

~~October 25, 2018~~
October 26, 2018

To: Ann Arbor City Council

From: Ann Arbor Public Art Commission

Re: Recommendations on the Art Selection Process

Per Chapter 24 of the City Code, the Ann Arbor Public Art Commission is tasked with making recommendations to City Council regarding the selection process for public art. Our recommendations are as follows; most continue from our previous recommendations of 10/25/17, but we have added additional comments.

These recommendations should not be taken as criticism of past selection processes, which have been effective in identifying quality artworks, and which we presume used the best procedures identified to that point. But no process is perfect, and we have identified some areas we would like to see done differently going forward. We have tried to group these into related areas of focus:

- I. **Balancing artistic quality with the practical considerations which are a unique aspect of public art:**
 - A. The primary goal should be making the best artistic selection from a pool of qualified applicants. The selection will have to meet a wide variety of practical threshold considerations (cost, durability, maintainability, public safety, etc.), but artistic quality compatible with the goals of the project is a foremost factor in the decision.
 - B. Evaluation of submissions for the practical considerations should happen-early in the process, so preferred artistic candidates do not arise from multiple reviews only to have one or more cut down by practical concerns.
 - C. The initial RFP to artists should note particular practical and artistic concerns for the anticipated project location.
 - D. Ideally, the initial practical evaluations of submissions would occur simultaneously with the initial artistic evaluations. If preferred artistic submissions do not meet all the practical evaluations, the artists should be offered the opportunity to try to address them to preserve the preferred artistic approach.
 - E. We recognize that practical considerations will need to be re-evaluated through the selection process, if more information is gathered about prospective artworks that might reveal potential issues. Again, the artist(s) ~~will~~should be given the opportunity to address practical concerns ~~and~~ so the artistic integrity of the selection process is maintained.

- II. **Organizing the Selection Process:**
 - A. The selection process will vary for different projects; at a minimum there should be a "Major Project" process and a "Minor Project" process. We do not think we

can determine a bright line between the two; perhaps it should be determined by Council when the project budget is approved, based on recommendations from staff.

- B. Major projects would presumably involve an outside consultant managing a more intensive and public selection process, and be used for artworks which are larger, probably more expensive, more prominent, or have other unique features. Minor projects might be smaller artworks, perhaps more often within buildings or in residential neighborhoods, and be more staff driven with volunteer committees either recommending or deciding on a preferred selection or a small group of options.
- C. There needs to be very strict consistency (and clarity) regarding the intended process, between the consultant contract, the RFP to artists, and public statements about the selection.
- D. Any volunteer selection committee should have at least 5 members (not including a non-voting staff manager). If the staff manager is not the appropriate person to evaluate the practical aspects of the proposed project, the committee shall include a representative for the city who is able to perform that function. The rest of the committee will include at least 40% representation by people in the arts community (practicing artists, gallery owners, art teachers, or arts administrators from schools, museums, or non-profit arts organizations). The balance of the committee should include people living or working in the neighborhood of the artwork if possible.

III. **Working with Artists:**

- A. We believe the artistic conception and design, (not just the final implementation) is the basis for a successful project and therefore has value. This significant output of time and effort on the part of the artist should be recognized and the City should not expect artists to put forth that time and effort for free (such as by requiring unique artistic submittals as a response to an RFP). As a result, we recommend the procurement process (especially for major projects) lean toward a qualifications-based selection, where artists are picked or at least winnowed based on experience, ability, references, and other qualifications. This may result in a "winner" being picked to develop an artistic concept, as was done with the Fish artwork; or with several being given stipends to develop preliminary concepts, as was done with the Stadium Bridges artwork. Minor projects might involve selecting from existing artworks that artists can submit from their available stock, or concepts they are intending to develop.
- B. Some public artworks will involve large scale and require significant engineering capability (such as for foundation design) that may be beyond the capacity of otherwise capable artists or artist team. Where appropriate, having the RFP note that the City will assist (by staff or outside consultants) with such engineering

would help level the playing field for artists, when a selected project is shown to be capable of having a successful engineered solution.

C. Although we generally understand that the art procurement process must follow City guidelines, we encourage the City to review those processes to avoid making them too onerous and thereby discouraging participation. Artists, unlike other professional services consultants, may not be as accustomed to or prepared for indemnification clauses, complex insurance requirements, and other legal issues. At a minimum, the RFP needs to be clear about what the City's requirements will be, so the artist can at least go in with an understanding of what he or she is getting into.

C.D. Those involved in making selections or recommendations of artwork need to bear in mind that artists will be presenting their works in the best possible light. This may include optimistic or even unrealistic suggestions about aspects such as reflections from surroundings, light and shadow, and other interactions with the environment. Independent efforts should be made to confirm whether such representations are realistic for the context. For artwork in primarily vehicular environments, promised features may also be invisible solely due to the speed with which passers-by experience the artwork.

IV. Community Involvement and Community Concerns regarding the selection process:

- A. Public votes may not always be necessary, desirable, or practical; but if there is a public vote, it should be the final determination in the process.
- B. Many of the comments public art gets from the citizenry relate to the desire to support local artists. We have not yet received the legal opinion we requested regarding what options are available in terms of preferences for local artists, but if such preferences are a possibility, then we would be supportive of a modest preference (such as one item out of several on a score sheet). We would not want the local preference to outweigh the quality of the art, but it seems a reasonable way to decide between two otherwise-similar candidates.

V. AAPAC Involvement in the selection process:

- A. A2PAC members may serve on selection committees, but should make up less than 50% of the committee.
- B. A2PAC's final recommendation of any selection to council should be based on its determination of whether the process used was consistent with the published intentions and with A2PAC's recommendations. A2PAC as an organization does not make artistic judgments.

VI. After the selection:

- A. City staff should monitor progress toward fulfilling a contract for production and installation of artwork, both to ensure conformance to promises and to assist with technical aspects.

- B. Staff and any outside consultants involved should evaluate the finished artwork to confirm that it complies with promised results and contract provisions. If there are any concerns, they should be reported to A2PAC with recommendations to improve the selection process.
- C. When an artwork is installed, City staff should work with A2PAC to promote the work to the public.