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City in America

# CITY OF SAINT PAUL PUBLIC ART ORDINANCE



EFFECTIVE DATE: JUNE 23, 2014

## Technical Manual

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ON THE COVER. Clockwise from upper left:

*Everyday Poems for City Sidewalk*, a project by Marcus Young, City Artist in Residence, with Public Art Saint Paul and Saint Paul Public Works. Poem by Pat Owen. Photograph courtesy Jay Weiner, MinnPost.com.

*The Saint Paul Cultural Garden*, Cliff Garten, Ta-Coumba Aiken, Armando Gutierrez, Xiaowei Ma, Roberta Hill-Whiteman,

Soyini Guyton, John Minczski and David Mura, 1993. Commissioned by The Saint Paul Foundation and owned by the City of Saint Paul.

*"can you listen to the same river twice..."* Monica Haller with Nick Knouf, Molly Reichert and Jonathan Zorn. Lambert's Landing on the Mississippi River, Northern Spark 2013. Presented by Northern Lights.mn

## INTRODUCTION

### Purpose of the the Public Art Ordinance Technical Manual

The Technical Manual is a critical resource that integrates the Public Art Ordinance Program into city-wide procedures and promotes contemporary best practices from the field of public art.

The Manual is a companion to the Public Art Ordinance Program Guidelines. They are supplemented by the Public Art Ideas List (PAIL) that illustrates examples. The purpose of these documents is to sustain an innovative public art and design program that is distinguished by its high quality, as called for in the public ordinance (Chapter 12, Public Art. Sec. 12.01.).

Designed to be used by City departments, the Manual contains information, references and resource materials that support the administration of Plans and Capital Projects.

City departments may share the Manual with consultants or others working on public art ordinance projects so that administration standards are consistent and of high quality. The Manual may be downloaded at [www.stpaul.gov/publicart](http://www.stpaul.gov/publicart)

The following sections parallel those in the Public Art Ordinance Program Guidelines and contain recommendations for processes that expand upon the procedures set forth in that document.

#### **GUIDELINES REFERENCE**

City List of Qualified  
Public Artists pg. 18

*Handy cross-references to specific pages in the Guidelines are provided within the text and are called-out in a notation as shown here.*

**ADOPTED CAPITAL  
IMPROVEMENT  
PROJECTS AND PLANS –  
SUMMARY PUBLIC ART  
ELIGIBILITY MASTER LIST  
AND STATUS REPORT**

The Office of Financial Services (OFS) employs eligibility criteria to create the Summary Public Art Eligibility Master List and Status Report. The Master List identifies the plans and capital projects funded by the Ordinance.

The Master List is updated as necessary, when the City departments inform OFS of changes and/or additions.

Annually, OFS requires City departments to submit a *Reporting and Records* form for each Plan or Capital Project that details expenditures, procedures and outcomes (see Evaluation, Reporting, Compliance, Reallocation page 61).

The Master List and Status Report is the primary reporting document used by OFS with the City Council and the general public and it may be referenced online at [www.stpaul.gov/publicart](http://www.stpaul.gov/publicart)

**2010 - 2013 ADOPTED CAPITAL IMPROVEMENT PROJECTS AND PLANS -  
SUMMARY PUBLIC ART ELIGIBILITY MASTER LIST AND STATUS REPORT**

Department / Project Description	2010 Art	2011 Art	2012 Art	2013 Art Adopted	STATUS:
<b>LIBRARY - Capital Projects</b>					
1 Highland Park Branch Library Renovation and Addition			25,000	12,500	In progress: Reference City List of Qualified Public Artists.
2 Sun Ray Branch Library Renovation and Addition			15,000	7,500	In progress: Reference City List of Qualified Public Artists.
3 Community Study Library/Rec Center	670	300			Not reported.
	<b>670</b>	<b>300</b>	<b>40,000</b>	<b>20,000</b>	
<b>GEN'L GOVT/OFS - Capital Projects</b>					
4 Citywide Long-Term Capital Maintenance Program	7,738	7,633	6,920	6,810	1/2% set aside as per ordinance. Public Art Maintenance Program, Parks and Recreation, Mark Granlund, Coordinator. Kristin Cheronis, conservator.
	<b>7,738</b>	<b>7,633</b>	<b>6,920</b>	<b>6,810</b>	
<b>PARKS - Capital Projects</b>					
5 Cayuga Play Area Improvements			1,800	1,050	Not reported.
6 Downtown Play Area Improvements			460		Completed: <b>Caprice Glazer</b> .
7 Fitzgerald/Pedro Park				1,170	In progress: Design in-house; <b>Amanda Lovelee CAIR</b> involved.
8 Griggs Play Area				3,400	In progress: Design in-house.
9 Harriet Island - Lilydale (\$1.5 million Metro Parks Grant)					In progress: <b>Jack Becker</b> , Forecast with LHB; \$10,000 agreement.
10 Indian Mounds Regional Park Play Area				2,830	In progress: Design in-house; art not determined yet.
11 Martin Luther King Play Area Improvements				2,940	Not assigned yet: Design in-house.
12 Stinson Play Area				2,930	In progress: Design in-house; art not determined yet.
13 Front Skate Park		3,500			STAR FUNDS.
14 Trillium Site Development			4,260	6,740	In progress: <b>Andrew MacGuffie, Willie Willette, Bryan Carpenter &amp; muralist TBD</b> , artists working with consulting team.
15 Webster Play Area				3,450	Not assigned yet: design in-house.
16 Lowertown Ballpark				170,000	In progress: <b>James Garrett</b> with Ryan Companies; consultant team member. <b>Addn artists TBD</b> .
		<b>3,500</b>	<b>6,520</b>	<b>194,510</b>	
<b>PARKS Plans</b>					
17 Great River Passage					Completed: <b>Jack Becker</b> , Forecast: consultant team member.
<b>PARKS/LIBRARIES - Capital Projects</b>					
18 Payne Maryland	95,000				In progress: <b>Dick Huss</b> with HGA; consultant team member. <b>Addn artists TBD</b> .
19 Park and Library Capital Asset Revitalization			900	900	1/2% per ordinance.
	<b>95,000</b>		<b>900</b>	<b>900</b>	

## DRAFTING A SCOPE OF WORK AND A CALL FOR PUBLIC ARTISTS THAT MEET CITY STANDARDS

Drafting a Scope of Work for public artists starts with examining the potential roles and tasks described in the Guidelines.

Each Plan or Capital Project has its own unique potential for public artists to be part of the process and the Scope of Work is customized to reflect these opportunities.

Included here are four different examples of recent open calls for Plans and Capital Projects involving public artists that employed the procedures in the Guidelines. The open calls involved a widely-broadcast Request for Proposals (RFP) or Request for Qualifications (RFQ).

The RFPs and RFQs meet the requirements and the standards of the City's Division of Contracts Analysis Services. They contain references to the Saint Paul Code of Ordinances Chapter 12 - Public Art, including the definition of an artist as an "individual who creates original art and is recognized by professional peers and critics as a practitioner of the visual, literary, musical, conceptual or performing arts, as judged by the quality of that practitioner's body of work and experience."

In Examples A - C, public artists are sub-consultants and members of planning teams or design/build teams. The RFPs were issued by City Contracts and Analysis Services and the selection process was managed by the associated City departments (Planning and Economic Development or Public Works).

Example D is an open call administered by an arts sub-consultant on behalf of the City. The sub-consultant, working with the the City Department of Parks and Recreation, developed a Scope of Work and issued an RFQ through CAFE (Call for Entry), an online arts service. The arts sub-consultant employed the City Contracts and Analysis Services standards for the RFQ and convened a Public Art Project Committee following Public Art Ordinance Program procedures.

Example E is an RFQ for an invitational call administered by the City department for a Capital Project.

## EXAMPLE A — SCOPE OF WORK FROM REQUEST FOR PROPOSALS FOR PLANNING TEAM

### Request for Proposals – Citywide Street Design Manual

*(Excerpts from RFP issued January 12, 2012. Project of the Department of Planning and Economic Development.)*

#### Team - Tab 2

The composition of the team should have expertise in public art in infrastructure.

Project teams should have the following expertise and abilities:

- Experience with programming artists efforts.
- Familiarity with a broad range of artistic practices, media and artists.

#### Public Art - Tab 3

To meet the spirit of the City of Saint Paul Code of Ordinances, Chapter 12 - Public Art, a public artist must be included as part of the project team. The Ordinance requires artist participation in the design, implementation and integration of art in public projects and emphasizes involvement should begin at the earliest planning stages. Because City street construc-

tion projects are required by City Code to dedicate one percent of the budget to public art, planning for the future inclusion and coordination of public art into ongoing processes is essential. The artist's role in the project team should be clear and integrated within the team's functions and planning process. Note that public art will not be produced by the artist as part of the planning process.

Possible public artist contributions and roles include:

- Identifying approaches and opportunities for integrating public art into street design.
- Creating content and illustrations for the Street Design Manual.
- Articulating best practices for including public art in the street design process.
- Identifying approaches and illustrating opportunities for public art into the pilot project concept designs.
- Illustrating conceptual street design improvements including public art ideas during pilot project workshops.

**EXAMPLE B — SCOPE OF WORK FROM REQUEST FOR PROPOSALS FOR PLANNING TEAM**

**Request for Proposals – Central Corridor Stormwater and Green Infrastructure Planning**

*(Excerpts from RFP issued September 2, 2011. Project of the Department of Planning and Economic Development.)*

**Public Art Task Deliverables**

No public art will be physically produced as a deliverable. However, this task is intended to provide for the following possible public artist contributions and roles, including:

1. Developing innovative design solutions that improve the overall aesthetics of stormwater facilities, enabling them to become functional and valued amenities for the community.
2. Identifying and integrating public art opportunities into the concept designs for five priority sites.
3. Interpretation for and education of the public about stormwater issues and the facilities’ innovative design solutions.

4. Creating presentation materials for the development guide, including content and illustrations.

**Public Artist Expertise**

- In-depth work with multi-disciplinary teams (e.g. architects, landscape architects, civil and transportation engineers).
- Synthetic thinker; the ability to draw on ideas across disciplines and fields of inquiry to develop a deeper understanding, to combine ideas into a complex whole.
- Understanding and experience with planning processes, and with presentations to the general public, councils and boards.
- Ability to work with diverse communities; experience in community engagement.
- Familiarity with a broad range of artistic practices, media and artists.

- Experience with programming other artists efforts.
- Excellent communication skills.
- Employs sustainable materials and construction materials in his/her work.
- Ability to produce same submittals/deliverables as designers, including plans, elevations, cross-sections, as necessary, in print and electronic formats.
- Direct experience working in highly-complex urban environments.

## EXAMPLE C — SCOPE OF WORK FROM REQUEST FOR PROPOSALS FOR CAPITAL DESIGN/BUILD PROJECT

### Request for Proposals – **Design Services for Hamline Bridge Replacement (Over Ayd Mill Road).**

*(Excerpts from RFP issued  
March 27, 2012. Project of the  
Public Works Department.)*

#### **Task 3.1.5 – Public Art**

This project aims to meet the spirit and intent of the City of Saint Paul Code of Ordinances, Part III Administrative Code, Title 1 General Provisions, Chapter 12. - Public Art. The Ordinance involves artists in the design, implementation and integration of art in public projects and states that artist-involvement should begin at the earliest stages of planning; a public artist is required to be a member of the consultant’s planning study team or design team [Sec. 12.04 (2)].

Artist as defined by the Ordinance (Sec. 12.02.), means an individual who creates original art and is recognized by professional peers and critics as a professional practitioner of the visual, craft, literary, musical, conceptual or performing arts, as judged by the quality of that practitioner’s body of

work and experience. Public art may include permanent visual art, performances, installations, events and other temporary works, preservation or restoration of unique architectural features, ornamentation or details. It may also include artist-designed infrastructure and the structures themselves. Public art should consider the site, its context and audience. Public art may possess functional as well as aesthetic qualities; it may be integrated into the site or a discrete work.

The Project must comply with the City of Saint Paul Public Arts Ordinance.

The Public Art portion of this project will consist of two phases, as follows:

#### **Phase I. Planning**

An Artist (ARTIST) shall be an integral part of the CONSULTANT’S design team. The ARTIST shall be deemed a professional artist, as described by the Ordinance. The ARTIST shall be engaged in the design process, beginning with pre-design. The ARTIST shall guide the public art design process by identifying opportunities. These

opportunities include, but are not necessarily limited to: Art integral to the retaining walls, abutments and piers, murals, a public seating area, or free-standing sculpture. After gathering public input, the ARTIST will guide development of plans describing concept and scope of public art. That conceptual plan will be used to gain preliminary approval from the CITY’S Project Manager prior to developing final plans. Final plans, specification, timeline, and budget including cost estimation shall be developed by the ARTIST and CONSULTANT for inclusion in the final bridge plans.

#### **Phase II. Options for Fabrication and/or Construction of Public Art Component**

a) **Art to be constructed by the Bridge Contractor.** An example of art constructed by the contractor would be the use of form liners (designed by the ARTIST) for construction of the retaining walls or other substructures. The cost of Public Art in this case would be cost of the structure constructed in place with the integral Art, minus the cost of the same structure with no public art

component. The CITY’S Project Manager shall require the ARTIST to inspect Public Art constructed by the CONTRACTOR for compliance to the plans. The ARTIST will be compensated by the hour for this type of work as outlined in phase I.

b) **Art created and installed by the ARTIST.** An example of art created and installed by the ARTIST would be a mural or freestanding sculpture. The ARTIST will be compensated by a flat fee for fabricating and installing PUBLIC ART under this Phase II. The cost and scope of work will be outlined under a separate contract between the CITY and the ARTIST.

Public Art for this project may be any combination of either Art constructed by the bridge contractor, or Art fabricated and installed by the ARTIST, as determined by the public process and approved by the City’s Project Manager.

The total budget for Phase II work to create and install (by Artist or as part of bridge construction) public art on this

EXAMPLE C *continued* — SCOPE OF WORK FROM REQUEST FOR PROPOSALS FOR CAPITAL DESIGN/BUILD PROJECT

*(continued)* – **Design Services for Hamline Bridge Replacement (Over Ayd Mill Road).**

project is \$50,500. This budget does not include the Artist’s role in Phase I. Proposer shall include Phase I costs for the Public Artist as part of the Proposer’s cost proposal for design services.

**3.1.5.1 ARTIST Expertise and Experience** - The ARTIST shall have previously shown:

The ability to work within a multi-disciplinary team of architects, landscape architects and engineers.

An understanding of, and experience in, the tasks, activities and issues that are common during the design development process.

The ability to work with public input and experience in the community process.

An understanding of the importance of the use of sustainable materials and construction techniques in public art.

An understanding of the importance of the use of sustainable materials as it pertains to construction techniques and maintenance of public art.

Excellent communication skills.

The ability to produce submittals/deliverables including plans, elevations and cross sections.

**ARTIST Tasks**

To operate as design team member from project inception to approval of final plans.

Plan, schedule and facilitate public meetings pertaining to public art.

Use public input to develop public art scope, direction.

Aid the CONSULTANT in producing preliminary and final plan sheets.

Aid the City’s Project Manager in developing the second phase public art Request For Proposal to hire the artist to produce the public art.

Aid the City’s Project Manager in evaluating all responses to the public art Request for Proposal (note: The ARTIST may respond to the second phase public art Request For Proposal, in which case the ARTIST shall be relieved of any responsibilities under this item).



## EXAMPLE D — SCOPE OF WORK FROM REQUEST FOR QUALIFICATIONS FOR CAPITAL PROJECT

### Request for Qualifications – **Lowertown Ballpark Call for Public Artists**

*(Excerpts from RFQ issued  
August 12, 2013 by Ryan Com-  
panies, consultant, on behalf of  
the Department of Parks and  
Recreation.)*

#### **VIII. Public Artist Scope of Work**

##### **A. Lowertown Ballpark Design Team Project Goals**

###### **1. Lowertown Ballpark Design Team Vision**

The successful proposer  
(individual or team)  
will describe an artist  
statement/project  
approach that:

- Is experiential
- Is interactive
- Connects to place  
and people
- Is based on honest  
engagement of the  
Lowertown community
- Engages and integrates  
with the Owner and  
Design Team
- Communicates a clear  
vision in the form of a  
Project Approach  
Statement

- Provides examples of  
successful process and  
product
  - Creates opportunities  
for participation by  
emerging artists
- ##### **2. Lowertown Ballpark Design and Construction Committee (LB-DCC) Vision Statements Art Integration and Artist Community**

- Provide greater  
visibility to the  
Lowertown and  
Minnesota artist  
community by allot-  
ting space(s) for  
exhibition of artists’  
work.
- Enhance the  
Lowertown artists’  
community events  
and organizations by  
coordinating resour-  
ces and consideration  
of needs, making the  
ballpark a cultural  
center.
- Make game day  
unique by integrating  
artist work into the  
ballpark design and  
fan experience.

##### **B. Community-based Design Process**

1. Selected Artists will  
engage in a community-  
based design process to  
be hosted by the LB-  
DCC.
2. Public input will be  
solicited via online poll-  
ing of the selected artist  
or artist team’s final  
design schemes for the  
ballpark. This “People’s  
Choice” selection  
will help guide the artist  
or artist team toward the  
ultimate art installation  
for the Lowertown  
Ballpark.

##### **C. Integrated Design**

1. Public Art will be inte-  
grated with the ballpark  
design through iterative  
collaboration between the  
selected artist or artist  
team and the ballpark  
design team.
2. The selected artist or  
artist team and the ball  
park design team will  
collectively explore  
opportunities to maximize  
the efficacy of the art  
budget by artistically  
articulating architectural  
components of the  
ballpark design.

#### **XI. Eligibility Criteria**

- A. The public artist meets  
the ordinance definition  
of an “artist” and is an  
individual who creates  
original art and is recog-  
nized by professional  
peers and critics as a  
professional practitioner  
of the visual, craft, liter-  
ary, musical, conceptual  
or performing arts, as  
exemplified by the quality  
of that practitioner’s body  
of work and experience.
- B. The public artist produces  
artwork in the categories  
and types of work cited in  
the ordinance as “public  
art” including: permanent  
visual art; artist-designed  
infrastructure and struc-  
tures; installations; or is  
involved in the preserva-  
tion restoration of unique  
architectural features,  
ornamentation or details.
- C. This opportunity is open  
to all professional public  
artists (or teams of artists)  
regardless of race, color,  
religion, gender, age,  
military status, sexual  
orientation, marital status,  
or physical or mental  
disability.

EXAMPLE D *continued* — SCOPE OF WORK FROM REQUEST FOR QUALIFICATIONS FOR CAPITAL PROJECT

*(continued)* – Request for Qualifications – **Lowertown Ballpark Call for Public Artists**

D. Individuals and their immediate family who are employed by or affiliated with organizations represented on the Lowertown Ballpark Public Art Selection Committee or Lowertown Ballpark Design Team; including the City of Saint Paul, St. Paul Saints, Ryan Companies, Julie Snow Architects, AECOM Sport, Bob Close Studio, or 4RM+ULA are not eligible to submit.

**XII. Evaluation Criteria**

The Saint Paul Saints place a high value on giving opportunities to emerging talent – and giving second chances to proven talent looking to reinvent their careers. It is in this spirit that the organization encourages the formation of partnerships between established artists and emerging artists to respond to this RFQ.

The LB-PASC will short-list 3-5 artists and/or artist teams based upon the following evaluation criteria:

- A. A successful Artist’s Statement/Project Approach will meet the stated goals outlined in section VIII.A.1
- B. The public artist’s work is of high quality as shown by examples of past work; in resume/bio citations for exhibitions, commissions and awards; documented recognition by peers and critics; and for Capital Projects, by testimony from references that the public artist has produced artwork on-time and on-budget.
- C. During the time period specified in RFQ, the public artist is available and accessible.
- D. A proven record of successful projects with multi-disciplinary teams (e.g. architects, landscape architects, engineers etc.).

- E. Ability to work with community input; experienced in community engagement.
- F. Ability to incorporate technology and art, if necessary.
- G. Sensitivity to context and its historical, ecological, social and cultural dimensions.
- H. Employs sustainable materials and construction techniques in his/her work, and efficiently uses resources.
- I. Understanding of, and experience with, durable and permanent materials, and their maintenance requirements.
- J. Documented capability to produce, deliver and install artwork on-time and on-budget.

## EXAMPLE E — SCOPE OF WORK FROM REQUEST FOR QUALIFICATIONS INVITATIONAL CALL FOR CAPITAL PROJECT

Request for Qualifications by Invitational Call –  
**Arlington Hills Community Center**  
(formerly known as the Payne Maryland Project)

*(Excerpts from RFQ issued July 19, 2013  
by Saint Paul Libraries.)*

### PROJECT SUMMARY

The City of Saint Paul Libraries and Parks and Recreation departments aim to engage the community in the process of art-making for the Payne Maryland Project. The project is a building of approximately 40,000 square feet that will include a library and recreation center and a digital media lab that will be used primarily by teens. The building will be set in park land at the intersection of Payne and Maryland Avenues on the city's East Side.

Public artists are sought who are interested in bringing people together in new ways to explore the intersection where stories are formed. The goal is to collect stories and images about the people of the East Side, creating a legacy in both a digital archive and permanently installed artwork throughout the new facility.

The project will emphasize intergenerational relationships and includes possibilities such as utilizing the Saint Paul Collection of still images that are held by the Library or working with youth and teens through the Library's digital literacy program to interview elders, documenting their stories.

The collected and edited audio and/or video materials could be formed into programs for the display screen in the building's lobby or touch screen monitors in the Library or lend themselves to compositions for two-dimensional work for hallway walls or transparent media or projections for a bank of windows along a corridor.

The public art project enables a permanent investment in both digital technology for the display of changing artwork over time, and in permanent artworks for windows and walls. The public art project also supports the Library's ongoing programming involving mentors who work with youth and teens and who could carry the effort forward after the public art project ends, producing additional imagery for the digital media.

Architects' renderings of the building's exterior, as well as building plans, can be found at <http://www.stpaul.gov/public-art> under the subject heading: Design Presentation December 8, 2011.

### CALL FOR PUBLIC ARTISTS

Twenty-five public artists have been identified to receive an invitational call to respond to this RFQ. Arts professionals including artists, arts administrators, curators, educators and museum directors have been contacted for recommendations.

One or several public artists are sought to work on the project including:

- public artists who apply individually;
- public artists who apply individually but indicate that they are open to being part of a team and demonstrate that they have previous experience working on teams;
- self-identified teams of public artists who have a track record of working together; and
- lead artists who may choose to identify other artists to work with them later, during the research and design phase outlined below, subject to the review and approval of the City.

## EXAMPLE E — SCOPE OF WORK FROM REQUEST FOR QUALIFICATIONS INVITATIONAL CALL FOR CAPITAL PROJECT

### *(continued)* – **Arlington Hills Community Center**

Public artists encouraged to apply include, but are not limited to: visual artists; social practice artists; video artists; sound artists; graphic designers; photographers; writers; and visual storytellers.

#### **PUBLIC ART MEDIA AND BUDGET**

Media such as video; audio or sound works; interactive technology such as cell phone activation or motion detection; original photography; and/or found photography will be considered.

Presently funded by the current construction project:

- Display screen in lobby.

Potentially funded by public art ordinance allocation:

- Touchscreen monitors displaying interactive technological media linked with an online archive.
- Image projections on windows.
- Transparent media with imagery on windows.
- Wall coverings and/or murals.

The total budget for public artwork is \$90,000 to include expenses such as fees; the labor of the public artist and their assistants and technical sub-consultants including conservators, if necessary; studio and operating costs and materials applicable to this project; conducting interviews, photographic sessions or other public engagement activities with neighborhood residents; insurance; travel costs to visit and research the site and participate in meetings and public presentations; the presentation of the design proposal to the Public Art Project Committee; production and editing of the video and/or audio programs and/or production of the physical public

artwork; transportation of the public artwork to the location; and any costs incurred by the public artist for installation and activation of the public artwork at the location.

#### **SCOPE OF WORK FOR PUBLIC ARTISTS**

The public art project for Payne Maryland will be divided into two phases, with agreements negotiated for each phase:

- 1) Phase One – Research and Design. During Phase One, public artist(s) will explore available resources and interview City staff to develop an approach for their project and a detailed design proposal including cost estimate and timeline. If their design proposal is accepted by the Public Art Project Committee and approved by the City department head, then the public artist(s) will proceed to Phase Two.
- 2) Phase Two – Commission. During Phase Two, public artist(s) will go on to create their approved artwork.

#### **PHASE ONE – RESEARCH AND DESIGN**

ANTICIPATED TASKS including, but not limited to:

- Participate in meetings; in-house with City staff and the architectural design team, and public meetings with neighborhood residents.
- Establish goals and criteria for the public art project including a plan emphasizing public engagement activities that ensure participation by a diverse cross-section of neighborhood residents. The plan will include a timeline for these activities, and for the completion of the public artwork.

## EXAMPLE E — SCOPE OF WORK FROM REQUEST FOR QUALIFICATIONS INVITATIONAL CALL FOR CAPITAL PROJECT

### *(continued)* – **Arlington Hills Community Center**

- Collaborate with the architectural design team to refine the design of spaces and to integrate artwork and/or incorporate media needs, if feasible.
- Identify location of public artwork(s) on scaled annotated plans, or site plans, with potential relationships and connections to other sites.
- Produce model and/or sketches, plans and/or digital renderings, storyboards, or an outline of approach, to illustrate concepts.
- Produce artwork statement describing design intention, and with description of artwork media and materials, including dimensions, weight, and finish, as appropriate, and cost estimation.

### PHASE TWO – COMMISSION

ANTICIPATED TASKS including, but not limited to:

- Maintain ongoing communications with the City staff, and if necessary, track with the site and/or building construction schedule in order to integrate artwork.
- Continue to engage a diverse cross-section of neighborhood residents during the creation of the artwork.
- Produce the artwork as approved during Phase One and deliver and install the artwork according to an agreed-upon schedule.
- After installation, provide final documentation about the artwork including recommendations about how to continue the community engagement component of the project; for media work, a technical description including current specifications with anticipated upgrades and contractor/sup-

plier of hardware and software; or for permanently installed work, materials, weight, finish, construction techniques and contractors. Prepare an operations and maintenance manual.

For complete list of potential Tasks, please reference the Public Art Ordinance Program Guidelines online at: <http://www.stpaul.gov/publicart> See pages 11-12 for examples of roles and tasks for public artists working on Capital Projects.

### EXPERTISE

Following is the experience and capabilities that artists must show to accomplish the above tasks:

- In-depth work with multi-disciplinary teams (e.g. architects, landscape architects, civil and transportation engineers, etc.).
- Ability to work with neighborhood residents; experienced in community engagement.
- Sensitivity to context and its historical, social and cultural dimensions.
- Documented capability to produce and complete artwork on-time and on-budget.

This page from the **Public Art Ordinance Program Guidelines** is included for reference and to provide orientation to the information in this section.

## SELECTING PUBLIC ARTISTS – PROCEDURES AT A GLANCE

	PLANS	CAPITAL PROJECTS			
IDENTIFICATION OPTIONS	Consultant responding to a City department's RFQ or RFP identifies public artist(s) for their team.	1. Public art project committee convened to identify artist(s) for City project.	2. City department project manager identifies artist(s) for project.	3. City Artist in Residence Program as artist-curator and/or creator and manager of prototype projects.	Infrequent City Design/Build Capital Projects; consultant/contractor identifies public artist(s) for their team.
SELECTION PROCESS	Consultants reference: <ul style="list-style-type: none"> <li>• City Artist in Residence Program.*</li> <li>• State artist registry.</li> <li>• City List of Qualified Artists.</li> <li>• Consultant's own resources.</li> </ul>	<ul style="list-style-type: none"> <li>• Open Call</li> <li>• Invitational Call</li> <li>• Direct Call</li> </ul>	<ul style="list-style-type: none"> <li>• Open Call</li> <li>• Invitational Call</li> <li>• City List of Qualified Artists</li> <li>• Direct Call</li> </ul>	<ul style="list-style-type: none"> <li>• Invitational Call</li> <li>• City List of Qualified Artists</li> <li>• Direct Call</li> </ul>	Consultant/contractor references: <ul style="list-style-type: none"> <li>• City Artist in Residence Program.*</li> <li>• State artist registry.</li> <li>• City List of Qualified Artists.</li> <li>• Consultant/contractor's own resources.</li> </ul>
REVIEW & APPROVAL PROCESS	City Project Manager ↓ City Department Head	Public Art Committee ↓ City Department Head	City Project Manager ↓ City Department Head	City Artist in Residence Program ↓ City Department Head	City Project Manager ↓ City Department Head

\* City Artist in Residence Program participates in selecting artists for the City List of Qualified Public Artists and is not an independent resource for consultants.

# SELECTION PROCESS

## OPEN CALL

### CITY LIST OF QUALIFIED PUBLIC ARTISTS

The City List of Qualified Public Artists is a useful reference for Plans and/or Capital Projects.

Consultant/proposers seeking artists for Plan teams, Capital Projects with flexible timelines, special projects with compressed timelines, and ongoing programs or projects that seek artists every year may want to reference the City List of Qualified Public Artists.

Public artists are sought through an open call. A Public Art Jury is convened to review applicants and recommend public artists for the List.

In March 2013, the Public Art Ordinance Program's first open call was issued seeking artists for the List. Public artists were sought who were interested in working with consultant/proposers on Plans.

The Request for Qualifications (RFQ) was released through City Contract and Analysis Services and public artists were directed

to download the RFQ through the City's Demand-Star system.

This system changed in 2014, but the component sections and submission requirements here remain viable and reflect best practices in the field of public art.

Following is a general outline for an open call RFQ to create the City List of Qualified Public Artists.

The RFQ issued in March 2013 seeking artists for Plans may be referenced in the Appendix on pages 65-68.

#### GUIDELINES REFERENCE

City List of Qualified Public Artists pgs. 18 and 27;  
Scope of Work pgs. 12-16;  
Eligibility and Evaluation Criteria pg. 19

### OPEN CALL FOR THE CITY LIST OF QUALIFIED PUBLIC ARTISTS REQUEST FOR QUALIFICATIONS (RFQ)

#### I. INTRODUCTION

General description of the City of Saint Paul's public art ordinance and its intentions.

#### II. PUBLIC ARTISTS ARE SOUGHT TO WORK WITH

- CONSULTANTS ON PLANS AND/OR
- FOR CAPITAL PROJECTS

Summary of what this RFQ addresses and how it carries out the specifics of the ordinance.

#### III. SCOPE OF WORK

##### TASKS

Anticipated tasks and activities for public artists, as determined by referencing the Scope of Work section in the Guidelines and also adding those specific to the opportunity.

##### EXPERTISE

The experience and capabilities that artists need to accomplish the tasks; see Guidelines.

#### IV. ELIGIBILITY AND EVALUATION CRITERIA

As cited in the Guidelines and appropriate to the open call.

#### V. ARTISTIC REVIEW AND SELECTION PROCEDURES

A Public Art Jury convened by the City will review responses to the open call and recommend public artists for the City List.

The Jury is composed of seven-to-nine members including (identified by affiliation and position, but not directly by name):

- Three-four City department staff and/or representatives of the neighborhood or community;
- City Artist-in-Residence Program representative; and
- Three-four arts and design professionals.

The Public Art Jury will recommend public artists to the Department heads or their representatives, who will review and give final approval to the entrants to the City List of Qualified Artists.

## VI. SUBMISSION REQUIREMENTS

- A. Solicitation **Cover Sheet** with contact information (hard copy with original signature as required by Contracts and Analysis).
- B. **Artist's Statement** addressing the opportunity: e.g. describing past work that demonstrates the artist's expertise or how the artist will approach this opportunity; etc. (500 words or one-page limit).
- C. **Professional Resume** not to exceed two pages, highlighting relevant past work, especially work on City plans and/or public art commissions.
- D. **Three Professional References** including at least one reference for an example shown in the work samples.
- E. **Work Samples** – ten examples total of past work submitted in digital electronic format (jpgs or pdfs) or up to five minutes of video.
- F. **Work Samples Narrative** describing the work and including: title of plan or artwork and year completed; if artwork, then materials; dimensions; location where installed, etc. (75 word limit per work sample).



# PUBLIC ART JURY

## ROLES AND COMPOSITION

A Public Art Jury is convened to adjudicate applicants received in an open call for the City List of Qualified Public Artists.

To ensure that decision-making will achieve high standards of quality, expectations for Public Art Jury members are communicated through defining roles and responsibilities.

Public Art Jury members are expected to uphold the City's conflict of interest and confidentiality policies because they have access to information not generally available to the public, and are therefore charged with special legal, professional and ethical responsibilities.

## Roles and Responsibilities

Possible roles and responsibilities for Public Art Jury members include, but are not limited to:

1. Providing knowledge and expertise about Public Artists, aesthetic issues and the field of public art.
2. Studying the open call RFQ to develop a clear understanding of tasks and expertise requirements and evaluation criteria before attempting to evaluate Public Artists.
3. Preparing for the Public Art Jury meeting by thoroughly reviewing the public artists' application materials received from the City beforehand.
4. Participating in the Jury meeting, ranking and voting on applicants, and offering observations on applicants.
5. Abiding by the City's conflict of interest and confidentiality policies (see page 25).
6. Offering suggestions regarding future submission and Jury processes in order to continually improve procedures.

## Composition

A Public Art Jury should include an odd number of members in order to avoid tie votes.

At least seven, and no more than nine members are customary, including:

- representatives of the City departments with upcoming plans and/or capital projects for which respondent/proposers are anticipated to reference the List;
- at least four-five arts professionals such as artists, curators, critics or writers, museum directors, arts educators, historians or administrators who can address the specific media sought or public art approach. A mix of specialists and generalists is advised.

Non-voting ex-officio advisors may be added to provide specific technical information or pertinent background information.

The committee is chaired by a nonvoting and neutral convenor/facilitator who leads them through the artist selection process.

Sample agenda for the selection meeting is on pages 26-27.

### GUIDELINES REFERENCE

City List of Qualified  
Public Artists pgs. 18 and 27

# SELECTION PROCESS

## OPEN CALL

### GUIDELINES REFERENCE

Procedures for Open Calls  
pg. 27

## CAPITAL PROJECTS

**Open Calls** must be issued through City of Saint Paul Contract and Analysis Services and must abide by their policies and procedures.

Open Calls may be used with the following Capital Project Options for identifying public artists:

Option 1: **Public art project committee** convened to identify artist(s) for City project.

Option 2: **City department project manager** identifies artist(s) for project.

Best practices in the field of public art endorse using Request for Qualifications (RFQ) as the means for identifying public artists. The outline that follows covers the components that are commonly in a public art RFQ.

## OPEN CALL FOR CAPITAL PROJECTS

### REQUEST FOR QUALIFICATIONS (RFQ)

#### COVER PAGE FOR OPEN CALL

##### I. Information at a Glance – Table of Contents

Project Title and Address/Location.....	1
Artwork Budget.....	1
Deadline for Applications.....	1
Project Overview.....	2
Project Vision and Description.....	4
Public Artist Scope of Work.....	5
Project Timeline.....	6
Selection Process.....	6
Eligibility Criteria.....	7
Evaluation Criteria.....	7
Application Format.....	8
Questions about the Project.....	8
Application Checklist.....	8
Appendix with Attachments.....	9

#### MAIN BODY OF OPEN CALL

**II. Project Title, Address/Location and City department** in charge of Capital Project

##### III. Artwork Budget

A. \$\$\$ Dollar amount includes: public artist fees; materials; applicable State and/or city sales taxes; labor of the public artist and assistants and technical sub-consultants including conservators; studio and operating costs applicable to this project; insurance; travel costs for the public artist to visit and research the site and participate in meetings and public presentations; the presentation of the design proposal to the City; fabrication of the public artwork, transportation of the public

artwork to the location, and any costs incurred by the public artist for installation and activation of the public artwork at the location.

#### IV. Deadline for Applications

Deadline for submissions – received no later than (time) on (date) or postmarked no later than (date). Indicate location for delivery of application, and lead contact person at the City.

#### V. Project Overview

##### A. Introduction

*(Use this boilerplate language:)* In 2009, the City of Saint Paul enacted an ordinance funding public art because in developing its vision for the future of the City... *planning and development decisions should give aesthetic and social value equal weight with any project's functional and economic values.* Public art strengthens public places and enhances and promotes Saint Paul's identity as a livable and creative city and a desirable place, to live, work and visit. The ordinance intends to involve artists in the design, implementation and integration of art in public projects [St. Paul, Minnesota, Code of Ordinances, PART III – ADMINISTRATIVE CODE, Title 1 - GENERAL PROVISIONS, Chapter 12. Public Art.]

- B. Statement about the City's aims and intentions for how the project complies with, and meets the intentions of, the ordinance.
- C. Indicate funding source (CIB, CDBG, etc.) and whether special requirements such as Section 3 apply.
- D. Identify lead contact person at the City for the Open Call.

#### GUIDELINES REFERENCE

Scope of Work for  
Capital Projects  
pgs. 14-16 and 19

#### VI. Project Vision and Description

- A. General description about the project drafted by the City department, i.e, conceptual or design development program, etc.
- B. Physical locale; description of the part of the city and the immediate surroundings; urban design issues, etc.
- C. The social and cultural setting and the artwork's "public."

#### VII. Public Artist Scope of Work

- A. Project phase information and whether the artist will be working on conceptual planning, design, design/build, or design and commission phases.
- B. Public Artist Roles
  - 1. Tasks
  - 2. Expertise
  - 3. Deliverables (optional)

Or alternately to B:

- B. Location(s) for Public Artwork.
    - 1. Possible location(s) from which the artist can choose are described, illustrated, dimensioned and detailed.
- Or alternately:
- 1. Specific potential location(s) are described, illustrated, dimensioned and detailed, as necessary.

- C. Statement outlining the general possibilities for public art including specific media, etc.
- D. Expectations for how the work functions in its urban setting.
- E. Technical expectations, such as requirements for durability and anticipated maintenance. Any prohibitions for media or approach are identified.

### VIII. Project Timeline

- A. Deadline for submissions (reiterate section IV.).
- B. Date by which the entrants will be informed of the outcome.
- C. Anticipated date by which selected public artist(s) will be placed under an agreement and design work begins.
- D. Anticipated date for design presentation.
- E. Schedule for site construction and how the public art project fits into it, and/or anticipated date for installation of artwork.

### IX. Selection Process

- A. Description of selection process used for open call. If the call utilizes a public art project committee; list titles and affiliations, but not their names.
- B. Interview process is indicated, if required.

### X. Eligibility Criteria *(Use this language from the Guidelines:)*

- A. The public artist meets the ordinance definition of an “artist” and is an individual who creates original art and is recognized by professional peers and critics as a professional practitioner of the visual, craft, literary, musical, conceptual or performing arts, as judged by the quality of that practitioner’s body of work and experience.
- B. The public artist produces artwork in the categories and types of work cited in the ordinance as “public art” including: permanent visual art; artist-designed infrastructure and structures; or is involved in the preservation or restoration of unique architectural features, ornamentation or details.
- C. This opportunity is open to all professional public artists (or teams of artists) regardless of race, color, religion, gender, age, military status, sexual orientation, marital status, or physical or mental disability.

### XI. Evaluation Criteria *(Use this language from the Guidelines:)*

- A. The public artist’s work is of high quality as shown by examples of past work; in resume/bio citations for exhibitions, commissions and awards; documented recognition by peers and critics; and for Capital Projects, by testimony from references that the public artist has produced artwork on-time and on-budget.
- B. The public artist demonstrates the expertise required by the Capital Project’s Scope of Work statement in the RFQ including the understanding and/or the ability to design and create artwork integrated into public contexts.
- C. During the time period specified in RFQ, the public artist is available to work on Capital Projects.

### XII. Submission Requirements

- A. Cover Sheet with contact information devised by Contracts and Analysis (hard copy with signature).

#### ***THE FOLLOWING IS SUBJECT TO CHANGE:***

- Items B. through G. are submitted in an electronic format on CD-ROM with specific parameters described under G. below.
- B. Artist’s Statement addressing specific topics relevant to the project: e.g. the process the applicant will use to gather inspiration for the work; how the artist will involve the community in the design and/or creation of the artwork; describing the artist’s approach to working with the community to inform their creative process; identifying which location(s) the applicants wish to address from those described in the Call; how the artist will approach the opportunity; describing a past project that demonstrates the artist’s experience in creating public artwork and collaborating with design professionals, etc. (500 words or one-page limit).
- C. Professional Resume not to exceed two pages, highlighting relevant past work, especially public art commissions.

- D. Three References for previously completed projects including at least one reference for work shown in the work samples.
- E. Work Samples (ten examples total) of past work.
- F. Work Samples Narrative describing the work and including: title of artwork; year completed and installed; materials; dimensions; and location where installed (500 word or one-page limit).
- G. Format for electronic submission on CD-ROM of above materials:

**FOLDER 1: ARTIST LAST NAME\_STATEMENT\_PROFES-  
SIONAL\_RESUME\_REFERENCES**

Artist Statement addressing public art philosophy and how the artist meets the project's expertise requirements, and Professional Resume not to exceed three pages, especially highlighting public art commissions.

**FOLDER 2: ARTIST LAST NAME\_WORK\_SAMPLES**

Up to ten digital files of past work in .jpg format with a resolution of 100 dpi and not exceeding 2 mb per image. Label images: 1\_ARTIST LAST NAME.jpg; 2\_ARTIST LAST NAME.jpg, 3\_ARTIST LAST NAME.jpg and so forth.

**FOLDER 3: ARTIST LAST NAME\_WORK\_SAMPLE\_NARRA-  
TIVE\_LIST**

Narrative describing Work Samples above and including: title of artwork; year; location of installation and who commissioned it; dimensions, materials; insurance value of work; and any other pertinent notes.

**XIII. Questions about the Project**

- A. Process is outlined for posting questions and getting answers online via Addenda. Or submit questions in writing to (name) no later than (date).

**XIV. Application Checklist**

- Hard copy Cover Sheet with signature.

***THE FOLLOWING IS SUBJECT TO CHANGE:***

- CD-ROM with three folders:  
FOLDER 1: Artist Statement, Professional Resume and three References.  
FOLDER 2: Work Samples (10 digital images jpgs and/or videos/movies).  
FOLDER 3: Work Sample Narrative.

**XV. Appendix**

**A. Attachments**

1. Public Art Ordinance Program Guidelines.
2. Options for Capital Project support materials include:
  - Building and site information/background (including ftp site where it can be referenced, if available online).
  - FTP site directions and passwords.
  - Site Plan Drawing.
  - Renderings of the Building.
  - A digital/electronic presentation about the project with representatives of City of Saint Paul and architects, landscape architects and/or engineers, describing the project.

## SELECTION PROCESS INVITATIONAL CALL

### CAPITAL PROJECTS

**Invitational Calls** may be used with the following Capital Project Options for identifying public artists:

- Option 1: **Public art project committee** convened to identify artist(s) for City project; or
- Option 2: **City department project manager** identifies artist(s) for City project; or
- Option 3: **City Artist in Residence Program** assembles and leads team of public artists for project(s).

Following are best practices about how to conduct an Invitational Call for public artists for a specific Capital Project.

An example of an invitational call issued for the 4th and Cedar Vertical Connection may be referenced in the Appendix on pages 69-71.

#### GUIDELINES REFERENCE

Procedures for Invitational Calls  
pg. 27

### INVITATIONAL CALL FOR CAPITAL PROJECTS

#### LETTER TO ARTS PROFESSIONALS REQUESTING RECOMMENDATIONS

*Note: the text in parenthesis is not part of the letter.*

The letter includes, but is not limited to:

#### (I. Introduction)

I am writing on behalf of the City of Saint Paul to invite you to recommend artists for a unique opportunity to incorporate public art into (project name and one-sentence description of opportunity).

In 2009, the City of Saint Paul enacted an ordinance funding public art because in developing its vision for the future of the city... *planning and development decisions should give aesthetic and social value equal weight with any project's functional and economic values*. Public art strengthens public places and enhances and promotes Saint Paul's identity as a livable and creative city and a desirable place, to live, work and visit. The ordinance intends to involve artists in the planning, design, implementation and integration of art in public projects [St. Paul, Minnesota, Code of Ordinances, PART III – ADMINISTRATIVE CODE, Title 1 - GENERAL PROVISIONS, Chapter 12. Public Art.]

#### (II. Project Overview)

An artist is sought to collaborate with the project's architect (name, position and firm name), and City staff from the (department name). The artist shall (summarize scope of work, e.g. create conceptual/schematic design options, and a design development proposal including cost estimation, etc.). Budget for design and commission of artwork shall not exceed \$ (dollar amount). The design period is (indicate dates) and the artwork is expected to be completed by (date).

#### (III. Invitational Call Procedures)

This invitational call is being sent to (number) artists. The City Artist in Residence, curators, art administrators, art educators and/or arts organization directors including (list names and affiliations) have

been contacted and requested to suggest artists. The artist(s) for the project will be selected from respondents to the invitational call by a design team composed of City staff, the project architect, and the City Artist-in-Residence.

**(IV. Public Artist Scope of Work including Tasks)**

(List tasks developed from the Guidelines and from unique requirements of the Capital Project.)

**(V. Public Artist Expertise)**

(List expertise requirements developed from the Guidelines and from the unique requirements of the Capital Project.)

We look forward to receiving your recommendations no later than (date) and truly appreciate your assistance.

Sincerely,

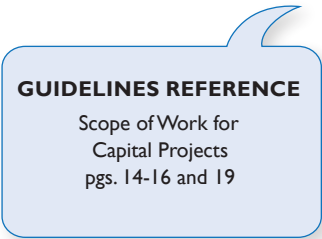
LETTER TO PUBLIC ARTISTS INVITING THEM TO APPLY

The letter includes, but is not limited to:

**(I. Introduction)**

I am writing on behalf of the City of Saint Paul to invite you to submit your credentials for a unique opportunity to incorporate public art into (project name and one-sentence description of opportunity).

In 2009, the City of Saint Paul enacted an ordinance funding public art because in developing its vision for the future of the city... *planning and development decisions should give aesthetic and social value equal weight with any project's functional and economic values.* Public art strengthens public places and enhances and



promotes Saint Paul's identity as a livable and creative city and a desirable place, to live, work and visit. The ordinance intends to involve artists in the planning, design, implementation and integration of art in public projects [St. Paul, Minnesota, Code of Ordinances, PART III – ADMINISTRATIVE CODE, Title 1 - GENERAL PROVISIONS, Chapter 12. Public Art.]

**(II. Project Overview)**

One or several artists are sought to collaborate with the project's architect (name, position and firm name) and City staff from the (department name). The artist(s) shall (summarize scope of work, e.g. create conceptual/schematic design options, and a design development proposal including cost estimation, etc.). Budget for design and commission of artwork shall not exceed \$ (dollar amount). The design period is (indicate dates) and the artwork is expected to be installed by (date).

**(III. Invitational Call Procedures)**

This invitational call is being sent to (number) artists. You have been recommended to us by the City Artist in Residence, curators, art administrators, art educators and/or arts organization directors, etc. (list names and affiliations) who have been contacted to suggest artists. The artist(s) for the project will be selected from respondents to the invitational call by a design team composed of City staff, the project architect, and the City Artist-in-Residence.

**(IV. Public Artist Scope of Work including Tasks)**

(List tasks developed from the Guidelines and from unique requirements of the Capital Project.)

**(V. Public Artist Expertise)**

(List expertise requirements developed from the Guidelines and from the unique requirements of the Capital Project.)

**(VI. Application Format and Technical Requirements)**

To be considered for this opportunity, public artists must submit the following materials:

- A. Cover Sheet with contact information (hard copy with signature; see example attached).  
Items B. through F. are submitted in an electronic format on CD-ROM with specific parameters described under G. below.
- B. Work Samples of past work.
- C. Work Samples Narrative describing the work and including: title of artwork; year completed and installed; materials; dimensions; and location where installed (500 words total or one-page limit).
- D. Artist's Statement addressing specific topics relevant to the project: e.g. the process the applicant will use to gather inspiration for the work; how the artist will involve the community in the design and/or creation of the artwork; describing the artist's approach to working with the community to inform their creative process; identifying which public space(s) the applicants wish to address from those described in the Call; how the artist will approach the opportunity; describing a past project that demonstrates the artist's experience in creating public artwork and collaborating with design professionals, etc. (500 words or one-page limit).
- E. Professional Resume not to exceed two pages, highlighting relevant past work, especially public art commissions.
- F. Three References for previously completed projects including at least one reference for work shown in the work samples.
- G. Format for electronic submission on CD-ROM of above materials:

**FOLDER 1: ARTIST LAST NAME\_LETTER\_PROFESSIONAL\_RESUME**

Artist Statement addressing public art philosophy and how the artist meets the project's expertise requirements, and Professional Resume not to exceed three pages, especially highlighting public art commissions.

**FOLDER 2: ARTIST LAST NAME\_WORK\_SAMPLES**

Up to ten digital files of past work in .jpg format with a resolution of 100 dpi and not exceeding 2 mb per image. Label images: 1\_ARTIST LAST NAME.jpg; 2\_ARTIST LAST NAME.jpg, 3\_ARTIST LAST NAME.jpg and so forth.

**FOLDER 3: ARTIST LAST NAME\_IMAGE\_LIST**

Narrative describing Work Samples above and including: title of artwork; year; location of installation and who commissioned it; dimensions, materials; insurance value of work; and any other pertinent notes.

**(VII. Submission Deadline and Contact Information)**

Please mail these materials to: City staff contact name, City department address, to arrive no later than (time, day, date).

We look forward to receiving your submission. If you have questions, do not hesitate to contact me.

Sincerely,



# FINDING ARTS PROFESSIONALS

Relationships with and access to a directory of arts professionals is critical to the Public Art Ordinance program's success in conducting invitational calls and convening committees and juries capable of adjudicating public art.

Resources for arts professional outreach and networking include but are not limited to:

## Public Art Non-profit Organizations

- Public Art Saint Paul
- Forecast Public Art
- Intermedia Arts
- Northern Lights.mn

## Government Public Art Programs

- Minnesota State Arts Board: Art in Public Places Program and Slide Registry
- University of Minnesota, Weisman Art Museum: Public Art on Campus
- City of Minneapolis: Art in Public Places and Culture & Creative Economy Programs
- Metropolitan Regional Arts Council: Community Arts

## Museums and Art Centers

- Minnesota Museum of American Art
- Walker Art Center
- Minneapolis Institute of Arts
- Caponi Art Park
- Franconia Sculpture Park
- Bloomington Theater and Art Center
- Minnetonka Center for the Arts

## College and University Galleries

- University of Minnesota: Regis Center for Art
- Macalester College: Law Warschaw Gallery
- Minneapolis College of Art and Design: Gallery

## Arts Resources and Support Organizations

- Saint Paul Art Collective
- Springboard for the Arts
- mnartists.org

## Artist and Leaders Fellowship Programs

- McKnight Foundation: Artist Fellowships
- Jerome Foundation: Emerging Artist Fellowships
- Bush Foundation: Leadership Fellowships
- Minnesota State Arts Board: Artist Initiative and Cultural Community Partnership Programs

# IDENTIFICATION OPTION

## PUBLIC ART PROJECT COMMITTEE

Public Art Project Committees represent the public interest during the process of selecting Public Artists for Capital Projects.

To ensure that decision-making will achieve high standards of quality, expectations for project committee members are communicated through defining roles and responsibilities.

Public Art Project Committees may be required to:

- participate with the City in defining the Scope of Work for the capital project's Call for Artists;
- select Public Artists from respondents to the call and participate in finalist interviews if requested; and
- review and comment upon public artist's design proposals.

### GUIDELINES REFERENCE

Artist Selection Review and Approval procedures pg. 25 and Artwork Review and Approval procedures pg. 26

### Roles and Responsibilities

Possible roles and responsibilities for Project Committee members include, but are not limited to:

1. Providing knowledge and expertise about Public Artists, aesthetic issues and the field of public art.
2. Functioning as a liaison to the community/neighborhood and representing their interests and concerns.
3. Assisting the City department in defining the Public Artist's scope of work.
4. Studying the RFQ to develop a clear understanding of the tasks and expertise requirements and evaluation criteria before attempting to evaluate Public Artists.
5. Abiding by the City's conflict of interest and confidentiality policies (see page 25).
6. Selecting Public Artist(s) to submit design proposals, and reviewing and commenting on design proposals.
7. Supporting Public Artist(s) selected to work on projects by providing background

information and insights so that the artwork is relevant to its site on both aesthetic and functional levels.

8. Ensuring that the artwork is well-constructed and of durable materials and that its location is adequately prepared.

### Composition

Project Committees should include an odd number of members in order to avoid tie votes.

At least five, and no more than seven members are customary, including:

- two or three persons representing the City department and the project, including community/neighborhood representatives, as appropriate;
- one design professional (architect, engineer, landscape architect) who may be involved with the capital project; and
- two or three arts professionals such as artists, curators, critics or writers, museum direc-

tors, arts educators, historians or administrators who can address the specific media sought or public art approach.

Non-voting ex-officio advisors may be added to provide specific technical information or pertinent background information that supports the project.

The committee is chaired by a nonvoting and neutral convenor/facilitator who leads them through the artist selection process and the review of design proposals.

### Continuing Role

After Project Committees select public artists for capital projects, and review and comment on their design proposals, the committees may have continuing responsibilities. Committee members who are representing the City department and the project may facilitate dedication events or other public meetings at the site. They may also produce and distribute information materials for the public about the Program and the project.

## CONFLICT OF INTEREST AND CONFIDENTIALITY

Public Art Project Committee and Public Art Jury members shall uphold the City's conflict of interest and confidentiality policies because they have access to information not generally available to the public, and are therefore charged with special legal, professional and ethical responsibilities.

The following policies appear in the City of Saint Paul's Department of Contracts and Analysis Request for Proposals (RFP) Evaluator's Conflict of Interest and Confidentiality of Information Statement and are upheld by the Public Art Ordinance Program.

Public Art Project Committee and Public Art Jury members are prohibited from discussing the evaluation, ranking or status of any Public Artist's application at any time prior to, during, or after the selection process.

Information obtained as a Committee or Jury member shall not be used for any personal benefit, pecuniary or otherwise, and committee members shall not copy and/or disseminate any portion of any application at any time prior to, during, or after the selection process.

A conflict of interest or the appearance of a conflict of interest may occur if a Committee or Jury member is directly or indirectly involved with a Public Artist who has submitted a proposal for evaluation.

Examples of potentially biasing affiliations or relationships include:

1. The Committee or Jury member solicits, accepts, or agrees to accept from anyone any benefit, pecuniary or otherwise, as consideration for the Committee or Jury member's decision or recommendation as it pertains to the evaluation of a Public Artist.
2. The Committee or Jury member is affiliated with a Public Artist. For example, a conflict may exist when a Committee or Jury member is:
  - (a) Employed by, or is being considered for employment with, the Public Artist or holds a consulting, advisory, or other similar position with said individual;
  - (b) Holds any current membership on a committee, board, or similar position with the Public Artist.

3. The Committee or Jury member has a personal relationship with the Public Artist, including any affiliation or relationship by marriage or through family membership, any business or professional partnership, close personal friendship, or any other relationship that might affect the Committee or Jury member's objectivity or judgment or may give an appearance of impropriety to someone viewing it from the outside the relationship.

If Committee or Jury members are uncertain about whether or not the public might perceive they have an appearance of conflict given the examples noted above, they should declare an apparent conflict of interest.

Appearance of conflict also includes significant adversarial or advocate relationships in which a Committee or Jury member's impartial judgement may be impaired.

Conflict of interest violations include failing to declare associations with applicants, lobbying on behalf of any application in which the Committee or Jury members has a biased interest, and fail-

ing to refrain from all discussion and voting on such applicants. Confidentiality violations include discussing the evaluation of Public Artist's applications outside of the selection process.

Committee or Jury members acting in violation of these policies will be asked to resign, and may be subject to prosecution under State law.

## SELECTION MEETING

The members invited to serve on a Public Art Committee or Public Art Jury receive the following orientation materials:

- 1) a statement of roles and responsibilities and conflict of interest and confidentiality rules; and
- 2) the complete text of the Request for Qualifications (RFQ) highlighting the Public Artist Scope of Work and the Expertise requirements.

A minimum of ten days prior to the selection meeting, the Committee or Jury members receive a binder with reprints of the application materials such as the Artist Statement, Work Sample Narrative, Professional Resume, and Professional References, in order to thoroughly study them before the selection meeting.

The visual portions of artist's applications (Work Samples including jpgs or movies/videos) are presented at the selection meeting and the entire application, including the application materials described above, is considered. Each applicant is discussed and ranked at the selection meeting.

## SAMPLE AGENDA – SELECTION MEETING

Project Title:

**Purpose of Meeting: Select Public Artist(s) for Capital Projects or for the City List of Qualified Public Artists**

Date:

Time:

Location:

Voting Members Present:

(list first name last name, position and affiliation)

Ex-Officio Advisors Present: (list first name last name, position and affiliation)

Non-voting Convener/Facilitator: (first name last name)

- I. **Introduction** – Reiteration of the capital project's RFQ requirements including public artist scope of work and expertise requirements and any specific additional evaluation criteria that were identified. General observations about the applications are solicited from the Public Art Committee or Jury members.
- II. **Conflict(s) of Interest Noted for Record** – Committee and Jury members must observe the City's conflict of interest guidelines and any conflicts are recorded at this time. Any member with a conflict of interest with an applicant abstains from all discussion and voting on that applicant and is requested to leave the meeting room during the review of that applicant.
- III. **Overview Round** – Work Samples from public artists are viewed without discussion, in order to get a sense of the overall quality and diversity of the entries.
- IV. **First Ranking Round** – Each public artist's Work Samples are reviewed again. The Artist Statements that address the project are examined and discussed, along with Professional Resumes.

Each public artist's Work Samples are reviewed again. Questions about the works are answered by referencing the Work Sample Narrative provided by each artist describing their Work Samples.

Each artist is ranked IN, OUT or MAYBE on a show of hands or voice vote. At the end of the round, artists who received a majority of affirmative votes remain in consideration. (See Example of Ranking Sheet on this page.)

- V. **Second Ranking Round** – Artists who received a majority of affirmative votes are considered again. Each artist's potential is discussed relative to the tasks and required expertise. Artists are ranked either IN or OUT on a show of hands or voice vote.
- VI. **Final Ranking Round** – Artists receiving a majority of IN votes are considered during this round. By consensus utilizing a straw poll and/or by a motion and voting, first-, second- and third-choice artists are identified.
- VII. **Conclusion** – Final observations are offered by Committee or Jury members and convener. Suggestions made regarding improvements to future submission processes and Committee or Jury procedures.
- VIII. **Next Steps** – Notes from the meeting will be prepared and submitted to Jury members for fact-checking. Review and final approval of recommended public artists will be sought from Department heads. The updated project timeline and schedule is summarized, as necessary.

31-May-13  
**PUBLIC ART JURY MEETING - CITY LIST OF QUALIFIED PUBLIC ARTISTS**  
 This spreadsheet is for personal use by Jury members. It shall not be disseminated to the public, as per City confidentiality policies. Use it for notetaking during the study of applications prior to the Jury meeting. Please do not rank applications in advance. All ranking and voting will occur at the meeting.

	ARTIST NAME	FIRST RANKING ROUND			NOTES	SECOND RANKING ROUND		
		IN	OUT	MAYBE		IN	OUT	NOTES
1	BAUR, BOLDON							
2	CARPENTER, ED							
3	CENTUORI, RUSSELL							
4	CHRISTENSEN, JOHN							
5	CONBOY, GREG							
6	DELGADO, ROBERTO							
7	FITCH, CLAUDIA							
8	GELLER, MATTHEW							
9	GHEI, GITA							
10	GOLDBERG, BRAD							
11	GRYGUTIS, BARBARA							
12	HUETHER, GORDON							
13	LANDESBERG, AMY							
14	LESSICK, HELEN							
15	LIPSKI, DONALD							
16	LOFQUIST, JANET							
17	ROLSTAD, KORYN							
18	SCURI, VICKI							
19	SMITH, PHILLIP							
20	SOLLOD, ELLEN							
21	TYLEVICH, ALEXANDER							
22	WAGNER, APRIL							
23	WALLACE, SCOTT							

## DESIGN PRESENTATION MEETING

The Public Art Project Committee that participated in the selection of public artist(s) for a Capital Project continues on to review the design proposals prepared by the public artist(s). The Committee reviews design deliverables including those itemized below, especially the Timeline and Budget Estimate form and the Conservation Analysis.

They comment and make recommendations to the City regarding the acceptability of the design proposal(s). Department heads have the final approval authority for all design proposal(s).

### SAMPLE AGENDA – DESIGN PRESENTATION MEETING

Project Title:

**Purpose of Meeting: Review of Design Phase Proposals  
by Public Artists for Capital Projects**

Date:

Time:

Location:

Voting Members Present:

(list first name last name, position and affiliation)

Ex-Officio Advisors Present: (list first name last name,  
position and affiliation)

Non-voting Convenor/Facilitator: (first name last name)

I. **Introduction** – Summary of progress with project to date.

II. **Presentation of Design Proposals by Public Artist(s)**

Deliverables may include:

- Location of Public Artwork(s) as shown on scaled annotated plans, or site plans, with potential relationships and connections to other sites.

- Model/maquette to scale showing some indication of color and/or other scaled or dimensioned drawings or documentation as required to present a meaningful representation of the proposed Public Artwork, and materials samples and specifications as necessary.
- Public Artwork Statement describing design intention; relationship to project goals and criteria; and description of Public Artwork materials, dimensions, weight, and finish.
- Timeline and Budget Estimate form.
- Conservation Analysis of proposed materials and construction methods by a certified conservator.
- Outline of proposed installation and activation, and the ongoing operations and maintenance that will be required including cost estimate.
- Recommendations regarding site preparation and activation, including but not limited to appropriate lighting, electrical and mechanical systems connections, and the structural support necessary for the Public Artwork.

III. **Discussion with Public Artist(s)**; Questions and Comments – Project Committee Members and Public Artist(s).

IV. **Project Committee Discussion and Voting on Design Proposal** – Committee Members (Public Artist is excused from room).

Committee examines the proposed work's design, suitability to the project, and permanence and durability, as well as the timeline and budget. A vote is taken on the design proposal.

Decision Item: Project Committee approves, or does not approve, design proposal.

V. **Final Remarks** – After all details are resolved, and if the Committee approves the proposal, a recommendation on the work is made to the City.

# COMMUNITY ENGAGEMENT REQUIREMENTS AND OPPORTUNITIES

FIGURE 1.

## DISTRICT COUNCIL NEIGHBORHOOD DESIGN ADVISORY COMMITTEE OR COMMUNITY TASK FORCE REPRESENTS THE COMMUNITY

The Ordinance says that a district council's neighborhood design advisory committee shall continue to advise City departments on the selection of artists and recommend acceptance of the design of the project. Presently, no district council maintains a standing design advisory committee.

Several City departments have established and regimented procedures that address City requirements for public involvement. They may appoint and convene design advisory committees or community task forces, as necessary (Figure 1).

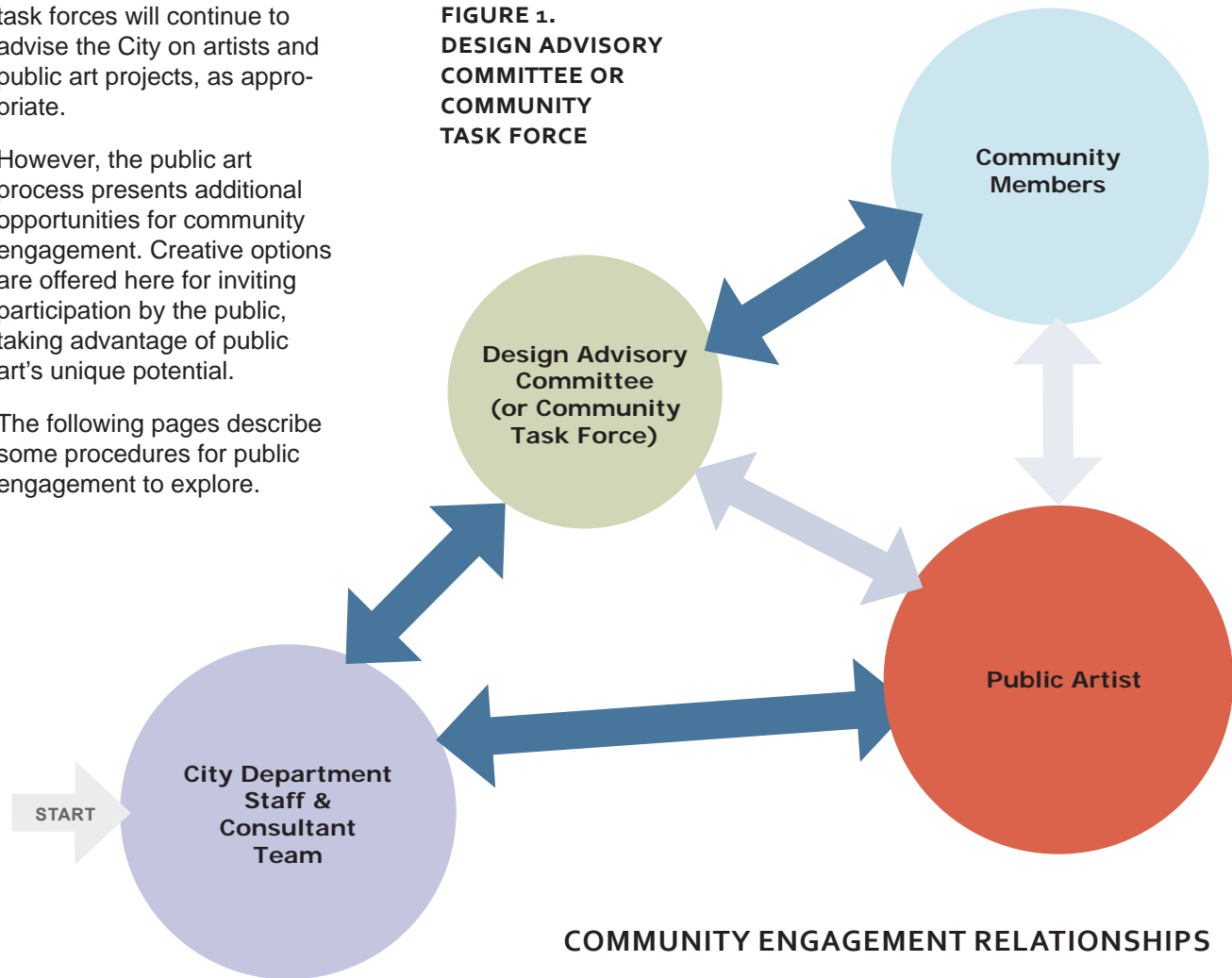
In order to meet the intentions and spirit of the Ordinance, the Public Art Ordinance Program Guidelines state on page 22 that "community engagement, at minimum, follows each City department's existing and ongoing procedures." Advisory committees and community

task forces will continue to advise the City on artists and public art projects, as appropriate.

However, the public art process presents additional opportunities for community engagement. Creative options are offered here for inviting participation by the public, taking advantage of public art's unique potential.

The following pages describe some procedures for public engagement to explore.

FIGURE 1. DESIGN ADVISORY COMMITTEE OR COMMUNITY TASK FORCE

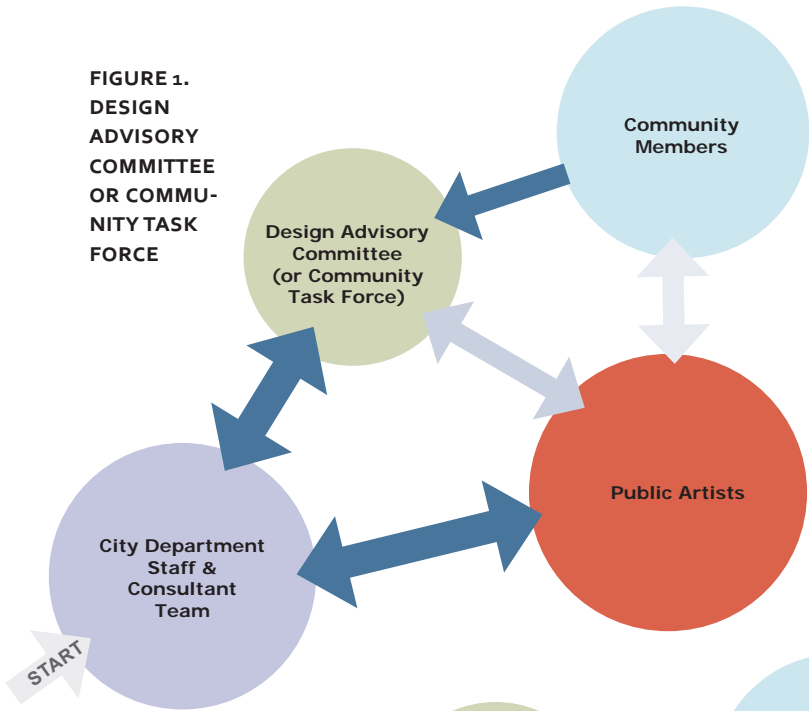


## COMMUNITY ENGAGEMENT RELATIONSHIPS

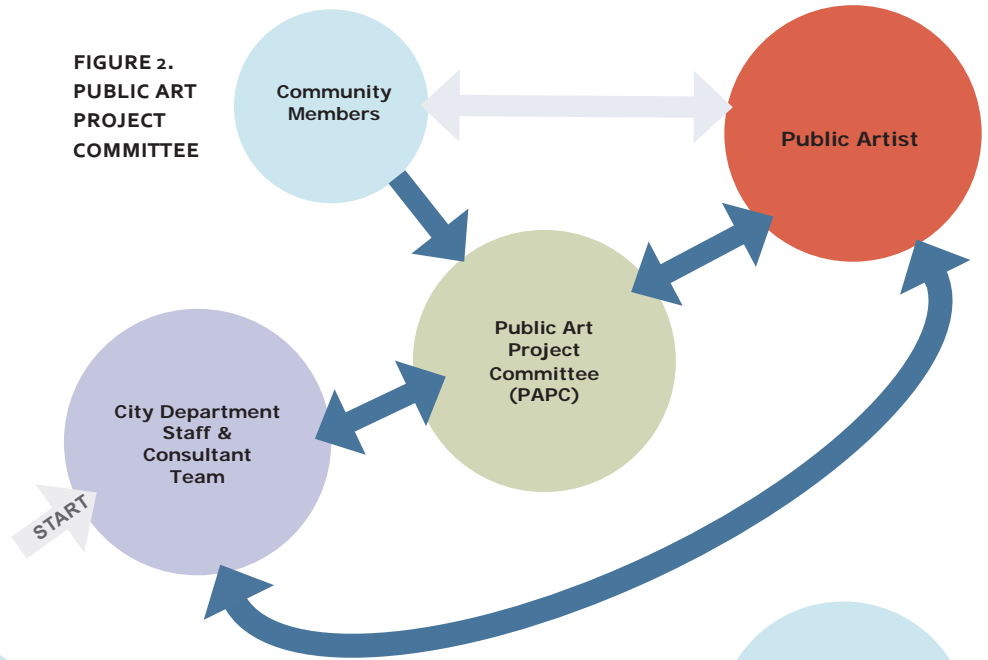
The primary relationship called for by the Ordinance is between the City and a district council's neighborhood design advisory committee (Figure 1.)

# COMMUNITY ENGAGEMENT RELATIONSHIPS

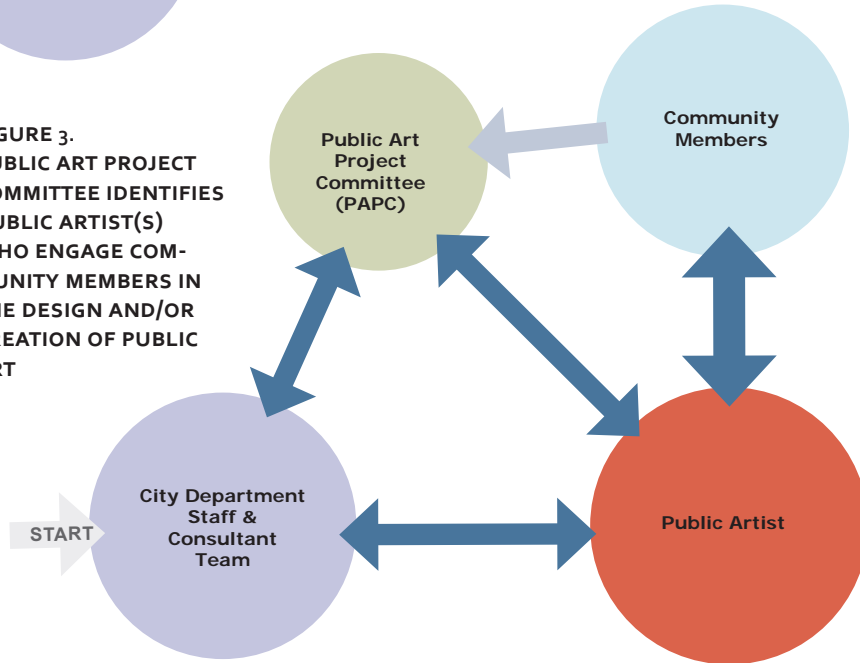
**FIGURE 1.  
DESIGN  
ADVISORY  
COMMITTEE  
OR COMMU-  
NITY TASK  
FORCE**



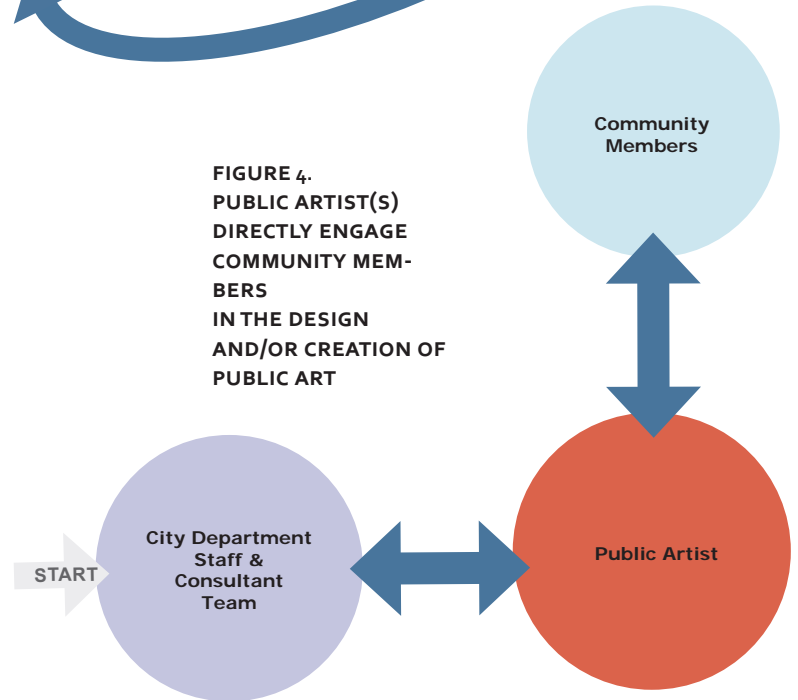
**FIGURE 2.  
PUBLIC ART  
PROJECT  
COMMITTEE**



**FIGURE 3.  
PUBLIC ART PROJECT  
COMMITTEE IDENTIFIES  
PUBLIC ARTIST(S)  
WHO ENGAGE COM-  
MUNITY MEMBERS IN  
THE DESIGN AND/OR  
CREATION OF PUBLIC  
ART**



**FIGURE 4.  
PUBLIC ARTIST(S)  
DIRECTLY ENGAGE  
COMMUNITY MEM-  
BERS  
IN THE DESIGN  
AND/OR CREATION OF  
PUBLIC ART**





## COMMUNITY ENGAGEMENT RELATIONSHIPS

**FIGURE 2.  
PUBLIC ART PROJECT COMMITTEE (PAPC) REPRESENTS THE COMMUNITY**

**The PAPC becomes the liaison between the City department, community residents, and the public artists.**

The PAPC functions as the project's primary advisory and advocacy group and includes community representation.

The PAPC may help the City staff define the scope of work; identify artist finalist(s); host an Open House or Community Forum for the artists; recommend public artist(s); and review and comment on design proposal(s).

**1**

**City Department Staff and PAPC and Consultant Team**

Defines Scope of Work for Public Artists (Guidelines pages 14-16).

Analyzes advantages/disadvantages of each location and budget feasibility.

Proposes selection process option and procedure (Guidelines pages 23 and 27).

Refines Scope of Work. Develops and

issues call seeking public artist(s).

Appoints PAPC (7-9 members with addn. ex-officios) with City staff and arts and design professionals and community representatives, as appropriate.

Receives submissions and prepares them for selection meeting.

Convenes PAPC.

**2**

**PAPC**

Led by consultant or other non-voting chair, recommends public artists who are finalists.

(Recommendations must be approved by City department head.)

**3** OPTIONAL

**PAPC, Community Members and Artists/Finalists**

Public open house or community forum scheduled by City department and hosted by the PAPC for the public to hear from the finalists and view their past work.

Community members share written comments with PAPC and the City.

**4** OPTIONAL

**PAPC**

Considers community input and recommends public artist(s). (Recommendations must be approved by City department head.)

**5**

**City Department Staff**

Places public artist(s) under agreement for Public Art Design Phase.

**6** OPTIONAL

**City Department Staff, Community and Artist(s)**

Community members converse with public artist(s) during listening session, offering insights to inform the design process. (Public artists prepare design proposals).

**7**

**PAPC**

Reviews and comments on public artist(s) design proposal(s). Recommends final design to City department head.

**8** OPTIONAL

**City Department Staff and Community Members**

Open House scheduled by City department for public to comment on design proposals. Attendees share written or verbal comments with City department staff.

**9**

**City Department Staff**

Department head selects final proposal and approves and authorizes Public Art Commission Phase agreement.

## COMMUNITY ENGAGEMENT RELATIONSHIPS

**FIGURE 3.  
PUBLIC ART PROJECT COMMITTEE (PAPC) & PUBLIC ARTISTS ENGAGE THE COMMUNITY**

The **PAPC functions as a liaison**, as in the previous process. But here, **public artists engage community members in the creative process** while developing design ideas and proposals.

Artists may also choose to invite community members to participate in the actual production of the public artwork.

This process requires maintaining excellent communications between the PAPC, the department, artists and community members.

1

City Department Staff and Consultant Team

Defines Scope of Work for Public Artists (Guidelines pages 14-16).

Prepares analyzes advantages/disadvantages of each location and budget feasibility.

Proposes selection process option and procedure (Guidelines pages 23 and 27).

Refines Scope of Work. Develops and issues call for public artist(s).

Appoints PAPC (7-9 members with addn. ex-officios) with City staff and arts and design professionals and neighborhood representatives, as appropriate.

Receives submissions and prepares them for selection meeting.

Convenes PAPC.

2

PAPC

Led by consultant, a non-voting chair, generally selects first-, second- and third-choice public artists.

Recommendations must be approved by the City department head; one or several artists are selected.

3

City Department Staff

Places public artist(s) under agreement for Public Art Design Phase.

Convenes an introductory meeting with community members.

4

City Department Staff, Community and Artist(s)

Public artist(s) work closely with the community members over an extended period of time to develop design ideas and proposals.

5

PAPC

Reviews and comments on public artist(s) design proposal(s), helping artist to fine-tune.

Recommends final design to City department head.

6

City Department Staff

City department head approves final proposal and authorizes Public Art Commission Phase agreement.

7 OPTIONAL

Community Members and Artist(s)

Public artist(s) may choose to involve community members in the actual production of artwork.

## COMMUNITY ENGAGEMENT RELATIONSHIPS

FIGURE 4.

### CITY PROJECT MANAGER & PUBLIC ARTISTS DIRECTLY ENGAGE THE COMMUNITY

The City department project manager identifies artists for projects and does not convene a Public Art Project Committee.

**Public artists directly engage community members in the creative process** while developing design ideas and proposals.

Artists may also choose to invite community members to participate in the actual production of the public artwork.

This process requires maintaining excellent communications between the City department, artists and community members.

1

#### City Department Staff and Consultant Team

Defines Scope of Work for Public Artists (Guidelines pages 14-16).

Prepares analyzes advantages/disadvantages of each location and budget feasibility.

Proposes selection process option and procedure (Guidelines pages 23 and 27).

Refines Scope of Work. Develops and issues call for public artist(s).

Identifies artist(s) through invitational or direct calls and/or referencing City List of Qualified Public Artists.

Places public artist(s) under agreement for Public Art Design Phase.

Convenes an introductory meeting with community members.

2

#### City Department Staff, Community and Artist(s)

Public artist(s) work closely with the community members over an extended period of time to develop design ideas and proposal.

3

#### Department Staff and Community Members

Review and comment on public artist(s) design proposal(s), helping artist to fine-tune.

**OPTIONAL**  
After design is resolved, Open House scheduled by City department to unveil and celebrate proposed design.

4

#### City Department Staff

City department head approves final proposal and authorizes Public Art Commission Phase agreement.

5 **OPTIONAL**

#### Community Members and Artist(s)

Public artist(s) may choose to directly involve community members in the actual production of artwork.

## **PUBLIC ARTIST AGREEMENT CLAUSES ADDRESSING FEDERAL COPYRIGHT LAW AND THE VISUAL ARTISTS RIGHTS ACT OF 1990**

The City's agreements strive to balance the artist's rights with the City's needs in order to meet the intention of the ordinance to *sustain an innovative public art and design program that is distinguished by its high quality*; Chapter 12, Sec. 12.01 (2).

The most commonly executed agreement by the City for Capital Projects is the Agreement for Public Art Design and Commission Phases.

Clauses may be added to this agreement to address special circumstances including: Public Art Planning Phase (preceding the Design Phase); Public Art Design Development (after the Design Phase if the project is large and complex); or Public Art Prototype Phase (to test new ideas and materials).

In the following excerpts from the boilerplate agreement format, the public artist is identified as ARTIST and the City is identified as OWNER.

The City boilerplate agreement for Public Art Design and Commission Phases may be available by request from City department staff.

### **COPYRIGHT**

**The City of Saint Paul's agreements with public artists address copyright law.**

*Following is language that establishes the public artist as the creator of a unique artwork that is subject to copyright.*

#### Subcontracting/Assignment of Public Artwork

The Public Artwork and services required of the ARTIST under this Agreement are personal and shall not be assigned, sublet, or transferred without prior written consent of the OWNER.

#### Warranties

The ARTIST warrants that the Public Artwork is the original product of the ARTIST's own creative efforts and does not infringe on any copyright. The ARTIST also warrants that the Public Artwork is unique and that the Public Artwork, or a duplicate thereof, has not been accepted for sale elsewhere, unless, as stipulated to the OWNER as one of a limited edition of Public Artworks. The ARTIST expressly warrants that no pre-existing Agreements with an ARTIST's gallery agent shall be the cause for any breaches of this Agreement or render this Agreement impracticable by the ARTIST.

*This language establishes that the work is owned by the City after completion and installation, but that the copyright and the VARA rights described on Guidelines pages 31-33 are retained by the artist.*

#### Title and Copyright

Simultaneous with ARTIST's receipt of the final payment, title and all ownership and possession rights of the Public Artwork shall transfer to and vest in the OWNER. The ARTIST shall execute all documents requested by OWNER to confirm the transfer but transfer shall occur automatically upon such payment. The ARTIST expressly reserves every right available to the ARTIST in common law or under the Federal Copyright Act and the Visual Artists Rights Act of 1990 (VARA) except ownership and possession and any such rights as those limited by this Agreement.



Proper identification for a notice plaque to accompany the above installation or an online photograph or printed picture of it would generally include, at minimum: *The Saint Paul Cultural Garden*, Cliff Garten, Ta-Coumba Aiken, Armando Gutierrez, Xiaowei Ma, Roberta Hill-Whiteman, Soyini Guyton, John Minczski and David Mura, © 1993. Commissioned by The Saint Paul Foundation. Owned by the City of Saint Paul.

*Notice of copyright, which is a requirement of copyright law, must appear with the artist's work.*

Public Notice

The public artist will design, fabricate, install and pay for a notice which is satisfactory to the City and which includes the title of the artwork, identification of the public artist, © (copyright symbol) and year of completion, as well as notice of the City's ownership of the Artwork.



Example of the public notice plaque installed by the public artist.

Specifications using Adobe In Design:

- Plaque outer dimensions approximately 6"(H) x 8.5" (L) or larger.
- Text style sans-serif, i.e. Arial or similar, is most readable.
- Title of artwork is 24 pt. BOLD with 75-unit letter spacing.
- Artist's name and copyright is 18 pt. type size with 24 pt. leading. (Note: "Sarantitis" has a 20-unit letter spacing to be more readable.)
- Bottom paragraph is 14 pt. type size/18 pt. leading.

*This language describes the conditions for reproduction of the artwork by the City.*

Reproduction Rights

The ARTIST hereby grants to the OWNER a license, without charge, to reproduce the Public Artwork in printed forms and in digital forms on the web for purposes such as publicity and documentation strictly within the normal functions of the OWNER. All reproductions of the Public Artwork by the OWNER shall contain a credit to the ARTIST as follows: (Insert Title of Public Artwork, ARTIST Full Name, © Year).

The ARTIST agrees to give credit in the following form: (Insert Language – For Example “Original owned by Parks and Recreation of the City of St. Paul, Minnesota and installed at (Insert Public Art Location)” in any public showing in print or on the web of any digital or photographic reproductions of the Public Artwork.

## **VISUAL ARTISTS RIGHTS ACT OF 1990**

### **The City of Saint Paul’s agreements with public artists express the Visual Artist’s Rights Act of 1990 (VARA).**

*The following clauses reflect the artist’s rights as established by VARA, and the City’s and the Public Artist’s responsibilities associated with these rights.*

#### Documentations and Records

Prior to installation of the Public Artwork and before the Post-Fabrication Inspection and/or the Post-Installation Inspection, the ARTIST shall furnish the OWNER with: a) complete documentation of the Public Artwork including a written technical description, drawings and/or construction documents, and fabrication information; and b) operations and maintenance plan including details regarding monthly maintenance, winter maintenance, maintenance of plantings (if applicable), site care, other periodic maintenance, etc. and a maintenance schedule and cost estimate for the ongoing care for the artwork.

At the request of the OWNER, prior to the installation of the Public Artwork, the ARTIST shall conduct, pay for and submit to the OWNER a Post-Fabrication Inspection Report prepared by a qualified professional conservator.

After the installation of the Public Artwork, the ARTIST shall conduct, pay for and submit a Post-Installation Inspection Report prepared by a qualified professional conservator. The Inspection(s) shall be conducted by the conservator and the ARTIST with the OWNER and the Coordinator of the City’s Public Art Maintenance Program. The ARTIST shall provide the conservator’s inspection report(s) and ten-to-twenty digital images of the Public Artwork during production and after installation, for archival records, to the OWNER.

#### Alteration of the Public Artwork or of the Site

Pursuant to the provisions of Federal Copyright Law and the Visual Artists Rights Act of 1990 (VARA), the OWNER agrees that it will not intentionally damage, alter, modify or change the Public Artwork without the prior written approval of the ARTIST.

The OWNER shall notify the ARTIST of any proposed alteration of the site that would affect the intended character and appearance of the Public Artwork and shall consult with the ARTIST in the planning and execution of any such alteration and shall make a reasonable effort to maintain the integrity of the Public Artwork.

If any changes, alteration or destructions occur to the Public Artwork after it has been completed and installed, including any change in the interrelationship or relative locations of parts of the Public Artwork, the Public Artwork shall no longer be represented as the Public Artwork of the ARTIST upon receipt of a written request to that effect from the ARTIST.

Nothing in this section shall preclude any right of the OWNER to: 1) remove the Public Artwork from public display; or 2) destroy the Public Artwork. If the OWNER shall at any time decide to destroy the Public Artwork, in accordance with VARA, it shall by notice to the ARTIST offer the ARTIST a reasonable opportunity to recover the Public Artwork in accordance with the provisions of the law.

#### Maintenance

The OWNER recognizes that maintenance of the Public Artwork on a regular basis is essential to the integrity of the Public Artwork. The OWNER agrees to reasonably assure that the Public Artwork is properly maintained and protected taking into account the operations and maintenance plan provided by the ARTIST in accordance with this Agreement, and shall reasonably protect and maintain the Public Artwork against the ravages of time, vandalism, and the elements.

### Warranties

The ARTIST additionally represents and warrants that:

- a) the execution and fabrication of the Public Artwork shall be performed in a professional manner;
- b) the Public Artwork, as designed, fabricated and installed, is appropriate to its location and will be free of defects in its fabrication and installation; and
- c) reasonable maintenance of the Public Artwork shall not require procedures in excess of those described in the operations and maintenance plan submitted by the ARTIST.

The warranties for execution and fabrication and maintenance shall survive for a period of (Insert Number of Years; generally two) after the final acceptance of the Public Artwork by the OWNER. In the event of anbreach of warranty which is curable by the ARTIST and which cure is consistent with generally accepted professional conservation standards (including for example, cure by means of repair or re-fabrication of the Public Artwork), the ARTIST shall at the request of the OWNER, cure such breach at no cost to the OWNER. The OWNER shall give notice to the ARTIST or any such observed breach with reasonable notice, and the ARTIST shall cure such breach with reasonable promptness.

If the Public Artwork should deteriorate because of an inherent vice, defined as a defect in the material of the Public Artwork which causes or accelerates deterioration of the Public Artwork, then the warranties shall survive for ten years from the date the Public Artwork is finally accepted. In the event of a breach of warranty due to inherent vice, the ARTIST shall use his or her best efforts to promptly repair or replace the Public Artwork at no additional cost to the OWNER for labor, and the cost of materials and supplies shall be paid for by the OWNER.

### Repairs/Restoration

The OWNER shall consult with the ARTIST in all matters concerning repairs and restoration of the Public Artwork. During the ARTIST's lifetime, the ARTIST shall have the right to approve all repairs and restorations, provided, however, the ARTIST shall not unreasonably withhold approval for any repair or restoration of the Public Artwork. If the ARTIST unreasonably fails to approve any repair or restoration, the OWNER shall have the right to make such repairs or restoration. To the extent practical, and allowed by law, the ARTIST, during the ARTIST's lifetime, shall be given the opportunity to make or personally supervise significant repairs and restorations, and shall be paid a reasonable fee for any such services, provided that the OWNER and the ARTIST shall agree in advance and in writing upon the ARTIST's fee for such services. All repairs and restorations shall be made in accordance with professionally accredited principles of conservation.





Accounting for all expenses during the Design Phase ensures that the public artist has sufficient resources to complete the public artwork on-time and on-budget and to receive an adequate fee for their effort, contributing to the success of the capital project and the public art ordinance program.

The Design Phase Timeline and Budget Estimate form is available from City department staff upon request.

CITY OF SAINT PAUL PUBLIC ART ORDINANCE PROGRAM DESIGN PHASE TIMELINE AND BUDGET ESTIMATE FORM		
Studio Time or Rental (include utilities)	\$ -	
Tools and Equipment: Purchase	\$ -	
Tools and Equipment: Rental	\$ -	
Insurance on Work while in Studio and during shipment and installation	\$ -	
Insurance as required by City	\$ -	
Site Preparation and Installation (indicate contractor(s) used)	\$ -	
_____	\$ -	
_____	\$ -	
Shipping to Site	\$ -	
Travel, Food and Lodging	\$ -	
Documentation Costs (10-20 slides of work in progress & installed)	\$ -	
Plaque or Framed Artist's Notice (required)	\$ -	
Miscellaneous Office Expenses	\$ -	
Other (itemized as follows)		
Item: _____	\$ -	
Item: _____	\$ -	
Item: _____	\$ -	
<b>Artist's Fee</b>	<b>\$ -</b>	
<b>Subtotal, Commission Phase</b>		<b>\$ -</b>
<b>PERCENT PROJECT BUDGET TOTAL (not to exceed)</b>		<b>\$ -</b>
Donated or In-kind Supplies and Services (assign value)		
Item: _____	\$ -	
Item: _____	\$ -	
Item: _____	\$ -	
<b>Total Donations</b>	<b>\$ -</b>	
<b>TOTAL PROJECT VALUE</b>		<b>\$ -</b>
TimelineBudgetEstimate_FORM_7-25-13	7/31/2013	2

# PUBLIC ART MAINTENANCE PROGRAM

## INTRODUCTION

The Public Art Maintenance Program uses one-half (1/2) of one percent of total Capital Improvement Budget capital maintenance funds that are annually appropriated through the public art Ordinance. Appropriations generally range between \$6,800 - 7,800 annually.

The Public Art Maintenance Program is proposed to be administered by the Public Art Maintenance Program Coordinator temporarily housed in City Parks and Recreation.

The Program addresses:

- accessioning and inventorying the City's collection of public art;
- conducting annual Survey and Condition Assessments of all work in the collection, both historic and contemporary work;
- preparing an Annual Public Art Maintenance Plan; and
- overseeing routine maintenance and special conservation treatment of the City's public art collection.

Each year, the Public Art Maintenance Program Coordinator conducts a Survey and Condition Assessment with a qualified professional conservator and develops a prioritized list of works in need of conservation or maintenance the "Annual Public Art Maintenance Plan."

Routine maintenance may be carried out by trained City maintenance staff with the approval and direction of the Public Art Maintenance Coordinator. For work in need of a higher level of maintenance, specialized care or conservation treatment, the Program accesses the capital maintenance funds available under the Ordinance.

If the artwork is not under the jurisdiction of the Department of Parks and Recreation, the Department initiates an agreement for artwork maintenance and/or conservation treatment with the appropriate City department.

The Summary of Procedures on the following pages describes the steps for the Public Art Maintenance Program.

# PUBLIC ART MAINTENANCE PROGRAM – SUMMARY OF PROCEDURES

	1	2	3	4	5
<b>When</b>	<b>Design Phase for Capital Projects</b>	<b>Commission Phase for Capital Projects</b>	<b>Post-Fabrication Inspection and Post-Installation Inspection</b>	<b>Accessioning</b>	<b>Two-Year Warranty Period and Thereafter</b>
<b>Who</b>	<ul style="list-style-type: none"> <li>• City Project Manager</li> <li>• City Attorney</li> <li>• Public Artist</li> <li>• Conservator</li> </ul>	<ul style="list-style-type: none"> <li>• City Project Manager</li> <li>• Public Artist</li> </ul>	<ul style="list-style-type: none"> <li>• City Project Manager</li> <li>• Public Artist</li> <li>• Conservator</li> <li>• City Public Art Maintenance Coordinator</li> </ul>	<ul style="list-style-type: none"> <li>• City Project Manager</li> <li>• City Department Head</li> <li>• City Public Art Maintenance Coordinator</li> </ul>	<ul style="list-style-type: none"> <li>• City Public Art Maintenance Coordinator</li> <li>• Conservator</li> <li>• Public Artist</li> <li>• City Maintenance Staff</li> </ul>
<b>What</b>	Public Artist's design phase deliverables (Guidelines pg. 35-36) include but are not limited to: materials and fabrication information; draft maintenance and operations plan; and Conservation Analysis Report (also filed with the City Public Art Maintenance Coordinator).	Periodic inspections of artwork in progress at Public Artist's studio and/or fabricator, considering Conservation Analysis Report recommendations. Prior to installation, artist deliverables include final technical information, and maintenance and operations plan.	Inspection of artwork at completion of fabrication and before installation, and after it is installed. Filing of report with punch list of issues. Final maintenance and operations plan submitted. Recommend accepting or declining artwork.	After punch list addressed, work is inspected and acceptance recommended, or the public artwork is declined. City department head accepts the work and ownership is transferred to the City. Documents filed and public artwork is accessioned and added to City inventory.	Survey and Condition Assessment conducted annually. Repairs made by Public Artist during warranty period. Ongoing maintenance, conservation treatment and/or emergency repairs when necessary through Maintenance Program Coordinator.
<b>Why</b>	To ensure sound fabrication techniques; appropriate siting and installation; and to attain commitment from City to maintain the work after it is installed.	Quality control and to ensure that recommendations in Conservation Analysis are addressed during fabrication. Final deliverables set up steps #3-5.	Trouble-shoot and fix problems before and after installation. Establish baseline for future survey and inspections, especially during warranty period.	Establish permanent record for the artwork on City Public Art Maintenance Program's inventory, setting up annual inspection and condition assessment.	Annual inspections identify problems to be fixed under warranty. Thereafter, artwork becomes eligible for conservation under Public Art Maintenance Plan.

**PRIOR TO PUBLIC ART MAINTENANCE PROGRAM**

**PUBLIC ART MAINTENANCE PROGRAM**

## CAPITAL PROJECTS

### PROCEDURES PRIOR TO THE PUBLIC ART MAINTENANCE PROGRAM

#### Conservation Analysis Report

Accessioning, maintenance and care of public art begins before an artwork is created. During the Design Phase, the public artist employs a qualified professional conservator to review and analyze their design proposal and advise on maintenance and operations.

On behalf of the public artist, the conservator submits a **Conservation Analysis Report** to the City's project manager who in turn, provides a copy to the Coordinator of the Public Art Maintenance Program.

The Conservation Analysis Report plays a critical role, enabling the City to:

- evaluate the quality and sustainability of the proposed (or existing) public artwork, materials and fabrication techniques, site conditions and preparation of the location, and providing for public safety, among other things;
- establish maintenance requirements, assign schedules and identify potential costs; and
- determine if the City should accept or decline the design proposal and/or public artwork.

To produce the Conservation Analysis Report, the conservator examines and renders an opinion on critical topics such as the durability of the artwork, base and installation by considering the type and integrity of materials, construction/fabrication, and factors such as internal supports, anchoring and joining, footings, and landscaping. The conservator also makes specific recommendations to mitigate potential problems.

#### GUIDELINES REFERENCE

Design Phase Agreement  
deliverables, pg. 35

Conservators consider and report on vulnerable and delicate elements, drainage of artwork, potentially dangerous elements, whether the design encourages/discourages interaction, and the effects of skateboarding and graffiti, among other things. They examine the public artwork's context including location, environment and security.

The Conservation Analysis includes a record of the artist's intentions for the work of art, as well as notes about how the artist would like the work of art to age.

The Conservation Analysis Report includes an itemization of long-range considerations and care highlighting maintenance and the anticipated needs for periodic conservation treatment or repairs. It concludes with a long-term prognosis of the durability of the properly maintained artwork and identifies its anticipated life-span (see below).

#### Life Span of Artwork

This life span shall be selected from one of three categories:

- 1) Temporary – 0-5 years
- 2) Midspan – 5-25 years
- 3) Long term – 25+ years

The artwork may also be identified as site-integrated, or part of the site and/or the architecture, as appropriate.

#### How the Conservation Analysis Report is Used

The City's project manager uses the Conservation Analysis Report:

- to advise Public Art Project Committees, City department directors and others who must review and approve design proposals or accept or decline donated public artwork;
- to trouble-shoot the production of construction drawings, the fabrication of the artwork and the preparation of the site, etc. following-up on the conservator's recommendations; and

- to refer to during the Post-Fabrication Inspection and/or Post-Installation Inspection in order to prepare report(s) and a punch-list to complete the project.

The City’s project managers, qualified professional conservators and public artists shall strive to address the recommendations in the Conservation Analysis Report without unduly interfering with the aesthetic intent of public artworks.

## CAPITAL PROJECTS

### PROCEDURES DURING THE PUBLIC ART MAINTENANCE PROGRAM

The Public Art Maintenance Program becomes actively involved with the Capital Project’s public artwork and the City project manager at the end of the Commission Phase. The Maintenance Program Coordinator participates in the Post-Fabrication Inspection and/or Post-Installation Inspection that is led by the qualified professional conservator.

#### Post Fabrication Inspection and Post-Installation Inspection

The Post-Fabrication Inspection and/or the Post-Installation Inspection are based and follow-up on the Conservation Analysis that was carried out during the Design Phase. If a Post-Installation Inspection is necessary, it follows-up on any assessments and recommendations that were made in the Post-Fabrication Inspection that was conducted while the work was being fabricated.

#### GUIDELINES REFERENCE

Commission Phase Agreement deliverables, pg. 36

The Post-Fabrication Inspection and/or the Post-Installation Inspection:

- Ensures that recommendations made in the Conservation Analysis Report and during fabrication were followed.
- Confirms that the artwork is executed as proposed and agreed upon.
- Confirms that there are no missing or incomplete elements.
- Establishes that materials quality and stability are acceptable.
- Establishes that fabrication quality and stability are acceptable.
- Confirms that installation is stable and secure.
- Confirms that stainless steel is fully and properly “passivated”.
- Confirms that protective coatings have been applied, if required.
- Ensures that warranties for electronic and other media are submitted, as necessary.
- Identifies any remaining vulnerabilities.
- Confirms no new damage resulting from installation process.
- Ensures that the maintenance and operations plan is accurate; amend as needed.
- Confirms that the plaque/public notice meets program guidelines and is properly installed.

# PUBLIC ART MAINTENANCE PROGRAM – SAMPLE AGREEMENT

Following is the sample format for an agreement between Parks and Recreation’s Public Art Maintenance Program and another City department to address the accessioning, maintenance and care of that department’s City-owned public art.

## AGREEMENT – PUBLIC ART MAINTENANCE PROGRAM

### Contents

- I. Introduction
- II. Definitions
- III. Public Art Maintenance Program Objectives and Activities
- IV. Summary of Procedures
- V. Special Requirements
- VI. Implementing Maintenance and Conservation Treatments
- VII. Funding for Maintenance and Conservation Treatments
- VIII. Responsible City Staff

Attachment A:  
Spreadsheet of Accessioned Public Artworks included  
in Maintenance Program.

### I. Introduction

In 2009, the City of Saint Paul passed an ordinance supporting public art [St. Paul, Minnesota, Code of Ordinances, PART III – ADMINISTRATIVE CODE, Title 1 - GENERAL PROVISIONS, Chapter 12. Public Art]. The text of the ordinance and the Public Art Ordinance Program Guidelines may be found at: [www.stpaul.gov/publicart](http://www.stpaul.gov/publicart)

The ordinance mandates that

- Capital projects funded by eligible sources resulting in a property to be operated by the City shall dedicate one (1) percent of eligible project funds for public art.

- One half (½) of one percent of total Capital Improvement Budget capital maintenance projects shall be appropriated to support maintenance and restoration of the City’s public art collection [Sec. 12.03. – Funding. (2) Ongoing maintenance]. The ordinance also endorses the preservation or restoration of unique architectural features, ornamentation or details.

The ordinance declares that all public art donated to the city must come with a plan to fund and deliver ongoing maintenance or the resolution accepting the public art must identify how maintenance of the donated public art will be funded [Sec. 12.03. – Funding. (2) Ongoing maintenance].

The Public Art Maintenance Program administered by Parks and Recreation follows the dictates of the ordinance and the procedures described in the Saint Paul Public Art Ordinance Program Guidelines and Technical Manual available online at [www.stpaul.gov/publicart](http://www.stpaul.gov/publicart)

The Public Art Maintenance Program has four primary responsibilities:

- 1) to maintain accession records for City-owned public art and historic artworks and conduct an annual survey and inspection of the City’s holdings;
- 2) to oversee maintenance and care of the City’s collection and prioritize public art and historic works in need of conservation in an annual maintenance plan, expend funds for maintenance appropriated by the public art ordinance, and supervise conservation and treatment activities; and
- 3) to oversee public artworks approved by the City Council as gifts donated to the City, adding them to City records and the annual maintenance plan.
- 4) to maintain deaccession records when the City withdraws a public artwork or historic work from its collection.

## PUBLIC ART MAINTENANCE PROGRAM – SAMPLE AGREEMENT *continued*

### II. Definitions

#### Public Art Ordinance Definitions

Sec. 12.02 of the public art ordinance contains the following definitions:

**“Artist** shall mean an individual who creates original art and is recognized by professional peers and critics as a professional practitioner of the visual, craft, literary, musical, conceptual or performing arts, as judged by the quality of that practitioner’s body of work and experience.”

**“Public art** shall mean publicly accessible original art that enriches the City and evokes meaning. It may include permanent visual art, performances, installations, events and other temporary works, preservation or restoration of unique architectural features, ornamentation or details. It may also include the artist-designed infrastructure and structures themselves. Public art should consider the site, its context and audience. Public art may possess functional as well as aesthetic qualities; it may be integrated into the site or a discrete work.”

**“Public place** shall mean publicly accessible landscapes, structures, and infrastructure. Public places include, but are not limited to public parks, plazas, streets and boulevards, bridges and stairways, buildings and waterworks.”

#### Public Art Maintenance Program Definitions

##### Accessioning

Accessioning is the formal process for accepting public art, either commissioned through the Public Art Ordinance Program or donated to the City, and adding it to the City’s inventory master list and database for future inspections, maintenance and conservation treatment.

##### Site Maintenance

Routine maintenance includes following the directions in the artwork’s operations and maintenance plan and may be carried out by a skilled City employee with the oversight of the Public Art Maintenance Program Coordinator.

##### Artwork Maintenance

Maintenance may include but is not limited to cleaning and/or applying protective surface coatings and is usually carried out by a qualified professional conservator, although a skilled City employee may be trained by a professional conservator to carry out some maintenance under the guidance of the Public Art Maintenance Program Coordinator.

##### Conservation Treatment

Conservation treatment is specialized care such as restoration or repairs performed by a professional qualified conservator as needed to return artwork to its original integrity and a stable condition. Needed repairs may be the result of flaws, neglect, aging, damage or vandalism. Conservation treatment is performed by a qualified professional conservator, sometimes in collaboration with artists or other experts.

##### Qualified Professional Conservator

Expertise includes but is not limited to:

- An advanced degree in art conservation, or an advanced degree with comparable training.
- A minimum of (five) years post-graduate experience.
- Professional Associate of the American Institute for Conservation (AIC) for minimum of 5 years, and must uphold the AIC Guidelines for Practice and the AIC Code of Ethics.
- Conforming to AIC Guidelines regarding documentation, including written records and photo-documentation.
- Extensive long-term experience caring for and performing conservation treatments on Collections of outdoor Public Art. e.g. three-year minimum working with a single large collection.
- Demonstrated experience with undertaking Design Phase Assessments for Public Art.
- Demonstrated experience writing concise and thorough Condition Reports, Treatment Proposals, and Treatment Reports. Also, for new works: Conservation Analysis Reports, Long Term Maintenance Plans, Post-Fabrication Inspection Reports and Post-Installation Inspection Reports.

## PUBLIC ART MAINTENANCE PROGRAM – SAMPLE AGREEMENT *continued*

- Experience analyzing wide variety of materials and fabrication techniques commonly used in the creation of public art. Ability to assess and understand the impact of the environment and the public on different types of materials.
- Capacity to perform conservation maintenance or treatment for approximately 15 artworks per year.
- References from three previous clients of projects with a similar scope of work within the past five years.
- Proficiency in digital photography and computer skills including Microsoft Office Word and Excel, Adobe Photoshop and Acrobat Pro.

### III. Public Art Maintenance Program Objectives and Activities

The Public Art Maintenance Program Coordinator of Parks and Recreation and project managers from City departments shall:

- 1) Efficiently maintain and preserve City-owned artworks in the best possible condition as consistent City agreements with artists and with the Federal Visual Artists Rights Act (VARA) of 1990, copyright law;
- 2) Use public funds wisely by avoiding costly conservation expenses resulting from neglect;
- 3) Establish an inspection, maintenance and treatment program for City-owned public art with regular procedures, agreements and documentation;
- 4) Accession Ordinance-funded and donated public artwork, creating document archives, and adding them to permanent City records;
- 5) Issue Request for Proposals for qualified professional conservator, evaluate and select conservator, approve proposals and contract with conservator;
- 6) Inspect the condition of City-owned public artwork on an annual basis with a qualified professional conservator;
- 7) Provide curatorial support and direction, and annually prioritize City-owned artworks in need of conservation, select

artwork(s) for treatment and determine expenditures from the public art ordinance maintenance fund;

- 8) Distribute the Annual Maintenance Plan to City departments with City-owned public artwork and discuss prioritization, budgets and funding for maintenance and treatment, and execute this Agreement, as necessary;
- 9) Work with qualified professional conservator to develop scope and objectives for maintenance and conservation treatment for specific artworks;
- 10) Provide appropriate routine site care and maintenance for City-owned public artwork;
- 11) Ensure the timely conservation treatment of artwork and approve final treatment by qualified professional conservator;
- 12) Enter final conservation treatment information into the permanent accession record for the public artwork; and
- 13) Engage private partners and leverage volunteer support for maintenance of City-owned public art, whenever possible.

### IV. Summary of Procedures

#### A. ACCESSIONING PROCEDURES

##### 1) Artist's Deliverables during Design Phase and Commission Phase

Deliverables to be submitted to the City department project manager by public artists as per their agreements shall include a Conservation Analysis Report during the Design Phase, and for the Commission Phase prior to installation of artwork, the following:

- a) complete documentation of the Public Artwork including a written technical description, drawings and/or construction documents, and fabrication information; and
- b) operations and maintenance plan including details regarding monthly maintenance, winter maintenance, maintenance of plantings (if applicable), site care, other periodic maintenance, etc. and a maintenance schedule and cost estimate for the ongoing care for the artwork.



## PUBLIC ART MAINTENANCE PROGRAM – SAMPLE AGREEMENT *continued*

### 2) **Post-Fabrication Inspection Report and the Post-Installation Inspection Report**

Mandatory inspection of public artwork commissioned under the Public Art Ordinance Program or donated artwork shall occur before the City will consider accepting (or declining) the public artwork. Inspections shall involve the Public Artist and/or donor, the City project manager, the Public Art Maintenance Program Coordinator and the qualified professional conservator.

Two inspections may be necessary, as determined by the City. The first inspection, the Post-Fabrication Inspection, is conducted after fabrication and prior to installation; and the second inspection, the Post-Installation Inspection, may be required after final installation.

After the inspection(s), the conservator produces and files report(s) with the City project manager and the Public Art Maintenance Program Coordinator. The Report provides a baseline for subsequent Surveys and Condition Assessments.

The Post-Fabrication Inspection and/or Post-Installation Inspection includes, but is not limited to:

- Ensuring that recommendations made in the Conservation Analysis Report and during fabrication were followed.
- Confirming that the artwork is executed as proposed and agreed upon.
- Confirming that there are no missing or incomplete elements.
- Establishing that materials quality and stability are acceptable.
- Establishing that fabrication quality and stability are acceptable.
- Confirming that installation is stable and secure.
- Confirming that stainless steel is fully and properly “passivated”.

- Confirming that protective coatings have been applied, if required.
- Ensuring that warranties for electronic and other media are submitted, as necessary.
- Identifying any remaining vulnerabilities.
- Confirming no new damage resulting from installation process.
- Ensuring that the maintenance and operations plan is accurate; amend as needed.
- Confirming that the plaque/public notice meets program guidelines and is properly installed.

### **Life Span of Artwork**

The Post-Fabrication Inspection Report shall also confirm the estimated life span for each artwork that was identified during the Design Phase.

This life span shall be selected from one of three categories:

- 1) Temporary – 0-5 years
- 2) Midspan – 5-25 years
- 3) Long term – 25+ years

The artwork may also be identified as site-integrated, or part of the site and/or the architecture. The following box is checked, as appropriate:

- The work is site-integrated.
- The work is part of the site and/or architecture.

The Post-Fabrication Inspection Report and/or Post-Installation Inspection Report shall be filed with the City project manager who includes it in the Accession materials that are forwarded to the Maintenance Program Coordinator.

### 3) **Final Acceptance and Accessioning**

Using the Post-Fabrication Inspection Report and/or the Post-Installation Inspection Report, the City department head accepts or declines the public artwork and notifies the Public Artist in writing.

## PUBLIC ART MAINTENANCE PROGRAM – SAMPLE AGREEMENT *continued*

The City project manager organizes the following materials to comprise a complete documentation of the public art project and forwards them to the Public Art Maintenance Program Coordinator, initiating the accessioning process:

- a) Signed/executed agreement(s) with the Public Artist(s).
- b) Design Proposal deliverables submitted by the Public Artist(s) including but not limited to drawings, renderings, Timeline and Budget Report form, maintenance and operations plan and Conservation Analysis.
- c) Construction drawings, especially stamped drawings.
- d) Post-Fabrication Inspection Report and/or Post-Installation Inspection Report from the professional conservator.
- e) Final Maintenance and Operations Plan submitted by the Public Artist(s).
- f) As-built drawings, if necessary.
- g) Evidence that any outstanding items cited in the Post-Fabrication Inspection Report and/or Post-Installation Inspection Report have been satisfactorily addressed.
- h) Letter of Acceptance from department head to Public Artist(s) that triggers the transfer of ownership of the work to the City.
- i) Artist(s) biography or resume.
- j) Digital photos of the public artwork during fabrication and after installation.
- k) Public notification plaque.

### B. MAINTENANCE AND CARE PROCEDURES

#### Introduction

The following procedures apply to accessioned City-owned public artwork including existing work, historic work, donated work and those works acquired under the Public Art Ordinance Program.

### 1) Annual Public Art Maintenance Plan

The Plan includes:

#### a) Survey and Condition Assessments

Survey and inspection of all City-owned public artwork carried out annually by the Public Art Maintenance Program Coordinator and a qualified professional conservator. The resulting Survey and Condition Assessment in Excel spreadsheet format includes information on the present location, the current condition, the treatment or maintenance needed, cost estimate and a prioritization of artwork in need of conservation treatment.

- b) Prioritized spreadsheet of annual site care needs, proposed maintenance and conservation treatments and anticipated costs.
- c) Working with stakeholders, issue list of approved treatments including funding and proposed treatments and restoration for specific artwork; and
- d) Maintenance and conservation treatment oversight.

### V. Special Requirements

#### Landscaping as Part of the Artwork and/or the Artist's Original Design

- Public artworks with landscaping elements such as earthworks and/or plantings, etc. shall only be commissioned for sites with an irrigation source and an ongoing source of funding for the operation and maintenance of the irrigation system. Exceptions shall only be made if plantings are sustainable with the local climate without irrigation and a budget provides watering for two years until the plantings are established.
- Public artists shall create a landscape design for such artwork. The landscape design and landscape maintenance plan will be included in the artwork's maintenance and operations plan and any contractual agreements. (Note: it is not reasonable to expect volunteers and garden clubs to maintain landscape elements for the life span of the artwork).

## **PUBLIC ART MAINTENANCE PROGRAM – SAMPLE AGREEMENT** *continued*

- Any landscaping disturbed or altered by the installation of artwork shall be restored afterward in a manner consistent with the design for the artwork and the site.
- Installation and maintenance of decorative landscaping that is supplemental to the artwork and not part of the artist’s original design shall be consistent with the artist’s intent and, where possible, City staff should seek approval of the artist.

### **VI. Implementing Maintenance and Conservation Treatments**

#### **Roles and Responsibilities**

Upon completion of the annual Survey and Condition Assessment of artwork included in this program, a report of treatment and maintenance needs will be shared with all responsible City staff (see VIII.).

- The Public Art Maintenance Program Coordinator and responsible City staff determine a prioritization of treatment and maintenance needs and create the Annual Public Art Maintenance Plan.
- The Division of Parks and Recreation will work with a qualified professional conservator and/or trained City staff to perform the maintenance and/or conservation treatment of public art entered into this program.
- Parks and Recreation will then invoice the City department for treatments on public artworks that fall under the responsibility of that City department.
- Any repair or treatments made necessary as a result of that City department treating, cleaning or moving an artwork shall be the responsibility of that City department.
- City departments will pay for the public art inventory for the Annual Public Art Maintenance Plan based on pro-rated share of art inventoried under that department’s control.
- The use of other contractors in the treatment and maintenance of public artworks will be dealt with on an as-needed basis.

#### **Emergency Repairs**

City departments and Parks and Recreation are authorized to perform emergency treatment to stabilize damaged artwork; to

move the public artwork to prevent further damage to the artwork; to facilitate emergency repairs of City infrastructure; or to ensure public safety, as per the directives of Federal copyright law, the Visual Artist Rights Act of 1990 and agreements with public artists.

Any incidence of graffiti on public artworks for which City departments are responsible should be reported immediately to the Park’s Department Public Art Maintenance Program Coordinator. Except in cases of emergency, City departments shall not remove or relocate artwork without first reporting the need for such actions to the Public Art Maintenance Program Coordinator. Any emergency repairs require notifying the Public Art Maintenance Program Coordinator.

### **VII. Funding for Maintenance and Conservation Treatments**

#### **Department Budgets**

The Public Art Ordinance generates approximately \$6,800-\$7,800 annually from the CIB budget for public art maintenance. The Annual Public Art Maintenance Plan, including survey and condition assessments, and all maintenance and conservation treatments come from this budget, which is spread across the City’s growing collection that presently includes more than 70 public artworks.

The Public Art Maintenance Coordinator shall work with City departments with City-owned public art to determine the funding available for prioritized work on the Annual Public Art Maintenance Plan.

An annual fee of \$?? will be transferred from the City department with City-owned public art to Parks and Recreation to cover the Public Art Ordinance Maintenance Coordinator’s time for the survey and preparation of the Annual Public Art Maintenance Plan, assembling reports, setting up meetings, and supervising maintenance and conservation treatment.

#### **Donations of Public Art**

According to Chapter 12. Public Art, Sec. 12.03. - Funding (2) Ongoing maintenance: “All public art donated to the city must come with a plan to fund and deliver ongoing maintenance or the resolution accepting the public art must identify how maintenance of the donated public art will be funded.” The City shall only accept artwork

## **PUBLIC ART MAINTENANCE PROGRAM – SAMPLE AGREEMENT** *continued*

as donations or gifts if an annual maintenance for such artwork is donated or otherwise funded for the life span of the artwork. Any artwork donated to the City must be approved by City department heads and by the City Council. (See pages 56-57 of the Technical Manual for donation procedures.)

### **VIII. Responsible City Staff**

City staff responsible for the contents and implementation of this agreement include:

Mark Granlund, Arts and Gardens Coordinator, Department of Parks and Recreation, who is the Public Art Maintenance Program Coordinator

(Other department directors and staff are specifically identified, as deemed appropriate and necessary.)

## ADMINISTRATION TASKS

This section outlines the tasks associated with administering the Public Art Ordinance Program in accordance with the procedures described in the Guidelines and the Technical Manual.

The tasks are itemized according to the work flow for Plans and for Capital Projects.

The outline is not all-inclusive; it is understood that specific Plans or Capital Projects may have unique requirements and activities. But for the purposes of establishing overall best practices, the outline portrays the minimum standard to ensure high-quality administration of the ordinance.

Ultimately, the quality of administration will depend upon the individual project manager's capabilities including communication skills and the knowledge of the field of public art, as well as a willingness to work with public artists and the flexibility to embrace new approaches and ideas.

### PLANS

Tasks include, but are not limited to:

1. Annually, after establishing work program, inform OFS of upcoming Plans to add to *Adopted Capital Improvement Projects – Summary Public Art Eligibility Master List and Status Report* and update List with Plan status quarterly, or as necessary (see Technical Manual page 2).
2. For each RFQ or RFP for plans requiring artists as a consultant/proposer's team member, determine Public Artist Scope of Work, including tasks and expertise, special evaluation criteria, and deliverables (Guidelines pages 12-13, 19 and 34).
3. Produce RFQ or RFP, including requirement that public artist is a consultant/proposer's team-member, and issue through Contracts and Analysis Services.
4. During review of proposals and interview process, seek input and/or ranking of finalist-teams from CAIR and/or arts and design professionals regarding the public artist's past work and credentials, their proposed role/tasks and compatibility with the team.
5. Ensure that the Public Artist's participation and deliverables are clearly outlined in City agreements with consultant/proposers (Guidelines page 34).

6. Monitor compliance with the deliverables required in the City agreement and whether the artist's participation meets the intentions and requirements of the ordinance.
7. Every two-three years or as necessary, develop Scope of Work and Expertise requirements and conduct an open call for the City List of Qualified Public Artists (Guidelines pages 18 and 27) via an RFQ process to ensure a high-quality pool of candidates for consultant/proposers to reference.

Convene Public Art Jury to select artists for List and secure approval of public artists from City department heads.

# ADMINISTRATION TASKS

## CAPITAL PROJECTS

Tasks include, but are not limited to:

1. Annually during first quarter, after City Council approval of CIB: meet with OFS to produce *Adopted Capital Improvement Projects – Summary Public Art Eligibility Master List* and update List quarterly, or as necessary (see page 2).

### FOR EACH CAPITAL PROJECT –

2. Develop Public Artist Scope of Work including tasks and expertise, deliverables (optional) and special evaluation criteria, if necessary (Guidelines pages 14-16, 19 and 35-36.)
3. Determine the public artist selection option that best matches the Capital Project (Guidelines pages 22-23).
4. Assemble Project Committee, if necessary: establish roles and responsibilities, and identify and invite arts and design professionals to serve (Guidelines page 24).
5. Identify artists through options including: open call; invitational call; direct call; referencing City List of Qualified Artists (Guidelines pages 18 and 27).

- For **open call** for Capital Projects or the City List of Qualified Artists: Produce RFQ and issue through Contracts and Analysis (pages 13-14 and 16-19).

- For **invitational call**, produce and email letter to arts professionals requesting referrals for artists. Letter includes scope of work and project summary and becomes the basis for invitations to artists. Produce letter for artists (pages 20-22) and receive and prepare submissions for review.

6. Conduct artist selection process: prepare applications received and convene committee, or conduct in-house selection review including CAIR. (See page 26-27 for sample selection meeting agenda.)
7. Draft agreements for public artists using boilerplate formats for: Design Phase, and later, Commission Phase (pages 34-39). Boilerplate agreements may be found on the City's OFS intranet page at <http://spnet.stpaul.city/depts/of/procedures.html> Oversee enforcement of agreements with artists.

8. Design Phase: Assist public artist by providing research materials; answer questions; and review and comment on conceptual designs. Review schematic and design development proposals, budgets, and operations and maintenance plans. Critically review and follow-up on issues cited in Conservation Analysis Report submitted by artist. Endorse or decline proposals. Seek final approval of design from Department head.

9. Commission Phase: Conduct structural design review (if necessary); integrate artwork by coordinating artist's involvement in construction process with contractors (e.g. artist attends weekly construction meetings, as necessary, etc.). Conduct inspections at key points of work-in-progress including, if necessary, a Post-Fabrication Inspection by a conservator and the Public Art Maintenance Program Coordinator depending upon complexity of piece, experience level of artist, and media such as painted work, fountains, etc. Review and submit artists' invoices for payment.

10. Accession process: after installation of public artwork,

conduct Post-Installation Inspection with conservator and Public Art Maintenance Program Coordinator. Collect data for entry into public art inventory records (format TBD).

Seek final approval from Department head, triggering transfer of ownership of the public artwork to the City, final payment to the artist, and accessioning of artwork.

11. Evaluation process: after completing accession process and wrap-up of Capital Project, file Reporting and Records form (see page 62) with OFS to submit to the City Council.
12. Annually, especially during warranty period (2-10 years), Public Art Maintenance Program Coordinator and conservator conduct inspection and update inventory records.
13. Draft public information and education materials about the public artist and the artwork for the Capital Project for the City department's media relations staff to use. Represent the public artwork and the Public Art Ordinance Program to the media and the general public, upon request by City media relations staff.

# PUBLIC INFORMATION AND EDUCATION

## CITATION

Public art ordinance-funded projects and activities shall use the following citation:

*This project (or activity) is made possible through the City of Saint Paul's Public Art Ordinance Program. For more information, visit [www.stpaul.gov/publicart](http://www.stpaul.gov/publicart)*

## LOGO

The following mark is available for use by City staff in jpg format at <http://spnet.stpaul.city/depts/ofs/procedures.html>



## PRESENTATION

Brief Power Point presentation highlights key points of the ordinance and features photos and descriptions of current projects and activities. The Power Point may be downloaded at [www.stpaul.gov/publicart](http://www.stpaul.gov/publicart)



## FACT SHEET

Basic information about the Public Art Ordinance Program is presented in a Fact Sheet available for use by City staff at <http://spnet.stpaul.city/depts/ofs/procedures.html>

**FACT SHEET**  
*City of Saint Paul Public Art Ordinance Program*

**What is the Saint Paul Public Art Ordinance Program?**

- In 2009, The City of Saint Paul passed an ordinance supporting public art. Saint Paul's ordinance is unique among municipal public art ordinances nationwide because it calls for artists to add their perspectives and insights to the City's plans, as well as to create public art for capital projects. It also encourages performances, installations, events and other temporary works.
- The City of Saint Paul supports public art because it strengthens public places and promotes Saint Paul's identity as a livable, creative city. The visionary ordinance decrees that planning and development decisions should give aesthetic and social value equal weight with any project's functional and economic values.

**What does the ordinance fund?**

- Capital projects funded by eligible sources resulting in a property to be operated by the City shall dedicate one (1) percent of eligible project funds for public art. In addition, one half (1/2) of one percent of the total Capital Improvement Budget for capital maintenance projects shall be appropriated to support maintenance and restoration of the City's public art collection.

**What is public art?**

- Publicly accessible original art that enriches the City of Saint Paul and evokes meaning. In addition to permanent visual art, performances, installations, events and other temporary works, it also includes preservation or restoration of unique architectural features, ornamentation or details, and artist-designed infrastructure and structures themselves. Public art considers the site, its context, and audience and may possess functional as well as aesthetic qualities; it may be integrated into a City building or site, or it may be a free-standing work.

**Who is a public artist?**

- An individual who creates original art and is recognized by professional peers and critics as a professional practitioner of the visual, craft, literary, musical, conceptual, or performing arts as demonstrated in the artist's professional resume and examples of their past work.

**What are the program's achievements and current activities?**

- The *Summary of Public Art Eligibility Master List and Status Report* with ongoing and completed plans and projects is available online at [www.stpaul.gov/publicart](http://www.stpaul.gov/publicart). Artists are participating on planning teams for the Central Corridor Stormwater and Green Infrastructure Plan and producing public art through capital projects for the Residential Street Vitality Program and for the Penfield development, among others.

**Who is in charge of the program?**

- The ordinance directs that the Office of Financial Services is responsible for implementing the public art capital budget plan as part of the City capital improvement budget. Each City department carries out public art activities associated with their plans and/or capital projects according to the Public Art Ordinance Program Guidelines which may be found at [www.stpaul.gov/publicart](http://www.stpaul.gov/publicart).

DRAFT July 1, 2013  
For the full text of the ordinance and the Public Art Ordinance Program Guidelines please visit [www.stpaul.gov/publicart](http://www.stpaul.gov/publicart). For additional information, please contact XXXXXXXX

# PUBLIC ART IN THE CITY RIGHT-OF-WAY POLICY

Policies and procedures for public art in the right-of-way were enacted by Resolution of the City of Saint Paul and adopted on December 6, 2002 and are quoted here. They address permanent installations or long term (more than one-year) temporary installations.

For temporary short-term installations, the Department of Public Works issues a ROW Obstruction Permit under Chapters 116 and 135 of the City Code.

## General Conditions for Artwork Installation

1. Artworks approved for installation in the public right-of-way must be of an appropriate size, scale and material to withstand the weather, traffic and other rigors of public right of way conditions.
2. It is preferable that works be fabricated off-site.
3. All costs of and arrangements for the transportation of the work to the site and of its installation shall be the responsibility of the applicant.
4. All costs of and arrangements for the removal of the artwork from the site shall be the responsibility of the applicant.
5. The City shall require applicants to warranty that the works of art shall not require any extraordinary maintenance during the term of installation in the public right-of-way.
6. The risk of loss or damage to the work of art shall be born solely by the applicant. The applicant must provide proof of appropriate liability insurance coverage.

## Application

Anyone wishing to install art in the public right-of-way shall submit a written request to the Director of Public Works.

The request shall:

1. describe the artwork proposed for installation in the public right-of-way: its size (height width, depth), general shape, colors, and materials
2. describe the proposed location of the installation and locate the site on a city map
3. describe the structural and mechanical aspects of the artwork
4. describe the qualifications of the artist and of those involved in its installation
5. illustrate the artwork installation in a scale drawing of the work in its proposed location
6. identify the owner of the artwork
7. provide a statement pledging that the applicant will properly maintain the artwork for the duration of its installation in the public right-of-way

8. provide a schedule of the artwork installation, specifying the date of its arrival and installation at the site, the term of its exhibition, and the anticipated date of its removal
9. provide a certificate of insurance as proof of general liability coverage of not less than \$1,000,000 per occurrence, which shall not exclude explosion, collapse, and underground property damage, and not contain an “aggregate” policy limit. The general liability coverage shall contain an endorsement naming Saint Paul Public Works as additional named insured as to acts committed by the applicant for which the City could be held responsible.

## Approval Process

1. Public Works shall review the request and advise the applicant of any additional information required.
2. When the information is complete, the Director of Public Works shall convene a panel composed of one representative each from Public Works, Public Art Saint Paul, and the governing District Council to review the proposal. The



panel's evaluation shall consider the installation's impact upon public safety, its artistic quality, its response to the principles of the Saint Paul on the Mississippi Development Framework and Its compliance with the above General Conditions for Artwork Installation.

3. The panel shall recommend the installation's approval to the Director of Public Works and to the City Council. If approval is not recommended by the Panel, the Director of Public Works shall deny permission for the installation and so inform the applicant.
4. The panel's recommendation for approval of an installation shall be brought to the City Council by Public Works in a public hearing.
5. Property owners within a 150 foot radius of the proposed location, as well as the affected district council and business group shall be notified of the time and place of the public hearing at least 30 days in advance.

6. Approval will be by City Council resolution, stating the conditions of approval.
7. Public Works shall inform the applicant of the City Council's action and shall assure that the conditions for approval of the Installation are met by the applicant.



Amy Toscani, *Muscle*, 2002. Right-of-way across from the Saint Paul Farmers Market. (Since removed and temporarily installed at Western Sculpture Park; to be re-installed after the completion of the Lowertown Ballpark in 2015.) Fabrication and installation commissioned by the City of Saint Paul based upon the artist's design commissioned through Public Art Saint Paul. Funded by the Lowertown Redevelopment Corporation.

# DONATIONS OF PUBLIC ARTWORK

## DONATION PROCEDURES

The Ordinance requires that all public art donated to the City must come with a plan to fund and deliver ongoing maintenance – or the resolution accepting the public art must identify how maintenance of the donated public art will be funded.

This requirement meets Minnesota Statute sec. 465.03 Gifts to Municipalities that states: “Any city, county, school district or town may accept a grant or devise of real or personal property and maintain such property for the benefit of its citizens in accordance with the terms prescribed by the donor. Nothing herein shall authorize such acceptance or use for religious or sectarian purposes. Every such acceptance shall be by resolution of the governing body adopted by a two-thirds majority of its members, expressing such terms in full.”

## Donation Requirements

The City considers donations on the following basis:

The donation

- Contributes to and enhances the City’s public art collection.
- Meets a high standard of quality and is appropriate and meaningful to the community.
- Follows required City procedures including the submission of a donation proposal and a Conservation Analysis Report prepared by a qualified professional conservator (see pgs. 39-40).
- Is made with the understanding that no City funds will be required for production, siting, installation or ongoing operations and maintenance of the work without prior approval of City Council.
- Proposal includes a plan to fund and deliver ongoing operations and maintenance – or the resolution accepting the public art must identify how maintenance will be funded.
- Proposal is reviewed and endorsed by the City department and approved by the City Council.

The City will not accept a donation of artwork until all funds for its development, fabrication, siting and installation have been secured.

The City will consider the following types of donation proposals for artworks for City-owned property:

- a) An already completed work of art.
- b) A commissioned artwork by a specific artist or artists to be created especially for a City-owned property.
- c) Donations of creative or innovative public art projects.

## Role of the Sponsor

A donation of artwork must have a sponsor or co-sponsors, who will prepare and present the proposal.

The sponsor’s principle roles are to state the intent of the donation and be responsible for raising or providing the funding for its production, acquisition, installation, and maintenance.

Community groups or corporations can act as a sponsor, provided that they are capable of demonstrating community support for the proposal.

Demonstrating community support reinforces the public nature of the proposal.

## Donation Proposal Procedures

All offers of artwork proposed for property under City jurisdiction must be made in writing and submitted by the sponsor(s) to the Department head.

The donation proposal must contain the following for an already completed work, a commissioned artwork, or a creative/innovative public art project:

- 1) Rationale for the intent and purpose of the proposed gift;
- 2) Brief statement about the artwork or project and bio information about the artist(s) including resume and supporting materials;
- 3) Project time line;
- 4) Plan showing the installation of the work in relation to the site or location;
- 5) Visual presentation of the artwork on the proposed site(s), including drawings, photographs and models of the proposed work with scale and materials indicated;
- 6) Conservation Analysis Report including an operations and maintenance plan citing requirements for ongoing maintenance and associated costs;

- 7) Documentation of artwork ownership and statement of authority and intent to transfer ownership to the City.

The following additional information must be provided for a commissioned artwork or a creative/innovative project about to be created especially for a City-owned property:

- 8) Detailed budget, with costs for the project including site preparation, installation, insurance that meets City requirements, etc.;
- 9) Funding committed to date and proposed source(s) of funds.

### Donation Proposal Review Process

All proposals for donations of artwork must follow a three-stage review process:

- Review by City staff.
- An evaluation by a qualified professional public art conservator and/or arts professional such as a museum director, curator, historian or writer/critic.
- Recommendations and findings from the conservator and/or arts professional will be presented to City staff who will prepare a report and request to

be submitted to the City Council for approval.

If the City decides against accepting the proposal, City staff will notify and provide a rationale to the sponsor(s) and the artist.

### Donation Review Criteria

The donation review process will be based on, but not limited to, the following considerations:

- **City-owned Property –**  
Donated public artwork must be located on property under the City’s jurisdiction (e.g. City owned, City-managed).
- **Relevance –**  
Works of art must be appropriate for the proposed location and its surroundings, and/or complement the architecture, topography, history and the social dynamic of the place.
- **Artist and Artwork Quality –**  
The work of art shall merit placement in a City public place.  
The artist demonstrates the ability and potential to execute the proposed artwork, based on previous artistic achievement and experience.  
In the case of a donation of an existing work of art, the quality of the work(s) must be sup-

ported by documentation from an independent professional evaluator such as a conservator, museum curator or art historian.

The artwork must enhance the City’s public art collection.

- **Physical Durability –**  
The artwork will be assessed for long-term durability against theft, vandalism, and weather.
- **Public Safety –**  
The artwork will be assessed for any public safety concerns.
- **Environmental Sustainability –**  
Consideration will be given to the environmental impact and sustainability of the proposed artwork including its operations and maintenance requirements.
- **Legal –**  
Proposed terms of donation, legal title, copyright authenticity, artist right to reproduce, liability and other issues as deemed appropriate.
- **Other Considerations –**  
May include (but are not limited to): sponsorship, acquisition terms and procedures, and ability to de-accession the artwork, if necessary.

### Acceptance and Accession of the Artwork

If the proposal is accepted by City Council, a formal agreement will be negotiated outlining the responsibilities of each party (the City, the sponsor(s), the artist and outside contractors, where applicable).

The agreement will address project funding, insurance, siting, installation, operations and maintenance, project supervision, vandalism, the right of removal or transfer, public safety and other issues as necessary.

The City will be the owner of the artwork and reserves the right to remove or alter the work to ensure public safety or because of other City concerns. The City upholds copyright law and the Visual Artists Rights Act of 1990. Any such change will be made in consultation with the artist and sponsor.

The completed and installed artwork will be accessioned and added to the City’s inventory list and master database with all accompanying documentation.

# DEACCESSIONING

Deaccessioning is the procedure for withdrawing an artwork from the City's inventory of public art and determining its future disposition. The City retains the right to remove any City-owned artwork in the public art collection.

The City of Saint Paul acquires artwork through the City's Percent for Art Ordinance and donations from groups and individuals. Artworks acquired through these processes have been accessioned into the City's inventory and must be cared for in accordance with the Public Art Maintenance Program. Consequently, deaccession procedures are proscribed by the Percent for Art Ordinance; the Program's Guidelines and this Technical Manual; the City's donation policy; and/or by the City's agreements with artist(s).

Deaccession involves removing the artwork from its public site, removing it from the inventory and the Public Art Maintenance Program inspection and maintenance cycles, and transferring records, both hard copy and electronic, into a deaccession file.

Generally, works of art will not be de-accessioned within ten years after acquisition.

The procedures in this section were created to ensure that the deaccessioning process of public artwork is considered and deliberate. The decision-making process to deaccession must be informed by the advice and expertise of art and other professionals qualified to assess the effects of deaccession on both the artwork in question, and the integrity of the City's public art collection.

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## DEACCESSIONING PROCEDURES

### I. Deaccession Criteria

Artwork may be considered for deaccession for one or more of the following reasons:

- The artwork was purchased as a temporary acquisition and the City's obligation is terminated; the period for the artwork's existence as agreed to by the artist and City is at an end.
- The artwork poses a safety hazard to the public.
- Condition or security of the artwork cannot be guaranteed, or the City cannot properly care for or store the work.
- The artwork requires excessive or unreasonable maintenance, or has faults in design or workmanship.
- The artwork has been damaged or has deteriorated to the point that it can no longer be represented to be the original artwork.
- Restoration of the artwork's structural or aesthetic integrity is technically not feasible, or the expense of restoring it exceeds 50 percent of the original cost of the artwork.
- The artwork is site-specific or architecturally-integrated and significant changes planned for the use or character of the site will negatively affect the integrity of the work.
- Use of this particular public space may have changed, and/or the artwork may have lost its contextual meaning and it cannot be re-sited, or re-siting the artwork would be inappropriate.
- The site is structurally damaged or otherwise altered to that it can no longer accommodate the artwork or is made publicly inaccessible by a change in its surrounding environment such as new construction or demolition.
- The architectural support (building, wall, plaza) is to be destroyed and the artwork cannot be removed intact for relocation.
- No suitable site for the artwork is available.

- The artwork has received documented and unabated adverse reaction from a measurably large number of citizens and/or organizations based within the community where the artwork is located over at least five years, and modifications of the artwork as per discussions with the artist are not possible.
- The artwork is judged to have little or no aesthetic and/or historical or cultural value.
- Written request with justification from the artist has been received requesting the removal of the work from public display.
- The artwork is fraudulent or not authentic.
- The artwork was stolen; all stolen artworks must be documented through an official police report and a report prepared by the department responsible for the site of loss.
- The artwork has a valid challenge to title, or is in violation of existing copyright laws.
- The artwork's aesthetic value has not withstood the test of time and has been professionally determined to lack aesthetic or artistic value to justify its continued upkeep and storage within the City art collection.

## II. Deaccession Report

A Deaccessioning Report initiated by ?? and prepared by ?? includes, but is not limited to, the following:

**City Attorney's Opinion.** Before disposing of any objects from the City collection, efforts shall be made to ascertain that the City is legally free to do so. The City Attorney shall be consulted regarding any restrictions that may apply to a specific artwork. The de-accessioning of a donated artwork, in particular, must not be contrary to the terms on which it was received.

**Criteria.** Statement of the reasons for deaccessioning the artwork (see list above) and the impact on the City collection and the artist.

**Community Opinion.** If pertinent, public and City comments on the artwork in question including documented public responses to the work.

**Independent Appraisal.** Prior to disposition of any object having a value of \$10,000 or more ??, an independent professional appraisal shall be sought, or an estimate of the current value of the artwork based on recent documentation of gallery and auction sales.

**Condition Report.** Current professional conservation analysis including the estimated cost of repair determined while inspecting the work during the preparation of the most recent Annual Maintenance Plan.

**Other Costs.** Expenses associated with deaccessioning such as: removal of artwork; site remediation; relocation; or storage of artwork.

## III. Deaccession Decision Process

The Deaccession Report is prepared by ?? and is submitted to the Department head who convenes a Deaccession Advisory Panel (DAP) to review the deaccession request. The DAP is composed of three members, minimum, including City department staff; the City Public Art Maintenance Coordinator; and an art conservator, curator or historian. The DAP reviews artwork proposed for deaccession, and makes recommendations to the Department head regarding the disposition of the public artwork.

The DAP shall evaluate the public artwork based on the Criteria for Deaccessioning listed above and may recommend that deaccession procedures be initiated if they determine that the artwork meets one or more of the identified criteria. They may also recommend Deaccession Actions and Methods (see summary of options, below).

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If the City department head decides to deaccession the artwork:

- 1) The artist(s) will be informed in writing of the decision and given the right of first refusal to buy back the deaccessioned artwork including title, if feasible, or the City will arrange for appropriate disposal/ destruction of the artwork.
- 2) If the artwork was a donated gift, the donor will be informed in writing of the City's intent to deaccession the artwork.
- 3) Public notification will be made, as necessary.

#### IV. Deaccession Actions and Methods

The DAP makes recommendation(s) to the Department head that may include:

##### A. Modification or Relocation of Artwork

- Recommend improvements or alterations to the artwork, or the site, that are agreeable to the artist and/or donor.
- Relocate the work, retaining ownership by the City.
- Give the artist the opportunity to propose repurposing or re-siting the artwork on other City property.
- Properly store the artwork temporarily, with a plan for its future.

##### B. Sale, Trade/Exchange or Indefinite Loan of Artwork

- Sell, auction or trade the artwork after receiving a bona-fide current appraisal.
- Give the artist and/or donor the first opportunity to buy back the artwork.

##### Proceeds from Sale of Artwork

Income from the sale or auction of deaccessioned artwork shall be credited to the Public Art Maintenance Program.

##### C. Donation to Others

If the City is unable to dispose of the artwork in a manner outlined above, the City may donate and transfer ownership of the artwork to a non-profit or other organization.

##### D. Destruction

The public artwork may be destroyed if it is deteriorated or damaged and not repairable at a reasonable cost, unable to be relocated, deemed to be of negligible value, or for other reasons.

#### V. Deaccession File

The Deaccession File includes, but is not limited to:

- 1) Accession File containing the City agreement with the artist for the design and commission of artwork and letter accepting the artwork, or the Council resolution accepting the donation of the artwork.
- 2) Record of Annual Maintenance Plan inspections by the professional conservator.
- 3) Deaccession Report with supporting materials.
- 4) DAP recommendations.
- 5) Copy of the letter informing artist and/or donor of the artwork's status and deaccession.

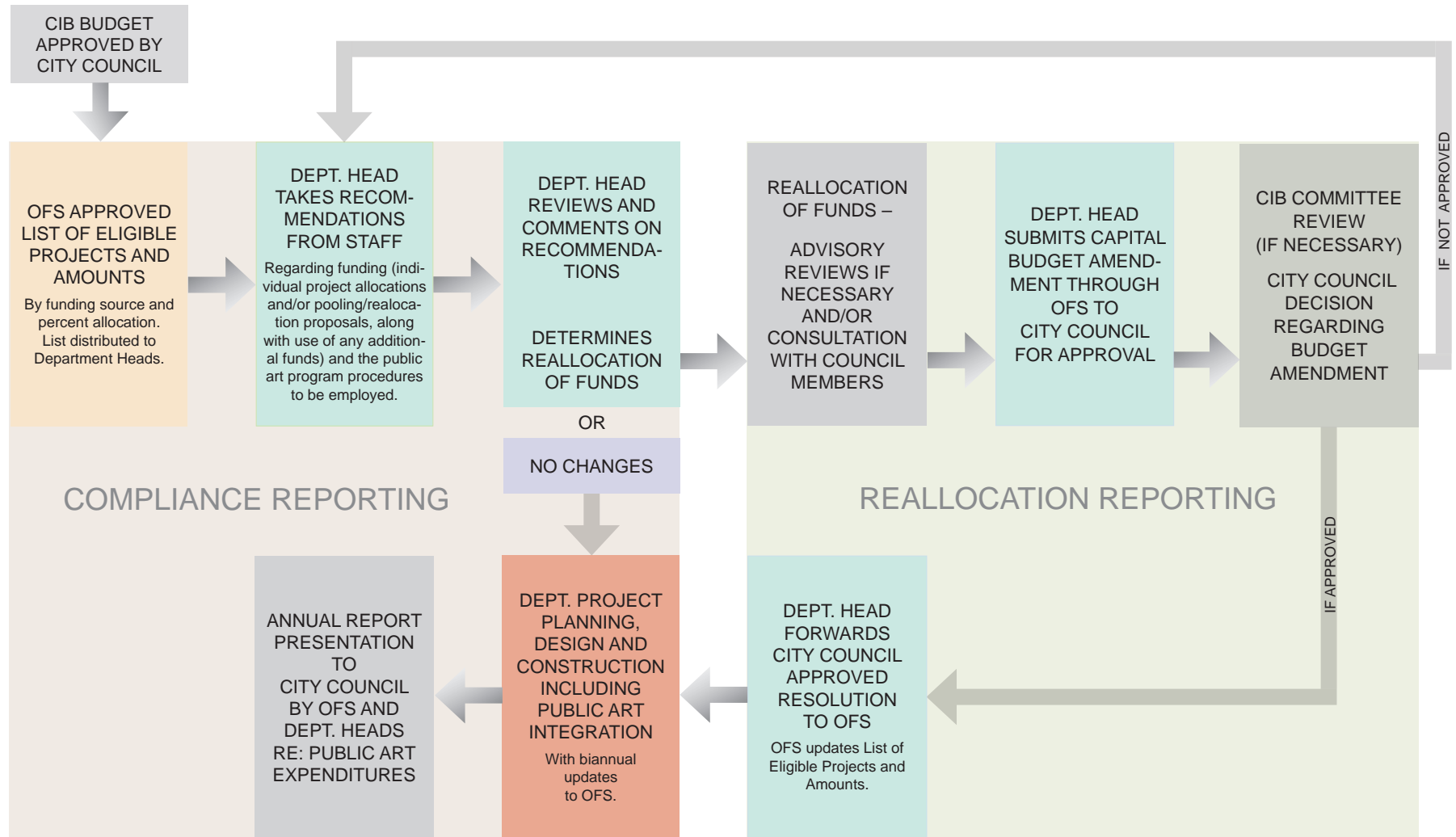
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# DEPARTMENT COMPLIANCE AND REALLOCATION REPORTING

The ordinance allows department heads the option of reallocating funds between public art projects within the department, consist-

ent with the public art plan, and with the approval of the Office of Financial Services and the City Council. The procedures

for reallocation and also for Department compliance reporting are shown in the flow chart below.



# REPORTING AND RECORDS FOR PLANS AND CAPITAL PROJECTS

The Office of Financial Services (OFS) requires City departments to annually submit a *Reporting and Records* form for each Plan or Capital Project. The form details public art expenditures, procedures and outcomes (see example for Capital Projects on this page).

This document is used by OFS to update the *Summary Public Art Eligibility Master List and Status Report* (see page 2) and to prepare an annual report to the City Council on public art activities and expenditures. The forms are available for City department use at <http://spnet.stpaul.city/depts/ofc/procedures.html>

## CITY OF SAINT PAUL PUBLIC ART ORDINANCE PROGRAM REPORTING AND RECORDS - CAPITAL PROJECTS

Date Filed:

Capital Project Title:

Department:

Reported by:

Title:

1 Capital Project Total Budget \$

1% Allocation for Art \$

Actual spending to-date on Capital Project \$

Actual spending to-date on Capital Project art \$

### 2 PUBLIC ARTISTS SCOPE OF WORK

a. Public Art Design Phase Agreement artwork statement attached

### 3 SELECTING PUBLIC ARTISTS

a. Public Artist Selection Option (check option that applies):

Public Art Project Committee  (Attach list of members.)

City Department Project Manager  Name:

City Artist in Residence Program  Name:

Other (please describe):

b. Public Artist Identification Options (check all that apply):

City List of Qualified Public Artists

Open Call (attach RFQ or RFP)

Invitational Call

Direct Call

Consultant/contractor own resources

State Artist Slide Registry

c. Artist(s) Selected (list name, address, phone email):

### 4 AGREEMENTS WITH PUBLIC ARTISTS

a. Design Phase Agreement ID# & end date:

Deliverables recd. incl. Budget/Timeline form & Maintenance Plan

b. Commission Phase Agreement ID# & end date:

Deliverables recd. incl. Technical Desc. & final Maintenance Plan

c. Other Agreement (please describe):

### 5 ACCESSIONING, MAINTENANCE, CARE

a. Public artwork installed (date):

b. Public artwork title:

c. Public artwork location:

d. Public artwork accepted by City staff (name, title) and added to inventory (date):



## PARTICIPANTS —

### **Public Art Ordinance Program Technical Manual**

City of Saint Paul

Todd Hurley, Director/Treasurer  
Office of Financial Services

Public Art Saint Paul

Christine Podas-Larson,  
President

Regina Flanagan, Public Art  
Ordinance Administrator\*  
Lead Author of Guidelines,  
Technical Manual and Public  
Art Ideas List (PAIL)

### **Oversight Committee**

Bob Bierscheid, Committee  
Co-Chair, Public Art Saint Paul

Heather Peterson, Committee  
Co-Chair, Public Art Saint Paul

Russ Stark, City Councilmember,  
Ward 4

Joe Spencer, Director of Arts  
and Culture, Office of Mayor  
Christopher Coleman

Cecile Bedor, Director,  
Department of Planning and  
Economic Development

\* The Public Art Ordinance  
Administrator position is  
supported by Public Art Saint  
Paul with funding from The  
Katherine B. Andersen Fund  
and Saint Paul Cultural  
STAR.

Kit Hadley, Director, Saint Paul  
Public Library

Michael Hahm, Director, Saint  
Paul Parks and Recreation

Todd Hurley, Director/Treasurer  
Office of Financial Services

Rich Lallier, Director,  
Saint Paul Public Works

Bruce Beese, Administration Man-  
ager, Saint Paul Public Works

Lucy Thompson, Principal City  
Planner, Department of Planning  
and Economic Development

Steve Dietz, President of Northern  
Lights.mn

Timothy Griffin, Director, Saint  
Paul on the Mississippi Design  
Center

Bruce Thompson, Property  
Manager, Ramsey County

Marcus Young, City Artist  
in Residence Program

### **Public Art Working Group**

Bruce Beese, Department of  
Public Works

Joanna Brookes, Saint Paul  
Public Library

Mike Kimble, Saint Paul  
Parks and Recreation

Amanda Lovelee, City Artist  
in Residence Program

Barb Morin, Office of  
Financial Services

Lucy Thompson, Principal City  
Planner, Department of Planning  
and Economic Development

### **Public Artist Focus Group**

Marcus Young, City Artist  
in Residence Program

Christine Bauemler

Craig David

Seitu Jones

Brad Kaspari

Janet Lofquist

Foster Willey

### **Technical Advisers**

Sara Grewing, City Attorney

Peter McCall, Assistant City  
Attorney

Therese Skarda, Assistant  
City Attorney

Lisa Veith, Assistant City  
Attorney

Stacy Williams, City-Wide  
Special Events Coordinator,  
Parks and Recreation

Kate Frye, Special Events  
Coordinator, Parks and  
Recreation

John McCarthy, Senior Budget  
Analyst, Office of Financial  
Services

Amy Spong, Historic Pres-  
ervation Specialist, Heritage  
Preservation Commission

Dave Gorski, City of Saint Paul  
Section 3 Administrator

Jessica Brokaw, Management  
Assistant, Contracts and Analy-  
sis Services

Mark Granlund, Public Art  
Maintenance Program, Saint  
Paul Parks and Recreation

Steve Ubl, Building Official,  
Department of Safety and  
Inspections

Jim Bloom, Senior Plan Exam-  
iner, Department of Safety and  
Inspections

Dan Haak, Assistant City  
Engineer, Street Design and  
Construction, Saint Paul  
Public Works

Paul St. Martin, Assistant  
City Engineer, Saint Paul  
Public Works

### **Other Advisers**

Matt Anfang, Saint Paul  
Regional Water Services,  
Oversight Committee  
2011-2012

Ann Ledy, College of Visual  
Arts, Oversight Committee  
2010-2012

### **Other Advisers** *(continued)*

Dave H. Nelson (Retired)  
Office of Financial Services  
Public Art Working Group  
2010-2011

Phyllis Kendig (Retired)  
Saint Paul Public Library  
Public Art Working Group  
2010-2011

Jun-Li Wang, Public Art  
Ordinance Administrator  
2010-2011

Marie Franchett, Principal Project  
Manager, Planning and Economic  
Development  
Public Art Working Group  
2010-2011

Anton Jerve, City Planner,  
Planning and Economic  
Development

Diane Nordquist, Principal Project  
Manager, Planning and Economic  
Development

Martin Schieckel, Principal Project  
Manager, Planning and Economic  
Development

Wes Saunders-Pearce, Water  
Resource Coordinator, Depart-  
ment of Safety and Inspections

Glenn Pagel, City Bridge  
Engineer, Saint Paul Public Works

Jody Martinez, Manager,  
Design & Construction Division  
Saint Paul Parks and Recreation

### **RESOURCES —**

#### **City Special Event Coordinators**

To schedule Harriet Island, Rasp-  
berry Island, Upper Landing Park  
and City House, contact: Kate  
Frye, Special Events Coordina-  
tor, #651-292-7010, [kate.frye@  
ci.stpaul.mn.us](mailto:kate.frye@ci.stpaul.mn.us)

For all other locations city-wide,  
contact: Stacy Gillings, City-Wide  
Special Events Coordinator,  
#651-266-6418, [stacy.williams@  
ci.stpaul.mn.us](mailto:stacy.williams@ci.stpaul.mn.us)

#### **Department of Safety and Inspections**

Stephen Ubl, City of Saint Paul  
Building Official, #651-266-9021,  
Fax 3651-266-9099,  
[stephen.ubl@ci.stpaul.mn.us](mailto:stephen.ubl@ci.stpaul.mn.us)

#### **City Section 3 Program**

David Gorski, City of Saint Paul  
Section 3 Administrator, #651-  
266-8918, [dave.gorski@ci.stpaul.  
mn.us](mailto:dave.gorski@ci.stpaul.mn.us)

#### **Public Art Maintenance Program**

Mark Granlund, Coordinator,  
Public Art Maintenance Program,  
City of Saint Paul Parks and  
Recreation, #651-632-2454,  
[mark.granlund@ci.stpaul.mn.us](mailto:mark.granlund@ci.stpaul.mn.us)

## EXAMPLE 1 — OPEN CALL FOR CITY LIST OF QUALIFIED PUBLIC ARTISTS

The following inaugural Open Call was issued through the City of Saint Paul Division of Contracts and Analysis Services in March 2013.

*Note: Submission Requirements are changing as of January 2014.*

### OPEN CALL FOR THE CITY LIST OF QUALIFIED PUBLIC ARTISTS FOR THE PREPARATION OF PLANS

#### INTRODUCTION

In 2009, the City of Saint Paul passed an ordinance supporting public art [St. Paul, Minnesota, Code of Ordinances, PART III – ADMINISTRATIVE CODE, Title 1 - GENERAL PROVISIONS, Chapter 12. Public Art]. The text of the ordinance and the Public Art Ordinance Program Guidelines can be found at: <http://www.stpaul.gov/publicart>

The visionary legislative purpose and intention of the ordinance is clear ... *“the city council believes that planning and development decisions should give aesthetic and social value equal weight with any project’s functional and economic values. Public art strengthens public places and enhances and promotes Saint Paul’s identity as a livable and creative city and a desirable place to live, work and visit.”*

The ordinance states the City’s belief that **artists should be involved from the earliest stages of conceptual planning, and continue through project design and implementation.** Saint Paul’s ordinance is unique among municipal public art programs nationwide because artists add their perspectives and insights to the City’s plans, as well as create public art for capital projects.

#### PUBLIC ARTISTS SOUGHT TO WORK WITH CONSULTANTS ON PLANS

According to the ordinance, consultants responding to a City department’s Request For Proposals (RFP) for Plans must include a public artist(s) on their teams. They may use the City Artist-in-Residence Program, the State of Minnesota’s public artist slide registry, the **City List of Qualified Public Artists**, or the consultant’s own resources to

identify an appropriate artist(s) for the team. The City List will be published and made available online on the City’s website at [www.stpaul.gov/publicart](http://www.stpaul.gov/publicart) Planning efforts covered by the ordinance include district plans, small area plans, the City’s Comprehensive Plan, and park and trail master plans; they may also include some specialized plans at the discretion of City staff. Recent plans with public artists on consultant teams include: the Central Corridor Light Rail Transit Station Area Plans; the Great River Passage Master Plan (Mississippi River); the Greater Lowertown Master Plan; the Central Corridor Stormwater and Green Infrastructure Plan; and the Citywide Complete Streets Design Manual.

A Request for Qualifications (RFQ) is being issued for an open call for the **City List of Qualified Public Artists** to be referenced by consultants and City departments involved in the **preparation of plans during 2013-2015.**

#### SCOPE OF WORK – PREPARATION OF PLANS

##### TASKS

Public artists working on Plans shall:

- Play an integral role on the team; participate in team, departmental and public meetings, and collaborative processes where ideas and outcomes are shared.
- Identify and integrate artful opportunities into plan chapters, including goals, objectives and strategies addressing the public realm, movement/circulation, historic preservation, water quality/environment, culture and art, and historic and cultural resources, as appropriate.
- Develop and illustrate public art concept designs for pilot or demonstration projects that may be part of plans, or advise on how to best involve artists in plan implementation.
- If necessary, work with Heritage Preservation Commission (HPC)

## EXAMPLE 1 —

### OPEN CALL FOR CITY LIST OF QUALIFIED PUBLIC ARTISTS *continued*

staff to identify principles that balance preserving and reinforcing the prominent features of a district with adding vital new public art component(s).

- Participate with consultant/proposers to develop responses to City RFPs, including outlining the public artist's roles and contributions.

#### EXPERTISE

Following are the experience and capabilities that public artists need to show to accomplish the tasks:

- In-depth work with multi-disciplinary teams (e.g. planners, architects, landscape architects, civil and transportation engineers, etc.).
- Ability to draw on ideas across disciplines and fields of inquiry to combine ideas into a complex whole.
- Willingness to address new topic areas, disciplines and fields of inquiry.
- Familiarity with a broad range of artistic approaches, practices, media and artists.
- Understanding of and experience with City planning processes.
- Ability to make clear, concise presentations to the general public, district councils and boards; and/or evidence of teaching experience and communicating with the general public.
- Evidence of past contributions to planning documents, including writing samples and/or examples of translating ideas into drawings, illustrations or photographs understandable to the general public.

- Ability to work with diverse communities; experience in community engagement.
- Demonstrated ability to work in innovative and engaging ways with the community.
- Direct experience working in highly-complex urban environments and general understanding of City departments and systems.
- Proficiency with computer software programs including Microsoft Word, Excel, and Power Point; optional experience with advanced programs such as the Adobe Design Suite (Photoshop, Illustrator, InDesign and Acrobat Pro) and computer-assisted-design programs such as Sketchup and AutoCAD.

#### ELIGIBILITY AND EVALUATION CRITERIA

The following *eligibility criteria* apply to public artists:

- The public artist meets the ordinance definition of an “artist,” and is an individual who creates original art and is recognized by professional peers and critics.
- The public artist produces artwork in the categories/types of work cited in the ordinance as “public art” including visual art, performances, installations, events and other temporary work, or is involved in the preservation or restoration of unique architectural features, ornamentation or details.
- The public art ordinance program is open to Minnesota artists and artists nationwide.
- This opportunity is open to all professional public artists (or teams of artists) regardless of race, color, religion, gender, age, military status, sexual orientation, marital status, or physical or mental disability.

## EXAMPLE 1 —

### OPEN CALL FOR CITY LIST OF QUALIFIED PUBLIC ARTISTS *continued*

#### The following *evaluation criteria* apply to public artists:

- The public artist demonstrates the expertise required by the Scope of Work in this RFQ.
- During the two-year time period, the public artist is available for membership on the City List of Qualified Public Artists.

#### ARTISTIC REVIEW AND SELECTION PROCEDURES

A Public Art Jury convened by the City will review responses to this Open Call and recommend public artists for the City List.

The Jury includes nine members:

- Landscape Architect, Department of Parks and Recreation
- Principal City Planner, Department of Planning and Economic Development
- Public Service Manager, Saint Paul Libraries
- Engineer, Department of Public Works Construction Engineering
- City Artist-in-Residence Program representative
- Four arts and design professionals

The Public Art Jury will recommend public artists to the Department heads or their representatives, who will review and give final approval to the entrants to the City List of Qualified Artists.

#### SUBMISSION REQUIREMENTS

*Note: These requirements are changing as of January 2014.*

#### COMPILED PAPER SUBMISSIONS –

##### ONE (1) SIGNED ORIGINAL AND TEN (10) HARD COPIES:

- A. Solicitation **Cover Sheet** with contact information (hard copy with original signature; form provided by City Contracts and Analysis).

##### ONE (1) ORIGINAL AND TEN (10) HARD COPIES OF EACH AND ELECTRONIC FILES ON CD-ROM OR USB FLASH DRIVE (SEE FORMAT BELOW):

- B. **Artist's Statement** relevant to the opportunity: e.g. describing past work that demonstrates the artist's expertise in planning, or creating artwork that meets the tenets of a plan; leading or participating on a team that devised conceptual approaches for plans; or how the artist will approach this opportunity; etc. (750 words or one-page limit).
- C. **Professional Resume** not to exceed two pages, highlighting relevant past work, especially city plans and public art commissions.
- D. **Three Professional References** including at least one reference for an example shown in the work samples.

#### ELECTRONIC SUBMISSIONS –

##### ELECTRONIC FILES ON CD-ROM OR USB FLASH DRIVE (SEE FORMAT BELOW); NO HARD COPIES NECESSARY:

- E. **Work Samples** – ten examples total or five minutes of video of past work, including pages from plans and/or original artwork created as part of plans.
- F. **Work Samples Narrative** describing the work and including: title of plan or artwork and year completed; if artwork, then materials; dimensions; location where installed, etc. (75 word limit per work sample).

##### Format for electronic submission on CD-ROM or USB flash drive of the above materials B. through F. –

FOLDER 1: ARTIST LAST NAME\_STATEMENT\_RESUME\_REFERENCES Artist Statement not to exceed 750 words or one page; Professional Resume not to exceed two pages; and three professional references.

EXAMPLE 1 —

OPEN CALL FOR CITY LIST OF QUALIFIED PUBLIC ARTISTS *continued*

FOLDER 2: ARTIST LAST NAME\_WORK\_SAMPLES

Up to ten digital files of past work or video work samples not to exceed five minutes in length.

Digital files shall be in .jpg format with a resolution of 100 dpi and not exceeding 2 mb per image. Label images: 1\_ARTIST LAST NAME.jpg; 2\_ARTIST LAST NAME.jpg, 3\_ARTIST LAST NAME.jpg and so forth.

Video work samples shall be in WAV, MOV, other current video digital format commonly used and executable on a PC or MAC laptop or desktop. Label video with 1\_ARTIST LAST NAME\_TITLE OF VIDEO, etc.

FOLDER 3: ARTIST LAST NAME\_WORK\_SAMPLE\_NARRATIVE

Narrative describing Work Samples in Folder 2 and including: title of plan, artwork or video and year; if artwork, location of installation and who commissioned it, dimensions, materials, insurance value of work; and any other pertinent notes.

## EXAMPLE 2 — INVITATIONAL CALL FOR CAPITAL PROJECTS

Invitational Calls may be used with the following Capital Project Options for identifying public artists (Guidelines page 23):

- Option 1: **Public art project committee** convened to identify artist(s) for City project; or
- Option 2: **City department project manager** identifies artist(s) for City project; or
- Option 3: **City Artist in Residence Program** assembles and leads team of public artists for project(s).

The following example is drawn from an actual City Department of Planning and Economic Development project for the **4th and Cedar Vertical Connection**, December 2011- January 2012. This opportunity arose and needed to be acted upon quickly. The invitational call to identify and select a public artist took approximately six weeks whereas an open call may take ten weeks or more.

Curators from the and the Minnesota Museum of American Art, Minneapolis Institute of Arts, and the Walker Art Center, and directors of media-specific art organizations including Highpoint Center for Print-making, the Minnesota Photography Center, and the Textile Center, were contacted to recommend artists. The letter requesting them to recommend artists contained the following information. Later, this information was used in the letter inviting artists to apply for the opportunity.

*Note: the letter to arts professionals did not include the subject heads below, in parenthesis.*

Dear First Name Last Name:

### (I. Introduction)

I am writing on behalf of the City of Saint Paul to invite you to recommend artists for a unique opportunity to incorporate public art into a vertical stair/elevator connection between the 4th /Cedar light

visually engaging solution that will distinguish the vertical connection by combining form, function and imagination, making it a landmark for Downtown Saint Paul.

In 2009, the City of Saint Paul enacted an ordinance funding public art because in developing its vision for the future of the city... planning and development decisions should give aesthetic and social value equal weight with any project's functional and economic values. Public art strengthens public places and enhances and promotes Saint Paul's identity as a livable and creative city and a desirable place, to live, work and visit. The ordinance intends to involve artists in the design, implementation and integration of art in public projects [St. Paul, Minnesota, Code of Ordinances, PART III – ADMINISTRATIVE CODE, Title 1 - GENERAL PROVISIONS, Chapter 12. Public Art.]

### (II. Project Overview)

An artist is sought to collaborate with the project's architect, (first name last name), and staff from the Saint Paul Department of Planning and Economic Development. The artist shall create conceptual/schematic design options, and a design development proposal including cost estimation. Budget for design work shall not exceed \$6,000. The design period is January – March 2012.

### (III. Invitational Call Procedures)

This invitational call is being sent to #number artists. Curators, art administrators and/or arts organization directors including (list names and affiliations) have been contacted and requested to suggest artists. The artist for the project will be selected from respondents to the invitational call by a design team composed of Saint Paul Department of Planning and Economic Development staff, the project architect (first name last name), and the City Artist-in-Residence.

## EXAMPLE 2 —

### INVITATIONAL CALL FOR CAPITAL PROJECTS *continued*

#### **(IV. Public Artist Scope of Work including Tasks.)**

Four possible elements the artist can impact include:

1. Patterning for either a decorative layer of film applied over solar reflectance film, or for ceramic frit (a local example is the downtown Minneapolis Central Library with patterns of tree branches), adhered to the windows to absorb and deflect heat. This element is the first priority because it would be the most visible and appreciated by passersby.
2. Pre-cast terrazzo tile floor and treads for suspended stairs.
3. Metal railings between adjacent skyway and the vertical connection.
4. Metal risers under the stairway.

Artists who work in the following media that translate to the design of the patterning for the windows, the tile floor, railings and/or risers are sought:

- Graphic design;
- Printmaking, especially relief printing or other print media featuring strong black and white imagery with positive and negative space;
- Photography, especially black and white images that may translate to the pattern of the decorative film or ceramic frit;
- Textile designers whose work includes graphic patterns; or
- Sculptors who work in metal and produce two-dimensional, cut-out designs.

Additionally, artists who work across media and could address any or all of the four possible elements will be considered.

The artist selected for the project will collaborate with the design team to refine the design of spaces to integrate artwork, and will advise on the selection of materials in the surrounding area.

The public artist may anticipate the following tasks –

- Participating in team and in-house meetings.
- Identifying location of artwork(s) on scaled annotated plans or site plans, including potential relationships and connections to other sites.
- Producing models, drawings or other documentation as required to present a meaningful representation of the proposed Artwork, and providing materials samples, as necessary.
- Completing an Artwork Statement describing design intention; relationship to project goals and criteria; and description of Artwork materials, dimensions, weight, and finish.
- Submitting completed Timeline and Budget Estimate, using format provided by the City.
- Submitting conservation analysis of proposed materials and construction methods prepared by a certified conservator, as necessary.
- Outlining proposed installation, activation and maintenance requirements.
- Recommending site preparation to support the work, if necessary.

#### **(V. Public Artist Expertise)**

Applicants should demonstrate the following expertise:

- Work on multi-disciplinary teams.
- Understanding and experience with public processes.
- Excellent communication skills.
- Experience working in urban environments.
- Sensitivity to the expectations that the public has of public facilities.
- Capacity to respond to context.
- Ability to incorporate technology and art, if necessary.



## EXAMPLE 2 —

### INVITATIONAL CALL FOR CAPITAL PROJECTS *continued*

- Sensitivity to context and its historical, ecological, social and cultural dimensions.
- Employ sustainable materials and construction techniques in his/her work, and efficiently use resources such as electricity and water.
- Understanding of, and experience with, durable and permanent materials, and their maintenance requirements.

We look forward to receiving your recommendations by ??? date, if possible. Thank you in advance for assisting us with this effort.

Sincerely,

#### **(VI. Application Format and Technical Requirements)**

*Note: this following is only included in the letter inviting artists to apply and is inserted after V. Public Artist Expertise.*

To be considered for this opportunity, public artists must submit the following materials:

- A. Cover Sheet with contact information (hard copy with signature; form provided by City Contracts and Analysis).  
Items B. through F. are submitted in an electronic format on CD-ROM with specific parameters described under G. below.
- B. Work Samples of past work.
- C. Work Samples Narrative describing the work and including: title of artwork; year completed and installed; materials; dimensions; and location where installed (500 words total or one-page limit).
- D. Artist's Statement addressing specific topics relevant to the project: e.g. the process the applicant will use to gather inspiration for the work; how the artist will involve the community in the design and/or creation of the artwork; describing the artist's approach to working with the community to inform their creative process; identifying which public space(s) the applicants wish to address from those described in the Call; how the artist will approach the opportunity;

describing a past project that demonstrates the artist's experience in creating public artwork and collaborating with design professionals, etc. (500 word or one-page limit).

- E. Professional Resume not to exceed two pages, highlighting relevant past work, especially public art commissions.
- F. Three References for previously completed projects including at least one reference for work shown in the work samples.
- G. Format for electronic submission on CD-ROM of above materials:

FOLDER 1: ARTIST LAST NAME\_LETTER\_PROFESSIONAL\_RESUME

Artist Statement addressing public art philosophy and how the artist meets the project's expertise requirements, and Professional Resume not to exceed three pages, especially highlighting public art commissions.

FOLDER 2: ARTIST LAST NAME\_WORK\_SAMPLES

Up to ten digital files of past work in .jpg format with a resolution of 100 dpi and not exceeding 2 mb per image. Label images: 1\_ARTIST LAST NAME.jpg; 2\_ARTIST LAST NAME.jpg, 3\_ARTIST LAST NAME.jpg and so forth.

FOLDER 3: ARTIST LAST NAME\_IMAGE\_LIST

Narrative describing Work Samples above and including: title of artwork; year; location of installation and who commissioned it; dimensions, materials; insurance value of work; and any other pertinent notes.

Please mail these materials to: contact name, contact City address to be received no later than (time, day, date).

We hope that you will consider submitting your work and credentials for this opportunity, and look forward to reviewing your work.

Sincerely,

CASE STUDY 1 – CAPITAL PROJECT  
DEPARTMENT OF PUBLIC WORKS  
RESIDENTIAL STREET VITALITY PROGRAM (RSVP)  
PUBLIC ART PILOT PROGRAM 2011-2014

In Fall 2011, the City of Saint Paul Department of Public Works launched a pilot program to commission artwork through a collaborative process for their Residential Street Vitality Program (RSVP). On behalf of the department, Marcus Young, City Artist in Residence (CAIR) and the Public Art Ordinance Administrator (PAOA) invited artists to consider joining the program's inaugural design team. The team structure would include the CAIR serving as team lead and the PAOA as project manager, and three additional artists. Artists participating in this unique opportunity would not only create important public art, but inform future procedures for the RSVP.

#### **Invitational Call**

Through an invitational call, ten artists were invited to apply for this opportunity. They had been selected from a list of 44 artists recommended to the program by local public art administrators familiar with the artists' work and capabilities. The following Scope of Work, Tasks, Expertise and How to Apply sections are from the letter inviting artists to apply.

#### **Scope of Work**

The invitational call seeks three artists to round out the team – to flesh out ideas and create work for seven RSVP projects in 2012 – and to advise on integrating public art into ongoing annual RSVP projects in the future. Artists will be paid a professional hourly fee for their efforts along with the funding to construct and install their artwork. The aim of the pilot program is to not only create artwork but to develop and field test procedures to become part of the Public Art Ordinance Program Plan.

The team will design, produce and install commissioned public art for the projects during the 2012 RSVP construction season. The Saint Paul neighborhoods with RSVP projects include: District 1 – Eastview, Conway, Battle Creek and Highwood Hills; District 3 - West Side; District 11 - Hamline Midway; and District 14 – Macalester Groveland.

#### **Tasks**

Design work will commence in early 2012 with the team exploring public art opportunities in RSVP plans including (but not limited to): concrete or grass quadrants; sidewalks; concrete outwalks and carriage walks; boulevards; stormwater gardens; and wood streetlight poles. Team members will participate in public meetings with Public Works staff including an orientation meeting for neighborhoods to introduce the RSVP process; and additional meetings with residents, as necessary, especially during the team's research period.

After research, the team will prepare and present initial concepts to Public Works staff and neighborhood residents. The head of the Department of Public Works has the authority for final acceptance of concepts, designs and completed artwork.

Upon the installation of artwork by November 2012, and the end of the project cycle, the team will evaluate progress. To ensure continuity, by invitation members may either stay on into a second cycle of RSVP projects, or make recommendations for the next cycle of projects. The team will also explore and evaluate the potential for adding a mentor component for the next cycle of projects.

#### **Expertise**

The following expertise is required of public artists responding to this call:

- Experience collaborating with other artists, engineers and/or landscape architects.
- Synthetic thinker: the ability to draw on ideas across disciplines and fields of inquiry to develop a deeper understanding, and to combine ideas into a complex whole.
- Excellent communication skills.
- Experience working in urban environments including parks, transportation facilities and schools, is a plus.

## CASE STUDY 1 – CAPITAL PROJECT RSVP PUBLIC ART PILOT PROGRAM 2011-2014

*continued*

- Understanding and experience with public processes, and with presentations to the general public, councils and boards.
- Sensitivity to the expectations that the public has of public facilities.
- Ability to work with community input; experienced in community engagement.
- Sensitivity to context and its historical, ecological, social and cultural dimensions.
- Use of sustainable materials and construction techniques in his/her work and efficient use of resources including electricity and water, is a plus.
- Understanding of, and experience with, durable and permanent materials, and their maintenance requirements.
- Ability to produce submittals/deliverables including plans, elevations, cross-sections, as necessary.

### **Application and Review Process**

The application process followed the description on Guidelines page 28. Eight out of the ten invited artists responded to the call. During the subsequent selection meeting, the CAIR, PAOA and three engineers from Public Works reviewed the artist's materials, ranked the artists and chose five finalists to interview.

### **Group Interview**

Five finalists participated in an innovative group interview process. The two-hour group interview enabled the CAIR, the PAOA and city engineers to get to know the artists in a collaborative setting. At the interview, the general concepts and parameters of RSVP were introduced, and then in a small group setting, the interviewees were asked to develop their basic approaches and preliminary ideas for art-making in this context. They had the opportunity to engage with the other finalists and Public Works engineers in group discussion and brainstorming.

Selected for the inaugural Artist Team were Brad Kaspari and Lisa Elias. Led by Marcus Young, City Artist in Residence, they held a series of listening sessions with neighborhood residents to gather inspiration for their work, and an open house to show their design proposals and prototypes.

CASE STUDY 1 – CAPITAL PROJECT  
 RSVP PUBLIC ART PILOT PROGRAM 2011-2012

*continued*

**Scope of Work Activities, Hours, and Timeline**

**SCOPE OF WORK FOR PUBLIC ART DESIGN TEAM - PLANNING AND DESIGN PHASES  
 FINAL REPORT WORKSHEET, NOVEMBER 28, 2012**

Team Leader: Marcus Young, City Artist in Residence  
 Project Manager: Regina Flanagan, Public Art Ordinance Administrator  
 Team Artists: Lisa Elias and Brad Kaspari

		<b>PUBLIC ARTISTS (Actual Hrs - Average per Artist)</b>	<b>TIMELINE (Actual)</b>
<b>PLANNING AND DESIGN PHASE - PROGRAM &amp; CONCEPTUAL DESIGN THROUGH DESIGN DEVELOPMENT</b>			
1	Introduction/orientation meeting for team with PW staff	3	Mar. 12, 2012
2	Negotiation of artist agreements	4 hrs./Non-billable	-
3	Neighborhood meeting with PW staff introducing RSVP	2	Oct 2011 - Jan 2012
4	Team defines procedures and meets with PW staff	2	Mar. 12, 2012
5	Research/discovery for Conceptual Designs (individual and team work)	60	Mar-Aug 2012
6	Neighborhood Listening Sessions scheduled through District Councils	8	May 22 & 23, Jun 6, 2012
7	Preparation of <b>Conceptual Designs</b> (individual and team work)	20	July-Aug. 2012
8	Conceptual Design Review with PW staff	2	Sept. 10, 2012
9	Preparation of <b>Schematic Designs</b> (individual and team work)	20	Sept.- Oct. 2012
10	Schematic Design Review with PW staff	2	Via email
11	Preparation and rehearsal for Open House (team)	8	Oct. 30, 2012
12	Fact Sheet for Open House and public information distribution	-	-
13	Open House Event for Neighborhood Residents	3	Nov. 1, 2012
14	De-brief after Open House (team)	2	Via email
15	Preparation of <b>Design Development</b> including cost estimates (individuals)	20	Nov. 2 - 26, 2012
16	Design Development Review with PW staff, including all deliverables	2	Nov. 13, 2012
17	Re-design and/or refinement of designs (individuals)	4	-
18	Design Final Approval meeting (Lead and PW staff)	1	Nov. 13, 2012
19	Other: Continuous communications among team members and PW staff	10	Ongoing
<b>TOTAL HOURS</b>		<b>169</b>	

# CASE STUDY 1 – CAPITAL PROJECT RSVP PUBLIC ART PILOT PROGRAM 2011-2014

*continued*

## City Art

The Artist Team set the goal to *re-imagine streetscape elements in residential neighborhoods – to give them a visual purpose without losing their important function – and to reveal a place for beauty.*

They designed the first series of works to comprise a collection of elements – City Art – that, over time, will become part of City systems, and be adapted to different streetscape locations.

The Pilot Program included:

- South East District 1 (Battle Creek/Upper Afton)
- District 3 West Side (Page/Woodbury)
- District 11 Hamline Midway (Hewitt/Tatum and Blair/Griggs)
- District 14 Macalester Groveland (Davern/Jefferson I and II, and Prior/Goodrich).



*Rain Flowers Series.*  
Brad Kaspari © 2012

### Brad Kaspari – *Rain Flower Series*

Kaspari recognizes that rain gardens indicate a progressive attitude toward issues of water management, and also provide an opportunity for beautifying the urban street scape. His *Rain Flowers Series* of sculptures in stainless steel designed for boulevard rain gardens refer to plant forms, and how plants direct and manage rainfall.

The locations for the sculptures are determined through an opt-in process, like that used for deciding upon the locations for the rain gardens. Kaspari contacted residents with rain gardens in their boulevards, and they received a *Rain Flower* sculpture on a first-come-first-served basis.

Residents agreed to be stewards of the artwork and maintain them in exchange for receiving a sculpture.

The *Rain Flowers* are clustered along City blocks, so they become a significant visual feature along the length of the boulevard.

## CASE STUDY 1 – CAPITAL PROJECT RSVP PUBLIC ART PILOT PROGRAM 2011-2014

*continued*

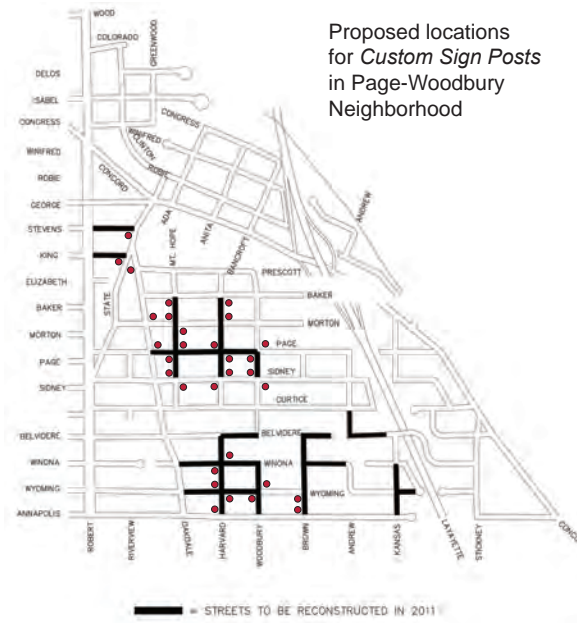
### Lisa Elias – *Custom Sign Post Series*

Elias reimagines the stop sign post, giving it a visual purpose, without losing its important function.

The forged Core-ten™ steel *Custom Sign Posts Series* reference history, nature and the community in three different designs: *Flora*, which features buds and blooms; *Nouveau*, a more formal, geometric but organic form; and *West Side Field* with grass-like plants.

Criteria for choosing locations for the sign posts include:

- intersections immediately around a park or school;
- strictly residential streets, to avoid commercial signage, and other distracting visual elements;
- mostly intersections with two stop signs;
- long segments of street, so as to create an experience across multiple intersections; and
- residential streets that have no, or a low, history of accidents.



Proposed locations for *Custom Sign Posts* in Page-Woodbury Neighborhood



Proposal drawing for *West Side Field Sign Post* for Page-Woodbury (above left) and installed *Flora Sign Post* in Macalester-Groveland (above right). Lisa Elias © 2012

### Prototypes and Final Installations

During 2012, Kaspari and Elias installed proto-types of the *Custom Sign Post Series* and the *Rain Flowers Series* to test the materials and fine-tune the designs.

In 2013, both series went into full production. Installations continue through 2014.



Brad Kaspari and Lisa Elias with Public Works staff installing her *Custom Sign Post Series*. Lisa Elias © 2012

Photo: King Studios

## CASE STUDY 2 – TEMPORARY WORK, EXPLORATORY PROJECTS, PERFORMANCES, EVENTS

### **THE UNIVERSITY AVENUE PROJECT: THE LANGUAGE OF URBANISM BY WING YOUNG HUIE PRESENTED BY PUBLIC ART SAINT PAUL**

From May – October 2010, Wing Young Huie's *Six Mile Photographic Inquiry* transformed Saint Paul's University Avenue. Hundreds of images taken of residents along the avenue were displayed in windows and on buildings.

Each night, at a projection site in a vacant lot at 1433 University Avenue, Huie's images were shown on 40-foot tall screens, accompanied by a soundtrack by local musicians. Monthly cabarets featured live community performances and media presentations.

Public Art Saint Paul was the producer and presenter of Huie's exhibition and associated events. With launching support from the Joyce Foundation, a host of foundations, individual contributors, pro-bono partners, and volunteers came together to make the project possible.

### **Site Design Process and Permits and Plans Required**

From early in project planning in 2009, Public Art Saint Paul worked closely with the Mayor's Office, City Council, City of Saint Paul's Housing and Redevelopment Authority, Department of Public Works, Office of License and Inspections and Police Department to plan for use of HRA property, ensure public safety, and address the concerns of residents in surrounding neighborhoods. The organization secured City Council approval of a noise variance.

Public Art Saint Paul engaged Steve Dietz of Northern Lights.mn to plan and design a Projection Site in a vacant car lot on University Avenue. Pro-bono support for the site's design and development was provided by Meyer, Scherer & Rockcastle Architects and from BKBM Structural and Civil Engineers. They worked with Weber Electric and Xcel Energy as well as Flannery Construction and Frattalone Companies to build out the site.

The design team focused attention on the physical site design and its temporary build-out. The projection site included a construction trailer and stacked cargo containers that housed the projection equipment, and was surrounded by a perimeter cyclone fence with two secured gates. A stage and portable toilet were installed for the monthly cabaret.

During the event's six-month period, a **site manager** supervised the site, monitored the behavior of visitors, and proved security for equipment and property during the projection site hours of operation.

The project's Event and Site Management Plan filed with the City included detailed provisions for: day security; night security; police support; safety and security strategies; emergencies; weather – storm and rain; lost parent/child; personal property; lost and found; insurance; communications; parking management; vehicular and bicycle access; visitor control; organizing and minimizing waste; portable toilets; and media and VIPs.



Wing Young Huie. University Avenue project, summer 2010.