



CANADIAN ARTISTS REPRESENTATION /  
LE FRONT DES ARTISTES CANADIENS

## ADVISORY NOTE

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# Guidelines for Organizing Art Commission Competitions

By Garry Conway for CARFAC Ontario © March 1994

Interest in having artwork in public buildings is on the increase. This positive development helps make artwork more accessible to the general public and acknowledges the importance of the creative process. The summary information provided here is intended to act as a guideline for the private sector, institutions, and government in the selection of art for public places.

Anyone who is acquiring artwork for a public site has a responsibility to both the public who will see the artwork and to the artists that create it. This responsibility would respect the public's need for access to works that have "artistic merit" and reflect the culture of the community. It would also demonstrate a professional relationship with the artists involved that provides reasonable payment for creation, time, and materials.

The selection process is all important. This process must be professional, must provide reasonable time for artists to respond and each step must financially compensate artists for their work. For the actual selection of the work CARFAC Ontario strongly recommends the use of a selection committee that includes artists, art experts, and others as needed. While the building architect may be a member of a selection committee, his or her vote should have no greater value than anyone else's on the committee.

### Overview of Competition Stages

This section gives an overview of the various stages of a commission competition. Each stage is discussed further in the "Stage Detail" section.

1. Make all necessary decisions before promoting the project.
2. Promote the competition through appropriate media, organizations, newsletters, and bulletin boards.
3. Make available for interested artists a detailed project description with requirements for submitting to the competition.

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4. Within a reasonable time frame, accept from 5 to 10 slides to be reviewed by the selection committee.
5. Have the committee create a short list of artists for the project.
6. From each artist on the short list, request a maquette, or actual art works, depending on the nature of the project.
7. Have the selection committee make its final decision and award the commission(s).
8. A written contract should then be negotiated and signed. Payment schedules must be respected.

### **Selection Committee**

The makeup of the selection committee will greatly enhance or distract from the appreciation of the artwork that is finally displayed. As a rule of thumb the selection committee should be kept small, while respecting the need to involve stakeholders in the project. Artists and art experts are the foundation of any selection committee. They should comprise over half of the committee members and the majority of this 50% should be artists. Other considerations for committee members might include someone representing the sponsoring group and someone representing the building clientele or local community. A typical selection committee might be made up of the following: two artists, one art expert who also represents a community voice, one representative of the project sponsor and the building architect.

The building architect may be used as an advisor or consultant rather than a committee member. For projects that commission permanently installed site-specific artworks, the architect should be consulted. When acquiring such artworks, the role of the architect can be important to ensure safety and building design integrity. However, the role of a selection committee should not be superseded by that of the building architect.

Scheduling of the project must take into account the availability of committee members to meet and the time required by the committee at each stage of the project. On large projects consideration should be given to payment of committee members for their time and expertise. If a committee member is involved because of their job, it may be reasonable to assume that they are already being paid. However, artists are rarely in this position, so they should be paid for their important contribution to the project.

### **Responsibilities for Submissions**

It is important at the outset to consider responsible handling of submission materials. Slide submissions must be handled carefully to ensure they are not damaged and are properly catalogued and referenced. When viewed by the committee the display should be reasonable - on a good quality projector and projection screen. Provisions for returning the slides to the artist must also be considered. The slides should be returned to the artists in protective packaging, without delay.

If the selection committee will be viewing actual artwork then appropriate conditions must prevail. Consideration must be given to responsible handling of the artwork when it is received, held in storage, viewed, and returned. Provisions for insurance should be arranged in advance and methods for receiving and returning the artwork must also be arranged. The location for viewing the work must be adequate, so the committee can view the work without obstructions. Anyone handling the artwork must do so with utmost care.

### **Maquettes**

Once the competition reaches the maquette stage, artists submitting a maquette should be paid a fee to compensate them for material costs and their time. Once the competition has ended, maquettes that were submitted should be returned to the artists. If the commissioning organization wants to exhibit the maquettes before they are returned, this information should have been communicated to the artists in the detailed project description at the outset of the competition. Generally, copyright of the maquette should remain with the artist. If copyright permissions are required, only those permissions that are necessary should be requested.

### **Contracts**

Consideration of contract provisions should be done at the outset of any commission project. While the contract clauses should be decided on in advance there also needs to be room for negotiation between the artist and the host, as there are often details that will vary once the final selection is made.

1. A payment schedule should be set out in the contract. The schedule should provide for a payment to the artist of more than half of the total amount once the contract is signed. This initial payment must be at least enough to cover the actual expenses that will be incurred during the construction period.
2. All specifications and responsibilities must be clearly stated. These include a schedule of work, completion date, exact location of installation, requirements and responsibilities for site preparation.
3. Liability for the work must also be clearly defined during construction and after completion. Appropriate insurance provisions should be reflected in the contract.
4. The potential for unfulfilled obligations should also be in the contract. What happens if the artist doesn't complete the work or costs go over estimates. What happens if the site isn't ready for installing the artwork and the artist must incur additional expenses because of this?
5. The question of who is responsible for maintaining the artwork needs to be addressed in the contract. What steps will be taken to repair the artwork if it becomes damaged?
6. Ownership of copyright must also be clearly defined in the contract. Normally copyright should remain with the artist. If there is cause for the owner of the work to use copyright, then only those aspects of copyright required should be permitted and

consideration of copyright fees for such use should be given. CARFAC Ontario considers the outright transfer of copyright from the artist to the owner unacceptable.

## **Stage Detail**

### **STAGE 1 (Preparation)**

- ❑ The site for the work must be determined and information on the site and any applicable restrictions must accompany the call for submissions to the competition. In addition, it must be decided whether the work will be installed permanently in a fixed location or will be movable from one location to another or one building to another.
- ❑ The amount of money that will be awarded for the commission must be determined. The budget for the competition selection process should also be determined. This should take into account publicity and travel costs and amounts to be paid to artists for maquettes if they are required.
- ❑ The schedule for the competition must also be set in the beginning stages. The schedule must allow reasonable time allocations for each stage of the project.
- ❑ The method of promoting the competition and time frames needed to make use of promotional vehicles must be considered.
- ❑ The make-up of the selection committee should be determined in the first stage.
- ❑ Preparation for the actual contract should be well underway before Stage 2.

### **STAGE 2 (Call for Submissions)**

- ❑ The promotional venues for the competition must be determined in advance and scheduling must reflect the time required for getting the information out. For example, newsletters of arts organizations may require a three to four month lead time to ensure inclusion. Promotional plans should also ensure that the maximum number of artists is advised of the competition, giving ample time for them to respond.
- ❑ The first promotional information would usually contain a general project description, outlining submission requirements with deadline dates for each stage and the amount of money available in the competition. Also, information on who is hosting the project and who will be making the selection should be included in this call.

### **STAGE 3 (Detailed Project Description)**

- ❑ A project description and any restrictions.
- ❑ Specifics of who may submit to the competition and from what geographic area.
- ❑ A site description and any restrictions.

- ❑ The type of artwork to be accepted (i.e. site specific sculpture or moveable works).
- ❑ All relevant deadline dates and requirements.
- ❑ The name of the project host.
- ❑ Identify the selection committee.
- ❑ A description of the stages of the selection process.
- ❑ A list of all relevant deadlines.
- ❑ A statement as to whether a maquette and / or slides are required, when the slides will be returned and how much will be paid for the maquette.
- ❑ A list of all necessary requirements that the artist must fulfill when submitting.

#### **STAGES 4, 5 & 6 (Processing the Submissions)**

- ❑ The selection committee should be set up properly to review submissions.
- ❑ Appropriate facilities should be used to review slides.
- ❑ A short list is determined at this stage for artists that will be asked to submit to the next stage.
- ❑ Artists who are not on the short list are informed immediately that they are no longer in the competition.
- ❑ Artists on the short list are then sent information specifying what is needed for the next stage.
- ❑ If the next stage is to look at actual artwork then proper conditions must be arranged for shipping, receiving, storing, viewing and returning the artwork.
- ❑ If a maquette is required for the next stage then the requirements for the maquette must be stated clearly and ample time must be given for the artist to complete the maquette. An appropriate fee for the production of the maquette must be paid to the artist upon receiving the finished maquette.

#### **STAGES 7 & 8 (Final Decision)**

- ❑ Once the final decision is made, artists are immediately informed of the results. All artwork submitted to the committee is returned to the artists.
- ❑ A contract is then negotiated with the winning artist(s). It should include a payment schedule, work time frames, and list the responsibilities and obligations of all parties (see Contracts).

**Notes:**

1. The Canadian Artists Representation Copyright Collective may be contracted to administer the copyrights on commissions. For more information, contact the collective's office at 1-306-982-4523.
2. Sample contracts for art commissions are available from CARFAC.

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