

# **GSA ART IN ARCHITECTURE POLICES AND PROCEDURES**

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## 1. Introduction

Art has always been an essential feature of civic architecture. From the sculpted frieze of the Parthenon in ancient Athens to the painted frescoes of the U.S. Capitol in Washington, government-sponsored art and architecture are long-time partners in expressing the values and identity of a nation. As the primary patron of federal architecture in the United States, the General Services Administration (GSA) bears a special responsibility to sustain and enrich this tradition. Accordingly, the agency's Art in Architecture Program commissions American artists to create publicly scaled and permanently installed artworks for federal buildings nationwide. The incorporation of contemporary art within the nation's important civic spaces celebrates the best of American culture and exemplifies how democratic societies benefit immeasurably from the unique, creative talents of individual citizens.

The source of GSA's policy to commission art for the American public is the Guiding Principles for Federal Architecture, issued by the Kennedy administration in 1962. These guidelines established a new, quality-conscious federal attitude toward architecture, and advocated the inclusion of fine art in public buildings. The Guiding Principles state that "...the Federal Government, no less than other public and private organizations concerned with the construction of new buildings, should take advantage of the increasingly fruitful collaboration between architecture and fine arts," and, "where appropriate, fine art should be incorporated in the designs [of Federal buildings], with emphasis on the work of living American artists." The primary goals of the Art in Architecture Program are to commission American artists who are producing the most critically esteemed and thought-provoking work of our era, and to integrate their creative contributions in meaningful ways with an equally vibrant federal architecture.

GSA has developed the following policies and procedures to ensure that the quality of American art in federally owned properties continues to meet the highest possible standards. This edition revises and replaces the Art in Architecture Policies and Procedures issued in April 2009. These new procedures begin by defining the key individuals associated with the artist selection process and then prescribe a detailed account of how to commission artists in compliance with GSA Acquisition Letter V-10-01. Additional references to the Art in Architecture Program can be found in Subchapter C – Real Property, Part 102-77 of the Federal Management Regulation.

## 2. Stakeholders and Responsibilities

Art in Architecture projects are not solo endeavors. They require the commitment and close cooperation of artists, architects, fabricators, construction contractors, federal clients, private-sector art professionals, and regional and national GSA project teams.

### 2.1 Regional Project Team

The GSA's regional project team includes the Project Manager, the Contracting Officer, and the Regional Fine Arts Officer (RFAO). The regional Project Manager is responsible for managing all aspects of the construction project's delivery, of which the art is just one component. The Contracting Officer is the individual authorized to enter into contractual agreements for goods and services on behalf of GSA. The RFAO oversees the Art in Architecture Program for the

regional office, monitoring each art project from inauguration through the installation of the completed artwork, and implementing its maintenance plan.

## 2.2 Office of Design and Construction

The Office of Design and Construction ensures that the Art in Architecture Program and its commissions are administered efficiently, effectively, and in concert with the national goals and objectives of the Public Buildings Service (PBS).

The Art in Architecture Program Specialist (Program Specialist) and the Art in Architecture Program Manager (Program Manager) work closely with the regional project team. The Program Specialist and the Program Manager serve as the PBS professional experts in all matters pertaining to art commissions.

The Program Specialist directs the implementation of the Art in Architecture project for the national office, providing technical advice, guidance, and recommended solutions throughout the length of the project. The Program Manager is engaged in each artist selection to ensure that agency policies and procedures are carried out in a consistent manner from project to project and region to region. At strategic points in the process, the GSA Fine Arts Program Manager is consulted on issues having to do with art conservation and maintenance.

The Design Excellence and the Arts Division Director reviews the selection of the artist and the development of the artwork at key points in the process. The Chief Architect, in accordance with GSA Acquisition Letter V-10-01, serves as the Selection Authority for all Art in Architecture selections.

## 2.3 The Art in Architecture Panel

Commissioning artists to participate in GSA projects requires the professional guidance of an Art in Architecture Panel (Panel) that includes a federal client representative and industry experts from the fields of art and architecture. This Panel is critical to the success of each Art in Architecture commission and the overall building project. Each member of the Panel contributes distinct expertise to the project, including knowledge of contemporary American art and its long-term care, the design philosophy and practice of the Architect/Engineer lead designer, the programmatic and functional needs of the federal client, and the character of the community in which the project is located.

The primary responsibilities of the Panel members are to recommend artists for inclusion in the National Artists Registry (Registry), to review the competitive field established by the Technical Evaluation Board (Board), to recommend a short list of finalists to the Board, and to review and provide critiques—for both artistic merit and long-term maintainability—of the commissioned artist's final design concept.

Each Panel consists of the following seven individuals:

- One GSA art peer from the PBS Commissioner's National Register of Peer Professionals. The Design Excellence and the Arts Director (or designee), in consultation with program staff, is responsible for appointing the art peer. The peer assumes the role of educator, advocate, consensus builder, and communicator during the panel meetings. The Design Excellence and the Arts Division coordinates and funds the peer's travel.
- One art professional from the city or geographic region of the building project. The Design Excellence and the Arts Director (or designee), in consultation with program staff, is responsible for appointing the regional art professional. To qualify as an art professional, individuals must have knowledge of contemporary American art, as evidenced by their profession (e.g., art curator, art museum director, public arts administrator, art educator, art historian, art critic, or artist); their education (e.g., a master's degree or higher in art history, fine arts, or other art-related field); or their association (e.g., representatives of arts organizations or individuals recognized for their knowledge of and leadership in the visual arts). Art gallery owners or employees, consultants or agents representing individual artists, and artists under consideration for GSA commissions in other locations cannot be considered, given the conflict or the appearance of a conflict of interest. The art professionals on Art in Architecture Panels cannot be elected officials or representatives of the project's federal client agency.
- One representative of the building project's primary federal client. The Regional Commissioner (or designee) is responsible for appointing the Panel's primary federal client representative. This representative should serve in a leadership position in his or her agency and must have the ability to make decisions on its behalf. If the Regional Commissioner determines that more than one federal client representative should attend the Panel meetings, the regional project team will explain to the clients that any additional attendees are non-voting observers.
- One community representative. The Regional Commissioner (or designee) is responsible for appointing the Panel's community representative. Such individuals should be recognized by the community as spokespersons for the cultural, political, and social issues of the locality. Suggested individuals include representatives of the mayor or city council, congressional delegation, civic organizations, and county government.
- The Regional Commissioner's representative. The Regional Commissioner (or designee) is responsible for appointing a representative, who is usually the RFAO.
- The Architect/Engineer (A/E) lead designer for the building project. The A/E lead designer is substantially involved in the integration of art into the design of new or existing federal buildings and must personally participate as a member of the Panel.

- The Art in Architecture Program Specialist. The Program Specialist is a staff person in the Art in Architecture Program with an in-depth knowledge of GSA policies and procedures and expertise in commissioning, developing, fabricating, and installing public works of art.

#### 2.4 The Technical Evaluation Board

The Technical Evaluation Board comprises GSA subject-matter experts and executes several key responsibilities in the artist selection process. The Board consists of the RFAO, the Program Specialist, and the Program Manager. The Contracting Officer serves as an advisory member.

The primary responsibilities of the Board are to establish the relative weights of the selection criteria for the project, to conduct an initial screening of the Registry in order to establish the competitive field, and to conduct a technical evaluation that assesses the qualifications and past work of the short-listed project finalists.

### 3. Planning and Funding

Art in Architecture projects are an integral part of PBS's overall mission and as such are incorporated into the standard planning for prospectus-level projects.

#### 3.1 Planning Documents for Art in Architecture Projects

The Comprehensive Project Plan (CPP) addresses all aspects of project management and acquisitions for the construction or modernization of federal buildings. The CPP includes a comprehensive acquisition plan, which meets the requirements of FAR Part 7. The acquisition of artists' services and their works of art will be included in that plan. A separate acquisition plan for art is not necessary. Upon request, the Office of Acquisition Management, in collaboration with the Design Excellence and the Arts Division, will provide prototypical language for including Art in Architecture projects in the CPP.

The RFAO will work with the regional Portfolio Management office and other appropriate offices to ensure that all planning documents reference appropriate funding, goals, and milestones for the Art in Architecture project.

Opportunities for Design Excellence contracts for lead designers and A/E teams are listed on the Federal Business Opportunities (FedBizOpps) government procurement Web site. The RFAO will ensure that the following information is included in each opportunity: "The lead designer will participate in GSA's established process for commissioning project artists and assist with the successful integration of their artworks into the architectural design, per the GSA Art in Architecture Policies and Procedures." The Contracting Officer will include or append the Art in Architecture Policies and Procedures to the A/E contract so that the lead designer and A/E team will be aware of their responsibilities during the commissioning process and can budget accordingly. The A/E contract will require the lead designer to work with GSA and all project artists to ensure that art is an integral component of the building project.

### 3.2 Funding for Art in Architecture Projects

The funding for each Art in Architecture project is at least 0.5 percent of the building project's total Estimated Construction Cost (ECC). Historically, Congress has appropriated project funds in two allocations: an initial allocation for the building's design, followed by a second allocation for its construction. During the design phase, congressional funds normally include one-quarter of the total Art in Architecture budget—i.e., 0.125 percent of the current ECC. This first distribution of art money pays for the artist's development of a design concept. The distribution given at the time of construction includes the remaining three-quarters of the Art in Architecture budget—i.e., 0.375 percent of the current ECC. These percentages are based on the historic norms for these projects; actual funding and payment should be based on the individual determination for each project. The Project Manager and the RFAO will ensure that funds are available for the art commission during both the design and construction phases of the building project.

If the building project's ECC escalates prior to GSA's selection of the project artist, the regional office will increase the dollar amount reserved for Art in Architecture so that it again equals 0.5 percent of the ECC. If the ECC escalation occurs after GSA awards the artist's contract, the regional office will determine if an increase to the artist's contract price is warranted and justified. In either case, if the ECC escalation is substantial, the regional office may also consider selecting additional project artists. See Section 5.5 for further information on possible ECC escalation and recalculating the Art in Architecture funding.”

The regional office, in consultation with GSA's Chief Architect, may increase a building project's percentage of funding allocated for art if the project team believes this would benefit the overall project. One instance when the regional office may wish to increase the minimum 0.5 percent for art would be for a building project with a comparatively small ECC, but where art is still warranted. Other instances may be for a new building that will serve a pivotal role in a community's urban redevelopment, or where the federal client's interest in the project's art commission is particularly strong.

The Project Manager will request funds for Art in Architecture commissions separately from design and construction allowance requests. The Chief Architect (or designee) will concur with the art allowance.

### 3.3 Use of Art in Architecture Funds

Art in Architecture funds are used to pay for artists' design services and for the fabrication and installation of their artworks. Art in Architecture funds are also used for the payment of artists' expenses—such as travel, concept presentation models or maquettes, shipping, insurance, photography, maintenance instructions, and other allowable costs.

In most cases, the Art in Architecture budget is intended to fund the entire material, fabrication, and installation costs of the artwork. However, the project team is sometimes able to make more economical use of overall GSA project

funds by including some portions of art fabrication and installation in the general construction budget. This method is most common and beneficial when the artwork is incorporated into an architectural element of the building (such as a floor or ceiling) or its site (such as a plaza or landscape space). For example, if a project artist designs a stained-glass window to replace a standard A/E-designed window, the base costs for the standard window are still paid by the building construction budget, and the artist's budget pays only for the added costs (for materials, labor, shipping, installation, and the like) incurred by replacing the standard window with an art window.

By the end of a project artist's design development phase, the project team and the artist will decide whether the artist or the general contractor and subcontractors will be responsible for fabrication and installation of the artwork. Based on this decision, the regional office will make a final determination from the funding options (Art in Architecture budget, general construction budget, or some combination of the two) about how to complete the artwork.

Art in Architecture funds will not be used to pay consulting, project management, or any other type of fees to A/E teams or other consultants to GSA. The regional office will fund site preparation and related technical costs, such as A/E or Construction Manager fees. Art in Architecture funds will not be used by the building project's general contractor or subcontractors to fabricate, construct, or install items that have not been designed or selected by the project artist and approved by the regional office. To ensure appropriate use of Art in Architecture funds, the Chief Architect (or designee) will approve the release of these funds to the regional office.

Art in Architecture funds will not be used to commission memorials or commemorative artworks, as these types of work fall outside the scope of the GSA Fine Arts Collection.

#### 3.4 Determining Suitability with Major Modernization or Repair-and-Alteration Projects

Art in Architecture funds are appropriated for prospectus-level modernization or repair-and-alteration projects. The RFAO and the Program Specialist, in collaboration with the Project Manager, will evaluate the building project and determine if appropriate public spaces for artwork should result and if newly commissioned artwork would contribute to the enhancement of the project.

If the building already contains artwork from the GSA Fine Arts Collection, the Art in Architecture and Fine Arts Program Managers and the RFAO will assess if some or all of the Art in Architecture project funds should be dedicated to the existing artwork before GSA commissions any new artwork. Appropriate uses of these funds include conservation, reinstallation, improved artwork lighting, and the development of new interpretive materials (e.g., plaques and brochures) for the existing artwork. If the building is historic, the RFAO and the Program Specialist may propose using the project's Art in Architecture funds to hire qualified artists or artisans to restore the building's existing or lost historic ornamentation and decorative elements.

For projects involving historic buildings or sites, the RFAO and Program Specialist will also work with the Regional Historic Preservation Officer (RHPO) and the Historic Buildings Division to determine the most suitable approach, since any action may require review under the National Historic Preservation Act, as amended.

The RFAO and the Fine Arts and Art in Architecture Program Managers will make a recommendation to the regional office and the Design Excellence and the Arts Director as to how the Art in Architecture funds should be applied. The regional office will not initiate an Art in Architecture project for a prospectus-level modernization or repair-and-alteration project without written concurrence from the Design Excellence and the Arts Director.

#### 4. Artist Selection

The artist selection and approval process must be integrated into the overall project schedule, in order to afford the opportunity for a successful collaboration between the project artist and A/E team.

##### 4.1 Commencing Art in Architecture Projects

Once GSA approves the lead designer and A/E team, the Art in Architecture process commences. During the time between the A/E selection and contract award, the Regional Commissioner and the Design Excellence and the Arts Director will identify the project's Panel members. Once GSA awards the A/E contract, the RFAO and Program Specialist will schedule the first Art in Architecture Panel meeting. This meeting will occur early in the project schedule, before the lead designer and A/E team have produced a design concept for the project.

GSA will select and approve the project artist before the A/E team presents the building's design concept to the PBS Commissioner in Washington, D.C. The artist's contract does not have to be awarded prior to the Commissioner's concept presentation, but the selected artist should be brought under contract as soon as possible.

The project's Contracting Officer will post a synopsis for the artist selection in FedBizOpps. The Project Manager will notify the Contracting Officer when to post the synopsis for the upcoming artist selection. The synopsis will provide information on how to be included in the National Artists Registry, and will state that all artists who want to be considered for any potential GSA commission must be included on the Registry. The synopsis will list the technical criteria used to evaluate Registry artists for all GSA projects, and will state that the combined weight of these criteria is significantly more important than price. The synopsis will give the Registry submission deadline for the project being advertised, and will state that artists' submissions received after the deadline will not be considered for this project, but will be eligible for consideration on future GSA commissions alongside the other artists on the Registry. Artists already on the Registry need not resubmit, but may elect to update their information prior to the deadline. The Design Excellence and the Arts Director (or designee) will

approve the content of the synopsis prior to publication. Upon request, the Design Excellence and the Arts Division will provide a sample synopsis.

The FedBizOpps synopsis will be posted for a minimum of 30 days and the deadline will be calculated so that it occurs at least 4 weeks after the initial meeting of the Art in Architecture Panel.

At least one meeting of the Panel will take place at or near the building project's site so that the members of the panel can develop an understanding of the local context in which the selected artist's work will be installed.

#### 4.2 Inaugural Meeting of the Art in Architecture Panel

The purpose of this meeting is to provide the Panel with an introduction to the Art in Architecture Program goals; to discuss how these goals are an important part of the overall Design Excellence process; to learn about the A/E lead designer's existing body of work and design philosophy; and to explore potential sites, concepts, and approaches for integrating art into the project.

Members of the Panel are required to sign a "Conflict of Interest Acknowledgement and Nondisclosure Agreement" before the activities of the panel commence. No persons may serve as Panel members if they or any member of their family has any direct financial or employment interest in any of the artists considered for the project. Each Panel member is responsible for identifying any possible conflict of interest once artists are identified. Any conflict should be reported to the Contracting Officer. All observers at Panel meetings are required to sign a "Nondisclosure Agreement."

The Program Specialist and the RFAO will explain the Design Excellence and Art in Architecture Programs' objectives by presenting to the Panel an illustrated overview of existing GSA building projects and art commissions. They will convey to the panel GSA's goal to commission the broadest possible spectrum of America's most talented artists, and its mandate—as with federal architecture—not to endorse or promote an official or preferred style for art in federal buildings. The Program Specialist and the RFAO will explain that the Art in Architecture Program has a national scope, and so artists who were born in and/or currently reside in the city or state where the building project is located will not be afforded preference in selection. The Program Specialist and the RFAO will show completed GSA art commissions as examples of artists' diverse approaches to federal commissions, and they will describe the steps the Panel will use to identify the best artists for the project.

The lead designer will outline his or her architectural design philosophy as exemplified by past building projects, including those that featured collaborations with artists, and will discuss ways he or she can envision working with artists on the GSA project.

The federal client representative will be asked to describe the function and uses of the proposed building, and to share any philosophical viewpoint (e.g., about the mission and history of the federal agency, or the role of the judiciary) that may aid the panel in its search for and review of artist candidates.

Similarly, the Panel's art professionals and community representative will be invited to share their thoughts or questions about the role of civic art, the identity of the project city and region, as well as the character of any local art community.

The Project Manager will outline the project's design milestones and projected construction schedule.

Once familiar with the Art in Architecture Program goals and the overall building project, the Panel will review the criteria used to evaluate Registry artists for all GSA projects. The Panel will discuss the standards and weights that they recommend assigning to each of these criteria in evaluating artist candidates for this specific project. The Program Specialist and the RFAO will record the Panel's recommendations and report them to the project's Technical Evaluation Board.

The RFAO and the Program Specialist will prepare meeting minutes and distribute them to the panelists for their review and written concurrence. The meeting minutes will be included in the evaluation report prepared by the Board.

#### 4.3 Technical Evaluation Board Meeting

The Technical Evaluation Board will convene soon after the inaugural meeting of the Art in Architecture Panel. The Board will finalize the weights of the project's selection criteria in response to the Panel's recommendations. These selection criteria represent the areas of importance and emphasis that the Panel and the Board will use during the artist selection process. The specific standards for the selection criteria may be tailored to suit the unique conditions of a particular project. Past Performance and Experience are mandatory technical criteria for all projects, and are evaluated by the Board following the Panel's review of artist candidates, as described in section 4.6. The additional technical criteria that are evaluated are:

Media: This criterion considers the extent of the artist's past work in any of the artistic media determined by the Board to be appropriate for this commission. These are broad, overarching categories that include but are not limited to: sculpture, painting, architectural media (e.g., windows, floors, and ceilings), electronic media, landscape media, and graphics. The standard for evaluation is met when the artist has worked successfully in those media selected by the Board. It is also possible for the Board to exclude certain types of media, based on the requirements or limitations of the project.

Materials: This criterion considers the extent of the artist's past work in the materials determined by the Board to be appropriate for this commission. Materials may include, but are not limited to: oil or acrylic paints on canvas, cast metals, stone, glass, mosaics, neon, LEDs, or any other durable and non-toxic material. The standard for evaluation is met when the artist has demonstrated proficiency in the use of durable materials from among those determined by the Board to be suitable for the project.

Content: This criterion considers the subject matter, meaning, range, and focus of the artist's work. The standard for evaluation is met when the Board determines the content of the artist's past work is applicable to the project.

Scope: This criterion considers the recognition of an artist's work by art institutions as documented by the artist's history of exhibitions, commissions, honors, awards, and public collections that hold the artist's work. The standard for evaluation is met when the artist's history is of the scope that is suitable for the project.

Style: This criterion considers the stylistic or aesthetic skill demonstrated by the artist's past work. Style encompasses the formal qualities of the artist's work, such as the use of color, shape, scale, volume, texture, composition, and other visual elements. The standard for evaluation is met when the artist has produced a body of work that is determined by the Board to be aesthetically well-suited for the architectural design, function, or location of the building project or its site. The Board must not prescribe any one acceptable artistic style for the project, such as "abstract" or "representational." Rather, this criterion evaluates the skill with which the artist composes the stylistic elements within his or her own body of work.

#### 4.4 Establishing the Competitive Field of Artist Candidates

The National Artists Registry is the qualified list of eligible artists. To establish the competitive field, the Board will screen the Registry using the criteria and the specific standards it has established for the project. The Selection Authority must approve the relative weights and standards established for the criteria before the selection process commences.

The Program Specialist will notify artists who are recommended by the Panel, but who are not yet on the Registry. These artists or their representatives must confirm the artists' interest in being considered for a commission and submit their materials to the Registry before the deadline posted in the FedBizOpps synopsis.

Artists in the competitive field will affirm that they are citizens, Lawful Permanent Residents, or Permanent Workers of the United States. The Program Specialist will document the competitive field by recording the project criteria, the names of the artists who constitute the competitive field, and the total number of artists on the Registry.

#### 4.5 Review of the Competitive Field by the Art in Architecture Panel

The Panel will meet to review the portfolios of all artists in the competitive field. The Program Specialist and the RFAO will facilitate the discussion. The Panel will evaluate these artists against the selection criteria (see Section 4.3) and will recommend a short list of at least three artists for the Board's final consideration. Each Panel member will provide a written or verbal assessment of the short-listed artists, describing how each finalist meets or exceeds the project criteria and standards. This short list represents the most highly qualified artists for the project.

The Program Specialist and the RFAO will advise the Panel members that GSA can offer a commission to any of the short-listed artists, so only those artists who are acceptable to the panelists should be included on the short list. All individuals attending this meeting will maintain the confidentiality of the finalists' names until GSA awards a contract to the project artist.

The RFAO and the Program Specialist will prepare meeting minutes that record the discussion of the competitive field, the evaluation criteria, the Panel members' individual assessments of the finalists, and the overall recommendations of the Panel. The minutes will be distributed to the panelists for their review and written concurrence, and will be included in the evaluation report prepared by the Board.

#### 4.6 Review of the Short List of Artists by the Technical Evaluation Board

The Program Specialist or the RFAO will notify the short-listed artists of their selection as finalists and will request the submission of additional information to determine their suitability for the commission. This information (the proposal) will include: a list of references (such as public art administrators or museum curators) the Program Specialist or the RFAO can contact to verify the artist's past performance on completed projects; a list of sales figures and/or commission budgets for the artist's completed projects; the artist's brief written statement of an overall approach to the GSA project; an explanation of how the artist's experience prepares him or her to accomplish the project; and the artist's statement that he or she can perform the work associated with the GSA commission within the identified budget.

At a minimum, the short list of finalists must include three artists. If fewer than three finalists elect further review, the Program Specialist and RFAO will reconvene the panel—either in person, via correspondence, or by conference call—to add artists to the short list. It is not necessary to reconvene the panel if at least three artists remain on the short list.

Upon receipt of the proposal information from the finalists, the Board will assess the artists on the criteria and standards that it used to develop the short list, as well as the following required criteria. The specific standards for these required criteria may be tailored to suit the individual project.

Past Performance: This criterion considers the relevant information regarding an artist's performance under previous contracts or agreements. The standard for evaluation is met when the artist's record demonstrates the ability to complete the project requirements, apply standards of good workmanship, adhere to schedules and budgets, and behave in a reasonable and cooperative manner.

Experience: This criterion considers the extent of an artist's past experience with similar commissions or projects, based upon the scale, complexity, predictability, budget, and range of production over time. The standard for evaluation is met when the artist's record demonstrates the ability to take into account the nature, use, design, and constraints of the site in order to create a unique and engaging artwork.

Separate from the evaluation of the technical criteria, the Board will conduct a price evaluation. For the Art in Architecture Program, GSA has determined that the combined weight of the technical criteria is significantly more important than price. The Art in Architecture project budget should represent a price that is a reasonable estimate of the fair-market price that one should expect to pay for artworks by the short-listed finalists. The Board will determine an individual “should-pay” price for each artist submitting proposals, and will assess each short-listed artist’s documentation of his or her ability to produce an acceptable artwork for the GSA project budget and the determined “should-pay” price. This assessment will include a comparison of the artist’s completed projects and corresponding prices to the GSA project’s scope and budget. The Board will use the recent sales figures and/or commission budgets to confirm whether the artist’s proposal can be accomplished for the GSA project budget and the determined “should-pay” price.

The Board’s evaluation will contain explanatory narratives and numerical or adjectival scores for each technical criterion (including Past Performance and Experience) as well as price evaluation for each artist, and will incorporate the Art in Architecture Panel’s assessments of the finalists. The Board will recommend GSA’s selection of the artist(s) with the highest overall rating, considering both technical scores and price evaluation, which represents the best value to GSA.

The Technical Evaluation Board Report will be composed of the technical evaluation, the Art in Architecture Panel meeting minutes, the nondisclosure and conflict of interest forms, and the Contracting Officer’s written concurrence that the Art in Architecture acquisition process has been followed.

#### 4.7 Approving the Project Artist

The Design Excellence and the Arts Director will review and approve the Technical Evaluation Board Report before it is forwarded for regional review and approval.

The RFAO will coordinate regional review and approval by the Regional Commissioner. The RFAO will then prepare a memorandum from the Regional Commissioner to the Chief Architect—who serves as the Selection Authority for all Art in Architecture projects—recommending approval of the artist(s) evaluated as most advantageous to the government.

If the artist selected by GSA declines or is otherwise unable to accept the commission, then the second-highest ranked artist from the approved Technical Evaluation Board Report will be recommended to the Chief Architect, followed—if that artist declines—by the third-most highly ranked artist, and so forth.

If the Chief Architect declines to approve the Board’s recommended artist(s) or any of the other short-listed artists, GSA will reconvene the Board, and if necessary the Panel, for a meeting with the Regional Commissioner and the Chief Architect, to resolve the selection. The decision to cancel a selection and reinstate the process must occur through an action of the Contracting Officer with the concurrence of the Office of General Counsel.

Once the Chief Architect approves the project artist, the Contracting Officer will notify the artist of his or her selection.

#### 4.8 Contracting the Project Artist

The Contracting Officer will develop and award a fixed-price contract in an amount consistent with the artist's individual price evaluation, not to exceed the project budget as established in Section 3.2. The Project Manager will confirm the current ECC so that the Contracting Officer can determine the limit of the project budget. The contract will establish a fixed price for the artist to develop preliminary and final concepts and, as a contract option, a not-to-exceed price for the fabrication, installation, and documentation of the resulting artwork once GSA has approved the final concept.

The Contracting Officer will consult with the RFAO and the Program Specialist to develop the documents necessary to award the contract. This contract will describe the scope of services or work, roles and responsibilities, the sequence of tasks, schedules (including travel and meeting attendance), payments, and requirements for photographic documentation and maintenance instructions for the completed artwork. The RFAO—if qualified by the necessary training—will serve as the Contracting Officer's Representative. The Office of Acquisition Management, in consultation with the Design Excellence and the Arts Division, will provide sample contracts or templates as needed. Contract templates will also be available on PBS One Source.

The Contracting Officer, the RFAO, and the artist will discuss and negotiate the contract—including project and payment schedules, the fixed price for the concept services, and the not-to-exceed price for the fabrication and installation contract option. The Contracting Officer will provide the artist adequate opportunity to review the contract prior to its award. The Program Specialist will also review the contract prior to award, to insure that the correct contract template was used and the technical scope of work is appropriate to the project.

Contracting Officers will use the Art in Architecture Contract template posted at <http://insite.pbs.gsa.gov/acqtemplates> for all Art in Architecture contracts. The templates contain all necessary clauses for a complete contract with the exception of state specific taxation issues. Any supplementing clauses add must be coordinated with legal counsel to ensure proper applicability to the Art in Architecture program.

Each artist's contract will require that the artist and regional project team coordinate all activities related to installation of an artwork with the A/E team and GSA's contractors, in order to avoid any duplication of labor, any removal and reconstruction of building elements affected by an artwork, and any negative impact to the project schedule.

After GSA awards the project artist's contract, the RFAO or the Program Specialist will notify the Panel of the selection and the Contracting Officer will post notice of the award in FedBizOpps. The announcement, citing the artist contracted for the project, will serve as the public notification of award. The

announcement will include a notice that all artists on the Registry will remain available for consideration for all future Art in Architecture works. The short-listed artist will receive notification letters with a brief explanation of why the artist who received the award was chosen. The explanation is considered a debriefing of the short list similar to the schedule process found at FAR 8.405-2(d).

The Art in Architecture contract is to be administered in accordance with the terms, conditions and regulatory clauses (as prescribed in the regulations) found in the template. The following is the required minimum documentation for the contract file:

- Synopsis
- Non Disclosure documents for the Art in Architecture Panel and Technical Evaluation Board
- Record of the Art in Architecture Panel meetings
- Documentation of the Competitive Field
- Technical Evaluation Board Report
- Artist's Approval
- Pre-Award correspondence with selected artist. Document contract agreements.
- Funding Approval
- Contract Documents with Signatures
- Administration Records

## 5. Concept Development, Fabrication, and Installation

Once GSA awards the artist's contract, it is important for the artist to be introduced to the project and the members of the team. The artist then develops a concept proposal, which moves through the approval process and ultimately results in the fabrication and installation of the artwork.

### 5.1 Artist's Site Visit

Each project artist will visit the building site and meet with representatives of GSA and the federal client agencies to learn about client-agency missions and to develop an understanding of the site's geography, history, and identity. The payment schedule of the artist's contract will contain a line item for this visit.

### 5.2 Artist's Preliminary Concept

The artist will be responsible for developing a preliminary concept that determines the artistic expression of the work, including its scope, design, location, size, material, color, texture, and all other aesthetic and material aspects of the work. The artist's preliminary concept will consist of drawings, models, photographs, or digital renderings and animations, as applicable, plus supporting narrative materials that clearly convey a meaningful concept of the artwork and its relationship to the building or site design. In developing this preliminary concept, the artist will work in consultation with the A/E lead designer and the regional project team.

The artist will forward a copy of the preliminary concept to the RFAO and to the Program Specialist. The RFAO will review the preliminary concept with the Contracting Officer and the Project Manager, and will advise them on the acceptability of the concept. The RFAO is responsible for any other briefings and approvals in the regional office. The Program Specialist will review the artist's preliminary concept with the Design Excellence and the Arts Director and the Program Manager.

The artist's preliminary concept is intended for internal GSA review only, and not a review by the Art in Architecture Panel, which instead reviews a final concept that is presented in person by the artist. However, if the federal client requests a review of the artist's preliminary concept, the Program Specialist and the RFAO may consider these requests when the preliminary concept has been determined acceptable by GSA. In such instances, both the Program Specialist and the RFAO may present the preliminary concept to the federal client. The presentation will be in person, in order to ensure a full, clear, and accurate presentation of the artist's ideas and to address any of the client's questions about the preliminary concept. Copies of artists' concepts will not be forwarded to federal clients prior to a presentation meeting with both the Program Specialist and the RFAO.

Once the Design Excellence and the Arts Director (or designee) and the Regional Chief Architect accept the artist's preliminary concept, the Contracting Officer will notify the artist of the acceptance and issue a notice to proceed on the development of the final concept.

### 5.3 Peer Workshop

If GSA determines that the project would benefit from a peer workshop, GSA usually will schedule one after approving the artist's preliminary concept, and while the artist is developing a final concept. Engaging the project artist in a dialogue with other peer professionals who possess similar knowledge and experience reinforces the seriousness of the project and can enhance the quality of the artwork.

A peer workshop, which is normally held in the artist's studio, will offer individual and independent professional expertise to the artist in areas such as design, fabrication, installation, maintenance, and conservation. Members of the PBS Commissioner's National Register of Peer Professionals will participate. At least one of the participants should be a peer knowledgeable in conservation issues to ensure that the proposed art materials are stable, durable, non-toxic, environmentally sound, and suitable for their proposed locations. The regional office may invite the federal client to attend the peer workshop.

Additional peer workshops may be arranged at other points in the process if GSA determines that supplementary reviews are necessary.

### 5.4 Artist's Final Concept

The artist will be responsible for developing a final concept that describes his or her approach to the artwork, proposed materials, and preliminary fabrication and

installation techniques. The artist will include drawings, models, photographs, digital renderings and animations, written narratives, or other materials as necessary to fully convey the final concept. The final concept will include a cost estimate for fabrication and installation of the artwork, and also address maintenance requirements, including descriptions of any special materials or techniques that will be required for proper maintenance of the artwork.

Unless otherwise stipulated by the artist's contract, the artist's final concept presentation materials will become the property of GSA. These drawings, maquettes, or other materials will be of a quality that is suitable for public exhibition and will represent as closely as possible the appearance of the full-scale, finished artwork. GSA's Fine Arts Program is responsible for cataloging and tracking artists' concept presentation materials and maquettes.

The artist will present his or her final concept to the Art in Architecture Panel. Panel members will discuss the merits or drawbacks of the concept and make recommendations to GSA on whether fabrication and installation of the artwork should proceed. The RFAO and the Program Specialist will prepare minutes of the artist's final concept presentation meeting.

If not previously addressed in a peer workshop, a fine arts conservation peer must review the concept to assess the materials and the proposed fabrication and installation details.

After the final concept presentation, the RFAO will incorporate the Panel's comments into a memorandum from the Regional Commissioner (or designee) to the Chief Architect, who authorizes the final approval of the artist's concept. The RFAO is responsible for any briefings and approvals in the regional office.

## 5.5 Fabrication and Installation of Artwork

Before the fabrication and installation phase begins, the Project Manager will recalculate the project's total dollar amount reserved for Art in Architecture funding based on the current ECC. If an ECC escalation results in an increase to the project's overall Art in Architecture budget, the Project Manager, Contracting Officer, RFAO, and Program Specialist will determine whether a modification to the artist's contract for additional funds is warranted. If the ECC escalation is substantial, the regional office may also consider selecting additional project artists.

The fabrication and installation of all artworks—or artist-designed elements of a building or its site—are achieved with the close cooperation of the project artist, the lead designer and A/E team, and the regional project team, regardless of who assumes primary responsibility for fabrication and installation of the artwork.

The Project Manager, with the support of the RFAO, will coordinate all installation activities with the artist and his or her subcontractors, ensuring adequate and appropriate access to the construction site, security clearances, etc. The Project Manager and the RFAO are responsible for monitoring the progress of the artist's work, and the artist is responsible for completing the project in accordance with the construction schedule. All parties will take appropriate measures to protect

the artwork if its installation must occur while building construction is ongoing. Depending on the nature of the project, the installation should occur by the time construction of the building is complete or substantially complete, and before the building is officially dedicated.

#### 5.6 Final Acceptance of Installed Artwork

Each artist's contract will require the artist, at completion of an Art in Architecture commission, to provide two identical sets of photographic documentation; information on fabrication, materials, and installation; and any special maintenance instructions for the fully installed artwork. The artist must send one full set of these materials to the Program Specialist and an identical set to the RFAO.

Please consult with the Design Excellence and the Arts Division on the exact requirements for the photographic documentation of the artwork.

The photographs of the artwork will be properly archived by the national and regional offices of GSA. The photographs will be part of the official record of the commission, and will be used to develop educational materials and to provide a standard for cyclic maintenance and future conservation needs.

The artist will also provide a statement about the completed artwork that contains the artist's thoughts about the genesis, fabrication, installation, meaning and defining characteristics of the completed artwork, as well as any other details the artist can provide about the commission. The artist will forward a copy of this statement to both the RFAO and the Program Specialist.

Upon final acceptance by GSA, the artwork is accessioned into the Fine Arts Collection. The artwork's official project file—including correspondence, technical evaluation, contracts, photographs, maintenance instructions, and the artist's statement—will be stored in the Office of Design and Construction and a duplicate file will be stored in the regional office.

#### 6. Canceling Artist's Contracts or Art in Architecture Projects

If the regional office intends to cancel an artist's contract, the Regional Commissioner will forward a memo that outlines reasons for recommending the cancellation to the Chief Architect for concurrence. The cancellation or postponement of an artist's contract must occur through an action of the Contracting Officer and with the concurrence of the Office of General Counsel or Regional Counsel's Office.

If the regional office wants to cancel a building's overall Art in Architecture project, the Regional Commissioner will forward a memo that outlines reasons for recommending the cancellation to the PBS Commissioner for approval. Only the PBS Commissioner can cancel or postpone Art in Architecture projects.

#### 7. Activities after Installation of the Artwork

## 7.1 Public Affairs and Education

The RFAO and the Program Specialist will work with GSA's public affairs offices to ensure that artworks are introduced to the public through various outreach activities. Such events may include the public exhibition of other work by the artist at a nearby art institution, speaking engagements, receptions, public inaugurations or workshops, media coverage, educational brochures, interpretive plaques, and other means.

The RFAO ensures that the project artists and members of the Art in Architecture Panel are invited to the building dedication and that the artists are recognized by appropriate officials during the ceremony.

Interpretative materials such as brochures and plaques are critical tools in assisting employees, visitors, and the general public to gain understanding and appreciation of the full content and meaning of artworks, beyond just their physical appearances.

The Program Specialist and RFAO are responsible for providing or obtaining the text for brochures and plaques, will coordinate the printing of brochures, and will arrange for the fabrication and installation of a plaque (in an appropriate size, material, and location) that provides identifying information about the artwork. When possible, the plaque's design should be consistent with the signage standards established for the building.

## 7.2 Commencing Cyclic Maintenance for Installed Artwork

The RFAO is responsible for acquiring a cost estimate for yearly maintenance of the artwork and for developing an annual maintenance plan that will be shared with the building manager.

Cyclic maintenance instructions will be reviewed by, or developed in conjunction with, a fine arts conservator to ensure that the instructions offer the best techniques possible. In addition, conservator peers, fabricators, and property managers will review cyclic maintenance instructions. Copies of the cyclic maintenance instructions will be maintained in the building manager's office on site, in the files of the RFAO, and in the project file in the Office of Design and Construction.