

*FINE ARTS PROGRAM
U.S. GENERAL SERVICES ADMINISTRATION*

FINE ARTS COLLECTION POLICY AND PROCEDURES 2007

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PREFACE

The *Policies and Procedures* stated in this manual are the result of an audit of the Fine Arts Program that was conducted by the Office of Inspector General in 1994. The audit noted a need for directives for the Fine Arts Program and recommended that:

“...the Public Buildings Service issue written policy to guide its personnel, which:

- (1) Defines how fine art in federally controlled space is to be utilized; and
- (2) Provides guidance for the acceptance and disposal of fine art.”

The first *Policies and Procedures* manual, which was issued by the Commissioner of the Public Buildings Service in April 1998, address these issues as well as other procedures for the acquisition, inventory, inspection, conservation, exhibition, interpretation, emergency planning, and removal, relocation, and deaccessioning of artwork in the Fine Arts Collection. The *Policies and Procedures* were developed by a task force comprising representatives of Fine Arts and Art in Architecture programs in the Central Office, associates from the Office of the General Counsel, Regional Fine Arts Officers, advisors from other federal agencies and public art programs.

These *Policies and Procedures* are intended to provide direction while allowing for the flexibility necessary to accommodate the specific needs of each region. They are revised and updated every two years.

CHAPTER 1. BACKGROUND

This chapter describes the mission of the Fine Arts Program and the history and scope of the Fine Arts Collection.

Authorities and References

- The Federal Property and Administrative Services Act of 1949 (40 U.S.C. §471 et seq.) provides the U.S. General Services Administration (GSA) with the authority to procure and supply real and personal property and non - personal services, and transferred all functions of the Federal Works Agency, including artwork from the Works Progress Administration (WPA), to GSA.
- The Federal Managers Financial Integrity Act of 1982 (31 U.S.C. §3512), as implemented by OMB Circ. No. A - 123, establishes procedures for internal financial and managerial accountability and control. Section 2 (ii) states, “ funds, property, and other assets are safeguarded against waste, loss, unauthorized use, or misappropriation.” Internal Controls and Risk Assessments require that GSA’s Fine Arts Collection is properly maintained, accounted for, and accessible to the American people. The Director for Design Excellence and the Arts is responsible for this role for the agency, with Component Managers for the Art in Architecture Program and the Fine Arts Program.

1.1 *Organization*

The Fine Arts Program is managed through Design Excellence and the Arts, located in the Public Buildings Service’s (PBS) Office of the Chief Architect (PMB) in GSA’s Central Office. GSA’s PBS is responsible for providing safe environments, quality facilities, and sound management of the federal government’s real property assets. PBS directs the federal government’s multibillion - dollar civilian building program, which includes construction, renovation, alteration, and repair of federal office buildings, courthouses, land ports of entry, and other facilities. Most of PBS’s work is in partnership with architect/engineer (A/E) teams from the private sector. In addition, GSA has a portfolio of fine arts assets, the Fine Arts Collection, which includes civic works of art commissioned from the mid 19th century to the present - day Art in Architecture Program. Design Excellence and the Arts is composed of three interrelated programs: Design Excellence, Art in Architecture, and Fine Arts.

1.2 *Mission Statements*

GSA Mission

GSA helps federal agencies better serve the public by offering, at best value, superior workplaces, expert solutions, acquisition services and management policies.

Fine Arts Program Mission

The Fine Arts Program provides national leadership and policy direction for the portfolio of fine arts assets under GSA’s stewardship [the Fine Arts Collection] to insure their location, preservation, accessibility, understanding, and appreciation, in order to insure superior workplaces for federal agencies and the public they serve.

Vision

By preserving the legacy of federal art and the built environment, the Fine Arts Program inspires a future of creative freedom and expression in our American democracy.

1.3 Scope of Fine Arts Collection

The Fine Arts Collection includes commissioned civic works of art that enhance the architecture of GSA federal buildings, portable works of art created under the federal patronage of the New Deal art projects, Art in Architecture artist proposals (i.e. renderings, maquettes, and sketches), and Design Excellence architectural models.

The collection does not include decorative arts, such as furniture and light fixtures (unless commissioned through the Art in Architecture program); architectural ornamentation or details, such as historic mosaic flooring, stenciled borders, ceiling medallions, coffered ceilings, cast eagles, and ornamental molding (unless commissioned through the Art in Architecture program); commemorative works of art, such as busts and portraits, or artwork purchased for office space, such as reproduction prints and posters.

1.4 Description of Fine Arts Collection

The Fine Arts Collection consists of permanently installed and moveable mural paintings, sculpture, architectural or environmental works of art, and works on paper dating from the 1850s. These civic works of art are located in federal buildings and courthouses across the United States. An additional 15,000 small moveable New Deal works of art are on long term loan to museums and other nonprofit institutions. Maintained by GSA as a part of our national and cultural heritage, the Fine Arts Collection serves as a reminder of the important tradition of individual creative expression.

History

Since the beginning of the American republic, architecture and art have played a fundamental role in creating our national identity. The federal government has commissioned inspiring civic architecture and art that celebrate our nation's democracy and ideals. The result is a legacy of magnificent and cherished federal buildings and works of art in communities across the country. The Fine Arts Collection represents the history, culture, and ideals of our country - from the heroic, allegorical figures in the late 19th century Beaux Arts style - to the monumental Art Deco and Art Moderne forms of the 1930s - 1940s New Deal programs - to the diverse expressions of contemporary artists today through the Art in Architecture Program.

The earliest works in the Fine Arts Collection date to the mid - nineteenth century when Auguste de Frasse was commissioned to create bas reliefs for the Marble Hall of the U.S. Custom House in New Orleans, Louisiana, in the 1850s. From 1852 to 1939, the Office of the Supervising Architect of the Department of the Treasury administered the construction of federal buildings throughout the nation. Following the devastation of the American Civil War, the federal government used architecture and art to reassure, inspire, and promote national unity. By the 1880s, the country was experiencing a period of great growth and wealth, and as travel became easier, architects and artists studied abroad. Public architecture was influenced by the Second Empire style in France. Painting, sculpture, and architectural ornamentation were inspired by a rediscovery of Classicism and the use of symbolic and allegorical figures to reference the activities of the buildings they adorned. From inception to present, the Fine Arts Collection has two distinct characteristics - artwork is commissioned to adorn and enhance civic structures and is paid for with taxpayers' funds - so it belongs to the American people.

New Deal Art Projects

During the New Deal era,¹ the United States government administered four separate public art programs: the Public Works of Art Project (PWAP), the Federal Art Project (FAP), the Treasury Relief Art Project (TRAP), and the Section of Fine Arts. During their operation from 1933 to 1943, these programs proved unprecedented in both their size and scope. Though public art had been commissioned by the government in the years before the New Deal era, never before had the federal government administered a formal art program, let alone *four* distinctive programs. By the end of 1943, the projects had generated hundreds of thousands of civic works of art.

The distinctive characteristics of each program are outlined in the following summaries:

Public Works of Art Project, 1933 - 1934: The Public Works of Art Project (PWAP) was the first federal relief program for artists. Almost 4,000 artists were on the PWAP payroll and received weekly salaries. When the program ended, more than 15,000 works of art had been created. Many of them were lent to government officials and federal agencies or allocated to public institutions, such as orphanages, libraries, schools, and museums.²

The Section of Fine Arts, 1934 - 1943: Originally called the Section of Painting and Sculpture, the Section (as it was commonly referred to under both names) was administered by the U.S. Treasury Department. The Section's primary objective was to "secure suitable art of the best quality available" for the embellishment of public buildings.³ Artworks created under the Section comprised site - specific murals and sculptures for newly constructed federal buildings and post offices. Unlike the other New Deal art programs, the Section awarded commissions through competitions and paid artists a lump sum for their work. In total, the Section commissioned over 1300 murals and 300 sculptures.⁴

Treasury Relief Art Project, 1935 - 1938: While the Treasury Relief Art Project (TRAP) was under the supervision of the Treasury Department, it received funding from the Works Progress Administration (WPA). The funding made it possible for TRAP to provide paintings and sculptures for new federal buildings, such as post offices and courthouses, in which there were no funds available from the building appropriation. In addition, TRAP also made possible the decoration of federal buildings that had been erected before the Section came into being. Following similar employment guidelines to those of the WPA, TRAP typically selected artists from relief rolls and paid them a weekly or monthly wage. During its 3 - year existence, TRAP employed over 400 artists to create paintings, murals, and sculptures.⁵

Works Projects Administration, Federal Art Project (later called the WPA Art Program), 1935 - 1942: The Federal Art Project (FAP) was the largest of the New Deal art programs in both scope and the number of artists employed. Its most productive period lasted until 1939. During a massive reorganization of all New Deal relief programs, FAP was renamed the WPA Art Program and reduced in size. By the time it was discontinued in 1942, the WPA's Federal Art Project and Art Program had produced over 108,000 easel paintings, 11,300 fine prints, 2,500 murals, and 18,000 sculpture works.⁶

In 1939, the Federal Works Agency was established to consolidate those agencies of the federal government dealing with public works not incidental to the normal work of other departments, and which administer Federal grants or

¹ The phrase "new deal" was first used by Franklin D. Roosevelt in 1932, when he accepted the Democratic nomination for president and promised a "new deal for the American people." Since then, "New Deal" has been used as a label for Roosevelt's administration and its numerous achievements in domestic economic reform during the 1930s and 1940s.

² *Report of the Assistant Secretary of the Treasury to Federal Emergency Relief Administrator, PWAP*, (Washington, DC: U.S. Government Printing Office, 1934).

³ U.S. Treasury Department Press Release, October 1938.

⁴ Final Report, Section of Fine Arts, Public Buildings Administration, October 16, 1934 to July 15, 1943.

⁵ Cecil H. Jones, Acting Chief, TRAP, Memorandum to Edward Bruce, May 26, 1937.

⁶ *Final Report on The WPA Program, 1935 - 1943*, (Washington, D.C.: U.S. Government Printing Office, 1947).

loans to State and local governments or other agencies for the purposes of construction. The work and activities of the Federal Works Agency include Public Roads, Public Buildings, and Community Facilities. The Federal Property and Administrative Services Act of 1949 transferred all functions of the Federal Works Agency, which included New Deal artwork, to GSA.

WPA Artwork in Non - Federal Repositories

In 1934, the federal government began the process of loaning or allocating (a restricted transfer of title) portable works of art produced under the various New Deal art projects to museums and other public agencies. In 1994, GSA began the cataloging of New Deal artwork as part of a National Survey of Federally Associated Collections Housed in Non - Federal Institutions conducted by the Department of the Interior Museum Property Program. This initial inventory identified over 10,000 GSA works of art in non - federal repositories. Today, GSA's Fine Arts Program continues to locate and inventory these New Deal artworks housed in non - federal repositories. To date, over 15,000 works of art have been identified in museums, libraries, and universities across the United States.

Post War Period

In the late 1940s and 1950s, the commissioning of artwork for new federal buildings continued through the Public Buildings Service, in cooperation with the Commission of Fine Arts in Washington, DC. The Public Buildings Service consulted with the Commission on the recommendation of painters and sculptors for the "decoration" of federal buildings.

Art in Architecture Program

The Art in Architecture Program (AiA) was established in 1963, based upon the recommendations of President Kennedy's Ad Hoc Committee on Federal Office Space. The Committee's report contained Guiding Principles for Federal Architecture, which recommended that "where appropriate, fine art should be incorporated into the designs of federal buildings with emphasis on the work of living American artists." To accomplish this, GSA allocates at least one - half of one percent (0 .5%) of the estimated cost of construction of each new federal building or major repair and alteration projects of existing buildings to commission civic works of art appropriate to the building.

Once works of art commissioned by the Art in Architecture program are installed, they become part of the Fine Arts Collection.

Architectural Models

In 2001, the Fine Arts Program initiated the stewardship and curation of architectural models. This collection includes historic models and renderings, early models from the Public Buildings Service, and recent projects from the Design Excellence Program. Each model, whether of plaster, wood, or plastic, is a testament of the architect's creative vision and helps illustrate the design elements of the proposed structure. As construction projects unfold, the architectural model is an important element, helping others to envision the final appearance of the space, its relationship to the people it will accommodate, and the setting in which it will be built. These models also provide a historic record for future generations.

1.5 National Register of Peer Professionals

Design Excellence and the Arts is committed to fostering excellence in the design, construction, maintenance, and preservation of the federal architecture and art that reflects the history, culture, and ideals of our country. The inclusion of the American public in this process is essential and accomplished through the use of private sector peers. Appointed by the Commissioner of the PBS, these peers provide expertise and counsel in the areas of architecture, planning, engineering, interior design, the arts, fine arts conservation, landscape architecture, and sustainability. They are practitioners, artists, educators, curators, and conservators that help GSA build consensus on how to achieve the best design, art, and architecture within the parameters of the program and budget, and to communicate the values of quality design and art. They constitute GSA's National Register of Peer Professionals.

1.6 Responsibilities of the Fine Arts Program

The Fine Arts Program is responsible for safeguarding the Fine Arts Collection against waste, loss, unauthorized use, or misappropriation, including:

- the inventory, assessment, and conservation of all artwork
- the allocation and appropriation of Central Office funds for conservation services
- the administration of all works of art on loan
- the maintenance of the national central archives for the collection, and
- the development of training, educational, exhibit and outreach programs for GSA, other federal agencies and the general public.

The Fine Arts Program is assisted in these functions by the Regional Fine Arts Officer (RFAO), national Design Excellence Peers, and the Regional Directors, Office of Property Development located in each of GSA's 11 regions.

Regional Fine Arts Officers

Each of GSA's 11 regions has at least one Regional Fine Arts Officer (RFAO). The RFAOs coordinate all art activities, particularly inventory and conservation activities with the Fine Arts and Art in Architecture program staff in Central Office. The RFAOs are responsible for:

- the biennial inspection of artwork
- liaison for conservation projects at the local level
- the coordination and completion of cyclic maintenance for installed works of art, and
- working with the Art in Architecture program staff on art commissions.

CHAPTER 2. ACQUISITION

This chapter outlines procedures for acquiring works of art for the Fine Arts Collection, considerations in the acquisition process, and compliance with mandated regulations. Artwork is primarily acquired through Art in Architecture (AiA) commissions. GSA does not purchase artwork nor accept transfers of artwork from other federal agencies for the Fine Arts Collection. Artwork that does not fit the Scope of Collection Statement as outlined in Chapter 1.3 may be accepted by the agency as personal property. See Appendix E for definitions of real and personal property.

Authorities and References

- The Art in Architecture Program Guidelines detail the commissioning of artwork for GSA.
- Federal Management Regulation, Chapter 102, Subchapter C-Real Property, Part 102 - 77-Art in Architecture mandates that federal agencies incorporate fine arts as an integral part of the total building concept when designing new or making substantial repairs and alterations to existing federal buildings. See also the *Guiding Principles for Federal Architecture*, issued in Report to the President by the Ad Hoc Committee on Federal Office Space, June 1, 1962.
- Visual Artists Rights Act of 1990, Section 106A, U.S. Code Annotated, Title 17, Copyrights, PL101 - 650 provides “moral rights” to artists creating works of visual art after June 1, 1991. These rights are chiefly the rights of attribution and integrity. They provide that all artists have rights controlling the use of their name in relation to their work, the right to prevent any modification of their work that would be prejudicial to their reputation, and the right to prevent the destruction of their work if it is of recognized stature. These rights are vested with the artist throughout their entire lifetime, and may prohibit removal, modification, or destruction of artwork.
- Section 106 of the National Historic Preservation Act (16 U.S.C. 470) mandates that federal agencies identify historic properties that may be affected by their projects, take historic properties into account when planning an undertaking, and that they allow the State Historic Preservation Office, Certified Local Governments, and the Advisory Council on Historic Preservation a reasonable opportunity to comment on federal projects that have the potential to affect historic properties. Under Section 106, the installation of artwork that will have an effect to a historic property requires consultation with the appropriate State Historic Preservation Officer, as well as the Advisory Council on Historic Preservation. This process may be lengthy and must be initiated as early as possible.
- The Americans With Disabilities Act of 1990 (42 U.S.C. 12181) and Accessibility Guidelines (28 CFR Part 36) prohibits discrimination on the basis of disability and requires the design, construction, and alteration of places of public accommodations and commercial facilities in compliance with the Americans with Disabilities Act - Accessibility Guidelines.
- Public Buildings Act of 1959, as amended (40 U.S.C. 298a) authorizes the Administrator of General Services to accept unconditional gifts of real, personal or other property in aid of any project or function of GSA. Pursuant to the GSA Delegations of Authority Manual, ADM P 5450.39C (CHGE 35), Chapter 17, paragraph 2(q) the Administrator has delegated to the Commissioner of the Public Buildings Service the authority to accept such gifts on behalf of GSA.

2.1 *Art in Architecture Program*

The Art in Architecture Program (AiA) is GSA's only means of acquiring new works of art for new or substantially renovated federal buildings and courthouses. The program commissions artists, working in close consultation with project design teams, to create artwork that is appropriate to the diverse uses and architectural vocabularies of new federal and substantially renovated buildings. These permanent installations of contemporary art for the nation's civic buildings afford unique opportunities for promoting the integration of art and architecture, and facilitate a meaningful cultural dialogue between the American people and their government. A panel composed of a GSA National Art Peer, an art professional from the project city or region, the project's lead design architect, and representatives of the federal client, community, and GSA provides guidance in selecting the best artist for each project. The primary functions of Art in Architecture panels are to review artist applicants, to recommend a small group of finalists for GSA to evaluate, and to review and offer critiques of the selected artist's final design concept.

The success of each Art in Architecture project depends greatly on the involvement and cooperation of the GSA team, which includes the Regional project manager and contracting officer, the Regional Fine Arts Officer, and the Art in Architecture project manager.

See Appendix C for Art in Architecture Program Guidelines.

2.2 *Architectural Barriers Act of 1968 and Americans with Disabilities Act of 1990 Considerations*

Both of the above laws require accessibility to the disabled and protection from safety hazards and must be considered when commissioning, acquiring, and installing new works of art.

- All sculpture in lobby spaces or public areas must have a cane detection area for the blind or visually impaired. Cane detection areas can be achieved with many creative solutions, such as permanent railing, or sculpture mounted on a base with no protruding objects. Railings installed in front of sculpture, murals, or painting must be at a height within range of a normal cane sweep.
- All permanently installed plaques used to describe the sculpture may also include a Braille version.
- Additionally, all works of art meant to be viewed from several or all sides must have adequate space around it to allow a wheelchair to maneuver.

2.3 *Integrity of Space*

The protection of the integrity of public spaces is an important consideration for GSA. This is especially true for works of art that are commissioned to integrate with the architecture.

Once artwork is installed in a specific location, The Regional Fine Arts Officer must work with the building manager to protect the integrity of the surrounding space of the work of art. The work of art may include not just the physical object itself, but also the surrounding spaces on the walls, flooring, or plaza. Therefore, the space surrounding a work of art becomes an integral part of the artwork. Colors and materials of surrounding walls or flooring must be coordinated with the artist and GSA. In addition, the space surrounding any artwork must be kept free of any other artwork, signage, objects, or seating that intrudes upon the artwork.

If barriers are required by the Americans with Disabilities Act (ADA) in front of a work of art, they must be designed in consultation with the commissioned artist, the Regional Fine Arts Officer, and Design Excellence and the Arts, and subject to the artist's approval.

For works of art that are not owned by GSA, but are placed within GSA space, their installation must also be coordinated with, and subject to, the approval of GSA. For example, the installation of portraits, busts, or exhibit materials in public space must be accomplished in consultation with, and subject to, the approval of the Regional Fine Arts Officer, and Design Excellence and the Arts. If the works are within the sightlines of artwork commissioned or owned by the GSA and the artist is alive, the artist must also be consulted.

2.4 Donation of Works of Art

Although rare, the Fine Arts Collection may accept donations of works of art, but only after the Design Excellence and the Arts, Office of the Chief Architect has assessed the value of the donation within the context of the collection. Commemorative works of art, such as portraits or busts, do not support the mission or the scope of the collection and are not accepted into the collection. Guidelines for donations are as follows:

CONDITIONS	All donations and gifts to GSA are unconditional.
AUTHORITY	In accordance with 40 U.S.C. 298a the Administrator of the General Services Administration is authorized to accept unconditional gifts of real, personal or other property in aid of any project or function of GSA. Pursuant to the GSA Delegations of Authority Manual, ADM P 5450.39C (CHGE 35), Chapter 17, paragraph 2(q) the Administrator has delegated to the Commissioner of the Public Buildings Service the authority to accept such gifts on behalf of GSA. Regional Administrators are not authorized to accept gifts on behalf of GSA.

Steps to Follow - Donations

1. All requests for donation to the Fine Arts Collection must be made in writing to the Director, Design Excellence and the Arts, Office of the Chief Architect for assessment as to its suitability and significance. Requests must include the provenance of the work of art and visual images.
2. Since GSA will be responsible for the proper care and maintenance of donated works of art, requests must include the current condition of the work of art accompanied by a condition assessment provided by a professional conservator. It is recommended that the conservator is a Professional Associate or Fellow of the American Institute for the Conservation of Historic and Artistic Works (AIC). If living, the artist is required to provide written instructions on appropriate cyclic maintenance techniques.
3. Requests must include an appropriate location for the work of art.
4. Requests with recommendations from the Director, Design Excellence and the Arts will then be sent to the Commissioner for review and final acceptance.

2.5 Works of Art Associated with Building Acquisition

When GSA acquires buildings with existing artwork, the Regional Fine Arts Officer must inform Design Excellence and the Arts of the artwork, and follow the steps outlined above for donations, so that it may be evaluated and assessed within the context of the collection. If the artwork fits the scope of the collection it will be accepted as part of the Fine Arts Collection and included in the inventory. If it does not fit the scope of the collection it will be considered real property (if part of the fabric of the building) or personal property (if portable).

2.6 *First Impressions, Repair and Alteration (R&A), &Modernization Projects*

Repair and Alteration (R&A) and Modernization Projects

There are many Repair and Alteration (R&A) and modernization projects "on the boards" for buildings with existing artwork. This is an excellent opportunity to enhance the artwork, improve its environment, and educate people about its history and significance. Buildings and needs change with time, and a new atmosphere, improved lighting, and better education and outreach can revitalize works of art and add to their appreciation. This is also an excellent opportunity to "partner" with a local conservator not only for the conservation, but also for the future maintenance, of the artwork. These activities must be funded primarily through project funds. In addition, any reinstallation or relocation of artwork must follow the guidelines outlined in Chapter 10. For larger projects, Peer Reviews are an important part of the process conducted in coordination with the Fine Arts Program.

A prospectus - level repair and alteration project may include an Art in Architecture component when the GSA project team anticipates that new and appropriate public spaces for artwork will result and that artwork would contribute to the overall enhancement of the building project. Following an evaluation, the RFAO and the Art in Architecture project manager will determine if new artwork must be commissioned. The GSA regional office will not initiate an Art in Architecture commission without the concurrence of the Central Office. As with Art in Architecture commissions for new construction projects, the materials, subject matter, and placement of the art cannot be dictated to an artist.

If the building already contains GSA artwork, the project team must use the Art in Architecture project funds for the building's existing artwork before commissioning any new work. Appropriate activities include conservation, reinstallation, enhanced lighting, and producing new interpretive materials (e.g., plaques and brochures).

If GSA regional and Central Office agree that new artwork is not warranted for a particular repair and alteration project and the building is historic, the project team may propose using what would have been the project's Art in Architecture funds to hire qualified artists or artisans to restore existing or lost historic ornamentation and decorative elements.

For projects involving historic buildings, RFAOs and Art in Architecture project managers will work together with the GSA Regional Historic Preservation Officers and the GSA Center for Historic Buildings to determine the most suitable approach, since any action may require Section 106 review under the National Historic Preservation Act, as amended.

First Impressions Projects

The First Impressions Program renovates and redesigns lobbies and public plazas in GSA owned and leased buildings in order to improve circulation, direction, and order. New lighting, flooring, seating, wall coverings, and graphics provide a more attractive and user - friendly environment. Although First Impressions projects are not as active as in previous years, the following guidelines must be considered:

It is not recommended that new original works of art be purchased as part of First Impressions projects. If the building does not contain artwork, it is recommended that large scale, high quality reproductions of historic photographs or drawings relating to building or community be used to enhance public areas. Design Excellence and the Arts encourages the conservation, reinstallation, and enhancement of existing artwork through the First Impressions Program. Under Section 106, the installation or relocation of artwork that will have an effect on a historic property requires consultation with the appropriate State Historic Preservation Officer, as well as the Advisory Council on Historic Preservation.

CHAPTER 3. INVENTORY

This chapter discusses the inventory and documentation of the Fine Arts Collection. Under the Federal Managers Financial Integrity Act of 1982, the Fine Arts Program is responsible for the inventory, management and conservation of the Fine Arts Collection to insure its protection, accessibility, and appreciation.

Authorities and References

- The Federal Property and Administrative Services Act of 1949 (40 U.S.C. §471 *et seq.*) provides GSA with the authority to procure and supply real and personal property and non - personal services, and transferred all functions of the Federal Works Agency, including New Deal artwork, to GSA.
- The Federal Managers Financial Integrity Act of 1982 (31 U.S.C. §3512), as implemented by OMB Circ. No. A - 123, establishes procedures for internal financial and managerial accountability and control. Section 2 (ii) states, "funds, property, and other assets are safeguarded against waste, loss, unauthorized use, or misappropriation." Internal Controls and Risk Assessments require that GSA's Fine Arts Collection is properly maintained, accounted for, and accessible to the American people. The Director for Design Excellence and the Arts is responsible for this role for the agency, with Component Managers for the Art in Architecture Program and the Fine Arts Program.
- Public Works of Art Program Bulletin of March 26, 1934, "Legal Title to Works Produced under the Public Works of Art Project (PWAP)" [1933 - 1934] describes the legal status and ownership of PWAP artwork.
- The Works Projects Administration Operating Procedure No. G - 5, January 10, 1940, Section 32, "Art Projects - Allocation and Loan of Works of Art" describes the loan, allocation, and custody of WPA artwork.

3.1 Fine Arts Automated Inventories

There are a series of automated inventories used for the identification; inspection and conservation of art work in federal buildings and non - federal repositories across the United States. The purpose of these inventories is to function as a catalog of the Fine Arts Collection. The inventory is updated on a regular and continuing basis as information is received, but at a minimum once every two years through the biennial inspection of artwork. As automated databases, the inventories allow for the manipulation and retrieval of information on a variety of levels - by artist, city, identification number, etc. The Central Office is responsible for maintaining the master inventory through these automated databases.

The databases were originally developed as the Fine Arts Conservation and Inventory Tools (FACIT) in 1989 for use in the Arts and Historic Preservation Center (predecessor of PMB), Public Buildings Service, in Washington, DC. In 1990 it was further developed as an agency - wide program with "read" access in each regional office. Today, portions of the database are accessible through the GSA WEB site.

The automated inventories are:

- Fine Arts
- Conservators Inventory
- Architectural Models

Fine Arts Inventory - The function of the fine arts inventory is to provide information about artwork in federal buildings across the country and artwork placed on long term loan or allocated to non - federal institutions, including:

identification; artist; media; location; loan and conservation information. An image of each work of art is also recorded.

Conservator Inventory - The conservator inventory records information about conservators nationwide, who are experts in fine arts conservation, and available to conserve artwork managed by the Fine Arts Program and the Art in Architecture Program. Information includes name; address; media; materials; and scope.

Architectural Models - The architectural model inventory is similar to the fine arts inventory and provides information about historic models and renderings, early models from the Public Buildings Service, and recent projects from the Design Excellence Program, including: identification; architect; media; location; loan and conservation information. An image of each model or rendering is also recorded.

The Art in Architecture and Artist Inventory databases are currently undergoing conversion and revision. Their information is described below.

Art in Architecture Inventory - The Art in Architecture inventory includes basic identification information as well as inspection, condition, and conservation information and contains further detailed information on projects that are installed or in progress, their status and panel members, and links to the Artist Inventory database.

Artist Inventory - The artist inventory records information on artists nationwide interested in being considered for public art commissions through the Art in Architecture Program. Information includes name; address; media; materials; and scope. The database also functions as an index to slides of each artist's work.

3.2 *Internet Site*

The goal of the Fine Arts website is to make information on the collection available to the largest possible audience. Images, identification data, and statistics for works of art from the Fine Arts Collection installed in GSA buildings, are available through the website. Fact sheets, brochures, and other publications can be viewed as .pdf and .doc files. Information is updated on a regular basis. The Internet address is:

<http://www.gsa.gov/finearts>

3.3 *WPA Works of Art in Non - Federal Repositories*

In 1939, the federal government began the process of loaning or allocating, indicating a restricted transfer of title, to museums and other public agencies works of art produced under the various art projects of the WPA. The Federal Property and Administrative Services Act of 1949 transferred all functions of the Federal Works Agency, including New Deal artwork, to the General Services Administration. The inventory of these works of art is necessary due to GSA's legal title to the artwork. The BULLETIN of March 26, 1934, for the Public Works of Art Project, "Legal Title to Works Produced under the Public Works of Art Project," clearly states:

"All works of art produced by the project which are moveable and not executed to occupy some particular location are the property of the Federal Government...."

The Works Projects Administration Operating Procedure No. G - 5, January 10, 1940, Section 32, "Art Projects - Allocation and Loan of Works of Art," states that:

"For the purposes of this section the word 'allocated' shall mean the transfer of title."

However, Request for Allocation, DPS Form 8, clearly states:

“It is understood that custody of the work listed will not be transferred and that the work will be exhibited for public use as indicated. Institutions desiring to be released of any work shall communicate with the Director of the Work Projects Administration - Art Program, Federal Works Agency, Washington, D.C.”

In addition, page 4, paragraph 1 of the Procedure states:

“If an agency or institution which has received a work of art on allocation or loan desires to be released from the responsibility of custody of the work, the official representative of the agency or institution shall communicate with the Director of the WPA Art Program, Washington, DC.”

Therefore, due to the ownership and reversionary interest of GSA, the location and inventory of these works is required as part of our “due diligence” and stewardship. A “National Survey of Federally Associated Collections Housed in Non - Federal Institutions” conducted by the Department of the Interior Museum Property Program in 1994 identified over 10,000 GSA works of art in non - federal repositories. To date over 15,000 of these works of art have been inventoried by GSA.

The works are inventoried as part of the fine arts database. See Appendix D for Legal Title to Art Work Produced Under the New Deal Art Projects.

3.4 Central Archives

The Central Office maintains archives containing files of: all Art in Architecture projects; works of art in the Fine Arts Collection; artists in the Fine Arts Collection; and artists registered for Art in Architecture projects through the Artist Inventory; and accompanying slide files. Files contain a variety of data including: correspondence; inspection and conservation data; acquisition and contract data; newspaper and magazine clippings; and pamphlets, brochures, and other related material. The central archives are available for use by appointment for GSA and federal personnel, scholars, researchers, and the general public. Appointments may be made through the Art in Architecture Program or the Fine Arts Program. See Appendix A for names and telephone numbers.

3.5 Identification of Works of Art

All artwork in the collection must be identified. A large interpretive plaque must accompany artwork installed in federal buildings. A small interpretive plaque must also accompany works of art on loan. See Chapter 7 for further information.

Portable works of art in federal buildings must have an identification label affixed to the back of the painting or print. Labels may be printed from the first screen of the fine arts database on archival bond paper and attached using archival adhesive. Labels must never be glued to the original fabric of the artwork.

3.6 Appraisal of Works of Art

Maintaining a current appraisal cost on every work of art is not cost effective due to frequent changes in the art market and the fact that many of GSA’s works of art are monumental in scale or attached to a building, making accurate appraisals difficult. However, a current monetary appraisal for artwork is necessary for management purposes under the following circumstances:

- insurance purposes - when a work of art is outside of GSA property control, for example, at a conservator’s studio

- justification of conservation services - to insure that conservation costs do not greatly exceed the value of the work of art, or
- liability for loan of works of art - to inform the borrower of the approximate current market value. The Appraised Value must appear on the loan form.

Appraisals may be obtained from the ArtNet© on line appraisal system available through the Director, Fine Arts Program. ArtNet© lists current sale data, which may be used to estimate an appraisal value. For a work of art with an estimated value greater than \$50,000, a professional appraisal must be obtained from a qualified member of the Appraisers Association of America. The dollar amount of the appraisal must be entered into the Fine Arts and Art in Architecture database in the appraisal field. The source and the date of the appraisal must be entered in the artwork description memo field.

3.7 Missing Works of Art

Beginning in 2001, the Fine Arts Program initiated a formal Report of Missing Artwork to the Office of the Inspector General (JIW) to forward to the Federal Bureau of Investigation (FBI) National Stolen Art File. The report documents works of art that have been verified as missing from the collection and current information on these works. This report is an important measure in allowing GSA to retrieve any of these works if discovered in private possession. The report will be revised and updated with JIW and the FBI as the status of works of art are verified or discovered. Any additional works of art that are discovered missing or stolen will be reported.

It is important to notify the Fine Arts Program whenever a work of art is discovered missing.

Steps to Follow – Missing Works of Art

1. If a work of art is discovered missing, the Fine Arts Program must be notified in order to verify the last known location of the artwork, to check potential loan information, or to confirm possible art transport services. Notification must be in the form of the Fine Arts Missing Report.
2. If it is determined that the artwork is missing or stolen, the Federal Protection Service (FPS) at the last known location of the artwork must be notified immediately and a report filed. A copy of the report must be sent to the Fine Arts Program.
3. The Fine Arts Program will notify the Office of the Inspector General (JIW) in order to update GSA's Report of Missing Artwork to the Federal Bureau of Investigation (FBI) National Stolen Art File.

Information on the FBI Art Theft Program is available through the Internet at www.fbi.gov/hq/cid/arttheft/arttheft.htm.

If approached by the media for information on missing or stolen artwork –
Please refer the person to the GSA Office of Media Relations, 202 - 501 - 1231

3.8 Federal Works of Art for Sale

An increasing number of works of art from the New Deal era of the 1930s - 1940s that are federal property are becoming available on the commercial market. We realize that there are many cases where New Deal works of art have been purchased in good faith or acquired through justifiable means. We also realize that private citizens at times have saved New Deal artwork from disposal or destruction.

Not all artwork produced during the WPA period from 1933 – 1943 is federal property. For example, for prints such as etchings, lithographs, etc. where more than one copy or print of the work was produced, the artist was allowed to retain one print for his own files. Federal ownership is indicated by original forms, such as Requests or Receipts for Allocation (DPS Form 8 or 13), or Requests or Receipts for Loan (DPS Form 9 or 14); a brass plaque is affixed to the original frame of the artwork stating “Public Works of Art Project,” “Treasury Department Art Project,” or “WPA Federal Art Project;” a notation is stamped on prints stating “Graphics Department, Federal Art Project;” a label is affixed to the artwork noting “Federal Art Project of the Works Progress Administration. This work is the property of the United States Government....” See Appendix D for Legal Title to Art Work Produced Under the New Deal Art Projects.

Many of the activities to locate, catalog, publish and preserve New Deal artwork are recent efforts. Many works of art produced under the federal patronage of the New Deal art projects are lost forever. We cannot correct past mistakes, but we can strive to prevent the recurrence of such errors in the future. Our goal is to:

- catalog those New Deal works of art that are federal property
- educate and inform people of the ownership issues regarding these works of art, and
- encourage their return to GSA or placement in public institutions.

These are works of art that were produced with taxpayers’ funds and represent an important period in the history and culture of our country. They must be placed in public institutions where they may be made available to the American people.

Please notify the Fine Arts Program in Central Office if you discover federal works of art from the New Deal for sale through dealers, auction houses, or eBay, so that we may work with the Office of the General Counsel to achieve their return to federal custody.

Sample Documents

Fine Arts Report

FINE ARTS PROGRAM
U.S. GENERAL SERVICES ADMINISTRATION
1800 F STREET, N.W., WASHINGTON, D.C. 20405

Item ID: FA489

Project Status: Installed

Artist: Fogel, Seymour

Artist Information: Seymour Fogel was born in New York City on August 25, 1911; lived there, and died in 1984. He was on the WPA/FAP from 1935 - 39, assigned to the Mural Division. While on the project he did murals for the New York World's Fair 1939, the US Customs Courthouse at Foley Square, the Brooklyn Hospital and schools in the city. From 1946 - 54 he taught art at the University of Texas, Austin, and subsequently at Michigan State University, and the Springfield, Missouri, Art Museum. His first one - man show of easel painting was at the Duveen - Graham Gallery, New York, in 1956; he has had over a dozen since and is still active as a muralist. A fellow of the Institute of Arts and Letters, he has written articles on art and architecture for the American Institute of Architects Journal, Art in American, and other art magazines. Studied: National Academy of Design; with Leon Kroll and George Bridgman. Works: Edward Bruce Memorial College; Federal Buildings in Safford, AZ and Fort Worth, TX; Social Security Administration Building, Washington, DC; USPO Cambridge, MN.

Birth Date: 1911

Gender: Male

Title: *Challenge of Space*

Executed: 1966

Medium: Painting

Materials: Oil on plaster

Dimensions: 32 - 1/2' x 14'

Federal Art Prog: Art - in - Architecture

Appraisal: \$25,000.00

Appraisal Date:

1981



Building Number: TX0224ZZ, Region 7

Building Name: Fritz Lanham Federal Building

Address: 819 Taylor St., Fort Worth, TX 76102

Sub - Location: 1st Fl. Lobby W Side

Exterior/Interior: Interior

Information: This lobby mural was commissioned for \$25,000. Contract dated November 1965; work installed 1966.

Building Contact: Peyton, Tammy

Address: Fritz Lanham Fed Bldg
900 Lamar Street
Ft. Worth, TX 76102

Phone: 817 - 334 - 2856

Collection Contact: Kline, Steve (817 - 978 - 4229)

Date Inspected: 1/31/2005

Condition Status: Minor Deterioration

Complete Date: 5/2/1994

Conservator: Page, Arthur

Firm: Page Conservation, Inc.

Total Project: \$7,200.00 - 1986

Conservator Report

FINE ARTS PROGRAM
U.S. GENERAL SERVICES ADMINISTRATION
1800 F STREET, N.W., WASHINGTON, D.C. 20405

Conservator Profile

Lodge, Robert
President/Conservator
McKay Lodge Fine Arts Conser. Lab. Inc.
10915 Pyle - South Amherst Road
Oberlin, OH 44074 - 9533

Work Phone: 440 - 774 - 4215	FAX: 440 - 775 - 1368
Home Phone: 440 - 774 - 2720	Email:
Website:	
Gender: Male	
Past GSA Contracts: Yes	Current GSA Contracts: No
AIC PA:	AIC Fellow:
Other Pro. Memberships: Other	
BA, major: Pennsylvania State University	
Master of Sciences: University of Delaware, Winterthur	
Apprenticeship/Internships: Alan Farancz	
Additional Training: Some of the Institutions served by the Laboratory since 1989: Akron Art Museum; Albright - Knox Art Gallery; Allen Memorial Art Museum; Canton Art Institute; Carnegie Museum of Art; Cheekwood Fine Arts Center, Nashville, TN; Cleveland Museum of Art; College of Wooster Art Museum; Columbus Museum of Art; Contemporary Arts Center; Des Moines Art Center; Eiteljorg Museum, Indianapolis, IN; Elvehjem Museum of Art, Madison, WI; Fort Wayne Museum of Art; Greater Lafayette Museum of Art, IN; Grinnell College, IA; Hammonds House Galleries and Resource Center, Atlanta, GA; High Museum of Art, Atlanta; Holden Arboretum, Mentor, OH; Indiana State University, Terre Haute; Indiana University Art Museum, Bloomington, IA; Kentucky Historical Society; Madison Art Center; Memorial Art Gallery, Rochester, NY; Miami University Art Museum, Oxford, OH; Milan Historical Museum, OH; Museum of Fine Arts, Houston; Oberlin College Library, OH; Ohio Historical Society, Columbus; Ohio University Museum of American Art, Athens; Skirball Museum, Hebrew Union College, Cincinnati; J. B. Speed Art Museum, Louisville; Sunrise Museum, Charleston, WV; Stark County Historical Society, OH; Taft Museum, Cincinnati; University of Kentucky Art Museum; Wexner Center for the Visual Arts, Columbus.	
Projects/Awards/Grants: GSA Projects: New England Elegy by Robert Motherwell; Al Held Mural, Social Security Administration, Spring Street, Philadelphia, PA., expanding Universe Fountain, State Department, DC.	
Media: Painting, Sculpture	
Material: Acrylic, Alabaster, Aluminum, Aquatint, Mixed Materials, Other	
Other Media/Materials: Media: Canvas; Cast Stone; Copper; Cor - ten Steel; Drawing; Enamel; Encaustic; Engraving; Fresco; Gold; Gouache; Granite; Graphite; Ink; Iron; Linen; Fountains (repair and protection of; design and maintenance of fountain water systems and the corrosion problems of metal sculptures in fountain designs); All Types of Metals; All Paper Media. Other: Brownstone.	
Additional Remarks: Formerly associated with Intermuseum Laboratory, Oberlin, OH. Professional Associate, AIC. Master of Science in Art Conservation.	
Geographic Areas: 1__ 2__ 3__ <u>X</u> 4__ <u>X</u> 5__ 6__ 7__ 8__ 9__ 10__ 11__ N	
References:	
Date Submitted: 04/30/1996	

Artwork Identification Label

FINE ARTS PROGRAM
U.S. GENERAL SERVICES ADMINISTRATION
1800 F STREET, N.W., WASHINGTON, D.C. 20405

ARTIST NAME Curry, John Steuart
TITLE OF ARTWORK *The Oklahoma Land Rush*
ITEM # FA4688 EXECUTION DATE 1939 FEDERAL ART PROGRAM New Deal Fine Art Projects
MEDIUM Painting MATERIALS Oil DIMENSIONS 27 3/8 x 58 1/2 inches

DESCRIPTION
Sketch for the mural executed for the Interior Department Building in Washington, DC. It illustrates the 1889 opening of Oklahoma Territory to 20,000 homesteaders. Original is number FA512 - B in the GSA collection. Matted and framed.
Frame size: 36 - 1/2" x 67 - 5/8"

COLLECTION CONTACT Weber, Alicia D. Tel. # 202 - 501 - 1554

KEEP WITH ARTWORK
CAUTION: DO NOT AFFIX TO REVERSE OF ORIGINAL FABRIC OR PAPER

GENERAL SERVICES ADMINISTRATION Form 3591 (Rev. 9 - 87)



Fine Arts Missing Report

U.S. GENERAL SERVICES ADMINISTRATION
FINE ARTS PROGRAM
FINE ARTS MISSING REPORT

FA Number: _____ Date: _____
Artist: _____
Title: _____
When was the object discovered as missing? _____
Where was it last seen? _____
When was the last inspection performed? _____
Was the piece on loan? Y/N _____ If yes, who was the borrower? _____
Address and phone number: _____
Has the piece been reported as missing to the Federal Protective Service (FPS)? Y/N _____ If so, when and what is the report number? _____
Did FPS report it to the Federal Bureau of Investigation's National Stolen Art File? Y/N _____
Additional comments: _____
Filled out by: Name & Title _____ Date: _____

CHAPTER 4. ENVIRONMENT AND PROTECTION OF ARTWORK

Adequate protection of works of art will decrease the eventual need for conservation. This chapter identifies hazards to works of art, discusses agents of deterioration, and outlines basic steps that must be taken to protect artwork, including:

- installation standards;
- facilities maintenance;
- protection of artwork during construction or renovation;
- protection of artwork during public events
- and art handling and transportation.

Authorities and References

- The Federal Managers Financial Integrity Act of 1982 (31 U.S.C. §3512), as implemented by OMB Circ. No. A - 123, establishes procedures for internal financial and managerial accountability and control. Section 2 (ii) states, “funds, property, and other assets are safeguarded against waste, loss, unauthorized use, or misappropriation.” Internal Controls and Risk Assessments require that GSA’s Fine Arts Collection is properly maintained, accounted for, and accessible to the American people. The Director for Design Excellence and the Arts is responsible for this role for the agency, with Component Managers for the Art in Architecture Program and the Fine Arts Program.

4.1 Installation Standards

The Fine Arts Collection is installed in a working office environment and therefore not subject to the protection of temperature and humidity controls, security, and light filtering found in museum environments.

Identifying Hazards

All museum, or cultural, collections (including collections in federal agencies) face a variety of hazards that can cause damage, emergencies, and disasters. When planning for the protection of museum - quality collections, it is important to identify all potential hazards that can cause damage. The varying kinds and degrees of damage can be generally characterized as follows:

Heat Damage

- This type of damage will result from fires, usually structural. Heat causes rapid oxidation of most materials and, potentially, their total consumption. Smoke from fires can coat museum objects with soot. Often greasy soot (found in kitchen or cafeteria environments) is very disfiguring and difficult to remove.

Water Damage

- Damage from water and its agents is the most pervasive cause of deterioration on works of art. Water damage may be sudden and obvious or gradual and insidious. Disaster related water entry, such as burst water pipes, floods, hurricanes, and earthquakes carry with them the secondary and often more serious problems of precipitously raised humidity, microbiological activity, and development of chemical changes that impact the artwork, such as salts. Additionally, water may further complicate deterioration by carry contaminants. Although less catastrophic, insidious water entry in the form of rising damp and seepage, usually occurs unseen over a long period of time and is usually associated with failure in the building envelope or its mechanical systems.

Wooden and other organic objects affected by water may warp, split, check and rot; the corrosion of metals and deterioration of stone and masonry will be accelerated; both the substrates and finishes of polychromed sculpture, works on paper and paintings will be severely damaged or destroyed. Further, water promotes secondary damage caused from the development of microbiological and chemical agents that may also impact the work of art.

Physical Damage

- Physical damage to a work of art most often results from structural damage to the building housing the artwork, but can also occur when the building itself sustains little or no damage. Structural damage results in broken objects. If the building has sustained severe damage, objects also may be buried in the rubble of the building. Structural failure can cause broken water, sewer, and fuel lines that can lead to water and chemical damage or to fires. Often the severest impacts of an earthquake on collections are not due to building failure itself, but rather to fires and flooding which occur as a result of that failure.¹

Chemical and Radiological Damage

- These types of damage can result from smoke, chemical spills, burst fuel lines and storage containers, waterborne and airborne substances, nuclear accidents or warfare, and a host of related events generally known as industrial accidents. As noted above, this form of damage often occurs secondarily as the result of some larger scale, most often natural event. Objects attacked by chemicals can be expected to corrode or dissolve or become weakened or stained. Hard or ionizing radiation may not directly affect objects, though under certain circumstances, such radiation could cause an object to become radioactive and thus prevent its subsequent use by humans.²

Environmental Protection

The principal causes of environmentally - induced damage are water, light, temperature, relative humidity, air pollutants and pests. To protect the Fine Arts Collection from these and other forms of damage, the following standards must be applied whenever possible. See Appendix A for Suppliers and Contacts.

1. **Light** - Light is a form of energy that can be very damaging to art, depending upon the material. When an art object is exposed to light, it absorbs energy that can induce chemical change. Although daylight contains more damaging levels of ultra - violet light, fluorescent lights produce damaging levels of UV light as well. Particularly vulnerable are textiles, works on paper, and painting materials.

Ultraviolet light (UV) has the shortest wavelength and is the most energetic form of radiation. The high energy of UV causes significant alteration of organic materials; therefore it is important to eliminate UV entirely. Daylight is extremely high in UV.

Infrared light (IR) causes damage because the absorbed energy heats up the surface of an object, thereby speeding up chemical deterioration processes and causing instability in relative humidity.

Visible light lies between the UV and IR portions of the spectrum. The standard unit for measuring visible light is the foot - candle or its metric equivalent, the lux (1 foot - candle = about 10 lux).

¹ National Park Service, Museum Handbook, Part I, Chapter 10, pages 3 - 4.

² Ibid

- Museum standards for lighting works of art range from 5 to 10 foot - candles for extremely light sensitive materials such as paper and textiles, to 20 to 40 foot - candles for moderately sensitive materials such as oil paintings and wood.³

To prevent damage from light, the following precautions must be followed:

- Reduce daylight. Because natural light causes significantly more damage than an equivalent amount of incandescent light, light - sensitive artworks must be placed in a location that minimizes daylight exposure. If this is not possible, light levels must be minimized with curtains, blinds, or tinted solar reduction window films.
 - Create efficient lighting solutions. The eye adapts to a wide variety of illumination intensities. Reduction in contrast between sources of illumination, wall surfaces, and the art permits lower levels of satisfactory illumination. For example, a dark painting against a dark wall is easier to look at than if it were exhibited on a highly reflective white wall. Techniques for glare reduction, such as the use of indirect or angled light, help to use light in an efficient manner.
 - Filter sources of ultra - violet light with UV filters. Apply UV filters over windows or replace glazing with UV filtered glazing. Place UV filters over fluorescent light tubes
 - Use light sources with a low component of UV, such as incandescent lamps.
 - Avoid infrared light from direct sunlight
 - Rotate light sensitive collections. For example, a museum might exhibit very light sensitive materials, such as textiles and works of art on paper, for only 2 months per year.
- Temperature** - The speed of chemical reaction will double with an increase in temperature of about 20° Fahrenheit. Relatively large changes in temperature (10 to 20° Fahrenheit) will affect the dimensional stability of objects in two ways:
 - Many materials expand and contract as a direct result of a change in temperature.
 - Temperature affects relative humidity, which significantly affects the dimensional stability of organic materials.
 - Relative - Humidity** - Humidity refers to water vapor in the air. Relative humidity is based upon the percentage of water vapor in the air, compared to what the air can hold at 100% (full saturation) at a given temperature. A decrease in temperature causes an increase in relative humidity. "It is difficult to provide one rule about a safe and appropriate level of RH that holds true for a wide variety of climatic regions or for collections made up of a variety of materials."⁴
 - In general, it is important to keep within an RH range of 30 to 70%. In a hot and dry geographic region it makes sense to maintain a range that errs on the low side (20 to 40%), while in semitropical climates a range of 55 to 75% may be practical.

³ "Caring for Your Collections," National Committee to Save Cultural Collections, Harry N. Abrams, Inc., NY, 1992, page 20 - 21.

⁴ "Caring for Your Collections," National Committee to Save Cultural Collections, Harry N. Abrams, Inc., NY, 1992, page 24.

- b) Minimize fluctuations in relative humidity. If they are unavoidable, gradual RH changes are better than severe fluctuations.
4. *Air Pollution* - Particulate and gaseous pollutants are extremely difficult to control within a normal office environment. Steps can be taken to reduce the problem of air pollutants:
- a) Indoor generated dust from fibrous materials such as carpeting and clothing is best controlled by regular vacuuming.
 - b) Dust from outdoors can be minimized by restricting or filtering outdoor air.
 - c) Artwork must not be placed in the proximity of kitchen smoke or HVAC ductwork.
 - d) Tobacco smoke must be kept away from all artwork.
5. *Pest Control* - Many art objects are constructed of organic materials that also serve as excellent food sources for a wide variety of pests. A preventive pest management program must:
- a) Monitor for the presence of pests,
 - b) Close off points of access typically used by pests to infiltrate the building.
 - c) If fumigation or extermination is required a conservator must be consulted to insure that the extermination method itself cannot damage the artwork.⁵

Documentation

Documentation also plays an important role in the protection of the Fine Arts Collection by preserving a written record of the fabrication, acquisition, and conservation of each work of art as well as information on associated artists and professional fine arts conservators. A central archives containing files for all Art in Architecture (AiA) projects, works of art in the Fine Arts Collection, artists in the Fine Arts Collection, and artist's registered for AiA projects through the Artist Inventory and accompanying slide files is maintained in the Central Office. Files contain correspondence, inspection and conservation data, acquisition and contract data, newspaper and magazine clippings, pamphlets, brochures, and other related data. Files also have additional photo documentation of AiA projects and conservation projects. The central archives are available for use by appointment by GSA and federal personnel, scholars, researchers and the general public. Appointments may be made through the Art in Architecture Program or the Fine Arts Program Manager. See Appendix A for names and telephone numbers.

4.2 Facilities Maintenance

The Regional Fine Arts Officer must work with facilities managers to insure that regular maintenance such as floor polishing, dusting, window washing, or routine painting will not damage artwork. Professional conservation services may be available through the national conservation contract for on site maintenance training when justified. Requests must be made through the Regional Fine Arts Officer.

⁵"Caring for Your Collections," National Committee to Save Cultural Collections, Harry N. Abrams, Inc., NY, 1992, pages 20 - 29.

4.3 *Protection of Works of Art During Construction or Renovation*

All works of art must be protected during construction or renovation. Paintings, murals, sculpture and textiles must be covered and protected under the direction of a professional conservator or qualified art handler. The advice of a conservator or art handler is important because inappropriate materials or constructions may physically or chemically damage the work of art or may promote development of a damaging microclimate. If works of art need removal and placed in temporary storage while construction work is performed, this too must be accomplished under the direction of a professional conservator or art handler. The Fine Arts Program Manager must be notified of any changes in the location of the artwork so that the Fine Arts and Art in Architecture databases may be updated. *Care and Maintenance of Artwork in the Fine Arts Collection* contains detailed information on protection of artwork. The document is available on the Fine Arts WEB site or through the Fine Arts Program.

4.4 *Protection of Works of Art During Public Events*

In addition to the protective measures noted above, it is important to anticipate regular public events such as annual parades or celebrations that affect works of art and provide protective measures or training. Protection must be anticipated during events involving food, food service steam, and candles. Close proximity of temporary additions near artwork, such as flower arrangements or musicians, must not be allowed.

4.5 *Art Handling and Transportation*

Art handling and transportation must be accomplished by a reputable art handling company. Volume 2 of the American Association of Museums, Official Museum Directory, contains information on art handling companies nationwide. A local museum may also be a source of information for local art handling, transportation, and storage companies. The Fine Arts Program can also provide information on art handlers.

4.6 *Damage*

Damage to a work of art reduces both the aesthetic and real value of a work of art and must be avoided at all costs. If damage does occur, the funding of repair for damage or vandalism inflicted upon artwork by tenant agencies, contractors or other personnel is the responsibility of the agency, contractor, or responsible party. All damage or vandalism must be reported through a telephone call followed by a written report with photographs to the GSA customer service representative, who in turn will notify the Regional Fine Arts Officer (RFAO) and Fine Arts Program Manager. The RFAO and the Fine Arts Program Manager will recommend and approve professional personnel for repair treatments after funding has been transferred. For works of art on loan, the borrower accepts financial responsibility for the full amount of the appraised value of the artwork. GSA reserves the right to increase the appraised value.

4.7 *Insurance*

As stated in the *Principles of Federal Appropriations Law, Second Edition, Volume I*, U.S. General Accounting Office, July 1991, Chapter 4, Section 10.a. The Self - Insurance Rule:

The government is essentially a self - insurer in certain important areas, primarily loss or damage to government property and the liability of government employees insofar as the government is legally responsible or would ultimately bear the loss.

The Comptroller of the Treasury held that the insurance could not be considered a necessary expense incident to accomplishing the purpose of the appropriation unless it somehow operated either to preserve or maintain the property for use or to preserve the appropriation which was used to buy it.

Chapter 4, Section 10.b. Exceptions to the Rule states:

The Comptroller General has held that the self - insurance rule does not apply to privately - owned property temporarily entrusted to the government.

However, insurance may be purchased on loaned private property only where the owner requires insurance as part of the transaction. If the owner does not require insurance, private insurance is not a necessary expense and the government must self - insure.

For example, if artwork is borrowed from a non - federal institution (such as a museum) for display in a government building, a Certificate of Insurance may be required by the institution.

Artwork that is outside of direct GSA property control, for example, at a conservator's studio must be insured for the current market value. If artwork is placed on loan to another institution, GSA may likewise request a Certificate of Insurance while the artwork is in their possession.

CHAPTER 5. INSPECTION AND ASSESSMENT

This chapter discusses when and how to inspect works of art and how the condition of the work is assessed in order to insure the accountability and stewardship of the Fine Arts Collection.

Authorities and References

- The Federal Managers Financial Integrity Act of 1982 (31 U.S.C. §3512), as implemented by OMB Circ. No. A - 123, establishes procedures for internal financial and managerial accountability and control. Section 2 (ii) states, “funds, property, and other assets are safeguarded against waste, loss, unauthorized use, or misappropriation.” Internal Controls and Risk Assessments require that GSA’s Fine Arts Collection is properly maintained, accounted for, and accessible to the American people. The Director for Design Excellence and the Arts is responsible for this role for the agency, with Component Managers for the Art in Architecture Program and the Fine Arts Program.

5.1 *Inspection*

All works of art in the Fine Arts Collection must be inspected on a regular basis. The biennial inspection of works of art in the Fine Arts Collection has the following goals:

- verify the location of installed or stored works of art
- discover or relocate “missing” works of art
- estimate the overall current condition of the work of art
- identify the responsible property manager
- track and document the physical history of the art, and
- identify conservation needs.

A work of art cataloged as “missing” is included in the biennial art inspection in case of discovery or location. The responsible property manager must sign off on each form. All information is entered into the Fine Arts and Art in Architecture databases.

Inspection information is utilized to develop conservation priorities and funding.

Professional conservator services may be available through the national conservation contract for the inspection and assessment of works of art when justified. Conservation requests must be made to the Fine Arts Program.

5.2 *Inspection Forms*

Art inspection forms are printed from the Fine Arts and Art in Architecture databases in PMB and compiled by region and by building. (The Art in Architecture and Artist Inventory databases are currently undergoing conversion and revision.) The forms are then grouped under a Cyclic Maintenance cover report that contains a listing of the works of art within the building and cyclic maintenance plans for these works of art where available. This insures the annual distribution of cyclic maintenance instructions to building managers. This activity must be coordinated with the Regional Property Management. The implementation of cyclic maintenance will eventually reduce conservation costs.

The inspection forms along with a “How To” Guide and Glossary are sent to each Regional Fine Arts Officer for distribution to the appropriate building manager for completion. It is important that available cyclic maintenance instructions are discussed with building managers, and their implementation coordinated through the Regional Fine

Arts Officer. The completed art inspection forms must be returned to the Regional Fine Arts Officer for verification, then returned to Conservator at the Central Office to review.

Art inspection forms differ for each media and include an image of the work of art whenever possible. Inspection forms are printed out with data from the previous inspection. Updated information is entered on the old inspection form. This new information is then entered and catalogued at Central Office.

5.3 Assessment

Once art inspection forms have been returned to the Director, Fine Arts Program, PMB the data is entered into the Fine Arts database. Inspection data is then organized and assessed in order to develop annual conservation priorities for the next two years. In addition to the severity of the physical condition of the work of art, assessment factors include:

- significance of artist
- historical significance
- significance as representing a specific period or style
- significance as representing a specific artwork media
- significance of associated building and public access or influence, and
- current monetary value of the work of art.

Forms are then filed in the Fine Arts and Art in Architecture archives of Central Office.

Sample Documents

Art Inspection Form

FINE ARTS PROGRAM
U.S. GENERAL SERVICES ADMINISTRATION
1800 F STREET, N.W., WASHINGTON, D.C. 20405

Art Inspection Form

Information of the following artwork must be completed by January 15, 2005 .
Please complete or update the information below, provide a recent photograph, and return all material to your Collection Contact:
Sachay, Caroline, 312 - 353 - 0744

ID#: **FA468**

Artist: Mowbray, Henry Siddons

Title: *The Common Law*

Type of Artwork: Painting

Materials/Techniques: Oil

Dimensions: 12' x 22'

Building Number: OH0033ZZ

Building Name: Metzenbaum U.S.Courthouse

Address: 201 Superior Ave., Cleveland, OH 44114

Sub - location: Room 301 Judge's Ctr

Status: Installed



CONDITION: Please check as many as applicable, indicating appropriate degree (Severe, Moderate or Low).

SURFACE:

Sev.	Mod.	Low.	Sev.	Mod.	Low.	Sev.	Mod.	Low.
					X			
		X						
	X							

Comments: Painting is on canvas section, glued to wall. Scratch through right pillar pedestal is appx. 1 foot long.

STRUCTURAL:

Sev.	Mod.	Low.	Sev.	Mod.	Low.	Sev.	Mod.	Low.

Comments: Along right edge 1 inch of canvas was unfolded to reach edge of frame.

FRAME AND STRETCHER:

Sev.	Mod.	Low.	Sev.	Mod.	Low.	Sev.	Mod.	Low.

Comments: Narrow cracks have formed, apparently due to building settling. This frame is integrated into the historic fabric of the building.

ENVIRONMENTAL:

Sev.	Mod.	Low.		Sev.	Mod.	Low.	
			bird droppings				insects/pests
			fungi, mold, mildew				intrusions
			humidity/temperature extremes				sunlight
		X	inappropriate lighting				

Comments: Lighting is very inappropriate, highlighting only the upper center of the painting. Possible use of lead based adhesive to attach canvas to wall. Plaster may contain asbestos.

CAUSE:

	cleaning damage		fire		fire and life safety equipment installation
	graffiti/vandalism		humidity		surface applications
	previous restoration/repair	X	smoke		vehicular/pedestrian traffic damage
	water	X	other		

Comments: 1/2005 - Recent Construction in courtroom may have contributed to accumulation of dust/dirt on surface of mural. Scheduled for dusting/cleaning with air compressor - Spring 2005.

PROTECTION:

	acrylic		glass	X	none
	barrier		missing		other

Comments:

CYCLIC MAINTENANCE:

	cyclic maintenance complete		cyclic maintenance plan
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INTERPRETATIVE PLAQUE:

	Artist Name		Date		Fine Arts Program, GSA
	Art - in - Architecture		Dimensions		Title
	Background Information				

PREPARED BY:

Signature			
Filer	Caroline Sachay		
Title	RFAO	Office Symbol	5PT
Tel.#	312 - 353 - 0744	Date	1/6/2005

Art Inspection Instructions

HOW TO COMPLETE GSA'S ART INSPECTION FORM

The General Services Administration's (GSA) Fine Arts Inspection Form includes current information contained in the Fine Arts or Art in Architecture databases. This information must be updated on a biennial basis.

Please correct existing information and complete missing information, following the guidelines below. A glossary of terms used on the Art Inspection Form is attached to assist you.

1. **CONDITION**

Check as many words as applicable that describe the general condition of the work of art, and the degree (Severe, Moderate or Low). The condition of the work of art is broken down into three categories: surface; structural; and environmental. Please complete all three categories!

Include any additional comments that specifically describe the condition, surrounding environment, or threats to the work of art.
2. **CAUSE**

Check as many words as applicable that describe the apparent cause of negative changes to the work of art.

Include any additional comments that specifically describe the apparent cause or potential cause of negative impacts on the work of art, or needed action to conserve and protect the work of art.
3. **SURFACE
PROTECTION**

Check as many words as applicable that describe the kind of surface protection of the work of art.

Include any additional comments regarding the condition of the surface protection.
4. **PREPARED BY**

Complete your identification information and the date.

COMMENTS?

*We would appreciate your suggestions!
Please call on 202 - 501 - 4332.*

HOW TO COMPLETE
GSA'S ART INSPECTION FORM
GLOSSARY

acrylic	a glassy thermoplastic used for cast or molded parts or as a coating or adhesive
air pollutants	atmospheric condition caused by harmful chemicals within the air surrounding an art object, such as exhaust from automobiles
barrier	anything built or serving to bar passage, such as a railing or fence
base	the foundation on which the sculpture rests; considered the sculpture's support and intended as a part of the work of art. It may be formed from the same material as the sculpture (in which case, it is called a plinth or a self - base) or attached to the sculpture.
bent	curved or crooked
bird droppings	also known as bird feces
blistered	an area of raised air pockets caused by external forces acting upon a painting, such as fire, moisture, or foreign matter
brittle	frail, crisp or deteriorated; easily broken, cracked or snapped
broken	fractured or disconnected pieces of the art object, caused by an external or internal force
buckled	bending, bulging, or warping, caused by heat or pressure
chipped	a defect in the surface of an object, caused by a blow to that object; material that has been broken away
cracked	fracturing of a metal in a brittle manner along a single or branched path; in painting, any separation in the paint layer, the ground, or the support. Cracks may be caused by accidental blows, long storage at low temperatures, sudden changes in temperature, the nature of the support, or defective materials.
crackle	a network of cracks in a fine, overall pattern on the surface of a painting, usually caused by the embrittlement of the paint film as it ages
crazing	an overall pattern of shallow cracks running in a variety of directions on the surface or coating
dented	a defect in the surface of an object, caused by a blow; a simple concavity
discoloration	a stain; in painting, a yellowing of the varnish
dusty	loose soil generally distributed on the surface of an art object
faded	a discoloration of a material, usually where parts have been unprotected from light
flaking	small, thin, flat pieces of layered material that have been separated from their support
frayed	threads or fibers at the ends of textiles that have become unraveled or loosened

fungi	molds, mildews, or rusts which subsist upon living organic matter
gouged	a defect in the surface of an object, or an instance where material has been scooped out
graffiti	words, phrases or drawings written on an art object
humidity	dampness; a moderate degree of wetness in the atmosphere
encrustation	a hard coating, an inlaying or addition of inappropriate material upon the surface of an art object
loose	a part of an art object that is not securely fastened or attached to another part of the object
loose threads marked	fibers that are not securely fastened to or interwoven with other threads within a textile; unbound threads marred with distinctive lines, spots, scars, or dents on the surface
matting	material, usually paper, which is used to frame art objects, often serving as a frame within a frame
mildew	a whitish coating upon an art object caused by humidity and the accompanying growth of fungi
mold	a fungi which invades organic substances
overpainting	painting over an original painting, mural or fresco
pest	any insect that infests an art object
rusted	a reddish - brown coating formed on the surface of iron or steel when the object is exposed to moisture or otherwise chemically attacked
sagging	a drooping or hanging down unevenly, caused by weight or pressure upon an art object
scraped	a surface layer of an art object which has been removed through abrasive contact with a rough or sharp object
scratched	the surface of an art object which has been marked or marred by something sharp enough to carve into the surface
separated joints	severed joints that are separated because of pressure, humidity, or force
shrinkage	the loss of weight, substance, or size of a textile due to humidity or other forces
soiled	a general term denoting any dirtiness, staining, or smirching of an object
torn	a break in fabric, paper, or other material as a result of tension or exterior stress
unraveled	separated or disentangled threads of a textile
warped	a distortion of the plane of an object, usually caused by dampness

CHAPTER 6. CONSERVATION AND MAINTENANCE

This chapter discusses the conservation and maintenance of the Fine Arts Collection. Under the Federal Managers Financial Integrity Act of 1982, the Design Excellence and the Arts, Office of the Chief Architect (PMB) is responsible for the inventory, management and conservation of the Fine Arts Collection to insure its protection, accessibility and appreciation.

Authorities and References

- The Federal Managers Financial Integrity Act of 1982 (31 U.S.C. §3512), as implemented by OMB Circ. No. A - 123, establishes procedures for internal financial and managerial accountability and control. Section 2 (ii) states, “funds, property, and other assets are safeguarded against waste, loss, unauthorized use, or misappropriation.” Internal Controls and Risk Assessments require that GSA’s Fine Arts Collection is properly maintained, accounted for, and accessible to the American people. The Director for Design Excellence and the Arts is responsible for this role for the agency, with Component Managers for the Art in Architecture Program and the Fine Arts Program.

6.1 *What Is Conservation?*

The American Institute for the Conservation of Historic and Artistic Works (AIC) offers the following definitions of conservation terminology:

Conservation - The profession devoted to the preservation of cultural property for the future. Conservation activities include examination, documentation, treatment, and preventive care, supported by research and education.

Cultural Property - Objects, collections, specimens, structures, or sites identified as having artistic, historic, scientific, religious, or social significance.

Preservation - The protection of cultural property through activities that minimize chemical and physical deterioration and damage and that prevent the loss of informational content. The primary goal of preservation is to prolong the existence of cultural property.

Restoration - Treatment procedures intended to return cultural property to a known or assumed state, often through the addition of non - original material.

Stabilization - Treatment procedures intended to maintain the integrity of cultural property and to minimize deterioration.

6.2 *Contracting*

GSA’s conservator oversees the conservation of the collection. Conservation treatment is accomplished through contracts with professional fine arts conservators in two phases: a condition assessment, resulting in a report and recommendations for treatment; and treatment, if it is necessary. Recommendations are developed into a contract to perform the actual treatment of the work of art. Sample Scopes of Work for condition assessment and treatment recommendations and conservation treatments are available from the Fine Arts Program.

A Condition Assessment/Treatment Recommendation Report must be prepared for all condition assessments and provide a detailed analysis of the materials and techniques, types and evidence of deterioration and causes of the work of art as well as recommendations for treatment. Time and cost estimates as well as photographs documenting

the work and its conditions must accompany the report. If it is decided that treatment is necessary, these recommendations inform the scope of work. A final Treatment Report must be prepared for each conservation project containing a detailed description of treatment, future cyclic maintenance instructions, and photographs documenting the work of art and its deterioration and treatment during and after treatment. Copies of these reports must be maintained in:

- building manager's office,
- regional office, and
- Central Office archives.

Conservation Funding

Conservation for the Fine Arts Collection is accomplished through three means:

1. Prospectus projects - through major renovation (prospectus) projects where the conservation efforts for works of art associated with the building are sub - contracted through the architect/engineer services responsible for the renovation of the building.
2. Regional funds - each Region may conduct their own conservation program utilizing their own funds as available. These funds may be acquired through repair and alteration funds, budget activity (BA 54), available through property management, or through general operating funds (BA61) available through the field office.
3. Central office funds - conservation on a nationwide basis may be coordinated and funded through PMB.

Beginning in 1990, PMB was able to acquire funds from the out - leasing of space in historic properties for the purpose of conservation and preservation of historic buildings and works of art associated with historic buildings (BA64). Additional funds are available each year for non - historic and contemporary works of art (BA61). These funds enabled PMB to develop an agency - wide conservation program that identifies works of art that require conservation through:

1. the annual inspection of art in each region;
2. the development of a priority list of conservation projects based upon their condition as indicated through the inspection, and other valuation factors including:
 - significance of artist
 - historical significance
 - significance as representing a specific period or style
 - significance as representing a specific artwork media
 - significance of associated building and public access or influence, and
 - current monetary value of the work of art
3. the preparation of specific Statements of Work with appropriate background information to include in the National Conservation Contract. Conservation is a two step contracting process: a) to develop a professional condition assessment and treatment recommendation; and b) to perform treatment based upon the assessment and recommendations; and
4. assisting the regions in the review, inspection, and acceptance of conservators and conservation work.

Note: if the artist is living, they must be contacted regarding appropriateness of treatments, finishes, etc. so that conservation will match original fabrication as much as possible. Written confirmation from the artist must be provided.

Once a conservation project is identified, a Requisition/Procurement Request for Equipment, Supplies or Services (SF49) is prepared and signed by the Director, PMB. The SF49 only commits, or sets aside, the funds. An Order for Supplies and Services (SF300) awards the work order or contract and obligates the funds. BA64 funds must be obligated within 2 fiscal years, or else they revert to the Department of the Treasury. Conservation projects funded through PMB will be contracted through a national term contract for art conservation, the National Conservation Contract.

6.3 *Qualifications for Fine Arts Conservators*

Fine arts conservators in a specific area of expertise must have at minimum a Masters degree from an accredited university graduate program in conservation, and have a minimum of 5 years experience in their specialized field of fine art conservation. Additionally, the conservator must be a Professional Associate or Fellow of the American Institute for the Conservation of Historic and Artistic Works (AIC). The AIC defines these categories of membership as follows:

Professional Associate - Professional Associates (PAs) are conservators, conservation scientists, educators, or others professionally involved in conservation that, through training, knowledge, and experience, have shown a commitment to the purposes for which the AIC was established. The PA category was established in 1980. Effective January 1997, a conservator who has earned an undergraduate university degree (or the international equivalent) may apply for PA status after completing 2 years of basic conservation training and acquiring at least 3 years of experience in his/her special field. Applications for PA must be supported by 3 Fellows or PAs. Candidates must agree in writing to abide by the *Code of Ethics* and *Guidelines for Practice*.

Fellow - In addition to the qualifications required for election to PA membership, a candidate for Fellow must have a minimum of 3 years graduate - level education (including an internship) in a conservation - related field or the equivalent in a formal apprenticeship plus a minimum of 7 years of experience after 3 years of conservation training. Moreover, evidence must be submitted of sustained high quality professional skills and of ethical behavior. Applicants for Fellow status must also demonstrate that they have participated in an exchange of ideas regarding methods.

6.4 *Cyclic Maintenance*

Cyclic maintenance is the periodic and routine maintenance of cultural property to insure its preservation. Cyclic maintenance instructions are required as part of all Art in Architecture contracts and all Fine Arts conservation contracts. The implementation of cyclic maintenance will eventually reduce conservation costs. A copy of the cyclic maintenance instructions must be maintained in:

- building manager's office,
- regional office, and
- Central Office archives.

Cyclic maintenance instructions for specific works of art must be jointly reviewed by a professional fine arts conservator, the artist or fabricator, and GSA property management at the completion of installation or conservation treatment. Videos documenting installation and care and maintenance are encouraged.

All cyclic maintenance instructions must be sent to the Central Office archives and entered in the Fine Arts and Art in Architecture databases.

Cyclic maintenance instructions must be entered into the cyclic maintenance memo field of the Fine Arts and Art in Architecture databases. A cyclic maintenance report for each building must be printed from the databases and used as a cover report for art inspection forms for that building. This insures the annual distribution of cyclic maintenance instructions to building managers. This activity must be coordinated with the Regional Property Management Officer (RPMO).

Cyclic Maintenance Funding

Each field office is responsible for funding cyclic maintenance.

Who Performs Cyclic Maintenance?

For Art in Architecture commissions, artists are required to submit cyclic maintenance instructions at the time of installation or before contract completion. Cyclic maintenance instructions must be reviewed by, or developed in conjunction with, a fine arts conservator to insure that they offer the best techniques possible. Conservator Peers must review cyclic maintenance instructions as part of the commissioning process. In addition, a professional fine arts conservator may be available through the national conservation contract. Requests must be made to the RFAO.

- Basic cyclic maintenance may be performed by facilities managers after receiving adequate training from the artist or conservator.
- Some cyclic maintenance services require a professional fine arts conservator and may be available through the national conservation contract. Requests must be made to the RFAO.

Training

Training in the application of cyclic maintenance instructions must be provided to field office personnel by the fine arts conservator or artist at the time of installation of new works of art or completion of conservation treatment. Partnership opportunities with local conservation organizations may also be considered for training and maintenance. See Appendix A for a list of professional organizations.

6.5 Storage

In 1994, an audit of the Fine Arts Program was conducted by the Office of Inspector General. The audit addressed the necessity of a “single centralized storage facility.” The audit further recommended:

“We recommend that the Public Buildings Service provide secure, climate controlled storage for art that will be stored for long periods.”

In September 1996, PMB acquired approximately 8,000 square feet of museum - quality storage space for the Fine Arts Collection. This space is available for all portable works of art from the collection. Regions are strongly encouraged to make use of this facility for works of art that need temporary storage, and in unusual circumstances, long - term storage. Centralized storage also facilitates the stabilization and conservation of portable works. The Fine Arts Storage Facility is designated specifically for works of art from the Fine Arts Collection, or in certain circumstances, objects that have direct association with a specific work of art. Objects that are not acceptable include artifacts of contemporary or historical nature, books, furniture, or paper documents.

If other storage facilities must be used, the minimum requirements for the protection of the works of art, as outlined in Chapter 4, must be met.

There are a limited number of large works of art in storage that require conservation. It is the policy of GSA to conserve and return works of art to their original geographic location or place of origin when the policy allows and when it is practicable.

The Fine Arts storage facility is located in Alexandria, Virginia. Access to the storage facility is available through the Director, Fine Arts Program. In case of emergency, access is available through the Crystal City Customer Service Center, Arlington, Virginia.

Sample Documents

Cyclic Maintenance Report

U.S. GENERAL SERVICES ADMINISTRATION FINE ARTS Cyclic Maintenance Report

MD0006ZZ - Custom House

Baltimore, MD

Custodian: Bruni, Gina

Artist: **Millet, Francis Davis**

Evolution of Navigation, 1907

Painting, 68' x 30' (FA456)

Cyclic Maintenance: Cyclic Maintenance instructions received from Page Conservation, Inc. in March, 1998:

The Entering Harbor mural, especially the damaged area restored in 1976 and subsequently conserved in 1998, is delicate and worthy of appropriate respect. When accessing the impact of a decision pertaining to the Call Room, such as whether to hold a public event in the room or whether to maintain air conditioning over a long weekend, one must consider two major factors about the ceiling painting:

(1) the attachment of the canvas is fairly sound in most areas, but the previously restored large circular damage in the upper central sky is a problematic area that has a pronounced tendency to detach itself from the ceiling. This area has required delicate and time consuming treatment in 1976 and 1998. The environment that the canvas experiences at ceiling level will determine how long this and other areas remain well adhered. Everything possible must be done to maintain an even temperature and relative humidity in the room. We suggest the air conditioning be run continuously throughout the summer to hold relative humidity down and to minimize sharp changes. Shutting the air conditioning off on evenings and weekends will add hundreds of unnecessary relative humidity and temperature spikes each year. The ceiling, it must be remembered, is easily 7 - 10 degrees warmer than floor level. We would think a responsible approach would be to cycle the air conditioned temperature up only a few degrees over the weekend and conversely, the heating temperature down in the winter only a few degrees over the weekend. One must try to maintain the fewest fluctuation cycles possible. One acknowledges winter and summer are different typical temperature and humidity conditions; transition gently between them and eliminate daily fluctuations.

(2) The paint surface is friable and porous. Although varnished, this oil paint has many fine cracks in it and would be extremely difficult to surface clean. Opening the windows routinely or combusting anything in the room such as candles at a dinner function would add particulates to the ceiling.

The above factors may be used to determine a sound policy regarding public functions in the room:

- Windows must remain closed. Pre - chill the room slightly with the air conditioner prior to an event.
- A steam table, candles or high power auxiliary lighting would be a poor idea.
- Limit the crowd to a reasonable number so as not to overwhelm the environment or disturb the historic fabric of the room.
- Provide signage as to the delicate, historic nature of the artifact and the room in general.

On a daily or monthly basis, the ceiling painting requires no specific maintenance. The ceiling and wall paintings must **not be** brushed, sponged or vacuumed or Non - professional cleaning will cause striations or ingrain grime into the porous surface. The paintings are all well above hand level and are not subjected to touching by curious visitors.

We would, however, very strongly recommend that the roof and particularly the gutters be inspected by the building engineer at least monthly. We were present for the treatment of the occurrence of water damage along the parking lot wall from stopped gutters. We would recommend that at least twice a year, the regional fine arts officer or respective check the ceiling with binoculars for the reoccurrence of flaking or water damage. At this time, it would also be appropriate for that person to personally inspect the roof and gutters which are accessible without a ladder.

CHAPTER 7. LOAN OF WORKS OF ART

This chapter describes short term loans of artwork from the Fine Arts Collection. The long term loan of New Deal works of art to non - federal repositories discussed in Chapter 3.

Authorities and References

- The Federal Managers Financial Integrity Act of 1982 (31 U.S.C. §3512), as implemented by OMB Circ. No. A - 123, establishes procedures for internal financial and managerial accountability and control. Section 2 (ii) states, “ funds, property, and other assets are safeguarded against waste, loss, unauthorized use, or misappropriation.” Internal Controls and Risk Assessments require that GSA’s Fine Arts Collection is properly maintained, accounted for, and accessible to the American people. The Director for Design Excellence and the Arts is responsible for this role for the agency, with Component Managers for the Art in Architecture Program and the Fine Arts Program.

7.1 Loan of Works of Art

The portable pieces in the Fine Arts Collection are limited to the federal New Deal Art Projects of the 1930s and 1940s or to Art in Architecture design maquettes and proposals. The protection of the works of art in the Fine Arts Collection is our prevailing priority in order to preserve this legacy for future generations. Therefore, we are very careful of the environment in which works of art are placed. In addition, our Continuity of Operations Planning (COOP) activities at a time of war further prioritize the safety of the collection above all else. The loan of art work is authorized and approved by the Fine Arts Program Manager under the direction of the Director, Design Excellence and the Arts. The Fine Arts Program has the necessary access to the Fine Arts Storage Facility required for conservation and transport, and legal contact for indemnification requirements for federal property.

We often receive requests for loan of artwork to courthouses and other federal buildings. We recommend that agencies partner with local public art organizations, university art galleries, or similar institutions that can loan artwork in the local are. We also suggest reproductions of New Deal graphics that can be placed freely without environmental or security concerns. A selection of high resolution images suitable for reproduction, matting, and framing is available form the Fine Arts Program.

The Loan Program is not a decorative program. Original works of art are not intended for installation in private offices.

In 2002, the Fine Arts Loan Program was incorporated into the Design Excellence and the Arts Exhibit Program. The Exhibit Program allows for the loan of artwork to museums, universities, and public institutions. Primary consideration is given to museums and similar public institutions that accredited by the American Association of Museums (AAM). Such institutions provide the necessary environmental and security standards to insure the proper display and protection of the works of art. They also allow artwork to reach a broad audience of scholars, researchers, and the general public.

Steps to Follow – Short Term Loans

1. All works of art placed on loan must be coordinated through the Fine Arts Program and accompanied by a loan form signed by the appropriate officials.
2. This information is also entered in the Fine Arts database. Such steps are necessary to:
 - coordinate the location of artwork at all times;

- to verify that the borrower agency is aware of, and agrees to, the conditions of the loan; and
 - to provide a tracking system for the retrieval of the loan.
3. An Art Inspection Form must also be completed for all works of art placed on loan. This is necessary to record the accurate condition of the artwork at the time of the loan.
 4. In addition to the loan form, the borrowing institution must provide a completed American Associations of Museums (AAM) Standard Facility Report or complete a Questionnaire for Loan of Works of Art describing the facility and environment in which the artwork will be placed. The Questionnaire is available from the Fine Arts Program.

Conditions for Loan

In order to insure that the works of art in the Fine Arts Collection are protected from damage or theft, the following conditions apply:

OWNERSHIP Full and exclusive title, ownership, and control of works of art will remain with GSA.

AVAILABILITY Artwork must be in good condition.

Artwork must be displayed with an interpretive plaque stating that it is part of the Fine Arts Collection of the U.S. General Services Administration.

TIME The duration of the loan is for 1 year. Art must be returned to GSA by stated termination date. Extensions of loan periods must be approved in writing by the Director, Design Excellence and the Arts, GSA. GSA reserves the right to recall works from loan at any time and will make every effort to give reasonable advance notice.

LOCATION Artwork must be displayed in publicly accessible spaces that can be locked nightly. Location and placement of all artwork must be coordinated with the GSA Fine Arts Program, including relocation of artwork.

CARE AND MAINTENANCE Borrowed art must be given proper care to ensure against loss, damage, or deterioration. Borrower agrees to meet special requirements for installation and handling. Art loaned by GSA has been examined and is considered to be in sound condition for loan. GSA must be notified immediately, followed by a written report, including necessary photographs, if damage or loss is discovered. No work may be altered, cleaned, or repaired without written permission of the GSA Fine Arts Program. Art must be maintained under a 24 - hour security and protected from unusual temperatures and humidity, excessive light, vermin, dirt, or other environmental factors. Only experienced personnel will handle work.

FINANCIAL RESPONSIBILITY Borrower accepts financial responsibility for full amount of appraised value placed on each work if the art is lost or damaged. GSA reserves the right to increase the appraised value.

PACKING AND TRANSPORTATION Packing and Transportation must be arranged by the GSA Fine Arts Program, with a qualified art transport company. Unpacking and repacking must be done by experienced personnel under competent supervision. Repacking must be done with similar materials and boxes, and by similar methods as the art was received.

PHOTOGRAPHY AND CREDIT LINE Borrower has the right to photograph and reproduce photographs of artworks for educational and publicity purposes related to the loan, provided that the Fine Arts Program, Public Buildings Service, U.S. General Services Administration is credited. Written approval from the GSA Fine Arts Program must be obtained for photography for commercial purposes.

7.2 Long Term Loans

Works of art may be placed on long - term loan to other federal agencies, local governments, or non - profit organizations under special considerations. For example, a GSA building is being demolished and an appropriate GSA location cannot be found. A loan form and Memorandum of Agreement must be completed for long - term loans for the maximum of a three - year period, and kept current.

For New Deal works of art on long - term loan to non - federal repositories (See Chapter 1 for further information) a Memorandum of Agreement (MOA) is prepared. Copies of all loan forms and MOAs must be maintained in the Central Office fine arts archives.

7.3 Artwork in Office Space

The original works of art in the Fine Arts Collection are not intended for decorative purposes or for installation in private offices. It is very difficult to maintain original works of art in working office space. The protection of the works of art in GSA's Fine Arts Collection is the overriding priority in order to preserve this legacy for future generations. Therefore, we are very careful of the environment in which works on loan are placed. We also limit the duration of time works may be loaned to no more than one year. At regular intervals works are recalled to stabilize at the Fine Arts Storage Facility.

Due to the current war in the Middle East and the potential for terrorist, biological, or chemical activities that could damage or destroy the portable works of art in the Fine Arts Collection, loans to federal officials are limited to the Office of the Administrator and the Office of the Commissioner at GSA. For loans to officials of agencies of the United States Government, such agencies must be responsible for the cost of repair or replacement of the objects if damage or loss occurs during the period of the loan.

Questionnaire for Loan of Works of Art

U.S. GENERAL SERVICES ADMINISTRATION
FINE ARTS
QUESTIONNAIRE FOR LOAN OF WORKS OF ART

Before the U.S. General Services Administration (GSA) agrees to lend a work of art, we must ensure that proper handling procedures and security measures are accomplished by the borrowing institution. Read carefully, complete, sign, and return this questionnaire to Fine Arts Program, U.S. General Services Administration, (GSA_PMB), Room 3341, Washington, DC, 20405.

- 1) Describe the temporary storage areas used for works of art before installed in exhibition area:
- 2) Is the exhibition space used solely for exhibition (i.e., not a library, lobby, etc.)? _____ YES _____ NO
- 3) Is the building made of a fire - resistant material? _____ YES _____ NO
- 4) Describe the fire detection and extinguishing systems used in the exhibitions of works of art for your institution.
- 5) Are periodic security checks made at night? _____ YES _____ NO
- 6) Are full - time professional guards (not students, in the case of university museums) in constant attendance when the exhibition galleries are open? _____ YES _____ NO
- 7) When framed objects are hung, are they fastened securely to the wall or panel with brackets and screws so that they cannot be lifted or removed? _____ YES _____ NO
- 8) Are objects handled exclusively by curators, installers, registrars, and shippers who are trained and experienced in handling works of art? _____ YES _____ NO
- 9) Do all fluorescent lights have ultraviolet filtering Plexiglas sleeves? _____ YES _____ NO
- 10) When objects are put in closed cases with lights, are they safeguarded against ultraviolet rays and ventilated to prevent excessive temperatures? _____ YES _____ NO
- 11) No artwork may be exhibited in direct sunlight or strong illumination, placed over a heating or air - conditioning vent, or exposed to humidity in excess of 65%. The maximum light intensity in your institution is _____.

In order to ensure that the works of art are protected from damage or theft, the following conditions apply:

OWNERSHIP Full and exclusive title, ownership, and control of works of art will remain with GSA.

AVAILABILITY Artwork must be in good condition.

Artwork must be displayed with an interpretive plaque stating that it is part of the Fine Arts Collection of the U.S. General Services Administration.

TIME The duration of the loan is for 1 year. Art must be returned to GSA by stated termination date. Extensions of loan periods must be approved in writing by the Director, Design Excellence and the Arts, GSA. GSA reserves the right to recall works from loan at any time and will make every effort to give reasonable advance notice.

LOCATION Artwork must be displayed in publicly accessible spaces that can be locked nightly. Location and placement of all artwork must be coordinated with the GSA Fine Arts Program, including relocation of artwork.

CARE AND MAINTENANCE Borrowed art must be given proper care to ensure against loss, damage, or deterioration. Borrower agrees to meet special requirements for installation and handling. Art loaned by GSA has been examined and is considered to be in sound condition for loan. GSA must be notified immediately, followed by a written report, including necessary photographs, if damage or loss is discovered. No work may be altered, cleaned, or repaired without written permission of the GSA Fine Arts Program. Art must be maintained under a 24 - hour security and protected from unusual temperatures and humidity, excessive light, vermin, dirt, or other environmental factors. Only experienced personnel will handle work.

FINANCIAL RESPONSIBILITY Borrower accepts financial responsibility for full amount of appraised value placed on each work if the art is lost or damaged. GSA reserves the right to increase the appraised value.

PACKING AND TRANSPORTATION Packing and Transportation must be arranged by the GSA Fine Arts Program, with a qualified art transport company. Unpacking and repacking must be done by experienced personnel under competent supervision. Repacking must be done with similar materials and boxes, and by similar methods as the art was received.

PHOTOGRAPHY AND CREDIT LINE Borrower has the right to photograph and reproduce photographs of artworks for educational and publicity purposes related to the loan, provided that the Fine Arts Program, Public Buildings Service, U.S. General Services Administration is credited. Written approval from the GSA Fine Arts Program must be obtained for photography for commercial purposes.

CONFLICTS The terms of this agreement will be controlling in the event of any conflict between this agreement and any other agreements. Loan may be canceled if there has been a breach of the conditions of this agreement.

The U.S. General Services Administration will give consideration to all questions for requests that the borrower may have in connection with this statement of conditions governing loans. Violations of these conditions or incorrect answers to the questions will be noted when further loans are being considered.

I have answered the questions accurately and agree to the above conditions.

Signature

Date

Title

Institution

Exhibition Title, Dates

If the exhibition is to travel, the Fine Arts Program must have signed copies of this questionnaire from all participating institutions. List the institutions below, the curators in charge of the exhibition, and the exact dates of exhibition and travel.

Loan Form

**U.S. GENERAL SERVICES ADMINISTRATION
FINE ARTS
AGREEMENT FOR LOAN OF GSA ARTWORKS**

Agreement for loan between the Fine Arts Office, Public Buildings Service, U.S. General Services Administration, and:

(AGENCY)
(ADDRESS)
(CITY) (STATE) (ZIP)
(BORROWER) (PHONE)
(TITLE)

for the period / / to / / .

ARTWORK IDENTIFICATION

ARTIST NAME		
TITLE OF ARTWORK		APPRAISED VALUE
ITEM #	EXECUTION DATE	FEDERAL ART PROGRAM
MEDIUM	MATERIALS	DIMENSIONS

DESCRIPTION

CONTACT

COLLECTION CONTACT	TEL.#
--------------------	-------

LOCATION OF ARTWORKS

IF ARTWORKS ARE MOVED, WHILE ON LOAN, WITHOUT PRIOR NOTIFICATION AND APPROVAL FROM THE FINE ARTS OFFICE, THEY WILL BE SUBJECT TO IMMEDIATE RECALL.	EXACT LOCATION OF ARTWORK WHILE ON LOAN SUB - LOC.
--	---

BORROWER

BORROWER AGREES TO COMPLY WITH ALL TERMS AND CONDITIONS OF THIS LOAN AGREEMENT AS STATED ON ATTACHED SHEET. (Signature)	DATE BORROWER SIGNED
--	----------------------

FINE ARTS OFFICE

SIGNATURE	DATE SIGNED
-----------	-------------

NOTE: Borrower must sign this form and return it to GSA for signature. Copy will be returned to borrower.

TERMS AND CONDITIONS OF LOAN

The Fine Arts Collection of the U.S. General Services Administration (GSA) has a limited number of original, portable works of art that are available for loan to the Administrator of GSA, or to the Commissioner of the Public Buildings Service, or for exhibit. In order to insure that these works of art are protected from damage or theft, the following conditions apply:

OWNERSHIP Full and exclusive title, ownership, and control of works of art will remain with GSA.

AVAILABILITY Artwork must be in good condition.

Artwork must be displayed with an interpretive plaque stating that it is part of the Fine Arts Collection of the U.S. General Services Administration.

TIME The duration of the loan is for 1 year. Art must be returned to GSA by stated termination date. Extensions of loan periods must be approved in writing by the Director, Design Excellence and the Arts, GSA. GSA reserves the right to recall works from loan at any time and will make every effort to give reasonable advance notice.

LOCATION Artwork must be displayed in publicly accessible spaces that can be locked nightly. Location and placement of all artwork must be coordinated with the GSA Fine Arts Program, including relocation of artwork.

CARE AND MAINTENANCE Borrowed art must be given proper care to ensure against loss, damage, or deterioration. Borrower agrees to meet special requirements for installation and handling. Art loaned by GSA has been examined and is considered to be in sound condition for loan. GSA must be notified immediately, followed by a written report, including necessary photographs, if damage or loss is discovered. No work may be altered, cleaned, or repaired without written permission of the GSA Fine Arts Program. Art must be maintained under a 24 - hour security and protected from unusual temperatures and humidity, excessive light, vermin, dirt, or other environmental factors. Only experienced personnel will handle work.

FINANCIAL RESPONSIBILITY Borrower accepts financial responsibility for full amount of appraised value placed on each work if the art is lost or damaged. GSA reserves the right to increase the appraised value.

PACKING AND TRANSPORTATION Packing and Transportation must be arranged by the GSA Fine Arts Program, with a qualified art transport company. Unpacking and repacking must be done by experienced personnel under competent supervision. Repacking must be done with similar materials and boxes, and by similar methods as the art was received.

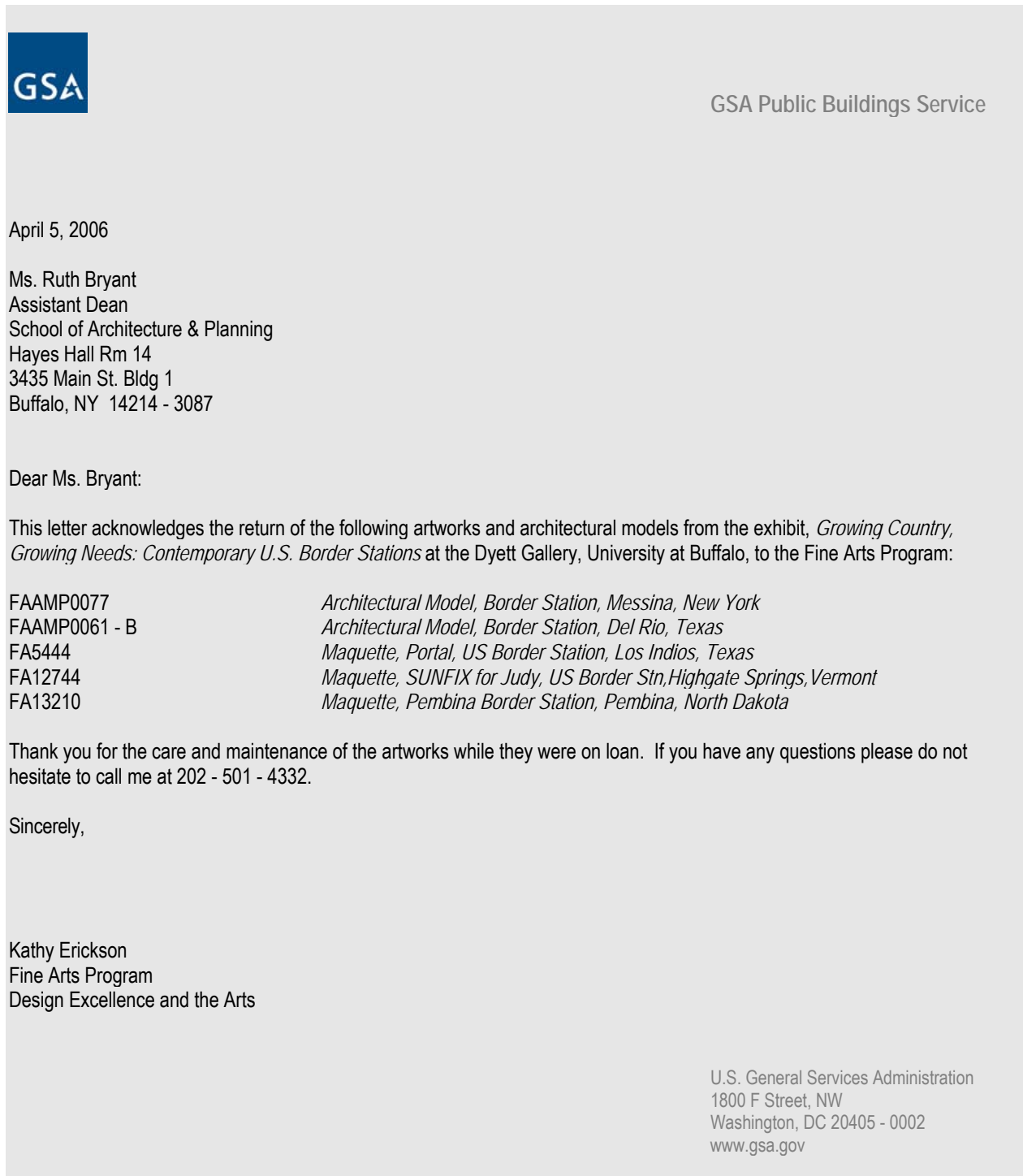
PHOTOGRAPHY AND CREDIT LINE Borrower has the right to photograph and reproduce photographs of artworks for educational and publicity purposes related to the loan, provided that the Fine Arts Program, Public Buildings Service, U.S. General Services Administration is credited. Written approval from the GSA Fine Arts Program must be obtained for photography for commercial purposes.

CONFLICTS The terms of this agreement will be controlling in the event of any conflict between this agreement and any other agreements. Loan may be canceled if there has been a breach of the conditions of this agreement.

GSA Form 10048 BACK (REV.9 - 95)

Returned Loans

When works of art are returned to GSA an acknowledgment letter must be sent to the borrower:



Copies of all loan forms and receipt letters must be maintained in the Central Office fine arts archives.

MEMORANDUM OF AGREEMENT

BETWEEN

U.S. GENERAL SERVICES ADMINISTRATION AND

MUSEUM

WHEREAS the United States of America, acting by and through the General Services Administration (GSA), is responsible for the works of commissioned by the federal government for GSA buildings;

WHEREAS # works of art as outlined on the attached list were placed on long term loan with the MUSEUM (the "Works of Art");

WHEREAS the MUSEUM has the ability to preserve, protect, and exhibit these "Works of Art";

NOW THEREFORE, the GSA and the MUSEUM mutually agree to the following terms and conditions in order to ensure that these works of art are protected from damage or theft:

1. **OWNERSHIP** Full and exclusive title, ownership, and control of works of art will remain with GSA
2. **AVAILABILITY** Artwork must be in good condition. Artwork must be displayed with an interpretive plaque stating that it is part of the Fine Arts Collection of the U.S. General Services Administration.
3. **TIME** The duration of the loan is for 3 years. Art must be returned to GSA by stated termination date. Extensions of loan periods must be approved in writing by the Director, Design Excellence and the Arts, GSA. GSA reserves the right to recall works from loan at any time and will make every effort to give reasonable advance notice.
4. **LOCATION** Artwork must be displayed in publicly accessible spaces that can be locked nightly. Location and placement of all artwork must be coordinated with the GSA Fine Arts Program, including relocation of artwork.
5. **CARE AND MAINTENANCE** Borrowed art must be given proper care to ensure against loss, damage, or deterioration. Borrower agrees to meet special requirements for installation and handling. Art loaned by GSA has been examined and is considered to be in sound condition for loan. GSA must be notified immediately, followed by a written report, including necessary photographs, if damage or loss is discovered. No work may be altered, cleaned, or repaired without written permission of the GSA Fine Arts Program. Art must be maintained under a 24 - hour security and protected from unusual temperatures and humidity, excessive light, vermin, dirt, or other environmental factors. Only experienced personnel will handle work.
6. **FINANCIAL RESPONSIBILITY** Borrower accepts financial responsibility for full amount of appraised value placed on each work if the art is lost or damaged. GSA reserves the right to increase the appraised value.
7. **PACKING AND TRANSPORTATION** Packing and Transportation must be arranged by the GSA Fine Arts Program, with a qualified art transport company. Unpacking and repacking must be done by experienced personnel under competent supervision. Repacking must be done with similar materials and boxes, and by similar methods as the art was received.
8. **PHOTOGRAPHY AND CREDIT LINE** Borrower has the right to photograph and reproduce photographs of artworks for educational and publicity purposes related to the loan, provided that the Fine Arts Program, Public Buildings Service, U.S. General Services Administration is credited. Written approval from the GSA Fine Arts Program must be obtained for photography for commercial purposes.
9. **CONFLICTS** The terms of this agreement will be controlling in the event of any conflict between this agreement and any other agreements. Loan may be canceled if there has been a breach of the conditions of this agreement.

The GSA Fine Arts Program will conduct with the MUSEUM, on a scheduled basis, the inventory and inspection of all works of art on loan;

Upon request of the GSA Fine Arts Program and in accordance with GSA Fine Arts Collection *Policies and Procedures*, selected works of art may be made available for exhibition by the federal government or loaned to other institutions;

If the MUSEUM desires release from the responsibility of custody of the Works of Art, the official representative of the museum or institution must communicate directly with the Director, Design Excellence and the Arts, Office of the Chief Architect, Washington DC.

Thomas Groom
Director
Center for Design Excellence and the Arts
Office of the Chief Architect
U.S. General Services Administration

Name
Title
Museum

Dated this ____ day of _____, 200?

Attachment

CHAPTER 8. INTERPRETATION, EXHIBITION AND EDUCATION

This chapter discusses educational and outreach programs for the Fine Arts Collection.

Authorities and References

- The Art in Architecture Program Procedures (December 2000) detail the requirements for Public Affairs and Education and Identification of Works of Art commissioned for GSA.
- The Americans With Disabilities Act of 1990 (42 U.S.C. 12181) and Accessibility Guidelines (28 CFR Part 36) prohibit discrimination on the basis of disability and requires the design, construction, and alteration of places of public accommodations and commercial facilities in compliance with the Americans with Disabilities Act - Accessibility Guidelines.
- The Copyright Act of 1976 (17 U.S.C. § 102(a)) provides protection to authors of "original works of authorship," including literary, dramatic, musical, artistic, and certain other intellectual works.

8.1 Architectural Barriers Act of 1968 and Americans with Disabilities Act of 1990 Considerations

Design for Accessibility: An Arts Administrator's Guide, published jointly by the National Endowment for the Arts (NEA) and the National Assembly of State Arts Agencies (NASAA), is designed to help make access an integral part of arts organizations programs. The introduction states:

"People are only disabled by the barriers they encounter. Let us be about the business of designing with a universal approach so that the cultural environment enables full participation."

The Guide includes an Arts Accessibility Checklist for Exhibition and Exhibition Labeling that must be considered when designing exhibits and installation. Information on the Guide and other accessibility publication are available online at: <http://www.nea.gov/resources/Accessibility>. In addition, the American with Disabilities Act Accessibility Guidelines (ADAAG) offers information on line at: www.access-board.gov.

8.2 Interpretation

Interpreting the meaning, history, and context of works of art assists employees, visitors, and the general public in their understanding and appreciation of the Fine Arts Collection.

Brochures

An interpretive brochure containing information on the commissioned artist and artwork must be prepared for all Art in Architecture projects at the time of installation or dedication. Brochures may also be prepared for conservation and reinstallation projects. Sample brochures are available from the Art in Architecture and Fine Arts programs.

Plaques and Signage

All works installed in federal buildings must be accompanied by interpretive plaques containing information on the artist, title, date, materials, commissioning program and brief description. The size of the plaque may vary from 11" x 14" for large works of art, to 3" x 5" for smaller portable works of art. We recommend that plaques coordinate with the format and material finish of the building's signage program. In accordance with the Americans with Disabilities Act permanent plaques must be produced in a minimum 18 Point Print. Braille versions may also be considered.

All works of art on loan within GSA or to public institutions must be accompanied by an interpretive plaque referencing that it is part of the Fine Arts Collection of the U.S. General Services Administration.

Press Release

A press release introducing Art in Architecture commissions, announcing larger conservation treatments, or publicizing reinstallation projects to the local public may developed. All public notices must be coordinated with the Art in Architecture Program, the Fine Arts Program, the Office of Communication, and the regional office of Public Affairs.

8.3 *Design Excellence and the Arts Exhibit Program*

In 2002, the Fine Arts Loan Program was incorporated into the Design Excellence and the Arts Exhibit Program. The goals of the Loan Program and Exhibit Program are consistent.

Goals

The goal of the Design Excellence and the Arts Exhibit Program is to make the original works of art in GSA's Fine Arts Collection available to the largest public audience. These commissioned civic works of art were produced with taxpayer's funds and represent the history and culture of our country. They must be placed in public institutions where they will be available to the American people in order to:

- educate and teach the history and cultural heritage of the United States as reflected in the design, art, and architecture of federal buildings in GSA's portfolio;
- increase the awareness, understanding, and accessibility of works of art in GSA's Fine Arts Collection; and
- enhance the environment of the federal and local governments and public institutions.

In addition, exhibits may be installed in the third wing lobby of GSA's Central Office building. Exhibits have also been installed at museums, art organizations, and courthouses in the Washington, DC metropolitan area.

Audience

The Exhibit Program allows for the loan of artwork to museums, public institutions, and federal buildings. Primary consideration is given to museums and similar public institutions that provide the necessary environmental and security standards to insure the proper display and protection of the works of art. These institutions also allow artwork to reach a broad audience of scholars, researchers, and the general public. The audience also includes federal employees and visitors to the Central Office and other federal agencies. In conjunction with the exhibits, numerous tours for school groups and other federal agencies have been conducted, and lectures by prominent artists have been presented.

Benefits

The exhibits program improves and enhances the GSA work environment. The benefits of the exhibit program includes not only a better understanding and appreciation of the Fine Arts Collection by GSA employees, visitors and the general public, but also better care and maintenance by property managers and custodians.

Several regions have developed their own exhibits, and all regions are encouraged to do so. Exhibits produced by the Central Office mentioned above are available for loan to regional offices, as well as local museums, and university galleries. The borrowing organization must pay for transportation costs. Loans and transportation are managed as outlined in Chapter 4 and Chapter 7. All works of art for exhibits are accompanied by a loan form and an inspection form noting the condition of the artwork at the time of the loan.

8.4 *Educational and Outreach Programs*

Other educational activities such as tours for school groups and other federal agencies, and lectures by prominent artists are encouraged as a means of broadening the understanding and appreciation of artwork in federal buildings. All Art in Architecture acquisitions must include an interpretive plaque and brochure containing information on the artist, the artwork, and the program. The Art in Architecture Program also endeavors to insure that the artist and the artist's work is introduced to the public - at - large via media coverage, workshops, or other adequate means. Coverage will include background information on the artist and information on the development and significance of the commissioned work. This effort must be supported by and coordinated with the Design Excellence and the Arts, Office of the Chief Architect (PMB).

8.5 *Photography and Credit Line*

Managers of many federal buildings and U.S. Courthouses are very sensitive regarding the use of cameras and have strict requirements. Arrangements for the use of cameras and photographing artwork must be made in advance with the property manager.

When photographs of GSA artwork are used, the name of the artist, the title, the date, and the location must be included. A copyright symbol and "Artists Right Society" must also be included if applicable. All photographs must be captioned:

Courtesy of U.S. General Services Administration
Public Buildings Service
Fine Arts Collection

Or

Courtesy of U.S. General Services Administration's Art in Architecture Program

8.6 *Fine Arts Collection and Copyright Law*

United States copyright law protects the rights of the creators of "original works of authorship fixed in any tangible medium of expression, now known or later developed."¹ The author/creator is defined by the Supreme Court as "the person who translates an idea into a fixed, tangible expression."²

¹ Copyright Act of 1976, 17 U.S.C. § 102(a).

² Community for Creative Non - Violence v. Reid, 490 U.S. 730, 737 (1989).

However, copyright and ownership are separate interests. While the U.S. General Services Administration (GSA) owns a work of art, it does not necessarily mean that it is the owner of the copyright. There are a number of rights associated with copyright law. The two rights that are most relevant to the Fine Arts Collection are the right to reproduce and the right to distribute copies of the work of art.

Federal Employees

Federal Copyright law is codified in Title 17 of the United States Code and stipulates that “copyright protection under this title is not available for any work of the United States Government.”³ A work of the United States Government is “prepared by an officer or employee of the United States Government a part of the person’s official duties.” Consequently, when a federal government employee produces works of art as a part of his or her scope of work-as was the case with some of the artists employed by the New Deal federal art projects-the works of art are not protected by copyright law.

This law affects the reproducibility of works of art in GSA’s Fine Arts Collection in that the works created under the Public Works of Art Project (PWAP), the Treasury Relief Art Project (TRAP), and the Works Progress Administration’s Federal Art Project (WPA/FAP) are not protected by copyright law. Under these programs, the artists were employed by the federal government to create art as part of their scope of work. Therefore these works of art can be reproduced and the copies may be distributed without concern for copyright infringement. While these works of art not protected by copyright, GSA requires that the works of art be credited with the following credit line: Courtesy of the General Services Administration, Public Building Service, Fine Arts Collection.

Contract Employees

The question of copyright ownership becomes more complex when the Government commissions artists to create works of art. For example, the Treasury Department’s Section of Painting and Sculpture (later renamed the Section of Fine Arts) contracted artists during the 1930s and early 1940s and the GSA’s Art in Architecture program continues to contract artists to create site - specific works of art. In either case, these artists are not considered employees of the federal government and are not necessarily prohibited from retaining a copyright interest in the work of art. In order to definitively determine the owner of copyright, the contract must be reviewed or legal counsel sought. Ideally, the issue of copyright is clearly agreed to by the parties in the artist’s contract.

A chart is provided in order to assist with the determination of copyright status. In addition, further information on the basics and duration of copyright protection are available online at: www.copyright.gov.

³ Copyright Act of 1976, 17 U.S.C §105

<i>FEDERAL ART PROGRAM</i>	<i>ART PROTECTED BY COPYRIGHT?</i>	<i>EXPLANATION</i>
Public Works of Art Project (1933 – 1934)	No	The artists were federal employees, therefore the works they produced became part of the public domain and are reproducible.
The Section of Painting and Sculpture The Section of Fine Arts (1934 – 1943)	Most likely no, but must be determined on a case - by - case basis.	The artists were contracted to complete works of art for the federal government, therefore the determination of copyright would depend on the terms of the contract. In many cases, the federal government stated in the artist's contract that the full size cartoon, the completed mural and "all the rights of the Artist therein, shall become the property of the United States..." ⁴
Treasury Relief Art Project (1935 – 1939)	No	The artists were federal employees; therefore the works they produced became part of the public domain and are reproducible.
Federal Arts Project/ Works Progress Administration (1935 – 1942)	No	The artists were federal employees; therefore the works they produced became part of the public domain and are reproducible.
Art in Architecture Program (1963 – present)	Yes	Most contracts state that the artist retains copyright. In order to definitively determine the owner of copyright, the contract must be referenced or legal counsel must be consulted.

⁴ Form 8651 - a, Public Buildings Administration, Federal Works Agency contract, 1941.
Sample Interpretive Plaques

Sample Documents

Installed Work of Art

Boardman Robinson
Great Codifiers of the Law
1937, oil on canvas

This 18 - panel mural series brings together historical figures and documents that have contributed to the development of modern law. Boardman Robinson consulted various scholars and historical texts in an effort to find details about each subject's character and legal philosophy. Though he aimed to provide an accurate physical depiction of each individual, Robinson also took creative license in cases where little information was available. In the case of *Victoria*, Robinson used a sketch of Dr. James Scott Brown, a noted translator of Francisco de Victoria's works, because an actual likeness of the monk eluded him. Robinson included his own image in the murals as well, depicting himself as a bearded farmer in the lower right section of *Magna Charta*.

Boardman Robinson (1876 - 1952) was born in Somerset, Nova Scotia. He studied at the Massachusetts School of Art in Boston from 1894 to 1897 and in Paris from 1898 to 1904, at the École des Beaux - Arts, the Académie Julien, and the Académie Colarossi. He was a cartoonist for the *New York Times*, the *New York Tribune*, and *The Masses*. Robinson also provided illustrations for a number of books, including editions of *Moby Dick* and *The Brothers Karamazov*. He taught at the Art Students League in New York from 1919 to 1930, after which he served as the Director of the Colorado Springs Fine Arts Center. His work can be found at the Metropolitan Museum of Art, the Art Institute of Chicago, the Los Angeles Museum of Art, and Rockefeller Center in New York City.

Commissioned by the Department of the Treasury
Section of Painting and Sculpture (1934 - 1938)
United States General Services Administration
Fine Arts Collection

Portable Work of Art on Loan



WOMAN WITH MOUNTAIN SHEEP, 1939
CONCETTA SCARAVAGLIONE

Concetta Maria Scaravaglione (1900 – 1975) was born in New York City, and became a part of the New York art world of the 1930s. She had a fifteen year teaching career at Sarah Lawrence College, Vassar College, New York University, and Black Mountain College. She received New Deal commissions for Ariel Rios Federal Building and the Federal Trade Commission in Washington, DC. This quarter scale model was part of a commission for the Garden Court of the Federal Building at the 1939 New York World's Fair. None of the six 14' high sculptures - cast in plaster - survived the demolition of the Fair in 1940.

FINE ARTS COLLECTION
U.S. GENERAL SERVICES ADMINISTRATION

CHAPTER 9. EMERGENCY PLANNING

This chapter discusses emergency planning for the Fine Arts Collection. GSA's Continuity of Operations Plans (COOP) provides site or activity specific plans and procedures that "help insure the safety of GSA personnel and allow GSA organizational elements to continue operations in the event of an emergency or threat of an emergency. Each location at which GSA employees are permanently assigned should have a COOP."¹ Managing works of art in the Fine Arts Collection in emergency situations must be included in the appropriate COOPs.

Authorities and References

- Occupant Emergency Program (OEP), 1 - A - 30. 41 CFR 101 - 20.103 - 4, focuses on protecting life and property in federally occupied space under certain emergency conditions, and directs the formation of an occupant emergency organization to perform OEP tasks.
- National Security Emergency Preparedness (NSEP) Program, ADM P 2400.18. The GSA EM Program includes the NSEP Program as defined in Executive Order (E.O.) 12656. It fulfills the requirements in that E.O. by ensuring that GSA can perform its mission under all disaster or emergency conditions in accordance with existing laws, regulations, and other national level guidance.
- GSA Emergency Management Program, ADM P 2400.18, focuses on the role of GSA in providing support for domestic emergency operations in which there is federal involvement.

9.1 What Is An Emergency?

An emergency is a sudden, usually unexpected event that does, or could do, harm to people, resources, property, or the environment. Emergencies can range from localized events that affect a single office in a building, to human, natural, or technological events that damage or threaten local, regional or national operations. The emergency could cause the temporary evacuation of personnel or the permanent displacement of personnel and equipment from the old site to a new operating location.² Hazards that can cause emergencies or disasters are:

Natural Disasters	Water supply failure	Motor vehicles, ships, and boats
Blizzard or heavy snowfall	Sewer failure or backup	Transport of chemical or fuels
Hurricane	Explosion	Transport of nuclear materials
Severe thunderstorm	Extreme/prolonged air pollution	Nuclear power plants or weapons
Sleet, hail, and ice	Fuel or Chemical spill (major)	Human Activity
Tornado and wind storm	Radiological materials spill	Accidents by individuals
Flash flood or slow - rising flood	Structural collapse	Armed robbery
Tidal wave	Structural Fire	Arson
Range or forest fire	Accidents that Involve	Bombing
Earthquake and mud slide	Bodily injury	Conventional warfare
Volcanic eruption or lava flow	Broken fuel pipelines	Nuclear warfare and fallout
Drought (prolonged)	Broken water or sewer pipes	Riot and civil disorder
Industrial Disasters	Downed power or phone lines	Sabotage
Electrical power failure	Aircraft or Trains (crashes)	Terrorist attack; hostage taking
Fuel supply failure	Construction equipment	Vandalism ³

¹ General Services Administration Continuity of Operations Planning, 1.1, page 1.

² General Services Administration Continuity of Operations Planning, 1.8.e., page 4.

³ National Park Service, Museum Handbook, Part I, Chapter 10, page 5.

9.2 Continuity of Operations Planning (COOP)

Policy

It is the policy of GSA to respond quickly at all levels in the event of an emergency in order to continue essential operations.

Authorities and References

The two key documents for COOP purposes are the Occupant Emergency Program (OEP), 1 - A - 30. 41 CFR 101 - 20.103 - 4, and the National Security Emergency Preparedness (NSEP) Program, ADM P 2400.18. The first focuses on protecting life and property in federally - occupied space under certain emergency conditions, and directs the formation of an occupant emergency organization to perform OEP tasks. The second document focuses on the role of GSA in providing support for domestic emergency operations in which there is federal involvement. The NSEP Handbook provides guidance for the GSA role in the broad context of federal response to a major disasters or emergencies, while the OEP focuses on getting federal employees and others safely out of a facility under a variety of threat conditions. In general, implementation of the OEP is the first step in responding to an emergency condition that affects a GSA site.

The activity or site - specific COOP provides a bridge between these two key documents, in that it focuses on each GSA element's responsibility to continue essential functions under emergency conditions, including emergency relocation to an alternate site.

Objectives of Continuity of Operations Plans

The objectives of a site - specific COOP are to:

- Insure the safety of GSA employees during an emergency
- Reduce disruptions to operations
- Protect essential equipment, records, and other assets
- Minimize damage and losses
- Provide organizational and operational continuity
- Facilitate decision - making during an emergency
- Achieve an orderly recovery from emergency operations
- Mitigate risks by identifying and meeting emergency needs before the emergency occurs⁴

Objectives of Fine Arts Component of COOP

GSA's Fine Arts Collection represents the history, ideals, and culture of our country. To insure its protection and preservation for future generations it is necessary to maintain an accurate record of the current identification, location, condition, and appropriate contact for works of art in the collection.

Each location that has works of art from GSA's Fine Arts Collection must notify the Regional Emergency Coordinator to determine if a Fine Arts Component must be included in the COOP.

⁴ General Services Administration Continuity of Operations Planning, 1.1, pages 2 - 3.

Central Office Responsibilities

1. Insure that Fine Arts and Art in Architecture databases are kept current of exact location, condition, and contacts for artwork in emergency situations.
2. Provide accurate listing of artwork in specific facilities as requested or required.
3. Notify proper authorities of any theft, damage, natural disasters, etc.

Regional Responsibilities

1. Determine if COOP plans exist and insure that protection of artwork in emergency situations is adequately addressed. See Section 9.3 for requirements.
2. Check once a year to insure that plans are current and identified personnel are still available.
3. Copies of the Fine Arts Component of the COOP plan must be maintained in:
 - the regional office with the Regional Fine Arts Officer,
 - the Central Office in the central archives, and
 - with the local appointed staff member.
4. Notify Central Office of any theft.

9.3 Objectives of Emergency Planning

The primary objectives of emergency planning are as follows:

1. To anticipate and, if possible, to avoid emergencies.
2. To retain control when an emergency occurs.
3. To recover control as quickly as possible if control is lost.⁵

It is important to anticipate and identify special circumstances, situations, or geographic areas that create potential hazards such as earthquakes, floods, annual parades, etc. and provide protective measures or training.

Protecting Museum Collections from Disasters

Protective measures fall into the following four categories that are summarized below:

- mitigating measures
- preparedness measures
- response measures, and
- recovery measures.

Before

Mitigating measures seek to eliminate the hazards that threaten the collection or to reduce the effect those hazards would have if they ever are manifested. Mitigation necessarily takes place in advance of something happening.

Preparedness measures are put in place so that responsible personnel can act appropriately during an emergency, particularly if a disaster might be imminent and they might be able to avert it or minimize consequent damage.

⁵ National Park Service, Museum Handbook, Part I, Chapter 10, page 2.

Preparedness includes staff training and the development of call up lists, resource lists, and stockpiles of supplies and equipment. Some preparedness measures must be put in place before anything happens, while others come into play only as an emergency develops.

GSA Actions

The Fine Arts Component of the COOP must:

1. Appoint a local responsible party (fine arts officer, asset manager, facility manger).
2. Prioritize assets at each site.
3. Identify emergency personnel and telephone number (local museum professional, local conservator).

During

Response measures are taken when a disaster strikes without warning, when mitigating and preparedness measures have failed to prevent a disaster or when measures have been taken but damage has occurred anyway. The purpose of response measures is to prevent further damage to collections and to stabilize those that have been damaged so that they do not deteriorate further before they can receive attention from professional conservators. Response measures attempt to retain or to reestablish control over the situation.

GSA Actions

The Fine Arts Component of the COOP must:

1. Define procedures for removing portable works of art from emergency situations and placing in a secure location (local museum, university gallery).
2. Secure installed artwork at site. Protect, cover, wrap, or enclose artwork from emergency situation if possible.
3. Notify appropriate personnel of actions taken:
 - a) Property manager,
 - b) Regional Fine Arts Officer, and
 - c) the Fine Arts Program.

After

Recovery measures occur after an event has happened. They are designed to enable the return to normality in an orderly, phased, reasoned, and methodical fashion. Recovery measures begin when the disaster situation has stabilized and professionals have evaluated the damage and suggested further, long - term actions. Recovery can be a long process, taking years in some cases. Recovery measures solidify control over the situation.⁶

The Fine Arts Component of the COOP must:

1. Salvage all parts of artwork. Retrieve, package and label any pieces or parts of artwork.
2. Assess damage to artwork. Complete Fine Arts Damage Report.
3. Contact emergency local conservator for professional assessment/stabilization.

⁶ National Park Service, Museum Handbook, Part I, Chapter 10, page 9 (from NPS 28, Cultural Resource Management Guideline).

GSA Actions

4. Report all damage and current location of artwork to Regional Fine Arts Officer, Fine Arts Program, and Commissioner, PBS.

Sample Documents

Damage Report

U.S. GENERAL SERVICES ADMINISTRATION
FINE ARTS
DAMAGE REPORT

FA Number: FA1681

Date: 1977

Artist: Eversley, Frederick

Title: Untitled



When was the damage discovered?

On April 19, 1995 the Alfred P. Murrah Building in Oklahoma City, OK was bombed. After rescue activities, the building was demolished on May 23, 1995. This is one of 22 works of art retrieved from the building.

What was the cause of damage?

I.e. Accident, Vandalism, Deterioration? Water, Heat, Mold, Smoke?

Domestic terrorism/bombing

What are the physical changes that occurred?

What is the damage estimate? Irreparable? X Requires Treatment? _____

If the object broke, were all the pieces recovered? NO If so, where are they located?

What is missing? Piece broken off, approximately 1/3 broken off.

Additional comments:

Filled out by:

Date:

Kathy Erickson, PMB, 202 - 501 - 4332

09/17/02

CHAPTER 10. RELOCATION, REMOVAL & DEACCESSIONING

This chapter discusses situations that may require the relocation, removal, or deaccessioning of works of art from the Fine Arts Collection and the procedures to accomplish such actions.

Authorities and References

- Bulletin of March 26, 1934, “Legal Title to Works Produced under the Public Works of Art Project (PWAP)” [1933 - 1934] states:
 1. All works of art executed with the intent that they should occupy a particular place in some public building are to be treated as part of that building.
 2. The same rule applies to any piece of sculpture executed for the purpose of being definitely placed in any building or in a public park.
- Visual Artists Rights Act of 1990, Section 106A, U.S. Code Annotated, Title 17, Copyrights, PL101 - 650 provides “moral rights” to artists creating works of visual art after June 1, 1991. These rights are chiefly the rights of attribution and integrity. They provide that all artists have rights controlling the use of their name in relation to their work, the right to prevent any modification of their work that would be prejudicial to their reputation, and the right to prevent the destruction of their work if it is of recognized stature. These rights are vested with the artist throughout their entire lifetime, and may prohibit removal, modification, or destruction of artwork.
- Section 106 of the National Historic Preservation Act (16 U.S.C. 470) mandates that federal agencies identify historic properties that may be affected by their projects, take historic properties into account when planning an undertaking, and that they allow the State Historic Preservation Office, Certified Local Governments, and the Advisory Council on Historic Preservation a reasonable opportunity to comment on federal projects that have the potential to affect historic properties. This process may be lengthy and must be initiated as early as possible.
- Postal Reorganization Act, as amended, (39 U.S.C., Section 101, et seq.) August 12, 1970, provided for the transfer of selected federal properties from the General Services Administration (and other agencies) to the Postal Service. Included in this transfer was “all real property 55 percent or more of which is occupied by or under the control of the former Post Office Department....” (39 U.S.C. Section 2002(c).)
- Federal Property Management Regulations (FPMR), 41 CFR 101, Sections 43, 44, 45, defines requirements for the Utilization, Donation, and Sale, Abandonment or Destruction of personal property.
- Federal Property and Administrative Services Act of 1949, Title II, Property Management, Section 203 defines requirements for the Disposal of Surplus Property.

10.1 Policy

Since the scope of the Fine Arts Collection includes artwork specifically commissioned as part of the architectural design of federal buildings, that artwork represents a specific period of time and place in our cultural history. Further, since the current acquisition of artwork through the Art in Architecture program encourages the artist to integrate the artwork with the site, it is the policy of the GSA to retain the original location of installed works of art and honor the artist’s original intent.

The removal or relocation of artwork commissioned by the Art in Architecture Program will only be considered after the artwork has been in place for a minimum of 5 years. The 5 - year relocation/removal guideline can be waived when life safety risks, conservation, or preservation issues are involved.

10.2 Relocation

Considerations

Adverse public opinion does not justify the relocation, covering from public view, or removal of artwork. However, the relocation of works of art may be necessitated due to such situations as material deterioration or redesign of original space. Only in certain circumstances is the relocation of artwork allowed. Under the following specific circumstances, the relocation of artwork may be considered:

- **Building Demolition** - the building is scheduled for excess or demolition that would destroy the existing work of art.
- **Change in Building Function** - circulation patterns have changed or space has been redesigned in order to meet ADA or other compliance requirements and the artwork could be adversely impacted.
- **Environmental Impact** - the current environment could harm the artwork due to fragility of materials. In such cases, document the effect of the environment in order to determine its impact.
- **Building Destruction Due to Disaster** - the artwork survives the destruction of the building.
- **Previous Building Alterations** - the artwork placed in storage in the past due to space alterations and cannot be returned to its original location.

Steps to Follow - Relocation

Whenever possible, GSA endeavors to relocate, rather than permanently store, artwork in the Fine Arts Collection. The following procedures must be followed:

1. All requests for relocation must be made in writing to the Director, Design Excellence and the Arts. Requests must include the reason for relocating the work of art, a proposed schedule, and associated costs.
2. Every effort must be made to contact the artist and inform him or her of the situation. If possible, GSA will try to work with the artist to determine a suitable new location, or obtain his or her approval of a new location recommended by GSA. Approval must be in the form of a written letter that is included in the relocation request.
 - For works of art that are covered by the Visual Artists Rights Act of 1990 (VARA) the artist must be contacted and written approval acquired. Regional Counsel must be consulted for review and approval.
3. A fine arts conservator with a ranking of Professional Associate or Fellow in the American Institute of Conservation (AIC) or the equivalent must be consulted to ensure the safety and protection of the artwork during relocation. See Chapter 6.

Any new or temporary location must be noted in the Fine Arts and Art in Architecture databases.

Finding a New Location

For historical and financial reasons, artwork must be relocated as close as possible to its original location. The artwork must include information on its original location as part of its interpretation in order to retain the original context of the work as much as possible.

In finding a new location, the following guidelines must be followed:

1. Every effort must be made to relocate artwork in a publicly accessible space in an appropriate federal building.
2. If a suitable federal location cannot be found, every effort must be made to locate publicly accessible space in an appropriate local government building.
3. If a suitable local government location cannot be found, the artwork may be placed in an appropriate local site due to its subject matter or connection to the local community.

Funding

The relocation of artwork resulting from a specific Repair and Alteration project must be funded through the project.

Conservation funds may be available for some relocation projects due to the fragility of material or in cases where the artwork was placed in storage many years ago. All requests for funding must be made through the Regional Fine Arts Officer to the Fine Arts Program Manager.

All removal and transport of artwork must be accomplished by a professional art transport company.
See Chapter 4, 4.4.

10.3 Property Disposal

Considerations

As stated in Bulletin of March 26, 1934, "Legal Title to Works Produced under the Public Works of Art Project (PWAP)," artwork produced under the Public Works of Art Project (PWAP) is considered a part of the building and must transfer with the building. Artwork protected by the Visual Artists Rights Act or Section 106 of the National Historic Preservation Act must not be removed and legal counsel must be sought. If it is possible to guarantee public access to the building, remain with the building and be transferred to the new owner, whether the owner is an agency, government, or private entity. Preservation and public access to the artwork must be assured through protective covenants contained in the transfer documents. If public access will not exist in the future, or if the building will be altered in a manner that would harm the artwork, the artwork will remain the property of GSA. Whenever possible, GSA will try to find a new location in the local area.

Steps to Follow - Property Disposal

The following procedures must be followed:

1. Notify the Fine Arts Program of a building scheduled for excess or transfer that contains artwork as part of the building.
2. Include the following language in all excess or transfer documents:
 - identification of the artwork, including artist, title, date, dimensions, material, and location

- disposition of the artwork
 - protective covenants stating that the artwork will be preserved in the future and made available for public viewing:
3. Insure that an interpretive plaque accompanies the artwork stating that the artwork was commissioned for the American people by the United States government. The Fine Arts Program will provide this plaque.
 4. Send a copy of all excess or transfer documents to the Fine Arts Program for filing in the central archives.

10.4 Removal

Considerations

A work of art must not be removed, or covered from public view, simply because it is controversial or unpopular. However, if leaving the artwork in its current location is detrimental to the condition of the artwork, or endangers life safety, removal may be considered.

Steps to Follow – Removal

Requests for the removal of artwork must be considered and reviewed in accordance with the following procedures:

1. The Regional Fine Arts Officer must contact the manager of the Fine Arts Program.
2. The Assistant Regional Administrator for PBS must submit a proposal for the removal of such artwork through the Director, Design Excellence and the Arts, to the Commissioner, PBS. The proposal must include a background and issues statement, proposed action, and the advantages and disadvantages of the proposed action.
 - For works of art that are covered by the Visual Artists Rights Act of 1990 (VARA) the artist must be contacted and written approval acquired. Regional Counsel must be consulted for review and approval.
3. The Director, Design Excellence and the Arts, will review the regional proposal and, after consultation with interested parties both within and outside GSA, will prepare and submit a removal or relocation report to the Commissioner, PBS. The removal or relocation report will include the following: a summary of the issues; advantages and disadvantages of the proposed action; the regional proposal; and a recommendation to the Commissioner, PBS.
4. After reviewing the report and considering the recommendations, the Commissioner, PBS, may forward a recommendation to the Administrator for final decision.

Storage

If a suitable new location for artwork cannot be found, the artwork may be removed and placed in temporary storage until an appropriate location is found. See Chapter 6.5.

10.5 Deaccessioning

Deaccessioning is the formal procedure by which objects are permanently removed from the Fine Arts Collection through exchanges, transfers, or involuntary destruction. All deaccessioning actions will meet the highest standards

of the museum profession, serve the best interests of the agency and the people of the United States, and maintain the confidence of the public trust.¹

Considerations

A work of art may be considered for deaccessioning in the following situations:

- return to the rightful owner - the artwork was acquired from previous holders who were not the legal owners or not rightfully acquired. Deaccession in this situation must occur only in accordance with a solicitor's opinion. A copy of the opinion or court order must be placed in the appropriate file in the central archives.
- loss or involuntary destruction - the artwork has suffered an unintentional loss such as:
 - stolen and not recovered,
 - vandalized beyond repair,
 - consumed or effectively destroyed by fire, flood, or other disaster,
 - destroyed by biological or chemical attack, or
- outside of the scope of the collection - the artwork is clearly not within the scope of the collection.²

Steps to Follow - Deaccessioning

1. If a work of art is deaccessioned from the Fine Arts Collection, a copy of all documentation must be maintained in the Fine Arts or Art in Architecture file in the central archives.
2. The work of art remains in the Art in Architecture database, but noted "Removed" under project status, and explained under the Artwork Description memo field. Works deaccessioned from the Fine Arts Collection are deleted from the database, and all background information filed in the artist file.
3. As personal property, the artwork must be reported as excess personal property. See Appendix A.

10.6 Dispute Resolution

In situations where disputes over the removal of artwork cannot be resolved, the region in which the subject work of art is located may elect to use a mediation process.

Consideration for removal, relocation, or deaccessioning a work of art must involve the same degree of careful review as a decision to commission a work of art, informed by professional judgment and the interests of the public, and proceeding according to set procedures.

In cases where proposed removal cannot be resolved and mediation is necessary, the following are possible actions:

1. The Commissioner, PBS, must determine that reasonable measures to resolve the concern prompting review have been taken in good faith and have failed to resolve the concern, and removal may be considered.
2. The Fine Arts Program, PMB, through the Regional Fine Arts Officer, will ask a competent but objective third party nonprofit organization to assist by designating a review panel of disinterested persons qualified to make a

¹ Department of the Interior, Museum Property Handbook, Volume II, Chapter 6, page 1.

² Department of the Interior, Museum Property Handbook, Volume II, Chapter 6, pages 11 - 13.

final determination. The selection of the mediating organization will be by mutual consent of the parties to the dispute. The review panel must include a balance of viewpoints from the fields of visual arts (artists, curators, art historians, arts administrators); designers (architects, landscape architects, urban planners); and the broader community (preservationists, arts or public interest lawyers, social psychologists, policy analysts, community activists). The review panel members must not have vested interests in the project; that is, the artist, project architect, Art in Architecture Panel members or staff; and the individual or group who requested removal of the artwork may not be members of the review panel.

3. The review panel must evaluate the following points:
 - A. Assess whether the Fine Arts Program and the Commissioner, PBS, were correct in their determination that reasonable efforts to resolve the dispute were taken in good faith and have failed to achieve resolution.
 - Explore whether measures to resolve the concerns short of removal can be taken and, if so, make recommendations to the Fine Arts Program.
 - B. If the review panel recommends specific measures to resolve the concern, short of relocation or removal, the Fine Arts Program must be given a reasonable time to carry out the measures.
 - C. If measures are unsuccessful, the review panel must notify the Fine Arts Program that the dispute has not been resolved.
 - D. The review panel must consider the following actions in order of priority:
 - i. Relocation. If the work was created for a specific site, relocation to a new site must be consistent with the artist's intentions and follow procedures outlined in Chapter 10.2.
 - ii. Removal by means of extended loan to another public entity.
 - An independent appraisal of the fair market value of the artwork must be obtained.
 - If feasible, the artist will be given first option on purchase.
 - Proceeds from the sale must go towards conservation or maintenance of artwork.
 - iii. Deaccession of the artwork and report it as excess personal property. See Appendix A.
4. The review panel's decision must be returned to the Fine Arts Program and their recommendations may be forwarded to the Administrator for final decision.
5. The Fine Arts Program must document the process and the decision. Copies of the documentation must be maintained in:
 - the regional office, and
 - the Central Office.

Relocation Memorandum



GSA Northeast & Caribbean Region

MEMORANDUM FOR: THOMAS GROOMS
Director, Design Excellence & the Arts
Office of the Chief Architect – PMB

FROM : KEVIN BUNKER
Director, Project Management Division
Public Building Service – 2PC

SUBJECT: Relocation of Artwork
Bronze Relief “Fellowship of Mankind”
Artist: Mary Callery

The General Services Administration, Region 2, has completed the construction of a new United States Courthouse in Brooklyn, New York. It is proposed that the bronze relief sculpture, *Fellowship of Man*, by artist Mary Callery, be relocated to the new courthouse. The relocation is necessary due to the destruction of the wall on which the artwork was originally hung in the adjacent Emanuel Cellar United States Courthouse.

Fellowship of Mankind was installed in the Cellar Courthouse in 1966 on a wall that was destroyed in order to create the new link space between the two buildings. *Fellowship of Mankind* was de - installed in 1997, and stored in GSA’s Fine Arts Storage Facility during the construction period. The investigation of potential sites for relocation of the artwork revealed that are no walls of adequate size within the Cellar Courthouse. It is proposed that the artwork be relocated to the new courthouse in the dining area on the third floor. This room is a light - filled, double height space that is separate from the kitchen facility.

The artwork is described as being 168” x 164” in Crozier Fine Arts’ report of 1997. GSA’s Fine Arts Collection registry describes it as being 20’ x 25’ in size. In order to determine the correct size, the condition, and the appropriate method for installation, a conservation assessment will need to be performed before the piece could be shipped back to New York.

Based on the above information, the Region requests your concurrence with these plans. Attached is the architect’s recommended site plan at the new location.

Please contact Charlotte Cohen, Regional Fine Arts Officer, at 212 - 264 - 1536 should you require further information.

Cc: L. Peters, 2PC
R. Granato, 2PC
R. Jobsky, 2PX
C. Cohen, 2PX
A. Weber, PMB

U.S. General Services Administration
26 Federal Plaza
New York, NY 10278
www.gsa.gov

ART WORK

9. On display in the lobby of the building is an original art work titled *Totem V*, a 16' high by 1'8" square, wood sculpture by George Morrison, which was commissioned by GSA and described as follows:

Identification Number: AA117

Title: *Totem V*

Type: wood sculpture

Size: 16' high by 1'8" square

10. The USDA Forest Service agrees to the following conditions regarding display and ultimate disposition of the above - referenced art work:

(a) *Protection & Maintenance*: The USDA Forest Service agrees to be responsible for the protection and maintenance of the sculpture.

(b) *Public Access*: The USDA Forest Service agrees to provide for public display of the sculpture.

(c) *Attribution*: The sculpture will be accompanied by an interpretive plaque provided by GSA identifying the artist and noting that it was commissioned for the people of the United States by the Federal government.

(d) *Disposition*: With respect to *Totem V* by George Morrison, if the USDA Forest Service conveys title to the Property to a non - Federal party, it must first offer the sculpture to the GSA for disposition. If, after a period of 90 days, the GSA declines to take back the sculpture, then the USDA Forest Service may:

(1) require, as a condition of sale, that the new owner of the Property protect and maintain the sculpture to the same extent as provided in subparagraphs (a), (b), and (c) above, subject to reversionary rights in the GSA;

(2) retain the sculpture in a USDA Forest Service facility to the same extent as provided in subparagraphs (a), (b), and (c) above;

(3) convey the sculpture to a public museum or public art gallery with or without consideration on condition that if the sculpture ceases to be displayed or used for public purposes, the GSA may reclaim the sculpture; or

(4) if the above alternatives are unacceptable or impracticable, sell the sculpture and deposit the proceeds as miscellaneous receipts in the U.S. Treasury.

APPENDIX A. WHO TO CALL

Central Office Personnel

Office of the Chief Architect (PC)	(202) 501 - 1888		
DESIGN EXCELLENCE AND THE ARTS (PMB)			
Thomas Grooms, Director	(202) 501 - 4941	PMB	3341
Caine, William	(202) 501 - 4271	PMB	3341
Carroll, Lois	(202) 501 - 0205	PMB	3341
Cooper, Robin (Intern)	(202) 501 - 1465	PMB	3341
Erickson, Kathryn	(202) 501 - 4332	PMB	3341
Gibson, Jennifer	(202) 501 - 0930	PMB	3341
Harrison, Susan	(202) 501 - 1812	PMB	3341
Lednum, Taylor	(202) 208 - 5561	PMB	3341
Pilone, Renee	(202) 219 - 0186	PMB	3341
Walton, Thomas	(202) 501 - 1866	PMB	3341

Federal Supply Service

Office of Transportation & Property Management	(703) 305 - 7240	Property Management Division	
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Regional Personnel

Regional Fine Arts Officers (RFAOs)

<i>New England Region</i>	Fred Amey	1PC	617 - 565 - 5835
<i>Northeast & Caribbean Region</i>	Charlotte Cohen	2PCL	212 - 264 - 1536
<i>Mid - Atlantic Region</i>	Eileen Giordano	3PM	215 - 656 - 5667
	Trudy Wang	3PM	215 - 656 - 5816
<i>Southeast Sunbelt Region</i>	Audrey Entorf	4PT	404 - 562 - 0671
<i>Great Lakes Region</i>	Caroline Sachay	5PM	312 - 353 - 0744
	Mike Finn	5PM	312 - 886 - 3529
<i>The Heartland Region</i>	Sylvia Rose Augustus	6PC	816 - 823 - 4905
<i>Greater Southwest Region</i>	Steve Kline	7PMS	817 - 978 - 4229
<i>Rocky Mountain Region</i>	Janet Preisser	8PP	303 - 236 - 7131 x1524
<i>Pacific Rim Region</i>	Ken Wong	9PCT	415 - 522 - 3084
<i>Northwest/Arctic Region</i>	B. Story Swett	10PC	253 - 931 - 7796
<i>National Capital Region</i>	Tom McDowell	WPT	202 - 208 - 6812

Regional Directors, Property Development

<i>New England Region</i>	Tom Mailander	1PC	617 - 565 - 4691
<i>Northeast & Caribbean Region</i>	Kevin Bunker	2PC	212 - 264 - 4245
<i>Mid - Atlantic Region</i>	Alfred S. DeLucia	3PM	215 - 446 - 5101
<i>Southeast Sunbelt Region</i>	Richard Stephenson	4PC	404 - 331 - 7678
<i>Southeast Sunbelt Region</i>	Donna Lamb	4PCC	404 - 331 - 7678
<i>Great Lakes Region</i>	Donald E. Whitaker	5PE	312 - 353 - 8742
<i>Great Lakes Region</i>	Robert Theel	5PM	312 - 353 - 1445
<i>The Heartland Region</i>	Myron Goldstein	6PC	816 - 823 - 4901
<i>The Heartland Region</i>	Cy Houston	6PC	816 - 823 - 2252
<i>Greater Southwest Region</i>	Luis Ayala	7PD	817 - 978 - 4192
<i>Rocky Mountain Region</i>	Michael Lowell	8PF	303 - 236 - 8000 x2274
<i>Pacific Rim Region</i>	Cathy Lee	9PC	415 - 522 - 3088
<i>Northwest/Arctic Region</i>	Darin Frost	10PC	(253) 931 - 7725
<i>National Capital Region</i>	Doug Nelson	WPC	202 - 708 - 6550

Professional Organizations

American Institute for the Conservation of Historic & Artistic Works (AIC)
1717 K Street, NW, Suite 301
Washington, DC 20006
202 - 452 - 9545
202 - 452 - 9328 FAX
www.aic.stanford.edu

Regional Alliance for Preservation (RAP)
www.rap-arcc.org

American Association of Museums (AAM)
1575 Eye Street, NW, Suite 400
Washington, DC 20005
202 - 289 - 1818
202 - 289 - 6578 FAX
www.aam-us.org

Heritage Preservation
1730 K Street, NW, Suite 566
Washington, DC 20006 - 3836
202 - 634 - 1422 / 888 - 388 - 6789
202 - 634 - 1435 FAX
www.heritagepreservation.org

National Endowment for the Arts
Office for Accessibility
Paula Terry, Coordinator
1100 Pennsylvania Avenue, NW
Room 724
Washington, DC 20506
202 - 682 - 5532

Appraisers

Appraisers Association of America, Inc.
386 Park Avenue South, Suite 2000
New York, NY 10016
212 - 889 - 5404
212 - 889 - 5503 FAX
www.appraisersassoc.org

American Society of Appraisers
555 Herndon Parkway, Suite 124
Herndon, VA 20170
703 - 478 - 2228
703 - 742 - 8471 FAX
www.appraisers.org

Conservation Suppliers

Lighting – UV Bulbs and Filters

Light Impressions

1 - 800 - 828 - 6216

www.lightimpressionsdirect.com

- UV Filtering Bulbs, Rapid Start
- UV Filtering Bulbs, Instant Start
- Filter Ray UV Shields, 48" and 96"

Window Filters

3M Company

1 - 888 - 364 - 3577

www.3M.com

- 3M™ Scotchtint™ Sun Control Films

APPENDIX B. FEDERAL LEGAL REQUIREMENTS

Federal Property and Administrative Services Act (FPASA) of 1949, as amended (40 U.S.C. §471 et seq.)

Provides GSA with the authority to procure and supply real and personal property and nonpersonal services. Specifically, FPASA authorizes the Administrator of GSA to maintain, operate and protect buildings, property or grounds, including the construction, repair, preservation, demolition, furnishing, equipping, and disposal of such buildings. It also authorizes GSA to enter into leases of real property not exceeding 20 years in duration.

Federal Managers' Financial Integrity Act of 1982

(Pub.L. 97 - 255, Sept. 8, 1982, 96 Stat.814) repealed; provisions contained in (31 USCA § 3512)

The Federal Managers' Financial Integrity Act (31 U.S.C. §3512), as implemented by OMB Circ. No. A - 123, establishes procedures for internal financial and managerial accountability and control.

Public Buildings Act of 1959, as amended

(40 U.S.C. §§601 - 619)

Authorizes GSA to acquire any building and its site by purchase, donation, condemnation, exchange or otherwise. It provides that only the Administrator of GSA may construct public buildings, including the repair and alteration of such buildings. It establishes requirements for the acquisition, alteration, and construction of public buildings and provides the authority for the Administrator of GSA to delegate his authority to other federal agencies. The '59 Act authorizes GSA to conduct building surveys at the request of Congress and to conduct continuing investigations and surveys of public building needs and to submit prospectuses of proposed building projects to Congress. The Act also contains a limitation on GSA's ability to spend money above a certain threshold for the acquisition, construction, alteration, or lease of a building without the submission of a prospectus to Congress.

Public Buildings Amendments of 1972

(40 U.S.C. §§490(f), (a)(18) and (j), 602a, 603 and 606)

This law amended the FPASA to establish a fund (Federal Buildings Fund) in the United States Treasury into which federal agency rental payments and certain other moneys are deposited. Moneys deposited into the fund are available, subject to Congressional appropriation, for real property management and related activities. This law also amended the prospectus requirements in the Public Buildings Act of 1959 and established a purchase - contract building program.

Public Buildings Cooperative Use Act of 1976

(40 U.S.C. §§490(16) - (19), 601a and 612a)

Authorizes the Administrator of GSA to enter into leases of certain space in public buildings with persons, firms or organizations engaged in commercial, cultural, educational or recreational activities or to make such space available on an occasional (temporary) basis (or by lease) to persons, firms or organizations engaged in cultural, educational or recreational activities where the Administrator deems the activities are in the public interest and where the activities will not disrupt the operation of the building. This act also encourages GSA to acquire and use buildings of historic, architectural and cultural significance.

Acceptance and Disposal of Real Property Assets Given to the United States

These laws authorized GSA to accept: unconditional gifts of real and personal property in aid of any agency project or function (40 U.S.C. §298a); gifts of real property for defense purposes (50 U.S.C. §1151); and gifts of real property for reduction of the national debt (31 U.S.C. §3113); and to accept and dispose of real property acquired by devise (40 U.S.C. §304).

Postal Reorganization Act, as amended, August 12, 1970 (39 U.S.C., Section 101, et seq.)

Provides for the transfer of selected federal properties from the General Services Administration (and other agencies) to the Postal Service. Included in this transfer was “all real property 55 percent or more of which is occupied by or under the control of the former Post Office Department...” (39 U.S.C. Section 2002(c).)

National Historic Preservation Act of 1966, as amended (NHPA) (16 U.S.C. §470 et seq.)

Requires the identification and preservation of historic properties under the custody and control of GSA. In general terms, the NHPA requires that GSA considers and minimizes the effects of its actions on all historic properties and districts. In certain circumstances, the NHPA requires consultation with State Historic Preservation Officers, the National Advisory Council on Historic Preservation and other interested parties prior to the commencement of agency projects (e.g., building construction or repair and alteration projects).

Historic Sites Act of 1935 (49 U.S.C. §1653(f))

Gives certain authorities to the Secretary of Interior to preserve historic sites, buildings, and objects, including the authority to acquire, operate and manage historic and prehistoric properties.

Antiquities Act of 1906 (16 U.S.C. §§431 - 433)

Authorizes the President to declare historic landmarks, structures and other objects on lands owned or controlled by the federal government as national monuments. Establishes penalties for anyone who excavates, injures, or destroys any historic or prehistoric ruin, monument or object of antiquity on lands owned or controlled by the federal government.

Visual Artists Rights Act of 1990 (17 USC. §106A)

Provides “moral rights” to artists creating works of visual art after June 1, 1991. These rights are chiefly the rights of attribution and integrity. They provide that all artists have rights controlling the use of their name in relation to their work, the right to prevent any modification of their work that would be prejudicial to their reputation, and the right to prevent the destruction of their work if it is of recognized stature. These rights are vested with the artist throughout their entire lifetime, and may prohibit removal, modification, or destruction of artwork.

The Copyright Act of 1976
(17 U.S.C. § 102(a))

Provides protection to authors of “original works of authorship,” including literary, dramatic, musical, artistic, and certain other intellectual works.

Architectural Barriers Act of 1968 (ABA)
(42 U.S.C. §§4151 - 4157)

Establishes standards for accessibility by physically handicapped persons and requires compliance with the standards in the design, construction and alteration of buildings and facilities owned or leased, in whole or in part, by the federal government. The ABA also includes certain record keeping and reporting requirements.

Americans With Disabilities Act of 1990
(42 U.S.C. 12181) and (28 CFR Part 36)

Prohibits discrimination on the basis of disability and requires the design, construction, and alteration of places of public accommodations and commercial facilities in compliance with the Americans with Disabilities Act - Accessibility Guidelines. The Accessibility Guidelines are contained 28 CFR Part 36.

APPENDIX C. ART IN ARCHITECTURE PROGRAM GUIDELINES

ART IN ARCHITECTURE PROGRAM GUIDELINES DECEMBER 2000

GSA's Art in Architecture Program commissions artists to create publicly scaled and permanently installed artworks that are appropriate to the diverse uses and architectural vocabularies of new federal buildings and courthouses. This inclusion of contemporary art within the nation's important civic spaces facilitates a meaningful cultural dialogue between the American people and their government, and heralds the contribution of free and creative expression to this country's history.

Through the Art in Architecture Program, GSA is afforded unique opportunities for promoting the holistic integration of art and architecture. This worthy goal is achieved via collaboration among the project artist, architect, landscape architect, engineer, lighting specialist, and practitioners of other disciplines. By focusing the Art in Architecture Program in this manner, GSA provides the American public with federal buildings and courthouses that are not only pleasing and functional, but that also enrich the cultural, social, and commercial resources of the communities where they are located.

The success of each Art in Architecture project depends greatly on the involvement and cooperation of the GSA team, which includes the Regional project manager and contracting officer, the Regional Fine Arts Officer (RFAO), and the Art in Architecture project manager in the Design Excellence and the Arts, Office of the Chief Architect. By working closely together, this team can direct the artist commissioning process to a fruitful and rewarding conclusion. Art in Architecture Program and Regional staff have developed the following guidelines in order to aid each GSA team in realizing this goal.

FUNDING FOR ART IN ARCHITECTURE: The funding for each Art in Architecture project is at least 0.5 percent of the building project's total estimated construction cost (ECC). The Regional office in consultation with the Art in Architecture Program staff may increase the art budget if it believes that the overall project would benefit. One instance when the Region may wish to increase the standard 0.5 percent for art would be for a building project with a very small ECC, but where art is still warranted. Other instances may be where the building will serve a pivotal role in the community's urban landscape, or where local interest in the project's art commission is particularly strong.

The funding of Art in Architecture projects may not be canceled or reduced at anytime without the prior written approval of the Commissioner, Public Buildings Service.

USE OF ART IN ARCHITECTURE FUNDS: Art in Architecture funds are for artist's expenses, fees, and components of the artwork that cannot or should not be fabricated, constructed, or installed by the general contractor or its subcontractors. Expenses will include the costs of models, drawings, written documentation, insurance, travel, photography, maintenance instructions, and other incidentals.

By the end of the design concept phase of the Art in Architecture project, a decision must be made on whether the artist or the general contractor and subcontractors will be responsible for fabrication and installation of the artwork, and how it will be funded (out of the 0.5 percent Art in Architecture budget, the general construction budget or some combination thereof). In many cases, the Art in Architecture budget will cover the material, fabrication, and installation costs of the artwork. However, the project team is sometimes able to make more economical use of

project funds by including portions of this work in the general construction. This is most common when the artwork will be some transformed component of either the building (such as a floor or ceiling) or its site (such as a plaza or landscape element).

Art in Architecture funds must never be used to pay consulting, project management, or any other type of fees to Architect/Engineering (A/E) firms. Congressionally appropriated funds for the building's design phase include Art in Architecture funds (normally 25% of the total Art in Architecture budget). This money is required for the artist's design work, and must not be turned over to the A/E firms.

PROSPECTUS - LEVEL REPAIR AND ALTERATION PROJECTS: A prospectus - level repair and alteration project should include an Art in Architecture commission when the GSA project team anticipates that appropriately public spaces for artwork will exist, and that artwork would contribute to the overall enhancement of the building project. For repair and alteration projects involving historic buildings, the RFAO may propose using the Art in Architecture funds to commission qualified artists, artisans or conservators to restore existing art or existing or lost ornamentation and decorative elements. RFAOs will work together with GSA Regional Historic Preservation Officers to determine the most appropriate use for these funds. When appropriate, the Art in Architecture Program staff may consult with a qualified conservator on such projects.

INVOLVEMENT OF ARCHITECT/ENGINEER: The focus on integrating art into the design of new federal buildings and courthouses is predicated upon the substantial involvement and responsibility of the A/E and a continuous commitment by the GSA team. During the selection of the A/E, the Chief Architect or his designee will explain the goals and objectives of the Art in Architecture Program to the prospective A/E firms. Selecting officials should ascertain the level of experience the firms have had working with artists as members of design teams and the opportunities they envision for integrating art into the project. For major projects using the Design Excellence Program peer process to select a lead designer and A/E firm, the Regional offices may consider involving a GSA Art Peer as a member of the design peer review.

COMMENCING ART IN ARCHITECTURE PROJECTS: Ensuring adequate lead - time for an Art in Architecture project is critical. Accordingly, the Regional project manager must contact both the Regional Fine Arts Officer (RFAO) and the Art in Architecture project manager immediately after a project's A/E firm has been selected (i.e., well prior to contracting the A/E). The project's Art in Architecture component will begin at that time, so that an artist can be selected in time to be afforded the opportunity to collaborate with the A/E firm during design concepts.

The Regional project manager, the RFAO, and the Art in Architecture project manager will meet to discuss initiation of the art commissioning process, the programming of the proposed new building or substantial rehabilitation, the project schedule, and other project matters that may impact the art commission.

By commencing Art in Architecture projects before the A/E firms and Regional project managers are fully consumed with other project demands, GSA can better promote timely, inventive, and successful collaborations between architects and artists.

ESTABLISHING ART IN ARCHITECTURE PANELS: Commissioning artists must be accomplished with the advice and consent of a project - specific Art in Architecture Panel consisting of the following members:

- GSA Regional Administrator's designee (often the RFAO)
- Representative of the primary federal client

- Lead A/E designer
- Art Peer from the GSA National Register of Peer Professionals
- Arts professional from city, geographic region, or state arts council
- GSA Art in Architecture project manager
- Representative of the community (such as city, state, or Congressional official)

Invitations will be extended to Art in Architecture panelists and their participation will be confirmed well before each building project's A/E is contracted, so that the first panel meeting can be scheduled and convened immediately after award of the A/E contract.

The Art in Architecture project manager and the RFAO will work together in identifying the most suitable panelists for each project. The Art in Architecture project manager will take the lead in identifying competent and dynamic arts professionals, while the RFAO will consult with the Regional project manager in locating the most appropriate representatives of the Regional Administrator, federal client, and community.

These panelists are of critical importance to the success of Art in Architecture commissions. Each member of the panel contributes a distinct and invaluable area of expertise to the project, including knowledge of contemporary art, the needs of the federal client, the design interests of the A/E team, the identity of the community, and the policies of GSA.

The primary functions of Art in Architecture Panels are to review artist applicants, to recommend a small group of finalists for GSA to evaluate, and to review and offer critiques of the selected artist's final design concept.

INTRODUCTORY MEETING OF THE ART IN ARCHITECTURE PANEL: The goal of this meeting is to familiarize the panel with the project and to generate ideas about involvement of an artist in the design development.

The Art in Architecture project manager explains the program's objectives by presenting a slide overview of earlier GSA art commissions, discussing the goal of integrating art into the building design and/or its site, and outlining the steps the panel will use to identify the best artist(s) for the project.

The design architects will discuss their architectural design philosophies as exemplified by past building projects, since the A/E firm will not have GSA project - specific concepts to show the panel at this very early stage. The design architect may show slides of past projects, including those that included collaboration with artists, and discuss ways the A/E firm can envision working with artists.

The representative of the primary client will be asked to describe the functions and uses of the proposed building, and to share any philosophical viewpoint (e.g., about the mission of the federal agency, or the role of the judiciary) that may impact the artist search and review process. Similarly, the panel's community representatives and arts professionals will be invited to share their thoughts about the identity of the city or region, as well as the existence and vibrancy of a local arts community.

The Regional project manager will describe the project's design milestones and projected construction schedule. By the end of the introductory meeting, the panel will have decided the preferred method for generating a list of artist candidates. These candidates may be drawn from the GSA National Artists Registry (a database of several thousand contemporary American artists of all career levels, media, and styles), be nominated directly by the panelists, be respondents to a Request for Expression of Interest (RFI), or a combination of these methods.

MEETING TO REVIEW AND RECOMMEND ARTISTS: The goal of this second Art in Architecture Panel meeting is to derive a short - list of artist finalists for GSA to evaluate. This short - list may be in ranked or non - ranked order, depending upon the preference of the panel. The panel will identify artists whose works are aesthetically and conceptually compatible with-or would provide interesting juxtapositions to-the architectural modes employed by the A/E firm. The panel will review artists' portfolios (slides and résumés) and discuss the suitability of their work for the project. Discussion of the desirability of an artist's work for the project should focus on the six evaluation factors used by GSA:

- Media - the type of artwork, such as sculpture, painting, or an architectural medium
- Materials - such as bronze, steel, glass, or earthwork
- Content - the meaning of visual information conveyed by the artist's work
- Style - representational, non - representational (i.e., abstract), and/or conceptual
- Scope - level of recognition of the artist's work by public institutions
- Experience level - scale, range, complexity, and budget/market value of past work

In addition to the quality of their portfolios and their professional standings in the field of contemporary American art, artists will be selected based upon their ability and willingness to collaborate with the A/E firm. As the artist review process will have commenced prior to the A/E firm's development of a building concept, determination of each artist's compatibility will be predicated on a substantive discussion of the A/E firm's architectural design philosophies and body of recent work.

While the desire of panelists to recommend artists from the city or state where the building will be located may contribute meaningfully to the discussion, GSA's art program is a nation - wide endeavor, and the overall quality of each candidate's work (as determined by the six evaluation factors above) will take precedence over geography.

By the end of the artist review meeting, the panel ideally will have derived a short - list of three to seven finalists. Either the Art in Architecture project manager or the RFAO will notify the finalists of their candidacies. Panelists must maintain the confidentiality of the candidates until GSA officially offers a commission to one or more of the artists.

The panel will also recommend whether or not the finalists should be interviewed prior to GSA's final selection. A sub - committee of the Art in Architecture panel generally conducts these interviews. This committee must include the A/E's lead designer and the Art in Architecture project manager. Depending on the project and their availability, other panel members may also participate. The purpose of finalist interviews is to learn more about each artist's current work, and his or her disposition toward collaborating with the A/E. Panels are strongly discouraged from commissioning the finalists to create competition proposals, as this method consumes valuable project funds and seriously delays the schedule for both the building design and the art commission. Moreover, since the selection occurs early in the design process and the art to be commissioned will be integrated with the architecture, the finalists would be unable to produce a useful design at this stage.

EVALUATING AND APPROVING ARTISTS: The Art in Architecture project manager and the RFAO will conduct a technical evaluation of the artist finalists. This document scores each finalist against the six evaluating factors, and incorporates both the comments of the panelists and the content of any finalist interviews. The RFAO will prepare a memorandum from the Regional Administrator or designee to the Chief Architect recommending approval of the highest scoring artist(s). Meeting minutes, the GSA technical evaluation, and supporting visual materials will accompany this memorandum.

CONTRACTING ARTIST(S): With rare exception, GSA will issue all artists' contracts for Art in Architecture commissions. Regional and Art in Architecture Program staff will develop together the documents necessary to accomplish this task. The Art in Architecture project manager will provide sample contracts as needed. Either the RFAO or the Art in Architecture project manager will be designated as the contracting officer's representative (COR).

An artist's contract will only be held by an A/E firm if the selected artist, the Art in Architecture project manager, Regional staff, and the A/E firm all agree that special circumstances indicate that an A/E - issued contract would contribute significantly to the successful completion of the Art in Architecture project.

Regardless of the contracting method used, the Art in Architecture project manager must review all artists' contracts before they are issued, to screen for any clauses that would unduly inhibit the valid interests of GSA, the project artist, or the A/E firm.

During this contracting phase, the RFAO, Art in Architecture project manager, and other appropriate Regional staff will discuss the project with the artist, explaining the artist's role and responsibilities during the project.

ARTIST'S SITE VISIT: The GSA team may decide that an initial site visit by the artist to the building project's location is warranted, in order for the artist to meet with representatives of GSA's client agencies, learn about their missions, and develop an understanding of the location's history and identity. Members of the GSA team (the RFAO, the Regional project manager, and the Art in Architecture project manager) must accompany the artist during this visit. The GSA team member will ensure that client and community representatives do not incorrectly assume that the artist will accept direction from them regarding the form, content, or location of the artwork that the artist has been commissioned to develop. If the GSA team wishes the artist to make this preliminary site visit, the payment schedule of the artist's contract will contain a line item for this purpose.

APPROVAL OF THE ARTIST'S DESIGN CONCEPTS: The GSA team will forward the artist's preliminary design concept for review by the Director, Design Excellence and the Arts, in order to assure that the concept adheres to Art in Architecture Program goals and standards. This initial review must occur prior to any review by the Art in Architecture Panel, including the representative(s) of the federal client.

Once the Director, Design Excellence and the Arts, approves the artist's preliminary design concept, the artist develops a final design concept to present to the Art in Architecture Panel. In addition to considering the overall quality of the artist's design concept, the A/E and GSA panelists should encourage the other panelists to address how the desired uses of the building project's public spaces may be accommodated or supported by the artist's work. The RFAO will incorporate the panel's comments into a memorandum from the Regional Administrator or designee to the Chief Architect seeking approval of the artist's final design concept.

When appropriate, the Design Excellence and the Arts staff may consult with a qualified art conservator about the artist's design concepts to ensure that the proposed materials are stable, durable, non - toxic, environmentally sound, and suitable for their location.

ARTIST PARTICIPATION AT THE A/E'S FINAL DESIGN CONCEPT PRESENTATION: The artist must attend the A/E firm's final design concept presentation to the Commissioner, PBS, in Washington, D.C. Ideally, the project artist will have a preliminary art design concept to present in conjunction with the A/E firm's building concept. If the commission schedule has not permitted the artist time to develop a concept for this presentation, the artist and A/E lead designer will nonetheless be expected to discuss their initial ideas and strategies for collaboration. If the project involves more

than one artist, the project artist with the largest budget must be present, and the artist(s) with the smaller budget(s) will attend if possible.

FABRICATION AND INSTALLATION: Fabrication and installation of all artworks, or artist - designed elements of a building or its site, will be achieved with the close cooperation of the project artist, the A/E firm, and the GSA team-regardless of who assumes primary responsibility for fabrication and installation of the artwork. Each artist's contract will require that the artist and GSA coordinate all activities related to installation of an artwork with the A/E firm and its contractors, in order to avoid any duplication of labor or any removal and reconstruction of building elements impacted by an artwork.

ACCEPTANCE OF ART: As will be required by each artist's contract, completion of an Art in Architecture commission will include two, identical sets of photographic documentation of and maintenance instructions for the fully installed artwork. The artist will send one set to the Art in Architecture project manager, and the other set to the RFAO. The photographs of the artwork, which must be properly archived by the central and regional offices, will be used to develop educational materials, and the maintenance instructions will be filed for reference for use during annual art inspections and future conservation needs.

CANCELLATION OF COMMISSIONS: An Art in Architecture commission may be cancelled only with written approval of the Commissioner, PBS.

PUBLIC AFFAIRS AND EDUCATION: The RFAO and the Art in Architecture project manager will work with GSA's public affairs offices to ensure that artworks are introduced to the public via media coverage, public inaugurations or workshops, educational brochures, interpretive plaques, or other adequate means.

For further information and assistance, including sample documents, please contact:

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APPENDIX D. LEGAL TITLE TO ART WORK PRODUCED UNDER THE WPA

LEGAL TITLE TO ART WORK PRODUCED UNDER THE WORKS PROGRESS ADMINISTRATION

I. Background

The Department of the Treasury began Federal art patronage in 1933. The programs operated under different branches of the Department of the Treasury. In 1940, all Treasury Programs were transferred to the Federal Works Agency.

The Works Progress Administration began the Federal Art Project in 1935. In 1939, it was renamed the Works Projects Administration Art Program and was also transferred to the Federal Works Agency.

The General Services Administration (“GSA”) became the custodian of works of art produced under the Works Projects Administration (“WPA”) and other programs in 1949. The Federal Property and Administrative Services Act of 1949 created the GSA and all functions of the Federal Works Agency were transferred to the GSA.

II. General Concepts of Federal Property Ownership

The authority for the federal government to own, use and dispose of property is found in the Constitution at Article 4, Section 3, Clause 2. The courts have interpreted this clause to mean that only Congress has the power to procure, use or dispose of property, real or personal, for the benefit of the federal government and the public. Allegheny County, PA v. United States, 322 U.S. 174 (1944). Authority to exercise these powers can be given to the executive branch (federal agencies) by laws enacted by Congress, but such laws will be strictly construed. Id. Therefore, federal property can only be disposed by an act of Congress, either by general enabling legislation (such as GSA’s authority under the Federal Property and Administrative Services Act of 1949) or by specific legislation.

Based on the above, the courts have held that the federal government cannot abandon property. United States v. Steinmetz, 763 F. Supp. 1293 (D.N.J. 1991), aff’d, 973 F.2d 212 (3rd Cir. 1992). “It is well settled that title to property of the United States cannot be divested by negligence, delay, laches, mistake, or unauthorized actions by subordinate officials.” Id. Furthermore, inactivity, neglect or unauthorized intentional conduct on the part of government officials will not divest the United States of ownership interest in property. Kern Copters, Inc. v. Allied Helicopter Serv., Inc., 277 F.2d 308 (9th Cir. 1960); United States v. City of Columbus, 180 F. Supp. 775 (S.D. Ohio 1959).

Congress may attach reasonable conditions to the disposal of property. Tennessee Valley Authority v. Lenoir City, Tenn., 72 F. Supp. 457 (E.D. Tenn. 1947). If the purchaser/recipient does not want to take the property subject to these conditions, they may decline to proceed with the transaction. However, if the transaction is completed, the purchaser/recipient must comply with the conditions. Id.

The ownership interest held by the United States in any work produced under the Works Progress Administration or its predecessors, still remains vested in the United States, unless it can be shown to have been conveyed in a manner authorized by Congress.

III. Title to WPA Art Work

Work commissioned under the WPA was either loaned or allocated to federal, state and local governmental entities and tax supported organizations, or non - profit organizations. During the operation of the WPA art program, it was clearly stated that the federal government would hold full legal title to art work on long term loan and title remains in the government today. However, legal title to art work distributed under the allocation procedure was not clearly established while the WPA art program was ongoing.

To establish the status of ownership with regard to works allocated, GSA relied on the legal precedent discussed above, and on the regulations of the WPA as established in The Operation of Specific Professional and Service Projects, Operating Procedure No. G - 5, section 32, January 10, 1940 ("Operating Procedure"), and the Public Works of Art Program Bulletin issued by the Assistant Secretary of the Treasury on March 26, 1934, titled "Legal Title to Works Produced under the Public Works of Art Project" ("Bulletin").

The relevant portions of the Operating Procedure with regard to allocations are as follows:

1. Section 32, Part A, 1st paragraph: "For the purposes of this section the word 'allocated' shall mean the transfer of title."
2. Section 32, Part C, 3rd paragraph: "If an agency or institution which has received a work of art on allocation or loan desires to be released from the responsibility of custody of the work, the official representative of the agency or institution shall communicate with the Director of the WPA Art Program, Washington, D.C."
3. Request for Allocation Form, end of page: "It is understood that custody of the work listed above will not be transferred and that the work will be exhibited for public use as indicated. Institutions desiring to be released of any work shall communicate with the Director of the Work Projects Administration - Art Program, Federal Works Agency, Washington, D.C."
4. Receipt for Allocation of Works of Art: "It is understood and agreed that the allocation of these works is subject to the regulations of the WPA Art Program and is for the purpose which we have indicated on REQUEST FOR ALLOCATION, executed by us."

The relevant portions of the Bulletin with regard to allocations are as follows:

1. Paragraph 1: "All works of art executed with the intent that they should occupy a particular place in some public building are to be treated as a part of that building."
2. Paragraph 3: "All works of art produced by the project which are movable and not executed to occupy some particular location are the property of the Federal Government and will be in the custody for the Federal Government of the various Regional and Sub - Regional Committees and the Central Office in Washington."⁷

⁷ The Bulletin only applies to works produced under the Department of Treasury's Public Works of Art Project (PWAP), which later became a part of the Federal Works Agency.

In the first section of the Operating Procedure quoted above, it states that allocated means the transfer of title. On the portion of the Request for Allocation form, quoted in paragraph 3 above, it states that custody of the work would not be transferred. Statements such as these, read separately and out of context from the Operating Procedure, have caused much confusion both within the government and among institutions. However, if these statements are read in the context of the entire Operating Procedure, a pattern emerges evidencing the intent of the original program.

The first section quoted indicates that some form of title was meant to be transferred in an allocation. However, Part C of the Operating Procedure, quoted above in paragraph 2, shows that the WPA intended to maintain some level of control over the works of art by providing a means of recovery if the custodian agency or institution no longer desired to be responsible for the work of art. This intent is reflected again in the Receipt for Allocated Works of Art form, quoted in paragraph 4 above.

Another example of the WPA's intent to keep some level of control over the works of art in the government can be seen in Part A, second paragraph of the Operating Procedure.⁸ There it states that nonprofit institutions could receive works under the loan program, but only tax supported entities could receive the works by allocation.

It appears to be the intent of the Operating Procedure, and it is the position of GSA, that allocated works of art were transfers of restricted title. The receiving agency or institution received legal title to the works of art limited by the purpose stated in the allocation forms and by the regulations. For example, if a WPA work was allocated to be displayed in a public building by a state agency, and the state agency could no longer display the work, the legal rights to the work retained by the federal government would come into play. The state agency could not sell the work for profit, but must return it to the federal government. However, if the state agency would like to store the work, then display it again in the future, it can do so without triggering the reversionary rights of the federal government.

GSA applies this position to all movable works of art, including murals that are painted on canvas attached to the wall. If the art work is an integral part of the structure (murals, bas - reliefs and architectural ornamentation) and the structure is still owned by the original recipient of WPA art work, that institution is under an obligation to notify GSA if it no longer desires custody of the work. However, if the structure has been sold to a third party, the art work conveys with the structure and the federal government can no longer assert reversionary ownership rights in the work.⁹ GSA does request that any institution that has acquired a structure that contains WPA art work that is an integral part of the structure, and is preparing to destroy that art work, contact the GSA Fine Arts Program which may choose to preserve the work.

⁸ This section is not quoted above, but a copy of the Operating Procedure is attached.

⁹ Other laws may apply to WPA works of art even though the federal government no longer retains an ownership interest. For example, the National Historic Preservation Act of 1966 (NHPA), 16 U.S.C. §470, *et seq.*, may apply to the structure if the structure is 50 years old or older. NHPA protects the original fabric of the building. Individual states also have laws that protect historical property.

IV. Impact on Custodians of WPA Art Work

This position has no immediate impact on custodians of WPA art work. The GSA is attempting to catalog all works of art created under the WPA that are located in non - federal repositories, but has no intention of reclaiming any of these works unless requested to do so by the custodial agency or institution.

If you have questions regarding this issue, please contact:

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APPENDIX F GLOSSARY

Advisory Council on Historic Preservation - A quasi - governmental agency with headquarters in Washington, D.C., that is responsible for overseeing the Section 106 process and making recommendations during disputes between federal agencies and State Historic Preservation Offices. The Council includes an Advisory Board, of which, GSA's Administrator is a member.

Authorization - The approval of prospectus projects by the House and Senate committees through a Committee Resolution. The Resolution is then sent to the Appropriations Committees of the House and Senate for funding.

Committee Resolutions - Authorization of project funding by a House or Senate authorizing committee or subcommittee. The subcommittee approves draft resolutions for each prospectus submitted. Then the prospectus is sent to the full committee where a committee resolution is adopted.

Estimated Construction Cost (ECC) - This construction cost component is inclusive of the same elements as ECCA with the incorporation of a few more costing factors for traditional construction, as follows: Reservation Items - Art in Architecture, up to 1.5% and GSA Items, up to 2.0%. The GSA Items normally cover items such as carpet material, bulbs for light fixtures, etc. A Construction Contingency of 5% that is designed to cover unforeseen circumstances that may generate additional costs through change/field orders, etc.

Estimated Construction Contract Award (ECCA) - This construction cost component is inclusive of several incremental costing factors for traditional construction, as follows: A contingency for unknown conditions for site/design (10%); General Conditions and Profit (15%); and escalation costs projected from the date of the estimate to the proposed construction start date utilizing the escalation rate established by Central Office. Escalation costs for the period between the start and midpoint of construction is generated in the detailed line item costs of the estimate.

Estimated Design & Review Cost (EDRC) - This component is generally calculated through the use of the lookup tables that is formulated and issued from Central Office. The generated percentage/cost is entirely dependent on the dollar value of the project and is used, as a tool only, to negotiate all fees with an Architect and Engineer, inclusive of all appurtenant Consultants and their staffs.

Estimated Management & Inspection Cost (EMIC) - This component is also generally calculated through the use of the lookup tables that is formulated and issued from Central Office. The generated percentage/cost is entirely dependent on the dollar value of the project. This component is a cost allowance, for GSA, to cover the controlling factors of the construction process, such as: On - site project management, on - site inspections, home office expenses, field/home office supplies, postage, etc.

Estimated Site Cost (ESC) - This component is generally to cover the total cost of the land necessary on which to construct the facility, but, in some instances, may take into account two other factors, such as: demolition costs for the removal of existing structures on the purchased site; and relocation costs, if negotiation requirements of the site in question, obligate us to pay to relocate existing occupants.

Estimated Total Project Cost (ETPC) - This dollar amount represents a summary of all uniformat subsystem categories, including markups, of the Traditional or Design Build Delivery. The ETPC would be the summary of the ECC, EDRC, EMIC and ESC.

Fabrication - In general, to make; to create. Often more specifically, to construct or assemble something. For Art in Architecture projects, the construction of the artwork once it has been approved by GSA.

FBF (Federal Buildings Fund) - It is an intra - Governmental revolving fund created by the Public Buildings Amendment of 1972. Being a revolving fund means that PBS operating costs are financed by annual charges (RENTS) and other reimbursements paid into the Fund 192 by Federal agencies. The FBF is subject to congressional limitations on the use of available revenue.

Foreclosure - The failure of a federal agency to provide the Advisory Council on Historic Preservation a reasonable opportunity to comment on a proposed undertaking. Foreclosures are reported in the Advisory Council's Report to the President and a Notice of Violation is sent to the head of the non - compliant agency. In GSA's case, the Administrator must reply directly to the Advisory Council if a Notice of Violation is received.

House Committee on Public Works and Transportation - The Legislative Committee in the House of Representatives with authorizing and oversight responsibility for PBS programs.

HVAC - Heating, Ventilation and Air Conditioning are some of the major mechanical systems in a building structure.

Maquette - In sculpture, a small model in wax or clay, made as a preliminary sketch, presented to a client for his approval of the proposed work, or entered in competition for a prize or scholarship. The Italian equivalent of the term is bozzetto, meaning small sketch.²

Memorandum of Agreement (MOA) - A mutual signed agreement between GSA and other interested parties (usually an agency or city/state entity) that modifies, changes or clarifies original policy or creates new policy in order to accomplish a temporary or ongoing task. The MOA outlines the responsibilities of the signatories, agreed upon actions etc. Central Office, Congressional or OMB approval depends upon the scope of the agreements.

Memorandum of Understanding (MOU). - Same as a Memorandum of Agreement (MOA).

National Park Service (NPS) - As part of the U.S. Department of the Interior, the NPS administers both the National Register of Historic Places, established 1966, and the National Historic Landmarks Survey, established 1935. The NPS was created by Congress in 1916 as a national conservation agency with the primary responsibility of promoting and regulating Federally - owned lands, it extended its recognition to historic properties not owned or administered by the Federal government with the enactment of the Historic Sites Act in 1935.

National Register of Historic Places (NRHP) - This is the official Federal list of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering, and culture that contribute to an understanding of the historical and cultural foundations of this Nation.

Occupancy Agreement (OA) - The OA is a document that will serve to record the mutual understanding between GSA and the customer agency as to financial terms, space build - out, contractual conditions, terms, obligations, and timing of the occupancy. It represents the GSA/Customer agreement for a specific housing need; however, the OA is not a contract therefore, not legally binding between the two parties.

Office of Management & Budget (OMB) - This executive agency reports directly to the President and is totally independent of Federal agencies. OMB approves the total budget of GSA and individual prospectuses in support of the National budget submission to Congress.

Personal Property – Property other than real property consisting of things temporary or moveable. Property signifies dominion or right of use, control, and disposition that one may lawfully exercise over things, objects, or land. One of the basic dividing lines between property is that between real property and personal property.

Portfolio Management - The division which manages the real estate holdings, government - owned and leased, and related assets. As the owner's trustee, the Asset Managers are to optimize the value of the portfolio through serving the missions of GSA's customers; supporting social and economic programs of the federal Government; providing incentives for cost effective operation and utilization of our assets; and practicing sound financial management.

Prospectus - A document that defines in detail a proposed course of action (either new construction, lease or alterations project) that is submitted to OMB and Congress for approval and funding. The prospectus includes a description of the proposed project, its location, estimated maximum cost, and justification for the proposed project. The total cost of the project exceeds regional authority which varies each year. For FY 98 the prospectus thresholds are \$1.81 million for new construction, alterations and lease actions and \$905,000 for lease alterations. When writing about projects, use the term "BELOW PROSPECTUS" rather than "non - prospectus" or "small project." (See Prospectus Process)

Prospectus Development Study (PDS) - A document used to define a new construction or alteration project. The documents include the design programming requirements, agency requirements, goals and objectives, cost estimates and implementation strategies. The PDS is done before and in support of a prospectus.

Prospectus Level - When the total costs of a project exceeds regional authority. Each year this threshold is increased according to a construction cost index. For 1997 and 1998, the threshold for new construction and alteration projects is \$1.74 and \$1.81 million, prospectively. For Lease alterations, the threshold is \$805,000 and \$905,000 for 1997 and 1998, prospectively.

Prospectus Process - The Public Buildings Act of 1959 (PBA of 1959) establishes a committee authorization process resulting in committee resolutions to document project approvals. The House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works are GSA's authorizing committees for the public buildings program. The PBA of 1959 establishes the prospectus as the vehicle for requesting authority; defines the required content of the prospectus document; and establishes the project cost threshold at which prospectuses are required. This amount is adjusted annually based on a construction costs index. Hearings on the prospectus program are held at the subcommittee level of the authorizing committees of the House and the Senate producing a draft committee resolution. The prospectuses are then sent to the Senate and House full committee level for a final resolution. They are then passed on to the appropriation subcommittees of the House and Senate. Markup sessions occur subsequent to hearings on the program then passed to the full House and Senate for passage. If passed, the legislation goes to the President for signature, enacting it into law. Prospectus - level capital projects in GSA's program receive appropriations through line - items in appropriation acts.

Real Property – Property in buildings and land; real estate. Property signifies dominion or right of use, control, and disposition that one may lawfully exercise over things, objects, or land. One of the basic dividing lines between property is that between real property and personal property. Generally, the term real property refers to land. Land, in its general usage, includes not only the face of the earth but everything of a permanent nature over or under it. This includes structures and minerals.

Report of Excess (ROE) - Also known as forms SF118A - E, are the forms prepared by Portfolio Management that is used to transmit a proposed property for excess from PBS inventory to the Office of Property Disposal.

Retention/Disposal (R/D) Study - A report used to determine the feasibility of retaining or disposing of a Federal building. Factors normally used to determine if a R/D study is needed are vacancy rates exceeding 20 percent, consistent unprofitability and high operating cost.

Reimbursable Work Authorization (RWA) - A document that allows GSA to perform services or accomplish work for another agency and be reimbursed by the agency for services rendered.

Secretary of the Interior's Standards - Standards for New Construction, Rehabilitation, Preservation, and Restoration projects developed by the Secretary of the Interior. The standards must be followed in the design of projects affecting historic properties in order to avoid an adverse effect on the properties.

Section 106 Process - Refers to the process required in Section 106 of the National Historic Preservation Act. The process mandates that federal agencies identify historic properties that may be affected by their projects, take historic properties into account when planning an undertaking, and that they allow the State Historic Preservation Office, Certified Local Governments, and the Advisory Council on Historic Preservation a reasonable opportunity to comment on federal projects that have the potential to affect historic properties. This process may be lengthy and must be initiated as early as possible.

State Historic Preservation Officer (SHPO) - The primary party GSA is required to consult with regarding projects that have the potential to affect historic properties. SHPO comments must be taken into account during the planning and design of undertakings.

Undertaking - Any federally controlled or funded project (directly or indirectly) that has the potential to affect historic properties. All undertakings require the completion of the Section 106 process.³

¹ "ArtLex", on - line art dictionary, www.aristotle.com/sskystorage/Art/Artlex.

² "A Dictionary of Art Terms and Techniques," Ralph Mayer, Thomas Y. Crowell Company, NY, page 233.