



PUBLIC ART COMMITTEE GUIDELINES

I. INTRODUCTION

The intent of the Public Art Guidelines ("Guidelines") is to function as a blueprint for building a collection of Public Art in the City and County of Broomfield ("Broomfield"). The Public Art Committee ("PAC") will use these Guidelines which detail the mechanisms for: selecting sites; acquiring and displaying art; accepting donations; joint venture projects; art on loan programs; and deaccession of artworks.

II. DEFINITION

- A. "Public Art" is defined as **artwork** in the **public realm**, which is accessible to the public and possesses aesthetic qualities.
- B. The "**artwork**" may be permanent, semi-permanent, functional, or temporary, and includes all forms of art conceived in any medium, material, media, or combination thereof, including but not limited to: civic infrastructure and furnishings, sculpture, landscape, painting, drawings, and kinetic works.
- C. "**Public realm**" includes building facades, parks, public open spaces, and streets that provide for unrestricted physical or visual access to the general public, including, but not limited to:
 - 1. Any Broomfield-owned or leased property.
 - 2. Any Broomfield-owned or leased building.
 - 3. Any non-Broomfield-owned property, upon agreement with the entity or property owner, if accessible to the general public.

III. OVERVIEW

- A. THE OBJECTIVES OF THE PUBLIC ART GUIDELINES ARE:
 - 1. To provide a public process in which the community is involved and represented in the selection process.
 - 2. To select appropriate art for the designated location in keeping with the community's history, geology, values, vitality, aspirations, or cultural diversity, among other things.
 - 3. To protect the public's health, safety and welfare by providing structural integrity, safety, security and maintenance guidelines for all art.

- B. **BUILDING A COLLECTION OF PUBLIC ART: PUBLIC ART MAY BE ADDED TO THE COLLECTION BY:**
1. Direct acquisition of artwork that meets the current strategic goals. Direct acquisition is further described in Section VI below.
 2. Donation of artwork that meets the standards set by these Guidelines.
 3. Joint Ventures that acquire artwork through public-private partnerships and also meet the current strategic goals and the standards of these Guidelines
- C. **CRITERIA FOR PUBLIC ART:** The following criteria will be applied to the selection of artwork for acquisition by Broomfield:
1. **Quality:** The consideration of highest priority is the inherent artistic excellence of the artwork as well as representing a diverse range of appeal within the Broomfield community.
 2. **Timelessness:** Artwork will be viewed as a long-term acquisition that should have aesthetic relevance to the community in future years and reflect enduring artistic quality.
 3. **Site Compatibility and Appropriateness:** Artwork must be appropriate in scale, material, form and content for both the immediate and general, social and physical environment in which the artwork will be placed.
 4. **Elements of Design:** The PAC may consider that Public Art may have considerations beyond the aesthetic; it may serve to establish focal points, define spaces, or establish a cultural identity, among other things.
 5. **Permanence and Safety:** Consideration will be given to structural and surface integrity, permanence, and protection against theft, vandalism, weathering, and excessive maintenance and repair costs.
 6. **Diversity:** The PAC will strive for diversity in style, scale, media and artists.
 7. **Placement:** The PAC will consider geographic diversity of the collection and will determine appropriate geographic distribution within the Broomfield city limits.

IV. PROJECT SELECTION

- A. City Council will be informed of project initiatives and will be asked to give the final approval on Public Art purchased, as required per municipal code.
- B. **SITE SELECTION:** Site selection will follow the priorities outlined in the current strategic goals. Consideration will be given to the directives from the City Council, and where applicable, advice from architects, engineers, parks and maintenance staff. Where a potential site directly affects other Broomfield departments, such departments will be consulted as appropriate before site selections are recommended by the PAC to City Council.
- C. The PAC will develop a proposal for the Public Art on the selected site and determine the method to be used to select an artist.

- D. **ARTIST SELECTION:** The PAC may choose one of the following methods for each project:
1. **Limited Competition:** A limited number of artists are invited to develop a proposal.
 2. **Open Competition:** Any artist, subject to the limitations established by the PAC for the specific site, is eligible to enter.
 3. **Direct Purchase:** An existing work of art is purchased for a particular site.
 4. **Direct Commission:** One artist is selected by the PAC to create a piece of art for a specific site.
- E. **ARTIST CRITERIA:** The following criteria will be applied to the selection of artists under these Guidelines:
1. **Cooperation:** Ability of the artist to work closely and cooperatively with the PAC, Broomfield staff and the community.
 2. **Presentation:** Ability of the artist to clearly describe concepts verbally and through quality written materials.
 3. **Technical Feasibility:** Ability of the artist to carry out the concepts described in the proposed artwork.
 4. **Timeliness:** The ability of the artist to deliver the artwork according to the agreed schedule.
 5. **Aesthetic Standard:** The PAC shall have the right to withhold recommending acceptance to City Council of a work until it clearly meets standards of artistic achievement agreed upon by a majority of the PAC members.
- F. **NOTICE OF ANTI-DISCRIMINATION:** The PAC will comply with all federal, state and local laws.
- G. **PROJECT CONTRACT:** If artwork is to be commissioned, purchased or donated, a written contractual agreement between Broomfield and the selected artist will be executed outlining the purchase price, responsibilities of the artist and Broomfield, warranty, reproduction and copyright issues, timeline and deadline for installation of the work. All contracts will be subject to the requirements of the Broomfield Municipal Code, including the provisions of Chapter 3-20, B.M.C., Procurement of Supplies, Services, and Construction, approval of the City & County Attorney and filed with the City Clerk.
- H. **PROJECT BUDGET:** Subject to the appropriation of funds for the purpose, the Project Budget will include all costs associated with a project, except administrative costs, and may include, but not be limited to:
1. Artist compensation
 2. Artist's equipment, supplies, and subcontracting
 3. Site testing and preparation
 4. Shipping
 5. Lighting
 6. Costs of installation which may include plinths (base) or other display components and identification plaque
 7. Additional amount to equal 10% of artist's compensation to cover necessary, unforeseen costs of the project

8. Maintenance beyond the warranty
9. Public education and promotion
- I. ARTIST'S EXPENSES: In the bid, the artist will be responsible for including all expenses associated with the design, labor, materials, contracted services, operations, and travel required to complete the work, as well as transportation of the work to the site and installation of the work. Any expense that exceeds the contracted amount will be the artist's responsibility.
- J. J. FINAL ACCEPTANCE OF PROJECT:
 1. For purposes of insurance, promotion, education, and maintenance of the integrity of the work, once the artist has completed and installed the project, as per the contract, s/he will submit maintenance recommendations. Artist recommendations will include, but not be limited to, estimates of material longevity, material durability, and the appropriate methods and materials for cleaning.
 2. Broomfield departments directly affected by the installation of the artwork must sign off on the completion of the project.
- K. OWNERSHIP: All works of art will be acquired in the name of and title will be held by Broomfield.

V. COMPETITION PROCESS

- A. REQUESTS FOR PROPOSAL: The PAC may write a Request for Proposal (RFP) or issue a public Call for Entry ("Call") that is specific to the site or project. For limited competitions, the RFP or Call will be sent to those artists selected by the PAC. For open competitions, the RFP or Call will be advertised in appropriate media.
- B. SELECTION PROCESS: The PAC will serve as the Selection Panel to review the proposals submitted as part of an open or limited competition. In addition, the PAC may ask consultants and/or community members to participate as nonvoting members of the Selection Panel. The Selection Panel will use a criteria worksheet to evaluate submitted art design proposals. The Selection Panel may obtain public input during the selection process as appropriate to the size and scope of the project.
- C. MAQUETTE SUBMITTAL: Finalists may be asked to submit a maquette of the proposed artwork for which they will be paid a nominal fee as determined by the PAC. The maquette may be displayed in a public venue where the community may be asked to comment on the finalists, in which case the Selection Panel will consider the public's comments along with the criteria guidelines and the PAC vision before making their final selection.
- D. FINAL PROJECT SELECTION: Final selections may be presented to City Council with PAC recommendations as required per municipal code.

VI. DIRECT PURCHASE OR DIRECT COMMISSION

A. PROCEDURES:

1. All artwork acquired by Direct Purchase or Direct Commission will meet the applicable criteria in these Guidelines.
2. At the discretion of the PAC, an artist selected to create a work of art as a Direct Commission may have all payment withheld until the commissioned work has been accepted pursuant to subsection IV. J. above, or, the PAC may approve interim payments in its sole discretion.

VII. JOINT VENTURES

DEFINITION: Joint Ventures are projects not fully funded by Broomfield. These projects include public-private partnerships and art-on-loan programs.

- A. **PUBLIC-PRIVATE PARTNERSHIPS:** Public Art generated through a joint venture must meet the criteria established for all Public Art in Broomfield. Despite a different funding mechanism, the selection mechanism will follow these Guidelines with the stipulation that two representatives from the private-sector partner may be included on a selection panel consisting of the PAC and the two representatives. Any proposal for a public-private partnership must fit within the planned expenditures for that year and are subject to the appropriation of funds for the purpose. The final artwork will be the property of Broomfield and can only be placed on private property if the community has free, unlimited access to the work.
- B. **ART-ON-LOAN:** The purpose of this program is three-fold:
 1. To promote artists by providing an opportunity for artists to display and sell their work.
 2. To provide an opportunity to enhance the community's knowledge of art.
 3. To provide an opportunity for the PAC to obtain feedback on art that might be considered for Broomfield's collection through a Direct Purchase.

VIII. DONATIONS

A. UNSOLICITED DONATIONS:

1. Consistency with the current strategic goals.
 - a. Donated art should reflect the vision, objectives and criteria defined in the current strategic goals and these Guidelines.
 - b. If proposed donation meets the criteria in (a), staff will propose donated art to be reviewed by the PAC before being accepted or declined. The PAC will determine whether to (i) to allocate a portion of its budget to cover installation and other costs enumerated in items 3-9 of subsection IV.H or (ii) accept the donation subject to the donor's responsibility to pay for installation and other costs enumerated in items 3-9 of subsection IV.H.

IX. DISPLAY OF PUBLIC ART ON PRIVATE PROPERTY

- A. **POLICY:** No work of art financed or installed either wholly or in part with Broomfield funds or with grants procured by Broomfield will be installed on privately owned property without a written agreement between Broomfield and the owner specifying the proprietary interests in the work of art and specifying other provisions deemed necessary or desirable by the City & County Attorney.
- B. **ANY PRIVATE PROPERTY OWNER INSTALLING PUBLIC ART WILL ENSURE:**
 - 1. That the installation of the work of art will be done in a manner which will protect the work of art and the public;
 - 2. That the work of art will be maintained in good condition; and
 - 3. That insurance and indemnification will be provided as required by Broomfield in its sole discretion.
 - 4. That installation, maintenance, alteration, refinishing, moving, storing and temporary or permanent relocation of Public Art will be done in consultation with the artist whenever feasible and will be done consistent with federal, state and local laws and with the prior approval of the PAC.

X. STEWARDSHIP, MAINTENANCE AND CONSERVATION

- A. **STEWARDSHIP:** Stewardship of the Public Art collection is an important mandate of the PAC. When Notice of Acceptance is issued and ownership of Public Art is transferred to Broomfield, the PAC will assist Broomfield in protecting the value, integrity and authenticity of the artwork, and compliance with the Visual Artist's Rights Act of 1990, Title 17, U.S. Code, as amended.
- B. **INVENTORY AND MAINTENANCE:** Cultural Affairs staff shall have the responsibility to oversee the maintenance of the inventory, and condition assessments of the Broomfield Public Art Collection shall be performed by a Professional Conservator at least every five years.

XI. DEACCESSION

- A. **DEFINITION:** Deaccession is the process used to remove an object permanently from the Public Art collection through sale, trade or other means. For complete details of the Deaccession process, please refer to the separate Deaccession Policy document.

XII. GUIDELINE EXEMPTIONS

The following are exempt from these provisions:

- A. All works of art in the collections of, or on display at, or under the auspices of, the Cultural Affairs Division.
- B. All works of art in the Mamie Doud Eisenhower Public Library's collection of materials, and its displays of a temporary nature, provided however, that this exception does not apply to "Company of Trees" by Annette Coleman, which is part of the Public Art collection attributable to, and overseen by PAC.
- C. All other works of art on display in private city offices or other areas of city-owned facilities, which are not frequented by the public. Under no circumstances may a piece of Public Art be displayed in private city offices or other areas of city-owned facilities, which are not generally frequented by the public.