

Understanding the Process of Commissioning Artwork

Contributed by Lisa Austin

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SUMMARY

Lisa Austin has more than 25 years experience as a fine art adviser to corporations and private clients. She is familiar with the best ways for artists, architects, and owners to work together on art commissions.

BACKGROUND

Nothing makes a building project appear as finished, or sophisticated, as a great work of art commissioned specifically for an architectural space. In the best cases, the art is seamlessly integrated into the design, not only adding to the value of the building but creating a unique statement for the client. Such a win-win for everyone was the art commissioned for the Gannett/USA Today Headquarters and designed by Ed Rushca (see photograph by Hedrich Blessing to the right).

Unfortunately, the process of commissioning art for an architectural space is not always faultless. If adequate precautions are not taken, a project can be unsuccessful or, worse, end in litigation. Miscommunication or a misunderstanding between two or more of the parties involved, particularly the artist and the architect, are at the heart of most commissions gone bad.

To smooth the commissioning process, the architect should

- Create and write a set of goals for the project.
- Disseminate the goals to all project members.
- Monitor the progress of the commission.

A PRIMER ON THE COMMISSION PROCESS

The first step in the process of commissioning artwork is for the architect and owner to choose an artist who will be asked to develop a proposal for an architectural space. The artist's professional behavior will have the greatest influence on the success of the project. However, it is helpful to select an artist who has experience with the type of work proposed (e.g., large suspended works or monumental sculpture.)



These tips can help in the selection of an artist:

- Ask artists pointed questions about their working process.
- Ask them what problems they have encountered in the past and how they worked through them.
- Ask about maintenance of the artists' work and the stability of their materials.
- Ask for references.
- Due diligence is the key.

Once selected, have the artist write a proposal, with details about the final commission. The artist is generally paid for preparing a proposal, either as a percentage of the commission price or for a flat fee. The artist's proposal should include:

- An image, rendering, or 3D model of what the commissioned artwork will look like
- An outline of what will be expected of the artist in the final commission
- A budget and timetable for the project that identifies how the art will be fabricated, transported, and installed
- Fees associated with insurance needs, travel expenses, staffed assistants, and assumed incidentals. The proposal should also outline who will oversee each aspect of the design, creation, transportation, and installation of the art commissioned.

As part of the proposal review, have the artist speak with the owner or a committee, whoever will review the proposal. Let everyone involved meet each other and take time for one last “gut-check” about the temperament of the artist.

Finally, write a contract for the final commission. This document should refer to the original proposal, outline any changes made, and define a payment schedule. Typically, the payment schedule contains a provision for the client to approve the progress of the work at predetermined phases. The contract often names only the client and the artist, but may also include the artist’s representative (such as a gallery).

DETAILS OF ART COMMISSIONS

The quality of the finished product is the artist’s responsibility. The more the adviser, architect, or client assumes control of the commission, the murkier this responsibility becomes, as the artist may say work performed on his or her behalf was not in his or her control. The artist must approve the quality of all work and choose the subcontractors. Barring that, a trail of paperwork noting the artist’s approval of work done is essential.

Works of art are officially owned by the client, except in the rare case where a waiver is signed. The intellectual property of the image is always owned by the artist. That means you can’t change it, repaint it, and in some cases, move it to another location without their assistance and/or approval. If the client wants to use the work in promotional materials or for a catalog, such uses should be defined in the contract.

THINGS TO KNOW

An artist has complete control over the integrity of his or her work, according to the Visual Artists Rights Act of 1990. If architects or clients try to change, move, or even meddle too much with the work, they can be liable for damages.

The artistic process is fluid. There is a fine line between allowing natural artistic changes as the commission proceeds and ending up with a different result entirely. Unfortunately, the budget and schedule are also fluid for many artists. Although many are consummate professionals, with a team of engineers and installers at the ready and experience in bidding and fabrication, many need help to bring their commission to fruition.

ABOUT OUR CONTRIBUTOR

Lisa Austin, principal of Lisa Austin & Associates, has more than 25 years experience as a fine art adviser to corporations and private clients, including 12 years as in-house curator for Southeast Bank, N.A.

RESOURCES

More Best Practices

The following AIA Best Practices provide additional information related to this topic:

- 18.15.01 Lighting the Night Environment
- 18.12.01 Wayfinding Signage: Pointing You in the Right Direction
- 18.03.10 Precast Concrete Distinguishes Courthouse Design

Feedback

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Key Terms

- Design
- Aesthetic design
- Art commissions
- Commissioned artwork