

Administrative Order



Administrative Order No.: 3-11

Title: Art in Public Places Program Implementation and Fund Transfer Procedure

Ordered: 5/23/1989

Effective: 5/23/1989

AUTHORITY:

Section 2-11.15 of the Code of Metropolitan Dade County.

POLICY:

Pursuant to County Code, it is the County's policy to appropriate not less than 1 1/2 percent of the construction cost of new governmental buildings for the purpose of acquiring works of art. The purpose of this administrative order is to establish the necessary procedures to implement the Art In Public Places (AIPP) ordinance and for the transfer of funds from departmental capital budgets to the AIPP Trust Fund in a manner which ensures the self sufficiency of the Program without any dependency on the ad valorem tax operating fund.

DEFINITION:

Works of art is defined as the application of skill and taste to production of tangible objects according to aesthetic principles, including, but not limited to, paintings, sculptures, engravings, carvings, frescos, mobiles, murals, collages, mosaics, statues, bas-reliefs, tapestries, photographs and drawings.

Construction cost is defined to include architectural and engineering fees, site work, and contingency allowances. It does not include land acquisition or subsequent changes to the construction contract. All construction costs shall be calculated as of the date the contract is executed.

New governmental buildings is defined as any structure which serves to shelter people in a wholly or partially enclosed manner and serves a public purpose. Also included are structures built by or for the County, including additions to existing buildings. Renovations are not included under this definition.

REVIEW COMMITTEE:

All new governmental buildings, including those funded through grants, bonds and/or private development are subject to the AIPP ordinance, therefore, the AIPP contribution should be included as a project cost in grant applications, bond

ordinances and private development agreements. A review committee, chaired by the Assistant County Manager in charge of the Art in Public Places Program and composed of representatives from the Office of Management and Budget, County Attorney's Office and any other members appointed by the County Manager, shall review new capital projects and their eligibility for the contribution to the Program. If the facility does not conform to the definition of "new governmental building" a waiver will be recommended to the Board of County Commissioners. Only the BCC is authorized to grant waivers. Waivers must be secured prior to the award of the construction contract.

PROCEDURE TRANSFER FUNDS TO TRUST FUND:

All contract award recommendations submitted for approval by the Board of County Commissioners OF shall include a line item entitled "Art in AIPP Public Places Contribution," together with the appropriate amount. Any contract award recommendations which do not include this information will not be placed on the agenda. In the event a project has been exempted from the AIPP requirement by the Board of County Commissioners, or if the project does not meet the definition of a new governmental building, that information shall be included in the bid award.

Upon award of construction contract by the Board of County Commissioners, the Finance Department shall transfer by journal entry, where possible, the AIPP funds to the trust fund. In all other cases, an invoice will be sent to the Agency, which agency shall issue a check payable to the BCC and deposited in the AIPP Trust Fund. Such transfer must occur prior to execution of the contract by the County Manager's Office.

For projects which are constructed by in-house forces the Department Director for the agency executing the construction project shall be responsible for the transfer of the AIPP funds. The County's Internal Auditing staff will randomly check on those agencies which engage in in-house construction projects to ensure that the procedures established in this administrative order are adhered to.

PROFESSIONAL ADVISORY COMMITTEE (PAC):

Pursuant to the AIPP ordinance, this committee is responsible for recommending new selections of art to the full AIPP Trust. Departments which have contributed to the AIPP fund are required to attend PAC meetings which pertain to the review of works of art for their facility.

This administrative order is hereby submitted to the Board of County Commissioners of Dade County, Florida.

Joaquin G. Aviñó, P.E., P.L.S.
County Manager