



Revised March 10, 2021

- **Highlights of Section 2-11.15. of the Code of Miami-Dade County regarding Art in Public Places (APP) Requirements**
 - What is covered. 1½ % of construction cost of new government buildings, including but not limited to:
 - Architectural and engineering fees;
 - Specialty consulting fees;
 - Contingency allowance(s); and
 - Site work and all construction costs (including all systems and features that make a facility functional).Attached is an APP budget worksheet to be used to calculate the APP amount for projects.
 - What is excluded. The only exclusions for a capital project are land acquisition and subsequent changes to the construction contract through change orders.
 - Who manages the APP program. The Miami-Dade County Department of Cultural Affairs (CUA) manages the APP program.
 - When APP funds are conveyed and their uses.
 - Conveyance of Funds. APP funds shall be conveyed to CUA from the moment the department receives spending authority for the capital project. APP will work with department to determine the best approach and timing for the conveyance of the funds.
 - Use of APP funds. APP funds are used for commissioning works of art, CUA program administrative costs for APP, and repair and maintenance expenses.
 - Other funds. Municipal, state, federal, private and other non-County funds for a capital project are subject to the 1½% public art requirement.
 - Site Flexibility. APP may use funds generated from a construction project for acquisition of art works for other government facilities throughout the County. Every effort is made to use funds generated by a department's project within that department.
 - Capital projects done by other parties for the County. Projects done through development agreements (i.e., the County contracts with another party to develop a building that the County will own now or in the future) are subject to the APP requirement.
 - Approved APP language for all capital projects solicitations and contracts. Only the following language may be used by departments in all solicitations and agreements with architects, engineers, consultants, outside project management services, and construction for department and development projects:

- This project is subject to the Miami-Dade County Art in Public Places requirements, pursuant to Section 2-11.15 of the Code of Miami-Dade County, managed by the Miami-Dade County Department of Cultural Affairs as detailed in Procedure 358 in the Miami-Dade County Procedures Manual (see <http://www.miamidadepublicart.org/#tools> or <http://intra.miamidade.gov/managementandbudget/procedures.asp>).
- Frequently Asked Questions. Questions? Please see the section of this guide that provides answers to a number of issues that can help with implementing your APP project. If you have a question not covered in this guide and its FAQs, please call the CUA staff (see the “Who to Contact” section of this guide).
- **Tools for Departments**
 - APP web site. Examples of prior APP projects, the list of members of the APP Trust and other APP background information can be found at www.miamidadepublicart.org.
 - County Procedure 358 regarding Art in Public Places. More detailed information regarding the operating procedures for the APP program can be found in the Miami-Dade County Procedures Manual at <http://www.miamidadepublicart.org/#tools> or <http://intra.miamidade.gov/managementandbudget/procedures.asp>

- **The APP Artists Selection Process**

- Planning. APP works collaboratively with departments on developing the artists selection process:
 - To identify opportunities for public art in a project (with departments' project managers, planners and architects);
 - To understand the unique features of the department's capital project (e.g., community impact, timetable requirements, etc.); and
 - To draft the "Call to Artists" (i.e., the APP request for artists' qualifications and/or proposals).
- Selection. An APP Professional Advisory Committee (PAC) is convened to review artists' submissions and make commission recommendations to the APP Trust. Committee members are arts professionals appointed by the APP Trust.
 - Departments attend and participate in the PAC selection process (especially, project managers/architects/engineers and representatives from the specific users of the building).
 - Community representatives can be invited to participate at the departments' and APP's discretion.
 - The size and scope of the project helps determine the opportunities identified for public art and the number of artists that may be selected to work on a project.
- Approval. The PAC's recommendations of artists are approved and finalized by the Art in Public Places Trust (a 15-member board appointed by the Board of County Commissioners).
- Art project management. APP staff manages the work of the selected artists and closely coordinates this work with departments' project managers, architects/engineers/specialty consultants and contractors.

- **Keys to Successful APP Projects**

- Accountability. Calculation of APP project funds must be done in consultation and concurrence with CUA staff and based on actual A&E, consultants and contractors contract awards.
- Early involvement. It is essential to contact CUA as soon as capital project planning begins so that the timetable for the artists' selection process can be coordinated with the overall project's early design work.
- Collaboration. Departments' full involvement with CUA in identifying opportunities for art works, participating in the selection process and developing the art projects helps ensure that departments' needs can be addressed.
- Contract integration. Departments must include the approved language for the APP requirement in all capital projects' agreements and contracts.
- Point of Contact. Representatives from departments must be identified for clear, consistent and regular communication and coordination with APP staff for each stage of the work - planning, A&E selection, design, construction and commissioning; these representatives must have or have direct access to decision-making authority for APP issues.
- Communication. Departments must keep APP fully informed of capital project developments and especially of changes in order to avoid additional APP costs (e.g., redesign of art works, artists' delay claims, storage costs for art works, etc.); costs associated with failure to communicate with APP are the responsibility of the department.
- Teamwork. The APP project manager must be included on the department's project management team, the artist(s) on the A&E team and the artist's fabricator/installer on the contractor's team; this is essential to ensure that departments' capital projects and the development of art works remain interlocked (e.g., planning, design and construction of the building is coordinated closely with the development and installation of the art work).

Art in Public Places will dedicate 15% of all new public art allocations to a repair and restoration fund that will be utilized for specialized tasks required to repair and/or restore works of art in its collection. These funds will be replenished on an ongoing basis with proceeds from new commissions.

- **Maintenance**

- Call APP first. Contact APP before undertaking repair and/or restoration of any art work. Works of art may require specialized treatment for upkeep and qualified professionals for restoration.
- Integrated art works. When a work of art is designed as a regular part of a building, it simply may require that the department conduct standard cleaning procedures. For example, an artist-designed terrazzo floor typically requires the same kind of maintenance as a regular terrazzo floor and the department is responsible for doing the maintenance. Please, call APP if there is any question about the care of a department's integrated art work.
- Special materials. Art works fabricated from special materials may require specialized maintenance treatment. For example, a bronze or stone work of art must be cleaned and treated with certain kinds of maintenance products. Please call APP for guidance regarding the maintenance of art works made of special materials.
- Training of cleaning crews. It is the departments' responsibility to train cleaning crews regarding the treatment of public art works to ensure proper care; APP is available to provide guidance for this training.

- **Repair**

- Stop. Never attempt to repair an art work.
- Call APP first. Contact APP immediately to report any damage to an art work and an APP staff member will be responsible for assessing the damage and determining the repair procedures.

- **Inventory**

- Departments' responsibilities.
 - Annual inventory. Departments are responsible for conducting an annual inventory of their public art works and for reporting the results to APP.

- Inventory liaison. Departments must appoint an APP liaison responsible for the annual inventory and annually inform APP regarding contact information for this individual
- Do not move art works. Departments cannot move or relocate works of art; APP must be contacted if a department wants to move or relocate a work of art.
- APP's responsibilities.
 - Inventory list. APP annually will provide departments with a list of the art works and locations of the works in the departments to initiate the annual inventory
 - Inventory liaison. APP will provide departments with contact information for its Collections Manager who is responsible for the inventory results.
 - Movement of art works. APP will respond to departments' requests to move or relocate art works.

- **Applicable projects and costs**
 - *What if we are uncertain about whether the APP requirement applies to a project or components of a project?*
 - Call the APP staff if you have any questions about the APP requirements. In addition, the FAQs below may provide answers to your questions.
- **Building additions**
 - *Are additions to an existing structure covered by the APP requirement?*
 - Yes, additions are considered to be “new government buildings.”
- **Capital Outlay Reserve Funds (CORF)**
 - *Are construction projects funded by the Capital Outlay Reserve Fund covered by the APP requirement?*
 - Yes. The APP requirement applies to all County construction projects for new buildings.
- **Capital work done by the County**
 - *Does the APP requirement apply to the cost of architectural and engineering services performed by County personnel and to the cost of in-house construction labor, materials, and/or machinery?*
 - Yes. The APP requirement applies to the construction cost of new government buildings regardless of the source of funds for the project.
- **Contingency allowances**
 - *Are contingency allowances covered by the APP requirement, even if eventually they are not used or fully used for the project.*
 - Yes. The APP allocation is calculated and transferred to APP upon the award of the contract.
- **Conveyance of APP funds**
 - *When are funds conveyed to APP? Whom do we contact for details about conveying funds?*
 - Funds are conveyed to APP when the Department receives spending authority for the capital project. For example, when an A&E contract is authorized, 1 ½% of the contract must be conveyed to APP.

Please contact Patricia Romeu, APP Program Chief, for instructions to convey funds ((305) 375-5920, ROMEU@miamidade.gov).

- **Demolition**
 - *Does the APP requirement apply to demolition costs?*
 - Yes, if demolition is part of a construction project that is covered by the APP requirement.

- **Equipment**
 - *Are equipment costs subject to the APP requirement?*
 - Yes. The APP requirement covers all systems and features that make a facility functional, even if the equipment is acquired through a separate contract.

- **Parking garages**
 - *Does the APP requirement apply to a parking garage?*
 - Yes.

- **Roadways and sidewalks**
 - *Does the APP requirement apply to roadways and sidewalks?*
 - Yes, if the roadways and sidewalks are part of a construction project that is covered by the APP requirement.

- **Adaptive re-use of existing buildings**
 - *Does the APP requirement apply to major capital projects that adapt existing buildings for a new use?*
 - Yes.

- **Funding sources that disallow public art**
 - *Does the APP requirement apply to construction projects that are funded by grants or other sources which disallow public art?*
 - If a grant or another funding source specifically prohibits the use of funds for compliance with the APP requirement, the Department must use other funds to satisfy the APP requirement.

- **GOB projects**
 - *Does the APP requirement apply to GOB projects?*
 - Yes, the APP requirement applies to all County construction projects for new buildings. In addition, the APP requirement applies to GOB projects for new buildings done by municipal governments.

- **Inspector General**

- *In calculating the APP allocation, should the Inspector General cost be included in the base for the APP calculation?*
 - Yes, the APP calculation is taken against the total contract amount.

- **Municipal projects**

- *Does the APP requirement apply to new construction done by municipalities in Miami-Dade County?*
 - Yes. The same APP requirements and procedures that apply to the County apply to municipalities.

- **Private sector-funded projects**

- *Does the APP requirement apply to buildings financed and constructed on County property by private sector investors?*
 - Yes. The APP requirement applies to the construction cost of new government buildings regardless of the source of funds for the project.
- *What happens if the APP funds are not included in the development agreement with the private sector and/or are not collected by the Department from the private sector?*
 - The Department will need to convey the funds for the APP requirement from another revenue source.

- **Selection of art must be by APP**

- *Can a Department satisfy the APP requirement by selecting and purchasing an artwork itself?*
 - No. Works of art must be selected in compliance with the process required by the APP program and overseen by the APP Trust and staff. Please see the APP Checklist section, "The APP Artists Selection Process."

- **Unsuitable locations**

- *Does the APP requirement apply to a new building that may not provide a suitable location for a public artwork and may the APP funds be transferred for expenditure to another site?*
 - Yes. The APP requirement covers all new government buildings. There is no requirement that artworks be located at the site of the project that funded the artwork. APP will work with Departments to identify suitable alternative locations.

- **Donations of artwork**

- *What is the process for Departments to accept donations of art work(s)?*
 - The process for accepting gifts of art works is covered by Administrative Order No. 1-3. It requires that the APP Trust and its Professional Advisory Committee review and provide the Department with a recommendation for all donations of art work or commemorative and/or memorial structures of artistic merit, valued in excess of \$1,000.

Miami-Dade County Department of Cultural Affairs
Art in Public Places
111 N.W. 1st Street, 6th Floor
Miami, FL 33128
www.miamidadepublicart.org

- **Transfer of APP Funds**
 - Patricia Romeu, (305) 375-5920, ROMEU@miamidade.gov
- **General Information, Tools for Departments, Artists Selection Process**
 - Amanda Sanfilippo Long, 305-375-5436, amanda.sanfilippo@miamidade.gov
 - Bianca González LoCicero, Bianca.Gonzalez@miamidade.gov, (305) 375-5895
- **Project Management**
 - Patricia Romeu, 305-375-5920, romeu@miamidade.gov
 - David Martinez-Delgado, 305-375-1067, dmarti@miamidade.gov
 - Stefania Barigelli, Stefania.BarigelliRodriguez@miamidade.gov, (305) 375-5046
 - Alex Peraza, Alex.Peraza@miamidade.gov , (305) 375-3672
 - Pablo Rincon, Pablo.Rincon@miamidade.gov , (305) 375-4634
- **Maintenance, Repair, Inventory**
 - David Martinez-Delgado 305-375-1067 dmarti@miamidade.gov
- **Director**
 - Michael Spring, 305-375-5022, ms4@miamidade.gov