



Public Art *Demystified*: A Guide to Applying to Public Art Opportunities

Prepared by the Winnipeg Arts Council

Creating artwork in public space is a rewarding experience, one that brings your artwork to a wide audience and reflects Winnipeg back to citizens and visitors in unique ways. Public art offers the opportunity to explore the culture, nature and history of Winnipeg in contemporary ways and to express that to people who will encounter it on a daily basis.

There are many details to consider when creating an artwork for the public realm. The artwork has to be robust enough to stand up to Winnipeg's extreme climate and the interaction of many people. It mustn't pose any safety issues and must be as vandal-resistant as possible. For this reason, it takes a bit of a village to create a public artwork. In addition to the artist, whose vision and concept is the prime element from which the artwork develops, there are engineers, architects, landscape architects, fabricators, contractors, permit issuers, maintenance workers and many others whose expertise is essential to the development of a public artwork. The artist works with this multidisciplinary group to achieve the best results. Although at times the process of creating public artwork can be challenging, the rewards of engaging the City through art are great. And the Winnipeg Arts Council is here to assist you through the process of developing, fabricating and installing the artwork.

This guide is intended to help you understand the process for applying for a public art opportunity and some of the considerations you will need to be aware of if you are awarded a commission for the City of Winnipeg, through the Winnipeg Arts Council (WAC). It is not exhaustive but tries to cover many of the questions we've been asked by artists.

So, let's start at the beginning:

Call-to-Artists

A Call-to-Artists is a document that describes the public art opportunity and invites artists to apply for the project. In most cases, this is a Request for Expressions of Interest and Qualifications, meaning that no proposal is required or accepted at this stage. At WAC we are committed to the respectful treatment of artists, so asking for a proposal without compensation is not something we practice or encourage. Plus, creating a proposal without deep knowledge of the site is counterproductive as the details cannot be developed enough to really understand if the artwork is possible. A Request for Expressions of Interest and Qualifications enables the artist to write a short narrative about why the site or project is important or interesting to them while providing descriptions of previous work so that the Selection Committee will understand the artist's practice and experience. A major component of the application is photos of artwork you have created in the past. We highly recommend that you hire a professional photographer to document your work as the Selection Committee will be looking at many, many images and have to understand your practice through the materials you provide.

Two Stage Selection Process

When all applications are received by the deadline, the materials are prepared for the Selection Committee which is comprised of artists, designers and representatives of the site and/or community. Once the Selection Committee reviews all the applications, a process facilitated by WAC, they select a shortlist of artists, which begins the second stage of the selection process. WAC contacts the shortlisted artists, who are provided with detailed instructions on what is required for the second stage review, an honorarium for proposal development, and an invitation to a detailed site visit where more information is provided. Artists are then given between 1.5 and 3 months to develop a proposal that usually consists of detailed drawings, a maquette (physical or digital scale model), information on suggested materials and processes, a timeline and a budget. The Selection Committee meets again, this time to review the detailed proposals and to select a finalist. In some cases, artists are invited to present their proposals to the committee.

Budget

The budget is an essential tool for artists to illustrate that they have researched engineering requirements, permits, materials, fabrication and installation details. The budget must also contain an artist fee (12-20% of the total budget is a suggested range) and a contingency (10% of the total budget is recommended). It must contain all applicable taxes because the total commission amount is the total amount available for the project. Budgets that exceed the advertised commission amount will not be considered. If there is something we have learned about public art it is that there will be surprises that you will not be able to predict. It is best to prepare your budget and plans as well as you possibly can. The next best thing you can do is to be flexible with all of these things.

Design Development and Award of Commission

Once the Selection Committee has reviewed the final proposals and made a recommendation on which artist will be offered the commission, a technical review takes place. A committee of City staff and other design and engineering professionals review the proposals to determine feasibility. If the recommended proposal raises any concerns, WAC will contact the artist for more details. The Technical Review Committee looks at feasibility, maintenance and other logistical details and does not make any final decisions nor do they review the work on an aesthetic basis.

Following the conclusion of the Selection Committee and technical review process, the selected artist is offered the commission and asked to sign a contract which is a tripartite agreement between the artist, WAC and City of Winnipeg. Among other things the contract will outline requirements, expectations and a payment schedule based on the timeline of the project. You are encouraged to review the contract carefully. If there is any language that you are unsure about, we encourage artists to engage with a lawyer who can review the contract on their behalf. While WAC is happy to go over details with you, we are not lawyers and want to ensure that you are completely comfortable signing the contract.

The contract will list the artist as an “independent contractor.” This means that the selected artist is responsible for ALL aspects of the project. Neither the City of Winnipeg, nor the Winnipeg Arts Council will be responsible for any applications for permits or approvals or for any site or construction work. Having said that, WAC is the liaison for the artist selected for the project and is committed to

walking artists through the process of detailed design development, permitting, fabrication and installation and can suggest engineers, designers, fabricators, contractors and other professionals who have worked successfully with artists on other public art projects.

The design proposal will become part of the contract but it is understood that it is still a work in progress at this early stage. As the project begins to take shape and based on specific information from engineers and fabricators, etc., it is inevitable that some details will have to be modified or revised. However, the proposal as approved by the Selection Committee should not veer far from the intended content and aesthetic intent of the artist.

Engaging with the Community

Public art projects are most successful when the uses of the public space are understood and taken into account. This may mean consulting directly with community members, researching the history of the site or imagining a new future. In most cases, it is a little bit of all of the above. “Plop Art,” where statues were deposited in public spaces with no relevance to their surroundings have become a thing of the past. This does not mean public art is “art created by committee,” as artists sometimes fear. It is about coming to understand and respect the site and the people who use it in order to create artwork that not only reflects and explores the cultural, historical or natural attributes of a site but also challenges people to see and interact with their city in new ways.

Materials and Fabrication

When considering materials for use in public artwork, it is very important to be aware of factors which will contribute to wear and tear. Consider the effect that things like temperature fluctuation, condensation, and human interaction will have on the piece. Winnipeg’s extreme climate, for example, is a critical consideration and artists should know that pieces should be functional and durable in the range of -40°C to +40°C.

Subcontracting

It is not expected that you will have intimate knowledge of all processes and materials you may need to work with to realize your public artwork. Nor may it be feasible for you to spend the time learning about these things. You should be aware of your limitations of knowledge, skill, experience, and space when it comes to materials and fabrication. It is common practice to supplement any shortcomings by hiring a professional consultant to help create the work, and can be well worth the quality of the final product.

Be aware, however, that any work done for you by subcontractors will bear your name and stamp of approval. It is imperative that you thoroughly research the people and companies you intend to work with. You should also arrange regular visits to check that the work is being done to your specifications. As the person whose name goes on the artwork as well as the contract, you are responsible and liable for guaranteeing the quality of the finished product. Researching a company's track record, getting reliable recommendations, and keeping track of progress are key to ensuring a safe and high quality artwork for the public to interact with for years to come. It is a good idea to maintain records of communications with subcontractors (ie. meeting dates, signed contracts, cheques issued, etc.).

WAC can provide you with suggestions of subcontractors as well as contract templates.

Insurance

An artist who is contracted by WAC and the City will be required, at a minimum, to provide evidence of insurance(s) for their own materials, studio, equipment and tools that will be used for or in connection with the creation and development of the artwork. Other insurances, depending on the public art project, may be necessary and will be outlined in the artist's contract.

The City of Winnipeg carries general liability insurance that provides coverage to the Artist, WAC and the City which means that the artist does not have to arrange or purchase this expensive insurance on their own. The insurance policy is subject to a deductible of \$2,500 payable by the artist for any claims that may occur until completion and formal acceptance of the artwork by the City. Once the artwork is formally accepted into the City of Winnipeg, upon completion, it is insured as an asset by the City.

Taxes

We can advise you on the scope of the project but what it comes to taxes, you are responsible to collect and remit all government assessments, applicable taxes (including both GST and PST), Employment Insurance, Workers' Compensation, and Canadian Pension Plan for yourself and any persons you may be employing for the project. Remember to include taxes into all portions of your budget to accurately reflect all amounts.

There are websites which can aid your understanding of how these processes work, such as the Canada Revenue Agency (www.cra-arc.gc.ca). However, if you do not feel confident about your knowledge of the subject and are not comfortable allocating such numbers on a budget, consider making room in your budget for consultation with accounting professionals who can help make your numbers work.

Permits

All structures constructed, erected or located on City of Winnipeg property are subject to one or more civic approvals prior to development. Depending on your project, you will be required to obtain permits from the City of Winnipeg to ensure compliance with by-laws and provincial legislation. The number and type will depend on the work you are creating. It will be your responsibility to determine what permits are required, to apply for the permits at the appropriate time and to pay for them. It is important that your proposal shows evidence of permit research and that your budget reflects the estimated costs of permits and the associated costs such as consultation with engineers, etc.

WAC will help you get started on the permit process. The City of Winnipeg's Zoning and Permits Branch will provide the requirements for your particular project.

Your project will also need to adhere to the City of Winnipeg's Accessibility Design Standards, which can be found at winnipeg.ca/ppd/Universal_Design/PDF/Access_Design_Standards.pdf.

Maintenance and Conservation

As part of the finished product, as specified in your contract, you will provide a Maintenance Manual so that material understanding and due care are able to be considered once you are no longer a part of the process of care and repair. The Manual will describe in detail the specifications of materials and finishes, method of cleaning, preserving and maintaining the final artwork, and drawings and instructions for its care.

Before the project is even advertised, WAC deposits an amount equal to 10% of the total commission amount in a maintenance reserve held by the City of Winnipeg. This account helps to ensure that there will be future funds for any restoration or repair and all work must be approved by WAC. Both WAC and the City keep an eye on the artwork and when extensive repairs are needed, the artist is contacted first. For day to day maintenance the City refers to details in the Maintenance Manual you have provided.

WAC will provide you with detailed information about what the Manual should contain as well as City of Winnipeg approved processes and products.

REMEMBER – WE ARE HERE FOR YOU!

It is the responsibility of the Winnipeg Arts Council's Public Art Program to liaise between the artist and the City of Winnipeg where necessary. You must meet regularly with the WAC Project Manager to provide updates on the progress of the artwork. We want you to create an excellent artwork, and have fun doing it!