

Central Procurement Directorate

Stiúrthóireacht Lárnach Soláthair



Department of

**Finance**

An Roinn

**Airgeadais**

[www.finance-ni.gov.uk](http://www.finance-ni.gov.uk)

Procurement Guidance Note

**PGN 01/17**

# Art in Government Construction Projects

Issued: 24 February 2017



## PROCUREMENT GUIDANCE NOTES

[Northern Ireland Public Procurement Policy \(NIPPP\)](#) was approved by the Northern Ireland Executive in 2002. In approving the policy, the Executive took the decision that legislation was not necessary to ensure Departments, their Agencies, Non-Departmental Public Bodies and Public Corporations comply with the policy. Instead, it considered that compliance could be achieved by means of administrative direction.

Procurement Guidance Notes (PGNs) are the administrative means by which Departments are advised of procurement policy and best practice developments. They apply to those bodies subject to NIPPP and also provide useful guidance for other public sector bodies.

PGNs are developed by the Central Procurement Directorate (CPD), in consultation with the Centres of Procurement Expertise (CoPEs), and are subject to the approval of the Procurement Board.

Once endorsed by the Procurement Board, PGNs are issued to the Departments for implementation and copied to CoPEs who, if necessary, develop underpinning procedures supporting the implementation of the guidance in their particular sector. PGNs are published on the [Department of Finance \(DoF\) website](#).

**This PGN was endorsed by the Procurement Board with effect from 24 February 2017 for use by those bodies subject to NIPPP.**

### Revision History

First issued as a Procurement Guidance Note PGN 01/17

24 February 2017

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### **Definition of Terminology**

In the preparation of this guide, the term **contractor/supplier** has been used to denote an organisation that contracts directly with a Department, whether it is a supplier, a service provider or a construction contractor.

The term **Department** has been used to refer to those bodies subject to Northern Ireland Public Procurement Policy including Departments, Non-Departmental Public Bodies and Public Corporations. A full list of such bodies is available in Annex A of the [Northern Ireland Public Procurement Policy \(NIPPP\)](#).

## 1 BACKGROUND

### 1.1 Why Art is Important

1.1.1 Art can play a vital and inspirational role in transforming spaces. Through multidisciplinary and collaborative practice, artists can help departments, architects and designers create imaginative environments that reflect and enhance local identity.

1.1.2 In addition, the integration of art in the planning, design and construction of buildings and their surroundings can produce a number of other beneficial outcomes, including:

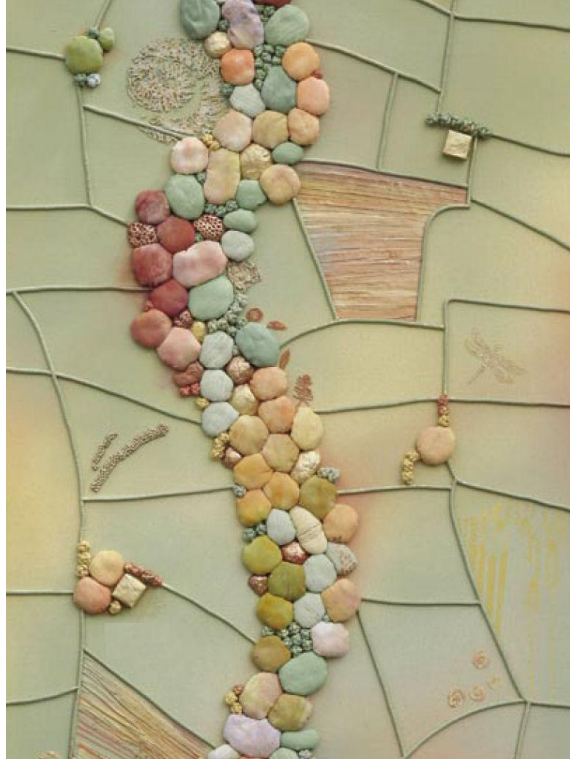
- Creating attractive and functional places in which to live, work or visit;
- Enhanced sense of place, ownership and civic pride;
- Therapeutic benefits; and
- Contributing to urban regeneration leading to inward investment and the creation of jobs.

1.1.3 In turn it supports and promotes the local arts sector, providing opportunities to a wide range of artists, allowing them to express and showcase their work for the benefit and enjoyment of the public.

### 1.2 Policy Framework and '*Percent for Art*'

1.2.1 The Department for Communities' policy on Architecture and the Built Environment includes 5 key objectives, one of which relates to the integration of art. The objective promotes collaboration between practising artists, design professionals and Government Clients thereby encouraging the integration of art in the design of public buildings and public spaces.

1.2.2 The policy encourages the adoption of '*Percent for Art*' in all public sector capital construction projects. *Percent for Art* is when a percentage of a capital budget is specifically reserved for art, usually up to 1% of the net construction cost up to a specified ceiling.



***Fields of Life,***  
Helen Sanlon  
Ulster Hospital



***Stones would play inside her head,***  
Picture This, Glenveagh School 2008  
Clare House

## 2 THE PURPOSE OF THIS GUIDANCE

### 2.1 Objectives

2.1.1 The purpose of this guide is to consolidate the principles and objectives of *Percent for Art* as guidance to Departments and the Centres of Procurement Expertise (CoPEs). This is to encourage a common approach to implementation of the policy for publicly funded bodies which deliver major construction projects.

2.1.2 The objective of the guidance is to promote and encourage recognition, adoption and inclusion of the arts in the delivery of the Executive's infrastructure projects in a manner consistent with the delivery of best value for money.



***The cow jumped over the moon,***  
Andrea Spencer,  
Downe Hospital

### 3 WHEN TO USE THIS GUIDANCE

#### 3.1 Scope

3.1.1 This guidance refers to publicly funded infrastructure projects with a net capital construction budget<sup>1</sup> of £1m or greater. Such projects include the new-build and refurbishment of public buildings, open spaces, infrastructure facilities and environmental schemes.



**Continuum,**  
Rachel Hutchinson,  
Ulster Hospital

3.1.2 The guidance may also, if appropriate, be applied to non-visible, sub-surface infrastructure projects, civil engineering and utilities projects. Departments and commissioners are encouraged to think innovatively and creatively when considering how arts can be incorporated in these projects, for example, installation of artwork at a childrens' play park in the vicinity of sub surface works or the inclusion of artificial lighting, texture and colour in the construction of bridges and road and rail networks. The Government Arts Advisory Panel can be consulted on appropriate options.

3.1.3 In consideration of the policy objectives and the potential benefits to the project and wider community, Departments have discretion to apply *Percent for Art* to projects which have a value below £1m. However, it is envisaged

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<sup>1</sup> Net capital construction budget is the total capital construction cost less professional and statutory fees, fit out costs, fixed furniture and equipment costs, contingencies and VAT.



that this will be limited to projects which, because of their nature, location or subject matter, would be particularly appropriate for application of the policy.

### 3.2 'Percent for Art'

3.2.1 In applicable projects, the Department is encouraged to include an allocation of 1% of the net capital construction budget for the provision of art in the project. While the funding will be capped at £100,000, Departments will have discretion to increase this funding in particularly large<sup>2</sup> infrastructure projects.

3.2.2 Additional funding above the cap may be sourced from pool funding, for example accumulating percent for art funds from smaller projects for use on a larger project or combining *Percent for Art* funds from multiple



***When I Was Young,***  
Diane McCormick,  
Ulster Hospital

Departments working within the same area. Funds can also be supplemented with private donations from philanthropy or benevolent funds and from private benefactors, sponsorship or match-funding, for example, from local councils.

3.2.3 Departments are encouraged to give careful consideration to the use of private funding to support art projects particularly where conditions are attached to this funding or the artwork that is to be commissioned. Corporate marketing in artwork will generally not be acceptable.

3.2.4 Departments are also encouraged to consider the contribution of the voluntary arts sector in commissioning projects and artwork. For example, school children may be invited to participate in the development of artwork for a new

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<sup>2</sup> Typically large projects will be defined as those projects which have a value above the EU Thresholds for construction works, currently £4.1m.

school or community groups invited to participate in the development of temporary artwork to be displayed on site hoarding.

- 3.2.5 Inclusion of voluntary and community arts initiatives in projects may be considered in addition to *Percent for Art* funded commissions. Engagement of this sector can often deliver additional community benefits.
- 3.2.6 Departments should, in support of the policy, and the wider arts community consider all areas of The Arts which include: Literature, Language and Culture; Participatory; Performing; and Visual. Refer to [www.artscouncil-ni.org/the-arts](http://www.artscouncil-ni.org/the-arts) for further information.

### 3.3 Applied Art, Integrated Art and Temporary Art

3.3.1 Art in a construction project can be categorised under three different types i.e. Applied Art, Integrated Art and Temporary Art. Applied Art refers to artwork that is not part of the essential fabric or fittings of the building, for example, paintings, wall hangings and pottery.

3.3.2 Integrated Art refers to artwork that is embedded within the fabric or fittings of a building or infrastructure project. It may form a functional part of the building fabric, for example a stained glass window ‘integrated’ within a window frame or a sculpture permanently fixed to foundations or the building structure.

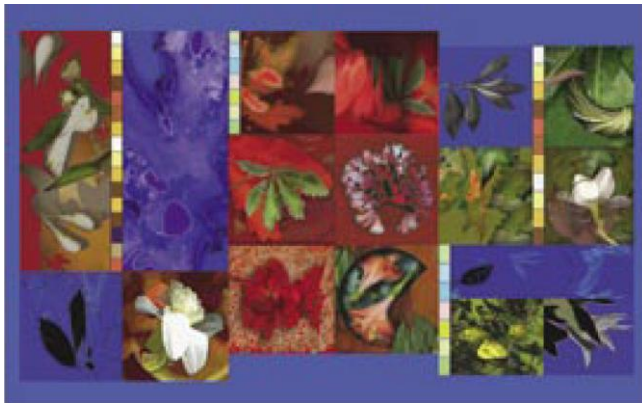
3.3.3 Temporary Art refers to artwork that is commissioned to deliver benefits over a short lifespan, for example, paintings, murals or graphics located on temporary site hoarding or information boards. Despite its relatively short lifespan such art can have a very positive impact on its surroundings. In the case of site hoarding the artwork can be used to maintain a positive visual aesthetic of the site and its surroundings during construction.



***Flora,***  
Richard Perry,  
Downe Hospital

3.3.4 In the context of this policy, the *Percent for Art* budget should be ring fenced solely for the delivery of Applied Art, Integrated Art and Temporary Art which will include the Artist's fee for collaboration and co-ordination with the design/contractor teams. Design/contractor teams' fees for collaboration and co-ordination with the Artist; and the cost of building fabric elements facilitating Integrated Art should be accounted for within the project's construction budget.

3.3.5 Artistic expression in a project's architectural or engineering design shall be accounted for within the construction budget.



***Changing Seasons,***  
Barbara Freeman,  
Ulster Hospital

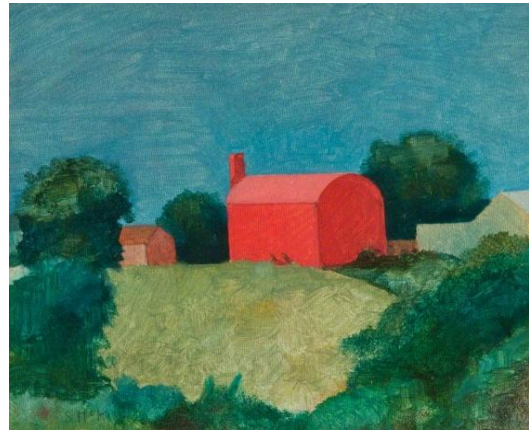


***Working on Stoney  
Ground,***  
Norman Smyth,  
NICS Collection

## 4 COMMISSIONING ARTWORK

### 4.1 Business Case

4.1.1 Departments are encouraged to include an allocation of funding for *Percent for Art* within the outline business case. The level of funding, and expenditure against it, should be monitored throughout the delivery of the project.



***Ulster Barns,***  
Simon McKinstry,  
NICS Collection

4.1.2 At the commissioning stage

Departments are encouraged to identify the objectives of *Percent for Art* funding in the business case, examples of which may include:

- Employment opportunities and recognition for artists and the arts community;
- Contribute to urban and rural regeneration;
- Foster and promotion of artistic heritage;
- Encouraging community participation and civic pride; and
- Making the arts widely accessible.

### 4.2 Costs to be Taken into Account

4.2.1 It is important that Departments take into account and allow for all costs when commissioning new artwork. Funding included within the *Percent for Art* budget would usually cover:

- The Artwork itself;
- The Artist(s) fee and expenses (including materials etc.);
- Costs of research and development (incurred by the artist in developing the artwork);
- Costs associated with public engagement including advertising, promotion and publicity material.

### 4.3 Related Costs

4.3.1 Some pieces of artwork such as sculptures may require structural support, power and/or lighting. It is envisaged that such costs would not form part of

the *Percent for Art* budget and would instead form part of the construction budget for the project, or ongoing running costs. In this context it is essential that the artist works closely with the Integrated Consultant and/or Supply Teams to help identify any such costs that may be required from the construction budget.

#### 4.4 Future Maintenance and Repair Costs

- 4.4.1 Occasionally artwork may need to be relocated or repaired. This work should only be undertaken by experts, under direction and in consultation with the commissioned artist.
- 4.4.2 For permanent artwork the ongoing maintenance is important for its long-term preservation and for continuing public engagement.
- 4.4.3 Future maintenance and repair costs would not normally be funded from the *Percent for Art* budget and Departments are encouraged to make allowance for this in the business case. Departments are encouraged to maintain all artwork commissioned or purchased under the *Percent for Art* initiative. Departments should retain a register of periodic inspections of commissioned artwork to ensure that it has not been removed or damaged.



***Flooring Design,***  
Diane McCormick,  
Ulster Hospital



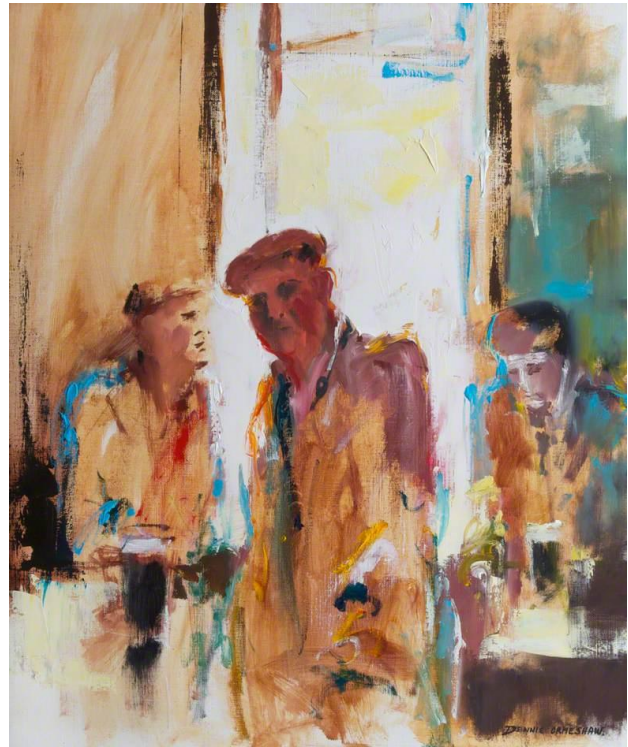
***Mother Nature,***  
Alice Clarke,  
Ulster Hospital

## 5 PARTIES INVOLVED IN COMMISSIONING ARTWORK

### 5.1 Relationships

5.1.1 The successful commissioning of artwork will involve consultation and input from a number of key stakeholders. This includes:

- the Department;
- the Government Arts Advisory Panel;
- the Department's Arts Coordinator;
- the construction project's Artwork Committee; and
- the Artist.



***We Have Seen The Light,***  
Dennis Orme Shaw,  
NICS Collection

5.1.2 In the following sections, the guidance explains the role of each stakeholder. The relationships between these stakeholders will differ. For example, some relationships will be contractual, whereas others will be consultative and/or collaborative. However, the nature of these relationships is important and Diagrams 1 and 2 below describe a structure for governance of the *Percent for Art* initiative.

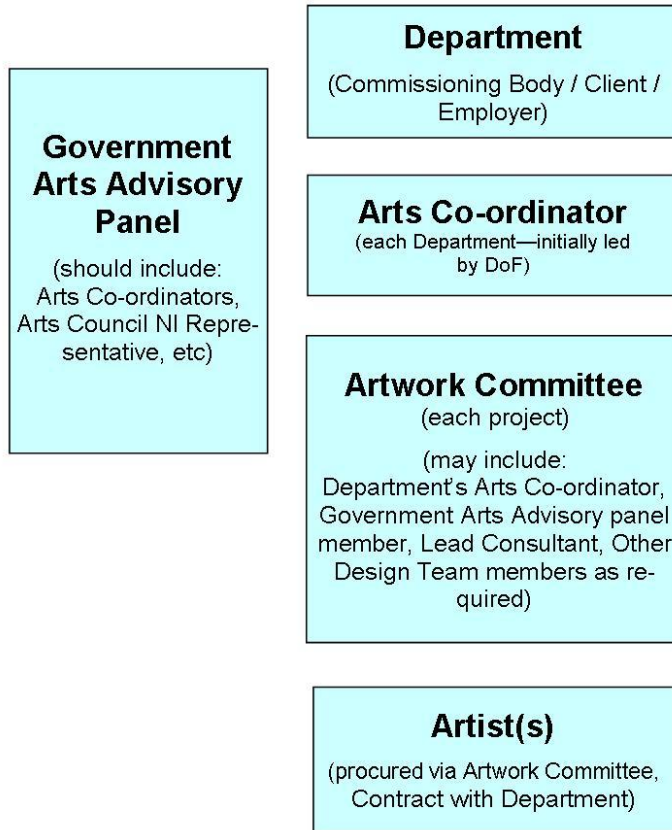


Diagram 1 - Parties involved in commissioning artwork

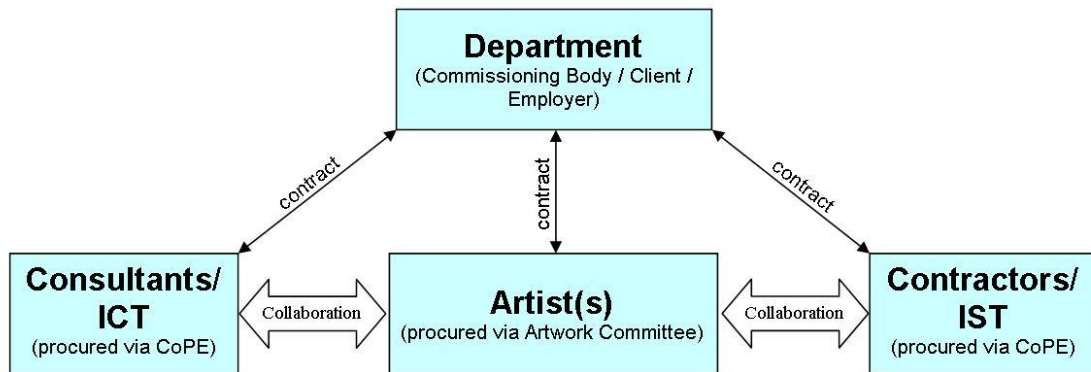


Diagram 2 - Relationships between parties

## 5.2 Department

5.2.1 It is good practice that the Department appoints a Departmental Arts Coordinator to liaise with the Government Arts Advisory Panel. The Panel will provide expert advice and input to all artwork commissioned by Departments across its construction portfolio.

## 5.3 The Government Arts Advisory Panel

5.3.1 The Government Arts Advisory Panel will provide strategic and professional advice for development of key arts objectives across public construction programmes and projects drawing reference from projects' briefs, context and wider community.



*First Light*,  
Terence Coyle,  
NICS Collection

5.3.2 The Panel will typically consist of arts experts, at least one of whom should be a representative from the Arts Council of Northern Ireland. Other members may include senior departmental staff with responsibility for delivery of its infrastructure programmes.

5.3.3 The Arts Council of Northern Ireland is the main development and funding agency for the Arts in Northern Ireland. It works in partnership with artists, organisations and venues across all arts categories from literature to art in the community. It is responsible for the distribution of public money and national lottery funding to arts projects, venues and initiatives across the North.



## 5.4 Department's Arts Co-ordinator

5.4.1 The role of Arts Co-ordinator may be performed by an existing member of staff within the Department. However, Departments should give due consideration to the level of resourcing the role may require, and this will be informed by the scale of the Department's infrastructure programme and the extent



**Static,**  
Frank Eyre,  
NICS Collection

to which the *Percent for Art* policy will apply. Initially the role of the Arts Co-ordinator will be performed, for all Departments, by the Department of Finance (DoF). This will allow Departments to draw on DoF's experience when developing this role, and the staff who will perform it, within their sector.

5.4.2 The Arts Co-ordinator will have a key role in liaising with the Government Arts Advisory Panel and the Arts Council. They will also assist commissioners with input to *Percent for Art* in the business case and assist procurement personnel in the development of *Percent for Art* services required from consultant and contractor teams.

5.4.3 The Arts Co-ordinator will be responsible for establishing and leading a Project Artwork Committee. While further details on the Committee's role are provided in the following section, it will be responsible for overseeing the co-ordination of art in the design and delivery of the project.

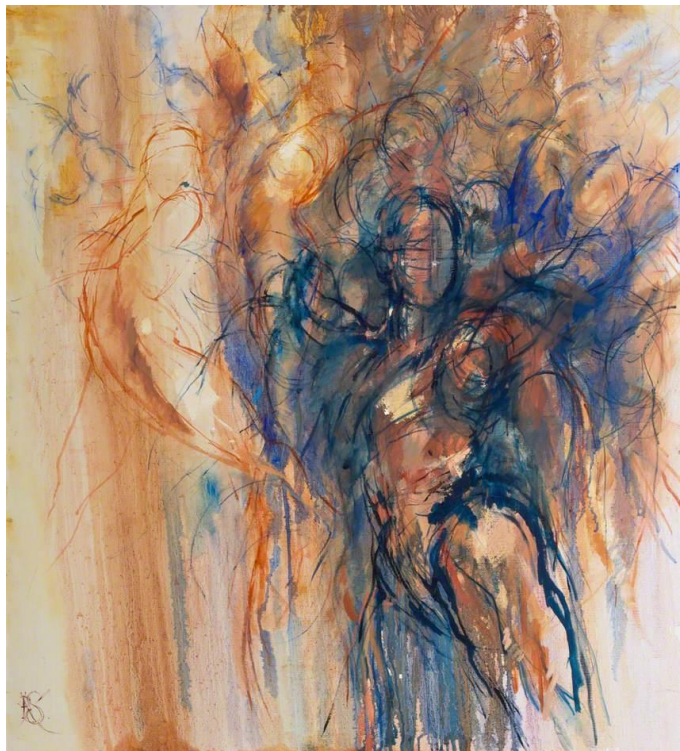
5.4.4 Post completion of the project, the Arts Co-ordinator should lead a project artwork review to identify lessons learned and areas for improvement. He/she should also maintain a register of the Department's artworks, have artwork

valued, ensure registration with Government's Central Artworks Register<sup>3</sup> and oversee maintenance and up-keep of the asset during its lifecycle.

5.4.5 The Arts Co-ordinator will, where a collection has been established, perform a curatorial role on behalf of the Department, facilitating exhibition of artwork to the public. The Department Arts Co-ordinator will be responsible for a curatorial role post installation of the artwork.

## 5.5 Project Artwork Committee

5.5.1 A Project Artwork Committee should be established for each project to consider the best options for inclusion of art within it. The Committee will finalise proposals for expenditure of the *Percent for Art* funds; it will procure the Artist to be commissioned and oversee the collaborative relationship between the artist and the design/contractor teams.



***Tuscan Dancers,***  
Rosaleen Sanderson,  
NICS Collection

5.5.2 The Project Artwork Committee may consist of the Arts Co-ordinator, an Arts Council Advisory Panel member, the Lead Consultant who will typically be the Architect for building projects or Civil Engineer for infrastructure projects and other project members as deemed appropriate.

5.5.3 The role of the project Artwork Committee should include:

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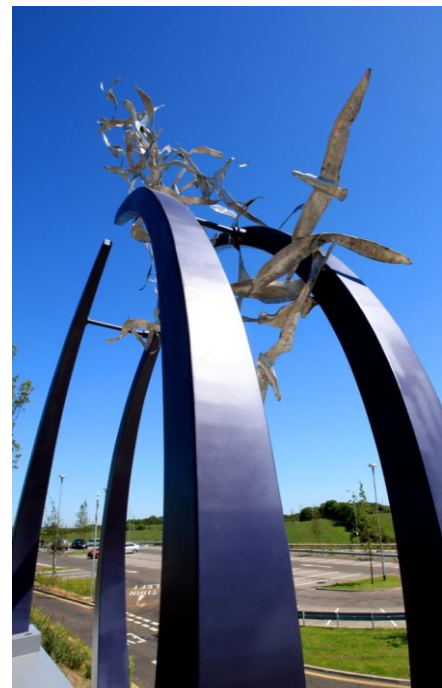
<sup>3</sup> Enterprise Shared Services (ESS) within the Department of Finance will host a public facing website which will act as the central register of Government artwork. Departments should contact ESS to enquire how to include their artwork on its register.

- Research into the full scope of the project and the development of a vision for the related artwork;
- Setting out clear aims and objectives for the artwork;
- Development of the Artist's Brief, setting out the process for procurement (including advertisement) and criteria for selection and award (refer to Annex A for a list of items to be considered in the Artist's Brief);
- Planning and overseeing further stages of the artwork project;
- Oversee co-ordination of the artwork with other design / construction disciplines; and
- Carrying out a post project review to feed into the development of public art policy.

5.5.4 In advance of procurement, the Arts Co-ordinator and a minimum of two other Project Committee members should form a selection panel for assessment of artists' submissions. The selection panel should be chaired on behalf of the Department by the Arts Co-ordinator. Further information on the procurement of the artwork and the artist is provided in Section 6.

5.5.5 Following the procurement process the Department should enter into a contract with the successful artist. The conditions of contract should require the artist to work collaboratively with the Integrated Consultant Team and Integrated Supply Team in the design and construction of the project respectively. (Refer to Annex B for an indication of the typical information and requirements that should be included in the Artist's Contract).

5.5.6 Post contract award, the Project Artwork Committee should hold regular meetings with the artist to ensure full co-ordination of the artwork with design and construction programmes and budgets.



***Across the Sun and the Moon,***  
Charles Normandale,  
Downe Hospital

5.5.7 Departments may wish to retain the services of the Project Artwork Committee following appointment of the Integrated Supply Team, to oversee co-ordination of the artwork within the construction phase. At this stage the Committee may include a Principal Contractor representative who will provide specialist advice in matters such as construction sequence, site safety, site access, storage and protection of the artwork.

## 5.6 Artist(s)

5.6.1 The artist is encouraged to be engaged at the earliest possible opportunity, usually following the appointment of the Department's Integrated Consultant Team for design of the project.

5.6.2 The artist may be procured by the Department through an open and transparent competition. The successful artist will usually be appointed by the Department to deliver its proposals within a defined programme and budget. The artist will be required to work collaboratively with the Department's designers and contractors through liaison with the Department's Arts Co-ordinator and the Project Artwork Committee.



***Standing Stone, Cill Rialaigh 3,***  
Cormac O'Leary,  
NICS Collection

5.6.3 Competitions for the appointment of artists to the Department's projects are encouraged to facilitate access from the wider arts community including students, local community and voluntary organisations and practising amateur and professional artists.

## 5.7 Integrated Consultant Team (ICT)

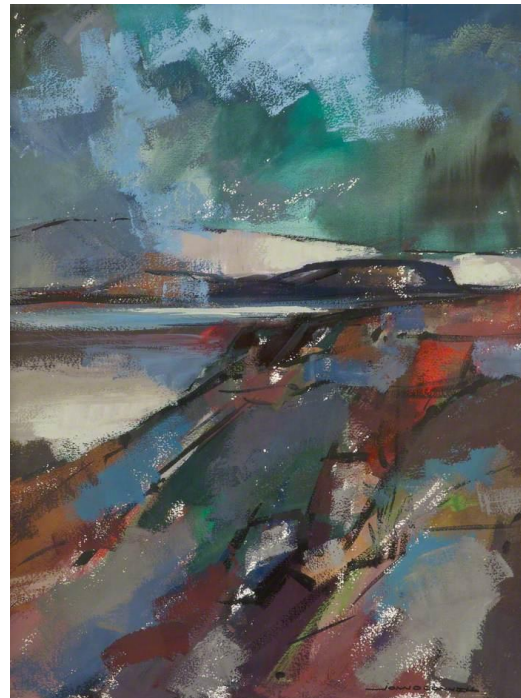
5.7.1 An ICT refers to a group of design consultants employed by a Lead Consultant on behalf of a Department to design the infrastructure project. The Lead Consultant within an ICT is usually either: a Project Manager; an Architect for building projects; or a Civil Engineer for infrastructure projects.

5.7.2 The Lead Consultant within an ICT should, as part of its Scope of Professional Services<sup>4</sup>, participate on the Project Artwork Committee to ensure co-ordination of the artwork with the project's design. The Project Artwork Committee should be retained to oversee co-ordination throughout the construction phase. Departments are encouraged to ensure that the ICT's responsibilities with regard to artwork are included in the ICT's Scope of Professional Services. It may be necessary on some projects to include other members of the ICT for co-ordination of structural support or services such as lighting or power supply to the artwork.

## 5.8 Integrated Supply Team (IST)

5.8.1 An IST refers to a group of sub contracted consultants, contractors, specialist contractors and suppliers. They are employed by a Principal Contractor on behalf of a Department to deliver the detailed design and construction of the infrastructure project.

5.8.2 The Principal Contractor (or a representative of it) should be required, as part of the contract's Works Information<sup>5</sup>, to participate on the Project Artwork Committee to ensure co-ordination of the artwork with the project's construction phase.



***Landscape 2,***  
John F. O'Connell,  
NICS Collection

Departments are encouraged to ensure that this requirement is included in the Works Information documents issued as part of the IST tender.

<sup>4</sup> The New Engineering Contract (NEC3) for Professional Services defines *Scope* as the conditions of contract and further information describing what the Consultant is to provide.

<sup>5</sup> The New Engineering Contract (NEC3) for Engineering and Construction Contracts defines *Works Information* as the Employer's statement of what the Contractor is required to do in Providing the Works and the constraints on how the works are provided.

## 6 PROCUREMENT OF ARTWORK AND ARTISTS

### 6.1 Procurement

6.1.1 By promoting the integration of arts in Government infrastructure projects, the guidance will create opportunities for individuals and organisations practising in the arts. It is good practice that these opportunities are procured in a way which maximise inclusivity and provide equal opportunities.

6.1.2 While the procurement for artwork will not normally exceed the EU procurement thresholds for services, it is important to recognise that public procurement legislation does permit, in some circumstances, for the creation or acquisition of a unique work of art or artistic performance to be procured without prior advertisement or competition. (See Regulation 32 (2) (b)(i) of the Public Contracts Regulations).

While this will be the exception rather than the norm, Departments may, for one-off small budgets below £5,000, procure artwork through direct purchase. In such cases, the Arts Co-ordinator should

ensure that 'best value for money' is delivered through consideration of at least two artworks of similar monetary value for purchase, in consultation with the Arts Committee.

6.1.3 In support of developing new artistic talent, Departments may, through consultation with the Arts Council, decide to 'restrict' entry to students of local art colleges or purchase directly from 'end of year' exhibitions.



**Sea Alcove,**  
Lawson Burch,  
NICS Collection

6.1.4 However, for the vast majority of artwork that is procured, and in the interests of openness, fairness and transparency, Departments are encouraged to procure artwork through competition, where opportunities are advertised in the local/arts press and/or Arts Council website.

6.1.5 Prior to commencing a procurement Departments are encouraged to consider whether a competition will be conducted in an 'open' or 'restricted' fashion and provide in the invitation to tender, as a minimum, an outline brief, budget for the artwork and a programme for delivery. The procurement process should be carried out by the Artwork Committee and led by the Arts Co-ordinator in consultation with the Arts Council. Further information on 'open' and 'restricted' tender processes is included in Annex C.



**Daniel,**  
John B. Valley,  
NICS Collection

## 7 REGISTRATION AND CURATION OF ARTWORK

### 7.1 Registration of Artwork

7.1.1 On completion of the project's artwork, the Arts Co-ordinator should record the work within the Department's Art Register which may include:

- photographs of the artwork;
- the title of the piece;
- the artist's name and contact details;
- a description of the piece and it's cost;
- details of specific fixings and supports; and
- any special requirements for copyright, maintenance and upkeep.



***Out Of The Shadows,***  
Colin M. Corkey,  
NICS Collection

7.1.2 It is important that records are maintained for each piece of art for future posterity. In addition, it may be necessary to re-engage the artist to assist with future alterations to the facility and in turn the artwork itself.

7.1.3 Each Department is encouraged to provide an annual update of its artwork assets to Government's Central Artworks Register which through its website will make publically procured art accessible to the wider community.

### 7.2 Valuation

7.2.1 Publically commissioned artworks should be treated as public assets that have both monetary and non-monetary value. The Arts Co-ordinator in consultation with the Arts Advisory Panel is encouraged to have the artwork assessed periodically for monetary value, for example, every five years. It is feasible that the artwork may gain value over time through recognition of the artist or demand for a particular medium or subject matter.



7.2.2 Public art of low monetary value can also become valuable to people who see the work regularly, for example staff in a public building, patients in a hospital or children in a school. Artwork can, through association with place, instil a sense of belonging, joy and pride. Departments are encouraged to take such value into consideration in advance of any proposals to alter, remove or relocate the artwork.

### 7.3 Curation

7.3.1 As projects and artworks are delivered, Departments may accumulate sector specific collections or collections pertaining to individual artists. Such collections may generate popular interest which could eventually lead to public exhibition as a collection. Departments are encouraged to ensure that artwork is appropriately catalogued and maintained as per artist recommendations in a Department collection.



**'DNA',**  
Douglas Mooney,  
Ulster Hospital

## 8 FURTHER INFORMATION

### 8.1 Enquiries

Enquiries relating to this guide can be sent to:

Construction Procurement Policy Branch 1

Central Procurement Directorate

2<sup>nd</sup> Floor East

Clare House

303 Airport Road West

Belfast, BT3 9ED

Phone: 028 9081 6114

Email: [ConstructionProcurementPolicy@finance-ni.gov.uk](mailto:ConstructionProcurementPolicy@finance-ni.gov.uk)



***Fishing Boats,***  
Colin Davidson,  
NICS Collection

## ANNEX A – CHECKLIST: THE BRIEF FOR ARTIST

While not an exhaustive list, the following items may be considered for inclusion in the Artist's Brief:

- The total value of the commission;
- A timetable setting out the key dates i.e., site visit, if appropriate; deadline for receipt of submissions; funding decision timescales; date commission is to be placed and proposed installation date;
- The department's vision for the project and an indication of the range of creative possibilities;
- The background, history and description of the construction project being undertaken and its significance in local/national terms;
- Detailed description of the proposed context for the art project;
- Scaled drawings and/or photographs or descriptions of the site/space;
- The art form desired, if a choice has already been made, if not the scope of art forms;
- Details of what should be included with an artist's submission, such as:
- Outline proposal (drawings/photomontages/videos/audios of proposed art project);
- Outline costings, specifications and timescale required to ensure that the artwork can be produced within the commission budget;
- Examples of previous work; slides, photos, transparencies, laser copies, jpegs, videos, short stories, fiction, poetry, drama and/or other published material, DVD's, audio tapes/CD's, web address etc.;
- Curriculum vitae.
- An outline of the intended selection process;
- The items for which the artist will be responsible both practically and financially;
- The extent of attendance to be provided by the project contractor e.g. for performance or installation;
- Requirements for the artist to have due regard to health and safety and other relevant statutory issues;
- Any necessary clarifications on arrangements for insurance cover;

- Clarifications on responsibility for publications and publicity;
- Detail of submission fee which will be paid and basis of payment;
- Degree of community participation;
- Planning permission requirements/environmental issues;
- Maintenance and lifespan expectation;
- Copyright position;
- Notification of requirements for Tax Clearance Certificate;
- Details of VAT requirements;
- Liability to disclosure under Freedom of Information Act; and
- Requirements in relation to compliance with terms of the Prompt Payment Charter

## **ANNEX B – CHECKLIST: THE CONTRACT WITH THE ARTIST**

The following items may be considered for inclusion in the Artist's contract:

- Artist details;
- Details of participation;
- Commission commencement and proposed completion dates;
- Project / commission description (attach);
- Work plan (attach with payment schedule);
- Budget breakdown (research & development, implementation, completion);
- Reporting and collaboration structure (giving the name and contact details of the person with whom the Artist will communicate);
- Progress / meeting schedule;
- Tax Clearance;
- Copyright;
- Health & Safety;
- Insurance;
- Originality;
- Licences and permits;
- Credits;
- Documentation;
- Confidentiality;
- Evaluation;
- Installation, exhibition of the work;
- Relocation, reproduction and possible repeat performance of work;
- Payments relating to potential sale or production of work, such as CDs, publications etc.;
- Launch and PR;
- Public Information and Engagement;
- Archiving and public records of commissions, where appropriate maintenance and conservation; and
- Signatures.

## **ANNEX C – PROCUREMENT OF ARTWORK - OPTIONS**

Departments are encouraged to consult with the Arts Council in development of a suitable procurement route for the project. The options and criteria below provide examples of procurement routes and potential criteria for competitions which may be considered as part of a project's specific requirements.

### **Open Competition**

The procurement is advertised for which an artist may submit a tender. As part of the tender, Departments may ask artists to respond with qualitative and price criteria which will be assessed. This may include criteria which require submission of the following:

- A combination of slides and a CV submitted alongside drawings and / or maquette, which provides outline project ideas and costs; or
- Examples of previous work - the submission of slides, catalogues, published material, videos, CD's etc. along with the artist(s)' current CV's to the selection panel; or
- Open Anonymous Competition - this model aims to ensure that emerging or unknown artists have a chance to be appointed for commissions. A detailed commission brief is drawn up and distributed and artists respond by submitting actual proposals. The selection panel does not have access to supporting material on the artist, and the decision to select is made on the basis of the quality of the idea presented and the execution of the submission.

### **Restricted Competition**

The procurement is advertised and divided into two stages. The first stage is intended to shortlist (or restrict) the number of eligible artists invited to submit a tender. The second stage is the submission of the tender itself. This procedure will typically be used for commissions or opportunities of a more complex nature. The criteria for short-listing suitable artists is carefully researched and drawn up by the Departmental Arts Co-ordinator. Departments may ask artists to deliver any of the following as criteria for short listing:

- A combination of slides and CV to demonstrate experience; and

- An essay and/or models demonstrating approach to delivery on previous projects.

Departments may ask short listed artists to deliver any of the following as part of the award criteria for the tender stage:

- An essay, sketches and/or models demonstrating approach to delivery on the proposed project;
- An interview to outline proposals for artwork on the project; and
- A tender price indicating the cost of their proposal.

### **Direct Invitation or Purchase**

Departments, through the advice of the Arts Co-ordinator, may directly appoint an artist to a commission or purchase art from, for example, an exhibition. Where it is felt after a period of research and discussion that an artist's practice or work is absolutely and exclusively appropriate to the aims and objectives of the commission, the Departmental Arts Co-ordinator, working with the Arts Committee, can appoint an artist directly to a commission or to work within a given budget and programme. However, this will normally be restricted to purchases below £5000.