



ADMINISTRATIVE DIRECTIVE

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I. PURPOSE OF A PUBLIC ART PROJECT PANEL

- A.** The Public Art Project Panel is responsible for recommending to Arts Foundation for Tucson and Southern Arizona (AFTSA) Public Art & Community Design Committee the artist or artists to provide design services or to create artworks. The Panel must consider appropriateness of the content of the artwork, design and materials of the artwork, potential risk issues, expense of maintaining and operating the artwork, and demonstrated commitment to engage in the public involvement process.
- B.** The Panel will be convened as many times as necessary throughout the project and specifically to:
1. Review the completed design.
 2. Recommend any changes to the design based on their expertise and the response to community input.
 3. Recommend that the artist proceed to production when satisfied that all design issues have been resolved and that the Public Involvement Plan has been implemented.

II. POLICY

- A.** For public commissions, artists shall be selected to provide design services and/or create artworks on the basis of their qualifications to provide services or create artworks appropriate to the project. Artists shall be selected by open competition.
- Where the budget for artwork is more than the competitive bid threshold, an open competitive Call to Artists shall be issued.
- B.** For Capital Improvement Projects (CIP), where the budget for artwork is less than the competitive bid threshold or for temporary exhibits, artist shall be selected from the roster of pre-qualified artists, which have been selected by an open competition. Artists may be selected by an open competition if the sponsoring department and Arts Council determine that this process is preferable to using the roster of pre-qualified artists.
- C.** For grant funded projects such as Transportation Enhancement, Back to Basics, or Community Reinvestment funds where the budget for artwork is less than the competitive bid threshold, artist shall be selected from the roster of pre-qualified artists, which have been selected through open competition, potentially with consideration of additional artist recommendations made by the grant recipient, determined to be the entity stated on the grant application. The grant recipient must provide the artist information as requested in Calls to Artists to the Tucson Pima Arts Council for Panel consideration. Artists may be selected by an open competition if the sponsoring department, Arts Council, and grant recipient determine that this process is preferable.



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- D. In instances where the artist commission is less than the small dollar threshold, an artist may be invited and thereby selected for the project. Artists may be selected from the roster of prequalified artists or by a recommendation of members of the Public Art Selection Panel. All artists recommended by the Panel must provide the artist information requested in Calls to Artists for Panel consideration.

III. NEW SELECTION PANEL FOR EACH ART PROJECT

AFTSA shall convene a new Public Art Project Panel for each art project based on the prescribed composition in the Public Art Selection Policy.

IV. COMPOSITION OF THE PUBLIC ART PROJECT PANEL

- A. AFTSA will seek and accept throughout the community recommendations for potential Public Art Project Panel members. The number and composition of the Public Art Project Panel shall be part of the Public Involvement Plan and shall include stakeholders and/or stakeholder representatives determined in consultation with the appropriate Mayor & Council Office.
- B. The Panel will be comprised of an *odd* number of participants, contain a *minimum* of seven members, and shall have, as a minimum, representatives from the following:
1. One (1) visual art professional who is knowledgeable about the discipline or project scope of the project. Such person may be an art critic, collector, educator, etc.
 2. One (1) person representing the City Department sponsoring the art project.
 3. Two (2) persons who are working artists not interested in applying for the art project.
 4. Three (3) representing involved stakeholders of the art project. Stakeholders may include neighborhood representatives, facility user groups, project designer(s) & architect (s), and departmental support groups.
- C. Also added to the Panel shall be representatives, selected by neighborhood associations or recommended by the ward office of the neighborhoods adjacent to the proposed artwork. The addition of these representatives or other appropriate neighborhood representatives may expand the Panel beyond seven members.



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V. **ADVISORS**

Individuals whose knowledge and experience could enhance the Panel's ability to select an outstanding artist and/or artwork may advise Public Art Project Panels. If not selected as a member of the Public Art Project Panel, the project manager, architect or engineer may act as an advisor to the Public Art Project Panel.

VI. **CONFLICT OF INTEREST**

The provisions of A.R.S. Title 38, Article 8, "Conflict of Interest of Officers and Employees," apply to all decisions and transactions made by selection panels. City of Tucson Administrative Directive 2.02-5 Rules of Conduct provides additional guidance in this area.

VII. **CALL TO ARTISTS**

A. **Call to Artists** – Depending on the nature of the art project, a Call to Artists may be either:

- Request for Proposal (RFP) – artist is retained to propose artwork, or
- Request for Qualifications (RFQ) – artist is retained to work on a design team.

B. **Notification** – The appropriate Ward Office and the City Manager's Office shall be notified by the project manager when funding for a CIP project with an art component has been identified and the project is being implemented.

C. **Initiation of the Call to Artists** – To initiate the Call to Artists, the public art staff and the project manager shall meet with the stakeholders and/or stakeholder representatives and/or additional project consultants as appropriate to the project. At this meeting, AFTSA's public art staff will solicit input for the scope of work of the Call to Artists, which may include input concerning community culture, pertinent history, interests and aesthetic preferences of the stakeholders.

D. **Development of the Scope of Work in the Call to Artists** – The information and input gathered in this or these meetings should be incorporated into the scope of work for the Call to Artists as well as the role and responsibility of the selected artist in the Public Involvement Plan. The Call to Artists may suggest possible themes, concepts, and/or materials to be used in the public art project as well as define the nature and context of the improvement.

VIII. **SELECTING THE ARTIST PROCEDURE**

A. **Public Art Project Panel's Responsibility** – The Public Art Project Panel is responsible for selecting an artist to be recommended to provide design services and/or create artwork. The process of selecting artists and artwork for both eligible CIP projects and discretionary projects must adhere to the guidelines detailed below.



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- B. Public Art Staff** – AFTSA’s public art staff shall assemble and facilitate Panel sessions, which shall be open to the public. The staff shall provide instructions to the Panel describing its duties and review the scope of work as described in the Call to Artists.
- C. Review Process** – The Panel shall review the artists’ submissions and select the finalists. The Panel shall select finalists based on prior artwork, written statements, and/or ideas or approaches for the project that are consistent with the scope of work in the Call to Artists.
- D. On Site Meeting with Finalists** – In certain circumstances, it may be desirable for the public art staff to call a meeting of the finalists at the site of the artwork prior to finalists developing their presentations. This meeting may include some or all involved stakeholders and have as its purpose the further clarification of site requirements and stakeholder expectations.
- E. Presentation by Finalists**
1. The finalists may prepare artwork proposals for presentation to the Panel during a meeting that is open to the public. Under some circumstances, the Panel may interview artists without requiring specific artwork proposals. Finalists’ proposals may be displayed at public venues such as libraries, neighborhood centers, or council offices with comment cards made available.
 2. As part of his or her proposal, each finalist shall prepare a budget. Project costs may include:
 - a. The artist’s fee
 - b. Labor of assistants, materials, and contracted services required for the production and installation of the artwork
 - c. Permit fees, as required
 - d. Business, insurance, and legal costs directly related to the project
 - e. Costs for community outreach
 - f. Transportation and travel expenses, if any
 - g. Possible costs associated with site preparation and installation
 - h. Any applicable taxes.
- F. Public Input** – All Panel meetings shall be open to the public and public input will be solicited.



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G. Artist Selection

1. Each Panel member shall have one vote, and no member shall have the right to veto. In the absence of unanimity, a majority shall carry the decision.
2. The Panel shall have the option of making no selection. If the Panel decides that the proposals presented by the finalists are not acceptable, the Panel may ask the finalists to submit new proposals. If the Panel does not recommend asking artists to submit new proposals, AFTSA will initiate a new selection process.

H. Risk Assessment – During the selection process, the public art staff will submit the Panel’s recommendation to the City’s Risk Manager. The Risk Manager shall review the proposed artwork from a public safety standpoint and shall submit his report, in writing, to the public art staff.

I. Formal Vote – The Panel’s recommendation shall be submitted to AFTSA’s Public Art & Community Design Committee, and, if approved, shall be recommended to AFTSA’s Board of Directors for review and approval.

J. Memorandum to the Ward Office and the City Manager

1. Once approved by AFTSA’s Board of Directors, the public art staff shall assemble the chronology of the selection process to date, the selected artist’s resume, artwork concept proposal or approach, and the written statement from the City’s Risk Manager.
2. These materials shall be transmitted to the appropriate Council Member who, following his or her review shall provide AFTSA with a written concurrence of the process and selected artist or a written list of objections to the process and the selected artist.
3. After concurrence has been obtained from the Council Member, the same packet of information including the concurrence from the Council Office shall be transmitted to the City Manager. The City Manager shall review these documents and, if he or she finds all in order, shall concur that the public art policies and procedures, including the Public Involvement Plan, have been followed.
4. If the City Manager does not concur, he or she may provide AFTSA with a written list of objections or may prepare a Mayor and Council Memorandum detailing his or her objections and a recommended course of action for the Mayor and Council to consider.



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- K. **Notice to Contract** – After the final approval, AFTSA’s public art staff will work with the Procurement Department to prepare a contract with the artist.

IX. **DEVELOPING THE CONTRACT WITH THE ARTIST**

- A. **City Contract Development** – After an artist has been selected and approved, the contract with the artist can be developed. The City contract is prepared in collaboration with the AFTSA’s public art staff, the project manager, the artist and the City’s Procurement contract officer assigned to public art contracts.

B. **Terms**

1. The city contract may include the following items:
 - a. Description of the art elements
 - b. Schedule for the design and production of the artwork
 - c. Payment arrangements based on the artist’s budget, which has been reviewed by AFTSA’s public art staff and project manager
 - d. Responsibilities for site preparation and installation of the artwork
 - e. Terms and conditions of ownership of the artwork and any associated models insurance coverage required by the City.
2. The City contract shall specify the artist’s roles and responsibilities in meeting the stakeholder involvement goals outlined in the Public Involvement Plan.
3. The City Contract shall specify the payment milestones.

C. **Execution of the Contract**

1. Following the City Manager’s concurrence (see Section VII, Selecting the Artist), the City’s Procurement Department shall execute the contract and issue a purchase order. The Procurement Department shall send copies of the executed contract and the purchase order to the project manager and to AFTSA.
2. Following the execution of the contract, the project manager shall be responsible for issuing all Notice to Proceed letters to the artist with a copy to AFTSA.

X. **PRODUCING THE ARTWORK PROCEDURE**

- A. **Contract Oversight** – The funding department shall be responsible for implementing the contract. When executing the City contract and producing the artwork, the requirements described below must be met.



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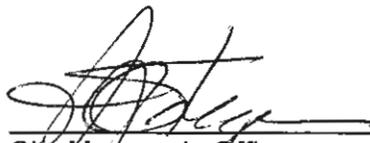
- B. Certification** – AFTSA public art staff shall be responsible for inspecting the art project at required intervals to certify progress and authorize payments to the artist as scheduled in the contract. The project manager shall certify that all requirements established by the City’s Risk Manager are met.
- C. Installation** – The project manager shall coordinate on-site activity in conjunction with the artwork installation. AFTSA’s public art staff shall serve as a resource to the project manager and to the artist in all matters relating to installation of the artwork.
- D. Dedication** – At the completion of the artwork installation and when appropriate, a public celebration or dedication will be planned and coordinated by the project manager, AFTSA, and stakeholders. At any dedication or celebration event, AFTSA shall make the presentation of the public art component.
- E. City Acceptance**
 - 1. The artist must submit to AFTSA a maintenance protocol before the City accepts the artwork. AFTSA shall forward the completed protocol to the project manager who shall prepare a letter of acceptance to the artist. A copy of that letter shall be attached to the final payment request that releases the retainage to the artist(s) and another copy sent to the City Accounting Division.
 - 2. By using Public Art Fixed Asset Form (Attachment 1), the City Accounting Division shall request the necessary information from AFTSA’s public art staff and the department’s project manager to place the artwork on the City asset register. Once on the City’s asset register, the artwork becomes part of the City’s Public Art Collection and subject to all the inventory procedures and maintenance guidelines.

Appendices Attachment 1 – Public Art Fixed Asset Form
Attachment 2 – Instruction for Completing “Public Art Fixed Asset Form”

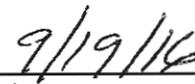
References None

Review Responsibility and Frequency The Deputy City Manager will review this directive annually, based on date of publication. Last review date: September 8, 2016.

Authorized



City Manager’s Office
Michael Ortega



Date

PUBLIC ART FIXED ASSET FORM

Type: _____

Title of Artwork: _____

Medium: _____

Artist Name: _____

Edition Number of Signed Work: _____

Size of Artwork: _____

Location: _____

Acquisition Method: _____

Date of Purchase/Receipt: _____

Purchase Order Number: _____

Amount of the Contract: _____

Valuation Amount: _____

Responsible Department: _____

Contact Person: _____

Additional Comments: _____

Fixed Asset Number: _____ (For Accounting Use Only)

Instruction For Completing “*Public Art Fixed Asset Form*”

Type: The art form such as painting, sculpture, prints, photographs, mixed media, etc.

Title of Artwork: The title that the artist has given the artwork.

Medium: The material used to create the artwork such as wood, metal, concrete, oil or acrylic paint, etc.

Artist Name: The name of the artist or artists that created the artwork.

The Edition Number of Signed Artwork: The number assigned by the artist to the edition of the artwork purchased by the city.

Size of Artwork: The dimensions of the artwork and whether the artwork was purchased framed or unframed.

Location: The exact location of the artwork. Example: The Mayor’s office, 10th floor City Hall, Room Number XXX.

Acquisition Method: The method by which the artwork was acquired; i.e. was the work commissioned through the city 1% for Art Program, through departmental discretion, or was the artwork a donation to the city’s collection.

Date of Purchase/Receipt: The date on which the City accepted a piece of commissioned artwork or the date on which the City received the artwork as a donation.

Purchase Order Number: The Purchase Order Number used to purchase the artwork.

Amount of the Contract: The total amount for the purchase, which includes the design, production and installation of the artwork. If applicable, the amount should also include freight for shipping and/or framing the artwork.

Valuation Amount: In the case of donated artwork, the amount shall be the appraised market value of the artwork at the time it is donated to the city.

Responsible Department: The city department that commissioned or received the donation of artwork.

Contact Person: The person to contact in the city department for further information on the artwork.

Additional Comments: This area can be used for additional relevant information about the artwork.

Fixed Asset Number: For Account Department use. The department will assign a Fixed Asset System number by which the artwork will be identified in the annual fixed asset inventory.