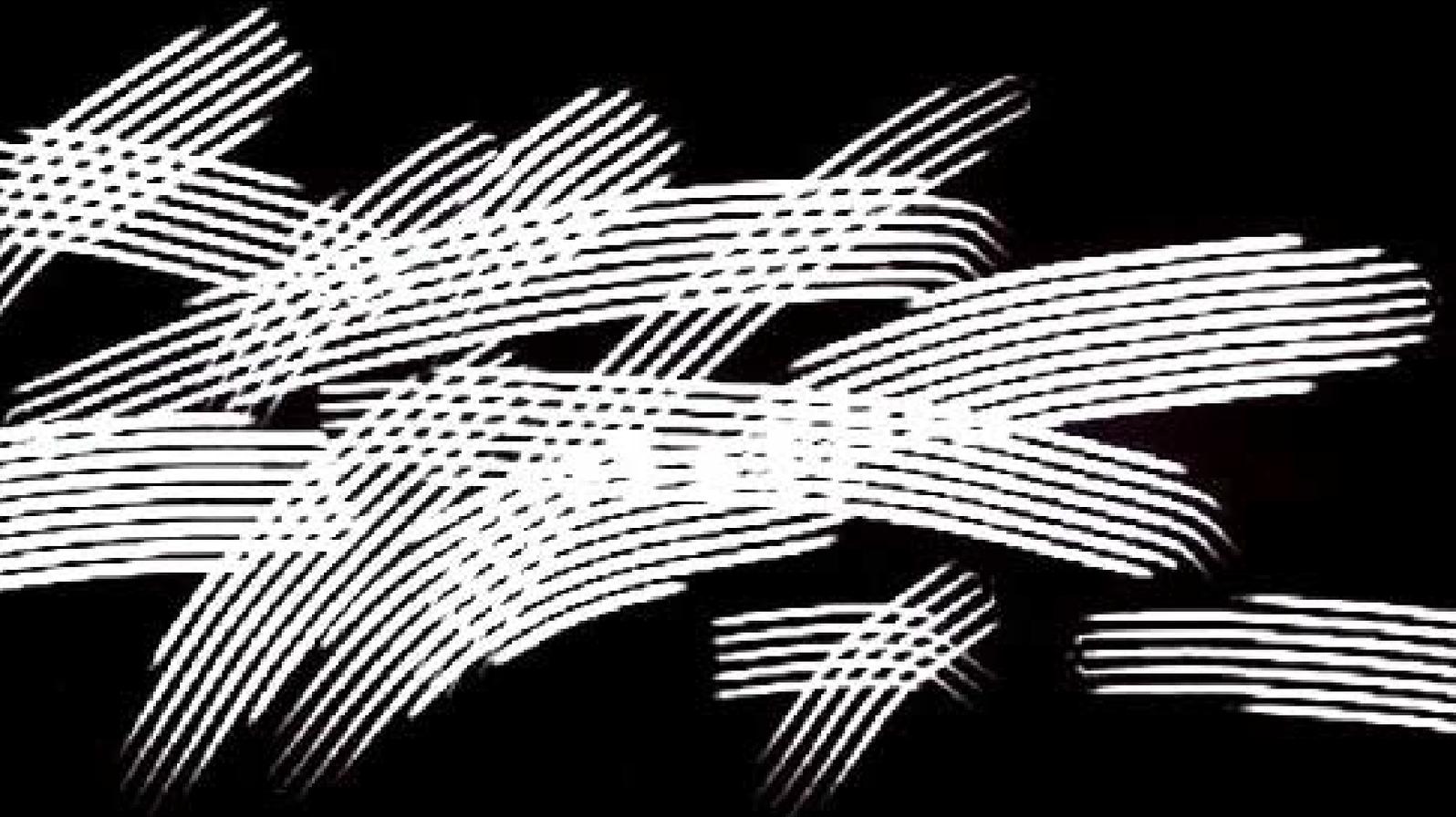


A NEW RENAISSANCE:

**CONTEMPORARY ART
COMMISSIONING**



a handbook

Richard Brecknock

**A NEW RENAISSANCE:
CONTEMPORARY ART COMMISSIONING**



Richard Brecknock

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Through these people I have gained both friendship and knowledge, there are far too many people of importance to name them all. However there are a few people who I consider quite special and instrumental in my development as a consultant. These include an uninterrupted line of Presidents of the Royal Australian Institute of Architects SA chapter especially Gavan Ranger, and the now State Manager of RAIA Sue Averay. She was previously the Executive Director of the Crafts Council of SA during the years I was CCSA President, so we have had a long association.

The two people with whom I have worked on a most symbiotic level as collaborators would have to be architect Denis Harrison, Principal Architect, Services SA and Urban Designer John Bedford from Hassell P/L. Both these highly professional people have been incredibly supportive of my efforts to build my consultancy, not to mention drinking a few good reds along the way.

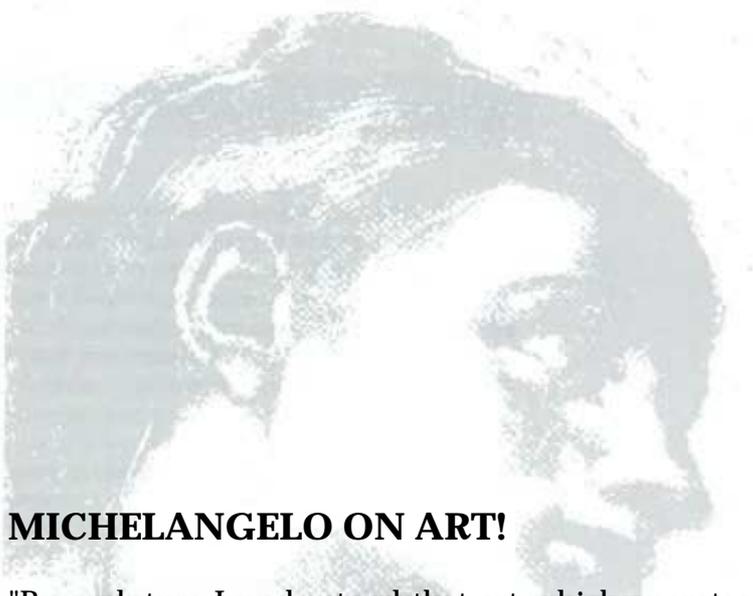
I am indebted to Irving Stone for his book of Michelangelo's letters "I, Michelangelo, Sculptor" the source of the quotes used throughout this publication. Over the last twenty five years this book has been a great comfort, whenever I feel hard done by, reading about Michaelangelo's life puts it all into perspective. A great artist, but what a life!

Finally this publication would never have been written if it was not for the innate hostility of inanimate objects, namely two stroke mowers, brush cutters and chain saws, objects with which I have a on an off relationship. The property may be a jungle but the book got written.

DISCLAIMER

The information contained in this book has been prepared in good faith by a human being who has been know to be fallible at times. It is however the result of considerable personal experience and extensive research at the time of writing, any omissions and or inaccuracies are therefore unintentional.

The book is a guide only with regard to any legal matters, qualified legal advice should be sought in all final contractual agreements.



MICHELANGELO ON ART!

"By sculpture I understand that art which operates by taking away. That art which operates by laying on is similar to painting. Suffice it to say that, since both emanate from one and the same intelligence, sculpture and painting can be made to live in Harmony together, and give up so many lengthy arguments, for these arguments take up more time than the actual practice of both arts.

The man who wrote that painting was more noble than sculpture did not know what he was writing about, and if he understood the other things which he was writing no better, I am sure my housemaid would have written more intelligently about them."

Michelangelo Buonarroti 1549

INTRODUCTION

I have been encouraged to write this practical guide as a way of sharing some of the experience gained from working, both as a practicing artist and also in my role as a consulting artist to architects and urban designers. In effect providing a way forward by saving artists and commissioners from repeating many of the difficulties and problems I have personally encountered and also providing a clear step by step guide to processes which over the years I have found to be successful.

While process in it's self will never lead to an exciting environment and artistic excellence, I do believe that a potentially exciting concept and final product can fail through a poor understanding of what it takes to achieve a successful end product. Therefore I intend this publication to act as a support tool for those entering into a commission or collaborative project.

My own work went through an evolving process. As I became more involved in architectural projects the more I wished to understand about the forces which influenced the overall building and not just the immediate issues effecting the specific artwork I was working on. Therefore after working for some ten years or more on commissioned projects throughout Australia, I became interested in how to develop a more collaborative approach. I sought to enter into a greater dialogue with the architects and seek a two way interaction leading to a more integrated result.

This desire led eventually to my bringing together the Royal Australian Institute of Architects [SA chapter] and the Crafts Council of SA in 1988 and the formation of the joint "Collaborations" Committee.

This committee became a key facilitator for change in Adelaide. During the time I was chair of the committee we organized a range of advocacy and training activities such as public forums and professional development workshops for architects, artists, interior designers and landscape architects.

This publication is a follow up to the previous booklets which I wrote on behalf of the Collaborations committee in 1990 titled "GETTING IT RIGHT; COMMISSIONING FOR THE ARTIST" and "RIGHT FROM THE START; COMMISSIONING FOR THE CLIENT". These booklets, in association with "WHAT ARE YOUR RIGHTS; COMMISSION CONTRACTS" by Adelaide solicitor Bill Morrow, published by the Crafts Council of SA, set out to provide practical information for those individuals interested in commissioning artwork for built environment projects. Following the success of those early publications I have been encouraged to write an expanded version which incorporates much that has been learned over the last few years as a consultant.

In preparing the material contained here I have drawn from on the ground experience and the reality of working on a wide ranging and diverse collection of projects. Projects I have been involved in have ranged from; schools and colleges, markets and shopping centres, banks and office buildings, churches and court buildings, restaurants and resorts, army HQ buildings and police stations, streets and boulevards, playspaces and sculpture parks.

My hope is that by sharing my experience it will make some small contribution to a growing number of well conceived and managed art and architecture projects. Leading to a more exciting and enriching built environment for people in which to live, work and play.

FORMAT OF PUBLICATION

The material has been written to address the varying needs of the essential players in the process. For the purpose of this exercise there are three streams to the book's structure, loosely defined as "Client" "Architect" and "Artist".

I have used the generic title of "Client" to mean such groups and individuals as private sector building owners, property developers, the construction industry and public sector, state government agencies and local government and community clients.

By the title "Architect" I imply the design professionals who tend to be the people most actively involved in the collaboration or commissioning process. This would include not only the architects themselves but also interior designers, landscape architects and urban designers. I appreciate this may not give due recognition to the separate disciplines, however to do otherwise would make the writing too cumbersome.

Throughout the book the word "Artist" has been used to encompass all those involved in the arts, and refers to those who classify themselves as craftspeople, visual artists, decorative and applied artists or designer/makers. Like wise the word "artwork" should not be read as simply referring to the traditional paintings or sculpture, it is being used to refer to the output of those creative people listed above.

Each of the areas dealt with will feature references to specific issues which need to be considered by any of the individual groups, these are boxed and identified as such. As well as providing a useful basis on which to commence with commissioning processes the aim of this material is to take some of the guess work and risk out of the process of commissions and collaborative projects by providing basic guide lines and check lists along the way.

Although the information in this book is reasonably comprehensive, by the very nature of the subject matter this can not attempt to be in any way definitive. It may also seem to those with some experience that in many cases the material is stating the obvious, this may be so, however it may be just the information needed by others.

It is also important to state right from the start that one of the great lessons I have learned over and over again is that there are no simple models which can be applied in every situation, each project will need a process tailored to suit the circumstances of the project. Therefore the information must be treated as a guide only and not taken necessarily as directly transferable.

ARTWORK AND THE BUILT ENVIRONMENT

There is growing evidence that the inclusion of artworks into built environment projects has long term economic benefits which easily offset the costs of commissioning the artwork. In the 1990's we have moved into an exciting new era, when people are reassessing the issue of art and architecture. As a result there are many new approaches being explored, especially with a focus on being more appropriate to and integrated into the building or urban fabric.

In the past the concept of imposing major works of art on to buildings has led to a rather narrow vision of the role of art.

The tendency to spend vast amounts of money purchasing a major work by a prestigious artist has been a symptom of the monument syndrome. Throughout history rich and powerful organisations or patrons have demonstrated their position in society by the placement of art works in public places, or creating imposing entrances to corporate buildings.

"American cities are now generously speckled with abstract ironmongery; sculpture that means nothing but is part of the perfunctory etiquette of urban development, most of it larger than it needs to be. Locked in a losing battle with the big-city environment, it manages to look both arrogant and depleted."

Robert Hughes, *Nothing if Not Critical*, 1990

This, however, is no longer being seen as the only way to consider art in an urban context. Architects and planners are today placing greater emphasis on the issue of placemaking, both in public and private areas of the built environment. It is in its potential to make a major contribution to the sense of place that art should be considered.

"The role of art is to transform spaces into places, the public into people. This entails a merging of individual with common interests, without contradiction. Art has this: it is personal, and shared."

Richard Burton, *Art for Public Places: Critical Essays*, 1989

In a built environment where there is a high degree of uniformity between commercial buildings, the amenity of individual buildings will obviously play a major part in its economic viability. A well designed, practical and beautiful building with a heightened sense of place will be more appealing to potential tenants. Especially in an era where corporate identity is of such importance.

Cost should not be a barrier to including artwork, as in many cases an intelligent use of artwork has been achieved with little or no increase to the overall costs. In fact, in many cases, artists have saved the client money on a project by creative approaches to building processes. By thinking of art in a broad sense, including visual artists, craftspeople, decorative artists and designers, one is presented with an enormous range of creative talents to work with.

Artworks for buildings can range from a major sculptural piece, murals and tapestries, through to crafted items such as carpets and rugs, to integrated building elements such as iron work gates or grills and art glass for glazing. In fact most items of architectural detail and street furniture could be individually created by an artist/craftsperson for a specific building project.

It is fair to state that the opportunities are only limited by the imagination of client, Architect and artist.

DEFINITIONS

Before moving into the working component of this publication I feel compelled to deal with some aspects of language and the context in which I will use it. At the risk of being too pedantic I do believe there are some confusing words and phrases being bandied about which need some clarification. It is especially important to have a clear understanding of language in order to facilitate critical discourse.

I believe one of the main issues is the broad and misleading generalisation encompassed in the phrase **Public Art**. Is the public implied in the phrase involved in the conceiving, creating or simply living with the art object? It is never clear. Somehow to use the term **Public Art** as implying work outside an art gallery [public gallery or art museum] suggests that gallery collections are somehow **Private Art** which clearly they are not.

"Much of what we call public art simply isn't. We must acknowledge that from the beginning. The overwhelming majority of public artworks are simply private artworks - gallery or studio pieces - "slumming it" on a plaza or in the lobby of some public structure. Their traditional placement and their grand [and often exaggerated] scale give rise to the expectation that they should be public in content, or monumental in terms other than scale. Alas, they are wolves in sheepskins. They are only big, private artworks."

Jerry Allen, *Going Public*, 1985

"It takes more than an outdoor site to make sculpture public"

Lawrence Alloway, *Urban Encounters, Art Architecture Audience*, 1970

Despite the fact it is a foolish man who attempts to put neat labels on the arts I will attempt to place some interpretations on current jargon. Therefore my suggestions as to the way phrases should be used is as follows;

1. Terms related to general practice:

Urban Art

An overall term used to cover all types of art located in the built environment and produced by professional or non professional artists and craftspeople. [I acknowledge there is a potential problem with urban implying "city" only]

Art in Public Places

A term which can be used to cover works of art situated in places of public access, created as a personal statement by the artist and often sited without public consultation and participation.

Public Art

A term which can be applied to works of art situated in places of public access, created by an artist with the intention of engaging the public in a dialog relevant to that community and sited through a process of public consultation and participation.

Community Art

A term used to define artwork created by members of the community for a local site, either working with an artist or wholly motivated by community groups.

Art and Architecture

A term used to define works of art created as an integral part of a building or building space, regardless of the public accessibility. Usually the result of a collaboration between artist and architect.

2. Terms related to actual artwork:

Site Dominant Work.

This is the traditional Art in Public Places [Plop Art] approach of purchasing a major "WORK OF ART" by a big name artist and imposing it on the site. Due to this approach there is very little opportunity to make such work fall into the notion of Public Art. In some cases there has been consideration given to commissioning a work which has some relationship to the needs of scale etc. It is relating to the space but is still very much an existing work and representative of the artist. In many cases the works have been first exhibited as gallery size works, and simply scaled up to fit the site. An example of this approach would be the massive steel sculptures of the sixties and seventies which dominate the forecourts of many modernist buildings around the world. Such work usually results from the city fathers or local patron's desire to demonstrate the wealth and culture of the city or corporation by the scale and importance of the artist and art work.

Site Specific Work.

This category is perhaps the most common in the current Urban Art climate. The work has been created with the site in mind and the artist has taken into consideration the relationship of the work to it's setting. Although unique it is still however a recognisable work of that artist, using his/her traditional forms and materials. This working mode does allow the artist to be responsive to the community, either through research or community consultation. In this case site specific work can claim to be public art. However I do not believe the works of this nature can be truly classified as collaborative projects, as in reality the Architects role is to brief the artist and approve or reject the resulting concepts.

For the purpose of this publication I have attempted to provide information appropriate to commissioned and collaborative works by professional artists. There is not a lot of reference to Community Art as a specific practice. This area of activity could suffice as a subject for a book in its own right, however there will be much of interest to anyone involved in community projects contained in the following chapters.

Throughout, I have attempted to keep the information fairly broad and applicable to most forms of urban art, only making specific reference to differing art practices where there are particular issues to be considered.

COMMISSIONS

Commissioning has been the traditional form of art practice from the earliest days of art and craft involvement in built environments.

The basic premise with commissioning an artwork is that it is far preferable to have a site specific work created for a building or urban space than to be limited to buying an existing work from a gallery or artists studio.

By commissioning, the Architect and client are able to obtain a work of art which will be best suited to the form and function of the site. To achieve this end it is important that the artist is brought into the process at a stage where there is still scope for the artist to respond to the project.

".. art must be integrated early into the overall design concept. We need our architects to be aware of opportunities; we need talented artists and craftspeople to realize those opportunities."

David Jackson, UK Developer

My own experience with undertaking commissions as been that the opportunities varied from working on buildings where the architect had a clear intention of including artwork from the initial design stage to becoming problem solver for an unresolved or difficult space.

COLLABORATION

A collaborative project is an extension of the commissioning concept. Due to its more integral nature the process will require a different approach to that of a straight commissioning process. The main difference is that the artist will need to be brought into the project at a very early stage, as the architect and artist will have to work together much more closely.

In a truly integrated work the artist will take all the clues from the site. It is necessary to understand the building's form and function, and create a work which responds to these factors. A truly integrated work should become part of the building, contributing to the 'sense of place' so much that if the work is removed the space feels unresolved.

"Artists should offer architects different ways of looking at space, light, texture and form, and different approaches to exploiting technology and interpreting the desires of people in buildings."

Professor Tony Radford, *Artlink*, 1989

In this mode of working it is important for the artist to have a highly professional relationship with the architect, based on trust and respect. This relationship is very important as both parties will have to put aside ego in order to be receptive to each other's ideas. The process will require the artist and architect to get together and establish their respective contributions to the project, this will inevitably require a degree of compromise on the part of both parties.

"The integration of associated arts with architecture may not always result in harmony; but conflict and argument, the healthy clash of temperament, can act as a trigger to creativity and an imaginative program."

Daryl Jackson, *Collaborative Designs: Working Together in Architecture*, 1988

Architects will by and large find this process easier than most artists as they are used to working as part of a team, whereas the majority of artists have tended to work in isolation within their studios. Through this process not only will the artwork be created but there will be a positive contribution to the building itself.

Throughout the collaborative projects in which I have worked over the last few years there has been a greater level of satisfaction both among the design and art practitioners, mainly due to the sharing and team involvement required.



RENAISSANCE HEAD-HUNTING!

"The first time the Pope went to Bologna I was forced to go there with a rope around my neck to beg his pardon; wherefore he ordered me to make a seated figure of him in bronze, which was about fourteen feet high. He kept me there nearly two years. Pope Julius asked me how much said statue would cost; I told him that casting bronze was not my profession, and that I thought I could cast it for one thousand ducats, but I did not know whether I would succeed. He answered; `Go, start working; you will cast it over and over again till it succeeds, and I will give you enough to make you happy'".

Michelangelo Buonarroti, 1524

MATCHMAKING

Possibly one of the most difficult aspects of the whole field is that of matching the right artist with the right project. This requires some level of knowledge on both sides. For the commissioner, there is firstly the question; where and how does one find out which artists are available and secondly who would be most appropriate? Where as the artist is faced with the problem of gaining suitable exposure to the right people at the right time in order to gain any chance of being successful.

Unless one is an extremely well established artist, the majority of artists will have to make some effort to go out and find opportunities. My own experience included a considerable amount of time making approaches and presentations to potential clients; not always successfully, but persistence often pays off. Having completed one or two projects it is so much easier, not only does it give you confidence but also establishes the start of a track record which leads to word of mouth. There is no better way to get a commission than to have a satisfied client recommend you for further work, or better still commission you again!

One of the major initiatives of the "Collaborations" committee was a series of workshops which brought together artists, architects, interior designers and landscape architects. The workshops provided the participants with an opportunity to show their work, discuss design philosophy and explore potential areas for collaborative projects. Flowing from these workshops quite a few work opportunities have emerged, as well as a greater understanding of the range of skills available in the state.

Another important development in the field has been the emergence of consultants such as myself who are able to co-ordinate the bringing together the parties, providing a matchmaking service.

By engaging a consultant with experience in facilitating commissions a client will have a valuable source of advice throughout the process. This advice will not only help to avoid unnecessary pit falls but should save a considerable amount of time as the consultant should have many of the required systems in place and will have good connections with the arts community.

As a consultant I spend considerable time researching possible artists, visiting studios, interviewing and considering visual material. In doing this I am often looking not for the exact work which is needed but the potential of the artist to fulfil the projects requirements.

While not taking such a hands on approach in most states there are professional organisations such as the Craft Councils which will keep registers of their members. It is not quite as clear cut with visual arts people in that there is often no single organisation which covers the whole gamut of visual arts practice, so that one would have to contact several different visual arts organisations in the search for potential artists. On the national scene there is the National Association for the Visual Arts [NAVA] based in Sydney who keep a register of their membership across the country.

A further source to be explored is the registers of the Community Arts Network organisations, they will also have a broad range of visual artists, writers, performing artists etc.

At the government level most state governments have within their art department, agencies involved in art for public places who would also be valuable point of contact.

ARTIST: GAINING COMMISSIONS

Marketing

It is essential for you to have exposure to the design professions if you wish to gain commissions. Therefore you must consider how to achieve this objective. At present this can be partially done by regular exhibitions, with architects and clients being invited to openings, or promotion of the exhibition in design journals. You may be associated with a gallery or agent who will be active in seeking commissions on your behalf. In addition there are art consultants who act on behalf of clients seeking artwork for projects.

In addition organisations such as;

- Crafts Councils
- NAVA
- Art for Public Places committees

who have data banks and visual reference libraries where clients can seek artists, therefore it is important to regularly maintain your information and visuals to keep them current.

If you are more interested in community based projects then you might prefer to work through such organisations as the Community Art Network and local government arts officers.

Personal Contact

Another approach is by direct marketing that of actively seeking commissions by personally approaching architects and clients. When doing this it is important to make sure your portfolio is very professional, and clearly laid out with good quality photographs. Before making contact with a design firm, do some research and try and find out which firms do the type of projects you are interested in, then make an approach to one of the senior architects.

For example this research can be done through viewing architectural magazines, each state Royal Australian Institute of Architects [RAIA] and the Australian Institute of Landscape Architects [AILA] publish newsletters or journals. These journals are available for viewing at libraries and at those Universities, which have architecture, and planning schools. In addition, each year the RAIA have state and national awards programmes. Viewing the entries in the awards is an ideal way to get an overview of the architects in your state. A further way to keep in touch with what projects local architects are involved with is to check out the site boards placed on construction sites as these will list the name of the architectural firm involved.

Most design firms are extremely busy places with efficient receptionists and secretaries to get past, so you may need names and a degree of persistence. Insist on seeing someone who will make decisions regarding artwork or you will be wasting your time.

Visual Material

It is also very important to have some visual material to leave behind for future reference, as most architectural and interior firms maintain a reference library of samples and catalogues. One of the greatest problems facing the artist is the problem of exposure to the right people in a large practice where there may be a dozen or more senior architects who are all potential decision makers. If possible prepare visual material which can be circulated through the office system, thereby gaining the maximum exposure. So it is worth asking your contact if this can happen.

Simply making the initial contact is not enough to guarantee that your work will automatically be remembered when a possible job arises. Therefore it is necessary to maintain contact with the firm, this may take the form of several phone calls per year, mailing out a letter, newsletter or visuals, updating your recent work. It will be worth asking the architect how often it would be appropriate to make contact.

None of this is easy for many artists, however unfortunately it seems to be the hard reality of gaining regular commissions. Of course once you have established a track record as a reliable and interesting artist then word of mouth and promotional opportunities will start to replace the need to make the 'cold contact'.

CLIENT/ARCHITECT: CHOOSING AN ARTIST

Sourcing Artists

There are several approaches to finding an artist. Firstly, there is the time consuming process of visiting galleries and assessing work seen. This can be a frustrating process unless just the right sort of work happens to be on exhibition at the time. Many commercial galleries are offering their services as corporate art consultants, and will advise on the artists that they represent.

In order to access those artists who are not represented by a commercial gallery, it may be possible to source them through an arts data bank. Listings of artists can be obtained from arts organisations such as the state Crafts Councils and the public art departments of the state governments.

There are also other consultants and art buyers working in this area who are not attached to galleries. An important difference between an independent consultant and a commercial gallery is that the consultant will be able to draw from the broad arts community rather than dealing with a specific stable of artists as is more likely to be the case with galleries.

Registration of Interest

A further approach when it is a large scale project, would be to advertise for registrations of interest from artists, this would cast the net wider and give more artists a chance of showing their work. It is important though to remember that this process will inevitably involve an increase in the time and cost to the project.

Artists would be asked only to provide visuals and details of the experience and not prepare concepts for the project. From the collective material a short list of artists could be invited to attend an interview from which the final selection would be made.

Should you wish to undertake a competitive approach then advertising in the press or art journals will be an essential part of the process.

Assess artwork

It is important when selecting an artist to consider the appropriateness of his/her work to the project. This is both in relation to the style and materials used by the artist as well as previous experience with commissioned site specific architectural work. For the commission to be a successful and rewarding experience for the commissioner, it is vital that you have good communication with, and confidence in the chosen artist.

Artists Agents

Should the artist you wish to work with be contracted to a commercial art gallery, it will have to be established what involvement the gallery will have in the commissioning process. There may be occasions where the gallery owner wishes to act as the artists representative throughout the project. On the other hand the gallery may simply require a percentage of the final price from the artist, as payment for representing the artist.



TRUST ME, I'M THE ARTIST!

"Make His Holiness understand that I am willing as I ever was to carry out the work, and if he wants by all means to make that tomb, he should not mind where I carry out the work, as long as within the five year period we agree upon, it is set up in the place of his choice in St.Peter's, and it is a beautiful as I promised it would be: for I am sure that if it is carried out, there will be nothing like it in the whole world."

Michelangelo Buonarroti, March 1506

COMMISSIONING PROCESS

In this chapter I will consider the various approaches to commissioning. Although there are obviously no hard and fast rules regarding the commission process, there are I believe a number of guidelines which experience has shown are important to consider.

One of the most important considerations is to create a very clear and open process where all parties know exactly where they stand. Firstly, be quite sure what the aims of the exercise are with this in mind establish well considered criteria for the selection processes. Once this has been done prepare good briefing material which will provide the artist with the scope of the project as well as the restrictions which will need to be worked with.

From my experience and research into projects around the world I am proposing to set out in this chapter what I believe to be the most common methodology. That is to say these are by no means the only way to go about a commission, and should not be adopted without carefully considering what your aims are, and how well the process will achieve those aims.

Of the models for commissioning which I propose to consider, the simplest is the direct commissioning of an artist chosen by the architect and client.

However, if the client wishes to have a wider range of options from which to choose, then an open or limited competition might be the better alternative. Setting up a competition through public calls for registration will certainly bring to light a greater number of artists for consideration, but it will also generate a greater work load.

The competition process also provides the client with a structure which leads to making a choice between artwork proposals rather than a choice between artists on the basis of their previous work. It is however important to remember that if a competition is entered into the client must allocate sufficient funds to provide a concept fee to all of the short listed artists who submit a design.

The following flow chart is intended as guide of the type of structure which underlies most commissions. As the chapter unfolds I will consider a range of options in more detail.



Commission Model

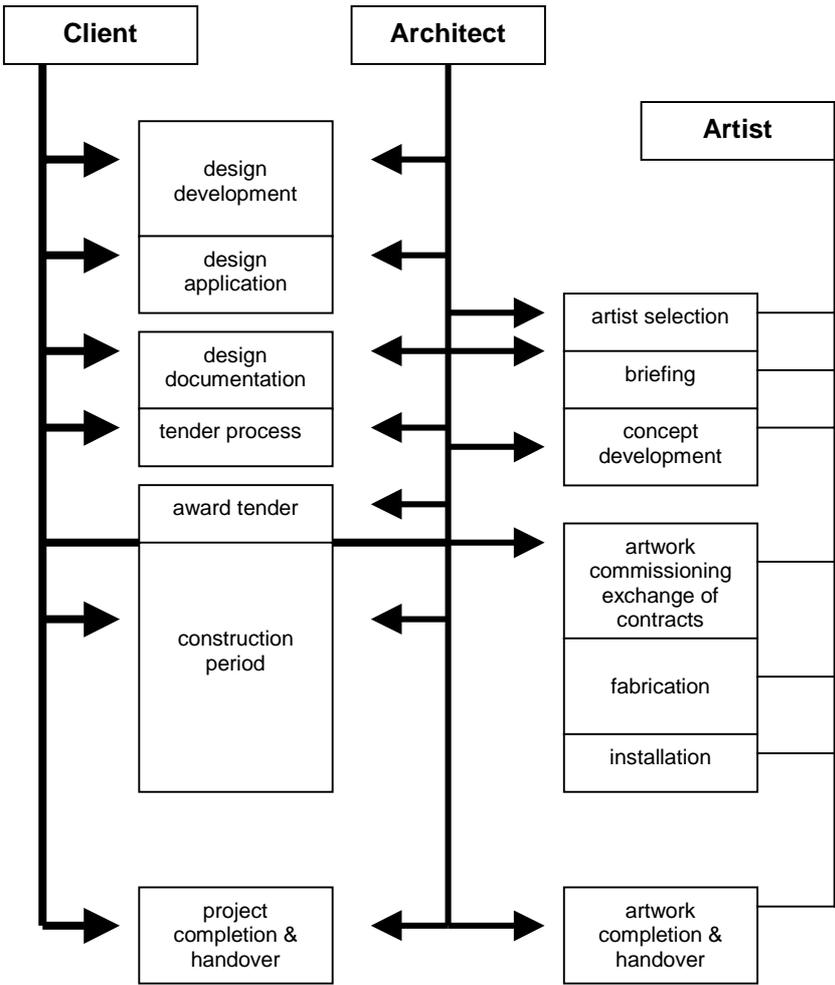


Chart 1

MODEL 1 – DIRECT COMMISSIONS:

I would define a direct commission as when an artist is engaged to work on a project in a non competitive environment.

The artist may be selected, due to prior knowledge of their ability to undertake work such as that required on a specific project, or due to having such a well established reputation that the client has full confidence in their ability.

Alternately an artist may have been selected through a process of elimination, which might include an initial call for registrations of interest in the paper, or invitations sent to selected artists listed on an artists data base. After initial culling a short listed group might be interviewed leading to the selection of the preferred artist.

CLIENT/ARCHITECT

Appropriate Artists

In this model it is very important that the artist being considered is appropriate for the project. Therefore it is vital to establish not only exactly what form the work will take - sculpture, mural, tapestry, craftwork, etc, but also consider the materials and scale of work the artist usually works in, their previous experience and current work commitments.

When considering the track record of an artist for a commission, bear in mind that not many artists have had the chance to work this way, so be open to taking chances on smaller projects especially.

If all the major projects go to the well established artists then others will never have a chance to gain that all-important experience.

Registrations of Interest

Should you start with a public call for registrations of interest, then be prepared for a considerable amount of work. On a number of projects where I have had such a call, I have had the daunting prospect of processing forty odd registrations in order to select a single artist. The process will involve reviewing sets of slides and photographs, curriculum vitae, and written statements, all of which is very time consuming. Not only is there the processing to be considered but the responses to the unsuccessful artists must be prepared and sent etc.

ARTIST

Presentation of work

In the case of a direct commission you or your gallery will be approached to present your portfolio or slides of previous work for consideration.

Should you be considered the appropriate artist for the project then you will be called in for a design briefing.

Alternately the client might initiate a public registration of interest through the local or national press. It is likely that you would in this case be required to provide visuals which best show your range of artwork, ideally you should send very good quality 35mm transparencies.

Visual Material

I must stress that the slides should be high quality, there is nothing which puts off a selection committee more than lousy slides. Images must clearly show the work from their best angles and preferably some close up detail shots should be included if the surface detail is important to the piece. What ever you do, don't drape yourself over the work, or try to be abstract with the photography.

Clear documentation is what is called for. If you are not an accomplished photographer then hire a professional. I realize that professional photography can be expensive, however think about the benefits if it makes the difference between obtaining work or not.

Now obviously I am not suggesting that an artist will not get a commission purely on the strength of pretty photos, ultimately it is the strength and appropriateness of the work which will be the final decider. However I have seen many excellent artists miss out because they sent in poor quality slides or chose their examples badly.

Also give the selection of images considerable thought, read the brief and pick slides which you feel demonstrates best your potential in relation to the aims of the commission. This may relate to the selection of a range of work which shows your versatility with a range of materials or conversely the mastery of one material or technique, depending on the project.

Having made your selection then number the slides with your best image first, to set the tone. In addition provide the commissioner with a typed list of slides, detailing;

1. title
2. date
3. size
4. materials
5. location [in the case of commissions]

Set out below is a basic model of what to expect when involved in a direct commission, this is a fairly typical example, but not the only one.

MODEL 1: STEPS FOR DIRECT COMMISSION:

The commissioning steps set out below are not the only sequence of events, but can be considered a fairly representative model;

1. project initiation - client and architect
2. research artists - architect or consultant
 - a. select from prior knowledge
 - b. select from artists data base
 - c. select from public registration of interest
3. initial briefing - architect and artist.
4. initial concept submission - artist to architect
5. concept development - artist
6. final concept submission - artist to architect and client
7. concept approval - architect and client

A: CONCEPT PAYMENT

[AT THIS STAGE THE PROJECT COULD BE CANCELLED IF SO DESIRED]

8. contract exchange - artist and client
9. final Design documentation - artist to architect

B: DESIGN PAYMENT

10. fabrication - artist or fabricator [architect overseeing]

C: PROGRESS PAYMENT

11. installation - artist
12. commission acceptance - architect and client

D: FINAL PAYMENT

Direct Commission – Artist Selection

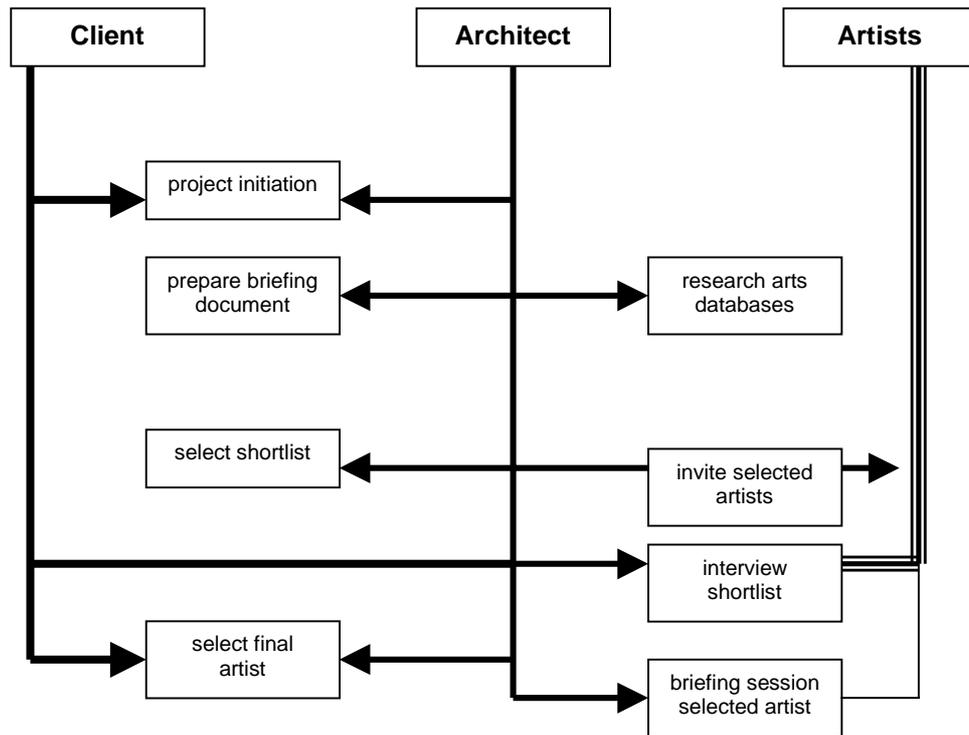


Chart 2

MODEL 2: LIMITED COMPETITION

In a limited competition three or more artists are invited to prepare designs for a concept fee. The concept fee is important for a number of reasons, especially related to professionalism.

The selected artists may be either directly invited or selected from a wider group of registrations of interest as previously discussed.

Once the short list of artists has been finalised all the artists will need to be fully briefed.

Competitions often seem to be an attractive way to proceed, removing the need to make a decision on the basis of previous work or experience. Decisions will be made on the basis of comparing the concepts as presented in maquette or drawing form, and choosing one from those submitted.

However there are a number of negative aspects to competitions. These include the lack of collaborative opportunities between the architect and artist as it is impossible for the architect to collaborate with a group of artists who are competing against each other.

Also remember that, as has happened before now, the client or committee may indeed not like any of the proposed works and therefore the process might have to start all over again.

I have had the experience of a committee rejecting all three maquette proposals, asking the artists to present further variations which still met with a lack of success. The committee finally decided to proceed with one of the artists on the basis that a complete new approach be taken.

One of the reasons that competitions can lead to such problems is that the competition process does not allow sufficient interaction between the artist and the commissioner during the preparation of concepts. Therefore ideally the competition should be seen as the means of making the final selection of the "artist" rather than the "artwork". Once the competition is over the artist should then be brought into a closer dialog with the project team in order to undertake design development work, leading to the final solution.

Another major drawback with the competition process is with regard to the timing of the competition. Past experience has shown that this approach is best suited to introducing artwork into a well designed environment which is in the final stages of construction.

In other words competitions are best suited to isolated pieces of artwork which are not integral to, or exert great influence on the environment into which it will be placed.

CLIENT/ARCHITECT: LIMITED COMPETITION

Competition Considerations

In the case of competitions there should be a written brief to make sure that all the artists are receiving the same information.

Depending on the project it is quite likely that a selection committee will need to be established to consider the work and make the final decision. If a committee is established consider the membership carefully in order to get a balanced view.

Competition Plus and Minus

With this model it must be remembered that there will be additional expense, as the process is more involved, and requires the payment of concept fees to a number of artists. In addition the client will need to budget for extra fees to cover the architects time in briefing etc.

The plus side is of course that there will be a range of approaches to chose from, rather than only the one.

Where possible see the competition as only a starting point and not a fait accompli.

Limited competitions are an ideal opportunity to involve younger not so well established artists, as their work can be considered along side that of the more experienced artists.

ARTIST: LIMITED COMPETITION

Competition Considerations

In the case of competitions you should receive a written brief to guarantee that all the artists are receiving the same information. The plus side with competitions for the commissioner is of course that there will be a range of approaches to choose from, rather than only the one.

The negative side of a competitive situation is that the artist is often likely to spend more time and money on the presentation of the concept than would be necessary in conveying the ideas as part of a direct commission.

You will also find that you are working at a more arms length way, as competitions do not allow for the same level of involvement with the design team as happens in a direct commission model.

Therefore you must weigh up the pro's and con's of taking part in competitions

Competition Submissions

Thus in preparing a concept submission for a competition, the artist is under greater pressure to show his/her ideas with the best possible drawings and maquettes. Remembering that decisions may be made by a judging panel rather than just the architect and client.

The commissioning steps are basically the same as model 1, with the additional short listing and extra briefings.

COMMISSIONING STEPS - LIMITED COMPETITION;

The commissioning steps are basically the same as in model 1, with the additional short listing and extra briefings.

1. project initiation - client and architect
2. writing brief - architect and client
3. research artists - architect
4. short list artists - architect and client
5. initial briefings - architect to short listed artists
6. initial concept submission - artists to architect
7. final concept submission - artists to architect and client
8. selection of artist - architect and client [jury]

A: CONCEPT FEE TO NON SELECTED ARTISTS

9. concept development - artist
10. concept approval - architect and client

B: CONCEPT PAYMENT TO APPROVED ARTIST

[AT THIS STAGE THE PROJECT COULD BE CANCELLED IF SO DESIRED]

11. contract exchange - artist and client
12. final Design documentation - artist to architect

C: DESIGN PAYMENT

13. fabrication - artist or fabricator [architect overseeing]

D: PROGRESS PAYMENT

14. installation - artist
15. commission acceptance - architect and client

E: FINAL PAYMENT

Limited Competition – Artist Selection

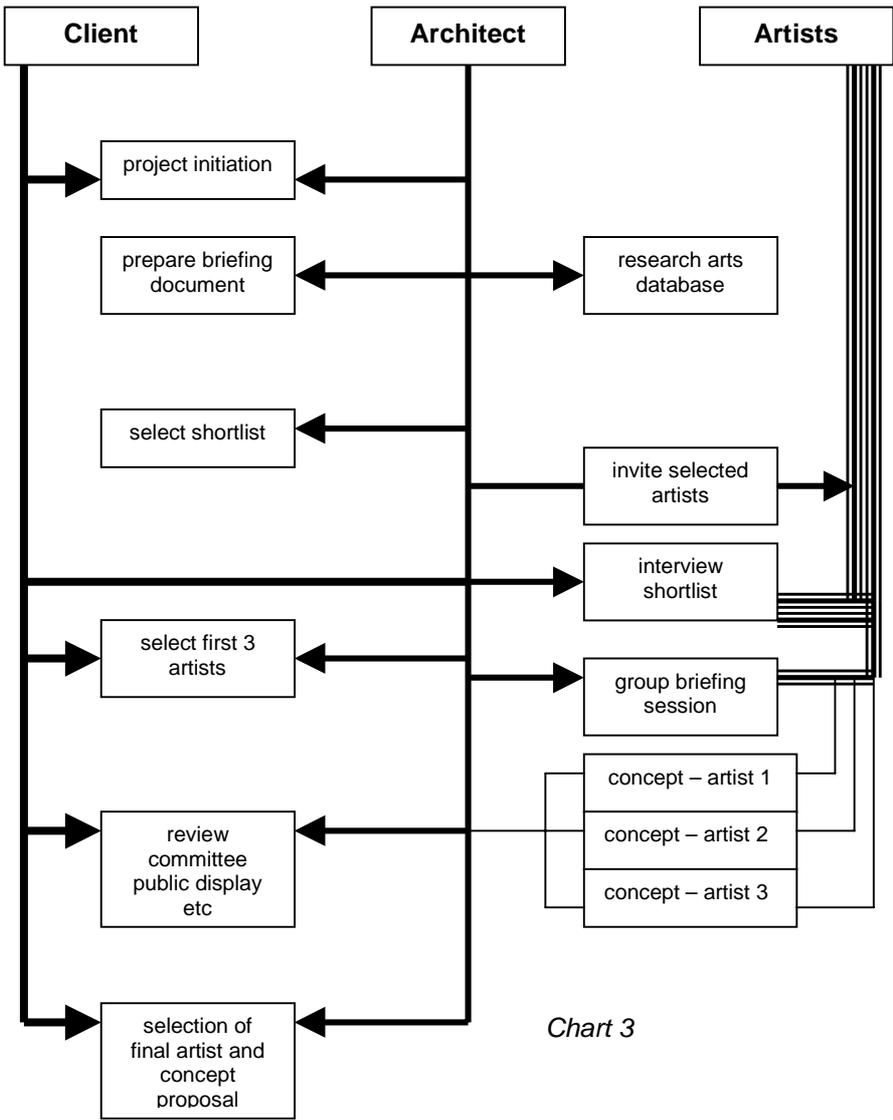


Chart 3

MODEL 3 – OPEN COMPETITION

With an open competition most of the same considerations for a limited competition apply, however it opens the options even further.

By publicly calling for registrations of interest from artists, and giving everyone a chance to show their ideas for the project, it removes the pressure of sourcing one or more artists, as in the other models.

Competitions of this nature are often structured in two stages. First there is open invitation to respond to a written brief by submitting a preliminary concept proposal. With a second stage where a short list of three or four artists who submitted preferred proposals are given a fee to further refine their concepts before the final decision is made.

The essential difference between a limited competition and an open one relates to the request for unpaid concept proposals from any artist who wishes to take the punt and submit. Such an approach can be quite good for the client in that there will be a wide range of work to choose from.

The very nature of competitions means that it is likely to produce some unusual and creative proposals, therefore the commissioner should enter the process with an open mind.

Due to the cumbersome and time consuming nature of open competitions they are more common in the public sector, than for corporate commissioning.

State and local governments will often organise an open competition for a major public art project of great importance where any sign of favouritism must be avoided due to the involvement of large amounts of public monies.

CLIENT/ARCHITECT: OPEN COMPETITION

Competition Issues

Open competitions involve considerable work, and must be well resourced and organised, with well placed advertising, and fair jurying.

The composition of the jury should be carefully considered, on a jury of three there should be at least one artist or arts professional.

Once again this model will increase the budget as there will be additional organisation time to be considered.

It is also important to allow considerably more time than any other model, to facilitate the advertising and assessment stages.

ARTIST: OPEN COMPETITION

Competition Issues

In most cases you will have to commit the time at your own expense to the development of the initial concepts.

As with the limited competition there will be a great emphasis placed on the presentation of concepts. In addition to that it will be very important to make a thoroughly professional submission in order to present your concepts in the best possible light.

There will often be a second stage, which allows for further development of a concept if you are selected to be part of the shortlist.

It is worth mentioning the potential danger of design concepts being plagiarised. Despite the fact that the copyright would by law remain with the artist, there have been occasions where ideas have been taken and adjusted without the artists permission and knowledge and fabricated by other parties. Therefore it is important to be wary of open competitions being held by other than major institutions or government agencies.

COMMISSIONING STEPS - OPEN COMPETITION;

Once again the commissioning steps are similar to the other models, with the additional work for the client of organising and promoting the competition.

1. project initiation - client and architect
2. writing brief - architect and client
3. advertise for artists - national or local press and art journals.
4. assess entries - architect and client
5. short list artists - architect and client
6. initial briefings - architect to short listed artists
7. concept submission - artists to architect and client
8. selection of artist - jury

A: CONCEPT FEE TO NON SELECTED ARTISTS

[not applicable in a full open competition]

9. concept development - artist
10. concept approval - architect and client

B: CONCEPT PAYMENT

[AT THIS STAGE THE PROJECT CAN BE CANCELLED IF SO DESIRED]

11. contract exchange - artist and client
12. final Design documentation - artist to architect

B: DESIGN PAYMENT

13. fabrication - artist or fabricator [architect overseeing]

C: PROGRESS PAYMENT

14. installation - artist
15. commission acceptance - architect and client

D: FINAL PAYMENT

Open Competition – Artist Selection

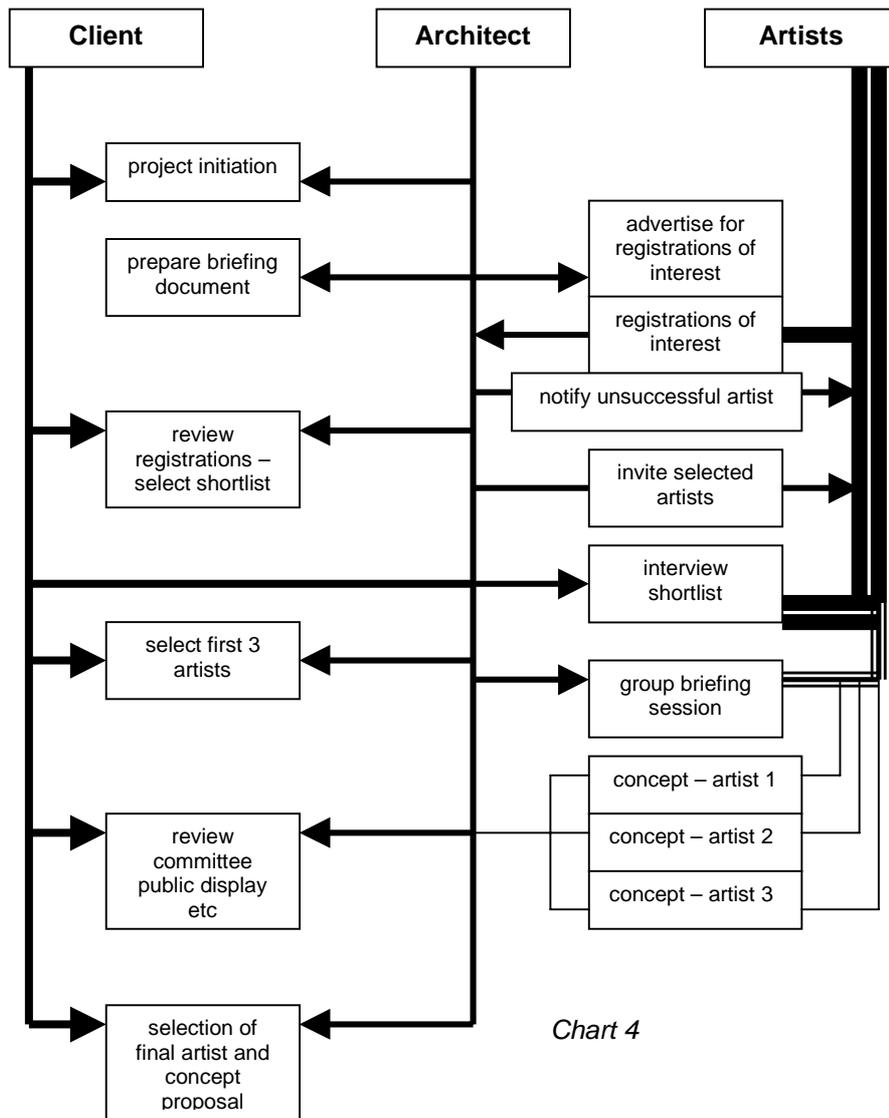


Chart 4

MODEL 4 – COLLABORATION AND INTEGRATION

In order to integrate artwork into a project as opposed to adding artwork to a project, there needs to be a quite different relationship between the architect and artist than results from most competitive commissioning processes.

For a start it is important for the artist to be involved very early in the project in order to have the art concepts develop along side the architects work on the project. Therefore it requires that specific individuals be brought into the team at an early stage and this means that it excludes the competitive approach.

Indeed the ideal collaborative relationship requires the artist to be very much part of the creative team, participating in design team meetings as a way of not only gaining a greater understanding of the architectural or urban design potential and constraints, but also to bring to the team another aesthetic and conceptual point of view. One of the great aspects of the collaborative approach is that it can bring about a greater influence upon both the art and the architecture through this process of exploration and discussion.

Where collaboration works well is when the artist and architect have built up a good understanding of each other and have the confidence to open themselves to risk taking. While the close personal working relationship is important it does not preclude larger group interactions.

On a number of projects I have worked with teams of artists, up to twelve on one building. In order to develop a collaborative working relationship among the team we held regular concept and design meetings with the full art team sharing and discussing their ideas. In addition to these separate team meetings there were regular discussions with the architectural team. It is on these larger and more complex projects where consultants such as myself become an important part of the equation, providing the facilitation required to keep a complex interaction working, without over burdening the architect.

As can be seen from the Collaborations Flow Chart the artist is usually brought into the project during design development. If one waits till the project moves into documentation stages then there is little room to move.

One dilemma raised by this approach is; how do you know what sort of artist is going to be required? Obviously if you bring into the project a metal worker or a glass artist then they will want to explore possibilities related to their art practice. Therefore there are several options, firstly consider the nature of the project in terms of possible material and spatial sensibilities in order to get a feel for the right sort of art approach. Or bring into the project an artist who will not necessarily be asked to actually make a piece of work, rather contribute to the general conceptual approach to the building. Alternately seek out a consultant who can work with the design team in the initial stages of the project to put in place an overall conceptual framework which would define a thematic approach and identify the artworkers required.

As a consultant I am committed to the collaborative process as the ideal situation to bring about an integrated approach, although it must be stated that it is only one of the ways that artists and architects can work together. Indeed there are artists and architects who are neither interested in working in this way nor desire to pursue the concept of integration.

ARCHITECT/CLIENT: COLLABORATION

Collaborative Issues

The collaborative approach is a very exciting way to work, but it should be stressed that it may involve compromises and will certainly lead to creative challenges.

It must also be entered into with some reality as there will inevitably be a greater time commitment on the part of the architect than a traditional commissioning approach. Time means money so consider the cost implications carefully.

Despite the extra time required the collaborative process will in most cases lead to an integrated and relevant outcome which is more sensitive to the context of the project. It is only through such a process that the artists will become fully in tune with the total project.

ARTIST: COLLABORATION

Collaborative Issues

If you enter into a collaborative process you must be prepared to respond to both the design team and their aesthetic and functional considerations and to challenges to your own conceptual approaches.

Collaboration is a much more fluid approach where you will enter a project, quite possibly without a brief or specific outcome in mind.

It is therefore very important to keep track of the time you are putting into the early concept work while the project takes form and your involvement becomes more defined. It is recommended that you keep checking what your fee status is at each stage of the process.

Also remember that your involvement will increase the overall time for the architect by having another professional involved in the project, so be considerate about making demands on the architect's time.


COLLABORATIVE STEPS;

1. project initiation - architect and client
2. initial contact - artist and architect
3. building project development - artist and design team
4. regular planning meetings - artist and design team

A: CONSULTING FEES TO ARTIST

5. artwork concept development - artist and architect
6. artwork concept submission - artist and architect to client
7. artwork concept approval - architect and client

B: CONCEPT PAYMENT

8. contract exchange - artist and client
9. final artwork documentation - artist

C: DESIGN PAYMENT

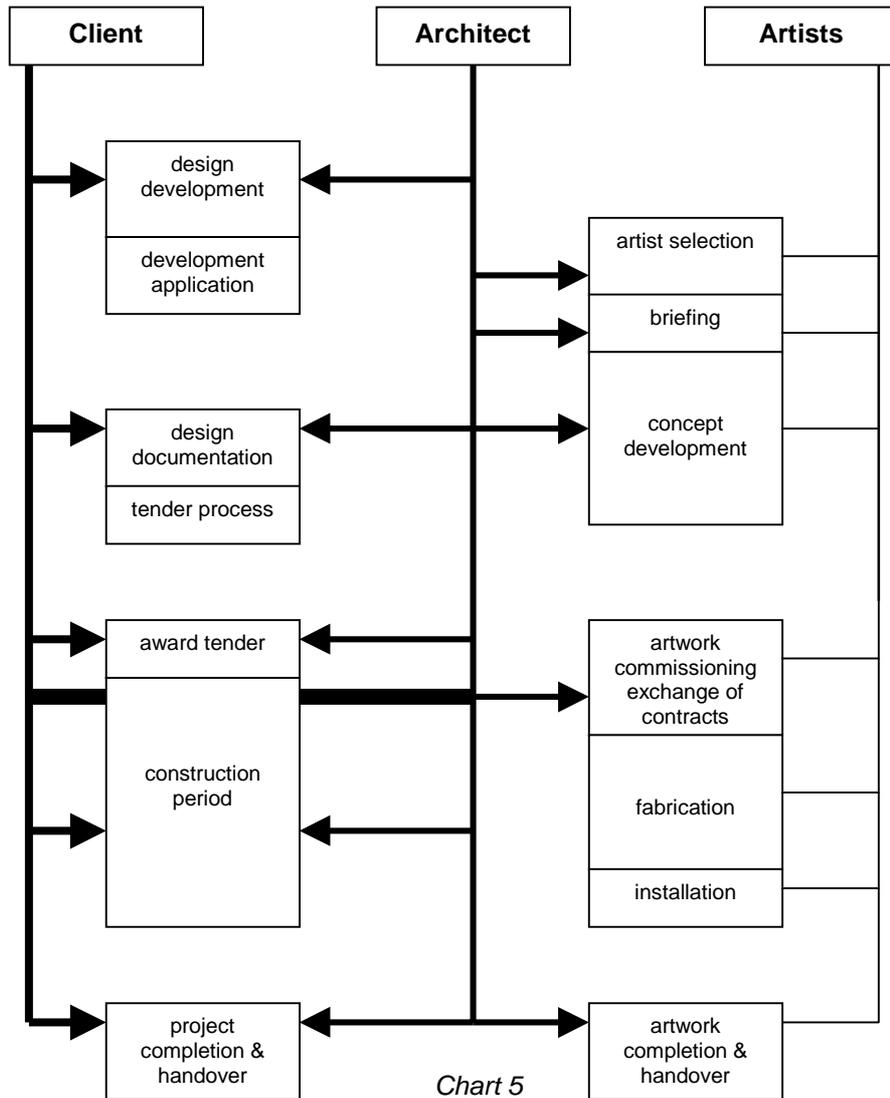
10. artwork fabrication - artist or fabricator [architect overseeing]

D: PROGRESS PAYMENT

11. artwork installation - artist
12. commission acceptance - architect and client

E: FINAL PAYMENT

Collaborative Model



Indicative Selection Program

	Week	1	2	3	4	5	6	7	8
SELECTION PHASE									
Prepare brief									
Registration advertisement			▲						
Registration deadline					▲				
Process registrations									
Shortlist interviews							▲		
Notify outcomes							▲		
Appoint artist or artists								▲	

Chart 6

CHECKLIST - SELECTION PROCESS

PROCESS;

The selection process will usually involve the following stages;

1. Public advertisement calling for registrations of interest.
2. Initial short listing to be carried out of all registrations of interest to eliminate those artists who are obviously not appropriate.
3. Make a short list of approx. 6-8 artists who are considered appropriate to be interviewed by the committee. Interviews will usually take twenty minutes with each individual artists being asked to present their work through slides or portfolios, and to answer any questions from the committee.
4. Invite the shortlisted artists to an interview;
Supply each artists with;
 - time and place for interview
 - proposed duration of interview
 - the same written briefing material prior to the interview
 - details of the selection panel members
5. From those interviewed, select final artist or artists.
6. Notify all artists in writing as to the outcomes.
 - provide feed back to those unsuccessful artists

SELECTION CRITERIA

Artists should be considered on the merits of their artwork from the perspective of both technical and conceptual expertise and also giving consideration to their prior experience.

Due to the unsupervised public nature of public environments they require durable and serviceable materials, therefore consider the artists experience and skill with robust materials.

Has the artist had experience of:

- undertaking previous commissions in public places
- undertaking previous commissions in landscape settings
- being involved in competing for commissions
- working on collaborative projects with other artists

Does the artists' work demonstrate;

- a high level of artistic merit
- the ability to communicate ideas and develop concepts
- the flexibility to work with concept themes appropriate to the project
- the ability to present their concepts in a professional way
- a sound knowledge of their chosen materials and techniques
- the ability to work on permanent and durable work
- the ability to work as part of a team

Can the artist make a commitment to;

- allocate the time required to complete the maquette.
- work in an open and sharing way with the other members of the team
- be available to undertake the fabrication of work in stage 2 time frame should their work be approved.



THE POWER OF THE PATRON!

"Finally, upon the Cardinal's return, Figovanni told me that he had asked about me. I went to see him immediately. He said to me 'We should like to see something good on these tombs, something fashioned by your own hands.'

Michelangelo Buonarroti, March 1523

PROJECT BRIEFING

The success of the project will depend largely on the quality of the briefing process. It is vital that all parties know just what the expectations are in terms of concepts, time schedules and budget requirements.

Clear and detailed written briefing documents should be prepared so that the artist and the client/architect have a record to refer back to as the project proceeds. The enclosed briefing checklist should help to provide a starting point in preparing briefing papers.

The likely headings of a good brief are;

- a. Background**
Brief description of reason for commission and background information of relevance to the project.
- b. Site Description**
Description of the site, its location, scale, finishes, usage and any other information of value to the artist.
- c. Site Constraints**
Detail those issues such as public access and risk, climatic conditions, physical constraints and material limitations.
- d. Scope of Artwork**
Detail the conceptual and physical expectations of the artwork.
- e. Budget**
Where a set budget has been identified, make it clear just what is expected to be covered for that figure.
- f. Program**
Detail the anticipated programme for the project with some mile stone dates for the artwork.
- g. Project management**
Detail how the selection and review processes will operate and who will comprise the project team.

CLIENT/ARCHITECT: BRIEFING ISSUES

It is very important that the artist or artists are well briefed to avoid confusion at a later stage, or wasted time during the designing.

Having decided to talk to artists about a commission project, the first consideration is to prepare a detailed brief. This brief should not only set out the practical considerations such as architectural, environmental and construction details, but address questions of corporate image, historic aspects of the site and precinct and the additional needs of the community or civic aims of placemaking.

You will also need to make it clear what is expected of the artist with regard to the submission of drawings or maquettes or both.

ARTIST: BRIEFING ISSUES

The briefing stage is one of the most important phases of any commission, as it will establish the guidelines with which you will work. Therefore it is necessary to obtain as much detail as possible from the client/architect before starting to work on concepts.

If necessary request a follow up meeting a few days or a week later to give you time to consider the information and establish what additional questions you need answers to. At that meeting it would be valuable to state your understanding of just what is being asked of you.

A briefing should cover all aspects of the project which will in some way effect the commission, not just the aesthetic considerations. The Checklist at the end of this chapter should act as a guide to the sort of questions you will require answers to.

BUDGET

It is important that budget parameters are known and a top limit established. It is important to clarify the total amount of money allocated so that design work can be undertaken with a realistic cost in mind. It is a total waste of everyone's time to design a work which will cost \$50,000 if there is only \$20,000 available.

CLIENT/ARCHITECT: BUDGET ISSUES

When considering entering the commissioning process, carefully think through the cost factors. Do not expect the artist to tell you how much the project should cost. This is the proverbial "how long is a piece of string" question.

He or she may advise you that the proposed budget is insufficient for the planned project, but you should start out with a clear idea of what the maximum figure you wish to spend is. If possible, be a little flexible in adjusting the budget if it is proved unrealistic for the scale of work envisaged.

During the briefing make it known to the artist what sort of money is available, as this will have considerable bearing on the design approach, materials and time frame. It is necessary for the artist to know just what budget to design for.

Just as with the rest of the construction industry, artworks are effected by inflationary factors and unavoidable delays.

Remembering that the artwork is a one off project which in itself is extremely difficult to cost accurately, added to which there are potential cost increases and time delays beyond the artist's control. Therefore be prepared to set aside some contingency funds to deal with such issues.

ARTIST: BUDGET ISSUES

When discussing the budget at the briefing stage try and be realistic as to what can be achieved within the funds proposed. It is counter productive to agree to proceed knowing that there is insufficient money and you will have to go back for more. Just remember that once you enter into a contractual relationship for a set fee, the client can hold you to it. There may be an opportunity to negotiate for a variation if you can demonstrate that the expectations have changed at the request of the client. However the client is under no obligation to extend your fees due to extra costs which you had not taken into account.

Once it is agreed that you will be commissioned, request a written agreement before proceeding with any design work. This agreement should set out work to be done for presentation, the time frame for presentation and the agreed concept fee.

At this stage you should discuss the question of the contract and agree on a break down of progress payments. It is also necessary to keep in mind any contractual commitments there may be to a gallery or agent for acting on your behalf.

It can however be a problem at the conceptual stage to finalise a contract for the entire commission as the exact cost and time will be unknown till the concept stage is complete and there are maquettes and drawings to cost from.

Therefore break the process into a concept and fabrication phase, each with a separate agreed fee. Refer to the contract information in chapter six regarding the most appropriate forms of agreements to enter into.

CLIENT ARCHITECT: SCHEDULE ISSUES

Above all be realistic about time. It is preferable to bring the artist in to a project with plenty of leeway. Remember that the concept is the most creative stage, so the more time the artist has the better the end result. As a general guide to the concept stage I would suggest that an artist would require at least three to four weeks to do justice to the commission. He or she might realistically be able to come back to you within two weeks with some initial sketches but do not expect fully resolved concepts.

Also keep the artist fully informed as to the progress of the building, if there are delays let the artist know, that little bit of extra time may make all the difference to the work load.

ARTIST: SCHEDULE ISSUES

Establish a time frame in which to work, clarify with the architect just how much time you have to develop an initial concept and then for concept development, before presentation to the client.

It is also important to find out how much time there is for the fabrication stage, and whether this is a realistic target for the type of work required. This will establish a projected date of building completion, remember that completion dates are notoriously unreliable due to the problems of the construction industry. During these initial discussions you should also clarify at what stage of construction you will need to move on site for fabrication or installation.

It is recommended that you prepare a programme for yourself, identifying the steps required for the project. The programme will help to clarify the key stages and allow you to plan for work being undertaken by sub-contractors such as fabricators and structural site work.

As the project proceeds make sure you keep the client/architect informed as to the progress of work. In deed many clients and architects would enjoy the opportunity to come and see work in progress in the studio or at the fabricators.

CLIENT/ARCHITECT: SITE CONSIDERATIONS

a. INTERNAL

Among the practical details which you should have available for the artist are; the proposed colour palette and its use on surface finishes, carpets, furnishings etc. In addition to the colour details, provide the artist with sufficient visuals of the planned architectural details, door hardware, furnishing, light fitting and the general design style being adopted for the building. All these factors will need to be considered if the artwork is to be successful as a site specific project.

It is not only external works which will need careful consideration regarding climatic factors. Many artworks which would be used in internal spaces will be affected by such factors as air-conditioning and changes in temperature. Perhaps one of the most important points to sort out with the artist is the question of lighting, whether natural or artificial. It will be necessary for the artist to be told what the dominant light source will be and to provide any technical details that the artist may need. Possibly even to set up a sample light so that the proposed materials and colours can be tested.

b. EXTERNAL

A very important issue is that of the climatic conditions which will effect the artwork. Provide the artist with as much information as possible on factors which will be experienced on the site.

This is most important in relation to an external work where the artist will have to consider such factors as wind resistance and air-borne pollutants. Plus the additional problem of human intervention, by way of vandalism etc. Make sure the artist understands the expected public access to the area and just what should be considered in the area of public safety, for example the dangers to children playing on or around a work.

ARTIST: SITE CONSIDERATIONS

Before starting to design there are a lot of questions which will need to be answered relating to the physical composition of the site, mainly relating to the scale of the proposed site and the materials being used in the construction and finishing.

a. INTERIOR SITES

Other physical influences on the design will be the architectural style being considered by the architect, and the functional use of the building and space. In addition check on any structural considerations which will effect mounting and fixing of the proposed work.

You will need to know the intended colour palette as it effects such items as the surface finishes, carpets, window coverings etc. These decisions will not always have been made at the initial stage of a commission, if not it can provide you with the opportunity to have a positive input to the planning process.

In addition information will need to be obtained about such aspects a the planned lighting, as to whether the predominate light source will be sunlight or artificial lighting. In relation to natural light the most important considerations will be the direction and intensity of the light, as it may effect the life span of the work due to the effects of UV. If on the other hand it is to be artificial light, then find out which types of lamps are to be installed as lamps types vary enormously in their colour bias etc. Similarly there are a number of climatic considerations to review, such as air-conditioning.

b. EXTERNAL SITES

In relation to urban design, streetscape or landscape projects this may also involve reviewing the location of underground services if there are footings to be considered.

For external work the climatic considerations are even more important with such factors such as wind resistance, and air borne chemical pollutants needing to be addressed.

With external work it is not only the climate which can lead to problems, public interaction can be even more problematic. Therefore check on the public accessibility of the site with reference to safety, vandalism and maintenance.

PUBLIC RISK

Some thought should be given to public risk and insurance implications during the process. Where artworks are part of a building fabric or such items as gates, fences or balustrading there will be building codes to be designed to.

Where artworks are external and subjected to considerable public access they should be reviewed with regard to potential dangers, e.g. children using the work as a playground.

CLIENT/ARCHITECT: PLANNING APPROVAL

You should point out to the artist all the relevant building or planning codes and regulations which will effect the proposed artwork, such factors as entrapment, fire ratings, and public risk issues.

It may be necessary to obtain building or planning approval to install an artwork in a public space. This will vary throughout the country so it will be necessary to approach the local government authority to ascertain the relevant regulations pertaining to the artwork in question.

You should consider discussing the inclusion of artworks with the town planner when developing a project as there may be some plot ratio trade off's to be gained for the project from the increased amenity, which the artworks contribute.

ARTIST: PLANNING APPROVAL

During the briefing process you should discuss with the architect what building codes may effect the work. Regardless of whether the work is external or internal these codes could effect such decisions as choice of materials, scale and placement.

In some situations it is necessary to obtain planning permission for any works of art which will be placed in a public space. In most cases the artwork will be included in the total building application to the appropriate local government authority.

Depending on the type of work and its location, planning approval may have to be considered in the light of such issues as obstruction of traffic or pedestrian movement.

It may be that the artwork is submitted for consideration as an individual building application. However it is more likely that the local authority will not have any regulations specifically pertaining to art in public places so that approvals will either be unnecessary or will require special attention from the local planner or council.

SPECIAL CONSIDERATIONS

There may be special issues which go beyond the immediate building space to considerations of the relationship between the proposed artwork and the surrounding urban environment. For instance the work may have to relate to a precinct which has a special heritage character.

CLIENT/ARCHITECT: SPECIAL CONSIDERATIONS

In preparing your brief, consider providing the wider background to the project. The artist may find inspiration in some aspect of the history of the area, or in the future usage of the building.

Therefore the sort of information which could be included as background is, relevant historic references which might effect the site, any thematic approach being taken as part of the project.

Related to this aspect would be an explanation of the clients corporate identity and community standing. This could have a significant bearing on the clients response to design submissions.

ARTIST: SPECIAL CONSIDERATIONS

A good brief should not only cover the practical aspects referred to so far, but provide a wider background to the job.

This may take the form of a thematic approach to the entire project, or relevant historic references which effect the site.

Related to this aspect will also be the understanding of the clients corporate identity and community standing, and how this will be reflected in, or effected by, the proposed art work.

CLIENT/ARCHITECT: PHYSICAL REQUIREMENTS

During the briefing process check through the available drawings and perspectives to ascertain which the artist will need to develop his/her drawings and maquette.

If the building or site has been modelled on 3D CAD then if possible let the artist see a simulated walkthrough or at least some perspective views of the model. In the event of the building being in progress at the time then organise a site visit to coincide with the briefing.

The more informed the artist is, the better he/she can respond to the commission requirements, therefore the briefing should include as much information as possible.

ARTIST: PHYSICAL REQUIREMENTS

Before starting work on a concept you should obtain the appropriate drawings, these may include, plans, sections, elevations and perspectives.

In addition to architectural drawings, where possible obtain photographs or CAD perspectives, and if a model exists review it also.

In the event of the building being in progress at the time clarify what access you have to the site during the construction phase and organise a site visit. Unless you have considerable experience of commissions you may find it difficult to appreciate the spatial aspects from drawings alone, therefore a site visit would be of great value.

ARTIST: ARCHITECTURAL DRAWINGS

It will be necessary to read architectural scale drawings and understand the symbols used. Do not hesitate to ask the architect to explain the drawings, you can not afford to make mistakes.

Most large buildings are drawn in a range of scales, overall site plans may be 1:200 or 1:100, parts of the building may be 1:100 or 1:50 and details possibly 1:20 or 1:10. To read the plans you will need a scale rule and remember that all measurements on an architectural drawing are shown in millimetres.

If the building has been drawn on 3D CAD it may be possible for the architect to simulate a walk through on the computer, or at least view a series of different perspectives of the computer model. Depending on the software being used the 3D CAD model will be either a wire frame or solid modelling. This can be a very useful in gaining a better idea of the space, if the building is not yet in construction.

Glossary of relevant architectural terms;

Axometric - a drawing projection in which lines remain their proper lengths and right angles in the horizontal plane remain right angles, whilst right angles in the vertical plane are uniformly distorted.

CAD - computer aided design

Documentation - producing the working drawings for the project.

Elevation - a drawing of one side of a building.

Floor plan - a drawing which shows layout at floor level.

Reflected ceiling plan - a drawing of the ceiling as it would be seen in a mirror lying on the floor.

Section - a drawing of a vertical cross section of a building or space.

Site plan - a drawing showing the alignments of the building on the site.

Solid modelling - computer generated 3D model complete with solid surfaces.

Wire frame modelling - computer generated 3D model with the volume defined only by outlines.

BRIEFING CHECK LIST

1. BUDGET

- 1.1 budget limit - find out the total amount of money allocated.
- 1.2 concept agreement - require a written agreement before proceeding which sets out work to be done and agreed concept fee.
- 1.3 agree on break down of progress payments.
- 1.4 contractual commitments to gallery or agent.

2. SCHEDULE

- 2.1 clarify how much time you have to develop an initial concept and then for concept development, before presentation to client.
- 2.2 find out how much time there is for the fabrication stage.
- 2.3 find out the proposed date of completion, and discuss at what stage of construction you will need to move on site for fabrication or installation.

3. SITE CONSIDERATIONS

- 3.1 materials being used
- 3.2 colour palette - finishes, carpets, window coverings etc.
- 3.3 scale considerations.
- 3.4 lighting; sunlight - artificial lighting types, colour bias etc.
- 3.5 climatic conditions; air-conditioning - wind resistance - UV damage - chemical pollutants etc
- 3.6 public accessibility:- safety - vandalism - maintenance etc
- 3.7 architectural styles and design approach
- 3.8 functional use of building and space
- 3.9 appropriate building regulations; fire ratings, local government planning requirements etc.
- 3.10 structural considerations; re mounting and fixing.

4. SPECIAL CONSIDERATIONS

- 4.1 historic references.
- 4.2 environmental considerations.
- 4.3 heritage considerations.
- 4.4 thematic requirements.
- 4.5 corporate identity.

5. PHYSICAL REQUIREMENTS

- 5.1 obtain the appropriate drawings; plans, elevations etc
- 5.2 where possible obtain photographs - CAD perspectives etc.
- 5.3 if the building is underway, ask for a site visit.
- 5.4 clarify what access you have to the site during construction.



CREATIVE PLAYTIME!

".. upon the Pope's request that I send him a model of the work, I came from Carrara to Florence in order to make it. Thus, I made it to scale, of wood with wax figures, and I sent it to him in Rome. As soon as he saw it, he had me go to Rome. And so I went, and took upon myself the contract of said facade, as is indicated by the document I signed with His Holiness."

Michelangelo Buonarroti, 1520

CONCEPT DEVELOPMENT

Now its crunch time! At this stage the artist will need some creative play time to explore concepts and should not feel to constrained to produce an instant solution. My experience has shown that many fantastic ideas only arrived after several rejected concepts.

Research & Development

It is important to remember that artists are in effect undertaking research and development work every time they embark on a new project, indeed this is one of the reasons artists are commissioned. If one wants a work of art, which already exists, one purchases it from a gallery or the artist directly, whereas a commission is about exploring uncharted territory.

During the ideal concept development stage the artist and architect should where possible get together on a fairly regular basis to review sketch ideas in order to identify which to further develop or reject. A regular review session will prevent unnecessary time being spent pursuing a dead end and therefore wasting valuable time and effort.

Commissioning Model

Of course one of the main issues which will effect the concept development stage will be the commissioning model being employed. As has been pointed out in the commissioning process chapter, a competition will usually involve several artists creating concepts in a relative degree of isolation from the commissioner. The process does not allow for a level of discussion, review and comment that is possible in a direct commission or collaborative working relationship.

Without doubt this is one of the serious down sides of competition, which means that the concept proposal as presented should ideally be seen as the start of the process not the end [chart #]. It is probably becoming clear that I personally do not favour competitions as an ideal model. That is to say as a normal process I believe direct commissioning to be preferable [chart #]. Where I agree competitions have a place is in the situation of a significant individual piece of art for a public place where there are few if any integration and collaborative considerations to the project. Then a competition can be appropriate and indeed create a challenging environment for the artists concerned.

Concept Stage

At the beginning of the concept stage it is advisable for both parties to discuss their expectations regarding the finished product. Clarify just what is required in the way of drawings, photos or maquettes. This may include the quantity of drawings and scale and nature of maquettes. In most cases the underlying issue here is, what will be required to fully communicate the concept to the client and any other party. As a rule of thumb the more parties involved in the review and approval, then the more detail that can be presented the better, whereas a single client or architect may be quite happy to work from fairly sketchy material.

In the days that I was undertaking commissions I always produced a very detailed maquette of the work in a scaled model of the architectural space, as much for my own peace of mind as the clients. On several occasions when work was installed the comment was made that, "it looks exactly like the model", success! It also acts as a safeguard against comments such as "I didn't think it would look like that!"

Development Budget

Of course all of this comes back to money, and what the budget has allowed for the concept development stage. Remember that this is the most important part of the whole project so there should be sufficient fees to get it right. The reality is though, that it is often hard to get the proper fees, many clients find it hard to fund the ideas stage, being much happier with budgets for the actual making side.

There is often an element of risk involved in concept development, with a first time client unsure what to expect, therefore requiring an opportunity to withdraw if the concepts do not meet their expectations. With this in mind most commissions will be covered by two contracts, the first dealing with only the concept stage, thereby allowing a parting of the ways if things do not work out. This then is one of the reasons many clients wish to limit their exposure by providing a minimal concept fee.

For the artist the concept stage can be a very nerve racking process, it is a time when one is often trying to establish a level of rapport and communication with a new client and architect while assimilating the brief and all the implications of that document. It is however very important that the artist always puts forward his or her ideas with integrity and confidence, if you do not start out with your ideals then the finished work will possibly be a disappointment to all.

Indeed it is important to maintain the integrity of concept throughout the process, even though there will be compromises and problems along the way. Ultimately the artist may have to make a difficult decision - if the changes required compromise the work to such a degree that it no longer has the level of integrity required, then the project may have to be abandoned. Hopefully through good communication things should never get to that stage.

ARTIST: BACKGROUND RESEARCH

Site Visits

If the project is under construction a site visit is essential, it will answer a lot of your questions concerning scale, sight lines etc.

In my experience a lot of artists are not used to visualising space from measurements on a drawing, but the physical experience of volume will provide guidance as to scale of work. Although this can be gained from a model there is nothing like a visit to the site.

Keep in mind that when wall finishes, floor coverings, furnishings and ceilings are installed the space will feel very different.

In the ideal commission or collaboration, where you have been brought into the building project at an early stage, it will often not be possible to see the actual site till your artwork is well under way.

In the case of landscape projects at least one can see the potential site and gain a feeling for overall scale and environmental conditions even before actual construction of earth works has commenced.

ARTIST: PRESENTATION OF CONCEPTS

General Issues

When submitting your ideas it is very important that the concept is clearly presented.

Remember that unlike an architect who is trained to evaluate sketches and working drawings, the client may need help to appreciate the concepts. The client must be able to fully visualise the finished work so as to have the confidence to go ahead with the commission. When the concept is presented to the commissioner, you should be present, and don't leave it to the Architect to answer all the queries.

Presentation Material

The presentation can take the form of drawings, photo collages and maquettes. If there are maquettes involved they should be of a scale to make the work readable, most likely either 1:10, 1:20 or 1:50 depending on the scale of the project.

For those details which can not be shown in the maquette more detailed drawings or renderings may be needed possibly 1:1 or 1:2 depending on what is required to fully show the ideas.

If including technical drawings in preference to perspective sketches then it is advisable to do a site plan showing the layout at ground level and a series of elevations showing the different side views.

Material Samples

You may also need to show samples of the materials or if it is a fairly complex proposal then prepare a presentation panel showing materials and colours to be used.

Finally it is also a good idea to have a typed sheet with a concept statement setting out your ideas in clear language for the client or committee to have in front of them during the presentation and to have afterwards as a reminder of your presentation.

ARTIST: TIMETABLE

Setting Time Lines

When working out your timetable, keep it realistic. There is always pressure in commission work because of fitting into construction schedules, and working around other trades on site. However, if you are realistic from the start, the client will know what to expect.

It is almost inevitable that the original completion date will vary, on rare occasions earlier than projected, but more likely later. Therefore it is important to keep asking what the progress is, so as not to be caught out with your schedule.

Completion Dates

With most artworks for interior settings the ideal time for installation is just before the building is handed over to the owner or immediately after hand over. If you are involved on site before hand over, it means that the construction work has been completed, and cleaning should be underway.

Although this may be the ideal time, it is usually the most frantic time to be on site as all the trades are trying to complete their work; carpets, painting and finishes are all being finalised. It is often necessary to be very careful in negotiating for your time and space with the other tradespeople.

Site Co-ordination

Before going on site seek a meeting with the project architect and site supervisor in order to make it clear what your requirements are and agree on a schedule so they can alert any other trades involved.

ARTIST: COSTING

Having reached a stage where there is a concept proposal it is time to review the costing. You will have received an indicative budget from the client/architect during the initial discussions and been working to this figure in developing your concepts. However till there are sketches of a maquette it is very difficult to firm up on prices.

At this stage one should start to seriously consider the following costing issues;

1. consider if you are committed to costing into the quote a percentage payment to your gallery or agent.
2. the payments should include at least;
 - A: *concept fee* - payable even if project fails to go ahead.
 - B: *design fee* - at completion of concept development and documentation work.
 - C: one or more *progress payments* - once fabrication is in progress.
 - D: *final payment* - on completion, installation and acceptance. [some contracts specify a retention of a % of the final payment for a period of time as a form of guarantee e.g. 5% or 10% for three months]
3. there are three basic formats for quoting on a commission ;
 - 3.1. budget 1; designer maker model - all inclusive quote.
 - 3.2. budget 2; design fee for artist and fabrication fee to a contractor
 - 3.3. budget 3; artist paid for design and fabrication time - client supplying material.
4. because of the scale of most architectural commissions it is vital that the costing is as accurate as possible. Mistakes on a fixed price quote can be ruinous for an artist.

ARTIST QUOTING

When quoting consider;

- 4.1. *materials* [consider using a quantity surveyor for large projects]
- 4.2. *labour* - for design time and consultations with the architect as well as fabrication time and assistants if required.
- 4.3. *consultants* - it may be necessary to pay structural engineers, quantity surveyors etc if they are not part of the project team.
- 4.4. *inflation* can push up the costs during an extended commission.
- 4.5. *transport* costs from the studio to the site.
- 4.6. *installation* costs could include skilled labour, scaffolding or hydraulic lifts, cranes etc.
- 4.7. *insurance* is usually the responsibility of the artist till the work is delivered to the site. It may also be necessary to pay for Workcover, BUS scheme, third party, and marine insurance [transport].
- 4.8. allow for a *contingency* factor.

CONSULTATION AND PUBLIC DISPLAY

may not be a requirement for consultation with the users and or public. The general rule of thumb is that the more public the project and the more public money there is invested in the project the more likely there will be a need to consult the public.

There are however huge problems with seeking public input into art projects, the main one being that so much of art appreciation is entirely subjective. Beauty is in the eye of the beholder. Never-the-less no community likes to have works of art appear in their midst out of the blue, some form of public display is always a good idea, especially where there might be a level of sensitivity. Even if you are not asking for comment it might be a good idea to let people know what to expect.

"There have been several cases in which certain groups have not been grateful for the deposit of art in spaces they use..... Such occurrences are usually interpreted by the art community as Philistine resistance to improvement, but improvement for whom? A known space suddenly receives a public work of art: is it a gift or an invasion? If a gift whose?"

Urban Encounters, *Art Architecture Audience*, 1980

Over the years I have been involved in some major consultation programmes on urban development projects and have come to the conclusion that ultimately a small committee must have the confidence to make the final hard decision as to accepting the artist's proposal or not.

Where I believe the real value of consultation lies, is in the research, briefing and contextual aspects of the project. By this I mean making sure that the artist's work is informed by the people who will have an ongoing relationship with the work. When the artist understands the issues and feelings of the community, he or she should be sensitive to those stated needs. Therefore in such circumstances I would try and set up a community workshop to provide the community representatives with an opportunity to communicate their knowledge and feeling in a relaxed and supportive environment.

Here I think it is important to differentiate between a community art project and an art for public places project. With the former there is an implicit involvement of the community in every aspect of the project, however with the latter a professional artist will have been commissioned to produce a work which is informed by community attitude.

Therefore if one is clear about the intent of the project, one should be able to determine the extent of consultation and public comment required.

Concept Development – Competition Model

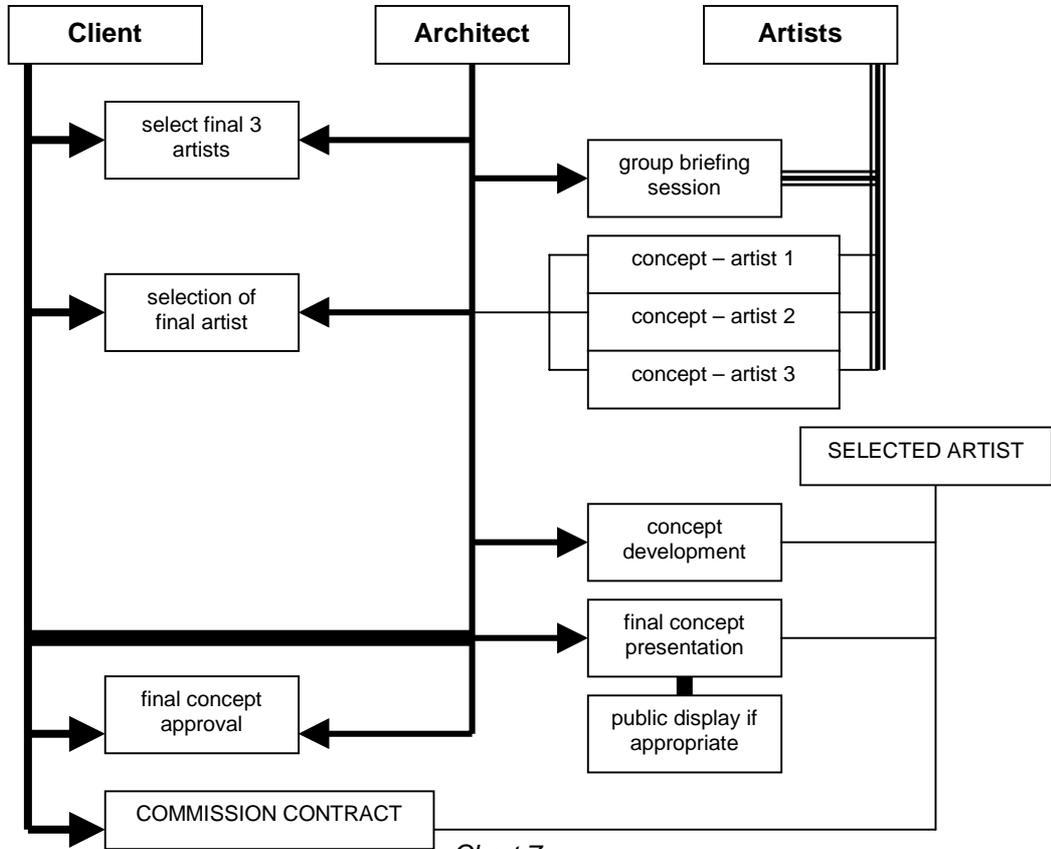


Chart 7

Concept Development – Competition Model

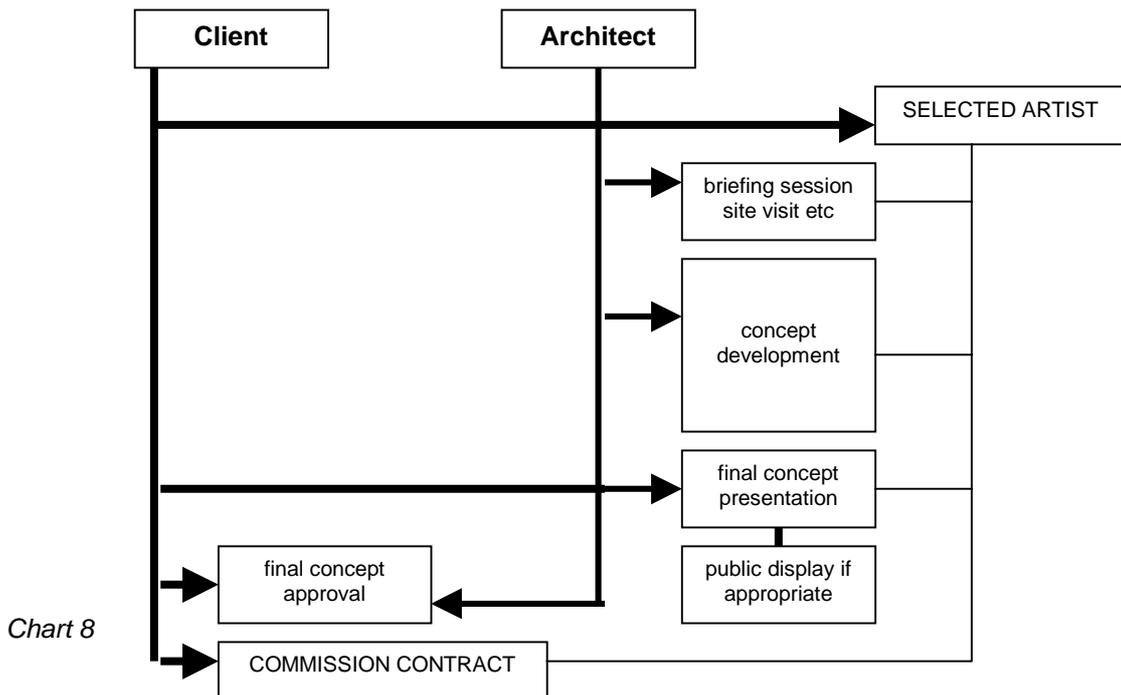


Chart 8

Indicative Concept Program

CONCEPT PHASE	Week	1	2	3	4	5	6	7	8
Initial concept		[Grey bar spanning all 8 weeks]							
Concept development		[Grey bar spanning weeks 1-4]							
Review process			▲	▲		▲			
Public display							[Grey bar spanning weeks 6-7]		
Approval & acceptance								▲	
Concept payment									▲

Chart 9

CONCEPT PROGRAM

Obviously there is no set time line for concept development any more than there is for any process, however the above chart will give an idea of the sort of time usually allocated to concept development and review.



EVEN THE MASTERS CAN'T AVOID THE LAWYERS!

"I learned from your letter how the lawsuit is proceeding. It grieves me very much, for I know that when one deals with notaries one stands to lose or be cheated, since they are a bunch of thieves."

Michelangelo Buonarroti, 1509

CONTRACTUAL ISSUES

As I am not a solicitor and have no wish to become one I will not attempt to give any legal opinion, rather consider the issues which need to be thought about. Contracts are a fact of life, not a modern invention just to keep the legal profession in business.

In her book *Artist's Contracts of the Early Renaissance* Hannelore Glasser write about the role of contracts on Renaissance artists.

"The study of contract procedure inevitably leads to a greater appreciation of functioning of creative imagination within seemingly strict bounds. It is clear that the artists were faced with certain limitations represented by the patrons' wishes or the requirements of tradition."

"If one follows the progress of Florentine commissions... one does not gain the impression of a simple artisan labouring for a powerful patron, but rather that of a citizen, moving among fellow citizens, fulfilling his obligations, which seem - at least on paper to be more commercial than aesthetic. The obligations were recorded and the artist/entrepreneur carried them out."

This publication therefore does not attempt to provide a full range of advice on contractual arrangements as this is best done by a legal professional or through such organisations as the Artslaw Centre in Sydney. Also there are a range of publications covering arts and the law including "THE VISUAL ARTIST AND THE LAW" by Shane Simpson and a Collaborations pamphlet "WHAT ARE YOUR RIGHTS; COMMISSION CONTRACTS" published by the Crafts Council of SA and written by William Morrow , both these authors are highly respected lawyers working in the arts field.

What I attempt to do in this chapter is raise some of the issues you need to consider when entering into a contract based on my experience, which I have to admit is very mixed.

There are a number of proforma contracts for both the design stage and full commissioning process in existence from Arts Law, which can serve as a basis for formulating an appropriate contract. Also in some states the government arts organisations have developed sample contracts for use in their programmes, and are often willing to allow them to be adapted to suit.

The current emphasis on integrated art practice is leading to more artists becoming involved in works which are essentially elements of the building or landscape fabric and therefore may not need to be treated quite so preciously in a contractual sense. Indeed many commissions are now being handled under standard building sub contractor contracts. This is not always an appropriate way of handling art contracts, however it demonstrates that there are various ways of doing things and may come down to a decision as to how important certain contractual issues seem in relation to the specific project.

I do feel that there are many examples where contracts being used are overly detailed for the specific project. This is very much the case where artists are being engaged to create what in effect are elements of building fitouts or street furniture. In these cases the emphasis is really on good old fashioned craft rather than trade skills and need not involve the full range of "fine art" sensibilities engendered in many commission contracts.

Some of the important issues which must however be considered include the performance expectations of the project and details of cost and time program

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There is evidence that, regardless of contracts, projects sometimes take longer than expected. Hannelore Glasser quotes the following examples of time set in contracts and actual time taken - Leonardo da Vinci undertook a commission to produce a painting in 8 months which actually took 25 years to complete, likewise Donatello set out to create a sculpture over a 3 year period but did not fulfil his contract for 20 years. These examples make any problems I have experienced pale into insignificance.

COPYRIGHT

As a general rule the artist will retain the copyright unless otherwise agreed. However, artists should consider what implications work being in a public place has on the copyright with regard to reproduction of the work in the media etc. It should also be noted that as a rule governments require ownership of all copyright for work done on their behalf.

OWNERSHIP & ATTRIBUTION

One important issue is that of ownership; just who will be the actual owner? In many cases commissioned works are actually commissioned through a funding body but the work is to become part of a public environment owned by another authority. Therefore the commissioner and owner may be two different parties, which either need to be joined in one contract or there will be two separate contracts. In the case of the latter situation the commissioner would be wanting to cover those issues relating to performance, payment etc with the owner interested only in copyright, attribution, no destruction, warranties etc.

PUBLIC RISK & INDEMNITY

Two really thorny issues are those of public risk and professional indemnity. Many artworks are placed in public environments where there is the potential for accidents to happen and this will need to be part of the risk management assessment and ensuring that the works will be covered by the owners public risk policy.

Professional indemnity is an even more problematic issue and related to the proper consideration of risk in designing the work. Where the artist may be open to litigation is if there is evidence of a lack of due care in the designing, engineering and selection of materials for an artwork in a public place. It is unlikely that the artist will have professional indemnity insurance so there may need to be a clause indemnifying the artist against claims. Our experience is that it would be almost impossible for an artist to obtain professional indemnity due to the undefined nature of the work. Also few artists are undertaking sufficient commission work to justify the expense of maintaining a professional indemnity cover.

There have however been problems in Local Government commissions where the authority's insurer will not honour any undertaking to indemnify the artist. This has been a particular problem in such areas as artists working on projects for play environments etc where there is perceived to be a high risk of litigation. At the time of writing there is no simple solution to this issue.

In an era of increasing litigation it is vital that an exchange of contracts be effected as protection for both parties involved. While an architectural firm or corporation will usually have the financial and organisational capacity to deal with legal problems, artists do not usually have such capability.

CLIENT/ARCHITECT: CONTRACTS

Regardless of which model is used to find an artist, once the choice has been made be sure to consider a suitable commission contract.

The contract should not only cover the basic legal agreements of time, cost and responsibility, but such issues as copyright, moral rights and acknowledgements. A well drafted commission contract should provide protection for both the commissioner and artist during the commission process.

a. Design stage

At the initial concept stage it may be unnecessary to engage in a formal contract document, particularly on smaller commissions, however you will want to cover yourself with a letter of agreement which should be sent to the artist setting out what is expected.

This agreement should cover payment, time and concept presentation requirements. It is also unfair to expect the artist to commit time and money to design work without this agreement.

b. Commission stage

The actual commission may require a more detailed contract as there is far more at stake during this stage of the project.

A suitable contract should deal with the following;

- Identity of parties
- Description of work
- Description of site
- Approval process
- Completion
- Inspection and acceptance
- Ownership
- Termination
- *Force Majeure*
- Payment
- Access to site
- Supervision
- Installation
- Insurance, work, public risk etc
- Copyright
- Attribution
- Warranties
- Non destruction and repair

ARTIST: CONTRACTS

It is a very important and complex area, and too involved to deal fully with here. It is enough to state that the rule of "no agreement no work" applies. It may only be necessary to have a contract for the fabrication stage, but at least request a letter of agreement before doing any concept work.

Contracts should protect both the artist and the commissioner, and mainly deal with practical issues such as the payments and time factors. However it is also very important to make sure the contract deals with the issue of copyright, relocation and acknowledgement.

In most cases the copyright is retained by the artist, with the main exceptions being where the artist is an employee of the commissioner or the works in question are photographs, portrait paintings or engravings.

The artist may request that a plaque be placed near the work setting out title of work, date of execution, as well as details of artist and the commissioner.

The issues which are most important to the artist are;

- Copyright
- Attribution
- Non destruction or alteration
- indemnity

Attribution and non destruction are often linked in that if one can not prevent a work from being moved or changed then at least the artist can ask that the work is no longer attributed to him/her if the changes have effected the integrity of the work,

Throughout the commissioning process the parties involved should be diligent about the exchange of letters on all the important issues. Should there be contentious issues, which arise during or after the completion of the project, it is vital to have written records.

CHECKLIST CONTRACTS

1. DESIGN CONTRACT

- 1.1 Identity of the parties
- 1.2 Form of proposal
 - sketches, maquettes, photos etc
 - materials - details and samples
 - cost estimates
 - engineering reports
- 1.3 Time frame
- 1.4 Approval
- 1.5 Payment
- 1.6 Additional fees for further designs
- 1.7 Copyright and licence
- 1.8 Ownership of finished designs
- 1.9 Termination

2. COMMISSION CONTRACT

- 2.1 Identity of the parties
- 2.2 Description of the Work
- 2.3 Description of the Site
- 2.4 Completion
- 2.5 Approval
- 2.6 Payment
- 2.7 Inspection and Acceptance
- 2.8 Copyright and licence
- 2.9 Ownership
- 2.10 Termination
- 2.11 *Force Majeure*
- 2.12 Access to Site
- 2.13 Supervision
- 2.14 Installation
- 2.15 Insurance
- 2.16 Warranties
- 2.17 Attribution
- 2.18 Integrity - Non destruction or alteration
- 2.19 Disputes



CASTING IN THE LAP OF THE GODS!

"I think I shall be ready to cast my statue around the middle of Lent; so pray God that it turns out well; for if it does, I think I will be in luck with the present Pope."

Michelangelo Buonarroti, 1507

FABRICATION ISSUES

Today not all rests on the favour of the gods when it comes to actually making the work. Although there are many techniques still used by artists which Michelangelo would be familiar with. Contemporary artists are more than ever before exploring new and exciting ways to use modern materials and techniques, yet when it comes to public work the emphasis swings back to the true and tried techniques of casting, welding and carving. The reason being two fold; firstly there is a requirement for public work to be especially robust and vandal resistant and secondly there is a conservatism related to spending large amounts of money on artwork.

The robustness of public work is without doubt extremely important and should never be underestimated. However, there are many opportunities where more adventurous work could be considered, especially where there is a level of supervision available, such as corporate foyers etc.

Historically the major artists have always worked with a team of assistants to create their large scale commissions and this is no different today. The majority of large-scale works have been fabricated in industrial workshops by highly skilled tradespeople in collaboration with the artist. Not only does the scale of many commissions require greater space than the average artists studio, but also specialist equipment for lifting and manipulating the work. In addition the artist may require a veritable team of specialist fabricators to process various components and materials.

One major difference between industry and artists is that by and large industry will tend to specialise and artists generalise, therefore a single artwork might bring together a wide range of materials and forms, each requiring special equipment or technical skill.

It is to be expected that the fabrication stage will be the longest part of the commission process and the artist should be encouraged to make sure he or she is allowing sufficient time to guarantee a successful outcome. As many artists will be constantly exploring new ideas it is almost inevitable that there will be a degree of research and development taking place during fabrication.

Also during fabrication there will be aesthetic decisions to be made, sometimes these can be quite major. A maquette of a large-scale sculpture can only show a limited amount of detail, therefore as the piece is worked up to full size there will be many decisions which the artist will need to make. Most artists will welcome the client's interest as the process evolves. Studio visits can be arranged in advance, indeed many contracts specify the appropriate arrangements.

However I do not feel that it should be such a formal thing. As a consultant I spend a large part of my time visiting studios and factories to see work in progress. I personally find this a most satisfying part of my job, on many of these visits I am accompanied by architects or clients, and without fail they come away enthused and stimulated.

CLIENT/ARCHITECT: FABRICATION

Contract

Having accepted a concept as submitted with a final costing, then this is the time to exchange a full contract for the fabrication and installation of the art work.

Depending on the type of work being carried out the fabrication will either be done by the artist in his/her studio or on site. Alternately the work by be carried out by a specialist engineering company. All of which should be clearly stated in the commission contract. If the work is not being produced by the artist personally then the contract may be for the artist to supervise, with a separate contract exchanged directly with the fabricator.

Advanced Payments

Following the exchange of contracts it is normal practise to pay the artist an advance to at least cover the purchase of materials. Remember that most artists do not have access to financial reserves which will allow them to undertake major commission work without progress payments. This concept of an advanced payment is certainly a problem with most governmental agencies, and many private sector organisations are very cautious about handing over money without security.

My advice is to take one of two approaches;

- a. provide the advance but ensure that the contract includes suitable schedules, orders and invoices detailing the materials purchased and stating the clients ownership of such materials or,
- b. agree that part of the budget can be used to pay for overdraft interest costs on behalf of the artist to cover the first stage of purchasing materials etc.

Supervision

During the fabrication stage the architect or agent of the commissioner should continue to check on the artists progress. Included in the contract should be a clause providing access to the work in progress, providing advance notice of a proposed visit is given.

In the case where work is to be carried out on site then consideration should be given to proper access for the artist to carry out his/her schedule. This access to the work in progress is also vital for the verification of stages reached with regard to progress payments as identified in the contract.

ARTIST: FABRICATION

Insurance

Fabrication will either take place within your studio, be created on site by you or contracted out to a fabricator. Which ever way you are working you will need to consider the question of insurance.

Most commission contracts require the artist to keep the work insured while in progress and during transport, prior to delivery on site. Even if it is not stated in the contract you should protect yourself by at least insuring the material component, in case of fire etc.

In addition if you are employing assistants in your studio then they will need to be covered by Workcover or the equivalent.

Fabricators

Should you be using fabricators on a subcontract basis then you should make sure you have a written quotation for the work and a letter defining the exact extent of work. For instance who is responsible for the transport to and from the factory or to the site? Likewise an agreement over invoicing for work should be agreed.

If the subcontractor is doing a significant amount of the work it may be in your best interest to ask the client to undertake to subcontract directly, thereby taking over direct control of contracts and payments.

CLIENT/ARCHITECT: UNIONS

Thought will also have to be given to the union situation when work has to be performed on site. Unless a specific agreement exists giving approval for artists working on the construction site then the artist or artists and any assistants involved may be required to join the appropriate union. The artist should also be made aware of any union issues such as delivery and handling of equipment and materials which could cause industrial action.

The artist should also be made aware of his/her obligations under superannuation and any other appropriate Workcover or similar schemes.

Depending on the artwork involved it may be a matter of scheduling the artwork installation after the building is complete and the handover to the owner has occurred.

Union Membership

Where it is appropriate for artists to have union membership they should be required to do so to avoid any problems during construction. The construction industry today has a much better record of co-operation on sites than the 1980's boom period. At one stage in 1982 when I was on a site visit to show a maquette to the architect I was prevented from carrying the maquette because I was a member of the BWIU and not the BLF.

Despite this occurrence, my experience is that most unions have a fairly good attitude to artists and have been very co-operative over the years. The proviso is that they should be consulted early on and not confronted with a last minute request the day before installation.

ARTIST: UNIONS

Union Membership

The building industry is a highly unionised industry, and anyone involved in an architectural commission cannot avoid considering this issue. There are any number of unions on a construction site, covering all the building trades as well as transport workers.

It may either be necessary to join a union or have union labour work under your instruction. However before pursuing this issue consult with the architect in the first instance and building contractor if necessary as to the prevailing requirements.

The Construction, Forestry, Mining and Energy Union [CFMEU] or the Operative Painters and Decorators Union [OPDU] would be the most likely unions involved and should therefore be contacted regarding some form of membership.

Should you be involved in a large amount of commission work you may need to become a permanent member, however if it is a one off or rare occurrence you might try for a temporary or short term card.

Make sure that the construction contractors know exactly what work needs to be carried out during installation. Do not overlook the question of transportation and whether a union driver has to make deliveries to the site.

In the event that you will be employing assistants to fabricate the work and install it, then you will also have to check out your position regarding the Building Unions Superannuation Scheme. The BUS scheme requires employers in the construction industry to sign a Deed of Adherence, which commits the employer to contributing to the employees superannuation fund. This is becoming an important consideration and cannot be overlooked.

Indicative Fabrication and Installation Program

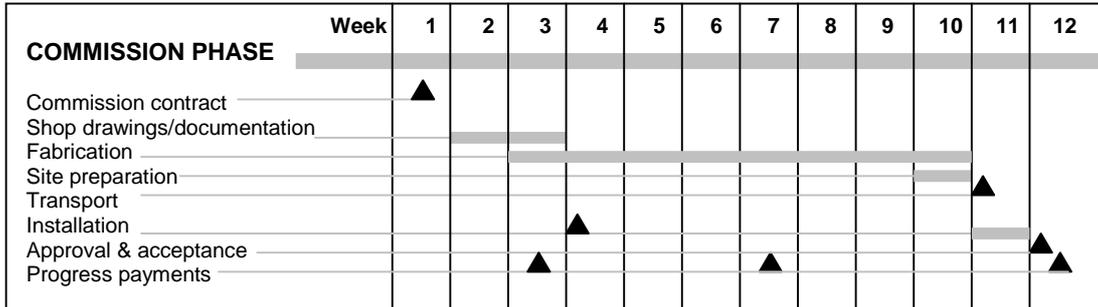


Chart 10

Fabrication Program

The above program shows a reasonable idea of the relationship between aspects of the fabrication stage. By preparing a program of this type the artist can anticipate most of the critical points in the process. For the purpose of individual projects then further detail can be included relating to specific materials procurement, manufacturing process or significant engineering steps.

CHECKLIST: COMMISSIONING PROCESS

1. PAYMENTS:

- 1.1. artist to provide invoices to clients representative for certification prior to client paying.
- 1.2. advance payment at commencement of fabrication stage for the purchase of materials [if agreed to by client]
- 1.3. progress payments during the process at agreed stages of construction, and certified by inspection
- 1.4. final payments at completion of installation.

2. SITE ISSUES:

- 2.1. will the work be fabricated on site.
if so;
 - establish space requirements
 - access requirements
 - services requirements, power etc
- 2.2. will the work be fabricated in the artists studio.
- 2.3. will the work be fabricated by an engineering firm.

3. UNIONS:

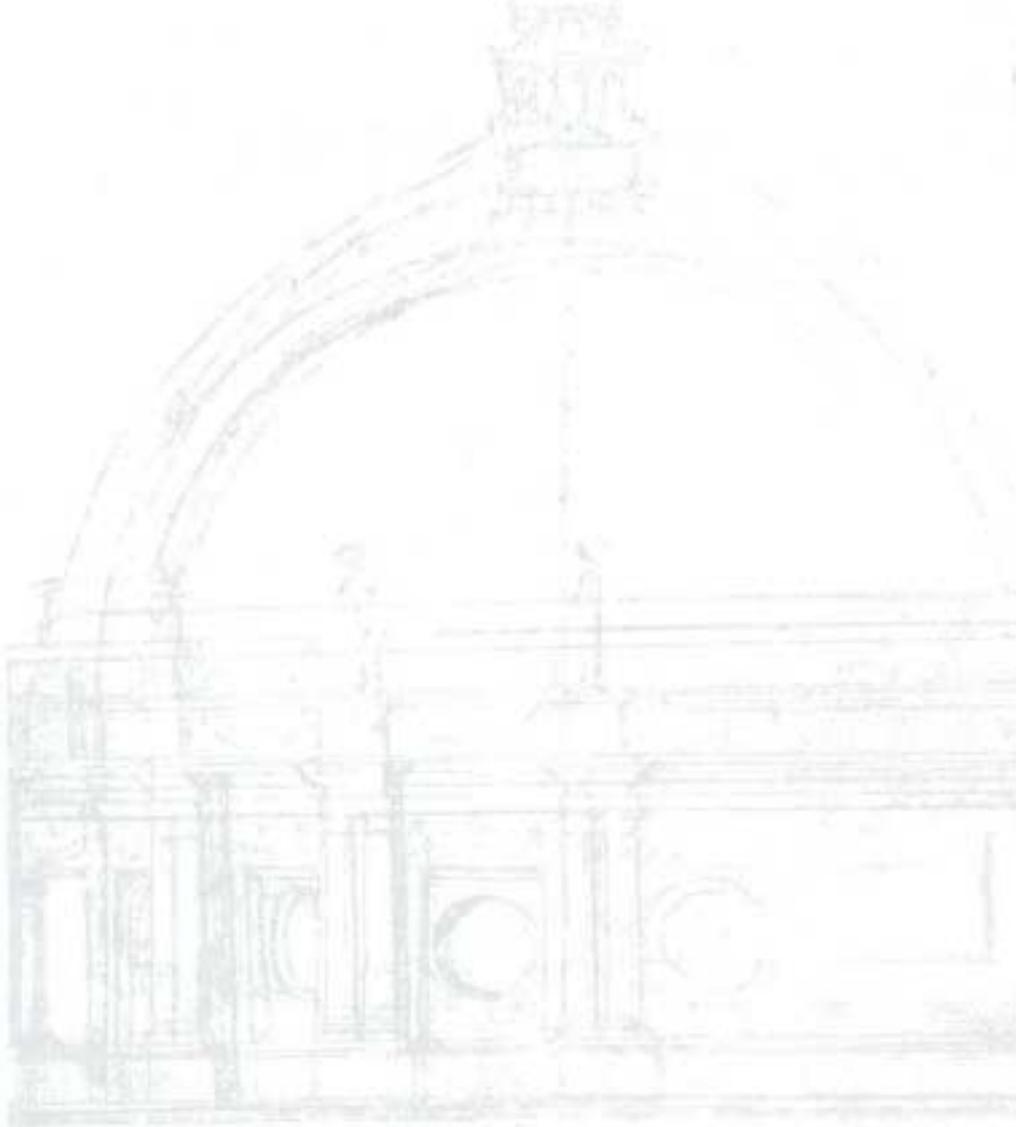
- 3.1. consider unions regarding the artist working on site.
- 3.2. consider unions regarding the artist working in studio.
- 3.3. consider union membership in relation to transport etc

4. INSURANCE:

- 4.1. artist to keep the work insured during fabrication.
- 4.2. artist to keep the work insured during transportation.
- 4.3. artist to consider Workcover, superannuation etc

5. INSPECTIONS:

- 5.1. clients representative to establish key dates for studio visits to inspect progress.
- 5.2. artist to make site inspections prior to installation.



PROBLEMS AT ST PETERS!

"Since I had made an appropriate model, as I do for every thing, this error accrued because I was unable to go there often to inspect the work on account of my old age. If one could die of shame or grief, I would not be alive"

Michelangelo Buonarrotia, 1557

INSTALLATION ISSUES

The installation is both an exciting and a nerve racking time bringing as it does all the work to a conclusion. It is the moment that everyone has been waiting for, to see the work in the actual environment it has been designed for.

It seems no matter how many commissions one does it is impossible to get the exact feeling of how the artwork will finally look while it remains in the studio. The studio is nearly always too small to gain a true sense of the scale of the work, this only comes once the installation is complete and all the surrounding environment is complete.

Installation day should be well planned, and there are many pit falls to be avoided. Over the years I have had some beauties, especially with timing. On many occasions I have been told to deliver and install on a certain date, only to find that the building was no where near ready for the artwork. This is especially tricky when the project is interstate, thereby relying on the builder and architect to keep you informed and judge the best time for installation.

For example an interstate project I worked on some years ago set a deadline, which I kept checking, each time I was told the builders were on schedule. It was a very large and complicated project for my partner and I and we were pushing the time for completion at our end, requiring night and weekend work to achieve the final date. However we achieved our target completion date, hired a truck, loaded up and set off across Australia. We arrived after virtually two full days non stop at the wheel to find the building in a total state of chaos. The builders were a month behind schedule, installation was impossible so we stored the work and returned at a more leisurely pace some five weeks later. Even at this stage, despite assurances to the contrary, they were still not ready for us. I was not amused!

A common concern of the client, architect and builder is that artists might be unreliable and not deliver on time. Experience has shown that by and large the artist is more reliable than many trade suppliers because of their personal commitment to their art they will work day and night to be ready.

Therefore installation deadlines should be realistic and not set ahead of expectation. Constant communication as the installation time looms is vital for all parties.

Installation time can also be a very stressful time for the artist, especially depending on the assistance available and the equipment required. Experience has shown that hire equipment problems can add hours to a job and take years off ones life. I well remember one memorable weekend being stuck in the bucket of a fully extended [and very dead] cherry picker suspended over a glass roof while we tried to get the hire company to come and service the machine.

Apart from the issues related to the actual moving, handling and positioning of the work during installation it is very important to design the fixings or base area very well both from a technical and aesthetic perspective.

Wherever the actual fixing or support structure will be visible then the structure must be considered as part of the artwork. I have seen many excellent sculptures mounted on badly designed bases, which simply detract from the work itself.

In reality installation work can take a lot longer than anticipated, especially when relying on assistance of a range of trades people or construction workers. Time slips by alarmingly when trying to find site supervisors or tradespeople who are themselves under enormous pressure to complete their own work or are just about to take a smoko or lunch break whenever you need them. Despite the best laid plans, delays in transport or hire equipment arriving are a further constant source of frustration on construction sites.

CLIENT/ARCHITECT: INSTALLATION

General Issues

In many cases the artwork will require special fixings to be included in the buildings construction. It should be made clear to the artist right from the start who is responsible for the installation and budgeting of these items. If they are to be included in the artists budget then the full cost should be made clear at the start.

Installation Timing

As stated in the introduction, careful consideration of the most appropriate time for the installation is important. The timing will of course depend on the type of work, its placement and special considerations. In most cases the artwork is among the last of the finishing works to be carried out on a building during second fix. Preferably at a time when most of the construction mess has been removed and the majority of construction workers have departed.

Practical Completion

In the event that practical completion of the artwork occurs on time but the site is not ready there may need to be some negotiation over storage and payment of due monies. There are many tribulations along the way on large-scale projects which can lead to unexpected delays, I once had to store artwork for six months as the building site had been shut down by the unions.

The installation is obviously the moment everyone has been waiting for. It is the culmination of intense creativity and hard work for the artist and anticipation and some anxiety on the part of the commissioner.

Final Installation

Where possible it is appropriate to acknowledge the moment with an official handing over in the case of major works, or at least a letter of thanks for smaller projects. Artists are not common trades people, they have put something of themselves into the artwork, and emotionally the work remains their property, so please provide some feed back as to the success of the work. It is very discouraging for an artist who may have committed a whole year to a commission to only ever receive feed back when there is a problem. If you like it, say so!

At the successful completion of a commission the commissioner or the commissioner's agent should send the artist a letter or certificate of completion. This should coincide with the processing of the final payment as set out in the commission contract.

ARTIST: INSTALLATION

General Issues

Planning for the installation should commence at the concept stage, with thought being given to requirements for fixing. This may include special mountings and fittings being planned into the building structure.

For this accurate drawings and measurements will need to be prepared for the building contractor. Also wherever possible either obtain actual built measurements of relevance to the work or even better take the measurements yourself. Nothing ever gets built exactly to plan, I have had to deal with discrepancies from a matter of millimetres up to a meter under on one occasion [try re-sizing a whole meter on site] what a nightmare!

Structural Issues

Depending on the project it may also be necessary to have a structural engineer assess and report on the installation structure. Make sure it is clear who is paying for the contractor or consultant to do this work.

Machinery Needs

Another important consideration in preparation for installation is the use of machinery on site. Where it is necessary to use cranes or hydraulic personnel lifts on site, thought should be given to the appropriate type of machine required, and checking the access to the site.

Hire companies can usually provide a specification chart of the piece of equipment being considered, this will provide measurements of width [door ways, gates, pillars, landscaping, paths etc] retracted height [ceilings, doors, signs, trees etc] and just as important the turning circle [check it out on your floor plan] It is embarrassing when you cannot turn a corner, get through the door [I have had to have doors taken off] or fit in the lift when dealing with internal works.

On some floors there may be load limits to be considered, as hydraulic machinery tends to be enormously heavy, this is also a major consideration with cranes on landscape projects. Make sure the crane operator visits the site before the installation day to make sure suitable access exists and the crane boom will reach from truck to site.

It can cost an arm and a leg to hire machinery so planning is vital to ensure the smooth running of installation day. On one sculpture park project, through careful planning, we managed to install six large scale sculptures in one day. Starting with a lift from a studio yard over the road to a waiting truck, followed by six separate re positioning and installation of sculptures onto prepared foundations.

Site Protocols

As part of planning your installation needs consult the builder regarding the union situation and your use of machinery or setting up of scaffolding. There have been times when even the truck driver delivering the work had to be a union member. Indeed there will be many projects where the artist and any assistants be required to join an appropriate union on a short term basis.

Finally the success of the installation depends on PLANNING PLANNING and more PLANNING! Think through every step, make lists of the process, make lists of the tools needed and make lists of *all* the fixings.

There is nothing more frustrating and time consuming than having to go off site to collect one more bolt or shackle needed to complete an installation. In deed it is advisable to take more than you need.

Installation – Flow Chart

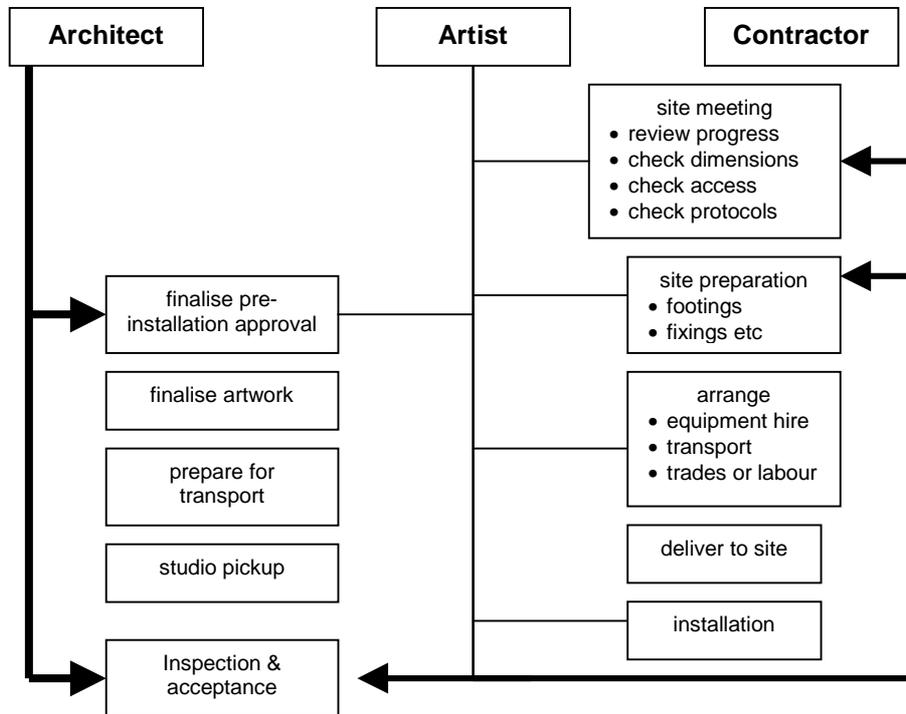


Chart 11

CHECKLIST: INSTALLATION

1. SITE VISITS/REVIEW

- 1.1 make sure that the site is really ready for the artwork. [in most cases when all the construction work has been completed and cleaning is underway.]
- 1.2 confirm actual site measurements against those shown on plans and shop drawings
- 1.3 check there is suitable access to the site for ease of handling
- 1.4 if using a crane, have crane operator visit the site and studio to check access etc.

2. SITE PREPARATION

- 2.1 have the contractors provide any specialist fixing required for the artwork.
- 2.2 have the foundations etc been completed and ready for installation

3. BUILDER LIAISON/SITE PROTOCOLS

- 3.1 consider unions regarding artists delivering work to the site.
- 3.2 consider unions regarding the artist and or assistants installing the work.
- 3.3 provide suitable access to the site for the artist and assistants.
- 3.4 make sure the artist is covered by public risk insurance.
- 3.5 discuss with builder proposed installation procedures
- 3.6 discuss with builder any fixings which may conflict with trades such as, concrete's, plasterers, plumbers and electricians

4. TRANSPORT

- 4.1 check vehicle access to site
- 4.2 arrange for transport company to sight the work, pick up and delivery sites
- 4.3 confirm pick up time with transport operator
- 4.4 confirm delivery time with builder
- 4.5 the artist will need to ensure that the work is insured while in transit.

5. EQUIPMENT

- 5.1 make lists of all possible tools required
- 5.2 consider lifting equipment needs
- 5.3 consider scaffolding needs
- 5.4 consider power requirements, generators for welders, drills, grinders etc
[if working in country areas check on fire restrictions]

6. ACCEPTANCE/APPROVALS

- 6.1 agree on approval and acceptance procedures
- 6.2 where possible agree to having a plaque installed detailing title, date, artist and commissioner.
- 6.3 please provide the artist with feed back, positive or negative.



SOME TIMES THERE'S ANGST!

"When he commissioned the tomb to me, I spent eight months at Carrara quarrying marbles, and I brought them to St.Peter's Square, where I had lodgings behind Santa Aterina. Afterwards the Pope decided not to build his tomb during his lifetime, and started me painting. Then he kept me two years at Bologna casting his statue in bronze, which has been destroyed"

Michelangelo, 1542

ACCEPTANCE

Once the hard work has been completed and the artwork is in place there still remains a range of issues to be dealt with in signing off from the project. Throughout the project there will have been an officer of the commissioner - either the architect or a consultant or project manager, whoever has had the responsibility for certifying the work in progress will need to be satisfied that the work has been completed as contracted.

The last thing anyone wants at the completion of a project is a dispute. Experience has shown that with well presented drawings and maquettes at the concept stage and regular studio visits and reporting throughout the fabrication stage there should be no nasty surprises at installation.

However disputes can and do happen especially over perceptions of quality of interpretation from concept to finished product. In instances where there are serious disputes regarding the aesthetic interpretation a mediator with art training may be required to assess the submitted concept and the finished artwork in order to establish if unreasonable latitude has been taken by the artist during the fabrication stage.

There may also be issues over the quality of materials, finishes or workmanship.

As with any other building project it is quite the norm to have a retention of monies written into the contract as a form of warranty period. This provides all parties to have sufficient time to consider the work in detail therefore identifying and rectifying problem areas.

Baring any unforeseen problems, and once the commissioners agent is happy, then the project should be officially signed off in writing.

HAND OVER

Depending on the nature of the project the client should consider an appropriate acknowledgement. This may take the form of a simple drink and backslapping session, or a formal dedication or unveiling ceremony and photo opportunity.

A lot will depend on the range of people involved with the initiation and creation of the artwork as well as the location and relation to the overall project. For example an artwork which is an integral part of a major building will most likely simply be acknowledged during the opening of the building, whereas an individual piece of art in a public place may well involve a formal unveiling by a local dignitary.

In most circumstances it is appropriate to attribute the work to the artist by means of a plaque set in close proximity to the work. Such a plaque should record the artist's name, title of work, date of commission and the commissioner. A further extension of this acknowledgement might take the form of a printed pamphlet, which perhaps tells the story of the commission and something of the theme behind the work. A publication such as this can be a valuable marketing tool for all parties.

THE AFTER LIFE

During the commissioning process careful thought should be given to the future maintenance needs of the artwork once it is in place. This should be considered right from the very first stage of the project, with details of maintenance issues included as part of the initial briefing.

Once the artist has presented the concept it is advisable to discuss the maintenance issues with the building or site management to ascertain if there are any insurmountable problems with the ideas being proposed. Experience has shown that maintenance people who have been consulted regarding a planned artwork will take better care than if it is simply imposed on them. If they have had the opportunity to meet the artist and gain an understanding of the work they feel more of a sense of ownership.

Over the years public art has been subjected to a considerable amount of vandalism, depending on the location of the work. There has been a tendency to place artworks, such as murals and sculpture, in areas which are rundown or in need of personalising. These are often the very areas, which are targeted by the vandal. In many cases with public art the artist has worked within the local community during the creation process. This has produced a community ownership, which leads to far less danger of vandalism.

One other major consideration in the after life of a commissioned artwork is the issue of relocation. A site specific work has been conceived and produced with only one setting in mind, that of the initial site. Should the artwork outlive the building or there be a change in the use of the building which makes the work irrelevant, then there needs to be consultation with the artist. When moving a site specific work sensitivity to the artists intent towards the original site needs to be considered, so as not to jeopardise the artists integrity.

CLIENT/ARCHITECT: THE AFTER LIFE

General Issues

During the commissioning process you should stress the importance of maintenance and make the artist aware of any special conditions or site aspects which should be taken into consideration.

Discuss the maintenance issue with your staff to gain feedback on any problems they might foresee. If further reassurance is required it might be worth consulting an art conservator at this stage to review and comment on the proposed work.

Vandalism and Graffiti

Within private sector spaces vandalism is not so much the problem as simply ensuring that the work is maintained at its best at all times. It is not only important to the company image to maintain the artwork in good condition, but it reflects badly on the artist if the work is allowed to deteriorate. Where graffiti becomes a problem ensure the maintenance people remove the graffiti as soon as possible as it discourages further attacks if removed promptly.

Maintenance Manual

Once the commission has been completed and the work installed, ask the artist to provide a maintenance manual, setting out the appropriate cleaning and care requirements to keep the work in good condition. It may be an alternative to enter into a maintenance contract either with the artist directly or with an art conservator. Most commission contracts will require that any repair work be referred to the artist to either carry out the work personally, or consult with a third party.

Relocation

One other major consideration in the after life of a commissioned artwork is the issue of relocation. A site specific work has been conceived and produced with only one setting in mind, that of the initial site. Should the artwork outlive the building or there be a change in the use of the building which makes the work irrelevant, then there needs to be consultation with the artist.

When moving a site specific work sensitivity to the artists intent towards the original site needs to be considered, so as not to jeopardise the artists integrity. You should be prepared for some situations where the artist no longer wishes the work to be attributed to him/her once the changes have been made.

ARTIST: THE AFTER LIFE

General Issues

Make sure that you find out at the initial briefing as much as possible about the climatic conditions on the site, who will have access and what supervision there will be. If you are unsure about such issues as the compatibility of the proposed materials then you should seek expert advice from suppliers or an art conservator.

Once the concept has been approved by the owner, try and arrange a meeting with the building or site supervisor to discuss the materials and finishes being considered. The better informed the maintenance people are regarding a planned artwork the better able they will be to look after the work.

Vandalism and Graffiti

Although vandalism and graffiti are constant concerns to artists and owners there are a number of approaches to be considered. As stated previously the better the sense of local ownership the less likely the vandalism. However it will not always be possible to avoid some problems so it is best to develop strategies for prevention and repair.

There are available commercially a wide range of anti graffiti finishes which should be used where appropriate. A coating is of considerable importance on porous surfaces to prevent penetration of solvent based paints etc. However remember that such coatings will effect the surface quality so tests should be made on sample material before hand.

There is plenty of evidence to demonstrate the importance of rapid response to graffiti, if the work is cleaned quickly the vandals soon lose interest and give up.

Maintenance Manuel

Once the commission has been completed and the work installed, if appropriate you should provide a maintenance manual, setting out the appropriate cleaning and care requirements to keep the work in good condition.

It may be an alternative to have the commissioner enter into a maintenance contract either with you directly or with an art conservator. Most commission contracts will require that any repair work be referred to the artist to either carry out the work personally, or consult with a third party.

Relocation

Should it be unavoidable that relocation or alteration takes place then you should consider the effect on the integrity of the work. If the changes are of such magnitude that the work no longer reflects well on your reputation then you should consider removing any acknowledgement of your authorship.

CHECKLIST: MAINTENANCE

1. THE SITE

- 1.1 will the work be publicly accessible
- 1.2 can the work stand public abuse
- 1.3 is there a danger of graffiti
- 1.4 how well is the site maintained
- 1.5 are there weather or environmental conditions which will effect the work

2. THE WORK

- 2.1 can the work be easily cleaned of general grime
- 2.2 can graffiti be easily removed [anti graffiti treatments]
- 2.3 will the work be removed for special events etc [if so special design solutions should be considered]
- 2.4 can the work withstand constant handling by the public.
- 2.5 are the material compatible with each other
- 2.6 will there be any drainage problems leading to corrosion

3. THE MAINTENANCE WORKERS

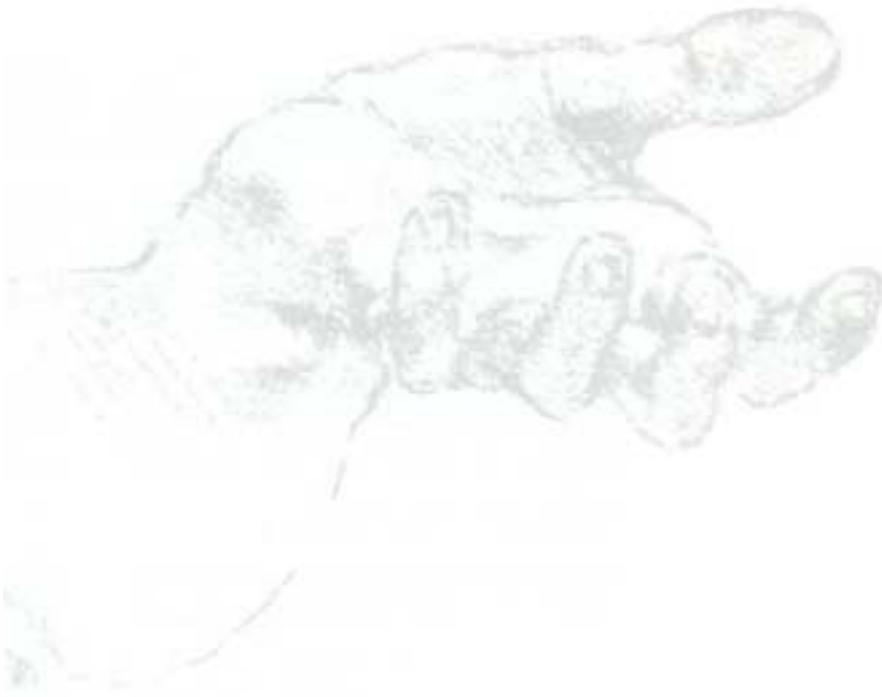
- 3.1 the site supervisor will need to be briefed on the care of artworks.
- 3.2. the artist should prepare a maintenance manual to be given to the building or site supervisor.
- 3.3. consider a maintenance contract between the artist or conservator and the commissioner.

4. REPAIR OF WORK

- 4.1 the commission contract should require that the commissioner contacts the artist for advice.
- 4.2 the artist should have first option to carry out repair work.
- 4.3 repair work may be carried out by a third party under artists supervision.
- 4.4 in the absence of the artist consult a qualified conservator such as Artlab.

5. RELOCATION OF WORK

- 5.1 where it is necessary to relocate work the owner should contact the artist to discuss relocation issues.
- 5.2 seek clarification of mounting details before trying to remove and relocate artwork.



SIXTEENTH CENTURY CASH FLOW PROBLEMS!

"I have not received any money from the Pope for thirteen months, but I think that I will certainly be paid within the next forty days, for I will have spent all he has given me. If he shouldn't give me any money, I'll have to borrow some to return to Florence, for I am penniless."

Michelangelo Buonarroti, January 1509

BILLING

Sooner or later the money business will have to be dealt with. As I have said in the briefing and contract chapters making the business side of the commission as clear and up front as possible will be to everyone's advantage down the line when monies are due.

Although reading of Michelangelo's problems with extracting payment from the Popes and Renaissance wealthy make any present day experiences pale into insignificance it does highlight the fact that money can sometimes be a long time in coming.

It is partly the nature of the development industry and governments which are of course likely to be the main parties involved in commissions. In many cases it is as much the slowness of the bureaucratic structures requiring appropriate authorisation and counter signing of invoices and payments which make billing a difficult area at times.

My experience has been very varied depending on the structure of the project. For instance where a commission has been undertaken as a direct contract between artist and a private sector client, then payments can happen within days when there is such an agreement between parties.

However when the artist is contracted to a builder, who is in turn contracted to the client, then the progress can be diabolically slow. In such a situation the artist might be expected in the first instance to submit his or her invoice to the architect for certification, the architect will then send the invoice on to the builder who will in turn process the account and forward it on to the client.

Depending on the structures in place there might be specific dates on which accounts are processed, miss a date and the invoice could wait a week or more at any one of the steps before moving on.

In such circumstances I have always felt I am at the bottom of the "food chain", completely at the mercy of the system.

In order to avoid too many delays I recommend the commissioner and the artist agree on a clear payment schedule which sets out the billing procedures, dates for submitting claims and payment dates.

It goes without saying that most artists are going to be in need of payment with as few delays as possible. Few artists make a total living through commissions and therefore will not have a large bank overdraft to carry them over extended periods of delay. From my experience few governmental clients are able to provide the often needed up front money to purchase materials.

Where a private sector client is prepared to provide some money as an advance on materials then it is common practice to make sure that there is documentation in place to identify the client as the owner of the said material. This is in order to avoid any problems with bankruptcy and the materials becoming disposable assets of the artist.

Advanced payments are an important issues as in some cases, such as stained glass projects where the cost of glass may be at least one third of the total cost. Understanding that work can not commence till the glass is in the studio and that will not happen till the glass has been paid for.

Where it is likely that the artist will have to carry the cost over an extended period I would recommend that built into the cost of the project are the bank fees and interest involved in an overdraft facility if one is needed.

PAYMENT SCHEDULES

Payment schedules may take many forms depending on the nature of the work, the materials involved and the time scale of the project. However there are some basic principles which do crop up in many projects and these include the following payment stages;

A. Advanced Payments

Payments to cover the purchase of materials required to initiate the project

B. Progress Payments

A series of progress payments will usually be required depending on the length of the project. It is best to identify a series of landmark stages which can be approved by the clients agent, thereby certifying that stage for payment.

C. Practical Completion

A major landmark stage is usually the practical completion of the work within the studio. At times this will coincide with an almost immediate installation of the work, although at other times there may be considerable delays in installing. In the event of delays it is only right that the artist receives the bulk of money owing at practical completion.

D. Actual Completion

Payments for actual completion will follow installation and the inspection of the installed work by the clients representative. This will in many cases be seen as the final payment.

E. Retentions

Depending on the contract being used there may or may not be a retention clause. This being a very common aspect of the construction industry my experience suggests that where the contract is with the building contractor rather than directly with the client, then there is a greater likelihood of retentions being stipulated.

F. Variations

The potential for variations may or may not occur depending on the form of contract. However the basic principle is that a variation will cover all those extras specifically requested by the client or the client's agent which are not covered in the original documentation and contract. Should there be requests for changes which will obviously lead to additional cost then the artist is best advised to seek a written confirmation of such request as documentation to back up the variation claim.

G. Prescribed Payment Scheme

Depending on the nature of the artwork it might fall within the requirements of PPS, especially where it is part of the building fabric. In which case the commissioner will be obliged to take out the PPS instalments from the progress payments during the commission.

COMMISSIONING CHECKLIST: BILLING

1. DESIGN CONTRACT

- 1.1 concept payment
 - at completion of concept stage
- 1.2 design development payment
 - at completion of design development stage

2. COMMISSION CONTRACT

- 2.1 progress payments
 - number of payments dependent on scale of project and contract agreement
- 2.2 practical completion payment
 - dependent on timing of completion and installation
 - may be paid prior to installation if site not ready
- 2.3 final payment
 - upon final installation
 - upon final detailing etc
 - after warranty period

3. BILLING DETAILS

- 3.1 confirm billing procedures
 - who to bill and when
- 3.2 negotiate staging of payments
- 3.3 will retentions be taken from payments
- 3.4 does Prescribed Payment System [PPS] apply
- 3.5 does Superannuation Guarantee Ruling [SGR] apply
- 3.6 variations [extra work]
 - confirm in writing at time of approval
 - clearly define as extras when billing
- 3.7 interest on overdue payments
 - state in contract the rate of interest due