

# **City of Coral Gables Art in Public Places Program: Funding, Goals and Implementation Guidelines**

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## **Introduction**

Coral Gables' Art in Public Places Program, which was created by ordinance in 2007 and took effect in February, 2010, addresses two important goals: maintaining the City's Historic Public Art collection and commissioning, acquiring and exhibiting new public artworks. The ordinance establishes "percent for art" mechanisms that apply to certain City capital projects and certain private development projects – mechanisms that generate resources for acquiring new artworks in the City.

This guidelines document is one of several tools the City uses to implement the ordinance and manage the program. It is a companion document to the Art in Public Places Master Art Plan, which provides broad direction for the art program, and included a Five-Year Work Plan, which identified a dozen specific projects for the City to implement and has since expired.

These guidelines are a "how to" document. They include policies and procedures for managing City-initiated public art projects, for guiding developers who have an Art in Public Places requirement, and for managing the Art Acquisition Fund, which was established by the Art in Public Places ordinance. They describe the roles and responsibilities of the City officials, departments and boards that are involved with the program, and provide criteria for reviewing proposals for art projects. They are an important tool and reference for all involved with the Art in Public Places Program.

## **A Vision and Goals for Art in Public Places**

When the City of Coral Gables established the Art in Public Places program, it set out the following overarching goal: “It is the intention of this program to preserve the City’s artistic heritage, enhance its character and identity, contribute to economic development and tourism, add beauty and interest to public spaces and increase opportunities for the public to experience and participate in the arts through the acquisition and installation of world-class art in publicly accessible areas.”<sup>1</sup>

The following vision and goals statements serve to expand upon this goal, and help to guide the development of the City’s public art collection.

### **Vision for Art in Public Places**

The City of Coral Gables Art in Public Places Program will commission and exhibit public artworks that give new voice to Coral Gables’ unique traditions of civic design, architecture and urbanism, and strengthen Coral Gables as a place to live and do business.

### **Goals for Art in Public Places**

#### ***Curatorial Goals***

The City of Coral Gables Art in Public Places Program will commission and exhibit permanent and temporary artworks that:

- Build on Coral Gables’ identity as “a unique city of artistry and beauty”;
- Interpret Coral Gables’ civic and architectural traditions, and its historic urbanism, with a fresh eye and contemporary voice;
- Enrich the public environments, such as civic spaces and pedestrian streetscapes, that citizens, employees and visitors experience in Coral Gables;
- Extend the tradition of creating artistically designed public monuments at key locations throughout the City;
- Facilitate the introduction of artistically-designed “civic infrastructure” that further defines with distinction the public realms of streets and squares;
- Promote the integration of artwork into the fine-grained details of public works and private development;
- Establish the City as a leader in the region’s vibrant visual arts community and facilitate projects that garner national and international acclaim; and
- Reflect, with quality and sophistication, the international cultural and economic currents that are unique to the region.

#### ***Programmatic Goals***

The City of Coral Gables Art in Public Places Program will develop the professional, financial and programmatic resources that will enable it to:

- Organize significant permanent commissions in locations of high visibility and civic importance;

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<sup>1</sup> Coral Gables Zoning Code: Article 9, Art in Public Places; Section 9-101, Purpose.

- Encourage developers to install artworks that enhance the pedestrian experience of streets, sidewalks and public spaces;
- Create, when appropriate, new public art in new community facilities built and operated by the City;
- Build the necessary capacity and partnerships for mounting exhibitions and curating platforms for changing art in the pedestrian-centered downtown core;
- Establish a more predictable, dedicated stream of public art funding;
- Develop ongoing planning and creative relationships with City agencies and civic organizations that shape the public and private realm;
- Support the City's goal as a steward of the City's traditional civic art and artistic heritage; and
- Promote an appreciation, understanding and awareness of visual arts in the public environment.

## **Sources and Uses of Funds**

### **Art Acquisition Fund**

The Art Acquisition Fund is a separate, dedicated, interest bearing and revolving account established in the City Budget into which Art in Public Places Fees are paid and used for the acquisition, commissioning, exhibition and conservation of Public Art, as recommended by the Cultural Development Board and approved by the City Commission. The Art Acquisition Fund can also receive donations from individuals, businesses, developers, foundations and others, in support of the City's Art in Public Places program.

### ***City Contributions to the Art Acquisition Fund***

The City of Coral Gables Art in Public Places Ordinance requires a contribution to the Art Acquisition fund equal to the value of one and a half percent of new, City initiated (Municipal), construction or renovation projects of five hundred thousand dollars (\$500,000) or more. In addition, the City must comply with the County ordinance as noted below.

### ***Developer Contributions to the Art Acquisition Fund***

The City of Coral Gables Art in Public Places Ordinance requires a contribution to the Art Acquisition Fund equal to the value of one percent of new, non-City initiated, construction or renovation projects of one million dollars (\$1,000,000) or more occurring in the City, excluding single-family homes and projects related to an accredited college and/or university that maintains at its campus a publicly accessible permanent collection of art of at least thirty sculptures and/or other public art in accordance with a Campus Art Master Plan.

This requirement applies to the construction or renovation of any profit or non-profit facilities, including, but not limited to, educational and/or medical facilities, non-City governmental operations that are not already obligated to participate in a public art program, commercial office and/or retail uses, hotels, mixed use or multifamily developments and other new construction not specifically delineated in these guidelines. The Art in Public Places Fee must be paid either prior to the issuance of any Building Permit, prior to receiving a Certificate of Completion, or prior to receiving a Temporary Certificate of Occupancy (TCO).

### ***Uses of the Art Acquisition Fund***

Art Acquisition Funds may be used by the City for:

- Artist fees and artist travel and expenses that are related to the City's commission or purchase of an artwork.
- Fabrication, storage, and installation of a acquired work of art.
- Acquisition of existing works of art.
- Decorative, ornamental or functional elements that are designed by an artist selected specifically for the project and through the processes established in the *Guidelines*, but not by a member of the pre-existing design team working on the related capital project (if applicable).
- Fees associated with the lease of works of art for temporary display.
- Required permits and insurance during the fabrication and installation of the artwork per contract.
- Related sitework and lighting of installed artwork.
- Project consultants and contracted services.
- Curatorial services.

- Public art planning services.
- Artwork appraisals.
- Documentation and interpretive plaques.
- Publicity for public art projects.
- Education and outreach, including symposia and special events.
- Professional development, including panels, tours, art fairs, and conferences.
- Conservation and non-routine maintenance of works in the City of Coral Gables Public Art Collection.
- Other purposes deemed necessary by the Historical Resources and Cultural Arts Department for the successful implementation of the Art in Public Places Program.

Art Acquisition Funds may not be used for:

- Mass produced work, with the exception of limited editions controlled by the artist.
- Professional graphics, unless designed or executed by an artist or used in the development of collateral material for the City of Coral Gables' Art in Public Places Program.
- Routine maintenance.
- City of Coral Gables staff costs.

### ***Management of the Art Acquisition Fund***

Each year, the Historical Resources and Cultural Arts Department will prepare the Art in Public Places Annual Report, which presents a detailed accounting of monies spent or earmarked for future expenditure on in the Art Acquisition Fund. The Annual Report should include the public art projects, related community and educational programs, and art conservation projects that were completed in the previous year, that are ongoing, or that will be initiated during the coming fiscal year. This document is reviewed by the Cultural Development Board and submitted to the City Manager.

### **Miami-Dade AIPP Funds**

When the City of Coral Gables receives funding from Miami-Dade County to construct a new governmental building, the City must comply with the County ordinance: The City must allocate no less than 1.5% of those funds to public art.<sup>2</sup>

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<sup>2</sup> Miami-Dade County Code of Ordinances Section 2-11.15.

# **Public Art Commissions and Acquisitions Under the Art Acquisition Fund**

## **Project Plans**

Once the funding is available, and the Historical Resources and Cultural Arts Department determines that the timing is right to move forward with a project, the first step is to develop a Project Plan. This Plan will outline the full details of the project: a description of the opportunity and an outline of the goals, budget, artist identification, stakeholders to invite as ad hoc members of the Arts Advisory Panel (when applicable), timing and any special issues related to coordination with other City departments or initiatives.

Project Plans are prepared by the Historical Resources and Cultural Arts Department and reviewed by the Cultural Development Board.

## **Arts Advisory Panel**

The Arts Advisory Panel is called upon by the Cultural Development Board to act as an artist selection committee for City-sponsored projects funded through the Art Acquisition Fund, and to provide other artistic guidance as the Cultural Development Board determines is necessary.

In acting as an artist selection committee, the Panel makes recommendations regarding (a) purchases of public art, (b) the selection of artists and approval of concepts for public art commissions, and (c) the selection of artists, artworks and/or curators for temporary exhibitions.

In addition, the Panel can make recommendations regarding (a) proposed donations of public artworks to the City, (b) Project Plans created to guide City acquisitions and commissions and (c) the selection of artists and approval of concepts for artworks commissioned by developers to meet their Art in Public Places requirement.

For any particular project, the Cultural Development Board may supplement the Arts Advisory Panel's expertise with ad hoc voting members who have an intimate knowledge or connection to the site or who represent a specific discipline or expertise. These individuals will be designated in the Project Plan.

## **Process for Commissioning Artworks**

### ***1. Artist Identification***

Whenever possible, artists should be chosen through a competitive process. The Historical Resources and Cultural Arts Department will recommend the method that will be used to identify the artists who will be considered for a new commission in the Project Plan that it develops. Those methods can include:

- An open competition, allowing any artist who meets the eligibility requirements to apply for consideration.
- A limited competition, contacting a short list of qualified artists developed by the Historical Resources and Cultural Arts Department, often with input from the Cultural Development Board, the Arts Advisory Panel and/or a consultant or curator.
- Direct selection of an artist.
- Developing a pre-qualified roster of artists to be utilized for a limited competition or direct selection.



## **2. *Review of Qualifications***

The Cultural Development Board should delegate the responsibility for reviewing artist qualifications to the Arts Advisory Panel, except in unusual circumstances, in which case the Board can conduct the review itself, or delegate the review to an ad hoc panel.

Artist qualifications shall be evaluated using basic criteria (outlined elsewhere in these guidelines) as well as goals established in the Project Plan. Typically, up to three finalists should be selected. The finalists should be invited to either interview with or present a concept proposal to the panel that is making the selection. Whenever possible, review panel should visit the site where the artwork is to be installed. The finalists should be ranked, based upon the interview or proposal. The Cultural Development Board will review the rankings and submit its final recommendation to the Historical Resources and Cultural Arts Department (if the selection is based on qualifications) or the City Commission (if the selection is based on a concept).

## **3. *Artist Contract***

At the appropriate point in the process, the Historical Resources and Cultural Arts Department and City legal staff will negotiate a contract with the selected artist. Contracts of less than \$100,000 will be approved by the City Manager. Contracts of \$100,000 or greater will be approved by the City Commission.<sup>3</sup>

## **4. *Concept Design Review and Approval***

The first step for the selected artist will be to develop a concept design for the project (if a concept was not developed as part of the artist selection process). The concept design will include, at a minimum, a detailed narrative description of the concept, a visual representation of the concept, a preliminary cost estimate, and a preliminary timeline for final design, fabrication and installation.

The Cultural Development Board will review the concept design based on established criteria (outlined below) and, if acceptable, recommend it to the City Commission for approval. The Cultural Development Board may also ask the Arts Advisory Panel to review the concept design.

The information that is presented to the City Commission should include the approved Project Plan; a description of the selection process, the artist's qualifications and concept design; a description of how the artist concept design meets the criteria and the goals for the project; and the recommendations of the Arts Advisory Panel, Cultural Development Board and any other entities that have reviewed the design.

The City Commission will have final approval of the concept design. The Commission's primary role should be to ensure that the selection conforms to the approved criteria, goals and budget, and that the selection procedures were followed appropriately.

## **5. *Final Design Development and Review***

The Historical Resources and Cultural Arts Department will ensure that proper project coordination occurs with City staff and other project stakeholders, and should ensure that the artist's design documentation and installation plans are subject to appropriate technical review, provided such

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<sup>3</sup> This amount reflects the current threshold for contracts that must be approved by the City Commission, according to City procurement policy. This amount shall be automatically revised when the City's procurement policies are revised.

review shall be for approval only, and shall not guarantee structural or other integrity, for which the artist or his or her team remains responsible.

The Historical Resources and Cultural Arts Department should request, when deemed necessary, that the final design documentation be reviewed by a professional conservator and that the conservator prepare a report indicating the anticipated maintenance and conservation needs for the artwork. Conservator fees should be covered in the project budget.

## **6. *Fabrication and Installation***

The artist will implement and carry out to completion the fabrication and installation of the artwork. The artist will work with fabricators and installers of their choosing, although the Historical Resources and Cultural Arts Department should review budgets and price quotes when deemed necessary. The Department should monitor fabrication to ensure that it conforms to the approved final design and coordinate with appropriate City departments and capital project contractors (if applicable) through installation.

## **Process for Acquiring Artworks**

When the City intends to purchase an artwork from an Artist or from a gallery using the Art Acquisition Fund, rather than commissioning a work, it will follow the procedures as outlined above, with the following modifications:

### **1. *Identifying Potential Artwork***

Artists and/or galleries will be asked to submit images and descriptions of existing and available artwork in addition to artist qualifications or biographies. The information should include the artist's basic qualifications (résumé or bio, portfolio), an image of the artwork, dimensions, materials, date fabricated, condition, ownership and asking price.

### **2. *Review of Submittals***

The Cultural Development Board should delegate the responsibility for reviewing artworks being considered for purchase to the Arts Advisory Panel, except in unusual circumstances, in which case the Board can conduct the review itself or delegate the review to an ad hoc panel.

When the City wishes to purchase an artwork, it should collect proposals through one of several methods: an open call, an invitational call, or the assistance of a curator or art consultant. Proposals shall be evaluated using basic criteria (outlined elsewhere in these guidelines) as well as goals established in the Project Plan. Whenever possible, the review panel should visit the site where the artwork is to be installed. Typically, up to three finalists should be selected, and ranked in order of preference. The recommendation is forwarded to the Cultural Development Board.

### **3. *Appraisal***

Prior to forwarding the recommendation to the Cultural Development Board, the Historical Resources and Cultural Arts Department may obtain an independent, qualified appraisal of the fair market value of the artwork and a professional art conservator's report on the condition of the artwork.

### **4. *Final Approval***

The Cultural Development Board will forward its recommendation for purchasing an artwork to the City Commission for final approval. The Commission's primary role should be to ensure that the

selection conforms to the approved criteria, goals and budget, and that the selection procedures were followed appropriately.

### **Temporary Exhibitions Process**

The City of Coral Gables may choose to utilize funds from the Art Acquisition Fund to exhibit public art on a temporary basis.

Temporary exhibitions can come about in many ways, including:

- Commissioning an artist or artists to create original, site-specific temporary installations.
- Working directly with an artist or artists to exhibit existing works of art on a temporary basis.
- Commissioning or partnering with a curatorial partner (an individual curator, collector, gallery, museum or art center) to curate an exhibition of one or more artists.

### ***Selection Methods***

There are several methods for selecting artists or partners with whom to work.

#### **Direct Selection of an Artist**

The Historical Resources and Cultural Arts Department can work collaboratively with an invited artist to develop a proposal for a temporary exhibition. The proposal, which would include detailed information regarding siting and specific artworks or concepts would be reviewed by the Cultural Development Board, with the assistance of the Arts Advisory Panel, and approved by the City Commission.

#### **Direct Selection of a Curatorial Partner**

The Historical Resources and Cultural Arts Department can work collaboratively with an invited curatorial partner to develop a proposal for a temporary exhibition. The proposal, which would include detailed information regarding siting, artists and artist concepts would be reviewed by the Cultural Development Board, with the assistance of the Arts Advisory Panel, and approved by the City Commission.

#### **Competitive Selection of Artists**

The Historical Resources and Cultural Arts Department can initiate a competitive process to select an artist or artists to create new work or exhibit existing work. The selection of artists and review of artist concepts or artworks would be reviewed by the Cultural Development Board, with the assistance of the Arts Advisory Panel, and approved by the City Commission.

#### **Competitive Selection of a Curatorial Partner**

The Historical Resources and Cultural Arts Department can initiate a competitive process to select a curatorial partner. The Cultural Development Board, with the assistance of the Arts Advisory Panel, would review qualifications of potential partners, and solicit a proposal from one or more finalists. The Cultural Development Board would recommend the selection of a curatorial partner. The recommended curatorial partner and proposal, which would include detailed information regarding siting, artists and artist concepts would be approved by the City Commission.

## Guidelines for Public Art in Private Development

Developers in Coral Gables are required to support the Art in Public Places program by paying an Art in Public Places Fee, which is placed in the Art Acquisition Fund and used to commission or exhibit artworks throughout the City, or by installing artwork on site, or by donating artwork to the City. This requirement applies to all non-City construction and renovation projects that have an “aggregate project value” (all hard and soft construction costs associated with a particular project, regardless of the number of permits associated with it) of \$1,000,000 or more, and which receive a building permit after February 10, 2010. The requirement applies to all commercial, residential, institutional and industrial projects, except the following: projects related to single family homes, and projects related to an accredited college and/or university that maintains at its campus a publicly accessible permanent collection of art of at least thirty (30) outdoor sculptures and/or other public art in accordance with a Campus Art Master Plan.

### Developer Options

The Coral Gables Art in Public Places requirement for private development can be met in one of the following ways:

1. Developers pay an Art in Public Places Fee equal to the value of one percent (1%) of the aggregate construction cost to the City’s Art Acquisition Fund.<sup>4</sup> The use of this fund is guided by the Art in Public Places program’s Master Art Plan, with oversight by the Historical Resources and Cultural Arts Department and Cultural Development Board with the assistance of the Arts Advisory Panel and final approval of all commissions and acquisitions by the City Commission.
2. The developer can apply for a waiver from this requirement by:
  - a. Installing an original artwork with a value of at least one percent of the aggregate construction cost and that is incorporated into the project as public art. This artwork must be reviewed by the Cultural Development Board with the assistance of the Arts Advisory Panel and approved by the City Commission.
  - b. Donating to the City an artwork with a value of at least one percent of the aggregate construction cost. This donation must be consistent with the City’s Art in Public Places ordinance, which requires review by the Cultural Development Board with assistance of the Arts Advisory Panel and approval by the City Commission.<sup>5</sup> In particular, the developer will be required to identify and secure permission for a site, undertake all necessary site preparation and installation work, and contribute up to ten percent of the value of the artwork into a maintenance fund with the City.

To apply for either of these waivers, the developer must submit proper documentation to the Historical Resources and Cultural Arts Department and Building and Zoning Department at the time they are applying for a Building Permit. Such documentation shall include a City Commission

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<sup>4</sup> For development projects that are public-private partnerships with City participation, the required payment is 1.5 percent of the overall construction cost of the project.

<sup>5</sup> Should a developer decide to donate a work of art to the City, or to pay an Art in Public Places Fee, the terms of the Art in Public Places Ordinance, and these guidelines, supersede the City’s Donation Policy.

resolution approving the artist concept or the donation, and records indicating the cost of the commissioned, acquired or donated artwork.

Should the commissioned, acquired or donated artwork have a value of less than the Art in Public Places Fee, the difference between the cost of the artwork and the fee shall be placed in the Art Acquisition Fund.<sup>6</sup>

The Coral Gables Art in Public Places requirement for private development involves the following review process:

1. When a developer whose project is subject to the AIPP requirement submits a Development Review Committee Application to the Building and Zoning Department, they must also submit an “Art in Public Places Memo” as an attachment. This memo will indicate what public art requirement the developer anticipates, and whether the developer will pay the Art in Public Places fee or request a waiver for one of the reasons outlined above. The memo will be reviewed by the Historical Resources and Cultural Arts Department before the initial application is considered completed, and will be forwarded to the Development Review Committee.
2. If the developer is contributing to the Art Acquisition Fund, the Building and Zoning Department, through the Historical Resources and Cultural Arts Department, will bill the developer for the Art in Public Places fee, which must be paid to the City before a Certificate of Completion (CO) or Temporary Certificate of Occupancy (TCO) can be granted.
3. If the developer is **commissioning** an artwork, the developer must complete all of the following steps:
  - a. Submit an “Art in Public Places Project Plan.” This plan, which will outline the developer’s goals for the artwork and approach to commissioning it, must be reviewed by approved by the Historical Resources and Cultural Arts Department.
  - b. Select an artist. The developer can directly choose an artist or artwork, or employ the services of an art consultant. If an art consultant is chosen, up to ten percent of the developer’s art requirement may be allocated to the consultant’s fee, for all phases of the project through dedication. The developer and/or consultant can use any method of selecting an artist that they would like, but for larger projects, a competitive process is highly recommended.
  - c. Submit the credentials of the selected artist to the Arts Advisory Panel and Cultural Development Board through the Historical Resources and Cultural Arts Department, which must review and approve the selection.
  - d. Contract with the artist to prepare a concept proposal. The developer should confer with their consultant and/or legal counsel in regard to the rights conferred on artists through the Artists Visual Rights Act, copyright and all other applicable laws, ordinances, statutes, codes and treaties.

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<sup>6</sup> This provision is outlined in the Coral Gables Zoning Code, Article 9, Section 9-107, *Definitions*, “Non-Municipal Construction Projects”.

- e. The artist must prepare a concept and budget, which must be reviewed by the Cultural Development Board with assistance from the Arts Advisory Panel, and the Board of Architects<sup>7</sup>, and be approved by the City Commission. The Historical Resources and Cultural Arts Department will act as a liaison between the developer and these entities. Once the concept is approved, the artist, through the developer, is responsible for completing the final design documentation and supervising the fabrication of the artwork.
  - f. After approval by the City Commission, submit documentation to the Building and Zoning Department through the Historical Resources and Cultural Arts Department satisfactorily proving that an artwork is being commissioned, and that the cost of the artwork will be equal or greater to the amount of the Art in Public Places fee, before a Building Permit can be issued.
  - g. Install the artwork and complete any necessary site work before any Certificate of Occupancy can be issued.
  - h. Arrange for proper documentation and record-keeping with the Historical Resources and Cultural Arts Department. This may include a recorded declaration regarding access to and maintenance of the artwork.
4. If the developer is **acquiring** an artwork, the developer must complete all of the following steps:
- a. Select an artwork, and submit the credentials of the selected artist, and documentation of the origin and value of the artwork, for review by the Cultural Development Board with the assistance of the Arts Advisory Panel, and the Board of Architects, and for approval by the City Commission. The Historical Resources and Cultural Arts Department will act as a liaison between the developer and these entities. Once the artwork is approved, the developer is responsible for completing the final design documentation.
  - b. After approval by the City Commission, submit documentation to the Building and Zoning Department through the Historical Resources and Cultural Arts Department satisfactorily proving that an artwork is being acquired, that the cost of the artwork will be equal or greater to the amount of the Art in Public Places fee, and that the artwork has been approved by the City Commission, before a Building Permit can be issued. The City may request an appraisal by a qualified appraiser, at the developer's cost, to provide reasonable evidence of value of the artwork.
  - c. Acquire the artwork, install it, and complete any necessary site work before any Certificate of Occupancy can be issued.
  - d. Arrange for proper documentation and record-keeping with the Historical Resources and Cultural Arts Department. This may include a recorded declaration regarding access to and maintenance of the artwork.
5. If the developer is **donating** an artwork, the developer must complete all of the following steps:
- a. Identify the artwork, obtain permission to use the location, and obtain approval for the donation, before a Building Permit can be issued. Donated artworks that fulfill the Art in Public Places requirement must be reviewed and recommended by the Cultural Development Board with assistance from the Arts Advisory Panel, and be approved by the City Commission. The City may request an appraisal by a qualified appraiser, at the developer's cost, to provide reasonable evidence of value of the artwork.

- b. Install the artwork and complete any necessary site work before any Certificate of Occupancy can be granted.
- c. Submit documentation to the Building and Zoning Department through the Historical Resources and Cultural Arts Department satisfactorily proving that an artwork has been donated, and that the cost of the artwork is equal or greater to the amount of the Art in Public Places fee.
- d. Arrange for proper documentation and record-keeping with the Historical Resources and Cultural Arts Department. This may include a recorded declaration regarding access to and maintenance of the artwork.

### **Eligible Projects**

An artwork must fulfill the following criteria to meet the City's public art in private development requirements.

- The artwork must be created by a professional artist, which is defined as "an individual generally recognized by critics and peers as a professional practitioner of the visual arts, as judged by the quality of that professional practitioner's body of work, educational background, experience, past public commissions, exhibition record, publications, receipt of honors and awards, training in the arts, and production of artwork."<sup>8</sup> In addition, while many architects and landscape designers characterize their work as art, the artist must be selected specifically for this project, and not be a pre-existing member of the design team or permanently affiliated with any of the firms on the team.
- Public art projects can include traditional art forms such as sculptures; functional elements such as artist-designed gates, pavilions, pergolas, and fountains; landscape elements such as walkways and gardens; and architecturally integrated features such as mosaics and metalwork.
- Public art projects may not include reproductions of original art, mass-produced art objects unless artists control the number of reproductions, and works that are part of the architectural or landscape design except when specifically commissioned from an artist for the site.
- Design elements that are related to the visual identity of a developer or occupant of a building, such as a logo, trademark, iconography, color scheme or theme, will not be considered as fulfilling the City's public art requirements, even if they are created by an artist. The Cultural Development board with assistance of the Arts Advisory Panel shall consider whether an artwork constitutes commercial expression during its review of a project and include its findings in its recommendations to the City Commission.
- Interior galleries or exhibitions of permanent or temporary artwork, while highly encouraged, will not be considered as fulfilling the City's public art requirements except in unusual circumstances, as the priority is enhancing the publicly visible public realm.

### **Eligible and Ineligible Costs**

Eligible costs that may be charged against the required public art expenditure related to public art in private development include:

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<sup>8</sup> Coral Gables Art in Public Places Ordinance, Section 3-2002. Definitions, Artist.

- Artist costs for design and/or fabrication including materials, insurance, permits, taxes, etc;
- Pedestals, foundations or other structures to support the artwork;
- Delivery and installation;
- Art consultant fees, up to ten percent of the total art budget, including gallery or other commission fees;
- An acknowledgement / identification plaque.

Costs that may not be charged against the required public art expenditure include:

- Site costs, such as landscaping and hardscaping, unless the artwork is a landscape project.
- Lighting to illuminate the work;
- Future costs for the operation, conservation and maintenance of the artwork.

## **Collection Management for Public Art in Private Development**

### ***Ownership***

Artworks located on the site of a private development, or integrated into a private development, in fulfillment of the AIPP requirement will be owned by the owner of the property. Artworks located on public property and donated to the City, through the AIPP ordinance, will be owned by the City.

If the property is owned as a condominium, it is required that proper acknowledgement of the ownership of the artwork and its maintenance requirements be incorporated into the recorded condominium documents.

If the property is sold, the terms of the sale must prevent the removal of the artwork from the property and transfer the maintenance responsibilities to the new owner. The City may require a recorded declaration to this effect prior to issuance any certificate of occupancy.

If the artwork is to be removed from public view, the owner must make a contribution to the Art Acquisition Fund equal to the initial public art requirement or of the current fair market value of the artwork as confirmed by a certified art appraiser, whichever is greater.

The City, at its discretion, may offer to acquire the Artwork in exchange of this requirement.

### ***Ordinary Maintenance and Conservation***

Owners will be responsible for the ongoing maintenance and conservation of projects they install on their property in fulfillment of the AIPP requirement. The City may retain a conservator to inspect the artwork from time to time and issue requests for maintenance or conservation, as recommended by the conservator. Should the artwork be in a condition that poses at threat to public safety, or to the integrity of the artwork itself, the City may initiate repairs and charge the property owner for such repairs.

### ***Records***

Developers commissioning or acquiring artwork for display on their property should provide the Historical Resources and Cultural Arts Department with the following materials:

- digital photographs of the finished artwork;
- approved proposal with site plan;
- artist's contact information;
- owner's contact information;



- fabricators contact information
- a copy of a Maintenance and Conservation Worksheet for the artwork (see Appendix C).

The City reserves the right to include information about artworks commissioned by private developers in fulfillment of this ordinance on its web site and other marketing materials, as long as proper credit is given to the developer and the artist.

### ***Marker***

Developer-installed artworks will be identified on site with signage provided by the developer but based on a standard template, provided by the City, that makes it clear the artwork is a public benefit that was created under the auspices of a City policy.

### **Removal and Relocation of Public Art in Private Development**

From time to time a property owner may wish to relocate or remove an artwork installed in fulfillment of the Art in Public Places ordinance. This may occur because of changes in the design or use of a property, because a property is being redeveloped, or because the artwork has become irreparably damaged or obsolete. Relocating an artwork or removing it from public view are actions that should only be taken in the most unusual of circumstances. Should a property owner wish to relocate or remove an artwork, the following guidelines apply.

#### ***Circumstances Permitting for Consideration of Relocation or Removal of Artwork***

A property owner can petition the Director of the Historical Resources and Cultural Arts Department to relocate or remove an artwork in the following circumstances:

- There is a substantial physical modification of the area where the artwork is located, changing the architectural and/or visual context for the artwork.
- The use of the particular space where the artwork is located may have changed, and/or the artwork may have lost its contextual meaning or public accessibility.
- The entire property is being redeveloped.
- The artwork, in its present condition, poses a safety hazard to the public.
- The restoration of the work's structural or aesthetic integrity is technically not feasible, or the expense of restoring is disproportionate to the value or significance of the work.

#### ***Removal and Relocation Options***

If the property owner and the City agree that it is appropriate to relocate or remove a piece of artwork, then the following options are available.

1. Relocate the artwork elsewhere on the property, or on a nearby property. The re-siting must meet conditions of public visibility and site appropriateness, and must be approved by the Director of Historical Resources and Cultural Arts, based on the recommendation of the Cultural Development Board with assistance of the Arts Advisory Panel and the advice of the Board of Architects, with regard to siting.
2. Remove the artwork temporarily, as during a construction project, and restore it to its original location once the construction is complete.

3. Remove the artwork and donate it to the City, provided the City accepts the donation through its Public Art Donation Policy,<sup>9</sup> and provided the property owner provides funding for removing, restoration or conservation if necessary, reinstalling and/or storing the artwork.
4. Remove the artwork and make a contribution to the Art Acquisition Fund, equal to the amount of the original public art requirement or of the current fair market value of the artwork as confirmed by a certified art appraiser, whichever is greater.
5. Remove the artwork and commission or acquire a new artwork with a value equal to or greater than the amount of the original public art requirement, adjusted for inflation, or of the current fair market value of the artwork as confirmed by a certified art appraiser, whichever is greater.
6. In the event of proposed removal, the City, at its discretion, is to be given first option to acquire the Artwork.

It shall be the responsibility of the property owner to comply with the Visual Artists Rights Act<sup>10</sup> and any contractual agreement with the artist.

### ***Approval to Remove or Relocate Artwork***

To initiate the relocation or removal of an artwork for any reason, the property owner must make an application to the Director of Historical Resources and Cultural Arts. The Director of the Department/City Manager is authorized to approve or disapprove of the application. In reviewing the application, the Historical Resources and Cultural Arts Department must seek the recommendation of the Cultural Development Board, the advice of the Arts Advisory Panel, the Board of Architects as necessary, and may seek the guidance of independent arts professionals such as curators and conservators.

### ***Transfer of Property Ownership***

When a property owner installs an artwork in fulfillment of the Coral Gables AIPP ordinance, the property owner maintains ownership and retains the title to each work of art and is responsible for maintenance and conservation of the artwork in perpetuity. Should the owner sell the property, the owner must include provisions in the deed that transfer these obligations to the new owner.

### ***Redevelopment***

If a site is redeveloped, the retention and relocation of a previous artwork, or the payment of a fee to compensate for the removal of a previous artwork, shall not count towards the fulfillment of any new public art obligations. The disposition of any existing works of art should be addressed in the Art in Public Places Project Plan the developer files to describe how the project will meet its new public art obligation.

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<sup>9</sup> Coral Gables City Commission, Resolution No. 2011-148.

<sup>10</sup> Title 17 U.S.C. § 106A

## **Guidelines for the Acceptance of Donations of Public Art**

Donations of artworks are a useful way of building the City of Coral Gables Public Art Collection and serving the community, if the artworks are in keeping with the City's overall goals and expectations, if they are placed in appropriate locations and integrated appropriately with their sites, and if there is proper advance planning.

The City's policy for donations is outlined in City of Coral Gables Resolution No. 2011-148. Should a developer decide to donate a work of art to the City or funds to the City in fulfillment of the Art in Public Places requirement, the terms of the Art in Public Places Ordinance, and of these guidelines, supersede the donation policy.

## Review Criteria

### Criteria for Evaluating Artists

The following criteria should be used to evaluate artist qualifications.

The artist:

- Meets the definition of professional artist, which is defined as “an individual generally recognized by critics and peers as a professional practitioner of the visual arts, as judged by the quality of that professional practitioner’s body of work, educational background, experience, past public commissions, exhibition record, publications, receipt of honors and awards, training in the arts, and production of artwork.”<sup>11</sup>.
- Demonstrates artistic excellence, innovation and originality as represented in past work and supporting materials.
- Demonstrates interest in and understanding of the project.
- Demonstrates interest and capability in creating public artworks in collaboration with the design team (if applicable) and other project partners.
- Demonstrates experience in successfully completing works of similar scope, scale, budget and complexity, or ability to articulate how he or she would be able to bring the necessary artistic and technical skills to this project.
- Demonstrates ability to communicate effectively with the City of Coral Gables staff, other project partners and the community.
- Demonstrates the potential to work in a public environment and animate public space.
- Demonstrates capacity for working in media and with concepts that are appropriate to the project goals and site.
- Is available to perform the scope of the work in a timely and professional manner.

### Criteria for Evaluating Artist Concepts

The following criteria should be used evaluate artist concepts.

The concept should:

- Meet the definition of a work of art, which is defined as “tangible creations by artists exhibiting the highest quality of skill and aesthetic principles, including but not limited to paintings, sculptures, stained glass, statues, bas reliefs, engravings, carvings, frescos, mobiles, murals, collages, mosaics, tapestries, photographs, drawings, monuments and fountains or combinations thereof,<sup>12</sup>” and is one-of-a-kind or part of an original, numbered series.
- Respond to the City’s vision for public art as set forth in the Master Art Plan and Guidelines.

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<sup>11</sup> Coral Gables Art in Public Places Ordinance, Section 9-107. Definitions, Artist.

<sup>12</sup> Coral Gables Art in Public Places Ordinance, Section 9-107. Definitions, Works of art.

- Meet the goals for the project as defined in the Project Plan.
- Demonstrate excellence in aesthetic quality, workmanship, innovation and creativity.
- Demonstrate appropriateness in scale, form, content and is of materials/media suitable for the site.
- Acknowledge and inform the specific site and is sensitive to the City's overall design traditions.
- Demonstrate feasibility in terms of budget, timeline, safety, durability, operation, maintenance, conservation, security, and/or storage and siting. Consideration is given to the City's ability to provide ongoing maintenance and repair.
- Bring diversity to the City's public art collection in terms of media, artistic discipline, and/or artistic approach.

## **Collection Management**

### **Cataloging the Collection**

The Historical Resources and Cultural Arts Department will establish and maintain records and archives for all public art in the City to ensure they are managed and stored in a consistent manner. Records should include ownership records, contracts, artist biographies, descriptions of artworks, image documentation, maintenance specifications and other relevant documentation. This information should be easily accessible to and updatable by the Department, as well as the Public Works Department, in order to properly access and update maintenance information.

### **Artwork Identification**

The Historical Resources and Cultural Arts Department will work collaboratively to ensure that information about the City's Public Art Collection is easily accessible to the public. The two key tools for doing this are the City's website and the signage that is placed onsite with each artwork.

The signage that identifies each artwork in the City's collection will have consistent appearance, scale, typography and material. It will identify the project, artist, title of the artwork, date and donor (if pertinent). Additional information such as donors, a detailed description of the Artwork, biographical information about the artist or dedication information, should, if desired, be on separate signage.

Developer-commissioned artworks will also be identified, on site, with signage provided by the developer but designed based on a standard template that makes it clear the artwork is a public benefit that was created under the auspices of a City policy.

### **Maintenance and Conservation**

#### ***Identifying Anticipated Installation, Maintenance and Conservation Needs***

The Historical Resources and Cultural Arts Department should request, when deemed necessary, that the artist present the final design documentation to a qualified engineer, licensed by the State of Florida, to certify that the artwork will be of adequate structural integrity, is safe, and otherwise in compliance with building codes, the Americans with Disabilities Act and other applicable legal requirements. The artist should provide the City with such certification, signed and stamped by the licensed engineer. Engineer fees should be covered in the artist's budget. The Department may also review the qualifications and references of the artist's chosen fabricator and installer to ensure that they are qualified to execute and install the work, and may request that the artist seek different subcontractors should the Department feel that they are not qualified to perform the work.

For all permanent commissions, the Historical Resources and Cultural Arts Department will require that artists consult with a conservator during the design development phase of the project to identify the future maintenance and conservation needs of the artwork. In addition, artists or their designated fabricators will offer warranty against damage from normal weathering and "inherent vice" for a period of one year (unless otherwise stipulated by contract).

For acquisitions, the City will consult with a conservator to review the work and provide a report outlining anticipated maintenance and conservation needs.

For potential gifts, the donor will be asked to provide a conservator's report outlining anticipated maintenance and conservation needs.

### ***Maintenance and Conservation Worksheet***

The artist or, in some cases, a conservator, will be required to supply the City information to ensure the best maintenance and conservation of the artwork. This information will be submitted in a standardized *Maintenance and Conservation Worksheet* provided by the Historical Resources and Cultural Arts Department. The information in the worksheet will include general information about the artwork (artists, title, date, location, dimensions); a description of the artwork including artist statement/intent, materials and finished, fabrication processes, installation processes, and site/context; routine maintenance requirements and instructions, and anticipated non-routine maintenance and conservation requirements and instructions.

### ***Ordinary Maintenance***

The ordinary maintenance of public art would include any routine care that does not require specialized expertise (e.g.: dusting, washing). Ordinary maintenance is carried out by the Public Works Department when feasible. The Historical Resources and Cultural Arts Department should ensure that Public Works has the relevant information regarding the works for which they provide routine maintenance, and when necessary, provide training on how to perform routine maintenance.

### ***Conservation***

Conservation is the regularly scheduled examination, documentation, treatment and preventative care of the public art collection conducted by a professional conservator. The Historical Resources and Cultural Arts Department will, at least once every five years, hire a professional conservator to conduct an assessment of the City of Coral Gables public art collection, subject to budgetary constraints. This assessment will identify, catalog and prioritize any conservation needs, including estimated costs. The Historical Resources and Cultural Arts Department will ensure all necessary repairs are conducted, subject to budgetary constraints.

### ***Funding for Maintenance and Conservation***

Ordinary maintenance will be conducted by the Public Works Department when feasible as part of its regular maintenance of the sites where the artwork is located and thus will be subject to the regular maintenance budget for those sites.

Conservation and non-routine maintenance for works of art commissioned or purchased by the City may be funded through the Art Acquisition Fund, or through other means such as grants or contributions. To ensure there are sufficient funds for conservation, up to 10% of the budget for a new commission or purchase may be set aside in a separate conservation line-item in the Fund. These funds would roll over from year to year.

For donations of artwork to the City, the donor may be required to include a contribution of up to 10% of the value of the artwork to the Art Acquisition Fund for on-going conservation. Should the City decide to waive this requirement, then the equivalent amount should be moved from the Art Acquisition Fund into this line item.

## Evaluation

### Periodic Review of Guidelines

The processes outlined in *The City of Coral Gables Art in Public Places Program: Funding, Goals and Implementation Guidelines* for selecting artists and artworks and reviewing developer projects should be evaluated by the Historical Resources and Cultural Arts Department once staff have had experience working with them. This evaluation should consider feedback from different stakeholders – Cultural Development Board members, Arts Advisory Panel members, developers, donors, and others. This review should occur in approximately five years.

### Outcome Evaluation

An outcome evaluation seeks to measure the impact of an artwork in the City. The information gathered through this type of evaluation can inform the Historical Resources and Cultural Arts Department about how well individual artworks meet the goals set out for the project and what unexpected outcomes might have resulted.

Learning how an artwork has been accepted and understood, how it has made an impact on the visual environment, or how it has met other goals requires engaging different audiences, potentially in many ways. The findings for an outcome evaluation may be informative, but it may be difficult to translate into actions or strategies for future projects, because each public art project is unique.

An outcome evaluation should take place after an artwork has been in place for at least a year (unless the work is temporary) because reactions to art can change over time.

The outcome evaluation should start with the goals that were originally set out for the project in the Project Plan. Other questions to consider in an evaluation might include:

- How does the artwork affect a person's perception or use of a place?
- How do people interact with the artwork?
- What do people think the artwork communicates about Coral Gables?



## **Appendix A – Roles and Responsibilities**

### **City Commission**

- Approves Master Art Plan.
- Approves *The City of Coral Gables Art in Public Places Program: Funding, Goals, and Implementation Guidelines*.
- Appoints the Cultural Development Board.
- Appoints the Arts Advisory Panel.
- Approves artist concepts for projects commissioned or purchased by the City using the Art Acquisition Fund.
- Approves artist concepts for projects commissioned or purchased by developers in fulfillment of the Art in Public Places ordinance.
- Approves the acceptance of donated artworks.
- Approves artist contracts of \$100,000 or greater<sup>13</sup>.

### **City Manager**

- Receives the Art in Public Places Annual Report.
- Approves artist contracts of less than \$100,000.<sup>14</sup>

### **Historical Resources and Cultural Arts Department**

- Oversees the Art in Public Places program on a day-to-day basis.
- Prepares the Art in Public Places Annual Report.
- Prepares Project Plans for City-initiated commissions or exhibitions.
- Manages all aspects of implementation of projects organized by the City, including developing Project Plans, management of the artist selection process, negotiation of artist contracts, project implementation, documentation and community engagement.
- Assists developers in understanding the Art in Public Places requirement and the options for fulfilling it.
- Develops collaborative relationships with project partners.
- Ensures that the City's adopted public art policies and procedures are followed.
- Ensures, along with Historic Resources, that the City's public art collection is properly documented, maintained and conserved.
- Develops materials, programs and initiatives to inform and engage the public about the City's public art collection.

### **City Architect**

- Participates as a member of the Arts Advisory Panel.

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<sup>13</sup> This amount reflects the current threshold for contracts that must be approved by the City Commission, according to City procurement policy. This amount shall be automatically revised if and when the City's procurement policies are revised.

<sup>14</sup> This amount reflects the current threshold for contracts that can be approved by the City Manager, according to City procurement policy. This amount shall be automatically revised if and when the City's procurement policies are revised.

### **Cultural Development Board**

- Reviews and recommends the Public Art Master Plan to the City Commission.
- Recommends policies related to Art in Public Places to the City Commission.
- Reviews and recommends *The City of Coral Gables Art in Public Places Program: Funding, Goals, and Implementation Guidelines* to the City Commission.
- Reviews the Art in Public Places Annual Report.
- Recommends appointments to the Arts Advisory Panel.
- Reviews and recommends artist concept designs for new City-initiated public art commissions and specific artworks for acquisitions using the Art Acquisition Fund to the City Commission.

### **Arts Advisory Panel**

- For City-initiated public art commissions, upon the request of the Cultural Development Board, reviews artist qualifications and recommends up to three finalists, ranked in order of preference, to the Cultural Development Board.
- For City-initiated acquisitions of artworks, upon the request of the Cultural Development Board, reviews proposals for artworks to be purchased and recommends up to three finalists, ranked in order of preference, to the Cultural Development Board.
- For private development projects that have an Art in Public Places requirement, upon the request of the Cultural Development Board, reviews artist selection, artist concept designs and/or specific art acquisitions and forwards recommendations to the Cultural Development Board.

### **Board of Architects**

- Reviews and recommends project siting recommendations in the Master Art Plan.

### **Developers**

If developing a building in Coral Gables that is subject to the Art in Public Places ordinance:

- Meet with the Historical Resources and Cultural Arts Department staff early in the planning and design process to discuss the requirements of the ordinance and how the developer would like to fulfill them.
- Submit an “Art in Public Places Memo” with the Development Review Committee Application.
- Contribute to the Art Acquisition Fund, incorporate a public artwork into the development, or donate an artwork to the City, in accordance with the Art in Public Places ordinance and the *Funding, Goals and Implementation Guidelines*.
- Submit documentation of installed artwork to the Historical Resources and Cultural Arts Department.
- Maintain and conserve installed artwork.
- Consult with the Historical Resources and Cultural Arts Department if removal or relocation of the artwork is being considered and follow the procedures outlined in the *Funding, Goals and Implementation Guidelines* and as directed by the City.

### **Building and Zoning Department, through the Historical Resources and Cultural Arts Department**

- For developers paying an Art in Public Places Fee to fulfill the Art in Public Places requirement, bill the developer for the fee and ensure the fee has been paid before issuing a Building Permit, before

receiving a Certificate of Completion, or before receiving a Temporary Certificate of Occupancy (TCO).

- For developers commissioning, acquiring or donating an artwork to fulfill the Art in Public Places requirement, ensure the proper approvals (City Commission resolution) have been obtained before issuing a Building Permit, and that any work to be performed by Developer pursuant to the Art in Public Places requirement is done in accordance with approved plans before issuing any certificate of occupancy.

## Appendix B – Maintenance and Conservation Worksheet

The following form is intended as a guide for supplying the City of Coral Gables with the necessary information to insure the best maintenance and conservation of your work. Please use additional pages as needed and attach relevant technical drawings, as-builts and other documentation.

### General Information:

Artist names(s):

Title of Artwork \_\_\_\_\_

Date of installation \_\_\_\_\_

Location of installation \_\_\_\_\_

Dimensions (if more than one, please describe). H      W      D

### Contracts:

Please attach one copy of any additional contracts and warranties between the artist and any subcontractors including engineers, fabricators, suppliers and installers.

### Artwork Description:

Please provide a narrative description of the artwork/artist statement.

Please list all primary and material finishes used in this work. When supplying this information, please provide the exact names of products used, including trade and common names, vendor name and address, product lot number, exact formula, etc.

Briefly describe the processes used in the creation or fabrication of this work. Please be as specific as possible listing tool types, machining specifications, casting directions, application techniques, and any similar detailed information that is available. Please provide drawings of mechanical connections, e.g. bolts or dowels and non-mechanical connections such as welds or glued joints.

Describe the installation process and list associated installation materials (e.g. composition of base or backing, location and type of hanging device, diagram of footing). Also, list any special tools needed and their use in the process.

Is the site/context/surrounding landscape an integral part of the work? Would the intended character and integrity of the work be altered if the work were relocated to another site? How?

**Maintenance Requirements and Instructions:**

Describe the ordinary or routine maintenance you recommend to keep the work in good condition (e.g. lubrication of moving parts, reapplication of surface coatings, dusting, washing, waxing, and/or regular component rotation or replacement). List the brand name of any products that should be used (if applicable) and the technique for proper application. Please include the frequency anticipated for these procedures.

Indicate anticipated conservation of the work beyond ordinary or routine maintenance.

Do you intend your artwork to age and/or deteriorate through time? How?

**Contact information**

Please list the name and contact information for yourself and persons or firms involved in the production of your work as well as the contact information for persons recommended to be contacted in the event that conservation becomes necessary.

Completed by:

Name

Date

## **Appendix C – Art in Public Places Memo and Work Plan**

### Art in Public Places Memo

The developer must submit an “Art in Public Places Memo” at the time they submit their preliminary application to the Building and Zoning Department. This Memo should include the following information:

- Indication of whether the developer intends to contribute to the Art Acquisition Fund, commission an artwork, donate an artwork to the City, or some combination of these options.
- An estimate of the total aggregate construction project budget and the value of the Art in Public Places requirement.

### Art in Public Places Work Plan

The developer must submit an “Art in Public Places Work Plan,” preferably by the time they are seeking Board of Architects approval for their projects. This work plan should include the following information:

- A description of the proposed development.
- An artist scope of work and a site plan showing the location or locations being considered for placing or integrating the artwork.
- A statement of how the proposed artwork addresses broader City urban design goals.
- Specific goals for the artwork against which the artist’s concept proposal can be evaluated.
- The process to be used for selection of the artist or artwork.
- The budget, including any set-aside for project management.
- A schedule for the development and commissioning of the artwork.
- The intended method for identifying an artist.
- The intended approach to managing the project.
- Credentials of any consultants who will facilitate the process.