

**1900.2210 ADDITIONAL REQUIREMENTS AND PROCESSES FOR MINNESOTA PERCENT FOR ART IN PUBLIC PLACES PROGRAM.**

**Subpart 1. Definitions.**

A. "Commission" or "commission award" means the creation of a new work specific to a site.

B. "Purchase award" means the direct purchase of an existing work of art.

C. "Site" or "project" means a state building, the construction of which is paid for wholly, or in part, by the state of Minnesota, and does not include construction funds primarily appropriated for the repair, replacement, or enhancement of the infrastructures (electrical, plumbing, heating and cooling, or structural) which are not regularly seen by the public unless it is the desire of the tenant or managing agency to proceed with approval from the commissioner of administration.

D. "Site selection committee" means at least five, and no more than seven, individuals who will recommend artwork for a designated site. The committee is chaired by a designee of the board who is a nonvoting member of the committee.

E. "Slide registry" means a nonjuried collection of slides and information on visual artists interested in having their work purchased or commissioned for newly constructed or renovated state building sites across Minnesota.

F. "Work of art" or "artwork" means original and unique creations in visual media:

(1) produced by or under the control of artists generally recognized by their peers and critics as professional artists; and

(2) chosen by site selection committees.

**Subp. 2. Purpose of program.** The purpose of the Minnesota percent for art in public places program is to make possible the acquisition of works of art to be exhibited in areas of a state building or its grounds, accessible on a regular basis to members of the public.

**Subp. 3. Activities the program supports.** The program may purchase or commission original works of art with up to one percent of the total construction budget of a state building with a construction or renovation budget of at least \$500,000. This program shall enable artists to participate with client agencies and design professionals in the process of designing public spaces within and around state buildings; shall commission artists to create artworks to be integrated into the buildings and sites; or shall purchase existing artworks to be displayed throughout the buildings. In addition, the program shall manage and maintain a slide registry as a resource for selecting visual artists and artwork when new sites are identified for the program. The registry shall also be used by other nonstate organizations or individuals interested in locating artwork for commission or purchase. With authorization from the Department of Administration, the board may

use up to 20 percent of each site's percent for art in public places' appropriation for administrative costs.

Subp. 4. **Processes used to select artwork for site.** The board shall generally use a site selection committee process described in subpart 9 to select artwork for a site. Under emergency circumstances, which the board determines in close consultation with the tenant when there is a lack of time or administrative financial resources, the board may determine that a purchase award is appropriate.

Subp. 5. **Criteria for recommendations.** The four criteria used when reviewing artwork for purchase, or artists to commission, shall be in the two perspectives as described in items A and B.

A. Artistic quality, design, and permanence are the three primary criteria and equally important. Site selection committee members will examine slides of artists' previous work, and a professional resume when considering and assessing the artwork or artists.

- (1) Artistic quality shall be demonstrated by:
  - (a) work samples;
  - (b) adequate experience in production of public art; and
  - (c) evidence of ability to work within budget.
- (2) Design shall be demonstrated by:
  - (a) aesthetic compatibility with the architecture; and
  - (b) appropriate medium, given the function and use of the site.
- (3) Permanence shall be demonstrated by:
  - (a) use of durable materials; and
  - (b) good construction techniques.

B. The secondary criterion in order of importance shall be the acquisition of a variety of artwork appropriate to a public collection, which is demonstrated by:

- (1) artwork in different mediums and styles, and with a breadth of themes or subjects;
- (2) artwork which recognizes and fosters diverse social, cultural, and historical values; and
- (3) artwork which is memorable, thought-provoking, and enduring.

Subp. 6. **Site selection committees.** Site selection committees shall be organized in the same manner as advisory panels under part 1900.0410, subparts 2 to 6. Additional criteria to select the individuals who serve on a site selection committee are:

A. members must have familiarity with public art issues and acquisition procedures or experience with community-based visual arts projects;

B. (1) two members (or three, if it is a seven person committee) shall represent the residents and users of the building, appointed by the Minnesota state agency which has authority over the bonding appropriation that includes funds for the project;

(2) one member shall represent the architect for the building; and

(3) two members (or three, if it is a seven person committee) who have expertise as an artist, curator, critic, writer, museum director, arts educator or administrator, member of the Arts Board, architect, landscape architect, or other design professional shall be appointed by the board;

C. each site selection committee must include a majority of Minnesota residents as voting members consistent with part 1900.1010, subpart 5, item D.

Subp. 7. **Residence exemption for slide registry.** Any artist may submit materials for the slide registry. The artist need not be a Minnesota resident.

Subp. 8. **Waiting periods for subsequent awards.** An artist who has received purchase awards through the program totaling a minimum amount as determined by the board based upon available resources and published in the current program information, or more, in one fiscal year must wait one year from the contract execution date before being considered for other projects by the board.

An artist who has received commission awards totaling a minimum amount as determined by the board based upon available resources and published in the current program information, or more, in one fiscal year must wait three years from the contract execution date before the artist shall be considered for other projects.

During the waiting period, an artist may remain on file in the slide registry, but the artist's work will not be considered for projects by the board.

Subp. 9. **Processes to identify applicants for consideration.**

A. One of the two methods in subitems (1) and (2) is used by the site selection committee to acquire works of art:

(1) purchase of existing work; or

(2) commission of new work especially for the site.

When new work is commissioned, the artist first presents a design proposal, including a budget and timeline, that must be reviewed and approved by the site selection committee.

B. The site selection committee may use a combination of competition types to assemble a pool of applicants for awards.

(1) Open competitions shall be announced through a large bulk mailing of a prospectus describing the project. Work samples from all applicants who respond shall be shown to the site selection committee. This type of competition is most suitable for projects with large budgets and extended timelines.

(2) Registry competitions shall use the slide registry to prescreen applicants who meet the specific criteria identified for the site by the site selection committee. The slide registry shall be used for all projects, often in combination with other types of competitions, but is particularly suitable for projects with limited budgets, short timelines, and if work is sought for a purchase award.

(3) Invitational competitions shall use a list of artists developed by the board for the purpose of sending an invitation to apply for a specific site award. This type of competition is most suitable when artists are sought who have particular skills or abilities, or who work in specific mediums appropriate to the project, or for projects with an extended timeline.

(4) For direct competitions, the site selection committee shall directly invite a limited list of artists developed by the board to apply, or the committee shall visit galleries, museums, or studios to select artwork. This type of competition is most suitable for projects with limited budgets, short timelines, or where work is sought for direct purchase.

The site selection committee's recommendations shall be given to the board, the Department of Administration, and other necessary state agencies for final approval. Upon approval, the board shall enter into a contract with the artist. The contract shall provide for the direct purchase of existing work, the production of design proposals for a commissioned work, or the actual production of commissioned work.

Subp. 10. **Projects not eligible.** A project is not eligible for consideration for the program if it is not demonstrated that it meets the description of a site or project as defined in subpart 1.

In addition, a project is not eligible for funds if:

A. the funds are to be used solely for the design or construction of elements of incidental or ornamental detail;

B. the funds are to be used for payment of any architect's fees for participating on the site selection committee; or

C. if the Department of Administration has determined it to be inappropriate.

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