaison between the artists, community, project architect, engineers, construction manager, and general contractor;
7. Developing the annual Percent-for-Art Plan;
8. Grant and proposal writing to obtain additional program funding;
9. Manage and coordinate Percent-for-Arts and other art commission projects on a day-to-day basis;
10. Convene the Stakeholders Committee for each project;
11. Develop artist contracts;
12. Schedule site and artist studio visits;
13. Plan and organize receptions and dedications;
14. Organize and maintain a slide registry of eligible public artists locally, regionally, nationally, and internationally in cooperation with county and state art programs;
15. Organize and maintain the Public Art Idea Bank;
16. Manage and coordinate the Summer Murals and Art on Loan Program, including compiling and documenting the BCA's available artwork, sending out information to all city agencies, photo documenting collection, maintaining accurate records, and developing a computer database to track loaned artwork;
17. Conduct evaluations and documentation of completed Percent-for-Art projects;
18. Survey artworks identifying those that require special maintenance, restoration, and conservation

19. Arrange for consultation with a qualified conservator/restorationist to perform needed work;
20. Act as a liaison to other city agencies, county, and state arts programs;
21. Track eligible Percent-for-Art monies and projects and ensure that the monies are deposited in the BCA's municipal arts account in conjunction with the Interagency Task Force; and
22. Manage the BCA's community-based, rotating, and temporary public art programs.

A minimum of two full-time program coordinators will assist the program manager in fulfilling the duties and responsibilities of the program. As the number of public art commissions increases, additional staff will be required.

Department of Aviation (Airport Art Program)

The Airport Art Program has two managers who oversee the various performing and visual arts programs. As the art components are developed for the many expansion projects scheduled to occur at Hartsfield Atlanta International Airport over the next ten years, additional staff positions or consultant services may be required. The primary functions of the Airport Art Program managers include:

1. Develop programs designed to enhance the passenger's experience of Hartsfield Atlanta International Airport and support the Department of Aviation's mission "To Be the World's Best Airport by Exceeding Customer Satisfaction";
2. Identify sites or opportunities where art and artists may be incorporated;
3. Manage and coordinate the commissioning of site-specific artworks on a day-to-day basis;
4. Schedule site and artist studio visits;
5. Manage and enhance the rotating exhibitions for the Youth Art Galleries;

6. Manage and enhance the rotating exhibitions for the Atrium Gallery;
7. Manage and enhance the rotating exhibition program for the airport's many display cases/spaces;
8. Manage and enhance the performing arts components of the program including the three music festivals;
9. Maintain an inventory of the airport's art collection;
10. Interface with local, state and national arts organizations, galleries and private collectors for the purpose of procuring art and artifacts for rotating exhibitions in the airport's various display case areas;
11. Develop artist contracts and loan agreements;
12. Develop and disseminate RFPs and Call for Artists;
13. Survey all airport artworks to identify those requiring special maintenance, restoration and conservation and arrange for the necessary maintenance services on an annual basis;
14. Serve as the liaison between the artists, city agencies, project architect, engineers, construction manager and contractors;
15. Act as a liaison to other city agencies, county, and state arts programs as necessary;
16. Track eligible Percent-for-Art monies and projects to ensure that the Department of Aviation allocates funds to the appropriate account for use;
17. Plan and organize receptions and dedications for art projects when appropriate;
18. Develop and disseminate material to promote Airport Art projects and artist commissions.

Public Art Advisory Committee (PAAC)

As the key advisor to the BCA for public art, the PAAC will have the following responsibilities:

1. Review the Public Art Master Plan;
2. Review the BCA's and DOA's annual Percent-for-Art Plan to assure that the goals of Public Art Program are being met;
3. Review Percent-for-Art proposals and proposed gifts of public art at the discretion of the BCA and the UDC;
4. Advise the BCA on selection of the Stakeholders Committee for specific public art projects;
5. Inform the Stakeholders Committee of the BCA's and DOA's diversity goals as it relates to public art projects;
6. Assist the BCA in selecting community-based art projects;
7. Assist in community outreach and education regarding public art projects;
8. Assist the BCA and DOA in outreach to the arts community and in developing new ways of identifying and reaching artists—particularly artists of color who may not already be included in the BCA's artist registry;
9. Assist in raising private and foundation support for community-based public art projects by comprising the board of a Public Art Trust Fund;
10. Assist in establishing overall public art policies and procedures;
11. Assist in establishing communication between the various groups undertaking public art projects; and
12. Apprise City Council of upcoming or recently completed public art projects.

**APPENDIX A:
Resource People and Participants
in the Atlanta Public Art Master Plan
Initial Participants**

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**Resource People and Participants
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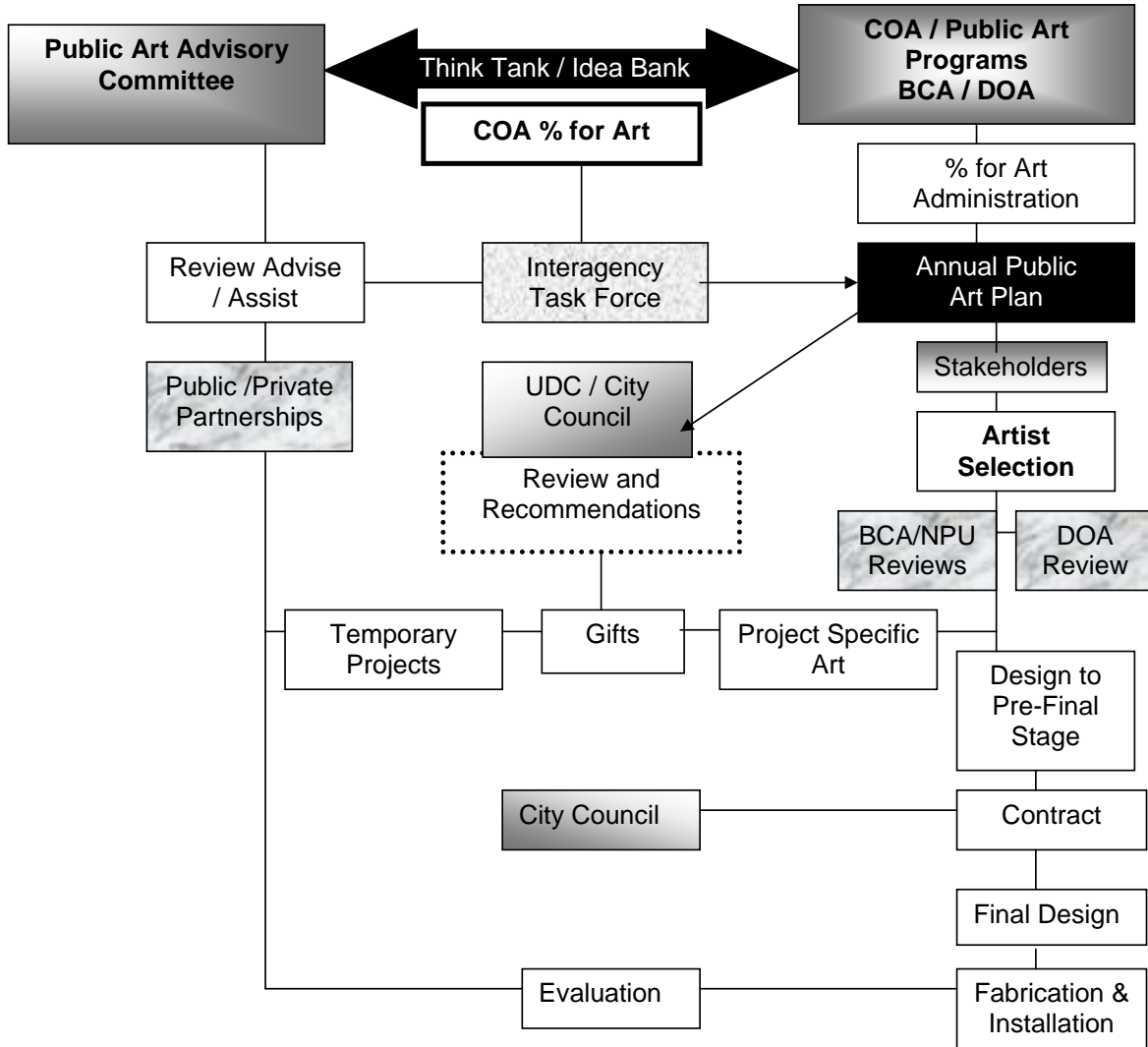
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APPENDIX B:

Public Art Proposed Development Process



APPENDIX:
(Percent-for-Art Ordinance adopted July 16, 2001)
Approved by the Mayor July 24, 2001

A SUBSTITUTE ORDINANCE
BY COMMUNITY DEVELOPMENT / HUMAN RESOURCES COMMITTEE

AN ORDINANCE TO ADOPT THE “CITY OF ATLANTA PUBLIC ART MASTER PLAN” AND TO AMEND (PART 1 CHARTER AND RELATED LAWS, SUBPART A, APPENDIX IV, SECTION 33, CHAPTER 110, ARTICLE II, SECTION 110.38, CHAPTER 46 ARTICLE III SECTIONS 46-76, 46-77, 46-78, 46-79, 46-80, 46-81, 46-82 OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS TO ADOPT AND IMPLEMENT THE RECOMMENDATIONS OF SAID REPORT; TO ESTABLISH A PUBLIC ART ORGANIZATIONAL STRUCTURE; TO ESTABLISH A GIFT POLICY AND A DE-ACCESSIONING POLICY FOR PUBLIC WORKS OF ART; TO INCREASE THE 1% FOR ART TO 1.5%; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES

WHEREAS, the City of Atlanta commissioned a comprehensive Public Art Master Plan in 1994 to assess the current status of public art in Atlanta and to guide Atlanta’s future art initiatives through the 1996 Olympic Games, and

WHEREAS, in April of 1999 a task force was convened to review and update the initial Public Art Master Plan to determine how the plan would meet the needs of a growing Atlanta, and

WHEREAS, a number of recommendations to strengthen the existing plan were identified with public participation and a revised Public Art Master Plan followed in 2001, and

WHEREAS, the Bureau of Cultural Affairs has submitted a comprehensive report entitled “City of Atlanta Public Art Master Plan” (hereafter, Plan) to develop a new approach to public art in Atlanta, building on the strengths of the existing ordinance, the initial plan commissioned by the Project for Public Spaces, Inc. and the recommendations from the Public Art Master Plan task force, setting forth a series of policy measures, processes and procedures that will enable the City to fulfill its public art objectives, and

WHEREAS, the Public Art Master Plan calls for the establishment of a Public Art Advisory Committee to assist the Bureau of Cultural Affairs and the Department of Aviation’s Airport program in defining the direction of public art in Atlanta, and

WHEREAS, the Public Art Master Plan has identified the need for standardized procedures for careful review process regarding the acceptance of gifts of public art, including review of artistic merit, site appropriateness, city liability, and cost of maintenance, as well as policy for the de-accessioning of public art, and

WHEREAS, the city of Atlanta's Public Art programs will be enhanced by the ability to implement public art projects through the use of pooled funds, the use of temporary installations and project-specific works of public art, and

WHEREAS, the many works of art in need of restoration and/or maintenance will benefit from a recommended increase of .5% to be allocated into a maintenance and conservation program for works of public art, and

WHEREAS, the Mayor has reviewed the Plan and recommend that the Council adopt said Plan; and

WHEREAS, the adoption of the Plan and the implementation of the Plan's recommendations require amendments to existing ordinances governing public art in Atlanta,

NOW BE IT HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

SECTION 1. The Council hereby adopts the "City of Atlanta Public Art Master Plan", a copy of which is attached to this ordinance, as a guide for the development and implementation of a comprehensive approach to public art in the City of Atlanta, and authorizes the Bureau of Cultural Affairs and the Department of Aviation to implement the policies and programs substantially in the form contained therein, including but not limited to:

- (1) An increase in the percent for art ordinance to 1.5%;
- (2) Establishment of a Public Art Advisory Committee (PAAC) to act as an ongoing advisory group to the City's public art programs. Appointed citizens of an approximately nine-member advisory committee selected by the Bureau of Cultural Affairs, will review gifts of public art and commissions, and advise on the overall public art plan. Members will serve two-year terms either consecutive or nonconsecutive.
- (3) Establishment of a formal Gift Policy and a formal De-accessioning Policy;
- (4) Reservation of twenty (20) percent of all percent for art funds for the purpose of funding maintenance and program administration for the purpose of documentation and conservation of art works, community

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outreach and public education, developing an annual municipal arts plan for the review and approval of city council, fund development, managing the public art program, organizing and maintaining a Public Art Idea Bank, and other duties as recommended in the Public Art Master Plan.

SECTION 2. That Part 1 Charter and Related Laws, Subpart A, Appendix IV, Section 33 and Chapter 110, Article II, Section 110.38, “functions and duties of the Bureau of Cultural Affairs” is hereby amended by adding a new subsection (7) as follows:

(7) Developing policies and procedures to implement the Public Art Master Plan

SECTION 3. Chapter 46, Article III Sec. 46-77, “Works of Art in Public Places; policy” hereby amended by adding the following sentence:

The City of Atlanta Public Art Master Plan shall guide the development, administration and maintenance of public art in Atlanta.

SECTION 4. Chapter 46, Article III Sec. 46-76, “Same; definitions” is hereby amended as follows:

- (a) *Construction project means any capital project, including but not limited to those paid wholly or in part by the city with voter non school general obligation bonds, annual general obligation non school bonds, public grants except where prohibited, Park Improvement Funds, revenue bonds and general funds, for the purpose of constructing or remodeling any building, decorative or commemorative structure, park, street, sidewalk, parking facility or utility or any portion thereof within the City of Atlanta.*
- (b) *Eligible funds means funds which pay for actual construction costs. This excludes funds which pay for engineering, architecture, acquisition, land acquisition and interest costs, as well as any incidental costs not associated with construction. Further, it refers only to that portion of public funds, which come from sources other than general obligation school bonds, private grants (except where expressly stated in the conditions of the grant itself) and assessment programs.*
- (c) *Municipal art account means the account within each eligible fund in which one and one half percent (1.5%) of all eligible funds for construction projects are deposited each year, and of which 80% shall be expended on the selection, design and development of works of public art, and 20% reserved for maintenance of works of public art and arts administration by the Bureau of Cultural Affairs (BCA). BCA shall be the administrator of all*

municipal arts accounts and have sole expenditure authority on said accounts.

- (d) *Municipal art plan means an annual plan developed and administered by the Bureau of Cultural Affairs for the aesthetic enhancement of all capital construction projects paid for by eligible funds in a particular year.*

SECTION 5. Chapter 46, Article III Sec. 46-78, "Same; funds for works of art" is hereby amended as follow:

All request for appropriations for construction projects from eligible funds as defined in Section 46-76 shall include the encumbrance of an amount equal to one and one-half (1.5) percent of the estimated cost of such projects for public works of art and shall be accompanied by contractual requirements authorizing the Bureau of Cultural Affairs to expend such funds after the same have been deposited in a municipal arts account. When any such request for construction projects is approved, the appropriation for such construction projects shall be made and shall include an appropriation of funds for works of art, at the rate of one and one-half (1.5) percent of project costs to be deposited into the municipal arts account as a line item in each fund. Money identified by each bureau, or agency for its public art percentage program shall be expended for payees as prescribed by the municipal arts plan, as provided in section 46-79(2).

SECTION 6. Chapter 46, Article III Sec. 46-79, "Same; Authority of the Bureau of Cultural Affairs" is hereby deleted in its entirety and substituted therefore by the following:

- (1) *Prepare for review by the Mayor and Council, a municipal arts plan which shall outline the expenditure of funds from the municipal arts account(s). Such plan shall include, but not be limited to, the methods(s) of commissioning artists, specific locations and expenditures for specific works of art, and maintenance and administration of the public arts program;*
- (2) Cause the municipal arts plan to be an integral part of the office's recommendations with regard to the city's comprehensive development plan and the capital improvement plan;
- (3) Bring to the attention of the city council any proposed work of art requiring extraordinary operation or maintenance expenses;
- (4) Recommend the placement of works of art consistent with section 46-81;
- (5) Make recommendations on artist(s) selections without regard to an individual's or the perception of an individual's race, color, creed, religion, sex, domestic relationship status, parental status, family status, sexual orientation, national origin, gender identity, age, disability, or the use of a trained dog guide by a blind, deaf or otherwise physically disabled person;

ATLANTA PUBLIC ART MASTER PLAN

- (6) Make recommendations to the council as to the amount of money required in advance to carry out contracted projects by artist(s); the amount advanced shall not exceed one third of the total allocable to such artist(s) for the contracted work of art and shall be approved by the council and mayor prior to payment; and
- (7) Review prior to final payment all works in order to report on the conformity of the finished work with the approved plans or other document describing the work of art to be carried out.
- (8) *Approve all expenditures from municipal arts accounts of which eighty (80) percent shall be expended on the design, selection and development of works of public art, and twenty (20) percent shall be expended on maintenance and administration of the public art program.*
- (9) *Develop procedures for implementation of the policy governing the acceptance of gifts of public art to the City and the policy governing the process for the de-accessioning of public art.*
- (10) *Establish guidelines for and recommend the appointment of a Public Art Advisory Committee comprised of representatives from the business community, the arts community and the citizens of Atlanta, to advise and assist the Bureau of Cultural Affairs on matters regarding the implementation of public art policies for Atlanta.*
- (11) *Review and approve all capital construction projects for compliance with the percent for art section of the Code of ordinances, and determine if said per-cent for art funds shall be utilized on or about a specific project, or pooled with other funds for larger public arts projects located within the City of Atlanta, with the assistance of the Public Art Advisory Committee.*

SECTION 7. Chapter 46, Article III Sec. 46-81, "Same; Account and payments" is hereby amended as follows:

There is established a special account within each eligible fund designated the "municipal arts account into which funds are appropriated as contemplated by section 46-78 and 46-79 hereof shall be deposited. Each disbursement from such account (s) or from other appropriations for works of arts shall be approved by the Bureau of Cultural Affairs, as authorized by the city council. Twenty per-cent (20%) of each municipal arts account shall be reserved for the administration and maintenance of works of public art by the Bureau of Cultural Affairs.

SECTION 8. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Glossary

Acquisition: The inclusion of an artwork in a permanent art collection acquired through a commission, purchase, gift, or other means.

Art Concept: An idea, whether realized or not, developed by an artist, artist team or collaboration of design professionals.

Artwork: A tangible creation by an artist.

Blind Juries –A jury not informed of the race, gender or ethnicity of proposing artist.

Capital Construction project – New construction or remodeling that is funded through the Capital Improvement Program of a municipality.

Commissioning City Agency – The city agency responsible for funding a new project.

Design Team - A working party of professionally trained individuals with expertise in design, such as architecture, landscape architecture, art, graphics, urban design, and planning.

De-accession – The removal of an artwork from permanent display and the transfer of title from the city to another institution or individual or otherwise disposed of.

Enterprise Funds – Funds derived from operations within city government that are self-supporting and revenue based.

Percent for Art – A term which has come to mean a method of financing public art programs by ordinance which requires that a percentage of capital project budgets of a municipality be appropriated for artworks and/or the services of artists as design consultants.

Public Art – Artwork created, usually by artists and/or design team collaborations, for a public place and public experience.

Siting – The process of identifying a location for the installation of a public artwork.