



Strategy for Art in Public Places 2005-2007

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TABLE OF CONTENTS

1 INTRODUCTION AND ACKNOWLEDGMENTS..... 4

2 CONTEXT 4

2.1 OUTCOMES FROM COMMUNITY CONSULTATION4

3 SENSE OF PLACE..... 4

4 PUBLIC ART – DEFINITIONS AND PURPOSE..... 5

4.1 TYPES OF PROJECT:6

4.1.1 Artist initiated projects.....6

4.1.2 As a consulting artist.....6

4.1.3 As a commissioned artist6

4.2 PURPOSE OF PROJECTS.....6

5 BENEFITS AND RISKS OF PUBLIC ART IN BASS COAST SHIRE..... 6

5.1 BENEFITS6

5.2 RISKS7

6 STRATEGIC DEVELOPMENT 8

6.1 PLANNING AND INTEGRATION8

6.1.1 Public Arts Reference Group.....8

6.1.2 Project Management.....8

6.1.3 Guiding principles.....8

6.2 MANAGEMENT AND MAINTENANCE9

6.2.1 Artists Brief9

6.2.2 Site significance9

6.2.3 Inventory.....9

6.3 PROMOTION AND ADVOCACY.....9

6.4 FUNDING 10

6.4.1 Allocation within individual project budgets 10

6.4.2 Developer Contributions..... 10

7 RECOMMENDED STRATEGIES..... 11

8. IMPLEMENTATION 11

APPENDIX I – STRATEGIC PLANNING 13

TIMING..... 13

APPENDIX 2 - IMPLEMENTATION PROCESS – THE METHOD..... 14

A WORKING GROUP 14

THE BRIEF..... 14

1. Background to the Project 14

2. Brief..... 14

3. Attachments..... 15

4. Opportunities and constraints 15

5. Fees and budget..... 15

6. The Selection Process..... 16

6.1 Expressions of interest (EOI) 16

6.2 Design Proposal..... 16

6.3 Tender process 16

6.4 Management schedule 16

6.5 Evaluation..... 17

6.6 Final Selection 17

THE CONTRACT 18

ROLES 19

1.1 Consulting Artist..... 19

1.2 Commissioned Artist..... 19

1.3 Art Consultant..... 19

1.4 Specialist Consultants 19
1.5 Site requirements and Artwork location 20
1.6 Fees..... 20
1.7 Integrated Artwork Commissions..... 20
MAINTENANCE AND CONSERVATION..... 21

APPENDIX 3 – ANALYSIS OF COMMUNITY CONSULTATION PROJECT ARTS AND CULTURE ... 22

1. SURVEY OF ARTS AND CULTURAL ACTIVITIES, SERVICES AND FACILITIES 22
2. ART IN PUBLIC PLACES FORUMS 22
 2.1 Development of policies and strategies for public art 22
 2.2 Integration of art into everyday life 23
 2.3 Project management and process..... 23
 2.4 Management of public art 23
3. ART IN PUBLIC PLACES DISPLAY 24

GLOSSARY 25

I Introduction and Acknowledgments

Public Art provides a complexity of social, economic, environmental and cultural benefits.

The Art in Public Places Strategy takes its key objectives from the Council Plan and provides recommendations for the facilitation of public art programs and projects within the Bass Coast Shire.

The strategy provides a clear framework for management of the range of activities that can be involved in public art projects within the urban, coastal and rural environment.

Preparation of this strategy has been generously assisted by a wide range of people within the Bass Coast Shire and beyond; Bass Coast Shire staff, community organisations and individuals as well as representatives from a network of local and State government personnel and the arts community.

2 Context

This strategy relates to the three physical elements of Bass Coast Shire; urban, coastal and rural, and should be considered in conjunction with Council urban design and Council's Community Plan.

It is anticipated that an Arts and Cultural Policy will be completed by end of 2006. Once this policy has been adopted by Council, the Art in Public Strategy should be reviewed in order to:

- comply with the overall principles and objectives of the Arts and Cultural Policy;
- integrate with other government agency strategies.

2.1 Outcomes from community consultation

A range of community consultation including; Art in Public Places Forums, Art in Public Places Display and a survey of arts and cultural services and facilities were undertaken and a report on the outcomes is included in the Arts and Culture community consultation report.

This information, as well as individual comment made during meetings with community groups and individuals, provided the necessary background to this strategy and clearly demonstrates the value that the community places on particular places and issues.

The natural and built environment, identity and heritage issues were of significant concern to many residents involved in the research process and these issues are best expressed as the community's 'Sense of Place'. It is also important to note that a contemporary style of art was stated as preferred for visual art.

3 Sense of Place

When a sense of place is established, connections are formed between older and younger generations, between the natural and built environments, between the present and past, between different cultural and social experiences.

The environment, especially the foreshore, reserves, streetscapes and heritage buildings are central to the amenity of Bass Coast Shire. The coastline has been an important attraction for residents and visitors and its management and interpretation brings challenges and responsibilities. The urban character of the townships is diverse and the concept of 'urban villages' has strong links to heritage, transportation and work patterns.

Recognition of the importance of the indigenous heritage of Bass Coast Shire brings with it a unique understanding of the qualities and significance of the natural environment.

The focus for many people is in their local shopping area and in the original purpose for the establishment of these facilities and services such as aspects of mining, dairy, chicory and fishing industries and a destination for holidays.

This focus on identity and significance combines with an outdoor oriented lifestyle, which is encouraged and supported by the quality of open space and controlled access to the environmentally significant foreshore. There is an opportunity to celebrate the heritage/lifestyle/environment of the Bass Coast community with the public parks and places as cultural assets and the backdrop for many activities.

Public Art can build on the sense of place, which is unique to every city and town. Public art and artists can make a valuable contribution to the built and natural environment by celebrating, marking and revealing aspects of a community, its aspirations and history. Every member of the community can enjoy the benefits that result from these artworks.

A strong sense of place, identity and community invariably make a city attractive to live, work in and visit (C. Atwell – Art Insights 1999)

4 Public Art – Definitions and Purpose

Public Art is largely defined by its location within a public place and can have a direct relationship to the local environment and the culture of the community. It can be constructed to last indefinitely such as for commemorative works, or to have limited life span. The term Public Art can also refer to contemporary art practice that occurs outside the traditional gallery or museum system.

Public Art projects are:

- initiated by Council in response to the community or to Council's economic and cultural planning objectives;
- commissioned by an organisation, private person or company as part of their public amenity.

Public Art can involve the commissioning of artists to produce permanent or temporary site specific work such as street sculptures, wall paintings, constructed landscapes, virtual projects or collaborative works with architects, landscape designers and urban planners. These latter functional projects can include items of furniture, lighting, fixtures, carpet and the design and treatment of floors, paving, walls, windows, doors, rubbish tins and fencing.

Projects may be designed as a festival, part of an arts event or street performance or they may exist fleetingly as computer generated imagery or a laser show. The issue of the proposed duration of public artwork is a difficult one, with each case needing to be considered on its different merits and with specific directives for maintenance and future removal whether intended or not.

The range of options for consideration could include:

1. a permanent sculpture program with a development life-span over 25-50 years;
2. a temporary sculpture program (3 - 5 years) located in a popular townscape;
3. community arts programs;
4. emerging artists programs;
5. integration in Urban design and streetscapes;
6. the use of 3D projection technology as a temporary installation for festivals/special events;
7. commercial and independent private projects.

Ownership options need to be addressed prior to the commissioning of any work and could include:

- acquisition by council for inclusion in planned landscape designs or permanent sculpture program;

- return of the work to the artist or sale by public tender. Contingency plans for the future removal of any sculpture such as removal methods and costs should be included in all program briefs whether the artwork is intended to be temporary or not.

4.1 Types of project:

Each Public Art project has unique characteristics, but the following are the three basic types:

4.1.1 Artist initiated projects

Artists or members of community groups who have an idea that they wish to pursue can initiate a Public Art project. More commonly artists are invited to participate in a local festival or an artist-managed event. In these cases, the work is usually contemporary in nature or ephemeral work such as music, theatre or an installation.

4.1.2 As a consulting artist

Artists are invited to join the council's team for a project, usually the design or re-design of streetscape, parks, civic buildings, sports or community facilities. The artist's role is to develop concepts for artworks that can be created as part of the project and to contribute to collective design decisions. In this situation, the consulting artist is not eligible to submit a tender for any resulting artworks for a project in which they have been involved.

4.1.3 As a commissioned artist

Artists are invited to design and create a work of art for a specific location, in response to an Artist's Brief prepared by Council.

4.2 Purpose of projects

Public Art portrays the identity of a place. eg. Pride of Place and 'Place-making' projects.

A Public Art program can provide communities with stimulation and inspiration for the future as well as tangible links or recognition of the past. The most common focus of these being the interpretation of a lifestyle or the environment and commemoration of a major event.

The acknowledgment and celebration of different identities through Public Art are valuable in creating pride within the community and therefore an increase in harmony throughout the shire.

Public Arts is an integral part of a range of Council projects such as in capital works, planning of parks and gardens, coastal development, and recreation and Council needs to commit to public art through its budget process.

5 Benefits and Risks of Public Art in Bass Coast Shire

5.1 Benefits

Public Art provides a complexity of social, economic, environmental and cultural benefits. The responsible planning and development of our urban, coastal and rural environment can provide a range of benefits across the strata of local government. They can:

- add to the collection of local cultural heritage;
- alter people's attitudes about and responses to specific environments;
- animate and enrich public spaces;
- channel social interaction between various groups living and working in the area;
- contribute to a lively and dynamic environment;

- contribute to urban revegetation;
- contribute to the promotion and recording of the region's cultural tourism;
- contribute to the town/shire's economy;
- create and foster a strong feeling of identity and pride in the community;
- create landmarks in the urban environment that will become natural gathering places;
- create and improve the highest quality public spaces through innovative integration of art, design, architecture and related elements;
- establish art and artists as recognised assets of the municipality;
- increase the understanding and enjoyment of contemporary art by the community;
- provide a focus for history and story telling;
- provide employment opportunities for local artists, craftspeople, artisans, designers etc;
- provide interesting destinations and photographic opportunities for visitors;
- provide mentoring opportunities for local artists;
- provide opportunities for minority groups to feel and contribute as a part of the community;
- provide space and opportunity within the built environment for;
 - > play and exercise;
 - > reflection and quiet;
 - > comment, wit and jokes;
 - > performance and exhibition;
 - > spontaneous events.
- provide visual links across boundaries created by change of use, architecture or across roadways or water;
- reflect the richly diverse nature of the community;
- revitalise a town's retail centre;
- support local artists;

Combined with other local authority initiatives such as streetscape upgrading, artworks can draw people to spend more time in public places, which may previously have been almost deserted, at night or weekends. Businesses in the area benefit as the popularity and the feeling of safety of an area grow.

With proper planning and implementation, completed projects will provide anticipated benefits, however the following risks need to be considered during the planning process:

5.2 Risks

- Involving an artist to solve an urban /transport/landscape design problem – transferring the problem, not solving it at the appropriate source;
- Maintenance and permanence;
- Overall acceptance by all sectors of the community;
- Risk of exclusion of interested parties (may be very diverse).

6 Strategic Development

To ensure the benefit from Public Art is achieved, development of projects should focus on four key areas. They are:

- Planning and integration;
- Management and maintenance;
- Promotion and advocacy;
- Funding.

6.1 Planning and integration

Experience and advice suggests that the greatest impact is achieved when Public Art is integrated into projects such as the construction of new buildings, streetscape works, urban design projects and retail development.

6.1.1 Public Arts Reference Group

The method to develop and determine various methods and criteria for development and management of Public Art projects in Bass Coast Shire and to ensure that the purpose of Public Art is understood and has a high profile in the community. A group of at least seven participants may include arts administrator, artist with State /National experience, architect, planner, members of the education community and commercial stakeholders in the Shire. The role of the Group could be to:

- ensure that the purpose of Public Art is understood and has a high profile within the community;
- inform the future selection of sites and partnership projects ;
- ensure Public Art is integrated across council's activities.

6.1.2 Project Management

A Working Group is considered the best option to manage a public art project within a structure such as an urban design or other major project.

This group will:

- include and be headed by a member of the *Public Arts Reference Group (6.1.1)*;
- ensure that the particular Public Art project is understood and has a high profile within the community;
- ensure the future integrity of the work, the landscape and the interpretation.

6.1.3 Guiding principles

A number of guiding principles should be used to underpin the future Bass Coast Shire Council's Public Art projects The guiding principles are:

- Why will we do this?
- How will we do this?
- Who will do it?
- Where will we do it?
- When will it be done?
- What will it cost? (Heritage, community, environment, finance and time)

These principles are used to evaluate the proposed project in terms of the:

- *Relationship of the artwork to the public.*

Public artworks should make a contribution to the cultural life and amenity of their location. The artist needs to be aware of any history of significance attached to the site and ideally be sensitive to community values and expectations

- *Relationship of the artwork to the site.*

The artwork should respond to the site through the use of suitable materials, scale and location. Safety issues need to be addressed and if necessary, the advice of professionals such as engineers taken into account at the design stage.

- *Expressive content of the work.*

This is the primary quality that an artist brings to a project. Their ability to express their ideas in a creative manner needs to be preserved throughout the project.

A guide to the implementation of all Public Art projects is provided in Appendix 3.

6.2 Management and Maintenance

Effective management, communication and productivity are necessary to take plans for a Public Art project through to reality. Skilled and experienced people need to be employed, a suitable design developed, a plan for the construction refined and a final commitment made to maintain what has been created.

6.2.1 Artists Brief

A full and specific Artists Brief will be provided for each project. Each Brief will include the elements for management and maintenance of the artwork both during production and following completion.

6.2.2 Site significance

A list of locations recommended for Public Art in the Urban Design Frameworks prepared for the townships of Bass Coast needs to be compiled in order to identify the integrity and relative significance of each site. The purpose for this activity is to ensure that; 'The right things will be in the right places' and to identify suitable partnerships and opportunities for collaboration.

6.2.3 Inventory

An inventory, including a photographic record of the artworks and assessment, of previous council and community projects is required in order to identify previous themes, partnerships and community participation as well as the current condition and future management and maintenance requirements of existing works.

The assessment would include the name of artist(s), current status of the work, finance provided, community opinion, location and the theme or interpretation of the work. The project would form the basis for a future Bass Coast Shire Arts catalogue.

6.3 Promotion and advocacy

A campaign involving promotion, advocacy and education will ensure that Bass Coast develops as a Shire that values the arts. Creating an environment where the community is actively engaged in discussion and has access to information about Public Art is the first step.

This particular focus of the Art in Public Places strategy will be included in a future Art and Cultural policy and in an appropriate communication plan in association with Bass Coast Shire Communications Officer.

6.4 Funding

The commissioning of site specific, one off art works with an indefinite life span is complex. To ensure that the benefits of Public Art are achieved and maintained it is important for council to make a financial commitment to its infrastructure.

Funding is more than simply the cost of the artwork. The timing of funding is important and costs such as administration, regular maintenance and interpretation will need to be included. Funds for administration ideally will be found in the overall project management budget and can include:

- acquisitions;
- commissions;
- artist-in-residence projects;
- artists as part of a collaborative team;
- artists collaborating with the community in the design and/or implementation of place-making projects;
- support for temporary installations and exhibition opportunities.

There are two basic methods for the allocation of funds by council annually to Public Art.

6.4.1 Allocation within individual project budgets

Major council development or redevelopment projects can set aside a portion of the overall budget for the inclusion of public art in that project. In this way, public art involvement can:

- take the form of artists working as part of the design teams to collaborate with architects or landscape architects to provide input into the overall conceptual design or individual components of a building, streetscape or space;
- work on specific commissions as part of a development.

Specific projects not incorporated into a development plan will need to be referred to Council for consideration during the normal annual budget process.

6.4.2 Developer Contributions

New commercial developments or major residential subdivisions be encouraged to either include public art opportunities in respective projects, or provide a contribution to council to undertake the installation of public art.

This installation could be either within the project area, or if agreed, could be part of a major public artwork within the municipality.

Council staff would discuss the opportunities with the prospective Developer in the early stages of planning or subdivision approval processes. The benefits of public art within the development would be identified.

If the Developer agrees to contributing towards a public art installation an agreement such as a Memorandum of Understanding would be entered into.

Such agreement would include specific details such as –

- funding amount to be provided;
- style of public art eg. sculpture, mural etc;
- proposed location – either within a town area or within the development;

- responsibilities – Council to organise or the Developer;
- maintenance and ownership.

7 Recommended Strategies

- 7.1 Establish a Public Art Reference Group to develop and determine various methods and criteria for development and management of Public Art projects in Bass Coast Shire. Such Group would be part of any Urban Design or Strategic Planning Group.
- 7.2 Identify the integrity and relative significance of each site recommended as suitable for Public Art in the Urban Design Frameworks prepared for the townships of Bass Coast.
- 7.3 Develop a 'Statement of place' program in association with the urban design strategy and other major public space developments in order to place emphasis on the significance of the site, local involvement and ensure the integration of art and functional design elements.
- 7.4 Compile a full inventory and assessment including photographic records of existing artworks of previous council and community projects.
- 7.5 Develop an acquisition policy, which incorporates Public Art and design, for inclusion in Bass Coast Shire Arts and Cultural Policy.
- 7.6 Allocate resources for Public Arts Projects in relation to all Council capital works.
- 7.7 Develop a kit to encourage developers on private land to include within their project contributions towards provision of Art in Public Places.

See Appendix 1 for details of key partners, timing, resource implications and strategic indicators related to these strategies.

8. Implementation

Implementation of Public Art Projects within Bass Coast Shire will be handled within the management structure and include staff from Urban Design, Planning, Assets, Arts and Leisure and Community Development.

Documents to assist with this implementation are attached in Appendix 2 and cover the following:

- The Brief
- Selection Process
- Contract, Roles of Artists
- Arts Consultants
- Specialist Consultants
- Integrated Artwork Commissions
- Maintenance

- Conservation

APPENDIX I – STRATEGIC PLANNING

Strategies for consideration with respect to art in public places:	Key Partners	Timing	Resource implications	Strategic Indicators
1. Establish a Public Art Reference Group to develop and determine various methods and criteria for development and management of Public Art projects in Bass Coast Shire	Planning; Arts and Leisure; Recreation; Community; Arts societies	By May 2006	Human Resources Financial if expert is required	Public Art Reference Group established
2. Develop a kit for Developers to encourage participation in art in public places	Arts and Leisure; Planning; Assets	By October 2006	Human Resources	Additional funding/public art
3. Compile a full inventory and assessment including photographic records of existing artworks of previous council and community projects	Planning; Assets; Arts and Leisure	By May 2006	Human resources Grants	Inventory of existing work completed
4. Identify the integrity and relative significance of each site recommended as suitable for Public Art in the Urban Design Frameworks prepared for the townships of Bass Coast.	Arts and Leisure; Planning; Community Groups	By October 2006	Human resources	Statement of significance completed for each recommended site and included in appropriate overlays for planning purposes.
5. Develop a 'Statement of place' program in association with the urban design strategy and other major public space developments in order to place emphasis on local involvement and ensure the integration of art and functional design elements	Strategic Planning; Urban Design; Arts and Leisure; Local traders; Community	By October 2007	External funding opportunities Incorporate in existing allocation for developments	Development of 'Statement of place' program
6. Develop the introduction of an acquisition policy, which incorporates Public Art and design	Arts and Leisure; Corporate Management Team	By April 2007	Consultancy Fees Human resources	Acquisition policy

APPENDIX 2 - IMPLEMENTATION PROCESS – THE METHOD

Before beginning any project it is very important to have a clear idea about what the community, council or group wish to gain or achieve. In other words ‘Why are we all doing this?’

The ‘checklist’ of benefits and risks provided below could be used prior to the commencement of any Public Art Project and made available to all members of a project team, advisory group or selection panel for discussion and mutual understanding.

A WORKING GROUP

A Working Group is a good option as a sub-committee or targeted task group to manage a public art project within a larger structure - such as an urban design project. The group can use other forums and groups as sounding boards, or for advice on specific issues – local arts groups, local art gallery/performing arts centre staff, community groups, special interest groups etc.

It is the Working Group which either undertakes the day to day management of the project or which supervises and assists a consultant or staff member who manages the project.

The Working Group could provide the following:

1. Representative from the community;
2. Representative of the commissioner (person/ organisation/partnership that has instigated, and is financially responsible for, the project);
3. Manager of the whole project – major development, building, urban development etc. (where applicable);
4. Representative of the major sponsor/develop (where applicable);
5. Arts and cultural expertise to add value, ensure fair consideration of proposals and build credibility - such representatives could be co-opted for each project.

Public Art projects basically vary in size and purpose and thus the method for their facilitation will vary accordingly. It is therefore important that every one involved has the same *idea*. It is possible to achieve a number of objectives; a landmark, an object of civic pride, a respected work of contemporary art within one project brief.

To assist with identifying the benefits and risks associated with each project, the Working Group needs to identify and agree on the purpose and benefits of the project.

THE BRIEF

The Brief is the blueprint for a project. It serves as the reference point for artists, client and community. It should be carefully thought out and clearly presented in a straightforward and unambiguous manner. The following areas should be addressed where relevant:

1. Background to the Project

- Relevant local history;
- Role of artist, client community and project team;
- Reference to theme or master plan for the project.

2. Brief

- Describe the location and characteristics of the site;
- Give parameters for media, materials and the scale and scope of work;
- Outline the level of consultation expected;
- Give time schedules for commencement and completion of project.
- State conceptual requirements and the conditions of Contract. An example might be the

payment of a design fee to the artist on completion of that stage;

- State submission requirements - design selection criteria, tender lodgement etc.

3. Attachments

The following attachments should be considered for inclusion in the Brief:

- Site plans, elevations, local area maps;
- Relevant reports – history, environment, community, needs assessment etc.;
- List of local stakeholders for projects requiring a consultation process or for information only should the artist be contacted directly by members of the community.

4. Opportunities and constraints

- Name known opportunities, for instance other work planned for the site such as new streetscape or public amenity;
- State any constraints of the site, for instance power lines, an easement, a particular tree or underground cable.

5. Fees and budget

- State the budget available for the commission;
- Indicate a proposed design fee for the artist;
- List the items and scope of the work included in the budget and those, which will be paid for by the client. These could include certain materials, insurance, installation and foundations and the immediate surroundings of the artwork.

Note: The artist is usually one person working alone with few major resources. If the project is integrated with construction work or if the client has the facilities, some or all of the things below may be paid for outside the commission budget:

- Insurance;
- Transport costs to site;
- Footings and foundations;
- Remedial work to surroundings;
- Provision of power or water;
- Interpretative material eg. plaques/signage;
- Installation costs;
- Maintenance and conservation;
- Ownership rights.

6. The Selection Process

The selection process can vary in proportion to the complexity and profile of the project. However it is important that it is scrupulously fair and objective.

6.1 Expressions of interest (EOI)

The EOI Process is to shortlist the potential providers of service and to discover their experience and capability.

EOI are often invited for large projects where public advertisement of a project is preferred. This method allows all artists access to a project although only a small number will be asked to develop design proposals.

The EOI process can be used when the cost of tendering is inappropriate in the particular circumstances. It is suited to searching out ideas and innovation and is recommended for public art commissioning. A commissioner may want a sculpture for a particular location but have no firm ideas beyond this. In such a case the brief can outline the constraints and opportunities offered by the project for an artist to interpret. The brief should be open-ended and non-prescriptive.

Artists who express interest are sent the project Brief and asked to submit an outline of their approach to the project, Curriculum Vitae and slides or other relevant material, the submissions are used to decide the shortlist. The decision is made by a selection panel or the project steering committee.

6.2 Design Proposal

Artists on the shortlist are usually offered additional information such as detailed site plans invited to a site briefing and paid a development fee. This enables them to:

- spend time on the design concept;
- ensure a good standard of presentation;
- develop a realistic and detailed budget;
- research background, materials and fabrication methods.

In setting a time for the final presentation, allow a reasonable amount of time bearing in mind that most artists will have existing commitments.

6.3 Tender process

A Tender process in accordance with Bass Coast Shire Council's Procurement Policy will be applied when appropriate. It will be best applied when Council can clearly specify what goods or services it wishes to purchase and can provide details as to the quality, amount and nature of these in a specification. The Brief will form the basis for the specification.

6.4 Management schedule

The following is a suggested schedule for the management of the tender/expression of interest process:

- tender number is assigned against the project and a brief description of the project is lodged with the contract section of Council;
- a project brief that includes criteria for assessment is formulated;
- a public notice is placed calling for Expressions of Interest;
- a pre-Tender briefing may be held;

- tenderers are usually given a minimum of 21 days in which to submit a Tender;
- a Tender assignment panel must be established to assess all submissions;
- all written Tender submissions received must be evaluated against specified criteria;
- a contract is awarded to one Tenderer who has submitted a written Tender regardless of whether or not the tender is the lowest Tender;
- all unsuccessful Tenderers are notified in writing.

6.5 Evaluation

Any Quote, Tender or Expression of Interest must be evaluated. Evaluation criteria are established as part of the project brief and listed in the Expression of Interest or Tender documents so that the respondents know how and by what means their proposal is to be judged.

These criteria must be listed in order of importance but the weightings of the criteria do not have to be given and may not be determined until the assessment panel meets. To ensure that probity and ethics are maintained, the weightings are allocated before panel members view any of the submissions.

6.6 Final Selection

A selection panel is convened or reconvened to undertake final selection. For smaller projects, and in the private sector where only a few artists have been invited to submit a proposal, this may be the first and only stage of the selection. The panel will usually draw on people with the following responsibility and experience:

- The client or his/her representative eg. the Project Manager;
- The architect or other design professional involved;
- An independent person with an arts background;
- A Councillor;
- Arts and Leisure Team;
- Procurement representative.

Allow each artist sufficient time for presentation and discussion. Remember each panel will require private discussion time between each interview. Useful criteria for the selection process are:

- The creative response to the Brief;
- Issues in the Brief are addressed;
- Ability to work at the desired scale;
- Current work load and level of organisational ability;
- Quality and clarity of presentation;
- Proposed time schedule, working method and materials.

THE CONTRACT

The Arts Law Centre for Australia has developed basic contracts that cover most situations involving artists. Membership of Arts Law is advisable for artists and clients undertaking art projects.

Agreement to a project may be by signing a Letter of Agreement or a formal Contract.

In either case the following conditions should be met:

1. Each party signing the document should have their own copy of the signed contract.
2. Stamp Duty is payable on the Contract usually by the client.
3. The names and address of the parties must be clearly identified.
4. The commissioned work should be described as fully as possible, usually by attaching the Brief (often as a separate Schedule).
5. The client and artist should negotiate to what extent the client may request changes to the design and to the artwork and when, or if, further payment becomes justified.
6. A fee schedule that sets out agreed milestones for payments to the artist. This may be at a time when materials have to be purchased and paid for, or simply at agreed intervals.
7. Set out agreed responsibilities ie. Delivery, installation and insurance cover, even if they are stated in the Brief.
8. Establish ownership of copyright in the design and the completed work while ownership changes hands. In the case of public art commissions, this model often remains acceptable while the artwork is commissioned by private interests even if its location is seemingly public. In contrast, Crown Law traditionally claims copyright over everything it commissions. The conflict this can cause may be resolved by a joint copyright clause. The clause sets out joint ownership of the copyright, gives each party rights to use the image of the artwork in the course of their activities and requires each party to negotiate a fee if and when the question of reproduction (or other right) arises.
9. The Contract will usually state that the relationship between the client and the artist is that of an independent contractor. The artist is therefore responsible for his or her own personal accident and injury insurance. However professional advice is recommended to clarify particular State laws.
10. A clause is usually inserted giving either party rights to terminate the Contract if certain conditions are breached. There may also be 'breather' clause to allow the breach to be remedied before the Contract is terminated and would include the process for problem solving.
11. If the commission should end up in a dispute, the Arts Law Centre of Australia in Sydney offers a mediation service to anyone with an arts related dispute. Membership of Arts Law is not a pre-requisite for access to the mediation service.

ROLES

There are two models for artist involvement in a project:

1.1 Consulting Artist:

The artist is invited through Expression of Interest or Tender process to join the professional design team for a project. The artist has two roles:

- To develop concepts for artworks they wish to create as part of the project
- To contribute to collective design decisions.

1.2 Commissioned Artist

The artist is invited through Expression of Interest or Tender process to design and create a work of art for a specific location, usually in response to a Brief. Usually the Brief will be issued at the same time as the construction tender

1.3 Art Consultant

In the instance of a private project, the client or principal consultant may wish to use the services of an art consultant to find an artist for the project. In large projects such as a shopping centre, an art consultant can create a thematic framework that binds a diverse range of artworks by various artists together. The framework and the opportunities for artists are usually developed in collaboration with the client and the project architect.

The art consultant can play a curatorial role, either by selecting artists to undertake a number of projects or by selecting work on the client's behalf. The art consultant ensures that the artistic integrity of the project is maintained and that appropriate selection criteria are applied.

The role is to provide arts expertise, advice and management skills to the client and commissioned artist by:

- acting as a liaison between the parties involved;
- identifying opportunities for artworks within the project;
- assisting with the budget preparation;
- preparing Briefs and identifying suitable artists for the project;
- managing artists selection including the preparation of a shortlist and final selection;
- informing the client about the progress of the project.

The art consultant should not be eligible to submit a tender for any resulting artworks for a project in which they have been involved.

1.4 Specialist Consultants

Many public art commissions require the assistance or approval of specialist consultants. Public safety and maintenance of Australian Standards are essential requirements for artworks in public locations.

The degree to which an artist and the client are covered for public liability and professional indemnity should the artwork fail in some mechanical or structural way may be assisted if professional; specialist advice has been obtained.

Specialists most commonly involved are:

- electrical;
- lighting;
- hydraulic;

- structural.

1.5 Site requirements and Artwork location

The artist should be informed of any site requirements or restrictions before they are commissioned. These can range from:

- lack of power or water;
- underground cables or pipes;
- restricted access to the site;
- union membership;
- requirement for disabled access.

1.6 Fees

Specialist consultants such as structural, hydraulic or electrical engineers will be members of professional bodies and charge set fees for consultation, advice and even construction details. If the project requires this type of input, an allowance should be made in the commission budget and the artist formally required in the Contract to obtain advice and assurance from a specialist consultant.

1.7 Integrated Artwork Commissions

Site – Issues of Practical Integration

Public Art commissions are often developed as integral elements of a building or a streetscape. If this is the case the artist may be asked to document their work through the design team. This can provide substantial cost savings if parts of the artworks such as foundations, mountings, piping and cabling can be included in the normal tendering and construction process.

At the start of a project it is important to clarify the point at which an artwork finishes and its surroundings commence. This demarcation establishes who designs and pays for a plinth or base, foundations, footings and any remedial or new landscaping which may be required to complete the project.

If it is not possible to integrate the base construction work at the time of tendering the project manager may put aside a provisional sum for the artwork and its installation within the main construction contract. In this case, either the artist may be responsible for managing the complete fabrication and installation process or instructed to use a nominated sub-contractor with the artist retaining responsibility for supervising installation and completion of the artwork and its surroundings.

MAINTENANCE AND CONSERVATION

Recording an artwork and documenting its fabrication is an important tool of maintenance and conservation. This information will be needed in the future for the proper care and maintenance of the work. For example, the formulae for surface finishes need to be known in case of graffiti attack.

The record should include:

- how the work was constructed;
- types of materials used;
- electrical and mechanical systems used;
- finishes to the surfaces such as the formulae for patinations (surface cleaning/polishing etc);
- any recommendations or stipulations made by the artist.

A written and photographic record of the work will provide information about its history, which can be used in tourist publications and to inform the public as well as conservators and curators.

Details to be recorded:

- the reason for the work being commissioned;
- the client;
- the artist and his/her background;
- title of the work;
- date of completion;
- materials used and physical dimensions;
- details of any commemorative plaque;
- copies of any media coverage;
- photographs of the work from different angles and in its wider setting.

Apart from the practical and historical value of such records, it is also useful to the client and the artist in the event of relocation or copyright issues which may arise in the future.

A copy of this record should be kept by the client and placed on public record, for instance, in the local library and within a full inventory of existing artworks of previous council and community projects.

The artists will be required to provide a written maintenance schedule for periodic and annual maintenance to be performed on the work should it be necessary. The maintenance details shall include –

- Inspection schedule – how often these are to be undertaken;
- Cyclical maintenance program;
- Expectations of the artists for maintenance of the work;
- Written agreement prior to commencement of commission of the maintenance requirements.

APPENDIX 3 – ANALYSIS OF COMMUNITY CONSULTATION PROJECT ARTS AND CULTURE

1. Survey of arts and cultural activities, services and facilities

This first art and cultural survey conducted in the Shire during September and October 2001, provided a benchmark to compare results and measure the Council's performance on a wide range of arts and culture services and facilities. The survey provided the community an opportunity to comment on the many issues relating to arts and cultural activities and experiences as active and non-active participants.

Individual feedback received from members of the community suggests that the survey was too long and complicated. The low response to the survey by the community also indicates that there is a lack of awareness and understanding by the community of:

- the extent that the arts actually affects their lives; and
- what is represented in arts and cultural activities.

2 Art in Public Places Forums

The Art in Public Places Forums were facilitated to launch the Arts services and facilities survey and to provide the community with a number of perspectives on public art.

Three guest speakers, Maudie Palmer, Arts Consultant with a wide range of experience in Public Art programs in Australia, Jojo Spook, local artist and sculptor and Rodney Scherer, Director of the Latrobe Regional Gallery were well received by the community. The knowledge and advice that they shared with a professional attitude and good humour was well defined and particularly useful.

These forums provided a wealth of information for the community and Bass Coast Shire Council to consider. In particular the advice provided many issues for discussion with regard to the development and establishment of a strategy for public art in Bass Coast Shire.

Members of the community advised that the forums had provided valuable information regarding the process and methodology necessary for acquisition of public art within the Shire. The speakers and community discussed issues, which were broadly within the following segments:

1. Development of policies and strategies for public art;
2. Integration of art into everyday life;
3. Themes, purpose and criteria;
4. Project management and process;
5. Management of art in situ;

2.1 Development of policies and strategies for public art.

It was evident that the development of an arts policy or strategy was considered by the speakers to be the first and most important step to be taken by the Shire and that this should be achieved with input from the community from the beginning.

It was strongly recommended that the Bass Coast Shire incorporate art in their building and planning policies and that a percentage of the cost of project development be allocated to cover the cost of an artist. The result would provide attractive/elegant solutions to ordinary constructions, enhance the streetscape and environment and contribute to the economic development of the townships and region.

Membership of any future advisory group or sub-committee to include artist, architect, planner, arts officer and members of the major education and commercial stakeholders in the Shire in order to ensure that public art is understood and has a high profile within the community from the beginning.

The importance of an overall policy was seen to be integral to the future success of any public art project.

2.2 Integration of art into everyday life

Both Rod Scherer and Maudie Palmer raised the issue of art being a part of everyone's life - not just for those that pursue it as an active or inactive interest.

The value of art to a community in terms of pride, ownership, tourism, respect for the past and environment are considered immeasurable and the importance of an overall arts and cultural strategy was strongly supported.

Themes, purpose and criteria for temporary and permanent installations.

These issues would form part of Council's Arts and Culture Strategy. However it was evident that the wide range of concepts and themes that are within the natural landscape and history of the region need to be considered carefully before undertaking any major permanent installation.

An advisory committee including artists, community representatives and arts professionals could investigate all concepts and themes and provide a report in association with the Arts and Leisure section of Council.

2.3 Project management and process

The importance of careful planning for each project was strongly emphasised. Clear guidelines need to be established as part of the arts and culture policy regarding responsibilities, budget, materials, location, timelines, conservation, management and safety etc. The expectations of the community as well as council and any participating artist need to be addressed and clarified before the commencement of any project.

2.4 Management of public art.

The issue of management of any installation whether long term or short requires careful consideration before any project is finally approved and would sometimes be reflected in the criteria for any expression of interest as far as location, materials etc are concerned. A suggestion was made that a 'Friends' group could be established to take responsibility for the installations. However, the ability, resources and skills of this group would need to be clearly identified before expressions of interest are called for, if this is considered to be a feasible option.

3. Art in Public Places Display

A display of over 80 images of public art was provided to expand the focus of the community forums and allow those attending to gain a better understanding of the scope of the subject.

This display was exhibited at each of council’s customer services areas and throughout the Shire in libraries, secondary and tertiary education facilities to ensure that responses are garnered from a wide cross section of the community.

Members of the community were asked to advise which of the images they prefer, as well as those that they do not like. The information gathered is being used to determine the style, location, purpose and themes preferred by the community of the Bass Coast Shire. Results currently provide the following information:

- Preferred locations: streetscapes/malls 50%
- Preferred purpose: functional 40%
- Preferred style: contemporary 50%
- Preferred theme: environmental 40%

The display was available for comment from 29 September 2001 until 15 May 2002.

GLOSSARY

Artwork Brief

Describes the scope of the artwork and any special requirements

Art Consultant

Acts as a facilitator and manager of the art component of a project.

Arts Officer

Staff member in local government. Often manages community art and public art projects.

Capital Works

Construction of buildings, streetscapes, landscapes and transport infrastructure.

Client

The person or organisation contracting others for a project.

Commission

A form of Contract commonly used for artists, usually in response to a Brief.

Commissioned Artist

The artist engaged under the terms of a commission agreement to complete a specific artwork.

Commissioner

Person/ organisation/partnership that has instigated, and is financially responsible for, the project.

Consultant

General term used to describe a person or firm engaged to meet the requirements of a Contract.

Consulting Artist

The artist working collaboratively within a design team on ideas for artworks.

Consulting Engineer

The engineer engaged by the client or principal consultant.

Contemporary

Refers to art works that are 'of today' and reflect today's issues and lifestyle.

Contract

A legally binding form of agreement used for various aspects of a project.

Contractor

The person or firm awarded a Contract to complete specified works.

Contract Administration

General administration, including periodic inspection of the work to ensure that it is executed in accordance with the documents.

Contract Documentation

Drawings and specifications describing the work as awarded in the tender.

Contract Supervision

Constant supervision of works on site, usually by the principal consultants agent.

Construction Contract

Awarded to the building contractor to complete specified construction work.

Concept Plan

A first stage of design for large projects that provides a framework or further stages of work.

Contingency

A sum preserved for unexpected cost overruns such as delays or variations.

Copyright

Legal protection for ownership of intellectual property.

Curriculum Vitae

The profile describing an artist's skills and previous experience which may need to be varied depending on the context of its use.

Design Development

Intermediate stage of design where initial concepts are refined.

Design Documentation

Drawings, models, budgets and schedules describing the work as agreed prior to implementation.

Design Proposal

Drawings, models and budget estimates prepared as part of the artist selection.

Design Team

Multidisciplinary team assembled from different professions involved in the design of the project.

Disbursements

Additional costs associated with a fee proposal such as travel, accommodation etc.

Expression of interest

First stage of submission in response to an invitation or advertisement.

Fees

Design fees cover the cost of proposals, documentation, meetings and supervision.

Fee Schedule

Describes the milestones for the payment of design or fabrication fees associated with the project.

Hand-over

Transfer of ownership of the artwork from an artist to client on installation and completion.

Invoice

Written request for payments to the commissioner at agreed milestones

Lead Consultant

See Principal Consultant

Letter of Agreement

A less formal, but still legally binding, form of Contract often used for consultancies or design proposals.

Maintenance Schedule

An accurate record of the work as executed, needed for the long-term care of the work.

Municipal Inventory

Register of significant buildings and sites providing information on local heritage values.

Payment schedule

Describes milestones in the payment of design fees, materials and fabrication costs.

Personal Accident

Insurance required for accident or injury incurred by the artist in the course of the project.

Preliminary Design

Early stage of the design that is subject to modification and development.

Principal Consultant

The architect, landscape architect or engineer engaged by the client to form and lead a multidisciplinary team.

Project Architect

Responsible for the architectural design. At times acts as the project leader.

Project Brief

Describes the scope of the larger project of which the artwork is an element.

Project Manager

Responsible for co-ordination, supervision and administration of the project.

Professional Indemnity

A form of insurance taken out by many consultants protecting them from claims arising from advice given to clients.

Public Liability

Covers claims arising from accidents or injury incurred by others either off-site or during installation.

Retainer

A component of the artwork budget sometimes withheld by the commissioner until completion of the project.

Schematic Design

First stage of the architectural design, subject to refinement during design development.

Selection Criteria

A guide for evaluation of submissions. Sets out relevant skills, experience and any special requirements.

Short List

A selection of applicants for a project. These can be selected from responses to an advertisement or compiled from invitations sent to artists.

Site

General term used to describe a place, but frequently refers to a building site or study area.

Site Analysis

Investigation of the physical, social and cultural characteristics of a place.

Site Manager

Responsible for all activities on a building site. Needs to be contacted prior to entry to any active site.

Specialist Consultant

Professionals engaged to provide specialist expertise on matters such as electricals, drainage, hydraulics etc.

Specifications

Detailed drawings, materials schedules and measurements needed for fabrication by a contractor.

Stakeholders

Persons or groups most directly effected by a project.

Structural Engineer

Evaluates and advises on the structural integrity of a design.

Sub-consultant

Specialist consultants engaged by the principal consultant.

Sub-contractor

Specialist fabricators engaged by the contractor to complete an identified task.

Tender

Formal process for the awarding of a Contract to provide a service or supply works.

Tender Document

Includes all necessary documents and special requirements needed to quote for a project.

Time Schedule

Indicates progress milestones and dates for completion of nominated tasks.

Urban Design

Interdisciplinary practice involving architects, landscape architects, planners, engineers and artists.

User Groups

Individuals or groups using a building or space on a regular basis.

Variations

Changes to the terms of the original Contract that have been agreed to by both parties.

Warranty

Guarantee on materials and workmanship for a specific period from completion to hand-over.

Workers Compensation

Insurance required by employees for claims arising from accidents, injuries or illness of employees.