

GSA ORDER

Subject: General Services Administration Acquisition Manual; GSAM Case 2021-G526, Revisions to Art in Architecture

1. Purpose. This order transmits a revision to the General Services Administration Acquisition Manual (GSAM) to bring GSAM Subpart 536.70 into compliance with Executive Order (E.O.) 14029 by removing language required by E.O. 13934.
2. Background. On July 3, 2020, E.O. 13934, Building and Rebuilding Monuments to American Heroes, was issued. Section 4(d) of E.O. 13934 directed the GSA Administrator to revise and implement GSA Art In Architecture (AIA) policies and procedures to prioritize certain types of pieces when commissioning artwork.

In December of 2020, GSAM Case 2020-G518 implemented E.O. 13934 as well as clarified and incorporated existing guidance previously implemented through internal PBS policies.

On May 14, 2021, E.O. 14029 fully revoked the requirements imposed by E.O. 13934. GSA is now amending the GSAM to remove only the requirements taken directly from E.O. 13934 pursuant to E.O. 14029 while maintaining the other updates provided through GSAM Case 2020-G518.

3. Effective date. December 17, 2021
4. Explanation of changes. This amendment removes language in subpart 536.70 *Art in Architecture* of the GSAM from the revoked E.O. 13934. For full text changes of the amendment see Attachment A, GSAM Text Line-In/Line-Out.

This amendment revises the language of the following GSAM subparts summarized below:

GSAM 536.70 Art in Architecture

Section 536.7001 General

- 536.7001-2(d) - Removed language taken from E.O. 13934 which directed agencies to prioritize the commission of works of art that portray historically significant Americans, events of American historical significance, or illustrate the ideals upon which our nation was founded.

Section 536.7002 Policy

- 536.7002-2(c)(2) - Removed language taken from E.O. 13934 which required the art in architecture synopsis to include a statement that works of art should be prioritized giving public-facing monuments of former Presidents of the United States (U.S.) and to individuals and events relating to the discovery of America, founding of the U.S., and the abolition of

slavery. This section also stipulated that works of art should be designed to be appreciated by the general public and by those who use and interact with federal buildings. Additionally removed a directive that when an artwork commissioned by GSA is meant to depict a historically significant American, the artwork shall be a lifelike or realistic representation of that person, not an abstract or modernist representation.

Section 536.7003 Selection criteria for artists for art in architecture contracts

Section 536.7003-1 Selection criteria

- 536.7003-1(a)(4) - Removed requirement for a brief written statement which directly complied with the removed language of E.O. 13934.

Section 536.7003-4 Selection criteria

- 536.7003-4(c) - Removed requirement to comply with artist selection criteria set forth under E.O.13934.

5. Cancellations. None
6. Point of contact. For clarification of content, contact Benjamin Carver, GSA Acquisition Policy Division, at gsarpolicy@gsa.gov.

Jeffrey Koses
Senior Procurement Executive
Office of Acquisition Policy
Office of Government-wide Policy

GSAM Case 2021-G526
“Revisions to Art in Architecture”

GSAM Text, Line-In/Line-Out

GSAM Baseline: Change 140 effective 11/05/2021

- Additions to baseline are indicated by **[bold text in brackets]**
- Deletions to baseline made by final rule are indicated by ~~strikethroughs~~
- Five asterisks (* * * * *) indicate that there are no revisions between the preceding and following sections
- Three asterisks (* * *) indicate that there are no revisions between the material shown within a subsection

Part 536 - Construction and Architect-Engineer Contracts

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Subpart 536.70 - Art in Architecture

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536.7001 General.

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536.7001-2 Authority.

(a) In May 1962, the *Guiding Principles for Federal Architecture* report emphasized that the design of new buildings should provide visual testimony to the dignity, enterprise, vigor, and stability of the American Government. The report also stated that where appropriate, fine art should be incorporated in the designs of Federal buildings, with emphasis on the work of living American artists.

(b) In January 1963, GSA established the AiA Program.

(c) In November 2005, 41 CFR Part 102-77 Art-In-Architecture was published requiring Federal agencies to incorporate fine arts as an integral part of the total building concept when designing new Federal buildings, and when making substantial repairs and alterations to existing Federal buildings, as appropriate.

~~(d) In July 2020, Section 4(d) of E.O. 13934, Building and Rebuilding Monuments to American Heroes, directed agencies to prioritize the commission of works of art that portray historically significant Americans or events of American historical significance or illustrate the ideals upon which our nation was founded.~~

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536.7002 Policy.

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536.7002-1 Acquisition Planning.

(a) * * *

(b) * * *

(c) An Art in Architecture Panel, as outlined in the *GSA Art in Architecture (AiA) Policies and Procedures* at <https://gsa.gov/artinarchitecture>, will be instrumental in the acquisition planning process and will be responsible for:

(1) Reviewing artist **[portfolios]** applications and recommending artists for inclusion in the GSA National Artist Registry.

(2) Conducting an inaugural meeting for a project.

(3) Determining the **[scope]** subject of the artwork for a project in accordance with Executive Order 13934.

(4) Recommending a group of artists from the Registry for GSA to specifically solicit for a project (in addition to the general solicitation posted in the GPE).

(5) Reviewing and providing critiques, for both artistic merit and long-term maintainability, of an artist's preliminary design concept and final design concept for a project.

536.7002-2 Public announcement.

(a) *Governmentwide point of entry.* * * *

(b) *Timeline for posting synopsis.* * * *

(c) *Synopsis content.* The art in architecture synopsis shall include at a minimum:

(1) General description of the project and purpose of the Art in Architecture acquisition;

~~(2) Statement that:~~

~~(i) Priority should be given to public-facing monuments to former Presidents of the United States and to individuals and events relating to the discovery of America, the founding of the United States, and the abolition of slavery;~~

~~(ii) Works of art should be designed to be appreciated by the general public and by those who use and interact with Federal buildings; and~~

~~(iii) When a statue or work of art commissioned is meant to depict a historically significant American, the statue or work of art shall be a lifelike or realistic representation of that person, not an abstract or modernist representation;~~

~~[(2)](3) * * *~~

~~[(3)](4) * * *~~

~~[(4)](5) * * *~~

[(5)](6) * * *

[(6)](7) * * *

[(7)](8) * * *

(d) *Synopsis approval process.* * * *

(e) *Timeline for posting solicitation.* * * *

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536.7003 Selection of artists for art in architecture contracts.

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536.7003-1 Selection criteria.

(a) GSA will evaluate each potential contractor in terms of its:

(1) *Experience* - the scale, range, and complexity, including the media, materials, content, style, budget, and market value of the artist's work;

(2) *Past Performance* - previous work on contracts with Government agencies and private industry in terms of cost control, quality of work, and compliance with performance schedules;

(3) *Capacity* - the ability to accomplish the work in the required time.

(4) *Overall Approach* - brief written statement of an overall approach to the project, including extent to which the approach is consistent with the standards publicly announced under [536.7002-2\(c\)\(2\)](#); and

(5) *Total Evaluated Price* - for the design, development, fabrication and installation of the artwork.

(b) The combined weight of the technical evaluation factors shall be compared with price, e.g. significantly more important than price, approximately equal to price, significantly less important than price.

(c) The specific standards for each selection criterion may be tailored to suit the unique conditions of a particular project.

(d) The selection authority must approve the relative weights and standards established for the selection criteria before the selection process commences.

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536.7003-4 Selection authority.

(a) The Chief Architect of GSA is delegated as the selection authority for art in architecture procurements. This authority may be re-delegated in accordance with service-level policy to appropriate officials.

(b) The selection authority reviews the recommendations from the evaluation board which lists in order of preference the most highly rated proposal(s). If the board has not considered price in its recommendations, the selection authority shall consider price as well as the board recommendation. If the selection authority does not concur with the

recommendation from the evaluation board, the selection authority must provide for the contracting officer a written explanation of the reason.

~~(c) If the selection authority does not select a proposal that is consistent with the standards set forth under [536.7002-2](#)(c)(2), the selection authority shall submit a report to the GSA Administrator explaining the reason for the selection despite its noncompliance with these standards.~~

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