

**PORT OF SEATTLE**  
**MEMORANDUM**

**COMMISSION AGENDA – STAFF BRIEFING**

Item No. 6b  
Date of Meeting December 15, 2009

**DATE:** December 10, 2009

**TO:** Tay Yoshitani, Chief Executive Officer

**FROM:** Keith Gillin, Aviation Architectural Manager  
Colleen McPoland, Aviation Art Program Manager

**SUBJECT:** Annual Briefing on Art Projects and Art Program Policy and Guidelines

**BACKGROUND:**

This briefing is being done to update the Port Commission on the status of the ongoing art projects for 2009.

**SEAPORT – SMITH COVE CRUISE TERMINAL ART:**

The Smith Cove Cruise Terminal (SCCT) is the new passenger terminal located at Pier 91. The terminal building is the regional gateway to the Alaskan cruise market. In September 2009 we advertised for an art planner to develop a plan with the focus of creating a compelling connection between Alaska and Seattle that celebrates the historically rich traditions and indigenous environments of the two regions.

From a very competitive pool of candidates, we are excited to announce that Mr. Roger Fernandes was selected to create the art plan for the SCCT. Roger is a Native American artist, storyteller, and educator who has worked in similar capacities for the Duwamish Longhouse and Cultural Center, the Potlatch Trail project and Puget Sound Environmental Learning Center.

**AIRPORT – NORTH ENTRY ART:**

The Airport is the main entry and exit portal to the Pacific Northwest region, serving approximately 30 million passengers in 2008. Many visitors develop their initial impressions of the region upon arrival at Sea-Tac Airport.

The North Airport Expressway has undergone a major modification and relocation through a series of projects to relieve traffic congestion, accommodate Sound Transit's Light Rail track alignment to the Airport, and address the Airport's Comprehensive Development Plan.

In early 2005, a team comprised of Port of Seattle employees and external art experts used a competitive process to select the artist team of Haddad|Drugan to be the lead artists to create art

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that integrated expressway landscaping and art with specific Northwest imagery to give the North Airport Entry a distinct identity. The artist team will present the plan.

### **AIRPORT – RENTAL CAR FACILITY:**

#### **HELICES**

The Rental Car Facility (RCF) is being built in partnership with the Port of Seattle and the privately-owned rental car companies. The RCF will have a significant visual presence within its immediate surroundings, acting as a gateway to the Airport and the City of SeaTac.

The two helices located on the outermost corners of the building allow the vehicles to move between the floors. The helices will be very prominent structures facing the public streets; therefore, both the City of Sea Tac and the Port felt that the helices were the best locations for the application of art features. The artist, Buster Simpson, proposed they be covered with a stainless steel mesh fabric, installed in layers to give it a subtle moiré look, and LED lighting to provide an aesthetically interesting and pleasing covering for that portion of the concrete structure.

When this concept was presented to the Commission on September 22, 2009, the Commission asked that we look into the issue of driver distraction caused by any perceived motion that may result from the moving LED lights on the stainless steel fabric draping the helices. Enlisting the help of Ralph Wessels, Port Project Manager on the North End Roadway project, we first contacted the Washington State Department of Transportation for any similar case studies available in the Department of Transportation research library. Ralph also contacted Mark Hallenbeck, Director of the Washington State Transportation Center (TRAC) office located at the University of Washington, and Linda Boyle, Director of Human Factors and Statistical Modeling Lab at the University of Washington.

The only similar case cited by both departments was provided by the Department of Transportation, entitled “The Possible Effects of Commercial Electronic Variable Message Signs (CEVMS) on Driving Safety,” which did not directly address the Commission’s question. What is at issue, in our case, will be the rate and frequency of the lighting changes on the mesh fabric. Since there are no definitive studies of a similar nature that have been done, we discussed the best course of action and determined that the University of Washington’s Human Factors Lab should be contracted to do an onsite analysis. The lab has a very sophisticated vehicle instrumented to measure driver actions and vehicular effects. A technical evaluation of the effect or non-effect upon drivers could be completed before the Rental Car Facility is opened but could not be done until the mesh and lighting are installed.

It is the consensus that the worst case scenario would be that the lights are programmed to change very slowly (i.e., once a day as an extreme case) at a time when impacts would be negligible. On other end of the spectrum, the effect upon drivers may be found to be insignificant even with more rapid transitions of the light color.

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### **EMPLOYEE PARKING SCREEN**

A large exterior departure plaza serves as waiting area for customers returning to the terminal via shuttle buses. This is the one place in the RCF where customers may have a moment to linger while waiting for an arriving shuttle to take them back to the terminal. The wait will not be long – approximately 4 minutes – but it will provide time and opportunity to focus on a work of art.

Customers will logically be facing toward the bus lanes in order to see their approaching bus. Looking across the bus lanes from the departure plaza is an employee parking area that will be screened so that the parked cars on this floor are not confused with rental cars. The screening will make the waiting area more attractive for customers. The long expanse (over 700 feet long by 5 feet high) provides a significant opportunity for artwork. Artist Linda Beaumont was selected to design this work of art. The slides I am showing you are at a conceptual stage.

### **ATTACHMENTS:**

Document: *Smith Cove Cruise terminal Art Opportunity Artist/Art Planner; Statement of Interest by Roger Fernandes*

PowerPoint: *Emerald City; Haddad/Drugan, Artists  
Rental Car Facility, SeaTac International Airport, Artwork: Helix Scrim  
Concept – Spinning Wheels*

Smith Cove Cruise Terminal Art Opportunity Artist/Art Planner

Statement of Interest by Roger Fernandes

This letter is written in response to the Port of Seattle's Call for Artists for the Smith Cove Cruise Terminal Art Opportunity.

I am a Native American artist from the Lower Elwha S'Klallam Tribe whose work focuses on the local Puget Salish cultures and have worked on a variety of collaborative projects that give me experience as being a member of a design team or making recommendations for artwork at a particular site.

I bring a range of skills to a project like this. I am first an artist who has been creating traditional Coast Salish designs for over 20 years. I am also familiar with the diverse cultures and art styles of the Pacific Northwest Coast. I am a Native storyteller who sees the mythic stories of the Puget Salish tribes as an inspiration for artistic statements, both traditional and modern. I am also an educator who takes every opportunity to share information about the cultures of the Northwest Coast through storytelling and art. I also have experience creating traditional Native American and Coast Salish art for arts and culture organizations, schools, tribes, and private collections. Lastly I know and have worked with several Northwest Coast artists in various tribal styles as a collaborator and/or designer.

As an artist and educator my interest in a project like this is that it is both a way of sharing the power of coastal cultures in a meaningful artistic way as well as a teaching opportunity to impart cultural and historical information through the presentation of the art in a thematic scheme. As a storyteller it allows stories to be shared through the art and appreciated for the cultural wisdoms they contain. And as a Native artist it would allow me to bring in talented artists from other coastal tribes to create a powerful unified cultural statement.

I have learned in consultation with tribal elders that in a project like this, where diverse tribal cultures are to be represented, it is important to give cultural meaning by reflecting a very important element of Native culture; protocol in recognizing the land and its people upon which the works are sited. Since we are on the land of the Duwamish and Puget Salish tribes, it seems appropriate that a significant section of the welcoming area refer to these tribal groups. The trick of course is not to diminish the presence of other tribal creations from other regions of the coast and to accurately reflect their cultures and art.

The Northwest Coast is not one large homogeneous region, but a very complex zone of smaller environments, shaped by the ocean, islands, mountains, and rivers. And since cultures are shaped by the environment they live in it is also meaningful to share with the viewer the diversity of environments of the coast. There are saltwater tribes, river tribes, lake tribes, mountain tribes, and island tribes. The richness of the nature of the coast is equally important to present as it helps the viewer understand the diversity of the region.

In the past few years I have worked on several projects as an arts planner and developer. In the 1990's I worked as a project artist for King County METRO on a project called Rainier Bus Shelter Improvement

Project, the charge being to suggest artistic elements to bus stops and shelters that would increase visibility and reflect neighborhood cultures. In the 1990's I also worked with Wahelute Tribal School in Frank's Landing, Washington to create an overall arts plan for tribal art to be placed in and around the school with an educational purpose.

In the past 10 years I have continued this type of work. In 2002 I worked with the then Puget Sound Environmental Learning Center, since renamed Islandwood, to develop a Native arts element to the Great Hall in that facility. This included the creation of a welcome figure actually carved into the main support column in the hall as well as sitting benches around the room adorned with basketry designs.

Also in 2002 I was selected to be the design team artist on the Potlatch Trail Project for the then Seattle Arts Commission. I worked in developing a character development proposal for the walking trail, which ran from South Lake Union to Elliot Bay and running part of its length along the Seattle Center grounds. In developing the proposal I worked with various city departments including Seattle Center staff, design engineers, architects, and a range of Native American artists. Besides completing this task I also worked to bring together local tribal cultural leaders for one day to speak to project staff about the meaning of such a project to Native people and address cultural integrity.

In 2008 I developed an arts plan for Duwamish Tribal Services as they were building their Duwamish Longhouse and Cultural Center in West Seattle. This proposal recommended types of art and displays that might best share their culture and history. I worked with tribal staff, the board of directors, and local historians to develop the plan.

I believe these experiences as an artist and arts planner give me the background necessary to meet the requirements of the position you have advertised.

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<b>Date of Meeting</b>	<u>December 15, 2009</u>

**DATE:** December 10, 2009

**TO:** Tay Yoshitani, Chief Executive Officer

**FROM:** Keith Gillin, Aviation Architecture Manager  
Colleen McPoland, Aviation Art Program Manager

**SUBJECT:** Commission Approval of revised Port of Seattle Art Program Policy and Guidelines

**REQUESTED ACTION:**

Request Commission approval of a revision of the Port of Seattle Art Program Policy and Guidelines.

**SYNOPSIS:**

Seattle-Tacoma International Airport (Airport) began investing in artwork in 1969, and the Port became the first public agency in the region to establish a civic collection. Over the years, artwork at the Airport and other Port properties has grown in diversity, but also sharpened its focus, reinforcing the evolving identities of these facilities and customer service goals. Commitment to artistic excellence has been at the core of the Port's public art collection for almost 40 years.

In 2000, the Port approved its original Art Guidelines. Since they were established, the Guidelines have been used to effectively integrate artwork into many building projects, mostly at the Airport.

During 2008, as one of its responses to the findings of the State Auditor's Office 2007 audit, Port staff undertook an in-depth evaluation and revision of the Art Program Policy and Guidelines. From this extensive review, best practices were identified, evaluated and then incorporated as appropriate into the Port's revised Art Program Policies and Guidelines. On August 26, 2008, the Commission approved the revised Art Program Policy and Guidelines. One of the major changes in 2008 was that the Port reduced the percent for the art allocation from one percent to one-half percent.

The purpose of these recommended changes is to provide language to clarify the Guidelines regarding the Art Pools, the procurement of art and the management of the Art Program; to distinguish art procurement from other types of procurement, for the purpose of helping to determine what procedural requirements may apply; and to add one member to the Art Oversight Committee.

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### **PROPOSED CHANGES TO THE GUIDELINES:**

#### **Art Pool**

##### **Current guidelines:**

The current Guidelines for the Port's Art Program allow the collection of unused percent-for-art allocation monies in an Art Pool for future use in projects unrelated to the project that originally generated the art fund.

##### **Recommended change:**

The intent behind the establishment of the Art Pools is to use the pooled funds from multiple projects to help fulfill the Port's aesthetic vision for Airport and Seaport facilities and support the Port's business interest in enhancing the experience of travelers and customers. The following change is being added to clarify how the Art Pool funds may be used.

A project may be eligible for Art Pool funds if it can benefit from one or more of the following elements of the Port's vision:

- Mitigating potential adverse impacts of construction;
- Way-finding;
- Unifying treatments;
- Gateways and portals;
- Focal points.

#### ***Procurement Policy for Artwork***

##### **Current situation:**

When the new CPO-1 procurement policy was adopted in January 2009, it became apparent that CPO-1 did not adequately address procurement of art. An important question was, "When procuring artwork, does the Port have a legal obligation to follow the procedures required for procurements of personal services, purchased services or goods?"

##### **Recommended change:**

The attached Art Policy at Section 5.5 articulates the legal justification for not applying CPO-1 (procedures for personal and professional services, effective January 31, 2009).

The work involved in incorporating an artistic vision or aesthetic considerations into a construction project, the development of a proposal for artwork and the actual fabrication or creation of art all should be distinguished from personal or professional services, purchased services or goods.

Neither the communication of artistic vision nor the development and creation of artwork fit within the definition of "personal service" in RCW 53.19.010(6) or the definition of a "professional service" in RCW 39.80.020(5). Personal services are generally performed by consultants who provide the Port

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with a study or work statement or accomplish a project or a task within a project whose scope of work is dictated by the Port. Professional services are engineering and architectural services. The creation of artwork, on the other hand, has less involvement by the Port in the scope of work and more creativity on the part of the artist and therefore does not fit within the definition of “personal service” or the definition of a “professional service.”

Likewise, the communication of artistic vision and the development and creation of artwork do not fit within the definition of “purchased service” in RCW 53.19.010(8). While purchased services are those provided by a vendor to accomplish routine, continuing and necessary functions, the creation of artwork is usually anything but routine.

Neither artistic vision nor artwork itself should be considered a good; the typical good is standard or interchangeable while artistic vision and artwork tend to be unique. Rather than price being the primary consideration in the procurement of art, the experience, reputation, skills, ability, and vision of the artist are the main considerations. To properly take such considerations into account, it makes sense to have a selection panel that includes members with the ability to evaluate artwork and artists. For the Port’s Art Program, that has meant inclusion of persons who are active in the arts communities.

The AOC recommends that the Port Commission direct the CEO to prepare a separate policy for the types of art-related procurement needs listed below and described further in subsections 5.4.1 through 5.4.4 of the attached Art Policy.

- Artist to consult as Art Planner,
- Artist to work with Design Team,
- Artist to develop artwork proposal,
- Artist to fabricate artwork.

### ***Artist Selection Processes***

#### **Current guidelines:**

The Art Oversight Committee (AOC) will require that artist and artwork selection processes and procedures be conducted through open and accessible standards that meet and exceed all State of Washington Arts Commission standards and requirements.

#### **Recommended change:**

The AOC will require that artist and artwork selection processes and procedures be conducted through open and accessible standards that meet the requirements of state law and take into consideration State of Washington Arts Commission standards.

Except under certain circumstances as described below, artists will be selected in a manner that fosters the greatest competition, advertises the opportunity the most widely, and facilitates the selection of the artist most likely to meet the Port’s needs.



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- *Open selection* is the preferred artist selection method. The open selection method will involve the AOC conducting an art call soliciting artists' slides, resumes and letters of interest through public advertisement.
- *Invitational or limited competition* most frequently occurs when there is either (a) a short time frame for the project that would prohibit an open selection process; (b) the Port is seeking artists to create functional works, such as artist-designed railings, light fixtures, and seating elements, or (c) when the project budget is so small that it would not justify an open selection.
- *Roster selection* may be used when a project requires specialized skills, experience, or technical abilities. Since the artists in the registry are "pre-qualified" according to past experience, the art selection panel will be asked to review the roster, considering the project's particular needs, and select three artists to be considered for the project.
- *Direct selection* – no changes to present Art Policy. This is to be used only in rare and unusual circumstances, possibly when time is of the essence or when it is the only way to secure an art project for a specific site.

### ***Art Oversight Committee Membership***

#### **Current guidelines:**

The Art Oversight Committee (AOC) is to be comprised of up to eight members, five appointed by the Port Commission and three appointed by the Chief Executive Officer.

#### **Recommended change:**

The AOC is to be comprised of up to nine members, six appointed by the Port Commission and three appointed by the Chief Executive Officer. This change adds a position on the AOC for a member of the community at large.

### **PREVIOUS COMMISSION ACTION/REVIEW:**

November 14, 2000 – Commission approved the Port of Seattle Art Program Guidelines, which established the process for including art in projects, the Art Oversight Committee, and the processes for selecting and approving artists and artwork.

August 26, 2008 - In response to the audit findings of 2007, Port staff led an in-depth evaluation of the Art Program Policy and Guidelines. From this extensive review, best practices were identified, evaluated and then incorporated as appropriate into the Port's revised Art Program Policies and Guidelines and approved by the Port Commission in August of 2008.

### **ATTACHMENT:**

PORT OF SEATTLE, ART PROGRAM POLICY AND GUIDELINES, Revised Version, November, 2009

**PORT OF SEATTLE**  
**ART PROGRAM POLICY AND GUIDELINES**  
**Revised Version, November, 2009**

**1. INTRODUCTION**

1.1. The Port of Seattle (POS) has been an active proponent of public art since the late 1960s. It became the first public agency in the region to establish a civic collection. The Port has acquired and incorporated into its projects, high-quality, contemporary art, for the improvement of the cultural, historic, aesthetic and environmental aspects of the transportation infrastructure and working waterfront as well as for the enjoyment of its customers, visitors, and local citizens. Over the past four decades, the Port's art program has flourished, and it continues to achieve critical acclaim with its diverse and innovative art pieces.

**2. STATEMENT OF ART POLICY**

- 2.1. The art policy of the Port of Seattle is to provide a strong presence of visual artworks that are integrated into the architecture, interior and grounds of Port facilities. Artwork selected will be reflective of the high standards and artistic excellence of the existing collection. An emphasis for all artworks should be for contemporary work that engages and reflects the Northwest culture and environment as experienced by diverse cultures. Artwork should generally be displayed in public areas. The Port of Seattle has a commitment to artistic excellence. It is the intent of the Port to continue contributing to the cultural and artistic legacy of the region.
- 2.2. Art acquisition is to be accomplished by commissioning original work, purchasing existing pieces, or through donation. Selected artwork for any Port facilities will be appropriate for each project.
- 2.3. In providing the opportunity for people to encounter art in Port venues, the Port aspires to enrich the lives of citizens who live in the surrounding communities and the experience of travelers to the greater Seattle area, to give voice to talented artists, and to support public art.
- 2.4. This policy and guidelines document will be reviewed by the Port legal department, the Art Oversight Committee and approved by the POS Commission every five years.

### 3. ART FUNDING

- 3.1. SOURCE OF FUNDING: Funding for the POS art program will be derived from capital projects approved by the Port Commission. One-half of one percent for art (0.005) of the design and construction cost for capital projects will be allocated for art. All capital improvement projects, or portions thereof, which are publicly accessible and visible, or for which there is a need for mitigation from the adverse effects of construction, will contribute to the Port of Seattle's art program. This calculation does not include the soft project costs. The total cost of the capital project must exceed \$200,000 to be eligible for the art allocation.
- 3.2. EXCLUSIONS: Aviation division projects excluded from the one-half of one percent art program allocations are airfield paving and associated airfield components, fuel hydrant systems, baggage systems in the bagwell (but not in public bag claim areas), infrastructure systems in non-public areas, and underground utilities.
  - 3.2.1. Exclusions to the art funding in the Seaport and Real Estate divisions are under review and will be presented to the Commission for approval as amendments to the policy and guidelines when they have been determined.
- 3.3. USE OF FUNDS: The project art budgets will be approved as separate line item calculations when the capital project budget for design and construction is approved by the Commission. All art projects will be tracked on a budget-versus-actual-costs basis.
  - 3.3.1. The funds for art should be used on the capital project which generated those funds whenever possible. Savings resulting from an art component within the larger art budget on a capital project should fund additional art within that project. If there are art project funds remaining from the one-half of one percent allocation after completion of the capital project, those funds will be transferred to the Art Pool under the circumstances and conditions described in this policy in Section 3.4.
  - 3.3.2. On occasion, unforeseen circumstances such as, but not limited to, hazardous materials, structural or electrical conditions that require an immediate response will arise within existing projects. When this occurs, the Art Program Manager may recommend to the Art Oversight Committee (AOC) that additional funds be appropriated from the Art Pool to supplement the existing art project budget.
  - 3.3.3. Acquisitions separate from capital projects will be presented to the POS Commission for budget approval on a case-by-case basis as long as legal authority exists and as provided by the AOC review procedure.
  - 3.3.4. The Commission will be informed when a transfer of funds to or from an Art Pool capital improvements project (CIP) is made.
  - 3.3.5. Each of the Port's operating divisions (Airport, Seaport and Real Estate) will keep separate Art Pools. There will not be transfers and/or exchanges between the Division Art Pool CIPs unless approved by the Commission.
- 3.4. ART POOL: Some capital projects that otherwise qualify for art allocations are not good candidates to have art incorporated in that project, or the project does not have sufficient funds to acquire and install a viable art element. In either case, the one-half-of-one-percent art allocation will be calculated as previously described and then

transferred to the respective Aviation or Seaport Art Pool capital improvement project (CIP).

- 3.4.1. The Aviation Division Art Pool serves the Port's interest in incorporating art into future capital projects so as to enhance the Airport experience through the use of art to improve the cultural, historic, aesthetic, and environmental aspects of the transportation infrastructure. The Seaport Division Art Pool serves the Port interests in enhancing the maritime and trade component of its working waterfront and highlighting the historic, diverse culture, and trade commitment it represents and supports. The intent behind the establishment of the Art Pools is to use the pooled funds from multiple projects to help fulfill the Port's aesthetic vision for Airport and Seaport facilities and support the Port's business interest in enhancing the experience of travelers and customers. The Port's vision includes the following elements listed below. A project may be eligible for Art Pool funds if it can benefit from one or more of the following elements of the Port's vision:
- 3.4.2. **MITIGATION OF POTENTIAL IMPACTS OF CONSTRUCTION:** The involvement of artists in the planning and design of a capital project and/or the incorporation of artwork in a project can mitigate the potential adverse impacts of construction. This ensures the maximum value for citizens of our region by creating an infrastructure that protects our natural environment and becomes a community asset.
- 3.4.3. **UNIFYING TREATMENTS:** Unifying treatments are defined as "continuous applications of decor or consistently designed elements intended to knit together the overall fabric of the place." These elements either through repetition or continuous application contribute to a coherent design character within individual spaces and the airport as a whole. Art may be effectively used to achieve a unifying treatment in a variety of ways. Using integrated and functional art to create a unifying treatment helps both enrich the airport environment and assist the traveling public in way-finding.
- 3.4.4. **WAY-FINDING:** It is imperative that artwork contribute to rather than compete with the function of any facility at the Port of Seattle. Artwork can add significantly to enhancing way-finding for travelers' in providing landmarks that give a specific sense of place as well as eye-catching elements that provide visible guide for travelers.
- 3.4.5. **GATEWAYS AND PORTALS:** Gateways and portals are defined here as "sensory experiences using visual, aural or other elements to heighten the visitor's awareness of important transition points and entryway." Places where art might be used for gateways and portals include the sky bridges between the garage and the terminal or the subterranean lobbies of the STS system. Gateways and portals often take the form of site-specific works.
- 3.4.6. **FOCAL POINTS:** Focal points are defined as "unique features that create interior or exterior landmarks that:
  - 3.4.6.1. Frame a view.
  - 3.4.6.2. Draw special attention to a particular location.
  - 3.4.6.3. Provide orientation and identifiable meeting places.
  - 3.4.6.4. Art may be used as focal points at informal meeting places, locations at the end of concourses or at particularly important sites (e.g., the arrivals hall). These are often large-scale independent works.

## 4. ORGANIZATIONAL STRUCTURE

### 4.1. PORT OF SEATTLE COMMISSION

- 4.1.1. The Port of Seattle Commission sets art policy and provides overall guidance for the Port's art program.
- 4.1.2. In addition, the POS Commission will:
- 4.1.3. Approve the Art Program Policy and Guidelines and any revisions or amendments.
- 4.1.4. Select a Commissioner to sit on the Art Oversight Committee.
- 4.1.5. Ratify the external appointments to the Art Oversight Committee.
- 4.1.6. Approve the art budget as a separate line item calculation when the project budgets for design and construction are approved by the Commission.
- 4.1.7. Receive art briefings during project architectural updates or separately as needed, based on guidance from the Commission member who sits on the Art Oversight Committee and provides feedback from the committee to the other Commissioners.
- 4.1.8. Receive information about the art program in the annual budget review with the Commission, which will include the Art Pool and any additional information available for upcoming projects.
- 4.1.9. Be informed when a transfer of funds is made to or from the Art Pool.

4.2. ART OVERSIGHT COMMITTEE (AOC): The purpose of the AOC is to provide guidance, leadership, and support to the POS in its policy to obtain and incorporate into Port projects high-quality, contemporary art that engages and reflects the Northwest culture and environment as experienced by diverse cultures. The AOC will provide consistent oversight and policy guidance to the art program at all Port-owned facilities, while individual project specific art panels will make recommendations for selecting artists for commissioned work and/or purchasing art.

4.2.1. **AOC MEMBERSHIP**: The AOC is to be comprised of up to nine members, six appointed by the Port Commission and three appointed by the Chief Executive Officer.

4.2.1.1. *Appointments to AOC by the Port Commission:*

- 4.2.1.1.1. Port Commission President (or a commissioner appointed by the Commission President).
- 4.2.1.1.2. Representative of the regional visual arts community.
- 4.2.1.1.3. Visual artist.
- 4.2.1.1.4. Visual art curator.
- 4.2.1.1.5. Architect familiar with the Port's design vision and standards.
- 4.2.1.1.6. A member of the community at large.

4.2.1.2. *Appointments to AOC by the Chief Executive Officer:*

- 4.2.1.2.1. Seaport Managing Director or designee.
- 4.2.1.2.2. Real Estate Managing Director or designee.
- 4.2.1.2.3. Airport Managing Director or designee.

- 4.2.2. AOC TERM: External members on the AOC will serve one 3-year term. They are eligible for re-appointment for a second 3-year term. Only two members can be rotated off the committee in any one year. The AOC will offer the Port Commission recommendations for membership on the committee. Names of individuals who meet the identified criteria will be sent to the AOC for review before being submitted to the POS Commission for appointment.
- 4.2.3. EXTERNAL AOC MEMBERSHIP PROCEDURES: Persons wishing to be considered for AOC membership:
  - 4.2.3.1. May submit a letter of interest and resume to the Port;
  - 4.2.3.2. May be nominated by citizens of the region; or
  - 4.2.3.3. May be nominated by current and past members of the AOC.
  - 4.2.3.4. The Port will, as needed, post notices of open AOC positions with submission requirements in local media, appropriate electronic outlets, and on the Port's webpage.
  - 4.2.3.5. Current AOC members will review applications, conduct interviews with applicants as necessary and forward recommendations to the POS Commission.
- 4.2.4. AOC MEETINGS: AOC members will meet quarterly or as needed in support of the Port art program. The members of the AOC will appoint one member to be the Chair, on a yearly basis, and that person will chair all meetings of the AOC. Art Oversight Committee administration will be provided by the Aviation Art Program Manager.
- 4.2.5. AOC RESPONSIBILITIES: The Art Oversight Committee will:
  - 4.2.5.1. Review policies and procedures related to the Port's art program and art collection, including re-siting, accessioning, and de-accessioning.
  - 4.2.5.2. Review and confirm the method for hiring artists for Port art projects that may include open competitions, limited competitions, direct selection, pre-approved rosters, or design team artists.
  - 4.2.5.3. Suggest and confirm panelists to serve on artist selection panels.
  - 4.2.5.4. Review and confirm the recommendations of various project-specific artist selection panels for selected artists.
  - 4.2.5.5. Review and confirm the aesthetic elements of all art project concepts and designs. The AOC Chair will inform the Commission in writing of this confirmation.
  - 4.2.5.6. Resolve aesthetic disputes involving project artists and consultants.
  - 4.2.5.7. Attend Port Commission meetings to discuss AOC policy and recommendations as necessary.
  - 4.2.5.8. Review and confirm the acceptance or refusal of any and all gifts of art.
  - 4.2.5.9. Review and confirm the acquisition or deaccession of art.
  - 4.2.5.10. Document that specific projects comply with all the provisions of these guidelines.
- 4.2.6. AOC COMPENSATION: AOC members will be paid an honorarium for their services and travel expenses. Compensation will be \$150.00 per meeting, plus reasonable travel expenses. Port employees, commissioners, and paid consultants/project personnel will not be paid an honorarium.

## 5. ART-RELATED PROCUREMENTS/SELECTION GUIDELINES

- 5.1. Artwork commissioned or purchased for the Port is overseen by the AOC. Decisions will be made formally through an established review procedure. All artwork selected will be reflective of the high standards and artistic excellence of the existing collection.
- 5.2. The AOC will require that artist and artwork selection processes and procedures be conducted through open and accessible standards that meet the requirements of state law and take into consideration, State of Washington Arts Commission standards. The budget for artist selection is included in the art budget allocated for each project. The entire art budget for the project is shown as a separate line item in the overall project budget when a project is submitted to the Commission for authorization of both design and construction.
- 5.3. CONFLICT OF INTEREST: The following individuals may not apply for artwork commissions: Employees of the Port of Seattle, the project architect and/or other project personnel, Port of Seattle commissioners, members of the art selection panel, members of the AOC, and the immediate family members and business partners of all of the above.
- 5.4. ART-RELATED PROCUREMENT NEEDS IDENTIFIED: It is the intent of the Art Oversight Committee to involve artists at the earliest appropriate project stage. The AOC will establish the artist selection process and, in collaboration with the client department, define the scope of work on a case-by-case basis. Artists shall be given maximum freedom to reach creative solutions to the aesthetic problems they have been engaged to address. The AOC, with the approval of the Port Commission, has identified the following art-related procurement needs:
  - 5.4.1. ARTIST TO CONSULT AS ART PLANNER: The AOC may recommend that artists or art planners be selected to define the art plan or to assist in the evaluation of options, strategies, limitations and opportunities for art and aesthetic design in capital projects. The art planner will be instrumental in defining the scope, location, schedule and budget for the art within the capital project. As discussed below in Section 5.5.1, this type of work would not be considered personal or purchased service. The procurement method will be prescribed by separate policy along the guidelines set forth in this Artist Policy.
  - 5.4.2. ARTIST TO CONSULT ON DESIGN TEAM: The AOC may recommend that an artist be selected as a consultant on a major construction project to provide artistic expertise in meeting the goal of improving the aesthetics of the entire project. The artist would work collaboratively with the Port's project managers and staff, other members of the design team, and the community to incorporate aesthetics into the plans for design of the construction project. As discussed below in Section 5.5.1, this type of work would not be considered personal or purchased service. The procurement method will be prescribed by separate policy along the guidelines set forth in this Artist Policy.
  - 5.4.3. ARTIST TO WORK ON DEVELOPMENT OF PROPOSAL FOR ARTWORK: The AOC may recommend that an artist be selected to work on the development of a proposal for specific artwork to be incorporated into the design of a construction project. The artist would present the artist's preliminary concept to the AOC, develop the final concept based on feedback from the AOC, and present the final proposal. Contracts for such work shall be referred to as Artist Proposal Development Contracts. As discussed below in Section 5.5.1, this type

of work would not be considered personal or purchased service. The procurement method will be prescribed by separate policy along the guidelines set forth in this Artist Policy.

- 5.4.4. ARTIST TO FABRICATE ARTWORK: The AOC may recommend that an artist acting as consultant to a design team, or artist selected to develop a proposal be commissioned to fabricate the artwork, coordinate with engineers and project managers on information necessary for inclusion in bid documents, and coordinate the installation of artwork with construction. Contracts for such work shall be referred to as Artist Commissioning Contracts and will either authorize services for a construction project with a specific associated Scope of Work or will commission artwork to be used for other purposes authorized by this Art Policy. As discussed below in Section 5.5.1, this type of work would not be considered personal or purchased service. The procurement method will be prescribed by separate policy along the guidelines set forth in this Artist Policy.
- 5.4.5. CONSERVATOR TO MAINTAIN OR CONSERVE ARTWORK: The AOC may recommend that conservators or other experts be selected to appraise art, as well as restore or maintain existing artwork. Such services should be considered “personal services” and thus procured in a manner consistent with CPO-1.
- 5.4.6. CONSULTANT TO PROVIDE PROJECT MANAGEMENT SERVICES: The AOC may recommend that a consultant be selected to manage art-related procurement and provide project management services related to delivery and installation of the artwork. Such services should be considered “personal services” and thus procured in a manner consistent with CPO-1.

## 5.5. ART-RELATED PROCUREMENT PROCESSES

5.5.1. The different types of art-related procurement needs call for different procurement processes. The work involved in incorporating an artistic vision or aesthetic considerations into a construction project, the development of a proposal for artwork and the actual fabrication nor creation of art all should be distinguished from personal or professional services, purchased services or goods.

5.5.1.1. Neither artistic vision nor artwork itself should be considered a good; the typical good is fungible while artistic vision and artwork tend to be unique. Rather than lowest price being the primary consideration in the procurement of art, the experience, reputation, skills, ability, and vision of the artist should be the considerations. To properly take such considerations into account, it makes sense to have a selection panel that includes members with the ability to evaluate artwork and artists. For the Port’s art program, that has meant inclusion of persons who are active in the arts communities.

5.5.1.2. Neither the communication of artistic vision, nor the development and creation of artwork, fit within the definition of “personal service” in RCW 53.19.010(6) or the definition of a “professional service” in RCW 39.80.020(5). Personal services are generally performed by consultants who provide the Port with a study or work statement or accomplish a project or a task within a project whose scope of work is dictated by the Port. Professional services are engineering and architectural services. The creation of artwork, on the other hand, has less involvement by the



Port in the scope of work and more creativity on the part of the artist and therefore does not fit within the definition of “personal service” or the definition of a “professional service.”

5.5.1.3. Likewise, neither the communication of artistic vision, nor the development and creation of artwork fit within the definition of “purchased service” in RCW 53.19.010(8). While purchased services are those provided by a vendor to accomplish routine, continuing and necessary functions, the creation of artwork is usually anything but routine.

5.5.1.4. The AOC recommends that the Port Commission direct the CEO to prepare a separate policy for the types of art-related procurement needs described in subsections 5.4.1 through 5.4.4. This Art Policy at Section 5.5 articulates the legal justification for not applying CPO-1 (procedures for personal and professional services, effective January 31, 2009) and for not applying the Port’s existing purchasing policies to four of the six above-referenced procurement needs described in subsections 5.4.1 through 5.4.4 of this policy.

## 5.6. METHODS FOR ARTIST SELECTION

5.6.1. Except under certain circumstances as described below, artists will be selected in a manner that fosters the greatest competition, advertises the opportunity the most widely, and facilitates the selection of the artist most likely to meet the Port’s needs.

5.6.2. The AOC recommends that the Port Commission issue the following guidelines for a policy on selection methods to be used in art-related procurements:

5.6.3. **OPEN SELECTION IS THE PREFERRED ARTIST SELECTION PROCESS:**  
The Port will usually use the open selection method. This is the preferred method for selecting artists. The open selection method will involve the AOC conducting an art call soliciting artists’ slides, resumes and letters of interest through public advertisement.

5.6.4. **INVITATIONAL SELECTION METHOD WILL BE USED IN THE FOLLOWING CIRCUMSTANCES:** Invitational or limited competitions most frequently occur when there is either (a) a short time frame for the project that would prohibit an open selection process; (b) the Port is seeking artists to create functional works, such as artist-designed railings, light fixtures, and seating elements, or (c) when the project budget is so small that it would not justify an open selection.

5.6.4.1. The AOC may invite a list of artists qualified to do such a project to submit applications or prepare proposals. Based on the proposals or applications received, the art selection panel would recommend an artist based upon criteria relevant and unique to each project that was determined in advance of issuing the invitations. From this limited pool, the art selection panel may recommend an artist based upon this established criteria.

5.6.5. **ROSTER SELECTION METHOD WILL BE USED IN THE FOLLOWING CIRCUMSTANCES:** Some projects require specialized skills, experience, or technical abilities; therefore, the AOC may recommend that an artist be chosen from established, juried rosters maintained by the King County Public Art

Program, Seattle Arts Commission, Washington State Arts Commission, or from a roster developed by the Port of Seattle.

5.6.5.1. Since the artists in the registry are “pre-qualified” according to past experience, the art selection panel will be asked to review the registry, considering the project’s particular needs, and select three artists to be considered for the project. The panel will rank the artists in order of preference. The ranking may be determined on the basis of the slide documentation of the artist’s past projects, a letter of interest submitted by the artist, and/or interviews.

5.6.6. **DIRECT SELECTION WILL BE USED IN THE FOLLOWING**

**CIRCUMSTANCES:** The direct selection process should be used only under rare and unusual circumstances. It should be used with caution to avoid favoritism or the appearance of favoritism or lack of transparency and accountability. It may be used when time is of the essence or when it is the only way to secure an art project for a specific site. Direct selections will be made through the use of artist rosters which are identified in section 5.6.5.

5.6.6.1. Since the artists in the registry are “pre-qualified,” the art selection panel does not necessarily have to include other artists or design professionals. The recommended artist would be invited to submit a proposal for review.

5.6.6.2. The recommendation of the art selection panel will be submitted to the AOC for review and confirmation.

5.7. **ART SELECTION PANELS:** The Art Program Manager will recommend candidates for the art selection panels. These candidates will then be confirmed by the AOC. Art selection panels are a group of individuals, including artists, art and design professionals, port representatives, and non-artist citizen representatives, convened to select artists, art works and art-related services for specific capital projects. These panels base their selections on POS-established Art Policy and Guidelines and in accordance with the POS policy to acquire high-quality, contemporary art that engages and reflects the Northwest culture and environment as experienced by diverse cultures.

5.7.1. **RESPONSIBILITIES:** Art selection panel will:

5.7.1.1. Review and examine applications, portfolios, and/or proposals submitted by artist applicants.

5.7.1.2. Recommend artists to be commissioned to create artwork or select an existing work to be purchased, based on the established criteria, subject to confirmation by the AOC.

5.7.1.3. Provide a report to the AOC documenting the reasons for its selections.

5.7.2. **COMPOSITION:** The art selection panel will be composed of five voting members. Two of the panelists will be art and/or design professionals. Two of the panelists will be Port representatives, and one of the panelists may be a member of the community neighboring the capital project. Port representatives may include staff from various departments. Due to the potential for a conflict of interest, commercial gallery owners and employees, art consultants, and artists’ agents may not serve as panelists.

5.7.2.1. **ADVISORS TO THE PANEL:** The panel will be assisted by the project team who serve as non-voting advisors. Project team members include

the Project Architect, the Project Manager, and Art Program Manager. The Chair of the AOC (or a designated AOC member) may participate as a non-voting member in each art selection panel.

- 5.7.2.2. OBSERVERS: The Port may ask at its discretion that community members be invited to attend artist selection panel meetings as non-voting members of the art selection panel.
- 5.7.2.3. VOTING: Each voting member on the panel will have one vote. Advisors and observers to the panel may participate freely in the discussion and debate, but are not allowed to vote.
- 5.7.2.4. MEETINGS: During the evaluation of application materials, the art selection panel will meet as often as necessary. The art selection panel meetings will be chaired by the Art Program Manager and may be facilitated by a public art consultant.
- 5.7.2.5. COMPENSATION: Voting panelists will be paid an honorarium for their services and travel expenses. Compensation will be \$300 per selection panel meeting plus reasonable food, travel, and lodging expenses. Port employees, commissioners, AOC members, and paid consultants/project personnel will not be paid an honorarium.
- 5.7.2.6. PANEL RECOMMENDATIONS: The recommendation of the art selection panel will be presented to the AOC for final approval. A report, documenting the selection panel deliberations, will accompany the recommendation. All panel recommendations will be presented to the AOC for confirmation prior to any and all public information releases.

## **6. STEWARDSHIP AND MAINTENANCE**

- 6.1. The POS art program has an obligation to assure the safety and preservation of its artworks. The Port will reasonably ensure that the artwork is properly maintained and protected, taking into account the recommendations of the Artist as stated in the maintenance criteria provided by the Artist and through regular condition surveys and conservation activity. The POS does not loan artwork from its collection.
- 6.2. The Port is responsible for the integrity of artwork in terms of record keeping, provenance, including display and/or loan of artworks and images, visual documentation and use of said documentation to represent the original artwork and the POS public art collection.
- 6.3. Appraisals will be completed, as needed, to maintain current insurance valuations for the individual artworks.
- 6.4. Maintenance of the Port's artwork is an expense item and is not funded from capital projects or the Art Pool.
- 6.5. The Port art staff is responsible for the management of the POS art collection. This management includes following the established procedures for maintenance, repairs, restoration, and collection files. These procedures are found in the Standard Operating Procedures for Art, which are maintained by the POS art staff.

## **7. RESITING ARTWORKS**

7.1. The Port reserves the right to relocate works of art which are not created for a specific site, are not integral to the design or construction of a building, or are portable works of art, without the written permission of the artist.

7.1.1. SITE-SPECIFIC ART: In the case of artworks which are specifically created for a site or which are integral to the design or construction of a building, the Port will not alter, modify, or change the artwork without reaching agreement with the Artist regarding the proposed change, alteration, or modification. In the event that the Artist and the Port are unable to reach agreement regarding relocation, alteration, or modification of the artwork, the following terms and conditions will apply:

7.1.1.1. The request for removal or alteration will first be submitted to and considered by the AOC for a written opinion regarding the proposal

7.1.1.2. In the event the Artist or the Port disagrees with the decision of the AOC, they may appeal it to the Port Commission in writing.

7.1.1.3. The Port Commission may review the decision made by the AOC. The decision of the Port Commission will be final.

7.1.1.4. Where an artwork must be relocated to accommodate construction or other Port projects or needs, the Port reserves the right to re-site or remove the artwork.

7.1.1.5. In the event the POS decides to re-site or remove a work of art, the Artist will have the first right of refusal to purchase his/her artwork (at current market value), providing it stands alone and is not integrated into a larger piece.

7.1.1.6. If an alteration, modification, or relocation should occur without the Artist's written permission, the work will no longer be represented as the work of the Artist, if the artist should make such a request in writing.

## **8. REMOVAL OF ARTWORK FROM THE COLLECTION**

8.1. DEACCESSIONING: Deaccessioning is the process by which artwork is withdrawn from public exhibition through sale, storage, loan, or disposal. Deaccessioning standards will be applied after careful evaluation, and not solely because of changes in fashion and taste. Deaccessioning is a formal process. The artwork disposition, including the terms of the deaccession, will be recorded in the archival file and database. The AOC Chair will notify the POS Commission and outline the reasons for deaccessioning any piece of artwork.

8.1.1. The POS Commission must approve any requests for deaccessioning before they are final.

8.1.2. The Port Commission must approve the sale of any Port-owned artwork. Proceeds from the sale of any piece of art from the Port's collection will remain in the art program.

8.2. PROCEDURE FOR DEACCESSIONING ARTWORK: The AOC will review the recommendations for deaccessioning artwork and determine the action to be taken. The process will be conducted in the following manner:

- 8.2.1. Artists whose work is being considered for deaccession will be notified using the current address provided by the artist.
- 8.2.2. The artist may attend the AOC meeting(s) where the deaccessioning and/or disposition recommendations will be considered and acted upon.
- 8.2.3. All artworks under consideration for deaccession will be accompanied by a report prepared by the Art Program Manager that includes:
  - 8.2.4. Reasons for the suggested deaccession.
  - 8.2.5. Acquisition method, cost, and current market value.
  - 8.2.6. Documentation of correspondence or negotiation with the artist.
  - 8.2.7. Photo documentation of the artwork or site conditions (if applicable).
  - 8.2.8. Contract restrictions, if any.
  - 8.2.9. Options for storage or disposition of the work.
  - 8.2.10. Recommended action.
  - 8.2.11. The AOC may also request additional information from art conservators, curators, or other arts professional or include these professionals in its deliberations and consideration of a deaccession recommendation.
- 8.3. CRITERIA FOR DEACCESSIONING: An artwork may be considered for deaccession due to one or more of the following conditions:
  - 8.3.1. The artwork has been damaged to the extent that repair is impractical or unfeasible, or the cost of repair or renovation is excessive in relation to the current appraised value of the work.
  - 8.3.2. The artwork must be relocated to accommodate construction or other Port projects or needs and the value of removing and relocating the artwork greatly exceeds the current appraised value of the artwork.
  - 8.3.3. The artwork is no longer appropriate for the site because of changes in the use, character, or design of the site.
  - 8.3.4. The artwork endangers public safety.
  - 8.3.5. The artwork requires excessive maintenance or has faults of design or workmanship.
  - 8.3.6. The artwork is of inferior quality relative to the quality of other works in the collection, or is incompatible with the rest of the collection.
  - 8.3.7. The security and condition of the artwork cannot be reasonably guaranteed in the present site.
  - 8.3.8. There is not a suitable site for the artwork.
  - 8.3.9. The artwork has been stolen.
  - 8.3.10. The Port wishes to replace the artwork with a work of more significance or appropriateness by the same artist.
  - 8.3.11. The artwork was purchased as a semi-permanent acquisition and the Port's predetermined period of obligation is terminated.

## **9. AVIATION ROTATING EXHIBIT PROGRAM**

9.1. The Airport provides locations for the exhibit of artwork and artifacts for the public in public places. The exhibits will promote art, other cultural appreciation, or local tourism and trade. In general the exhibits will be curated by a gallery, museum, or by individual or a group of artists or collectors. All exhibit proposals will be submitted to the Art Program Manager for approval and coordination with the Exhibit Review Committee.

### **9.2. CRITERIA FOR ROTATING EXHIBITS:**

- 9.2.1. The exhibit must be suitable for viewing in a public space.
- 9.2.2. The exhibit should be reflective of the history, culture, or trade of the Northwest region. Exhibits may also reflect the mission of the Port as an international or domestic gateway to trade, travel and tourism.
- 9.2.3. Exhibitor must be willing to curate and install the exhibit, usually at its own cost.
- 9.2.4. Exhibitor must be willing to sign the exhibitor's agreement and provide insurance as required.
- 9.2.5. In general, no commercial activity will be associated with the exhibit. Appropriately displayed sponsorship may be added to the exhibit upon approval of the Exhibit Review Committee.