

An Artist's Guide to the Phoenix Public Art Program



City of Phoenix



Interior view, Kyrene Monte Vista Pedestrian Bridge by Al Price.
Photo by Erin Flinton.

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INTRODUCTION

Public art is a dynamic and evolving field. As a profession combining art, urban design, civic planning, architecture, landscape architecture, civil engineering and more, public art offers complex challenges to artists.

This guide was developed by the staff of the Phoenix Office of Arts and Culture Public Art Program in response to the most frequently asked questions about the program. This guide is intended as a resource only.* The information provided here has been obtained by the staff of the Phoenix Office of Arts and Culture, other City departments, and - most importantly - from artists who have successfully completed public art commissions.

Once an artist has been awarded a contract with the City of Phoenix, the artist's primary liaison with the City of Phoenix will be with the Public Art Project Manager. All direction to and from the City will be through this person. Following the completion of the project, the artist, the Public Art Project Manager, and the Public Art Program Director typically conduct a debriefing session regarding the project to identify any areas of concern as well as successful aspects of the overall project. This information will then be recorded in the project file, and where applicable, information may be added to this guide to facilitate correction or addition of any areas of concern for future project artists.

Please forward any additional comments, suggestions and information for this guide to:
Phoenix Office of Arts and Culture
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Special thanks to the numerous artists who have contributed to the development of this guide in addition to the staff of the Phoenix Office of Arts and Culture.

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*The information contained herein is not guaranteed and is subject to change without notice. The City of Phoenix assumes no liability for the accuracy or reliability of this information. The recommendations contained herein are compiled from a variety of sources and do not constitute nor should be construed as legal advice. Artists are responsible for verifying any information contained in this document as well as seeking independent counsel.

PHOENIX OFFICE OF ARTS AND CULTURE

TYPES OF PUBLIC ART COMMISSIONS

The Phoenix Office of Arts and Culture generally commissions artists for four types of public art commission opportunities:

1) Design Team

As a member of a design team, an artist contributes to the overall design process and may identify specific opportunities for artistic enhancements, contribute to the overall aesthetic of a project, or be responsible for the overall design, in consultation with architects and engineers. Design teams are collaborative in nature and allow artists and architects or engineers to undertake projects they would otherwise not be able to accomplish on their own.

2) Site Specific (design and fabrication)

The artist is responsible for proposing a design solution, refining a final design including a complete budget and timeline, and then fabricating and installing the project. These types of projects may occur in conjunction with new construction or may be developed for an existing facility or city-owned site. Artists often subcontract portions of the fabrication and/or installation to others and are responsible for overseeing the completion of the project in keeping with their design proposal.

3) Portable Works Collection

The Phoenix Office of Arts and Culture also periodically acquires work for the City's collection of portable works. The Portable Works Collection consists of more than 800 pieces that are rotated among publicly accessible city offices and public spaces.

4) Temporary Projects

These projects are usually displayed for a limited amount of time and can take many forms including video projections, sound installation, sculpture, or two dimensional works. The site is determined with a schedule in mind prior to the artist selection.

SELECTION PROCESS

The Phoenix Office of Arts and Culture uses several methods for selecting artists for public art projects.

Open Competition

Open calls are the most widely used method for selecting artists. An open call is advertised, and anyone interested in applying for the opportunity may do so provided that they follow the specific guidelines established in the Call to Artists.

Limited Competition

A competition may be limited to Arizona artists, or to artists working in a specific medium. A selection panel may also identify specific artists to be invited to apply for a project.

Direct Selection

In certain limited circumstances, an artist may be directly selected for a project.

ARTIST SELECTION PANELS

A new selection panel is organized for each public art project. Each selection panel includes artists, arts professionals, a member of the City staff from the department funding the project, and one community member. Non-voting advisors to the panels may include members of the project's design team (architects and/or engineers) and additional City staff and/or community members.

Once a selection panel has made a recommendation, the recommendation is presented to numerous groups for review and approval. These groups include the Public Art Committee, the Phoenix Office of Arts and Culture, a City Council subcommittee, and the full City Council. The panel's recommendation may also be presented to Village Planning Committees, homeowner's associations and other groups or organizations impacted by the project.

FIRST PHASE OF SELECTION

In the first phase of the selection process, artists are typically asked to submit a limited number of slides or digital images of their past work, a resume and, at times, a preliminary one-page statement. Frequently, the Phoenix Office of Arts and Culture will schedule a pre-submission meeting for each public art project before the submission deadline in order to allow applicants to ask questions and receive additional project information. Materials sent as part of a submittal will not be returned to the artist.

Visual Materials:

Images

Visual presentation is the most important aspect of an artist's application; therefore it is important that artists submit images that are most relevant to the scope of work for the specific project application.

All images are viewed in a PowerPoint presentation. Digital images should be saved in the .jpg file format in the correct orientation for viewing. Files should be named with the artist name and image number to correspond with the image list as follows: lastname_firstname_1.jpg, lastname_firstname_2.jpg, and so forth. Images should be 200 dpi and no bigger than 600 x 800 pixels OR five inches by three inches. Images must be saved on a virus-free, PC-compatible CD-ROM sent with other application materials.

When appropriate, artists may be asked to provide images in a PowerPoint presentation rather than as individual jpegs. All PowerPoint presentations should include a simple black background and one jpeg per slide. Avoid animation or effects in the presentation as this will be deleted prior to the selection panel review. Any captions or text should be included in your written materials and left off of the slide images.

Written Materials:

Include your name on each page of written material that you submit.

Annotated Image List

The image list allows applicants the chance to provide additional information about their work. This is particularly important if an image only represents one part of a larger work or series, or if there is a kinetic or time-based element to the image. Also, artists who apply with images from a design team will need to clearly indicate what their role in the project was for the panel.

Resume

A current resume should demonstrate all past project experiences, including community work, exhibitions, commissions and anything else pertinent to the project.

Statement

Submitting a statement to a selection panel is a means of communicating specific skills and interest to a panel.

Note

Applications are processed by different people during the selection process. It is very important that you include your name on all materials submitted. Do not bind your submission into a folder or presentation sleeve, these are destroyed during submission processing. It is recommended that you keep a complete copy of your application for your records. DO NOT send original artwork.

SECOND PHASE OF SELECTION

Developing a Proposal

When an artist is selected as a finalist for a project, he/she is asked to develop a site-specific proposal that will be presented to the project's selection panel. Artists are given an honorarium for their time and effort to create proposals and present them to the selection panel.

A selection panel will often consider the appropriateness of a proposal for the site, the budget for the project, the project timeline, and the artist's availability to complete the project. The selection panel will often also consider issues of maintenance and durability. A proposal which is presented as part of the selection process is considered a preliminary proposal only.

Proposal Presentation Materials

There is no preferred method for presenting your ideas. PowerPoint presentations, models, and renderings all work well; it is an individual choice that each finalist must make. Effective proposals generally consist of a leave behind or information package that describes the proposal concept, a budget, and scale renderings and/or models that effectively convey the artist's intended approach for the project.

It is recommended that the renderings and/or models be durable, lightweight and easily transportable; the renderings and models by artists that are recommended for projects will be retained by the City of Phoenix for educational and exhibition purposes.

The City of Phoenix and the Phoenix Office of Arts and Culture assume no liability for loss of or damage to any submitted materials.

ELEMENTS OF A PROPOSAL

Below is a list of items to think about as you prepare your proposal. These points refer to the questions that an artist will be asked during the interview portion of his/her presentation:

Design Process - A summary of the process followed to develop the concept, including any public or community participation, and site or historical research.

Site Conditions - Overview of any existing or planned constraints or opportunities at the site such as building design, site layout, traffic patterns, landscaping or other specific elements as they relate to the proposed project.

Community Involvement - Plans for any input or participation by the community in the development of the project. Public participation is not a requirement but may be useful in generating community support for a project.

Lighting - A description of any new lighting or use of existing lighting to be included in the project.

Materials - Description of the materials to be used in the work, such as bronze, acrylic paint, polychrome enameled steel, high- or low-fire ceramic, etc.

Fabrication - A detailed description of the methods of fabrication, as well as any uncommon or unusual details regarding the approach to creating the work.

Installation - A detailed description of the installation procedure if the work will not be fabricated directly on-site, such as painting a mural on existing wall, installation would include the construction of any required footings or foundation, lighting, site work, transportation of the work to the site (flatbed truck or other), and final placement of the work (crane, traffic control, etc.).

Maintenance – Any unique maintenance issues that the proposal presents; this can include replacement lighting, anti-graffiti treatments, UV treatments, or other special treatments.

Safety and Liability - Safety and liability are significant factors that must be considered; any work with public access must be safe for the public to touch and interact with on some level.

Budget – The cost of time, materials, travel, insurance, taxes and any other incidental should be considered. Typically, an artist's fee ranges in the 8-12% of the total project budget.

SAMPLE BUDGET WORKSHEET

The following sample budget worksheet is intended to assist artists in developing an estimated budget for public art projects for the City of Phoenix. The following worksheet is intended as a guide only and is not necessarily inclusive of all costs which may be incurred when undertaking a public art project. Not all costs listed will pertain to every project.

ARTIST FEE

FINAL DESIGN DEVELOPMENT

Includes final proposal, engineering documents, budget and schedule.

- Hourly fee for design
- Engineering

TRAVEL

- Airfare
- Car Rental
- Per Diem

INSURANCE

(not all insurance is required for each project)

- Artwork
- Inland Marine
- General Liability
- Workers Compensation
- Automobile/Hired Vehicle

PROFESSIONAL CONSULTANT FEES

- Architect
- Structural Engineer
- Electrical Engineer
- Conservator
- Other

(Consultants must be licensed in the State of Arizona)

ADMINISTRATIVE EXPENSES

- Shop Drawings and Contract Documents
- Studio Costs
- Correspondence
- Phone/FAX
- Supplies
- Copyright Registration
- Project Documentation (in progress and completed)

MATERIALS AND SUPPLIES

(itemize all anticipated aspects and components with per unit and total cost estimates)

FABRICATION COSTS

(include and itemize all portions of subcontracted work and work to be completed by artist)

SITE PREPARATION

TRANSPORTATION

- Materials and finished work to the site
- Storage
- Other

INSTALLATION COSTS

- Labor
- Equipment (crane, scaffolding, or other)
- Base or Mounting Devices and Components
- Traffic Barricades/Control
- Off-duty police
- Landscaping
- Site Restoration
- Electrical modifications

ADDITIONAL LIGHTING

- Design
- Fixtures
- Bulbs
- Site Preparation
- Installation

PERMITS AND TAXES*

- Sales Tax
- Use Tax
- Development Services Permit

OTHER COSTS

CONTINGENCY

TOTAL

*Artists will be required to obtain a tax license from the City of Phoenix and from the State of Arizona, and may in some cases be required to obtain a bond for the payment of State taxes. Artists are encouraged to consult with a tax professional. Please see the section of this guide on taxes.

THE CONTRACT

Once an artist has been recommended for a project, the recommendation must be approved by the Public Art Committee, the Phoenix Arts and Culture Commission, a subcommittee of City Council, and the full City Council. After approval, the Public Art Project Manager will develop a draft contract for the artist for his/her review. Any changes or modifications may then be negotiated and specific changes may be made to the contract, subject to the approval of the Phoenix Office of Arts and Culture and the Law Department. Once a final draft of the contract is agreed upon, the contract will be reviewed by the Director of the Phoenix Office of Arts and Culture and the Law Department. Four copies of the contract will be forwarded to the artist for signature. The contract will then be routed for signatures within the city. The signature process generally takes between two to four weeks.

The Phoenix Office of Arts and Culture may provide copies of ordinances, regulations and guidelines referred to in the standard contract. Artists should request a copy of this information, as well as any additional information they deem relevant, to review in conjunction with the contract.

Phoenix Office of Arts and Culture staff, and any City of Phoenix employee, is unable to provide legal advice or consulting with respect to any contract. The Public Art Project Manager may, however, answer technical and/or specific questions regarding a contract, or refer questions to the City of Phoenix Law Department. Artists are strongly encouraged to consult with a legal professional qualified to provide professional legal advice regarding the contract.

Artists, especially artists that propose to work collaboratively as a team, must determine at the time of selection and prior to the award of a contract the structure under which they enter into a contract with the City of Phoenix. The most common approach is for one individual to sign the contract. The contract amount is reported to the federal government as income on a 1099 form. Some artists and artist teams sign under a corporate structure they have developed to handle their business as artists. In this case, income is reported under a federal taxpayer identification number.

If artists propose to work collaboratively as a team, both artists must either sign a single contract or an individual contract for their respective portion of the project. In some instances, one artist may elect to have their corporate business serve as the fiscal agent for the contract. In either case, each artist working on a project must waive certain rights, pay taxes on any reportable income, and be equally responsible for liabilities and warranties.

COPYRIGHT ISSUES

Copyright information is available at most public libraries or from the U.S. Copyright Office, Library of Congress, 101 Independence Avenue S.E., Washington, DC 20559. For copyright law and procedure questions, call (202) 707-5959. Artists should generally request form VA, for visual arts. Copyright information, including downloadable application forms, may also be obtained on-line at www.copyright.gov. For additional copyright information, artists are encouraged to consult with a qualified professional such as an intellectual property attorney. For referrals, you may contact:

<u>State of Arizona Bar Association</u>	(602) 252-4804
<u>Community Legal Services</u>	(602) 258-3434
<u>Maricopa County Lawyer Referral Service</u>	(602) 257-4434

Additional Copyright Resources:

<http://www.art-support.com/copyright.htm>
<http://www.artslaw.org>
<http://www.nolo.com>
<http://www.finelaw.com>

INSURANCE

Artists are required to acquire and retain specific insurance coverage throughout the life of a commission while under contract to the City of Phoenix.

Any work placed in public right-of-way or other publicly-accessible spaces is subject to potential litigation from third parties. While commissioning agencies generally accept title, and therefore maintenance and liability, for works of art upon completion, there is no form of legal protection against an artist being named in a lawsuit by a third party. One purpose of professional liability insurance is to protect the holder of the insurance policy from loss related to actual or alleged losses attributable in any way to the work of the policy holder.

While artists are not required to carry insurance coverage beyond the life of the contract for a commissioned work of art, it may be advisable to retain coverage in order to protect against any potential future loss. Many artists incorporate under a limited liability corporation in order to protect against the loss of personal assets

LIABILITY AND WARRANTIES

The contract lays out the obligations and responsibilities of both the artist and the City and helps to clarify the potential issues related to liability. As an artist, you may be personally liable for personal injuries and unforeseen occurrences that damage work during fabrication. Both of these can be guarded against with the proper insurance. You might also be liable for failure to complete your project on time.

Typical contractual requirements of an artist's warranty are:

- 1.) Performed in a workmanlike manner and that the work will be free of defects in workmanship or materials, and that the artist will, at the artist's own expense, remedy any defects due to faulty workmanship.
- 2.) Warranty provided to the artist by the subcontractor shall be no less than one year.
- 3.) Art work will not require maintenance substantially in excess of that described in the maintenance recommendations.
- 4.) Art work will not contain sharp points or edges that the City deems a danger to the public.
- 5.) That the art work is solely the result of the artistic efforts of the artist, and that it will be installed free and clear of any liens, claims or other encumbrances.
- 6.) The artwork is unique and an edition of one and does not infringe on any copyright.

Passing of Title:

After the final approved inspection of the completed artwork, and once all outstanding terms of a contract are met, the City assumes liability for the completed project. If someone sues for damages, the City often assumes this responsibility, contingent on all the aforementioned points 1-6. The artist still can be sued and in general it is a good idea to carry insurance longer than the term of the project fabrication/installation, as a standard business would carry insurance.

SAMPLE INVOICE FOR DESIGN TEAM OR OTHER HOURLY SERVICES

HOURLY BILLING STATEMENT

Requests for payment must include a detailed description of services provided and time spent per activity. Hourly summaries should be rounded to the nearest quarter hour. Hourly billing statements should be completed and submitted monthly.

MONTH

DATE	DESCRIPTION OF ACTIVITY	HOURS	HOURLY BILLING
TOTALS			
TOTAL DUE			

IDENTIFYING VENDORS AND SUPPLIERS

The City of Phoenix maintains a directory of Women and Minority Owned Businesses that are certified and registered to do business with the City of Phoenix. The directory is regularly updated. These businesses provide a wide range of services including travel arrangements, concrete work, fencing, barricading and general contracting. Artists are encouraged to utilize the directory to identify and obtain services for public art projects. The directory is available on-line at:

<http://phoenix.gov/CERTIFY/index.html>

As a government agency that is part of the City of Phoenix, the Phoenix Office of Arts and Culture is unable to endorse or recommend specific vendors, suppliers, contractors, engineers, architects or other non-City professionals to artists.

PROFESSIONAL ORGANIZATIONS

The following professional associations and organizations are listed as potential resources:

<u>American Institute of Architects (AIA)</u>	(202) 626-7300
AIA Arizona (State Chapter)	www.aia.org (602) 252-4200 www.aia-arizona.org
<u>American Society of Landscape Architects (ASLA)</u>	(202) 898-2444
Arizona ASLA	www.asla.org www.azasla.org
<u>American Institute of Certified Planners (AICP)</u>	(312) 431-9100
Arizona AICP	www.planning.org/aicp (602) 866-7188 www.azplanning.org
<u>Arizona Society of Professional Engineers</u>	(602) 995-2187
	www.azspe.org
<u>Better Business Bureau of Central/Northern Arizona</u>	(602) 624-1721
	www.arizonabbb.org

The Business Journal (magazine)

(602) 230-8400

Produces a ranking of top area businesses called the *Book of Lists* that is available for purchase.

Registrar of Contractors

(602) 542-1525

www.rc.state.az.us

Licenses all contractors in Arizona, including but not limited to general contractors, plumbers, and electricians, a list of all state licensed contractors, update weekly, can be downloaded at no cost.

State of Arizona Board of Technical Registration

(602) 364-4930

www.btr.state.az.us

Licenses architects, landscape architects, and engineers, and can provide information on a particular company or licensee as well as any complaints on file. The State Board can also provide a listing of license holders for a fee.