

PERCENT FOR ART PROGRAM IMPLEMENTATION PROCEDURES

These policies govern the implementation of the Chapel Hill Percent for Art Program, as called for in Ordinance No. 2002-03-04/O-1, enacted by the Chapel Hill Town Council March 4, 2002, the Resolution Regarding the Establishment of the Chapel Hill Public Arts Commission (CHPAC) enacted by the Chapel Hill Town Council April 14, 2003 and the establishment of the Office of Public Arts (Office) enacted by the Chapel Hill Town Council, January 8, 2008.

PROGRAM ROLES AND RESPONSIBILITIES FOR ARTIST SELECTION

Office of Public Arts

The Office of Public Arts will organize, facilitate and manage all public art commissions funded through the Town's Percent for Art program in consultation with the CHPAC, a Council-appointed citizen's advisory committee. The CHPAC in coordination with the Office of Public Arts (the Office) shall identify and recommend to the Chapel Hill Town Council Percent for Art projects, proposed gifts of artworks to be accepted into Town collections, and works recommended for deaccession. The Office will manage artist selection and implementation processes; develop and administer programs and forums for community education about public art projects in the Town of Chapel Hill and elsewhere; assist selected public artists with project research and community relations; and maintain an archive of public art projects in the Town of Chapel Hill. During selection processes, the Office will note whether a newly commissioned work duplicates or complements the Town's permanent public art collection.

Artist/Art Selection Committee

The Office shall determine whether the scope of the project and the number of expected applicants warrant a single stage (Artist Selection Committee) or a dual stage (Artist Recommendation, then Artist Selection Committees). One to two CHPAC members will be invited by the Office to serve on the Artist/Art Selection Committee. Commissioners may also be asked to chair the Committee. Note: for projects that attract more than 30 candidates or are recommended for a limited artist "call," it is recommended that the two stage system be employed. Depending on the process, the tasks of the Artist/Art Selection Committee are to assist the Office in drafting the criteria for artist selection, which will be articulated in the formal call for artists along with a comprehensive description of the proposed scope of services; interview and select an artist, artist team, or consultant; recommend the selection of an artist/artist team for a specific project or commission and/or artwork for purchase by the Town of Chapel Hill; and may participate in oversight responsibilities of conceptual design, reviews, fabrication and installation of public artwork(s). In cases where an Artist Recommendation Committee is warranted, the work of the Recommendation and Selection Committees will overlap. All meetings of either Committee will be open to the public and each other's membership. All statements of interest and qualification will be available for review during all meetings.

Artist Selection Committee

The Office will appoint Committee members and oversee the selection process. The Committee will be comprised of one to two representatives of the CHPAC; a designee of the Town Council; a designee of the Town Manager; community residents; designated project architect, landscape architect, or development representative(s) if applicable; and representative(s) from appropriate Town department(s) where the project will be sited and outside arts professionals. For cases where the proposed project site is not supported or maintained by a particular Town department or agency, it is recommended that the CHPAC solicit additional participants.

The Art Selection Committee will first be convened to develop or review the public art project guidelines, criteria for selection of artist/artist team and/or artwork, and/or to assist the Office in drafting the call for artists. The Committee will meet to make selections of artist/artist team finalists for interviews once the Office has reviewed qualifications and references. In its final meeting(s) the Committee will interview artists/artists teams and then to make its selected recommendation to the CHPAC.

Artist Recommendation Committee

In projects of appropriate size and scope, the Recommendation Committee will be comprised of two to five arts professionals, at least one CHPAC member, and the primary project representative. In cases when there is not an apparent client, a representative of the appropriate Town board or Commission will be invited to join the Committee. The number of arts professionals on this committee will be determined by the number of submissions received and the size of the project. Arts professionals will be appointed to the Committee who possess knowledge of visual art, art history, architecture, landscape design, and/or arts administration. Arts professionals, with the exception of the CHPAC representative, may be offered an honorarium for their time. Arts professionals who are asked to serve on the Committee must be impartial and without interest in the outcome of the recommendation and/or selection.

The responsibility of the Recommendation Committee is to systematically review each statement of qualification and interest in its entirety as submitted by the artists/artist teams. This committee will create a short-list of a minimum of eight (8) and a maximum of fifteen (15) artists/artist teams qualified for the project. Once the short-list has been made those short-listed candidates are then submitted to the Selection Committee for review.

Selection of Artist/Artist Team

Following the recommendation of the Recommendation Committee, the Selection Committee will convene or reconvene to review artist portfolios and decide which of the short-listed artists/artist team will be invited for interviews. The Office will interview each artist/artist team by telephone or email according to a uniform set of questions and will contact professional references and/or project managers with whom the artist/artist team has worked. Members of the Recommendation Committee may be invited to participate in this interview and selection process as non-voting advisors. The designated project architect or landscape architect will also participate but only in an advisory capacity. It is anticipated that during this phase of selection, the Selection Committee may need to conduct meetings over several consecutive days. These guidelines recommend that the Selection Committee conduct interviews and make a final selection on separate days. The Office will develop score sheets based on the project criteria for Committee members to use. While the final decision may be based more on discussion than aggregate or average scores, the score sheet will remain an official record of voting.

Should the Selection Committee have difficulty in reaching a significant majority of votes in favor of an artist/artist team, discussion of individual strengths and weaknesses will be contrasted and evaluated against specific selection criteria, and the opinions of arts professionals and the project architect and/or project landscape architect may be solicited.

PROGRAM ROLES AND RESPONSIBILITIES DURING DESIGN

The Public Arts Office / Town of Chapel Hill

Throughout the life of a public artwork commission, the Office shall be the primary contact for the artist and will be responsible for the administration of all phases of work (contract negotiation, preliminary design, final design, cost estimation, fabrication, delivery, installation, maintenance schedules and procedures, project documentation, title to artworks, artist compensation, and copyright licensure.)

The Office will assist the artist/artist team to ensure that the project is successfully completed. The Town of Chapel Hill will review and sign a contract with the artist/artist team and appoint a project manager from the Town staff to serve as a liaison to the Office. Office / Town of Chapel Hill will advise the artist/artist team regarding materials' maintenance because the Town will care for and maintain the artworks in its collection.

CHPAC

The CHPAC is an official Council-appointed citizen's advisory board to the Town of Chapel Hill. Throughout the various phases of a Percent for Art Project, CHPAC is apprized of project information from the Office and recommends actions to be taken by the Town Council. CHPAC members serve on the Recommendation and/or Selection committees.

Artist/Artist Team

The artist/artist team will collaborate with the Office throughout the life of the project. It is expected that the artist/artist team will complete work according to the following phases of design: preliminary/conceptual design, final design development, fabrication, delivery and installation, release of title to the Town of Chapel Hill, and documentation of artworks. A standard Chapel Hill Percent for Art contract shall prevail. The artist/artist team shall be available to review each phase of design and cooperate with designated project representatives. The artist may not be employed by or related to a member of the prime consultant's firm, employed by the Town of Chapel Hill, or be a member or related to a member of the CHPAC. The Town of Chapel Hill's Conflict of Interest Policy shall govern all financial arrangements and transactions among the CHPAC, the Town, and the artist/artist team.

The artist/artist team will provide the Office with instructions and a schedule for the proper maintenance of the public artwork. The artist/artist team will be contractually obligated for any remedial maintenance necessary less than two years from the date of acceptance of the artwork by the Town of Chapel Hill.

Oversight Committee

In projects of sufficient scope, magnitude and/or scale, or when requested by the Office, the artist/artist team, and/or the Town, an Oversight Committee will be established to monitor all work by the artist/artist team under the terms of the contract. The Oversight Committee will be comprised of individuals whose department or agency is directly affected by the public artworks, a designee of the Town Manager's office, the CHPAC, and the architect- or landscape architect-of-record, if applicable. This Committee will meet on a regular basis with the artist/artist team and serve as a preliminary review and acceptance panel for all proposals and approvals prior to the commencement of the next phase of work. The Oversight Committee will be charged with recommending appropriate communication procedures to inform department or agency staff about the progress of the project(s) as well as alert the artist/artist team of any potential complications associated with the design, fabrication, delivery and/or installation of the public artworks. The Oversight Committee makes phased approval recommendations to CHPAC, who in turn recommends an action be taken by the Council.

PROJECT IDENTIFICATION

Annual Public Art Plan

Annually, the CHPAC in coordination with the Office will present to the Chapel Hill Town Council recommended projects for Percent for Art funds and commissions. To determine whether a project qualifies as a Percent for Art project, the CHPAC shall review the proposed Capital Improvement Project (CIP) list and evaluate the appropriateness of any particular project for either the purchase of a work of art or a site specific, original artwork. The Annual Public Art Plan will thus identify specific sites for public artworks whether purchased or commissioned. The Annual Public Art Plan will be presented to the Town Council during its annual budgeting process in the spring. When the Town Council has adopted a budget that reflects the Plan as recommended or amended, then the Plan shall guide Percent for Art efforts begun in that fiscal year. The Annual Public Art Plan will also contain recommendations for the maintenance and conservation of works of art in the Town's collection.

The Town of Chapel Hill will maintain accounts eligible to receive and hold grants, gifts, and other revenue received by the Town and/or the Office for the acquisition, selection, establishment, maintenance and/or deaccession of works of public art, as well as accounts established for each separately identified percent for art project. Upon approval by the Town Council, each approved Percent for Art project will have a separate line item for public art in the overall project account. These accounts will be administered by the Finance Department of the Town of Chapel Hill. It is also

understood that the annual budget for the Town of Chapel Hill shall note all capital improvement projects and their annual allocation; the CHPAC will cite in the Annual Public Art Plan any recommended use of account balances, which are derived annually as one-percent from all eligible Capital Improvement Projects less those line items identified as site specific.

Purchase or Receipt of Gift

An artwork that already exists may be purchased or accepted as a gift for a specific site. The artwork may be by a living or deceased artist. The artwork may be purchased or received from the artist, his/her estate, a gallery, or a collector. Proposed gifts to the Town of works of art, or of funds for the acquisition of works of art, will be reviewed by the Office and CHPAC and will be subject to the Gift Review Policy. Final decisions on the acceptance of gifts of artwork by the Town shall be made by the Town Council, as specified by the Town Council's policy on acceptance of gifts.

Conservation

If an artwork already exists at the site of the overall capital project site, the Office may elect to restore or conserve that artwork instead of commissioning or purchasing a new work.

Project Approvals and Organizational Processes

All acquisitions, deaccessions and Percent for Art artists must be presented to and recommended by CHPAC and approved by the Town Council. A quorum must be present at a duly called meeting of the CHPAC. Recommendation shall be according to CHPAC bylaws. Prior to the CHPAC's review of a proposed project and/or acquisition, technical feasibility and maintenance acceptability will be investigated and recommended by the Office and other project consultants with knowledge of the project site. In cases when there is collaboration with another organization or government, it is understood that both entities need to approve the artist, acquisition, or project.

Following CHPAC recommendation, the recommended artist/artist team, acquisition, deaccession must be authorized by Town Council. Upon authorization, a contract for commission, purchase or use of Percent for Art funds will be executed by the Town Manager in cooperation with the Office. Preliminary drafts of contracts will be written by the Office in consultation with the artist/artist team.

PROJECT IMPLEMENTATION

Methods for Selection of Artist/Artist Teams and/or Artworks

An artwork may be commissioned for a site using a variety of methods. Open competitions will be widely publicized. Announcements will inform artists of the method of selection and of submission requirements. These methods will include, but not be limited to:

Request for Qualifications (RFQ): Artists are asked to submit slides and/or examples of their previous work and professional history;

Limited call: Artists identified by the Office and CHPAC are invited to submit qualifications and/or site specific proposals;

Request for Proposals (RFP): Artists are asked to submit a detailed proposal for a specific site. The Office will determine the amount of an honorarium to give an artist/artist team to develop a proposal; no artist/artist team will be asked to work on behalf of the Town of Chapel Hill without compensation. All proposals requested by the Office for a Percent for Art commission will be delivered in a standard and uniform manner as determined by the Office and presented to the artist/artist team in writing. The Office will set dimensions for all presentation boards, font size, length and subject for all written materials, artist/artist team biographical information, professional experience, and design statements. Three-dimensional proposals will similarly adhere to predetermined standard formats.

Design Processes and Approvals

The following typical phases of design, fabrication, and installation shall guide all Percent for Art projects.

Scope of Preliminary Design

Once an artist/artist team has been selected and a contract executed, the artist/artist team will work with the Office to complete a scope of services that will include, but not be limited to, the identification of any special studies relevant to the successful execution of the artwork(s) and all necessary consultants to the artist for the project; design documents that fix and describe the size and character of the artworks with respect to their relationship to the project site(s); a preliminary fabrication and installation schedule that considers any new or renovated building construction; scaled drawings; a written statement describing the concept for the artworks; colored drawings or computer-generated color images in plan and elevation, and/or three-dimensional models of the proposed artwork(s). This work will be presented by the artist/artist team and reviewed by the Office, CHPAC, and the Oversight Committee, if applicable as well as any other relevant parties identified in the contract. The artist/artist team will also present and review this work with public constituencies as recommended by the Office, CHPAC, and/or Oversight Committee.

Scope of Final Design

Upon written approval of Preliminary Design, and as defined in the artist's/artist team's contract, the artist/artist team may commence Final Design. Final Design documents shall consist of detailed drawings of the artwork(s) showing material selections and finish specifications; final color and material samples; proposed methods of fabrication; a cost estimate that details the final costs associated with completing the artwork(s), including design, fabrication, transportation, delivery installation, and post-installation maintenance of the artwork(s) as recommended by the artist/artist team; a written final recommendation of all of the required processes; and an estimate of annual costs to maintain the artwork(s) in "like new" condition in the climate and environment of Chapel Hill, North Carolina. Such an estimate should include but is not limited to labor-hours for typical custodial/grounds workers, materials, special equipment and attention or inspection by art experts; and a written description of the artwork(s) appropriate for public dissemination. Any necessary building code review will be completed during this phase of work. Final Design drawings shall also detail all interface between the artwork(s) and building architecture, structure, mechanical electrical & plumbing systems, and other construction elements as may be required. The artist shall present the above deliverables to the Office for review and approval, and review this information with public constituencies as recommended by the CHPAC.

Scope of Fabrication Services

Upon written approval of Final Design, and as defined in the artist's/artist team's contract, the artist/artist team shall commence Fabrication of the artwork(s). Services to be completed during Fabrication include final schedules for delivery and installation of the artwork(s); coordination with the project architect and/or the Town should new construction or renovation be occurring at the public art site; and drawings that will illustrate the support system(s) for the artwork(s) and the building structure to which the artwork(s) will be attached (the artist/artist team shall be provided with all relevant specifications and construction drawings for those sites where the artwork(s) will be installed) It is understood that the artist/artist team will fabricate or cause to have fabricated artwork(s) in accordance with previously approved design proposals; any significant change or deviation in the scope, design, color, size, material, texture, or location of the artwork(s) must be approved by the Town and CHPAC in advance and in writing. The artist/artist team is expected to provide progress reports and photographic documentation of the work(s) to the Office and the Town at 50% and 75% completion.

Delivery and Installation

The artist/artist team is responsible for providing detailed descriptions and installation instructions for the artwork(s), including recommended equipment and site preparation. The artist/artist team will supervise or cause to be supervised the packing, crating, and transportation of the art to the

project site(s). The artist/artist team will oversee the installation of the artwork(s) in accordance with previously approved delivery and installation schedules. This work shall be coordinated with the Town and any on-going construction at the project site(s), if applicable. All artwork(s) commissioned or purchased by the Town at the recommendation of the CHPAC shall be free of liens.

Documentation

The artist/artist team shall provide the Office a completed Materials and Installation Specifications Document and a set of three different views of each of the Artwork in the .TIF digital format at a resolution of 3,000 pixels by 2,400 pixels. If such products are not of sufficient quality to serve as a guide to future conservation, the Office may require that they be resubmitted.

Contractual Obligations

The contract between the artist/artist team and the Town of Chapel Hill shall articulate compensation and payment schedules; title obligations; warranties; insurance thresholds; indemnification clauses; notices of and procedures for termination; suspension of performance; delays; copyright provisions; credits; repair and maintenance; waivers; governing law; assignment; amendments; non-discrimination clauses; mediation remedies; and other articles as deemed relevant and necessary by the Office, the artist/artist team, and/or the Town of Chapel Hill.

PUBLIC INFORMATION FORUMS

From time to time during the life of the public art project it may be advisable for the CHPAC or Office to hold public forums concerning proposed designs for public artwork. Opportunities to solicit public opinion and response should be taken advantage of. If objections to the artwork concepts are raised during a public review of a proposed project, these comments will be taken into consideration by the artist/artist team, the Office and the CHPAC. These concerns may result in the redesign of the artwork or its concept.

MAINTENANCE

Every year, the Office will conduct thorough site visits to each work of art in the Town's collection commissioned or acquired through this Percent for Art program. The Office will document any necessary and substantive maintenance. Maintenance includes, but is not limited to, damage; deterioration from environmental factors or time; structural problems that compromise the integrity of the work; or cleaning. The Office, in consultation with the artist/artist team if living, may recommend the employment of a professional arts conservator with whom a contract will be executed.

DEACCESSIONING

Review of the status of a public artwork will be the responsibility of the Office. Issues of removal and relocation will be undertaken cautiously, and in accordance with the Town's deaccession policy. The Office and CHPAC will seek to protect the integrity of the artwork and the process that brought it into being, while keeping in perspective reasonable rights of the community, owner, and the artist.

GLOSSARY

For the purpose of successfully implementing these procedures, the following definitions shall apply unless otherwise specifically stated. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular, and words in singular number include the plural.

Aesthetic

Psychological and sensory responses to the idea of beauty.

Artist

A professional, fine artist usually, but not necessarily, trained in the visual arts.

Artist-Art Review Committee

The Review Committee will be comprised of two to five (2-3) arts professionals who possess knowledge of visual art, art history, architecture, landscape design, and/or arts administration; a representative of the CHPAC with similar knowledge may join this committee. Arts professionals who are asked to serve on the Committee must be impartial and without interest in the outcome of the recommendation and/or selection, and may not be associated with the prime consultant, the Town of Chapel Hill nor the CHPAC.

Artist-Art Selection Committee

The Selection Committee will be comprised of approximately twelve (12) people. Representatives of the CHPAC, a designee of the Town Council, a designee of the Town Manager, community residents, designated project architect or landscape architect, representative(s) from appropriate Town department(s) where project will be sited (if applicable), and outside arts professionals will be included on this committee. It is recommended that in cases when the proposed project site is not supported or maintained by a particular Town department or agency, that the CHPAC solicit additional participants.

Arts Professional

An individual having outstanding knowledge in the visual arts field, and is generally, but not limited to, an art historian, curator, arts administrator, critic, artist, or design professional such as an architect or landscape architect.

Call for Artists

Electronic and/or printed information that defines a project and asks artists to respond with a statement of interest or qualifications.

Collaboration

To work together in a common undertaking.

Command of Medium

Demonstration of expertise with specific material(s).

Composition

The combining of parts to create a unique whole.

Construction Credits

The transfer of construction costs to public artworks that are designed to replace specific building components (ie: flooring, roofing, seating, etc)

Contextually Appropriate

Artwork relevant and sensitive to its placement, site, or organizational theme.

Contract

A written, legal document specifying terms and conditions between or among parties with mutual interest.

Design

Response to a site or idea as defined programmatically.

Design Competition

When two or more artists prepare formal responses to a design problem. Competitions are usually compensated (fee and expenses) and may provide the client with an understanding of the artist's thoughts and skills.

Form/Formal Response

Application of artistic and/or design elements and principles, used to convey meaning in an artwork.

Innovative Design

A work that exemplifies a new method or synthesis.

Integration

The organization of various materials or ideas to create a whole.

Interpretation

A personal conception or expression of a work of art.

Materials

What something is made of; its constituent parts.

Methodology

The logic or order used to make a hypothesis or reach a conclusion.

Permanent Artwork

Artworks exhibited with expectation of indefinite duration.

Prime Consultant

The firm, usually architecture, landscape architecture, or engineering, that is responsible for the design of the overall project that the artwork is connected to. In cases where there is no prime consultant, the Town Manager will assume the prime consultant's responsibilities as outlined in these Percent for Art Program Implementation Procedures.

Process

The operational steps to make something.

Public

Community rather than private interests.

Public Artwork

Usually all forms of visual art conceived in any medium, material or combination thereof, which are placed in areas accessible or visible to the public. Works may be permanent, temporary, or functional. Public art does not include any architectural or landscape design, except when commissioned and designed by an artist.

Request for Proposal (RFP)

Artists are asked to submit a detailed proposal for a specific site or project.

Request for Qualification (RFQ)

Artists are asked to submit slides and/or examples of their previous work and professional history.

Style

A manner or mode of expression distinct from the ideas expressed and descriptive of construction, design and execution.

Temporary Artwork

Artworks exhibited for a limited duration.