

## CHECKLIST

### NEGOTIATING A COMMISSION

Can you answer the following 20 questions?

#### Stage 1 - Preliminary Designs

1. Who is offering the commission? Remember that it is not necessarily the person paying!
2. What form will the preliminary design take?
3. How many are expected?
4. When must they be completed?
5. What are the materials to be used in the finished work?
6. What will be the approximate dimensions of the finished work?
7. Within what period must the commissioner accept or reject the designs - or request changes in them?
8. How much is the design fee?
9. Will the fee be paid upon entering the agreement to do the designs, or when the designs are completed?
9. What expenses will be incurred (e.g. travel to the site), and who will pay them?
10. If the commissioner decides not to proceed who owns the designs? And who owns the copyright in them?

#### Stage 2 - The Commission

1. Describe the work - description, dimension, materials.
2. What is the schedule for payment? It is usual practice for a third to be paid in advance (1/3 1/3 1/3).
3. How is completion determined? (Avoid "satisfactory completion" clauses!)
4. What provision is made for access to the site by the artist; by the commissioner?
5. If the work is not being made on the site, who is responsible for its delivery?
6. By what date must the work be completed?
7. Who will own the work when completed?
8. How can the parties terminate their relationships?
9. In the event of termination
  - (i) what arrangements about payment have been made?
  - (ii) who will own what?
10. What will be the procedure in the event of a dispute?