

# PUBLIC ART: PER CENT FOR ART SCHEME

GENERAL NATIONAL GUIDELINES – 2004

---



*Cover Picture*

***Subaquatic Dublin, 2004, by Paul Gregg***

**Commissioned by Our Lady's Hospital for Sick Children, Crumlin,  
with The Ark**

# Table of Contents

---

|          |   |           |
|----------|---|-----------|
| <b>1</b> | <b>Preface by Minister</b>  | <b>5</b>  |
| <b>2</b> | <b>Foreword</b>   | <b>9</b>  |
| <b>3</b> | <b>Introduction</b>   | <b>13</b> |
|          | 3.1. Brief History  | 15        |
|          | 3.2. Purpose of Guidelines  | 15        |
|          | 3.3. Implementation of the Scheme   | 16        |
|          | 3.4. Scope of the Scheme  | 16        |
|          | 3.5. Overview   | 16        |
| <b>4</b> | <b>Funding Levels</b>   | <b>19</b> |
|          | 4.1 Stipulations  | 21        |
|          | 4.2 Budgets   | 21        |
|          | 4.3 Pooling   | 21        |
|          | 4.4 Related Costs   | 22        |
| <b>5</b> | <b>Implementing the Scheme</b>  | <b>25</b> |
|          | 5.1 Best Practice Principles  | 27        |
|          | 5.2 Commissioning Options   | 28        |
|          | 5.3 Stages of a Public Art Project  | 28        |
|          | Stage 1 - Planning  | 29        |
|          | Stage 2 - Selection   | 32        |
|          | Stage 3 - Research and Development  | 34        |
|          | Stage 4 - Realisation   | 35        |
|          | Stage 5 - Review  | 37        |
|          | <b>Appendices</b>   | <b>39</b> |
|          | Appendix 1 Membership of the Guidelines Development Groups                | 41        |
|          | Appendix 2 Sample Capital Construction Project Budget                     | 42        |
|          | Appendix 3 Commissioning Options  | 44        |
|          | Appendix 4 Artists Brief  | 46        |
|          | Appendix 5 Checklist of Areas to be considered when drawing up a Contract | 47        |
|          | Appendix 6 Sample Inventory Sheet   | 48        |
|          | Appendix 7 Project Review and Evaluation                                  | 49        |
|          | <b>Selected Bibliography and Reports</b>                                  | <b>50</b> |

# PREFACE BY MINISTER

---



***Sisters*, 2003, by John Kindness, (Michelle and Yvonne Dunne) Civic Centre, Ballymun  
Commissioned by Breaking Ground, the Ballymun Regeneration Ltd.**

# 1 Preface by Minister

---

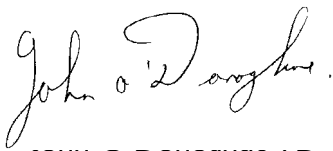
Throughout history, the artist has shown an overwhelming desire to engage with the physical and geographical context of society. This has been successfully achieved when the artwork engages with a specific place or event. It can contribute to the distinctiveness of the local area and can offer a different reading or interpretation of history or the environment. In Ireland, we look to artists' work and their interpretation of place to gauge our own development as a community. This interpretation gains more significance when it is placed in a particular site or area.

In recent times we have all become more conscious of the environment and the effect it has on our lives. Art has a vital role to play in our environment and has, in fact, become an integral part of many urban areas. A high quality environment is essential for good quality of life and high quality public art is necessary to create that environment, be it an open space, public building, hospital or education facility.

The *Per Cent for Art Scheme* is a great opportunity for collaboration between artist and community. Public art needs to have been developed and created with local ownership in mind. The Government has demonstrated its commitment to public art through its approval of funding for this Scheme and it has already achieved a rich variety of artworks. Many such artworks, although perhaps only experienced in passing, make an impact and create lasting memories. The potential to exploit this Scheme to its fullest is available to all Government Departments, its agencies and local authorities and this potential holds enormous opportunities to shape the spaces we inhabit.

These Guidelines are intended to assist and encourage all Government Departments and public bodies to participate in the Scheme. I hope that these Guidelines, which represent a first step in developing a national approach to public art, will result in artworks that will excite our imagination and increase our engagement with art.

I would like to thank all those who were involved in the drafting of the Guidelines, the members of the Inter-Departmental Public Art Co-ordination Group, the Panel of Art Expert Advisors and all those who participated in the Public Art Consultative meetings, organised by the Arts Council. Their longer-term goal of developing a national approach to the *Per Cent for Art Scheme* is intended to be achieved over the next two years. In the interim, the mark of their achievement will be heightened awareness and increased level of implementation of the *Per Cent for Art Scheme*.



Minister for Arts, Sports and Tourism

# FOREWORD

---



*The Whisper of Ghosts*, 2004, by Composer Elaine Agnew  
(Rehearsals in progress)  
Music Commissioned by Wexford County Council

## 2 Foreword

---

Public art, broadly defined, can take many forms and perform many functions. It may be an object of civic pride or a cause of stimulating debate. It may provide edification or entertainment. It may be a source of private pleasure and solace or popular self-recognition and inclusion. While public art has traditionally been conceived primarily in terms of the plastic arts - most particularly permanent outdoor sculpture – a broader range of possibilities has been fruitfully explored in recent years. The scope of public art has widened to include not just sculpture's close relations, architecture and painting, but also music, literature, film, video, multimedia and sound art, as well as the various performing arts including theatre, dance, opera, performance and live art.

The requirement of permanence has also been called into question. Permanent art works can effectively celebrate significant aspects of civic life or commemorate crucial moments of communal history. They can also, however, all too soon come to encapsulate redundant values in outmoded forms. Some of the most memorable public artworks of recent years, both in Ireland and abroad, have been physically impermanent. The flexibility and latitude afforded by temporary public art should not be underestimated. At the very least, the memory of ambitious and challenging artworks of this nature may be cherished by those who appreciate them long after the grumbling has subsided from those who do not. Given that comprehensive documentation is an important aspect of such artworks, they can also have a valuable afterlife in the form of imaginatively conceived and distributed publications.

Public artworks based on the principle of the spectacle can sometimes be spectacularly successful, but this is not always the case. The sheen of the spectacular, like that of novelty, soon wears off. Bigger is not necessarily better. The Irish habit of cutting the most grandiose monuments down to size by a well-turned nickname suggests that subtler interventions into public space may be more rewarding. Some of the most successful public artworks are projects of deceptively modest scale that are truly integrated into their contexts, rather than merely playing lip-service to a notion of site-specificity that is often spurious or superficial. The best artists working in the public arena are intimately aware of their chosen physical and social environment, yet avoid being miscast in the role of untrained and unskilled social workers.

The best public art is informed by a knowledge of the needs and expectations of all those involved, from the body initiating the project to the community that project is designed to address. This does not mean merely giving the public what it wants, for this would preclude the possibility of truly innovative art. The public cannot express a desire for that which it has not yet experienced. An effective public artwork does not patronise or placate its public. The instant gratification of populism must be balanced against the demands of enduring quality and peer-approved professionalism. There is a need for professional expertise at every step in the process. Informed decisions can not be taken by the inexperienced. Ultimately, however, there can be no public art

without an engaged and responsive public, even if the precise 'public' in question may need to be forged anew by each project. It is therefore imperative that structural provisions be made that take due account of the complexity of the relationship between the planned artwork and its eventual public at each and every stage of the process of its development.

Caoimhín Mac Giolla Léith,  
Member of the Panel of Public Art Expert Advisors

# INTRODUCTION

---



*Perpetual Motion*, 1995, by Rachael Joynt & Remco de Fouw  
Commissioned by Kildare County Council

# 3 Introduction

## 3.1 Brief History

In 1978 the OPW established a scheme based on the principles of Per Cent for Art. In 1986 the Department of the Environment established a similar scheme titled the Artistic Embellishment Scheme. A decision in 1994 to review both schemes led to the publication of the *Public Art Research Project – Steering Group Report to Government* (PART Report). In 1997, on the basis of the recommendations of the PART Report, the Government approved the revision and extension of the existing Schemes to all Government Departments with construction budgets. Since that time the Scheme has been implemented in varying degrees by Government Department and public bodies.

To assist in achieving full and effective implementation of the Scheme these Guidelines have been drafted by an Inter-Departmental Public Art Coordination Group, with the assistance of a Panel of Public Art Expert Advisors. Details of the membership of these groups is set out in Appendix 1 (see page 41). The Arts Council, on behalf of the Inter-Departmental Public Art Coordination Group also hosted a series of four Public Art Consultative Meetings in Cork and Dublin. These meetings invited approximately forty members of the arts community, including practicing artists, commissioning agents, project managers, and curators who are currently involved in Irish public art practice, to respond to specific elements of the draft guidelines for the *Per Cent for Art Scheme* and the planned two-year review and development period.

## 3.2 Purpose of the Guidelines

It is the purpose of the Guidelines to provide a common national approach to implementation of the *Per Cent for Art Scheme* for public bodies delivering capital construction projects<sup>1</sup>. The objective is to achieve clarity and consistency in procedures, to allow for openness and flexibility in planning, selection and review processes and to further develop commissioning practices.

These Guidelines aim to set out basic operational procedures for staff within Government Departments and related agencies, and Local Authorities implementing the *Per Cent for Art Scheme*. The Guidelines are general in nature because of their universal application. Individual bodies may wish to issue more specific instructions on the implementation of the Scheme within their own area and this is encouraged provided that there is no conflict with these Guidelines.

<sup>1</sup> The term capital construction project is used to refer to the full spread of work carried out under this heading, including construction, restoration, refurbishment and urban and rural renewal schemes, etc.

### 3.3 Implementation of the Per Cent for Art Scheme

To achieve full and effective implementation of the Scheme, it is recognised that a strategic national approach is required and these Guidelines are a first step in this approach. The Guidelines are the initial steps in setting out best practice principles in order to achieve successful national implementation of the Scheme and have been developed with an in-built evaluation process which focuses on in-practice review. In the drafting process, where possible due regard was taken of national and international models of good practice.

It is intended to designate a two-year period as a development phase in working towards a national approach to public art and it is recognised that future revision of the Guidelines may be necessary.

### 3.4 Scope of the Scheme

Public art creates a dialogue with a people, a time and a place. The *Per Cent for Art Scheme* gives the Irish public the opportunity to experience a vast range of contemporary art, borne out of capital constructions projects, in their everyday life. In turn it provides a challenge and an opportunity to a wide range of artists to create work for public engagement and response.

Public art can be of any form and can work within or across many art forms, such as visual art, dance, film, literature, music, opera, theatre and architecture; including all aspects of contemporary arts practice such as performance, live art, multimedia, video art, sound art, etc. Works under the scheme can be of any duration, temporary or permanent, and can be centred in an urban or rural context.

### 3.5 Overview

This document covers two key sections, Funding of the *Per Cent for Art Scheme* and Implementation of the *Per Cent for Art Scheme*.

# FUNDING

---



*Dry, 2001, by Locky Morris*  
Commissioned by Bundoran Town Council

# 4 Funding

## 4.1 Stipulations

In relation to individual capital construction budgets it is essential that the:-

- *Per Cent for Art Scheme* budget is included in the overall capital construction project budget estimate. **This must be done by the commissioning body at the inception of the project.**
- *Per Cent for Art Scheme* budget is ring-fenced i.e. it is secured and not available for any other element of the project.
- Amount of the *Per Cent for Art Scheme* budget relates to the total capital construction cost, calculated in accordance with the limits noted below.

## 4.2 Per Cent for Art Scheme Budgets

The Government decision of August 1997 approves the inclusion in the budgets for all capital construction projects of up to 1% as funding for an art project, subject to limits as follows:

- Construction projects costing up to €2,550,000 may include an art budget of 1% of net construction costs i.e.€25,500.
- For projects costing between €2,550,000 and €6,300,000, an art budget of 1% up to a maximum of €38,000 is allowed.
- For projects costing between €6,300,000 and €12,700,000, an art budget of €51,000 is allowed.
- For projects costing in excess of €12,700,000, an art budget of €64,000 is allowed.

These figures should not be regarded as an overall limit for art projects as in many cases there may be potential to supplement this with other funding attracted from other sources, (e.g. private sponsorship and pooling of resources, etc).

For Design Build or Public Private Partnership (PPP) capital construction projects, the client should ensure that the *Per Cent for Art Scheme* is embedded within the specification and contract.

See Appendix 2 (see page 42) for capital project budget example.

## 4.3 Pooling

In order to allow greater flexibility in the use of funds under the Scheme, the pooling of funds may be adopted. Funding may be pooled within an agency or on an

inter agency basis. Some public bodies may wish to gather funding from different projects in the one area to achieve a more substantial art project.

Furthermore, a Government Department and a local authority may pool resources for projects within the one area to achieve a joint art project.

Models of commissioning embracing the principle of pooling of funds within a local authority and interagency context include the Placing Art Programme by Sligo County Council [1998 - 2002], In | Context series by South Dublin County Council [1998 - 2001] and the current Breaking Ground series by Ballymun Regeneration Ltd [2001 - 2011].

#### 4.4 Related Costs

If no other budget is available, a small element of the *Per Cent for Art Scheme* budget earmarked for art projects in any year may be used for related costs such as public engagement initiatives, publications, documentation or, where appropriate, maintenance and repair.

However, it must be borne in mind that the primary purpose of the scheme is to facilitate the commissioning or acquisition of new art and funding made available under the scheme should be used for this purpose to the greatest extent possible.

# IMPLEMENTING THE SCHEME

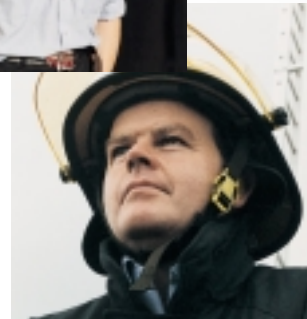
YOU'D HAVE AT LEAST ONE NICKNAME ...

We're called The Piggies  
The Lonesome Boatman  
The Elder Lemons  
The Golden Hands  
The Reverend  
The Rixer  
The Celt  
The Pig  
The Duck  
The Gannet  
The Bull  
The Penguin

IT'S LIKE A ZOO IN HERE

You've a Short Fuse  
Rosie & Jim  
Half Acre  
College  
Ringy  
T/z  
Punty  
Norman Bates  
Doom and Gloom  
Jake and the Fat Man  
Bar & Lounge  
Bar & Snug  
Mini-bar  
& Mrs Jones

AND THEN THERE ARE THE ONES I CAN'T MENTION



*When the bells go down, 2001*, a portrait of Cork City Fire Brigade, by Judy Kravis & Peter Morgan  
Commissioned by Cork County Council

# 5 Implementation of Scheme

## 5.1 Best Practice Principles

The practice of public art has developed significantly in Ireland particularly in the last ten years. Public art practice now encompasses a wide variety of contextual arts practice, across art forms, temporary as well as permanent and has become process orientated rather than purely product or outcome focused. Therefore a wide variety of possibilities are presented when commissioning public art.

The procurement process for the expenditure of the *Per Cent for Art Scheme* budget must be fair, open, transparent and accountable, in line with the normal principles of the 'Public Procurement Process'.

Each commissioning body should set a clear vision on how and why they wish to work with artists and correspondingly clear criteria for selecting and evaluating art projects commissioned under the *Per Cent for Art Scheme*. Each public art project is unique and has an individual story to tell, so the criteria relating to it should be specific.

Good commissioning practice prioritises:

- 5.1.1 **Time** – Commissioning public art essentially requires time. Taking a good idea and turning it into a reality requires a large amount of planning, initiative and the ability to deal with the unforeseen. In planning the project, time must be allowed for productive dialogue for artists to respond to the brief, for research and development and for commissioner feedback.
- 5.1.2 **Early Integration** – The artist should be engaged or commissioned at the same time that the capital construction project is being conceived. This will ensure early dialogue between the commissioner and the artist, including input into design decisions that may later affect the context for the arts project on realisation.
- 5.1.3 **Artistic Advice** – The utilisation of professional artistic advice at the earliest possible stage in planning projects will maximise the opportunity for a meaningful input by artists. This advice is essential in the development of a clear and creative vision for the commissioning process.
- 5.1.4 **Artists' Brief** – A clear, researched and unambiguous brief creates a clear framework for artists to respond to. The quality of the brief affects the quality of the artists' submissions.
- 5.1.5 **Responsibility of the Commissioning Body and Support Staff** – Commissioned artists may be undertaking work of a nature that has never been seen previously in the context of a capital construction project; therefore support from the commissioning body is seen as an essential input. Similar to specialised procurement in the fields of engineering and architecture, public art commissioning requires the specialist skills of a

professional arts project manager (such as the Public Arts Officer) to coordinate all aspects of the commission, and assist with projects and problems as they arise. Public art specialist staff will deal with policy development, public engagement and project management. Where possible this expense should be absorbed into the overall project budget as a category of consultancy fees, along with other professional consultancy fees such as that of the Quantity Surveyor, Architect, Engineer, etc. Where this is not possible it must be borne in mind, as stated above in para 4.4 that the funding under the per cent for art scheme should be used to the greatest extent possible for the commissioning or acquisition of art.

## 5.2 Commissioning

Commissioning bodies, can develop projects through a variety of public art procurement processes. These include:

- 1 Open Competition
- 2 Limited Competition
- 3 Direct Invitation or Purchase

Commissioners may wish to utilise a number of public art procurement processes on a particular project. Careful planning and expert advice is essential for the success of such an approach.

**See Appendix 3 (page 44) for details on how to implement each of the commissioning options.**

## 5.3 Stages of a Public Art Project

Public art projects and commissions can be broadly divided into five key stages:

- 1 **Planning**
- 2 **Selection**
- 3 **Research and Development**
- 4 **Realisation**
- 5 **Review**

A clear record of each stage should be maintained for overall review purposes.

## STAGE 1 – PLANNING

### Context

In commissioning public art context is paramount. Context can be described as the environment in which a commission is planned and realised. Commissioners are encouraged to adopt a researched and flexible approach to the context for a commission. This will allow the art project to make connections with the capital construction project and the environment connected with that project.

### Public Art Working Group

A Public Art Working Group should be established at an early stage in the capital project design process. Early consideration is important to ensure the necessary connections are made between the design process and the context for the arts project.

Artistic expertise is essential at this stage and should represent a minimum of two members of the group.

The overall membership of the Public Art Working Group should be drawn as comprehensively as possible to ensure a broad base of support for the process and it helps to have direct support from senior personnel within the commissioning body.

The size and composition of this group will depend on the level of expertise required and on the complexity of the project and will require careful consideration in order to achieve the best outcome. It is good practice to include:

- Professional practising artist(s), minimum one, preferably two
- Independent Art Curator(s) or Artistic Advisor(s) such as Public Arts Officer or Local Authority Arts Officer, minimum one, preferably two
- Construction Project Manager
- Representative(s) of the Design Team such as Architect or Engineer
- Representative(s) of the Building Users, Client or Stakeholders
- Other relevant expertise or local social or community representatives

The role of a Public Art Working Group should include:

- Research into the full scope of the capital project and the development of a vision for the related public art project(s)
- Setting out clear aims and objectives for the commissioning project or programme
- Development of the artists brief, setting out the process for procurement and criteria for selection
- Decisions on the membership of the project selection panel. Commissioners may wish to include members of the Public Art Working Group in the project

- selection panel, thereby making links between the planning and selection stages.
- Planning and overseeing further stages of the project or programme
- Carrying out a review and feeding into the development of public art policy for the commissioning body.

### Artists Brief

It is important to develop a clear, creative and well informed brief. As well as creating a context for the artist to apply, it also attracts more interest and produces better results. When planning a project, time should be allowed for artists to respond to the brief, for research and development, for client feedback and for productive dialogue. Also, sufficient time must be allowed before the contract is signed with the artist so as to facilitate research and development, including further liaison between artists, commissioner and key stakeholders.

See Appendix 4 (page 46) for a sample list of information to be included in briefing documents.

### Promotion and Publicity

Raising awareness of the project through publications and other publicity helps to ensure that the work becomes publicly known and this is an integral element of projects existing as public art. An art project may be controversial and lead to public debate but the overall effect on the local community should be the ultimate gain. Encouraging public awareness and engagement with the project will contribute to the overall outcome of the project. Promotion plans, costs and responsibilities should be agreed at the outset of the project between the commissioning body and the artist.

### Insurance

The commissioning body should satisfy itself that adequate insurance cover is in place.

### Project Budget

Commissioners must take into account and allow for all costs when commissioning new work, such as:

- Artist(s) budget and fee (including materials etc.)
- Fees and any agreed expenses for shortlisted artists
- Fees and expenses for artistic and / or technical representatives on Public Art Working Group and selection panel
- Costs of research and development (incurred by artist and commissioning body)
- Any attendances of relevant personnel (builder, engineer, artist, etc.) for installation or performance of an art project that might be due if not defined and

incorporated in the contract for construction

- Transport
- Insurance
- Documentation, public engagement initiative including information, education and labelling
- Advertising, promotion and publicity
- Project management costs including review and evaluation
- Contingency (optional: of approximately 5%)

*A clear record of the planning process must be kept for overall review purposes.*

## STAGE 2 – SELECTION

### Selection Panel

A Selection Panel must be set up to review the aims and objectives for the commission set out at planning stage and to select an artist and proposal for the commission in line with that brief. Alternatively the option is available to commissioners to assign a single curator with specialist artistic expertise to shortlist and arrange for the appointment of an artist to work on a commission.

The panel members may be drawn from the Public Art Working Group. It is good practice that the panel includes at least one professional practising artist working in an art form appropriate to the commission, and at least one professional arts curator or advisor. Where the Panel has four or more members, the number of participants with artistic expertise should be increased. The commissioning body must ensure that all necessary artistic and technical advice is available to the panel.

The panel should be informed or agree a process for reviewing submissions and should be provided with the time, systems and skills necessary to manage the selection process. The process of reviewing, considering and selecting submissions will be more effective if led by an agreed chairperson or facilitator. The option of artists presenting their proposals to the Selection Panel is available to commissioners and if utilised the time and cost of this should be accounted for.

The Selection Panel will be required to:

- Remain open
- Undergo briefing on the scope of the capital project funding the *Per Cent for Art Scheme*. Those who are new to public art commissioning should also be briefed on the role, nature and potential of artists and what they can bring to a project.
- Review the commission aims and objectives, set out at Planning stage
- Review criteria for submissions, outlined in the artists brief
- Attend artists' presentations, where necessary
- Assess submissions and select project(s) for development and realisation
- Provide evaluation feedback on the selection process to the commissioning body

Following the selection process the decision of the Selection Panel must be communicated to relevant staff within the commissioning body.

### Formal Approval

The commissioning body should decide at the outset of the project whether:

1. It will delegate selection authority to the Selection Panel
2. It will make the final decision

In the event that the commissioning body retains ultimate approval, it should set out, in advance, a number of stages at which it should be consulted. The stages can be broadly identified as follows:

1. Approval of the Artists' Brief
2. Approval of the Artist selected by the Selection Panel
3. Approval of details of the commission including timescales, any research and development to be carried out and a payment schedule

The Public Art Working Group should ensure that all necessary approvals are obtained from the commissioning body.

### **Unsuccessful Artists / Other Options**

When communicating decisions to artists the selection panel may offer particular comments and feedback, which they wish to be conveyed to the unsuccessful artists in the letters of regret.

Where the selection panel considers that no submission has met with the criteria set out in the briefing document they may decide to consider other commissioning options or, where possible, make arrangements to have funding reassigned to future projects under the Scheme.

*A clear record of the selection process, including feedback from the selection panel, must be kept for overall review purposes and to inform future projects.*

## STAGE 3 – RESEARCH AND DEVELOPMENT

Once an artist is selected, it is advisable to engage in a process of research and development to ensure the success of the project. Research is essential for artists and should be built into both the timeframe and budgets at the proposal and contract stage.

The aim of the development phase is to ensure that the project reaches a stage where definite achievable goals, designs or proposals are identified and realistically costed within the budget.

Once an artist is selected, it may be necessary to spend a portion of the budget on the development and planning phases for creative, technical and economic reasons. An element of the budget, appropriate to scale, could be set-aside for this and this process should be governed by a contract between the artist and the commissioner.

Costs and activities at this stage must be agreed in advance and might include discussions, workshops or a pilot project led by the artist, production of sound recordings, visual material, etc. particular to the artform of the commission; a site visit by an architect or engineer to assess the technical feasibility of the proposed project or site or the production of engineers' drawings. Agreed fees paid to artists at the research and development stage should be sufficient to enable the artist to guarantee the budgets or technical specifications s/he is proposing.

Research and Development should be properly structured and the following should be discussed, documented and agreed when agreeing this phase:

- Research Description
- Timeframe
- Deadlines
- Fees
- Progress / meeting schedule
- Documentation
- Outcome
- Procedure for sign-off before moving to the realisation phase

*A clear record of the research and development stage must be kept for overall review purposes and to inform future projects.*

## STAGE 4 – REALISATION

### Contractual Arrangements

When the selected submission has been approved a letter of contract confirming all relevant details of the commission, including timescale and schedule for payment of fees, should be issued by or on behalf of the commissioning body.

See Appendix 5 (page 47) for a checklist of areas to be considered by the Commissioning Body or Public Art Working Group when drawing up a contract.

It is vital that discussions continue between the artist, the Public Art Working Group and the commissioning body to ensure that the process remains open and allows for creative developments and changes that may occur throughout this stage.

If the strategy is for an art project to be physically integrated into the building or structure, the commissioning process should, if possible, be timed so that the building contractor is still on site. In the case of capital construction budgets, for example, this will support the artist working on site under the 'Artists and Craftsmen' clause of the Government Departments and Local Authority (GDLA) contract used by public bodies.

A designated member of the Public Art Working Group or the public art project manager should keep in regular contact with the artist while work on the public art project is in progress to ensure that:

- All artistic, technical and safety aspects are considered and modifications made if necessary
- Progress is in accordance with the commission details and timescale set out in the contract
- Payments are verified

### Payment

Prior to commencement of the project, a payment schedule should be negotiated, drawn up and agreed between the commissioning body and the artist. This can, in principle, include design work in the preparation or development of project proposals, research and development of the concept, the purchase of materials or hiring of performers specifically for the project, or work undertaken in the making or performing of an arts project in response to the commission. The commissioning body should ensure that there is a clear and shared understanding with the appointed artist, at an early stage in the process, in relation to payment procedures and requirements.

## Documentation and Public Engagement

It is important to document all stages of the commission, from the artists' proposal to project development through to realisation and performance or installation. This information provides an important memory and record of the process of commissioning and will help commissioners to plan, implement, monitor and evaluate projects. At least one person should be responsible for maintaining a complete record of the project as it develops. Examples of documentation include written records, photography, video, DVD, CD ROM, web based information, multimedia, etc.

Labelling of the commission, with an explanation of the project where necessary, must be provided, preferably on site and at the time of performance or installation. This should be agreed with the artist. Temporary public art can also have a valuable after life in the form of imaginatively conceived and distributed publications.

When the art project is complete it should be recorded / photographed by a professional photographer or the commissioned artist, for inclusion on an inventory to be maintained by the commissioning body as outlined below.

## Conservation and Care

In the case of permanent arts projects the ongoing maintenance of art is important for its long-term preservation and for continuing public engagement. The commissioning body must maintain all art projects commissioned or purchased under the *Per Cent for Art Scheme*. Regular inspections of art projects must be carried out to ensure that they have not been removed or damaged. Occasionally art projects may need to be relocated or repaired. This work should only be undertaken by experts, under direction and in consultation with the commissioned artist. Accordingly, consideration must be given to making provision in annual revenue budgets for all such maintenance projects.

## Inventory

As outlined above, the provision of public information on art projects should be an integral part of the *Per Cent for Art Scheme*. The commissioning body, should maintain a database of all art projects commissioned under the scheme and this should be publicly accessible, for example through local libraries or through the organisations website. The inventory should include the commission details and a photograph (provided by a professional photographer or the artist). Details of any inspections carried out over time to check the condition of the art project should be kept on record by the commissioners and may also be included. Records of any publicity or promotion should also be included.

See Appendix 6 (page 48) for a sample inventory sheet and details.

## Copyright

Copyright is in accordance with the Copyright and Related Rights Act 2000 (No. 28 of 2000).

*A clear record of the realisation stage must be kept for overall review purposes.*

## STAGE 5 – REVIEW

In order to be effective, methods of review and evaluation should be agreed and established at the beginning of a project.

Documentation including written reports compiled at each stage of the commissioning process will serve as the basis for overall review. Post completion it is necessary for the Public Art Working Group to review the public art project or programme to discover what works well and what improvements could be made in the future. A review of the strengths and weaknesses of the decisions made and the results of each stage of development should be included. The commissioning body can utilise the information gathered on future projects or public art programmes, including public art policy development, public engagement initiatives along with public art project management.

Information gathered in this way may be of particular value to commissioning bodies for whom the commissioning process is a new experience.

See Appendix 7 (page 49) for a sample checklist for review and evaluation.

# APPENDICES

---



*Untitled*, 2003, Sculptor at Dundalk Town Hall, by Ronan Halpin  
Commissioned by Dundalk Town Council

## APPENDIX 1

### Inter-Departmental Public Art Coordination Group - Membership

|   |   |           |
|---|---|-----------|
| Christine Sisk  | Department of Arts Sports and Tourism   | Chair     |
| Jackie Hannon   | Department of Arts Sports and Tourism   | Secretary |
| Mary Cloake   | Arts Council of Ireland   |           |
| Annette Moloney   | Arts Council of Ireland   |           |
| Michael McKenna/<br>Betty Moriarty<br>Niall Bradley                               | Department of the Environment, Heritage and<br>Local Government<br>City & County Managers Association / Kildare<br>County Council   |           |
| Paul de Freine<br>Helen O'Neill<br>Angela Rolfe<br>Jacquie Moore<br>Dick McKeever | Department of Health and Children<br>Department of Education and Science<br>Office of Public Works<br>Office of Public Works<br>Department of Communications, Marine and Natural<br>Resources |           |
| Richard Evers<br>Comdt David McGonnell<br>Shay Kirk                               | National Roads Authority<br>Department of Defence / Corp of Engineers<br>Court Services Board   |           |

### Panel of Public Art Expert Advisors – Membership

|                           |  |
|---------------------------|--|
| Mary McCarthy             | Deputy Director, European City of Culture – Cork<br>2005 |
| Mary McDonagh             | Public Art Officer, Sligo County Council                 |
| Tom de Paor               | Architect  |
| Declan McGonagle          | Artistic Director, City Arts Centre                      |
| Caoimhín Mac Giolla Leith | Art Curator, Critic & Academic                           |
| John Fairleigh            | Writer & Editor  |
| Catherine Nunes           | Artistic Director, International Dance Festival          |
| Jane O'Leary              | Composer & Director of Concorde Ensemble                 |
| Mick Hannigan             | Director of Cork Film Festival                           |
| Maureen Kennelly          | Arts Consultant  |

## APPENDIX 2

### Sample Capital Project Budget

The *Per Cent for Art* budget, based on the formula noted on page 5 check # as applied to the net construction cost, must be included in the overall project budget from the early project planning stage and be retained throughout the project.

#### Example 1: Construction Project Budget Estimate

|  |                  |                  |
|--|------------------|------------------|
| Buildings costs                                      | €                |                  |
| 1500m <sup>2</sup> @ €1,200 per m <sup>2</sup>       |                  | 1,800,000        |
| External works                                       | 250,000          |                  |
| <b>Net construction cost (expected contract sum)</b> | <b>2,050,000</b> | <b>2,050,000</b> |
| VAT @ 12.5%  | 256,250          |                  |
| Total construction costs                             | 2,306,250        |                  |
| <b>Inflation @ 3%</b>                                | <b>61,500</b>    |                  |
| Consultants fees @ 14% of net construction cost      | 322,875          |                  |
| VAT @ 21%  | 67,803           |                  |
| Contingency @ 5%                                     | 102,500          |                  |
| Planning permission and fire certificate fees        | 6,750            |                  |
| Utilities  | 15,000           |                  |
| <b>% for Art</b>                                     | <b>20,500</b>    | <b>20,500</b>    |
| Total Project Budget                                 | €2,903,178       |                  |

#### Example 2: Construction Project Budget Estimate

|  |                  |                  |
|--|------------------|------------------|
| Building Costs                                       | €                |                  |
| 4000m <sup>2</sup> @ €750 per m <sup>2</sup>         | 3,400,000        |                  |
| External works                                       | 500,000          |                  |
| Specialist fixtures                                  | 500,000          |                  |
| <b>Net construction cost (expected contract sum)</b> | <b>4,400,000</b> | <b>4,400,000</b> |
| VAT @ 12.5%  | 550,000          |                  |
| Total construction costs                             | 4,950,000        |                  |
| Consultants fees @ 15% of net construction cost      | 660,000          |                  |
| VAT @ 21%  | 138,600          |                  |
| Planning permission and fire certificate fees        | 18,000           |                  |
| Utilities  | 25,000           |                  |
| <b>* % for art</b>                                   | <b>38,000</b>    | <b>38,000</b>    |
| Furniture and fittings                               | 50,000           |                  |
| Total project budget                                 | €5,879,692       |                  |

### Example 3: Construction Project Budget Estimate

|  |                   |                   |
|--|-------------------|-------------------|
| Building costs                                       | €                 |                   |
| 25,000m <sup>2</sup> @ €1,000 per m <sup>2</sup>     | 25,000,000        |                   |
| External works                                       | 2,500,000         |                   |
| Specialist fixtures                                  | 1,750,000         |                   |
| <b>Net construction cost (expected contract sum)</b> | <b>29,250,000</b> | <b>29,250,000</b> |
| VAT @ 12.5%  | <u>3,656,250</u>  |                   |
| Total construction costs                             | 32,906,250        |                   |
| Contingency @ 3%                                     | 987,187           |                   |
| Inflation @ 3% per annum for 3 years                 | 2,632,500         |                   |
| Consultants fees @ 10% of net construction cost      | 2,925,000         |                   |
| VAT @ 21%  | 614,250           |                   |
| Planning permission and fire certificate fees        | 112,500           |                   |
| Utilities  | 100,000           |                   |
| <b>% for Art</b>                                     | <b>64,000</b>     | <b>64,000</b>     |
| Total Project Budget                                 | €40,341,701       |                   |

## APPENDIX 3

### Commissioning

Commissioning bodies, such as Government Departments, related bodies, and local authorities can develop projects through a variety of public art procurement processes. These include:

- 1 Open Competition
- 2 Limited Competition – between invited parties
- 3 Direct Invitation or Purchase

Artists may be commissioned through the *Per Cent for Art Scheme* in a variety of ways.

#### 1 Open Competition

There are a variety of ways by which artists can be recruited through open-submission competition through public advertisement:

- 1.1 *A combination of slides and CV submitted alongside drawings and / or macquette, outline project ideas and costings, all sought from the onset.*

With this method of procurement, it is very important to allow sufficient time for artists to negotiate the place and people with which the project will engage. This may include research, site visits and liaison time.

- 1.2 *Competition on the basis of previous work.*

The submission of slides, catalogues, published material, videos, CD's etc. along with the artists' current CV's to an expert selection panel.

- 1.3 *Open Anonymous Competition.*

This model aims to ensure that emerging or unknown artists have a chance to be appointed for commissions. A detailed commission brief is drawn up and distributed and artists respond by submitting actual proposals. The Selection Panel does not have access to supporting material on the artist, and the decision to select is made on the basis of the quality of the idea presented and the execution of the submission.

In the case of each of the above methods a shortlist may be drawn up and a fee paid to the shortlisted artists to undertake further research and development and develop proposals before a final selection is made.

## 2 Limited Competition

For commissions or opportunities of a very exacting nature, the route of drawing up a shortlist of suitable artists is carefully researched and drawn up by the Public Art Working Group. The option is also available to commissioners to assign a single selector with specialist artistic expertise to shortlist and appoint artists to work on commissions.

Through a limited competition process artists carry out research and development and are given adequate time to prepare and submit their proposal. Shortlisted artists are paid a fee to develop ideas for selection and payment is made to each submitting artist. This is useful whereby the commissioning body, through the research and advice of the Public Art Working Group, wants to work with a particular type of art or artist.

While this process can work very well, it is worth pointing out that the fee paid to the artist, at this stage, is not likely to be sufficient to enable the artist to guarantee the budgets or technical specifications s/he is proposing. Developmental projects may also require time for discussion, collaboration or negotiation with a local community in order to establish the direction or context of the project.

## 3 Direct Invitation or Purchase

- 3.1 The commissioning body, through the advice of the Public Art Working Group, may directly appoint an artist to a commission. Where it is felt after a period of research and discussion that an artist's practice or work is absolutely and exclusively appropriate to the aims and objectives of the commission, the Public Art Working Group, working with curators or advisors where required, can appoint an artist directly to a commission or to work with a given budget.
- 3.2 Work can also be directly purchased from an artist or its agent. When using this option, selection should be made on the basis of as comprehensive as possible a survey of what is available.

## APPENDIX 4

### Artists Brief

The following is a sample checklist of the categories of information to include in the artists brief. This list is not definitive or exhaustive.

- The commissioning body's vision for the project and an indication of the range of creative possibilities
- The background, history and description of the capital project being undertaken and its significance in local/national terms
- Detailed description of the proposed context for the art project, if appropriate venue or location
- The art form desired, if a choice has already been made, if not the scope of art forms
- Details of what should be included with an artists submission, such as:
  - Outline proposal (drawings/photomontages/videos/audios of proposed art project)
  - Outline costings, specifications and timescale required to ensure that art project can be produced within the commission budget
  - Examples of previous work; slides, photos, transparencies, laser copies, jpegs, videos, short stories, fiction, poetry, drama and/or other published material, DVD's, audio tapes/CD's, web address etc.
  - C.V.
- An outline of the intended selection process
- The names of those on the Selection Panel
- The total value of the commission
- The items for which the artist will be responsible both practically and financially
- A timetable setting out the key dates i.e., site visit, if appropriate; deadline for receipt of submissions; date commission is to be placed and proposed installation date
- The extent of attendance to be provided by the project contractor e.g. for performance or installation, if appropriate
- Scaled drawings and/or photographs or descriptions of the space/venue, as appropriate
- Note on requirement for artist to have due regard to health and safety and other relevant statutory issues
- Any necessary clarifications on arrangements for insurance cover
- Clarifications on responsibility for publications and publicity
- Detail of submission fee which will be paid and basis of payment
- Degree of community participation, if appropriate
- Planning permission requirements/environmental issues, if appropriate
- Maintenance and lifespan expectation, if appropriate
- Copyright position
- Notification of requirements for Tax Clearance Certificate
- Details of VAT requirements
- Liability to disclosure under Freedom of Information
- Requirements in relation to compliance with terms of the Prompt Payment Act 1997

## APPENDIX 5

### Checklist of areas to be considered when drawing up a contract to an artist

All contracts will differ depending on the individual commission. Not all of these areas will be relevant to every project.

- Artist details
- Details of participation
- Commission commencement and proposed completion dates
- Project / commission description (attach)
- Work plan (attach with payment schedule)
- Budget breakdown (research & development, implementation, completion)
- Payment schedule
- Reporting and collaboration structure (giving the name and contact details of the person with whom the Artist will communicate)
- Progress / meeting schedule
- Tax Clearance
- Copyright
- Health & Safety
- Insurance
- Originality
- Licences and permits
- Credits
- Documentation
- Confidentiality
- Evaluation
- Installation, exhibition or performance of work
- Relocation, reproduction and possible repeat performance of work
- Payments relating to potential sale or production of work, such as CDs, publications etc.
- Launch and PR
- Public Information and Engagement
- Archiving and public records of commissions, where appropriate maintenance and conservation
- Signatures

## APPENDIX 6

### Sample inventory sheet

- Title
- Artist
- Commissioner
- Date commenced
- Date completed
- Location, Installation or Performance Venue
- Dimensions / Scope
- Materials
- Total project budget
- Funding sources
- Summary of Artists' Brief
- Project Manager
- Other professionals
- Contractors
- Contact for further information
- Documentation of the commission, CD, photograph, written record, etc.

## APPENDIX 7

### Project Review and Evaluation

It is good practice to include the artists, all relevant staff, participants and other groups in the evaluation process. A sample checklist includes:

- What worked? Why?
- What didn't work? Why?
- Have the aims and objectives of the project been met?
- Has the vision of the commissioners been achieved?
- Has the vision of the artist been achieved?
- What has been the response or feedback?
- Has the artistic development of the artists been enhanced by the experience of working on this project?
- Has the project allowed for high quality public engagement?
- Drawing on the experience of working on this project, what recommendations can be made for future projects?

## SELECTED BIBLIOGRAPHY AND REPORTS

- 1 **Public Art Research Project – Steering Group Report to Government** [1996], available on the Department of Arts, Sport and Tourism website ([www.gov.ie/arts-sport-tourism](http://www.gov.ie/arts-sport-tourism)).
- 2 **Placing Art Programme by Sligo County Council** [1998 – 2002] – three publications:
  - A report on the evaluation of the pilot public art programme Placing Art by the Public Art Steering Group
  - A report by the Public Art Strategy Group on the future application of the *Per Cent for Art Scheme* by the Sligo Local Authorities
  - Placing Art – a Colloquium on Public Art in Rural, Coastal and Small Urban Environments
- 3 **In | Context** series by **South Dublin County Council** [1998 – 2001] – publication
- 4 **Breaking Ground** series by **Ballymun Regeneration Ltd** [2001 – 2011] – publications
  - Per Cent for Art Strategy for Ballymun 2001 – 2011, commissioned by Ballymun Regeneration Ltd.
  - Call for Entries brochure
- 5 **Carlow County Council's Visualise Carlow** programme – publication
  - Visualise Carlow 2001 – 2002
  - Visualise Carlow 2002 – 2003
- 6 **Fingal County Council's Art** programme – publication
  - Fingal County Council – Art – Commission, Interact, Integrate

Resource material and links will be made available on [www.publicart.ie](http://www.publicart.ie)

*Back cover inset colour photo -*  
**Cloud, 2003, by Joy Gerrard**  
**Commissioned by the Office of Public Works**

