


Content

Title :	Regulations on the Installation of Public Art 
Date :	2022.02.08
Legislative :	<ol style="list-style-type: none">1. On January 26, 1998, the Council for Cultural Affairs passed and promulgated Directive Wencanzidi No. 00510, consisting of 11 articles.2. On December 20, 2002, the Council for Cultural Affairs issued Directive Wencan Zidi No. 0912120618/Ministry of the Interior Tainei Yingzidi No. 0910087423, consisting of 21 amended articles, which took effect on the date of promulgation.3. On December 20, 2003, the Council for Cultural Affairs issued Directive Wencan Zidi No. 0922123719/Ministry of the Interior Tainei Yingzidi No. 09200091567, consisting of 12 amended articles.4. On May 19, 2008, the Council for Cultural Affairs issued Directive Wencan Zidi No. 0973113763, consisting of 35 amended articles, which took effect on the date of promulgation.5. On April 28, 2010, the Council for Cultural Affairs issued Directive Wencan Zidi 09920084991, consisting of 27 amended articles.On May 15, 2016, the Executive Yuan issued Announcement Taigui Zidi No. 1010131134, which transferred the rights and responsibilities set out in Paragraph 2 of Article 4, Article 6, Paragraph 2 of Article 9, Paragraph 2 of Article 11, Paragraph 1 of Article 18, Paragraph 2 of Article 19, Paragraph 2 of Article 22, Article 31, and Paragraph 1 of Article 33, from the Council for Cultural Affairs to the Ministry of Culture, effective May 20, 2016.6. On September 29, 2015, the Ministry of Culture issued Directive Wenyi Zidi No. 10430249462, consisting of amendments to Articles 4, 6, 9, 11, 18, 19, 22, 31, and 33.7. On February 8, 2022, the Ministry of Culture issued Directive Wenyi Zidi No. 11130028131, consisting of 39 amended articles, which took effect on the date of promulgation.
Content :	<p>Chapter I General Provisions</p> <p>Article 1 These Regulations are drafted in accordance with Paragraph 5 of Article 15 of the Culture and the Arts Reward and Promotion Act (henceforth, “the Act”).</p> <p>Article 2 “Public art installation plans” as meant in these Regulations indicates projects implementing artistic creation, curation, public participation, education/promotion, management and maintenance, and associated matters.</p> <p> “Reviewing agency” as meant in these Regulations indicates the central government agency or government of a special municipality, county, or city convening a public art review committee.</p> <p> “Review committee” as meant in these Regulations indicates the public art review committee engaged by the reviewing agency to review public art installation plans and associated matters.</p> <p> “Valuation meeting” as meant in these Regulations indicates the meeting involving professionals to deliver judgments and, utilizing their familiarity with public art, help the implementing agency (organization) with establishing the most suitable price for public art.</p> <p> “Permanent public art installations” as meant in these Regulations indicates those installations of public art that are not temporary.</p> <p>Article 3 The review, execution, reward, and other matters concerning public art installation plans shall be implemented in accordance with these Regulations.</p> <p>Article 4 The implementing agency (organization) shall, when implementing the installation of public art, draft and send public art installation plans for a review in accordance with the following:</p> <p> Special municipality, county, and city governments shall review the</p>

special municipality, county, and city governments shall review the public art installation plans of major construction projects under their purview and public buildings within their jurisdiction.

Central government agencies shall review the public art installation plans of major construction projects that involve two or more special municipalities, counties, or cities that are under their purview. Where no review committee has been determined, the Ministry of Culture's review committee shall act as reviewer.

Article 5 Where special circumstances apply, public buildings and major construction projects may be relieved of the need to install public art or be unable reach the target for public art of one percent of the building or public construction's cost. In such cases, where the implementing agency (organization) receives the approval of the review committee, it may remit the entire or remaining budget to the fund or dedicated account set up by the supervisory authority as described in the Act to be used for other public art or related culture and arts affairs. These funds shall be used on culture and arts affairs including the installation, management, and maintenance of public art. A priority for one-fourth of the budget shall be support for the passing on of traditional handicrafts, training of personnel, and associated matters.

The implementing agency (organization) shall, where the aforementioned entire or partial public building or public construction budget comes as the implementation of, or a subsidy from, the budget of a central government agency, deposit funds commensurate to the relevant portion of the public art budget balance which is less than one percent in a fund or dedicated account set up by the central supervisory authority as described in the Act. Excess funds shall be deposited in a fund or dedicated account set up by the local supervisory authority.

"Special circumstances" in the first paragraph indicates the following situations:

Where construction is related to cultural heritage;

Where the nature of the construction makes installing public art unsuitable;

Where, in accordance with Paragraph 2 of Article 32 of these Regulations, no suitable location for the public art can be determined; and

Other situations receiving the approval of the review committee.

Where the budget for a public art installation plan would total less than NT\$500,000, the implementing agency (organization) may engage in public art education and promotion or receiving the approval of the review committee, deposit the money into the fund or dedicated account set up by the supervisory authority as described in the Act instead.

The results of the items in the first paragraph and the preceding paragraph shall be reported to the reviewing agency for its reference.

Article 6 For public buildings and major construction projects that are implemented by the central government agency and its affiliated organizations, the calculation basis of expenditures on public art installation shall be the project cost in the tender awarding price. Expenditures on public artwork installations shall be prepaid into the fund or dedicated account set up by the central supervisory authority as described in the Act within six months of the awarding of the contract, and then according to the progress of the project and public art installation within the prepayment quota. Invoices to this end are to be remitted to the aforementioned fund or dedicated account.

Article 7 Where the design of the main structure of a public building or major construction project is in keeping with the spirit of public art, the implementing agency (organization) may submit related engineering drawings, explanatory papers, models, or computer design files used to obtain the review certificate, as well as an explanation of how the public art budget will be used, to the Ministry of Culture's review committee and shall request that the special municipality, county, or city where the building/construction project is situated to attend the review committee and offer opinions. With the review committee's approval, the main structure may be deemed to qualify as public art.

The implementing agency (organization) receiving approval under the previous clause shall be exempt from implementing public art installation according to the Regulations, and when the project is finished, shall

submit a final report to the Ministry of Culture and the government of the special municipality, city, or county where the building/construction project is located for reference.

Article 8 After approval is granted in accordance with Paragraph 1 of the preceding Article, the implementing agency (organization) may utilize public art funds described in Article 15 of the Act for public art-related public participation, education/promotion, promotional activities, environmental beautification, and management and maintenance. They may also elect to deposit the money in the fund or dedicated account set up by a supervisory authority as described in the Act.

One-fifth of the aforementioned public art funds, to a maximum of NT\$5 million, may be used as prize money for engineering technical services.

Article 9 Local supervisory authorities that have not established a fund or dedicated account used for culture and arts shall deposit public art funds into the fund or dedicated account set up by the central supervisory authority as described in the Act.

Chapter II Organization and Responsibilities of the Review Committee

Article 10 The review committee shall consist of between nine and 15 persons. Of these, one member who is concurrently the head, deputy head, or chief of staff at the reviewing agency shall serve as the convener. One member who is concurrently the head of the business unit at the reviewing agency shall serve as the deputy convener. The other members shall be hired from among the following categories, with each category represented by at least one member:

Visual arts: artistic creation, art criticism, applied arts, arts education, or arts administration;

Environmental space: urban planning, architectural design, landscape gardening, and ecological environmental planning.

Other professions: local culture and history, community building, law, and other professions.

Representatives of relevant organizations.

Members from the fourth Subparagraph of the preceding Paragraph shall not constitute more than one-fourth the total number of committee members, and shall be drawn from outside the business unit of the reviewing agency.

In forming the review committee, representatives of each sex shall account for at least one-third of seats.

Article 11 The review committee shall have the following missions:

Provide opinions with purview over the overall public art planning, installation, education and promotion, and management and maintenance policies;

Review public art installation plans;

Review donations of public art;

Review the remittance of public art monies to funds or dedicated accounts;

Review public art relocation and removal plans;

Handle other matters concerning funding, guidance, rewards, and administration.

In addition to the above, the Ministry of Culture's review committee shall be responsible for reviewing the database of visual arts experts and scholars of public art and handling cases covered under Paragraph 2 of Article 4 and Article 7.

Article 12 A quorum of one-half of review committee members shall be required to convene a meeting and to pass resolutions, and decisions shall be adopted by the vote of more than one-half of members present.

Committee members shall abide by the principle of recusal and act in accordance with Article 32 and Article 33 of the Administrative Procedure Act and other related provisions.

Article 13 The review committee shall convene at least once per year and may conduct ad-hoc meetings as needed. Committee members shall serve a term of two years and may be rehired.

Where a committee member resigns or dies, or where the duties of a committee member representing an organization change, or where a committee member is unable to perform the duties of office, said committee member may

be dismissed from office. The reviewing agency shall then hire a replacement whose term of office shall be the same as that of the original member.

Chapter III Executive Task Force and Reports

Article 14 The implementing agency (organization) shall create an executive task force of between five and nine members to carry out public art installation plans. Members shall include those from the fields of:

Visual arts: artistic creation, art criticism, applied arts, arts education, or arts administration;

Environmental space: urban planning, architectural design, landscape gardening, and ecological environmental planning;

Other professions: local culture and history, community building, and other professions;

The architect or engineer working on the building/construction project;

A representative of the implementing agency (organization) or managing agency (organization).

Members hired from the first Subparagraph shall be drawn from the database of visual arts scholars and experts of public art created by the Ministry of Culture, and shall account for no less than one-half of all executive task force members.

Article 15 A quorum of one-half of executive task force members shall be required to convene a meeting and to pass resolutions; decisions shall be adopted by the vote of more than one-half of members present. Externally hired experts and scholars shall make up no less than one-third of attending members.

Executive task force members shall abide by the principle of recusal and act in accordance with Article 32 and Article 33 of the Administrative Procedure Act and other related provisions.

Article 16 The executive task force shall be established within six months of the implementing agency (organization) signing a contract with the architect, engineer, or turnkey vendor for the public building or major construction project. Application may be made with the reviewing agency to extend this period where special circumstances apply.

Article 17 The executive task force shall aid with the following:

Drafting public art installation plans;

Implementing public art installation plans after review and approval;

Drafting the results report of the public art competitions;

Drafting the public art completion report;

Handling other related matters.

Article 18 Public art installation plans shall be submitted to the review committee and shall include the following:

History and scope;

Explanation of the natural and human environment of the site;

Analysis and textual and pictorial description of the site;

Concept behind the public art installation plan;

Form of and standards for the competition;

Plan for public participation;

List of names and brief biographies of executive task force members;

List of names and brief biographies of competition task force members;

Budget;

Estimated timetable;

Executive task force meeting minutes;

Draft introduction to public competition or invitational and related materials;

Draft contract; and

Other relevant materials.

After the aforementioned plan is approved, an application to the review committee must be made for plan revisions touching upon the preceding Paragraph, Subparagraph 5 and Subparagraph 7 to 9. Where revisions to Paragraph 7 or 8 involve an agency representative, or where the revision to Paragraph 9 amounts to less than NT\$500,000, no application to the review committee must be made, but the change must be approved of by the reviewing agency.

Article 19 The results report of the public art competition shall be

sent to the reviewing agency for approval and shall include the following:

- Selection meeting minutes;
- Record of the procedures of the competition;
- Introduction to the selected public art proposal (including the method and place as well as the creative concept)
- Introduction to the alternate public art proposals.
- Valuation meeting minutes.

Where the reviewing agency believes the results report of the public art competition submitted by the implementing agency (organization) is questionable, contains major defects, or where the review committee so requests while reviewing the public art installation plan, the results report is to be submitted for review to the review committee.

Article 20 A public art completion report shall be submitted to the reviewing agency for its reference and shall include the following:

- Basic information about the public art installation plan (including illustrations and explanation of the piece and expenditures);
- Record of procedures and inspection results.
- Record of public participation and education/promotion.
- Plan and budget for a minimum ten years' management and maintenance.
- Notes on review and suggestions.

Where the reviewing agency believes the public art completion report submitted by the implementing agency (organization) is questionable or contains major defects, the report is to be submitted for review to the review committee.

Chapter IV Competition and Selection Meeting

Article 21 The executive task force shall, depending on such things as the nature of the building/construction project or site and the budget, utilize one or more of the following selection methods and hold the competition after approval by the review committee:

Public competition: Make public solicitations for public art installation plans, hold a selection meeting(s), and choose the most suitable plan.

Invitational: After an assessment and listing of reasons, invite two or more artistic creators or groups to submit plan proposals. At a selection meeting, choose the most suitable plan. Where the plan budget reaches NT\$1 million, invite three or more artistic creators or groups to submit plan proposals.

Commissioned work: After an assessment and listing of reasons, select an appropriate artistic creator or group to submit two or more plan proposals. At a selection meeting, choose the most suitable plan.

Targeted purchase or lease: After an assessment and listing of reasons, purchase or lease paintings, handicrafts, sculptures, and other suitable public art.

Article 22 For public competitions, competition documents shall be published on the Ministry of Culture's Public Art website and an informational meeting shall be held. Except where the review committee so agrees, the following lower limit shall apply to the announcement period:

- Plans with a budget of over NT\$10 million: 45 days;
- Plans with a budget of between NT\$500,000 and less than NT\$10 million: 30 days

For invitationals and commissioned works, the names of the selected artistic creator/group as well as of alternates are to be listed in the plan.

For targeted purchases, valuation meeting minutes shall be included in the plan; the results report of the public art competition needs not be submitted.

For public competitions, invitationals, and commissioned works, the fixed fee is to be included in the selection documents or the submitted plan.

Article 23 The implementing agency (organization) shall, when carrying out the selection described in Article 21, establish a selection task force comprised of five to nine members and retained (dispatched) from the following:

- Executive task force members; and
- Taiwan-based experts and scholars recommended by the executive task

force.

At least one-fifth, but not all, of the members shall be drawn from the executive task force. No fewer than one-half of members shall be visual arts experts drawn from the Ministry of Culture's database of visual arts experts and scholars of the public art.

Article 24 A quorum of at least one-half of members of the selection committee shall be required to hold selection meetings and vote on resolutions. A vote of one-half of attending members shall be binding. Of the quorum, no fewer than one-third shall be externally retained experts and scholars.

Selection committee members shall abide by the principle of recusal and act in accordance with Article 32, Article 33 of the Administrative Procedure Act, and other related provisions.

With the unanimous agreement of selection committee members, the names of committee members may appear on the introduction to the selection process.

Chapter V Valuation, Negotiation, Inspection, and Expenditure

Article 25 Before the results report of a public art competition is submitted for approval, the implementing agency (organization) shall have at least three expert members attached to the executive task force or the selection task force, of whom at least one is an expert in the visual arts, convene a valuation meeting and invite the winning artistic creator or group to attend.

The aforementioned valuation meeting shall review the artwork's expenditure, materials, number, size, installation, management and maintenance, etc. The resolution adopted at the meeting shall serve as reference for negotiating the lowest price.

Article 26 After the results report of the public art competition has been approved, the implementing agency (organization) shall, in accordance with the provisions governing limited tendering in Subparagraph 2 of Paragraph 1 of Article 22 of the Government Procurement Act, conduct price negotiations and sign a contract. However, where the provisions of Paragraph 4 of Article 22 concerning a fixed fee are utilized, the price needs not be negotiated lower and other items may be decided upon. The aforementioned results of the contract awarding and the list of selection committee members shall be published on the Ministry of Culture's Public Art website as well as the Government e-Procurement System website.

Article 27 Before the public art completion report is submitted, the implementing agency (organization) shall conduct an examination and inspection assisted by at least one-half of the visual arts experts on the original executive task force or selection task force.

Article 28 Expenditures on public art installation plans shall include the following and shall be executed in stages in accordance with the architectural or engineering schedule:

Public art creation fee: including documents and illustrations, models, materials, installation, transportation, contract technicians, on-site construction, purchases, rentals, taxes, insurance, and relevant fees.

Artistic creator's fee: a minimum 15 percent of the expenditures as described in the preceding Subparagraph.

Materials subsidy: provided to finalists in the public competition, participants in the invitational, and creators of commissioned works that are not selected.

Administrative fees:

Attendance, review, and associated fees for the externally retained members of the executive task force and selection task force.

Information collection fees.

Printing and associated fees.

Fees for hosting the public competition.

Fees for consultants, executive secretaries, and agents.

Activity fees for public participation, public art education and promotion, etc.

Article 29 The implementing agency (organization) shall not, in executing public art installation plans in accordance with these Regulations, include

said plans in the items or expenditures of turnkey engineering contracts for public buildings or major construction projects.

Chapter VI Management and maintenance plan

Article 30 The implementing agency (organization) shall draft a management and maintenance plan and determine a source of funds for associated expenditures. It shall budget funds to this end every year. Necessary management and maintenance fees are to be drawn from a related fund or dedicated account.

Where the implementing agency (organization) is not a public art management agency (organization), associated management, maintenance, and survey fees shall be budgeted for annually by the managing agency (organization).

The supervisory authority may require that the managing agency (organization) report regularly or occasionally concerning management and maintenance.

Article 31 The public art management agency (organization) shall, after the inspection of the permanent public art installation has been completed, list it as being among its property to be managed, and may not move or remove it for five years. This limitation shall not apply where repairs for the public art amount to more than one-third of installation costs or where other special circumstances apply.

In the event of the need to move or remove a public art, a plan must be drawn up and approved by the review committee prior to work's commencing. The plan shall include, at a minimum, the following:

- Plan background and reason for moving or removal.

- Basic information about the public art installation plans.

- Present state of the piece of public art and record of its maintenance and management.

- An agreement signed by the original creator or the written professional opinions of executive task force or selection task force members.

- Plan detailing the move or removal as well as follow-up measures.

- Other relevant information.

Chapter VII Supplementary provisions

Article 32 Where two or more public buildings or major construction projects are involved, the implementing agency (organization) may implement a joint public art installation plan.

Where the location of a public building or major construction project makes it difficult to implement a public art installation plan, the implementing agency (organization) may seek another, more suitable location after ensuring there are no issues with management, maintenance, or property rights.

Article 33 Public art installation plans are in principle to be categorized as services procurement.

Permanent public art installations are to be guaranteed for a period of one year. Where necessary, the executive task force may extend this period and, in submitting this to the reviewing agency for its approval and reference, shall list the reasons for so doing.

Article 34 The implementing agency (organization) executing a public art installation plan may, where professional needs require, act in accordance with the provisions of Articles 39 and 40 of the Government Procurement Act or the Regulations for Cultural and Arts Procurements.

Article 35 To spur creation of better-quality public art installations and to reward those implementing public art in accordance with Article 15 of the Act, the Ministry of Culture may, in carrying out its selection, award certificates, statues, or other appropriate awards for outstanding work.

Article 36 Government agency (organization) receiving donations of public art shall draw up plans for installing such works and implement them after the review committee approves. Such plans shall include, at a minimum, the following:

- Reason for donation;

- Resume about both the donor and the creator;

- Information on the donated public art;

- Analysis and textual and pictorial description of the installation site;

Draft of the proposed contract between the government agency (organization) and the donor;
Plan for follow-up management and maintenance; and
Other relevant information.

Article 37 The implementing agency (organization) shall inform the Ministry of Culture when it submits to the Executive Yuan for review its plan concerning a large-scale government construction project.

When reviewing the application for a building permit for a public building, special municipalities, counties, and cities and specially established organizations with oversight over construction shall inform the local supervisory authority for cultural affairs in the locale of the public building to implement public art projects in accordance with Article 15 of the Act and with these Regulations.

Article 38 Where public art installation plans are sent to and approved by the review committee prior to the publication of these amended Regulations, the regulations at the time of submission shall apply.

Review committee members hired prior to the publication of these amended Regulations may continue to serve in their position through the end of their term.

Article 39 These Regulations shall take effect from the date of promulgation.