The West Australian State Government
Percent for Art Scheme

Guidelines

Purpose and Application
Provides project leaders with guidance for compliance with the Percent for Art Scheme processes.

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PERCENT FOR ART SCHEME
What Project Managers need to do:

1. SET THE ART BUDGET
   - The cost plan for the budget should have a provision for art
   - Get your client to agree with the budget
   - Raise a file for Percent for Art Coordinator – Order a file from Records
   - Commence documenting the process in the Process and Approval Form – Art Coordination Panel and update throughout the procurement process as required
   - Contact the Percent for Art Manager to select an Art Coordinator for the project
   - BMW Project Manager reviews Proposal and issues Letter of Acceptance
   - ART COORDINATOR APPOINTED
     - Create the contract in PACMan
   - BRIEFINGS
     - Organise a joint meeting with the art coordinator and the project architect
   - ARTIST PROCUREMENT
     - Commence documenting the process in the Process and Approval: Artist Selection Form and update throughout the procurement process as required
   - SELECT AN ARTIST
     - DATA COLLECTION
       - The Project Officer must provide the Manager of Percent for Art with the project number, architectural project, art budget names of artists involved both EOI and successful artist commissioned
     - DELIVERY
       - Discuss art integration into the works with Art Coordinator and Architect
   - HAND OVER
     - Ensure the Manager of Percent for Art gets copies of the reports and images
     - IMAGE STORAGE
       - Electronic images to Building Records for archive with the associated report
     - Brochures and Plaques to be produced from within the art budget

2. ART COORDINATOR liaises with BMW Project Officer and meets with the client and architect at a PCG meeting.

3. Art Coordinator prepares an art brief for sign off, which should include what art concepts are suitable and responds to stakeholders briefings.

4. Art Coordinator commissions Artist using Artist: Artwork Commission Agreement on iFind 90, forwards signed document to BMW for signature then BMW officer sets up supplier registration.

5. Artist is rarely RCTI enabled on PACMAN so in most cases pay artist using Form Request Creation of Purchase Order for non-OCM contract project expenses use expenditure line item 201-52702

6. Art Coordinator advises Project Manager when work is completed.

7. Art Coordinator submits images with attributions and a report on the artwork to the Project Manager.

8. Art Coordinator arranges production of brochures and plaque

Additional Notes
- Additional Notes on Project Managers Role
- Additional Notes on Art Coordinators Role
- Pink File
  - Property Service – Contracting out – Consultants
  - Title of project
  - Client
  - Art Coordinator
- See iFind for the Process and Approval Form - Art Coordination Services Panel (iFind 88)
  - The Percent for Art Manager can advise on availability and specific areas of knowledge or expertise.
  - The Percent for Art Manager or BMW Project Manager contacts the Panel Member, advising of the nature of the project, artwork budget, and any eligible disbursements, and requests the Panel Member submit a detailed fee proposal.

- See the Delegation and Authorisation Framework
  - Public Art item number is 52702
  - Ensure that the 'Procurement Type' selected is 'Panel'
  - Ensure that the contract is linked to the Art Coordination Consultancy Services Panel 2018.

- Consider setting the meeting up before a project control group (PCG) meeting if integrated art work is likely so the architect and art coordinator can approach the PCG with agreed options. Provide Art Coordinator with any briefings on the project.

- See iFind for the Process and Approval Form – Artist Selection (iFind 90)
  - Consider either selection of artist from:
    - a Coordinator's nominated shortlist (Low value, simple project, efficient)
    - Public advertisement (Projects over $150,000, complex, local art politics deserve public process, broader selection of artist and media)
    - Use the Advertisement request pro forma

- The Percent for Art scheme attracts interest from media and parliament seeking information on a number of art jobs, artists involved, value of art etc.
- BMW maintains spreadsheets to monitor the program, ensure work is spread around fairly, and cover information requests.
THE WA STATE GOVERNMENT PERCENT FOR ART SCHEME GUIDELINES

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1 PERCENT FOR ART SCHEME GUIDELINES

1.1 Key Messages

The percent for art guidelines set out how BMW staff are to deliver the Percent for Art Scheme commissions for new works and major additions as required under the cabinet endorsed mandatory Percent for Art Scheme.

1.2 Application

Provides project leaders with guidance for compliance with the Percent for Art Scheme processes. Project leaders must confirm that a percent for art budget is included for all project with a construction budget over $2 million. Project leaders must complete the Process and Approval Form – Art Coordinator Services Panel (find Document 88) and the Process and Approval Form – Artist Selection (find Document 90). Project leaders shall only use the Artist Commission Agreement (find Document 89) to engage artist to deliver commissions.

1.3 Responsibilities

All BMW staff engaged in procurement of works and major additions with a construction budget over $2 million are required to ensure they carry out their duties in accordance with this guideline.

2 INTRODUCTION

2.1 Percent for Art Scheme

Since 1989, the Department of Finance, Building Management and Works (BMW) and the Department of Culture and the Arts (DCA) have collaborated to develop, implement and manage a Percent for Art Scheme whereby artworks are commissioned for Western Australia’s civic buildings and major infrastructure projects.

New Government buildings and major additions identified from the State Government’s Capital Works Program with an estimated total building cost in excess of $2 million must include a Percent for Art component. This includes refurbishment works as well as new construction.

The Percent for Art Scheme uses an allocation of up to one percent of the estimated total cost of these projects to commission public artworks from Western Australian artists. All associated costs of commissioning and installing the public artwork are met within the commissioning agency’s total budget. Projects below $2 million may incorporate a Percent for Art component at the discretion of the Commissioning...
Typically public art projects range from $20,000 to $400,000 in value but there are also major projects with larger budgets.

### 2.2 Percent for Art Budget

The Percent for Art budget covers:

- Artwork, including:
  - Artist fees and expenses
  - Maintenance Report produced by the Artist
  - Visual documentation of the project’s process and completion, produced by the Artist
- Art coordination fees and expenses
- Artist selection process expenses
- Brochure production
- Plaque production.

### 2.3 Objectives of the Percent for Art Scheme

The Percent for Art Scheme is part of a broad government strategy to stimulate greater use of art in the built environment. Commissioning Agents of the Scheme include a range of State Government departments and agencies including Justice, Education and Training, Health, the Western Australian Police Service, the Public Transport Authority and Main Roads WA.

The Percent for Art Scheme refers to public art commissioned under the partnership between the DCA and BMW. However, a number of Government agencies that work outside the Percent for Art Scheme refer to the scheme as the ‘best practice’ model when commissioning public art.

The Percent for Art Scheme has been contributing to the social, economic and cultural fabric of the State for the past 25 years. It is helping to make Western Australia a vibrant, engaging and culturally rich place to live and work. It is a large employer of Western Australian artists, with over 500 artists having been engaged in the Scheme. The Scheme also has a flow on impact in other areas contributing to businesses such as materials suppliers, industry fabricators and other Specialists.

The two main objectives of the Scheme are:

- to improve the quality of the built environment and the value of public facilities
- to identify and create new professional and economic opportunities for artists.

The supporting goals:
• Animation and aesthetic enhancement of public buildings and places.
• Creation of more meaningful public spaces with artworks expressing the character and identity of our society and reflecting on and interpreting our cultural and natural heritage.
• To promote the wider role and contexts that artists can contribute to the social, environmental and collaborative fabric of society.
• Creation of opportunities for the expression of community aspirations.
• The establishment of creative collaborations between artists, architects, landscape architects, engineers, fabricators and other professionals.
• The enrichment of cultural tourism.
• The enrichment of creativity and innovation.
• The integration of contemporary art and daily life.

2.4 Public Art

• The term “public art” refers to the integration of an artistic concept into the public realm. Public art can take many forms, incorporate many different materials and be produced in many ways. It can be stand-alone, applied to surfaces, or integrated into the fabric of buildings, road infrastructure elements or landscaped outdoor spaces. Public art can be permanent, temporary or ephemeral. The distinguishing feature of these works is that an artist or artist team is wholly, or partly, responsible for the creation, design and/or fabrication. Secondary collaborations may take place with other professionals.

• Artists may work individually or in collaborative teams to develop and implement public art projects. Collaborative teams may include, but are not limited to, writers, choreographers, stage designers, and performers as well as visual and new media artists and craftspeople.

• It is desirable to select an artist or artist team early on in the project so that they can contribute as an integral member of the project design team to ensure that their artwork is well presented and located. Early artist selection is critical for projects where there is a desire for highly integrated artworks where the artist needs to coordinate artwork production within building schedules set by the building contractor. In some instances, such as refurbishments, artists may be commissioned to insert artworks such as paintings or textiles into a pre-existing space in which case they may not work as part of a multi-member team or in an integrated program.

• Within the scope of the Percent for Art Scheme, there will be different approaches that respond to the Commissioning Agent, the context of the site and the community.
2.5 Statements of Strategic Intent

There is a Memorandum of Understanding in place between BMW and DCA regarding the roles of each department in relation to the Percent for Art Scheme. The Scheme is jointly administered by the two departments. Regular meetings monitor the program and steer its priorities.

Building Management and Works

- BMW’s role is the physical delivery of art projects within the Capital Works Program.
- Ensures that appropriate State funded capital works projects managed by BMW on behalf of other agencies contain a Percent for Art component.
- Maintains a web profile.
- Advocates for Commissioning Agencies to participate in the Percent for Art Scheme.
- Assists DCA in developing and providing presentations.
- Establishes and maintains an Art Coordination Services Panel.
- Periodically calls tenders and appoints Art Coordinators to the Art Coordination Services Panel.
- Allocates projects to Art Coordinators and logs projects to ensure that work is allocated equitably.
- Provides up to date information to DCA for database, including information on the commissioning process, and documentation of projects.
- Liaises with the Minister for Works.
- Liaises with DCA.
- Allocates the required resources to successfully implement and expand the Scheme.
- Makes progress payments to Art Coordinators.
- Makes progress payments to Artists.
- Allocates resources for and coordinates publication and distribution of project information brochures (500 for each project).
- BMW and DCA to equally share hosting of quarterly meetings for Art Coordinator liaison.

Department of Culture and the Arts

- Works with all levels of Government and statutory authorities to maintain, develop and expand the Scheme.
THE WA STATE GOVERNMENT PERCENT FOR ART SCHEME GUIDELINES

- Provides an advocacy role for the Percent for Art Scheme.
- Maintains an image data base of Percent for Art projects and web profile.
- Prepares and commissions publications where relevant.
- Represents WA on national public art forums/meetings.
- Liaises with the Minister for Culture and the Arts.
- Liaises with BMW and assists with production of promotional material.
- Allocates the resources required to successfully implement and expand the Scheme.
- Periodically implements Reviews of the Percent for Art Scheme.
- Equally shares host role with BMW for quarterly meetings with Art Coordinators.
- Administers the De-accessioning Policy for Percent for Art projects across government.

2.6 Art Coordination Services Panel

In December 2011, BMW implemented a new Art Coordination Services Panel for projects with an art budget of less than $5 million, which operates for a period of 12 months with an option for four further annual extensions at the Department’s discretion. The panel system, which originally commenced in 1995, has worked successfully enabling BMW to obtain art coordination consultant services for its Commissioning Agent’s varied works and services projects in an expedient and cost effective manner. To be selected for this panel Art Coordinators need to respond to a Request for Proposal (RFP) which is advertised publicly periodically.

The Conditions of Contract for any contract entered into as a result of membership of the Art Coordination Services panel will be the Interim Australian Standard AS 4122 (Int) 1993 General Conditions for engagement of consultants and amendments, referred to as the “General Conditions”.

For projects with art budgets greater than $5 million, art coordination services are to be tendered.

2.7 Project and Budget Determination

A BMW building project is initiated when the Commissioning Department or Agency develops a business case for it. If the budget is over $2 million, then the BMW Project Manager advises the Commissioning Department or Agency that public art is required and calculates the public art budget up to 1% of the Estimated Total Construction Cost (ETC). The BMW Planning Manager ensures that Percent for Art component is included in the business case for the project and negotiates the percentage allocation (up to 1%) with the Commissioning Department, establishing the Artwork Commission
Budget. The size of the budget agreed generally accords with the successful experience of project's of a similar scale and nature in recent years. The Artwork Commission budget includes the art coordination fees, design concept proposal fees, the Artwork Commission fee and a disbursements fund including $1,000 for the production of brochures. It does not include travel and advertising disbursements for Art Coordinators for regional projects. The BMW project cost plan must show the Percent for Art budget. The project budget is then presented to the Department of Finance in the budget papers for approval.

Once the budget is approved the BMW Project Manager orders a pink Request for Tender (RFT) Percent for Art file for the project and contacts the Building Research and Technical Services Branch so that the Percent for Art Program Manager can allocate an Art Coordinator for the project. The following information: name of project and the physical address, name of Commissioning Agency project number, name of Architect, Architect’s contact details and the public art budget and the estimated construction budget is passed to the Percent for Art Program Manager.

3 ART COORDINATION PROCESS

3.1 Appointment of Art Coordinator

The BMW Project Manager documents the process in the Process and Approval Form – Art Coordinator Panel FC42, (iFind Document 88) and updates the document throughout the procurement process as required.

The BMW Project Manager contacts the Percent for Art Program Manager to select an Art Coordinator for the project in consultation with the Commissioning Department or Agency. The Art Coordinator appointment should be made early on in the project, ideally at the design stage, to enable the Art Coordinator to liaise with the Lead Consultant/Architect regarding integration of the artwork design with the building design.

The Percent for Art Program Manager confirms the Art Coordinator's availability with the Art Coordinator, and also estimates their fee from the schedule of fees and hourly rates in their panel submission. Member details and fee schedules are available in the Members and Fees – Art Coordination Services Panel document (iFind Document 86).

Considerations for selecting a particular Art Coordinator may include matters of availability, travel and management of regional or remote locations and specific areas of knowledge or expertise.

The Percent for Art Program Manager or BMW Project Manager requests that the selected Art Coordinator submit an Art Coordination Services Fee Proposal which confirms the Art Coordinator’s availability, scope of work, and fees for the project as well as a proposed payments schedule.
The BMW Project Manager issues a Letter of Acceptance to the Art Coordinator. The file is then forwarded to the Tenders Office who log BMW’s acceptance of the offer by an Art Coordinator evidenced by the file copy of the signed Letter of Acceptance.

Once appointment of the Art Coordinator has been confirmed, the BMW Project Manager enters the necessary payments and budget data in the BMW project management system “PACMAN”. This permits BMW to pay claims against the art project budget. The BMW Project Manager is to ensure that the contract is linked to the Art Coordination Consultancy Service Panel.

All Art Coordinators have completed Recipient Created Tax Invoice registration, which ensures GST is only paid once the claim is approved by BMW. Art Coordinators forward Claims for Payment to BMW. Short-listed and commissioned Artists forward tax invoices to the Art Coordinator for payment approval before BMW project managers pay invoices. Artist invoices that are not headed ‘TAX INVOICE’ cannot be paid.

Before commencing art coordination work the Art Coordinator must have provided copies of relevant insurances to the Percent for Art Program Manager that are loaded onto PACMAN by BMW. These insurances are:

- Public Liability Insurance - $5 million.
- Professional Indemnity Insurance - $1 million.
  - Under the General Conditions for Engagement of Consultants AS 4300 Clause 18.1 consultants are required to maintain professional indemnity insurance for six years after project completion.

The Art Coordinator is responsible for managing all aspects of the public artwork procurement in liaison with the relevant BMW Project Manager. If any issues arise on the project then the Art Coordinator discusses these with the BMW Project Manager to decide on a course of action to resolve the issue. If difficulties persist then it is appropriate to involve the BMW Percent for Art Program Manager to resolve issues.

### 3.2 Project Initiation and Development

Once appointed, the Art Coordinator then contacts the Project Architect by e-mail or phone introducing themselves and confirming that they are aware of the public art component. Architects engaged through the BMW period architectural consultant panel are required to facilitate and support of the Scheme within their BMW contract fee. Under Clause 2.9.3 of the Architectural Services Brief, the Architect is to:

*Participate in the selection panel process for the artist/art coordinator.*

- **Liaise with the Principal’s Representative’s Representative, user groups, artist and art co-ordinator to ensure integration of the art component within the project.**
ii. Where the artwork is incorporated into the building fabric the Consultant is to ensure art installations are certified as required, including by the Building Act 2011 (WA).

iii. Where the artwork is not incorporated into the building fabric, the Consultant is to assist the Art Coordinator to ensure art installations are certified as required, in accordance with the Building Act 2011 (WA).

This initial contact will normally lead to an invitation to the next Project Control Group meeting. The Project Control Group is typically chaired and supported by the lead consultant and directed by the BMW Project Manager. The Commissioning Agent and sub consultants responsible for landscape, electrical, mechanical, hydraulic aspects of the project often attend. Contractors may be asked to attend the Project Control Group meeting to discuss elements and solutions as required. The Project Control Group ensures the project elements are integrated and so it is important for the Art Coordinator to represent the public art element at this forum. If the Project Control Group members are not familiar with public art or public art procurement through Percent for Art then the Art Coordinator will give a presentation about public art and the procurement process at the commencement of a project.

The Art Coordinator continues to meet with the Project Control Group, and separately with the Project Architect as required, to identify opportunities for public art in the project, to develop the scope of the project, and to confirm the procurement process.

4 EXPRESSION OF INTEREST (EOI) STAGE

The BMW Project Manager documents the Artist Selection process in the Process and Approval Form – Artist Selection, (iFind Document 90) and updates the document throughout the procurement process as required.

4.1 Development of an EOI Document

An Expression of Interest (EOI) document for Artists is drawn up by the Art Coordinator and approved by members of the Project Control Group. This EOI document outlines all aspects of the Percent for Art project including background, names and positions of members of the Artworks Selection Committee, artwork description, themes, selection process to be used, short listing criteria and weightings, budget and estimated timeline for the project, closing date and place for submissions. For projects in the metropolitan area EOI’s close at the BMW Tenders Office, Ground Floor, Optima Building, 16 Parkland Road, Osborne Park, WA 6017. Tenders may be submitted by hand, by mail or electronically. The mail address is Locked Bag 11, Osborne Park BC, WA 6196. For regional projects alternative arrangements for tenders using the BMW regional network of offices may be made where appropriate. Electronic lodgment is facilitated by Tenders WA web site (http://www.tenders.wa.gov.au). File attachment sizes are limited to 20 MB per file and 70 MB for the entire tender submission. The Art
Coordinator shall send electronic copies of all tender documents to the DCA and the Percent of Art Program Manager.

The Art Coordinator requests an EOI number (the same number as the BMW Percent for Art file number) from the BMW Project Manager who supplies it for use on the EOI document and in any BMW advertisements relating to the project.

### 4.2 Calling for Expressions of Interest

When the EOI document is completed by the Art Coordinator and approved by the Project Control Group, the BMW Project Manager:

- Forwards an electronic copy of the EOI document to the Tender Office for placement on the state government’s Tenders WA website and for printing hard copies as required.
  - Note that the Tenders Office will call the BMW Project Manager if they have any questions.
  - Any EOI addendums must be released and controlled through the Tender’s Office.
- Only in special cases will tenders be advertised in newspapers, mostly regional projects.
  - Regional projects advertisements can be placed in the main local newspaper.

The Art Coordinator is to also contact ArtSource and prepare a brief project EOI notice for their website. The Art Coordinator may also request ArtSource to email this notice to all or a selected group of artist members. Full EOI documents are not forwarded to ArtSource for distribution as this must only be done through the BMW Tenders Office.

Only in exceptional circumstances would a curatorial approach be adopted for a project valued at $100,000 and over. A curatorial approach means implementing a select quote procedure where the Art Coordinator, drawing on their knowledge and expertise in the area of visual arts, shortlists artists (minimum 3) and invites only these artists to submit EOI’s without public advertisement. For projects $50,000 and over but below $150,000 a written quotation method may be adopted where appropriate or where circumstances dictate based on the tendering thresholds limits outlined in the Tendering Thresholds and Processes for Works and Consultancy Contracts Directive.

The Art Coordinator needs to confirm the reasons for adoption of a curatorial approach with the BMW Project Manager who ensures that they are recorded in the project file. For projects less than $50,000 the Art Coordinator may choose to play more of a curatorial role and ideally shortlist 6 to 8 artists. A smaller field will also meet state supply requirements that seek at least 3 offers.
For projects in smaller regional areas and remote communities the Art Coordinator works in particular with both the Commissioning Agent and the BMW Project Manager to tailor an overall project process that will best suit specific regional circumstances. The Art Coordinator first produces a Scoping report that outlines a recommended approach for the project. The Scoping report needs to be approved by the Commissioning Agent and BMW Project Manager. The recommended approach needs to be documented properly if it is not a standard process. Attention needs to be paid to ensure accountability and transparency.

In all cases Art Coordinators must document the basis for the shortlist and be able to account for the selection process. The selection process must always be cleared with the BMW Project Manager.

4.3 Procurement Exemption for Aboriginal Artists with a Registered Business or Members of a Aboriginal Business Group

Under the Aboriginal Business Directory WA scheme (www.abdwa.com.au, phone 131249) Aboriginal artists or members of an Aboriginal artist’s group may register and so qualify for Government direct tendering opportunities up to $250,000. Art coordinators may recommend commissioning an Aboriginal artist under these provisions. BMW project managers must seek an exemption from competitive tendering requirements. Refer to Schedule 5 of the Delegation and Authorisation Framework (Works).

4.4 Artworks Selection Committee

The Art Coordinator establishes an Artworks Selection Committee for each Percent for Art project. The Artworks Selection Committee ideally comprises 3 or 5 members from the following stakeholders:

- Commissioning Department / Agency Representative;
- Building user representative;
- Specific community / group representative where appropriate (e.g., parents representative for school project, local government cultural development officer);
- Project Architect;
- Project Landscape Architect (where appropriate on larger projects, and depending on budget and cost allocation for the project);
- BMW Project Manager and;
- Overall Project Manager (where appropriate on larger projects).

On larger more complex projects, it may be appropriate to invite a person with visual arts curatorial experience to join the Artworks Selection Committee (e.g., An existing
Hospital Curator for a new hospital project). This is at the discretion of the Art Coordinator and is to be authorized with the BMW Project Manager. Larger committees are more complex to convene and coordinate.

4.5 Expression of Interest Submissions from Artists

The EOI submission from Artists or Artist Teams usually comprises:

- A letter expressing interest in the particular project brief, confirming availability for the timeframe of the project, and explaining collaboration with others – if appropriate;
- Information about Artist or team of Artists including team leader’s ABN and contact details;
- Details of any other consultants to be engaged by the Artist (e.g., Engineer);
- Resume/Curriculum Vitae;
- Relevant project examples, or written responses to specific Selection Criteria; and
- Digital images, slides or printed images of previous relevant public art commissions or projects plus information about the images.

It is important to stipulate the number of EOI hard copies to be submitted.

Please note that design ideas are not requested at this stage.

For projects in smaller regional centers and remote communities the form of the EOI submission may vary and will be determined by the Art Coordinator and documented in a Scoping report that will be approved by the Commissioning Agent and the BMW Project Manager.

5 SHORT-LISTING STAGE

Once the EOI deadline closes at the BMW Tenders Office, the Art Coordinator collects the EOI’s from the BMW Project Manager and prepares for a short-listing meeting with the Artworks Selection Committee. This meeting may be held at the offices of BMW, the offices of the Project Architect or the offices of the Commissioning Department.

The members of the Artworks Selection Committee are responsible for assessing all the EOI’s according to a set of Selection Criteria outlined in the EOI document. The Artworks Selection Committee shortlist a number of Artists to proceed to the next stage of the selection process which is either a Design Concept Stage or Interview Stage. An interview is appropriate for a project where there is time, and interest on the part of the Architect for a highly integrated public artwork that requires close collaboration with the Project Architect, Artist and Building Contractor.
5.1 The Short-Listing Meeting

The Art Coordinator organizes, chairs and facilitates the short-listing meeting. This involves preparing the Agenda, getting panel members to sign the Declaration of Confidentiality and interest forms, making sure there are enough copies of EOI’s available at the meeting and that the necessary equipment (digital projector) is available, showing images, managing assessment and scoring processes, and getting all present to sign off on the shortlist of Artists or Artist Teams decided upon.

Ideally the Art Coordinator sends copies of all the EOI submissions to each member of the Artworks Selection Committee together with a copy of the EOI document and a Selection Criteria Score sheet and a Declaration of Confidentiality and Interest form before the short-listing meeting. This enables Committee members to come well prepared to the short-listing meeting where each submission is reviewed together with the submission images which are usually viewed via a digital projector.

The Art Coordinator normally chairs the selection process, but is a non-voting member and does not participate in the scoring process. In some circumstances, such as for a project in a remote community, the Art Coordinator may be required to vote or play a more direct curatorial role. In such a case approval needs to be gained at the start of the project from the Commissioning Agent and the BMW Project Manager for the Scoping report which outlines the proposed process for the entire project. In any other exceptional circumstances where the Art Coordinator, because of operational necessity, proposes to participate in the scoring process permission must first be sought from the BMW Percent for Art Program Manager.

After the short-listing meeting the Art Coordinator writes a brief report on the short-listing process, together with an overall Score Sheet that has been signed by all voting members of the Artworks Selection Committee and forwards this to the BMW Project Manager.

Once the short-listing is completed, the successful and unsuccessful Artists are notified in writing. The Art Coordinator drafts letters for the BMW Project Manager to sign. The BMW Project Manager signs all notification letters and sends an acceptance letter to the successful artist, placing a copy of the letter on the file which is then to passed on to the Tenders Office with the other signed notifications for logging and mailing. The Art Coordinator is copied in so that they have record of the signed letters.

The Art Coordinator may contact the successful Artists via the phone if timing is critical for attendance at a Briefing Meeting. The Art Coordinator may also give verbal feedback to successful and unsuccessful artists about their EOI’s.
6 DESIGN CONCEPT STAGE

6.1 Design Concept Requirements Document

The short-listed Artists are required to develop a Design Concept within an allocated time frame. The Art Coordinator prepares a Design Concept Requirements Document (based on the previously agreed upon EOI) and sends it to the BMW Project Manager for attachment to the letter that is sent to the short-listed successful artists from the BMW Tenders Office.

6.2 Briefing Meeting / Site Visit for Short-Listed Artists

At the start of this stage, the Art Coordinator authorizes a Briefing Meeting/Site Visit with the Project Architect, and also the Commissioning Agent if they wish to attend. The short-listed Artists are strongly encouraged to attend this meeting. At this meeting the short-listed Artists can receive a copy of the Design Concept Requirements Document and any relevant drawings supplied by the Project Architect.

6.3 Design Concept Submissions by Artists

The Design Concept submission from Artists or Artist Teams usually includes:

- A written description of the artwork/s and theme;
- Clear indication of location/s of artwork/s on architect’s drawings;
- Drawings/sketches/digital images – indicating location, scale, colour and materials of artwork/s;
- A methodology for community participation in the project if appropriate for the project;
- Names and involvement of other design professionals e.g. Engineer for structural detailing where required;
- A detailed and itemised Budget;
- A Work Program and Payments Schedule;
- Proof of relevant Insurances for the project or stated intention regarding insurances;
- 3D model or 3D digital images of the proposed artwork/s are required for sculptural proposals;
- Preliminary fixing / application / integration details as appropriate; and
- Materials samples.

Please note that for projects in smaller regional centers and remote communities the form of the Design Concept submission may vary and will be determined by the Art
Coordinator and documented in a Scoping report that will be approved by the Commissioning Agent and the BMW Project Manager.

The Art Coordinator may choose to have short-listed Artists lodge their written Design Concepts submissions at the BMW Tenders Office, or may opt to have Artists bring their Design Concept submissions with them to their Design Concept Presentation. If Design Concepts are to be lodged at the BMW Tenders Office by a specified date and time, this must be stated clearly in the Design Concept Requirements Document.

Models and samples of materials are brought to the Design Concept Presentation even when the written component is lodged at the BMW Tenders Office. The Tenders Office does not have the capacity to receive and store models and materials.

If the Design Concept submission deadline closes at the BMW Tenders Office, the Art Coordinator collects the Design Concept submissions from the BMW Project Manager and prepares for the Final Selection Meeting with the Artworks Selection Committee. This meeting may be held at either the offices of BMW or the offices of the Project Architect.

6.4 Design Concept Fees for Artists

All short-listed Artists, are paid a Design Concept Fee to assist with development costs upon successful completion of the Design Concept Stage. After the short-listed Artists or Artist Teams have presented their Design Concept submissions for final selection to the Artworks Selection Committee they are to submit a tax invoice for the Design Concept Fee to the BMW Project Manager via the Art Coordinator who authorizes payment. The minimum Design Concept fee is $700 plus GST for each short-listed Artist or Artist Team. Presentation material including models and marquettes remain the property of the artist.

Occasionally selection without a design concept may be made. In such cases, Artists that prepare comprehensive and well designed presentations may be recompensed. (Suggested Fee: $500 plus GST for each short-listed Artist or Artist Team).

7 FINAL SELECTION STAGE

7.1 Final Selection Meeting

All the short-listed Artists are required to present their Design Concepts to the Artworks Selection Committee in person for final selection. The Art Coordinator authorizes, chairs and facilitates the Final Selection meeting. Each short-listed Artist/Artist Team is allocated 30 to 40 minutes for their presentation and for questions that may arise from Artworks Selection Committee members. Following the presentations, the Artworks Selection Committee members assess the Design Concepts according to Selection Criteria outlined in the Design Concept Requirements Document. An overall Score Sheet is signed by all voting members of the Artworks Selection Committee.
The Art Coordinator normally chairs the short-listing selection process and does not participate in the scoring process unless there are exceptional circumstances and approval has been sought and granted.

After the meeting, the Art Coordinator writes a brief report of the final selection process and forwards that to the BMW Project Manager together with the signed overall score sheet.

Once final selection is completed, the successful and unsuccessful Artists or Artist Teams are notified in writing. (The Art Coordinator may contact the successful Artist or Artist Team via the phone if timing is critical for the start of the project). The Art Coordinator drafts the letters for the BMW Project Manager. (The Art Coordinator is cc'd so that the Art Coordinator receives copies of the letters). The BMW Project Manager completes the Process and Approval Form – Artist Selection FC43 (Ifind document 90) and instructs the Tenders Office to send letters to the successful and unsuccessful Artists or Artist Teams. (Copies are sent to the Art Coordinator).

All BMW contractual communication is undertaken through the Tender Office. The Tenders Office ensures results are made public and the process is accountable. Strict rules apply to government tenders and Art Coordinators need to be aware of the BMW tender process.


### 7.2 Interview Stage (For Highly Integrated Projects)

Many Percent for Art Projects involve the commissioning of artworks that are freestanding or are relatively simply located or integrated within external landscaped areas of a facility, or within internal areas. There are some projects where there is a desire from the Commissioning Agent and the Architect to achieve highly integrated artwork solutions where the artwork and the building fabric are in a sense inseparable. Sometimes a high degree of integration is not achievable because the Percent for Art project may only be allocated when the project is already in the late Design Development stage at the Project Architect’s office.

If the aim of a particular Percent for Art project is to achieve a highly integrated artwork which involves a high degree of collaboration and cooperation between the Architect, Artist or Artist Team, and the Building Contractor then it is more appropriate to interview the short-listed Artists or Artist Teams for final selection. A Design Concept submission would be inappropriate as it the Design Concept that will be developed in close collaboration with the Architect once an Artist or Artist team is selected.

Highly integrated public art is usually only achievable on projects where it is possible to select an Artist very early on in the project – so that the Artist can participate in the Architect’s early design stage of the project. It is also of critical importance that the Architect is interested in and open to creative collaboration with the Artist. On these
types of projects the Architect needs to play a significant role on the Artworks Selection Committee.

The Art Coordinator organizes the Interviews and sends the short-listed Artists the Requirements for the interview as per the EOI document. Additional questions may also be forwarded to the short-listed Artists and they will need to prepare answers as a part of their presentations at the interview. Usually each short-listed Artist is allocated 30 to 40 minutes to show images, present their approach to the project, answer specific previously set questions, cover other Selection Criteria, and to answer questions from Artworks Selection Committee members. The Art Coordinator facilitates the selection process and Artworks Selection Committee members sign the overall Score Sheet that indicates the final selected Artist. After the interview meeting the Art Coordinator writes a brief report on the selection process and sends it to the BMW Project Manager together with the signed Score Sheet.

With the interview model, there may still be a fee involved if Artists are required to prepare comprehensive and well designed presentations. (Maximum Fee: $500 plus GST for each short-listed Artist or Artist Team).

The selected Artist or Artist Team will then be invited to proceed to the next stage of the project which is the Design Concept Stage. They will be paid a Design Concept Fee and this fee will need to be determined by the Art Coordinator and will be dependent on the scale and complexity of the project.

If there are to be highly integrated artworks on a large scale project then it may be necessary to also have a separate Design Development Stage where the selected Artist or Artist Team is paid a Design Development Fee prior to signing the Commission Agreement. This arrangement will need to be decided upon by the Art Coordinator together with the BMW Project Manager and documented in the initial EOI document.

8 FINALISATION AND SIGNING OF A COMMISSION AGREEMENT

8.1 The Commission Agreement

Once final selection is completed, an Artist Commission Agreement (IFind document 89 Artist commission agreement) is completed by the Art Coordinator with the Artist. The Artist needs to supply the following information about the Design Concept proposed to be attached to the Commission Agreement in the form of:

Schedule A: A Work Program
Schedule B: Payments Schedule

Please note that the Artist may schedule a payment of up to 20% of the total commission budget for the first Progress Payment at the commencement of the
Design Development Stage that may commence upon the signing of the Commission Agreement.

Schedule C: Artwork descriptions, drawings, and overall budget.

A copy of the Design Concept Requirements document is also attached as an Annexure.

The Art Coordinator reviews these Schedules and prepares two copies of the Commission Agreement for the Artist or Artist Team Leader to sign. The Art Coordinator then sends the two copies to the BMW Project Manager who completes the contract by securing the BMW tenders office delegate’s signature on behalf of BMW on the Commission Agreement. The BMW Project Manager keeps one of these signed copies for BMW records, and sends the other one back to the Artist via the Art Coordinator.

8.2 Artist’s Insurances

When the Artwork is created on the Artist’s premises or on the premises of the Artist’s servants, agents or contractors, all risks of loss or damage to the Artwork from the date of the signing of the Commission Agreement until the time the Artwork is delivered and installed at the agreed upon location are solely that of the Artist. The Art Coordinator must encourage the commissioned Artist/Artist Team to have appropriate insurances for each project.

8.3 Administration of Commission Agreement

The Art Coordinator is responsible for keeping track of the progress of the project and informing the BMW Project Manager of any issues that arise during the implementation stage.

The Art Coordinator may attend meetings between the Artist and the Architect where appropriate, and particularly if invited by either party to attend.

The Artist forwards all Tax Invoices for BMW payment (as per Schedule B: Payments Schedule in the Commission Agreement) to the Art Coordinator for authorization. The Art Coordinator requests a brief written progress report (with images where appropriate) to be submitted by the Artist or Artist Team Leader with each Tax Invoice for all projects. Once the Art Coordinator has confirmed that the Artwork Works Schedule and the Payment Schedule are aligned then the Art Coordinator will forward the Artist’s Tax Invoice on to the BMW Project Manager and recommend payment. The Project Manager organizes payment of the Tax Invoice.

BMW tracks capital works projects using PACMAN with Art Coordinators required to use the system. PACMAN is a web enabled program that allows Art Coordinators to make claims, approve payments to Artists, and arrange variations and disbursement payments. The system allows for a cash flow program to be entered and posting of
salient comments on progress. The Manager Works Program Services at BMW provides Art Coordinators with access to PACMAN and can assist with training.

No payments can be made either to the Art Coordinator should insurances not be current and loaded on PACMAN.

9 DESIGN DEVELOPMENT STAGE

This stage is usually the first stage of implementation of a Commission and is where the selected Artist or Artist Team develops the initially selected Design Concept into a final design. Depending on the type of project it can also be a separate stage of a project, before the Commission Agreement is signed. This will be indicated in the initial EOI document where the project process will have been outlined. If there is a separate Design Development Stage then the Art Coordinator drafts a letter for the BMW Project Manager to forward to the Tenders Office for issue. This letter will need to specify time, scope and payment for the Design Development Stage.

The Design Development Stage usually involves the Artist or Artist Team:

- Reviewing and refining the original Design Concept, particularly in response to any specific comments that may have been made by the Artworks Selection Committee during the Final Selection Meeting;

- Reviewing and firming up the budget by securing firm quotations from suppliers and fabricators;

- Meeting with the Project Architect to finalise locations and integration issues;

- Meeting with other design professionals where needed (e.g. Landscape Architect);

- Meeting with the Engineer and procuring engineering specifications and certification where they are required for structural elements or fixings

- Meeting with material suppliers and fabricators; and

- Undertaking further research into materials and finishes and making final selections.

During this stage the Art Coordinator manages the collaboration with the Project Architect, and other design professionals. It is important to document meetings where key decisions are made. The Art Coordinator is to be copied in on all correspondence between the Artist and the Architect.

Copies of engineering specifications are to be obtained by the Art Coordinator from the Artist prior to the making of the artwork and forwarded to the BMW Project Manager to be kept as part of the project record.
9.1 Final Design Documentation

The Art Coordinator must request copies of relevant final Design Documentation at the end of this stage. Design Documentation includes final drawings of the artwork, adjusted or revised Work Programs and Payments Schedules and where needed Engineer’s structural certification. The Art Coordinator forwards these to the BMW Project Manager for BMW project records. The Art Coordinator may also check that the commissioned Artist or Artist Team is fully aware and prepared for the Occupational Health and Safety requirements of the building site where their artwork is to be installed.

9.2 Approval of Developed Design

At the conclusion of this stage the Art Coordinator organizes and facilitates a meeting of the Artworks Selection Committee where the selected Artist or Artist Team presents the final developed design for approval. The Art Coordinator then provides a report of this meeting to the BMW Project Manager together with a copy of final Design Documentation (including Engineer’s certification where appropriate).

Where a Commissioning Agent representative wishes to inspect progress of the project in person the Art Coordinator will organize a visit to the Artist’s studio/workshop. Where appropriate and possible the Art Coordinator will visit the Artist’s studio during the fabrication period to confirm that the work is going according to schedule.

10 COMPLETION OF PROJECT

10.1 Maintenance Report

At the completion of each project, the Art Coordinator requests a Maintenance Report from the Artist. This Maintenance Report needs to contain:

- A description of the artwork (written and images).
- Artist’s contact details.
- Artwork maintenance requirements including timing, methods, products used.
- Once received this Maintenance Report is passed by the Art Coordinator onto the BMW Project Manager who ensures that the Commissioning Agent receives a copy and that Building Research and Technical Services records area archives a copy for future reference.
- When the artwork/s is completed and installed the Artist is to forward images of the completed artwork to the Art Coordinator. Images are to be 118 pixel per square centimeter or 300dpi (as a guide images from a 7 megapixel rated camera will be adequate). The Art Coordinator then provides the images and a brief final report to
the BMW Project Manager and recommends payment of the Artist’s final Tax Invoice.

10.2 Visual Documentation of Completed Projects

Artists are required to visually document their artworks with professional standard digital images of the fabrication and installation stage, and the completed artworks. Artists are to submit electronic images on a disc as well as attributions to the Art Coordinator at the end of the project. The Art Coordinator passes the images and attributions on to the BMW Project Manager who passes them on to BMW Building Research and Technical Services. Building Research and Technical Services updates records and notifies DCA. DCA may post the images and attributions on the Percent for Art website. The Project Manager sends deliverable electronic images and attributions to BMW officer responsible for archiving.

10.3 Production of Brochures for Completed Projects

For completed Percent for Art projects the Art Coordinator arranges with Quality Press to produce and print a colour brochure using information and images provided on the project by the Art Coordinator to document and promote the project. This is preferably achieved in time to coincide with an official opening ceremony. The Art Coordinator provides the written and visual material for the brochure for the Percent for Art Program Manager to review prior to printing.

Good quality images are essential for the brochure of 300 dpi resolution. The Art Coordinator will provide a list of people involved in the project for acknowledgements. The list will include the Artist and the named representatives of the Architect, Art Coordinator, Commissioning Agent, BMW and any other key stakeholders, such as joint venture partners. The Art Coordinator is best placed to proof read the final draft of the brochure before it is printed. Normally 500 brochures are produced with 400 delivered to the Commissioning Agent and DCA being sent 50 and BMW 20, the Artist receiving 20 brochures, and the Art Coordinator receiving 10 brochures. Electronic versions of the new brochures are sent to DCA Media Unit and the Percent for Art Program Manager at BMW for use promoting the program on Departmental web pages.

The cost of the brochure / plaque and its installation must be budgeted for from within the art budget and are reimbursed by BMW as a disbursement to the project. Currently the engraving of plaques is undertaken by EFE engraving who will finalise the plaque layout prior to the draft being approved by the Percent for Art Program Manager who has been delegated by the State Keeper of the Seal as required by State legislation to approve its use. Approval is coordinated through the Manager Percent for Art. Once the plaque is produced the art coordinator arranges installation and payment.
11 DATA COLLECTION FOR COMPLETED PROJECTS

11.1 Pro forma for Project Data

To be entered into Excel Spreadsheet established by BMW:
(Maintained by Building Research and Technical Services)

- Name of Commissioning Department/Agency
- Name of Percent for Art project
- Address of project location
- BMW project number
- Location of project including GPS coordinates
- Name of Project Architect & Architectural firm. Phone, Email
- Name of BMW Project Manager. Phone, Email
- Name of Art Coordinator. Phone, Email
- Number of artworks/projects

For each individual project:
- Name of individual project
- BMW EOI number
- Brief description of project including title of artwork (if any), theme, and type of materials / media used
- How many artists Expressed Interest
- Names of Artists responding to EOI
- Names of shortlisted / interviewed Artists: Phone, Email
- Design Concept fee paid per shortlisted Artist
- Names of commissioned Artist/ Artist Team: Address, Phone, Email
- Commission Sum
- Art Coordinator’s fee
- Year the Percent for Art Project commenced
- Year the Percent for Art Project completed
- Any donated or in kind contribution associated with the project
- Whether the project involved any mentoring relationships
- Artwork brief
11.2 Pro forma for Maintenance Report

To be entered into Excel Spreadsheet establish
To be completed by the Commissioned Artist / Artist Team Leader:

- Name of Commissioning Department / Agency.
- Name of Percent for Art Project.
- Address of Project.
- Location of Artwork/s: (mark position/s on a site plan)
- Name of Artist/s:
- Contact details for Artist / Artist Team Leader: address, telephone, email.
- Description of Artworks. (Attach images)

Fabrication

- Materials: be specific; include source or manufacturer, life expectancy of materials according to manufacturers, attach technical and data sheets.
- Material finishes: be specific; include brand or manufacturer.
- Materials used in presentation of the artwork: eg. footings, bedding, framing, backing, hanging fixtures – include detailed drawing and Engineers’ specifications where appropriate.
- Fabrication: name, address, telephone.
- Fabricator technique or method: attach drawings.

Installation

- Installed by: name, address, telephone.
- Installation method: attach diagrams, engineers drawings of substructure and final footings.

Site Controlled By

- Main contractors name address and contact details for site control.

External Factors

- Note existing environmental factors: eg effect of direct sunlight, salt, dryness, wetness, animal interaction, bird droppings, human interaction, walking, touching etc.

Desired appearance
• Describe in specific terms and where appropriate with photographs the desired appearance. Is a natural aging process desired?

• For site – specific artworks what physical aspects of the site if altered would change the intended meaning of the artwork?

Maintenance

• Routine maintenance: what are the requirements, eg. removal of dust, dirt, oiling, trimming etc.

• Cyclic maintenance: when and by whom should cyclic maintenance be undertaken.

Signed by Artist or Artist Team Leader:

Date:

11.3 Pro forma for Brochure Information

To be completed by the Art Coordinator and reviewed by the Artist:

• Name of Commissioning Department/ Agency

• Name of Percent for Art Project

• Location of Project including GPS coordinates

• Name of Project Architect/ Architectural firm

• Name of Art Coordinator

• Number of artworks/ projects

• Brief description of each project including title of artwork (if any), theme, and type of materials / media used

• Artist’s statement / quote about artwork/s

• Year the Percent for Art Project completed

11.4 Consultant Performance Reports

Consultant Performance Reports should be completed by the Project Manager at Contract Completion, as requested by the Percent for Art Manager.

12 Copyright & Legal Title

12.1 Legal Title

• Legal title and ownership of the Artwork shall pass from the Artist to the Principal upon the Fee being paid by the Principal to the Artist in accordance with the Commission Agreement.
• The Principal may pass legal title and ownership of the Artwork, including any associated liability, to a third party where the Site on which the Artwork is installed is sold or transferred in ownership or management to another public authority, a local government, or other third party.

12.2 Copyright

• The Principal and the Artist will be joint proprietors of equal shares of the copyright in the Design Documentation, Project Record and the Artwork. Should the title be transferred to a third party the copyright interests of the Principal transfer to the new owner.

• The Design Documentation, Project Record and the Artwork may be reproduced or published for non-commercial purposes by the Principal, such as for information brochures about the Site or the Artwork, or website publication.

• In the event of the Principal wishing to reproduce the Design Documentation, Project Record or Artwork in such a way that income would be generated, royalties will be negotiated and paid to the Artist. Such royalties will be paid according to reasonable standard rates for similar reproduction activities to be agreed by the parties. The Principal shall consult with the Artist regarding the commercial reproduction process and quality of reproduction before commencement of commercial production.

• The Artist agrees not to reproduce the Design Documentation, Project Record or the Artwork in a similar form or at a similar scale without first obtaining the consent of the Principal. The Artist otherwise shall only have the right to reproduce the Design Documentation or images of the Artwork for the purpose of promoting their artwork in submissions, books or other publications associated with their artwork, with the Principal's written consent.

13 De-Accession of Artwork

This section refers to the process when alteration, relocation, removal or disposal of the artwork is required.

• This clause shall apply for as long as the Artwork remains the property of the Principal. The Principal will not destroy, damage, alter or modify the Artwork in any way without first seeking to consult with the Artist. The Principal may at the Principal’s absolute and sole discretion remove the Artwork from the Site for the purposes of either relocating (permanently or temporarily), selling, making a gift of, storing, or otherwise disposing of the Artwork, provided that the Principal has given the Artist at least 28 days notice in writing.

• In the event of the Artwork being relocated, damaged, altered, or modified in any way by either the Principal or any other person not being the Artist or any servant,
agent or contractor of the Artist, the Artist has the right to demand that the Artwork shall no longer be represented to be the Artwork of the Artist.

- In the event of notice of disposal being given the Principal shall give the Artist the opportunity to purchase the Artwork at a price that could be realised for the Artwork if sold privately.
14 DOCUMENT CONTROL

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14.1 Build Status:

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15 DOCUMENT APPROVAL

This guideline was endorsed and approved for use on 2 August 2019:
Dean Wood
Principal Architect
Building Research and Technical Services