

**TITLE 4           CULTURAL RESOURCES**  
**CHAPTER 12   COMMUNITY ART RESOURCES**  
**PART 11       ART IN PUBLIC PLACES PROGRAM**

**4.12.11.1       ISSUING AGENCY:** Department of Cultural Affairs, New Mexico Arts Division, Art in Public Places Program.  
[4.12.11.1 NMAC - Rp 4.12.11.1 NMAC, 11-13-2003]

**4.12.11.2       SCOPE:** Departments, agencies, boards, councils, institutions, commissions of the State of New Mexico who are eligible according to the Art in Public Places Act, Section 13-4A-3 NMSA 1978.  
[4.12.11.2 NMAC - Rp 4.12.11.2 NMAC, 11-13-2003]

**4.12.11.3       STATUTORY AUTHORITY:** The New Mexico Arts Commission Sections 13-4A-2 NMSA 1978, and the Art in Public Places Act, Section 13-4A-1 NMSA 1978. State agencies are required to allocate 1% of all capital expenditure funds pursuant to Act 1%. All state appropriated capital improvement or new construction projects exceeding one hundred thousand dollars (\$100,000) are subject to the 1% Art in Public Places Act.  
[4.12.11.3 NMAC - Rp 4.12.11.3 NMAC, 11-13-2003]

**4.12.11.4       DURATION:** Permanent.  
[4.12.11.4 NMAC - Rp 4.12.11.4 NMAC, 11-13-2003]

**4.12.11.5       EFFECTIVE DATE:** November 13, 2003 unless a later date is cited at the end of a section.  
[4.12.11.5 NMAC - Rp 4.12.11.5 NMAC, 11-13-2003]

**4.12.11.6       OBJECTIVE:** The funds derived from the Art in Public Places act shall be administered by NM arts, art in public places program and be used to contract with living artists to place public art at those sites identified as eligible. The art in public places program shall aggregate one percent for art funds when appropriate for a more significant public art project. Public artworks may be an integral part of the building, attached to the building, detached within or outside the structure or placed on public lands, part of a temporary exhibit or loaned or exhibited by the agency in other public facilities. The selection of artists for the commissioning and purchase of artwork, the selection of artwork for purchase, the execution, placement and acceptance of public artwork shall comply with the rules and regulations of New Mexico arts/art in public places program policies and procedures. These procedures must be in compliance with the state purchasing regulations and shall be a fair and open competition. The art in public places program acquires works of art for installation and display in public buildings throughout New Mexico, which reflect cultural, ethnic and artistic diversity of New Mexico, the region and the nation. Guidelines established by New Mexico arts require that commission projects shall have a five to eleven member local selection committee that may include other knowledgeable visual art professionals, who determine the type of art and develop a prospectus (a call for artists). The art in public places program shall issue a prospectus for several state facilities wishing to purchase existing artwork. After a review of the artwork by the statewide review committee, the regional buying committee shall make the selection of the purchased artwork. The permanent art collection shall be selected by a committee of artists and arts professionals and shall be loaned to other public entities that have not received 1% for art funds. All prospectuses are published in the quarterly New Mexico arts newsletter, *art speak*, and online at [www.nmarts.org](http://www.nmarts.org), and are open to all artists. Works of art selected by an art selection committee shall be on public display and be accessible to the general public during business hours.  
[4.12.11.6 NMAC - Rp 4.12.11.6 NMAC, 11-13-2003]

**4.12.11.7       DEFINITIONS:** Those stated in 4.12.1.7 NMAC and used in this rule the following definition applies.

**A.       “Artist submission”** means a high-quality example of artistic work and supporting written information that fulfills the required material for submission stated in the prospectus. These materials shall be submitted by the artist or his designee to NM arts by the receipt deadline in order for the submission to be considered by the art selection committee.

**B.       “Art selection committee”** means the committee that selects the artwork and the artist for a commission or purchase project. The following are types of art selection committees.

(1) **“Local selection committee or LSC”** means the committee of five to eleven members excluding the AIPP staff, chaired by a project director, who are primarily from the local community. The LSC selects a site, develops the prospectus and select an artist for each site.

(2) **“Statewide review committee or SRC”** means the committee comprised of a minimum of five members who are artists or arts professionals that shall review art submissions for purchase projects and make recommendations to the arts division, following a set of criteria, for the selection of a manageable number of artworks to be viewed by regional buying committee and purchased by state agencies.

(3) **“Regional buying committee or RBC”** means the two to three local representatives of each public building or site that shall receive 1% for art funds for the purchase of artwork. The RBC is responsible for the selection of artwork for their site.

**C. “Commission or public art commission”** means a work of art designed and created by an artist for a specific building or site that incorporates select information relevant to a the particular project. Commission projects range in budget from thirty thousand dollars (\$30,000) to two hundred thousand dollars (\$200,000).

**D. “Public art purchase or purchase”** means an artwork that has previously been created by an artist and is selected by the RBC for their site. All project amounts through thirty thousand dollars (\$30,000), are purchase projects. NMA shall determine the maximum number of artworks a site may purchase.

**E. “Project director”** means the delegated individual who is responsible for working with the AIPP program coordinator or contractor to ensure the selection process occurs for a commission project. The project director is usually a representative of the group actually using the particular building under construction or renovation, or may be a representative of the owner of the building or any other designee.

**F. “Prospectus”** means the call for artist document issued by the arts division for the purpose of publicly stating the criteria for the specific project. The prospectus is made available to all artists who are interested in applying and are created for each commission project. One or two prospectuses may be issued per call for purchasing artwork.

**G. “Art selection process”** means an open and fair process of selection is instituted to place artwork in public buildings/property. The public process requires that representatives of the local community participate in the selection process of the artist or artwork through an art selection committee. Variations may be incorporated into the art selection process that require modification to these procedures. The public art manager shall approve the variations. Public art also identifies public funds as the source for expenses incurred to place art in the public eye.

**H. “Site”** means the place where the public artwork shall be located.

**I. “Selection criteria”** means a varying list of qualifications included in the prospectus, which an artist’s submission must meet to be considered by an art selection committee for a public art project.

**J. “Permanent collection”** means a collection of artwork created by renown, established artists that has been acquired by the NM arts division for the purpose of loaning artwork to other public entities that have not received 1% for art funds.

**K. “Deaccession”** means an artwork in the state’s public art collection is permanently removed from the collection following the deaccession regulation.

**L. “Art in public places program, or AIPP program or 1% for art program”** means the public art program of NM arts that administers all aspects of the program and the public art selection process.

**M. “AIPP staff”** means the project coordinator or contractor with the AIPP program who is assigned to facilitate the public art selection process.

**N. “New Mexico arts or NMA”** means the division that is within the department of cultural affairs, a state agency. The New Mexico state legislature created NMA and the NM arts commission because “the general welfare of the people of this state will be promoted by giving further recognition to the arts as a vital part of our culture and heritage and as an important means of expanding the scope of our educational program”.

**O. “Arts commission”** means same as NMA commission.

**P. “Site specific”** means artwork that is created for, and tailored to a particular site and community. Pre-existing artwork does not qualify as site specific.

**Q. “Maquette”** means a finalist’s scale model of the proposed artwork.

**R. “Finalist”** means the individuals or artist teams selected by the LSC to present maquettes, drawings and other required material relating to their proposals, for consideration as the selected artist for a commission project. No more than five finalists shall be selected for each site.

[4.12.11.7 NMAC - Rp 4.12.11.7 NMAC, 11-13-2003]

#### **4.12.11.8 DISPLAY OF PUBLIC ART**

**A.** All artwork purchased with AIPP funds shall be displayed in places accessible to the public.

**B.** Artwork may not be displayed in private offices or conference rooms that are inaccessible to the public.  
[4.12.11.8 NMAC - Rp 4.12.11.8 NMAC, 11-13-2003]

#### **4.12.11.9 GENERAL COMMISSION PROCEDURES**

##### **A. Project Director**

- (1) Each AIPP project shall delegate a project director, who is responsible for making the selection process occur. The AIPP staff works with the project director and assists them in guiding the selection process.
- (2) The project director is usually a representative of the group actually using the particular building under construction, or may be a representative of the owner of the building, or any other designee.
- (3) A description of the project director's responsibilities is available from the AIPP office.

##### **B. The Local Selection Committee**

- (1) The most integral component of the AIPP program is that local community members are responsible for the selection of the artwork for their community.
- (2) Local participation in decision-making is a major concern of the NMA commission.

**C. Membership Appointment:** The LSC members are appointed by the user of the public building, or his designee, or the AIPP staff.

##### **D. Membership Composition**

- (1) The LSC is composed of five to eleven members excluding the AIPP staff.
- (2) Most of the individuals on this committee shall be residents of the community in which the project shall take place.
- (3) The membership of the committee shall reflect the cultural diversity of the community involved.

##### **E. Committee Members shall include the following.**

- (1) A representative of the residents or *users* of the building.
- (2) The owner representative or his designee, of the public building.
- (3) An architect, preferably the architect of the construction project (or engineer or other appropriate design or construction professional, associated with the building if possible).
- (4) One arts professional or community art representative.
- (5) One artist who agrees to abstain from consideration for the project and works in similar media or style of artwork requested in the prospectus.
- (6) **All five key members listed above shall be present for a meeting to occur.**
- (7) Up to two community or student representatives or a member of the board of regents for a college or university shall serve as non-voting members in an advisory capacity.

##### **F. LSC Responsibilities**

- (1) The LSC is responsible for the selection of art for the identified public building, using a public selection process and adhering to the procedures developed by NMA.
- (2) Each 1% for art project has a defined amount of state money available for the commission of art.
- (3) The LSC may raise additional funds through other sources to supplement the state funding or secure the donation of in-kind services to assist the selected artist in the creation of his artwork.
- (4) The LSC shall collaborate with the AIPP staff to develop the specific criteria for the project to be included in the prospectus. The AIPP staff develops the prospectus and the LSC approves of the document prior to its circulation to the public.
- (5) The LSC shall select the artist for the project based on the prospectus and specific criteria included in a written and tangible proposal for the proposed artwork.
- (6) A two-thirds (2/3) majority vote is required for an artist to be selected as the final artist.

[4.12.11.9 NMAC - Rp 4.12.11.9 NMAC, 11-13-2003]

#### **4.12.11.10 GENERAL PURCHASE PROCEDURES**

**A.** NMA shall develop and advertise a prospectus that invites artists meeting specific criteria outlined in the prospectus, to apply with previously created artwork, in slide format, for review to be selected by sites having 1% project amounts through thirty thousand dollars (\$30,000).

**B.** The SRC may review the artist submissions based on criteria specific to the prospectus and determine which artworks may precede to the RBC for selection of artwork for a site.

**C.** The RBC representatives from a site receiving 1% for art funds shall review and select artwork for their specific site.

**D.** It is desired that a visual art professional or artist participate in the RBC art selection process to serve as a resource person.  
[4.12.11.10 NMAC - N, 11-13-2003]

**4.12.11.11 OVERVIEW OF ART SELECTION PROCESS**

- A.** An AIPP staff member shall guide the art selection committee through the art selection process.
- B.** Meetings of the LSC shall be held at the building site or any other suitable location. RBC meetings shall take place at a central public location within each region.
- C.** There shall be a minimum number of meetings for the RBC to purchase artwork, although the LSC may meet numerous times for a commission project.
- D.** After a prospectus is developed and advertised, artists may submit for the project according to the terms of the prospectus.
- E.** The art selection committee shall evaluate the artist submissions and select an artist or artwork for the project.
- F.** Each of these steps may vary in length of time and number of meetings necessary for the acquisition or commissioning of the artwork to be accomplished.  
[4.12.11.11 NMAC - Rp 4.12.11.11 NMAC, 11-13-2003]

**4.12.11.12 DEVELOPMENT OF THE PROSPECTUS**

- A.** There are two types of prospectus.
  - (1) Purchase prospectus - criteria usually created by AIPP staff and includes several sites having budgets up to thirty thousand dollars (\$30,000). Each site's RBC selects artwork for its facility.
  - (2) Commission prospectus - created in collaboration with the LSC and includes sites having budgets beyond thirty thousand dollars. These are site-specific works created exclusively for a location.
- B.** For a commission, the LSC shall consider various criteria in order to identify what type of art it is looking for.
- C.** The criteria are written into a prospectus.
- D.** LSC members have a responsibility to determine as much about what they want as possible and to include that information in the prospectus, in order not to waste their own time reviewing needless submissions, or the time of artists in preparing inappropriate submissions.
- E.** Factors to be considered for the prospectus include the following.
  - (1) Location - Interior, exterior and any other particular locations should be considered. When possible, AIPP encourages the art selection committee to select artwork that can be an integral part of the structure.
  - (2) Medium - Determination of suitable materials composing the artwork, size/scale of the artwork, two or three dimensional artwork, maintenance and 1% for art funds available in relation to the scope of the project and potential sites.
  - (3) Style - The style an artist uses to express his ideas. For example, traditional, folk-art, abstract, non-objective, figurative, representational, etc.
  - (4) Purchase - All projects with 1% for art amounts through thirty thousand dollars (\$30,000). A maximum number of artworks to be purchased by sites shall be determined by AIPP.
  - (5) Eligibility - all competitions are open to New Mexico artists. Depending on the scope of a project, competition shall be open to artists who are United States' citizens and reside in the United States to achieve a larger pool of artists from which to select.
  - (6) Receipt deadline - the designated date on the prospectus when artist submissions shall be received by NMA. The art selection committee shall not review late submissions and incomplete artist submissions.
  - (7) Art selection process - all AIPP projects must be open and fair competitions. The competition is open to all eligible artists.
  - (8) Submission materials - the artist must submit specific required materials that are included in the prospectus under the section entitled submission form and submission checklist.
  - (9) Questions - contact information shall be included in the prospectus.
- F.** Distribution of the prospectus - The prospectus shall be advertised and distributed in such a way as to reach artists who are eligible.
  - (1) NMA newsletter and the NMA website - the AIPP staff shall publish the availability of prospectuses in its quarterly newsletter, which is mailed to artists and galleries throughout the United States. The current prospectuses are posted on the NMA website at [www.nmarts.org](http://www.nmarts.org).

(2) Public service announcements - The AIPP staff shall send public service announcements to appropriate media, including newspapers, arts publications, and radio stations, locally, statewide and nationally.

(3) Press advertisements - The art selection committee may designate one member who shall make sure the project is advertised in the local media.

(4) Other Information Outlets - Traditional media outlets are often insufficient to generate the participation of certain artists. If an art selection committee is interested in a particular constituency group, the art selection committee members shall make an effort to make whatever contact possible with members of that group and enlist their help in spreading the word.

(5) Invitational competition. - In addition to having a competition open to all eligible artists, prospectuses may be distributed to targeted artists to encourage them to apply.

[4.12.11.12 NMAC - Rp 4.12.11.12 NMAC, 11-13-2003]

#### **4.12.11.13 REVIEW OF ARTIST SUBMISSIONS**

**A.** The art selection committee shall review the submissions of the artists who have responded to the prospectus.

**B.** At a commission review meeting, the LSC might reach a final selection of an artist or an artwork. At a purchase review meeting, the SRC shall determine the artwork that will travel to the purchase sites.

**C.** For most commission projects, a number of finalists shall be identified, who are then requested to submit additional materials, a site-specific tangible (both written and created) proposal for the artwork and a presentation to the LSC.

[4.12.11.13 NMAC - Rp 4.12.11.13 NMAC, 11-13-2003]

#### **14.12.11.14 FINAL SELECTION**

**A.** The final selection of an artist and artwork for a commission shall be formally approved by majority vote of the LSC, duly moved and seconded. The selection of the artwork for a purchase shall be decided by the site's RBC representatives.

**B.** The AIPP staff member must notify the selected artist in writing, addressing any follow-up information requested by the art committee.

**C.** In the notification letter the AIPP staff member must clarify that although the artist has been selected, no binding agreement is final until a contract is signed by the artist, the owner, and NMA.

**D.** Notice shall also be provided by the AIPP staff member to those artists who submitted but were not selected for the project.

[4.12.11.14 NMAC - Rp 4.12.11.14 NMAC, 11-13-2003]

#### **4.12.11.15 VARIATIONS TO PROCEDURES**

**A.** NMA has established these procedures as guidelines to be followed in the selection process.

**B.** Opportunities may be identified during the art selection process that require modification to these procedures.

**C.** Variations may be incorporated into the process with the approval of the AIPP program manager.

[4.12.11.15 NMAC - Rp 4.12.11.15 NMAC, 11-13-2003]

#### **4.12.11.16 CONTRACT DEVELOPMENT**

**A.** NMA has established these procedures as guidelines to be followed in the selection process.

**B.** All responsibilities involved in the execution, delivery and installation of the work of art must be delineated in the contract.

**C.** No contract shall be considered final until all the required signatures on the contract have been obtained. The contract shall be signed by the artist, the owner agency, NMA and any other state agency as may be required by state law.

**D.** After all signatures required on the contract have been obtained, the work of art may be either delivered or created.

[4.12.11.16 NMAC - Rp 4.12.11.16 NMAC, 11-13-2003]

#### **4.12.11.17 NOTES TO ENHANCING THE IMPACT OF PUBLIC ART**

**A.** The basic framework for any public art program, including the state of New Mexico's AIPP program, is the process by which public art is acquired or commissioned when utilizing public money. Within this

framework many opportunities and objectives may be identified that can broaden the scope of creating or acquiring public artwork.

**B.** The following suggestions offer opportunities for enhancing the impact of public artwork in the community by encouraging greater public participation, stimulating greater media coverage of the project, and to inform and provide educational experiences for constituents, students and other community groups about the public art in their communities.

**C.** To provide leadership and tourism opportunities through publicity providing for the economic development of New Mexico and of New Mexico's arts industry by recognizing New Mexico's artists and the nations' leading public artists who continue to participate in creating the stellar caliber of artwork in the state's collection.

**D.** To develop a statewide public art collection which reflects the cultural, ethnic and artistic diversity of New Mexico, the region and the nation.

[4.12.11.17 NMAC - Rp 4.12.11.17 NMAC, 11-13-2003]

**4.12.11.18 PUBLIC ART LOAN AGREEMENT:** The current loan agreement used by the agency.

[4.12.11.1 NMAC - N, 11-13-2003]

**4.12.11.19 PROFESSIONAL SERVICES CONTRACT:** The current professional services contract used by the agency.

[4.12.11.19 NMAC - Rp 4.12.11.19 NMAC, 11-13-2003]

**4.12.11.20 PURCHASE CONTRACT:** The current purchase contract used by the agency.

[4.12.11.1 NMAC - Rp 4.12.11.20 NMAC, 11-13-2003]