

The Philadelphia Redevelopment Authority

The Percent for Art Program Policy

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Percent for Art Program Philadelphia
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THE PHILADELPHIA REDEVELOPMENT AUTHORITY PERCENT FOR ART PROGRAM

Philadelphia was the first city in the United States to adopt programs for acquiring and commissioning works of contemporary public art for new development in urban renewal areas. The Redevelopment Authority pioneered the Percent for Art Program in March 1959, becoming the *first program in the United States* to make the commissioning of public art an integral part of the urban renewal process.

In the first half century since the inception of the Redevelopment Authority's Percent for Art Program, hundreds of works of public art have been installed in all areas of Philadelphia. Works of public art can be found in such diverse developments as high-rise commercial and residential towers, housing for families and the elderly, shopping plazas, parks, industrial plants, hotels and universities. These works of art represent some of the best works of contemporary artists of regional, national and international reputation.

In the last fifty years the City of Philadelphia has developed one of the largest public art collections in the world. Public art exists in many forms: as a sculpture in a plaza, as an entryway, a way-finding mechanism, a piece hung in a public atrium or applied to a façade. Public art can also take less conventional forms, like original community, arts, performance and culture-based public programs. The Percent for Art program encourages Redevelopers to conceive of new and interesting applications for public art, and to create work that engages the public and challenges them to think about their surroundings in new and exciting ways.

To this end, the Redevelopment Authority has created the following Percent for Art Program Policies and Procedures to guide Redevelopers through the public art selection process.

The Authority's Policies and Procedures are structured to ensure that an early dialogue exists among the Redeveloper, Architect and Artist. The public art should be conceived at the earliest possible stage of project design for the development. This early conceptual collaboration among the Redeveloper, the Architect, the Artist and the Redevelopment Authority will thereby insure the creation of a work of public art which is integral to the architecture, landscape, environment, community and use of the site.

THE PHILADELPHIA REDEVELOPMENT AUTHORITY

THE PERCENT FOR ART PROGRAM POLICY

THE PHILADELPHIA REDEVELOPMENT AUTHORITY PUBLIC ART COMMITTEE

The Board of Directors of the Philadelphia Redevelopment Authority appoints a standing Public Art Committee (hereinafter referred to as the "Committee"). Individuals sensitive to and knowledgeable about issues of public art and the urban renewal process shall thus be invited to serve on the Committee. The Committee shall consist of twelve (12) members and shall be comprised of the following:

- Redevelopment Authority Board Appointments (2)
(One member of the Redevelopment Authority Board and one discretionary appointment)
- Artists (2)
- Arts Professionals (Art historian, Art Administrator, Collector, Curator, Museum Director) (4)
- Registered Architect (1)
- Registered Landscape Architect (1)
- Certified Urban Planner (1)
- Building trade professional (construction manager, developer, engineer) (1)

The appointments to the Committee shall be made by the Chairman of the Board of the Authority, upon the recommendation of the Executive Director and the Director of the Percent for Art program. The Chairman of the Board shall also appoint two voting members to the Committee to represent the Authority. Of these members, one shall be a member of the Authority Board. The Chairman shall appoint the Chairperson of the Committee. The Chairman shall also appoint all other members of the Committee, upon the recommendation of the Chairperson of the Committee, the Executive Director and the Director. Board members shall serve on the Committee concurrent with his/her Board appointment. Other members shall serve for terms of two or three years. These terms shall expire on a rotational basis to insure appropriate continuity of membership on the Committee. The members shall continue to serve until their replacements have been formally appointed to the Committee. The Committee shall elect from its membership such other officers as it deems necessary and appropriate. A majority of the members shall constitute a quorum at any meeting; and a quorum shall be necessary to conduct a

meeting. The Committee shall convene at least once a month at the regularly scheduled meeting and shall hold additional meetings, at such other times, as is deemed necessary by the Director.

The Authority shall appoint members to the Committee who by training, experience and/or interest, are qualified to carry out its responsibilities. The Authority has established the following criteria for membership on the Committee:

1. The member must be a resident or must be employed within the city of Philadelphia.
2. The member must have knowledge of the current trends in contemporary art and artists. Knowledge of the allied professions of Architecture, Landscape Architecture, City Planning and Design are also most desirable. The artists must have a wide knowledge of techniques and materials.
3. The member must be able to contribute constructive criticism and have good communication skills, both written and verbal.
4. The member must be able to attend the regularly scheduled Public Art Committee meeting on the first Wednesday of each month from 1:00 to 4:00 pm at the Redevelopment Authority's offices. In addition, visits to urban renewal sites, artist studios, foundries and fabricators are also sometimes required.
5. The member must be conflict-free and cannot serve as an art advisor or consultant for developers with the Authority's Percent for Art requirement.
6. The member shall not participate in any proposal before the Committee in which they have a financial or other interest, either direct or indirect.

The Committee is responsible for the review of all public arts proposals at the various stages of design, and shall make appropriate recommendations to the Board. The Committee shall also be responsible for the prior review and approval of artists, consultants and all others involved in the art selection process. The Committee shall guide the Redeveloper and Architect with the formulation of the art selection process, concepts and proposals. The Committee shall further provide site analysis and shall determine appropriate medium and scale for the art project. The Committee shall also be responsible for the on-going review of the Authority's Percent for Art Program Policy. The Director shall initiate, guide and monitor the art selection process from inception to completion.

The Committee will insure that the proposed work of art meets the highest artistic standards, and is compatible with its specific site and general environment.

Therefore the following Percent for Art Program Policy is to be observed by the Redeveloper and Architect and are those to which the Authority itself adheres:

I. THE PERCENT FOR ART PROGRAM POLICY

A. The Percent for Art Requirement

The Percent for Art clause is included in most Redevelopment Agreements and requires the selected Redeveloper to dedicate an amount equal to not less than one-percent of the total construction cost budget for work(s) of fine art. The clause shall be contained for all projects with a construction budget of \$100,000 or more. Developments with construction costs between \$100,000 and \$1,000,000 are required to contribute their Percent for Art contribution to the Fund for Art and Civic Engagement (FACE) (Part II, Section B)

The only projects that are exempt from the clause are the construction of residential housing involving public subsidies and construction of one single family residence, unless the construction budget is \$1,000,000 or more.

B. The Total Construction Cost Budget

The Redeveloper is required to expend an amount equal to at least one percent of the total construction cost budget for work(s) of public art. The total construction cost shall be based on the following and be submitted to the Director:

- Total construction budget for general, structural, mechanical and all related interior improvements to the development.
- The cost of all on-site and sometimes, off-site improvements.

Refer to Appendix B: Construction Cost Estimate form for applicable expenses.

At the beginning of the project the Redeveloper is to provide the Director with an estimate for the construction budget. One percent of the construction budget is to be used for the art project. After the construction is complete the Redeveloper is to submit a notarized Affidavit of Redeveloper's Construction Costs (Appendix A). Any additional costs incurred during construction are to be included in the affidavit. Additional costs in excess of \$1,000,000 are to be contributed by the Redeveloper to Fund for Art and Civic Engagement (the Fund).

C. Administrative Fee

The Authority is to receive 5% of all Percent for Art commissions as an administrative fee, payable to the Authority at settlement. Such monies shall be deposited by the

Authority into an administrative fund to be used solely for administrative costs related to the Program.

The Authority is to receive 5% of contributions to the Fund for Art and Civic Engagement (FACE). Such monies shall be deposited by the Authority into an administrative fund to be used solely for administrative costs related to the Program.

D. The Aesthetic Standards

The proposed artist(s) under consideration for a Percent for Art commission must be a practicing professional artist(s) who is acceptable to the Committee. A practicing professional artist is one who is generally considered by critics and peers as a professional of serious intent with recognized ability and a body of good-quality past projects. No artist under consideration for a Percent for Art commission may have a familial relationship to the Redeveloper or have financial interest in the development.

E. Educational Programming

The Redevelopment Authority is committed to ensuring that all works of public art are successfully integrated into the development and surrounding community. To that end, the Redevelopment Authority requires that art projects with budgets that exceed \$50,000 dedicate 5% of the art contribution to project-specific public art educational programming.

Educational Programming is to be conceived of by the project's artist and implemented by the artist or acceptable organization. The Educational Programming requirement is an opportunity for the Artist to actively engage in a conversation with the public. The goal for the Education Programming is meaningful community engagement that may: enhance neighborhood vitality, support community empowerment, build community capacity, further a community's awareness of public art, etc. The Educational Programming is to be offered free of charge and take place at or near the proposed project site and is to be publicized throughout the community.

II. FULFILLING THE PERCENT FOR ART REQUIREMENT

Following are the steps for initiating a Percent for Art project. The Redevelopment Authority requires that the Public Art obligation is completed in a timely manner. It is critical that the art selection process starts at the very beginning of the development process in order to allow for the greatest opportunities for integrating the artwork into the development. The Redeveloper is to attend each scheduled meeting with the Public Art Committee. If the Redeveloper does not attend a meeting, the meeting will be rescheduled for the next available regularly-scheduled Public Art Committee meeting.

Requiring the Redeveloper (or their assignee with the authority to select the work of art on behalf of the Redeveloper) is essential for creating a clear flow of communication through the process and also for ensuring that the Redeveloper and the Committee are in agreement on each step of the process and the site, artist and type of artwork under consideration.

Prior to the selection of the Redeveloper by the Board, the Director will schedule a time to meet with the Redeveloper, the Architect and the Authority's Project Manager for the next available regularly scheduled Public Art Committee meeting. This is an opportunity to discuss the site, budget, approach to the public art project, method of artist selection and project timeline.

A. Commission an Original Public Art Project

A Redeveloper may fulfill its Percent for Art obligation by commissioning one or more works of permanent or time-limited visual art or artwork that is performative, auditory, conceptual, experimental or sculptural. The art/artwork must bear a substantial relationship to the physical, spatial, social, civic, or cultural environment of the redevelopment site.

All Percent for Art projects must be the result of a commission of original art/artwork, of any form or genre, created and developed by professional artists, specifically for fulfilling the Percent for Art opportunity. Redevelopers may either work directly with an Artist or with an experienced Creative Partner, such as a performing arts presenter or curator, visual art curator or non-profit arts organization.

The Director and the Committee are available to advise a Redeveloper at all stages of the Percent for Art project. Following is an outline of the process for the development of the Public Art project. The Committee may, at its discretion, either eliminate or combine one or more of the steps listed below:

- **Step 1: Concept Development.** After meeting with the Committee and developing an approach for the project, the Redeveloper and Director will create a Call for Artists or a Call for Creative Partners. The Call must be presented to the Committee for their approval. It will then be distributed, either in as an Open Call or as an Invited Call. These are the only allowable methods of selection.
- **Step 2: Review the Call Responses to Create Applicant Short List.** The Redeveloper meets with the Committee to review applications received in response to the Call. The selection of applicants to be included on the short list is made through consensus of the Redeveloper, Architect, Director and Committee during the Committee's monthly meeting in the offices of the

Authority. At this point the short list of Artist/Creative Partner applicants will be invited to either submit detailed project proposals or to participate in a formal selection interview.

- **Step 3: Review Proposals or Conduct Interviews.** Artists/ Creative Partner applicants will either present a detailed proposal to the Redeveloper and Committee for review or to participate in a formal selection interview. At this point either the Artist/Creative Partner will be selected or additional information may be required in order for a selection to be made.
- **Step 4: Further Concept Development.** Artist will present finalized artistic concept and Educational Programming concept to the Redeveloper and Committee at the end of the Schematic Design phase. This will include a finalized design, lighting concept and budget. If given Committee approval, the artist may proceed with fabrication.

-OR-

Creative Partner will present their developed vision for the project, including artist(s), project partner(s), site(s), budget, timeline, Educational Programming, etc for Redeveloper and Committee approval. The Committee will either approve the plan or offer specific comments. If necessary, selected Creative Partner may need to re-present for Committee approval.

The Redeveloper is required to provide within the area of the art project an inscribed Dedicatory Plaque, or other signage appropriate for the type of art being commissioned. This shall include the name of the Artist, Title of Work and Date. The name of the Redeveloper and Project shall be included and it shall be stated that the project was "carried out in cooperation with the Philadelphia Redevelopment Authority's Percent for Art Program and the Commonwealth of Pennsylvania."

The Authority requires the Redeveloper to only commission original works of public art, created specifically for the development. The commission must be for a discrete art project, and may not be part of or a contribution to any other project. The plan may not involve a contribution to any individual artist, artist collective or arts organization.

The Artist will also be responsible for creating a method of archiving non-permanent works of art, as well a plan for permanent storage of the archive in the public realm. The archival process must be conceived by the artist, executed by the Artist, and approved by the Committee. A copy of all archived materials must be sent to the Director.

B. Contribute to the Fund for Art and Civic Engagement

The Authority maintains the Fund for Art and Civic Engagement (the Fund) which is used periodically to organize and sponsor original works of public art.

Redevelopers with construction budgets of less than \$1,000,000 are required to contribute to the Fund. Redevelopers of projects with larger construction budgets may also elect to contribute to the Fund. The 1% contribution shall fulfill the Redeveloper's Percent for Art requirement.

The Fund exists solely for the purpose of commissioning original works of art that further the Percent for Art program's mission of commissioning innovative and thoughtful works of art that inspire people to consider their surroundings in new ways. Projects commissioned through the Fund must be complete, original works of public art, and be selected via an open RFQ or RFP process. The Director and Committee will develop, and present to the Executive Director for approval, project-specific guidelines related to each disbursement from the Fund. The selection of projects to be commissioned through the Fund will be made by a 5-person panel to include: 2 members of the PRA's Art Committee (including at least 1 Artist member of the Committee), 1 representative from the City's Office of Arts, Culture and the Creative Economy, 1 representative from the Redevelopment Authority staff, and 1 representative from the Philadelphia City Planning Commission staff. Appointments to the panel will be made by the Director of the Percent for Art Program and approved by the Executive Director.

Those Redevelopers who have dedicated their Percent for Art contribution to the Fund shall be recognized as donors to the Fund. All expenditures of the Fund must be approved by the Director of the Percent for Art Program.

C. The Role of The Consultant

The role of the Consultant is to provide a professional service. They must possess an extensive knowledge of contemporary public art and, more specifically, the complex process involved in the commissioning of site specific or site related works of public art. They must be capable of providing professional expertise and guidance and should possess a combination of the following:

- Knowledge of the contemporary art world, art trends and art costs.
- Expertise in the myriad aspects of working in art and architecture and the public art commissioning process.
- Appropriate educational and/or professional expertise in visual art and/or art history.

The Consultant shall be capable of providing all or part of the following services when required by the Redeveloper:

- Assist in the analysis of: site, medium, scale, lighting, installation and a long range maintenance program. It should be noted that many of these items are decided upon by the Redeveloper and Architect, working in collaboration with the Committee and the Advisory Board of Design.
- Establish a comprehensive and open art selection process giving consideration to a broad range of artists, styles and approaches, in order to locate the most appropriate artist(s) for the art project.
- Negotiate and prepare the artist's agreement
- Work with the Authority, Redeveloper, Architect, Artist and Director in scheduling meetings, formal presentations, overseeing the fabrication, installation and dedication of the art project. Must be capable of working with all individuals involved in the public art commissioning process.
- Work closely with the Authority and Redeveloper in arranging the public information for the art project.

The Code of Ethics for Consultants: The Consultant must possess a high commitment to the integrity of public art and must follow ethical working procedures. This person must maintain a conflict-free commitment to the ethical standards, goals and best interests of the Authority and the Redeveloper. The following standards have been established by the Authority for Consultants and those persons involved in the Public Art Selection Process:

- Is paid only by the Redeveloper for expertise and must not have a profit interest, nor realize any financial gain from the commissioning of any specific artist or work of art. Accepts no fees or gifts from artists, galleries, dealers, foundries, fabricators, or anyone else involved in the art project.
- Must be conflict-free and not maintain any art sales inventory, nor any economic affiliations with artists, galleries, dealers, foundries, fabricators, or anyone else involved in the art project.
- The Consultant's fee shall reflect the scope of services provided, the estimated time involved in carrying out the art project, and the total art budget. It is understood that the Redeveloper shall submit the proposed consultant fee to the Committee for its review and approval, prior to execution of the Redeveloper/Consultant Agreement. A copy of the Agreement shall be submitted to the Director within fifteen (15) days of the execution. The Fees proposed to be paid to panelists shall also be submitted to the Committee for its prior review and approval.

D. The Certification of the Project

Upon satisfactory installation and approval of the art project, the Redeveloper shall submit to the Director certification of the following:

- A copy of the Affidavit of Redeveloper's Construction Costs (Appendix B), to include total construction cost project budget and public art project budget, certified by an appropriate officer of the Redeveloper and Notary Public.
- A copy of the total public art cost project budget, including full payment to the Artist.

The Redeveloper shall complete the form and have it properly certified by an appropriate officer of the Redeveloper and a Notary Public. This certification shall then be submitted to the Director. The contents shall be properly verified by the Director. If there is a question concerning the costs submitted, the Committee will obtain a cost estimate from a source other than the Redeveloper.

E. Special Policies

1. Multiple Building Development

In multiple building developments there need not be a one-to-one ratio between buildings and works of art. The Authority encourages the Redeveloper to "pool" funds with the Authority, thus enabling the commissioning of more significant art projects.

2. Historic Buildings

Redevelopers of existing historic buildings which are in the National Register or are in the National District may petition the Committee for approval to apply the public art contribution towards architectural preservation and/or restoration. This can be accomplished through the preservation and/or restoration of significant decorative architectural features or details. The proposed concept must be reviewed and approved by the Committee and the work itself must be executed by an approved fine Artist.

3. Fountain Sculpture

Redevelopers desiring to commission fountain sculpture for a site are required to have the fine art portion of the fountain sculpture constitute no less than seventy-five percent (75%) of the total art budget. The fabrication, installation and mechanical fountain equipment shall not exceed twenty-five percent (25%) of the total art budget. All proposals for fountains must be approved by the Committee.

4. Institutional Art Committees

Institutions having long-standing advisory art committees, who are responsible for the implementation for the Authority's public art requirement, shall include adequate representation of professional visual arts members. The same policy shall

apply with such committees as is set forth in Part II, Item A, "The Initiation of the Agreement and the Public Art Program Brief."

5. Commemorative Works of Art

The Percent for Art Program Policy will not permit a Commemorative Work of Art when it is simply illustrative or is a literal portrait of a historical figure or is one which will function or be perceived as an institutional, corporate or commercial symbol or logo.

It is the Committee's desire that a Commemorative Work of Art be an imaginative interpretation of the meaningful qualities of the event or person to be celebrated.

III. THE MAINTENANCE, CONSERVATION AND PRESERVATION OF THE WORK OF ART

A. An Introduction to an Owner's Responsibility Toward Percent for Art Projects

The acquisition and commission of permanent works of public art, realized under the Redevelopment Authority Percent for Art Program, entails a commitment on the part of the Redeveloper or Owner to preserve, protect and permanently display the work of art in its original condition and at its original location as at the time of installation. The routine maintenance, conservation and preservation of said work shall be the responsibility of the Redeveloper or Owner. Redevelopers and subsequent property Owners are to maintain, conserve and preserve the work of art in the manner prescribed by the artist for the lifespan of the work of art, which is required to be fifty (50) years unless otherwise approved, in writing, by the Director and the Committee at the time the commission for the work of art is awarded.

The Artist shall include a maintenance provision in the Agreement with the Redeveloper. This Agreement shall stipulate the length of time the Artist will be responsible for the repair of the work of art and shall further include the short-range and long-range maintenance program. The Artist may also recommend a particular professional conservator to be consulted for the long-range maintenance and conservation of the work of art. The Artist will create a long and short-term maintenance manual, to be given to the Redeveloper when final payment is received by the Artist. A copy will also be kept on file at the Authority's office. If the property is sold, the Redeveloper or Owner is required to transfer the maintenance manual to the building's new owner. The Redeveloper or Owner is also required to notify the Director, in writing, of the sale of the property within 60 days of the sale. The Redeveloper is to provide to the Director the contact information for the new owner. The Authority will periodically contact owners of property with Percent for Art projects with information about maintenance and conservation.

The acquisition of works of public art realized under the Redevelopment Authority Percent for Art Program, through the commissioning process, purchase, or any other means, entails a commitment on the part of the Redeveloper or Owner to preserve, protect and permanently display the work of art in the space for which it was originally created and intended, and for which it was approved by the Redevelopment Authority. The original conceptual intent of the artist, in creating the work of art, must be respected and maintained in all matters relating to the sale, relocation, alteration or disposal of the work of art.

Works of permanent public art shall remain permanently in place, intact, and shall be, for all purposes, a part of the real estate. The projected sale, relocation, alteration, disposal, withdrawal (even temporarily), must be presented to the Committee for consideration and disposition. The initiation of such a projected action shall be made to the Committee by the Redeveloper, Owner, or the responsible Petitioning Party. The Redeveloper/Owner, its Successors or Assigns will be required to adhere to the following Redevelopment Authority Fine Arts Program "Policies and Procedures," as they relate to "The Sale, Relocation, Alteration, Disposal or Withdrawal of Existing Works of Public Art" and "The Maintenance, Conservation and Preservation of the Work of Art." This agreement shall be legal and binding for a period of fifty (50) years, from the date of the dedication of the work of art.

B. The Sale, Relocation, Alteration, Disposal or Withdrawal of Existing Works of Public Art

The Authority considers the works of art created under its Percent for Art Program to be an important component of the public art collection of the city of Philadelphia. The works of art held within this collection shall be retained in the setting for which they were originally commissioned, purchased or donated and shall be properly maintained, preserved and displayed. Failure to maintain the work or display it publicly in its original location means that the Redeveloper/Owner is not in compliance with the terms of the Redevelopment Authority's Redevelopment Agreement.

The projected sale, relocation, alteration, disposal or withdrawal (even temporarily) of a work of public art held within this collection, shall not be considered unless the appropriate conditions no longer prevail for its optimum display. The projected disposition of a work of art shall be given consideration only after a very careful and thorough process of review and evaluation has been made by the Committee. The Committee shall not entertain the projected disposition of a work of art to satisfy changing taste and style. The Authority has developed a specific set of guidelines to ensure that all requests to sell, relocate, alter, dispose of, or withdraw (even temporarily) a work of art are given only the most careful consideration.

Should, at any time, a work of art be relocated, altered or removed without the express written approval of the Director and Committee, obtained through the process

outlined below, the Redeveloper/Owner will be required by the Authority to either return the work to its original location, repair the work to the satisfaction of the Committee, or refund to the Artist or their estate the appraised value of the piece at the time of its disposal. If the artist is no longer living or no estate has assumed responsibility for the Artist's works, the funds are to be made payable to the Fund for Art and Civic Engagement (FACE). All expenses incurred by sale, relocation, alteration, disposal or withdrawal efforts are to be paid by the Redeveloper/Owner and submitted to the Director for approval.

1. Criteria for the Initiation of a Request

The Authority has established the following review for the initiation of a request to sell, relocate, alter, dispose of, or withdraw (even temporarily) an existing work of art. The work of art:

- Represents a clear danger to the safety of the public.
- Has been found to possess faulty characteristics of design, material and/or craftsmanship.
- Requires unreasonable maintenance and/or conservation.
- Has been badly vandalized or damaged and the repair of such a work of art is neither reasonable nor feasible.
- Is located within a site which has significantly changed in use, character and/or design and the relationship of the work of art to the site is no longer possible, suitable or valid.

2. The Projected Sale of a Work of Art

The projected permanent removal of a work of art from display for the purpose of sale shall be given consideration only if the Committee determines that it is not feasible or possible to relocate the work of art to another suitable location. However, if the Committee does grant approval to the sale of a work of art, such sale shall be accomplished through one of the following methods and shall be subject to the prior approval of the Committee:

- The Artist or the Artist's estate shall be given the right of first refusal if possible. The sale price shall be based upon the current appraised value of the work of art, or upon a contractual requirement between the Redeveloper and Artist made at the time of acquisition.
- The work of art shall be publicly advertised for sale at the current appraised value. The sale may be accomplished through direct sale, public auction or gallery resale.
- The work of art shall be advertised for sale at the current appraised value through invited direct competitive bids.

The Redeveloper or Owner shall be required, if the Committee deems it appropriate, to acquire a replacement work of art for the site. The replacement work of art shall be equal in value to the proceeds realized by the sale, after expenses have been deducted. The acquisition of the replacement work of art shall be guided by the Authority's current Percent for Art Program Policy.

If this action is deemed inappropriate by the Redeveloper or Owner and the Committee, the Redeveloper shall be required to deposit the proceeds realized by the sale into the Authority's Fund for Art and Civic Engagement (FACE). The proceeds shall be used for the acquisition of new works of art.

The Artist shall be given an appropriate percentage of the proceeds of the sale, based upon the appreciated value of the work of art and provided that the condition was contained in the original Redeveloper/Artist Agreement.

3. The Projected Relocation of a Work of Art

The projected relocation of a work of art from the site for which it was originally commissioned, purchased or donated, shall only be considered when the appropriate conditions no longer prevail for its optimum display. This method is preferable to the sale of the work of art. The Committee will determine if the request meets one of the criteria set forth in, "Criteria for Request." The Committee shall require one, or a combination, of the following methods:

- All costs relating to the relocation of the work of art shall be assumed by the Petitioning Party
- The work of art shall be given professional conservation before its relocation, if deemed necessary by the Committee. All construction costs involved in resiting the work of art shall be assumed by the Petitioning Party.
- If the work of art is to be dedicated to the City of Philadelphia or the Redevelopment Authority, the Petitioning Party shall establish a trust fund for the work of art. This trust fund shall be deposited with the custodial party and shall be used for the future maintenance and conservation of the work of art.
- In addition to the above-listed requirements, the Petitioning Party may also be required to provide replacement art satisfactory to the Committee which is equal in value to the tax credit benefits and minus legitimate expenses. If replacement art is found to be inappropriate, then the Petitioning Party shall be required to donate the established sum to the Redevelopment Authority Fine Arts Development Fund.

4. The Projected Alteration of a Work of Art

The projected alteration of a work of art is not permitted. The protection of the work of art, as conceived by the Artist, is essential to maintaining its artistic integrity. The original intent of the Artist in creating and siting the work of art shall be respected at all times.

If the Artist is alive and can be contacted, the Petitioning Party shall consult with him/her to discuss the proposal. This should be accomplished before submitting a formal request for such alteration to the Committee. If the Artist is available, then a written recommendation shall be submitted by the Artist to the Committee. In some instances, the Committee may request that the Artist be present at the review.

If the existing site, where the work of art is located or is integral to, is to be altered or destroyed the work of art shall be removed and relocated to another appropriate site. If this cannot be accomplished without destroying the integrity of the work of art, then the Committee shall appoint a panel of arts experts, or a special consultant, to evaluate the matter and make recommendations. When a minor alteration to the work of art is required the same procedure, as outlined above, shall also be followed.

5. The Withdrawal and/or Disposal of a Work of Art

The projected permanent withdrawal and/or disposal of a work of art shall be considered by the Committee only if one or more of the items exist which are set forth in "Criteria for the Initiation of a Request," Part III, Section A,1. The Petitioning Party must present proof to the Committee that the work of art cannot be relocated to an appropriate site (first priority) or sold. If approval is given to withdraw and/or dispose of the work permanently, the artist shall be given the first opportunity to acquire the work of art. If the artist refuses the work of art, the work will be offered as a gift to a public non-profit institution or will be stored, if feasible, for disposition at a future time. All costs incurred shall be the responsibility of the petitioning party.

The projected temporary withdrawal of a work of art for conservation or restoration purposes shall also be reviewed by the Committee and shall be subject in part to the request set forth in the "Method of Request" Item 6.

6. The Method of Request

The Petitioning Party shall present a formal written request to the Authority, which shall include the following information:

- The reason for the request to sell, dispose, relocate, alter or remove (even temporarily) a work of art

- An estimate of the current value of the work of art, which shall include a written appraisal by a professional recognized expert. The Committee reserves the right to request additional professional appraisals. All costs shall be assumed by the Petitioning Party.
- An evaluation of the current condition of the work of art, which shall be prepared by a recognized professional conservator. All costs shall be assumed by the Petitioning Party.
- Substantiation of proper notice to the artist conveying the intent of the Petitioning Party. The Artist response shall be taken into consideration in the final decision, if the Committee deems it possible.
- The Director shall prepare a full written report for presentation to the Committee. The report shall include: the history of the acquisition, the original intent of all concerned parties and all other pertinent information. The necessary visual information shall also be presented.
- A written opinion of the Authority's Legal Department concerning the request, when deemed appropriate.

The Redevelopment Authority Percent for Art Program: APPENDIX A

TOTAL CONSTRUCTION COST BUDGET

The Redeveloper is required to expend an amount equal to one-percent of the total construction budget for work(s) of public art. The total construction cost budget shall be based on the following and shall be submitted to the Director:

- a) Total construction budget for general, structural, mechanical and all related interior improvements to the development.
- b) The cost of all on-site improvements.

AFFIDAVIT OF REDEVELOPER'S CONSTRUCTION COSTS

I HEREBY DECLARE AND AFFIRM that I am of the _____
(title) and duly authorized representative of _____
(firm name), whose address is _____

I hereby certify as follows:

- 1) The construction cost of the redevelopment of _____

Located at _____
_____ was as set forth in the Project budget, a copy of which is attached hereto and made a part hereof as Exhibit A.
- 2) The total cost of the Public Art project or contribution is _____.
- 3) The total sum of construction costs related directly to Public Art, as is set forth in "Total Construction Cost Budget," was _____.
Proof of payment of construction costs related to Public Art is attached hereto and made a part hereof as Exhibit B.
- 4) If the Public Art requirement is met with a contribution, the Redeveloper's check should be made payable to the "Philadelphia Redevelopment Authority / Fund for Art and Civic Engagement" and sent with accompanying information as described above to Julia Guerrero, Director, Percent for Art Program, Philadelphia Redevelopment Authority, 1234 Market Street, 16th floor, Philadelphia, Pennsylvania, 19107.

I do solemnly declare and affirm that the contents of the foregoing document are true and correct, and that I am authorized, on behalf of the above firm, to make this affidavit.

_____ (Affiant)
_____ (Date)

On this _____ day of _____, 2016, before me,

_____,
The undersigned officer, personally appeared _____,
Known to me to be the person described in the foregoing Affidavit and acknowledged that
he / she executed the same in the capacity therein state and for the purposes therein
contained.

In witness thereof, I hereunto set my hand and official seal.

(Notary Public)
My Commission expires: _____

The Redevelopment Authority Public Art Program: APPENDIX B

CONSTRUCTION COST ESTIMATING FORM

The following form may be used by the Redeveloper for estimating the construction costs that count toward the Percent for Art requirement.

Division #	Description	Total
1	General Requirements: Including	
	Mobilization	
	Temporary Facilities	
	Equipment	
	Division 1 Total:	

2	Sitework: Including	
	Demolition	
	Earthwork	
	Site Utilities	
	Site Improvements	
	Area Paving	
	Walks & Curbs	
	Landscaping	
	Division 2 Total:	

3	Concrete: Including	
	Foundation	
	Cast-in-Place	
	Pre-cast	
	Sidewalks/Yards	
	Steps/Footings	
	Basement	
	Division 3 Total:	

4	Masonry: Including	
	Block	
	Brick Veneer	

	Restoration/Cleaning	
	Stucco	
	Division 4 Total:	

5	Metals: Including	
	Structural	
	Ornamental/Guards	
	Railings	
	Division 5 Total:	

6	Carpentry: Including	
	Joist	
	Sheathing	
	Window/Door Frames	
	Trim/Shelves	
	Underlayment	
	Partitions/Ceilings	
	Wood	
	Metal	
	Division 6 Total:	

7	Moisture Protection: Including	
	Roofing	
	Siding	
	Insulation	
	Waterproofing	
	Division 7 Total:	

8	Windows and Doors: Including	
	Windows	
	Storm Windows	
	Exterior Doors	
	Interior Doors	
	Division 8 Total:	

9	Finishes: Including	
	Plaster Repair	

9 con't	Drywall	
	A) Hang	
	B)	
	C) Finish	
	Ceramic tile work	
	Suspended Ceilings	
	Flooring	
	A) Carpet	
	B) Hardwood	
	Painting & Decorating	
	A) Interior	
	B) Exterior	
	VC Tile	
Division 9 Total:		

10	Specialties: Including	
	Mailbox	
	Bath Accessories	
	Public Areas	
	Division 10 Total:	

11	Equipment: Including	
	Appliances	
	Division 11 Total:	

12	Furnishings: Including	
	Kitchen Cabinets	
	Bath Vanities	
	Window Treatments	
	Division 12 Total:	

13	Special Construction: Including	
	Trash Compactor	
	Recreation Equipment	
	Division 13 Total:	

14	Conveying: Including	
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	Elevator	
	Escalator	
	Division 14 Total:	

15A	Plumbing: Including	
	Sewage System	
	Water System	
	Gas Service	
	Rough Drains	
	Interior Plumbing	
	A) Rough	
	B) Finish	
	Fire Protection	
	A) Sprinklers	
	B) Pumps and Controls	
		Division 15A Total:

15B	Heating, Ventilation: Including	
	Rough	
	Vents	
	Fans/Ducts	
	Heaters	
	Finish	
		Division 15B Total:

16	Electrical: Including	
	Primary Service	
	Distribution System & Panels	
	Rough Wiring	
	Systems (Alarms, Intercoms, Security)	
	Finish (Devices, Fixtures)	
		Division 16 Total:

TOTAL	DIVISIONS 1-16:	
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