

Public Spaces Art Fund

Guidelines and Regulations 2021



Issued: July 2021

BUDGET ALLOCATIONS

SESSION BUDGET	MAXIMUM GRANT PER PROJECT
€150,000	€50,000

CO-FUNDING	DISBURSEMENT
The fund may cover up to 80% of total project costs	Disbursement rates will be decided upon a case by case basis

TIMEFRAMES

APPLICATION DEADLINE	RESULTS	MAXIMUM PROJECT DURATION	ELIGIBLE TIMEFRAME
31st August 2021 (noon)	27th October 2021	24 months	29th November 2021 – 29th November 2023

1. Introduction

The Public Spaces Art Fund aims at promoting artistic excellence and public engagement. It supports the incorporation of public art into public development which will create a unique sense of community as well as public identity and enhance the visual and aesthetic quality of such locations.

The Public Spaces Art Fund aims to provide tools to increase the awareness of public art and promote opportunities to further advance public art, with a particular focus on:

- Encouraging the involvement of artists in the design and development of public spaces by facilitating collaboration between artists, planners, architects, landscape architects, and urban designers whenever possible in the total design process.
- Developing a legacy of public art that integrates art into Malta's fabric of urban design in order to create high quality public spaces through the integration of art, urban design and architecture.
- Encouraging artworks which are accessible to the public either visually or physically.

2. DEFINITIONS

For the purpose of these guidelines, the following terms are defined as follows:

Applicant:

- An applicant may be an individual, a group, or an organisation. Applicants cannot be employees of Arts Council Malta or involved in the management of the Public Spaces Art Fund.

Application:

- An application is a submission, inclusive of all mandatory documents and any annexes to the application form made by an eligible applicant.

Beneficiary:

- The recipient of the grant. The beneficiary is responsible for the implementation of the proposal supported by the scheme.

Cooperatives:

- Cooperatives must be registered with the Cooperatives Board and listed in the Cooperatives directory available at: (<https://economy.gov.mt/en/coops/pages/coops.aspx>).

Eligibility:

- Applicants are screened by the Senior Fund Executive in terms of eligibility. Applications are screened to determine eligibility in terms of section 3 of these guidelines. Applications that are not eligible shall not be processed further and shall not undergo evaluation.

Evaluation:

- Applications deemed compliant and eligible are evaluated against the criteria established in these guidelines by the appointed evaluators.

Evaluator:

- Arts Council Malta appoints an evaluation team for each call under the Scheme. The Arts Council may appoint both local and foreign professionals in the culture and arts sector.

Grant:

- The grant is the amount allocated to a successful application.

Group:

- A number of persons with or without legal personality may form a group. One of the persons involved must take the leading role and have the main legal responsibility for managing the project and the grant. This person must be a Maltese citizen; or be in possession of a Malta residence permit; or of a Maltese citizenship certificate; or of a Maltese passport.

Individual:

- Individuals applying for a grant must be Maltese citizens; or be in possession of a Malta residence permit; or of a Maltese citizenship certificate; or of a Maltese passport.

Management and Administration:

- Arts Council Malta is responsible for the management of this fund. All official correspondence, including the submission of applications, must be sent according to the methods indicated in these guidelines.

Maximum Funding:

- There is a maximum ceiling of €50,000 per project which can be allocated. This will be decided on a case-by-case basis depending on the project.

Public Spaces Art Fund:

- This is a public art incentive funding programme. Funds are based on funds being made available through the Planning Authority's Artistic Fund.

Registered Entities:

- An entity legally established and registered in Malta. Registered entities must be registered with the Malta Business Registry, in accordance with the requirements of the Companies Act in the case of a company or a partnership, and in accordance with the Civil Code in the case of a Foundation or an Organisation/Association.

Single undertaking:

- Includes all enterprises having at least one of the following relationships with each other:
 - a. One enterprise has a majority of the shareholders' or members' voting rights in another enterprise
 - b. One enterprise has the right to appoint or remove a majority of the members of the administrative, management or supervisory body of another enterprise
 - c. One enterprise has the right to exercise a dominant influence over another enterprise pursuant to a contract entered into with that enterprise or to a provision in its memorandum or articles of association
 - d. One enterprise, which is a shareholder or member of another enterprise, controls alone, pursuant to an agreement with other shareholders or members of that enterprise, a majority of shareholders' or members' voting rights in that enterprise

Enterprises having any of the relationships referred to in points (a) to (d) above through one or more other enterprises shall be considered as a single undertaking.

Undertaking:

- An undertaking is defined as an entity engaged in an economic activity within the meaning of Article 107 TFEU (i.e. any activity consisting in the offering of goods and services in a market), regardless

of its legal status and the way in which it is financed. The classification of a particular entity as an undertaking depends entirely on the nature of its activities. The application of State aid rules does not depend on whether the entity is set up to generate profits. Non-profit entities can also offer goods and services in a market. Where this is not the case, non-profit entities remain outside the scope of State aid. Furthermore, the classification of an entity as an undertaking is always relative to a specific activity. An entity that carries out both economic and non-economic activities is to be regarded as an undertaking only with regard to the former.

3. Eligibility

Applications will first be screened in terms of eligibility. Ineligible applications in terms of the points below shall not be processed further and shall not undergo evaluation.

Maximum eligible timeframe to implement the project: 24 months.

3.1 WHO CAN APPLY?

The Fund is open to undertakings (for which assistance will be granted in line with the *de minimis* Regulation), as well as those applicants that do not carry out an economic activity within the meaning of Article 107 TFEU (kindly refer to Section 9 of these guidelines for additional information). Furthermore, applicants must qualify as one of the following and must have approval from the respective local council to embellish a pre-set site artistically:

- Creative professionals/individual artists/architects
- Entities registered with the Malta Business Registry (including companies, partnerships, foundations and organisations/associations)
- Groups, Collectives and Consortia
- Registered Cooperatives

Applicants must be Maltese citizens; or be in possession of a Malta residence permit; or of a Maltese citizenship certificate; or of a Maltese passport.

3.2 Who cannot apply?

- Applicants who do not have a registered address in the Maltese Islands.
- Applicants whose profile is not verified due to it being incomplete for not having the below mandatory documents:
 - A copy of their Maltese ID card (front and back); or Maltese residence permit; or Maltese citizenship certificate; or Maltese passport
- Beneficiaries who have not honoured previous funding commitments
- In the case of registered entities, entities who have not presented the required annual documentation to the Malta Business Registry and obtained a Good Standing Certificate.

3.3 What costs can be covered?¹

The grant may cover up to 80% of the following costs (up to a maximum of €50,000 per project, whichever is the lowest). The remaining 20% of the total project cost cannot be covered through other funding programmes managed by Arts Council Malta or any other Maltese state-funded programme dedicated to arts and culture.

- The cost of the public art itself including the artist's fee for design, structural engineering and fabrication; permit fees, transportation and installation of the work at the site; identification signs, if any; and mountings, anchorages, containments, pedestals, bases, or materials necessary for the proper presentation and installation of the art.
- Water works, lighting and other objects that form an integral part of the artwork.
- Maintenance – if the artwork is affixed to a building or other structure, it must be reasonable to assume that the building or structure will remain standing and in good condition for 30 years. If the art is freestanding, it must be in a location that allows for necessary maintenance that should be carried out by the host of the artwork.
- Documentation (including colour slides, black and white photography, and video) of the Artwork's fabrication and installation and a plaque to identify the Artwork and artist.

Any other element which may be developed outside the scope of the Public Spaces Art Fund is not eligible for support.

Applicants can submit more than one application under the same call. However, only one of the applications can be funded in any given session.

For more information about presenting your budget, refer to our General Budget Guidelines available at: <https://www.artscouncilmalta.org/pages/funds-opportunities/restart-schemes-2021/general-budget-guidelines/>.

3.4 What costs cannot be covered?

- Budgets exceeding 80% of the project expenditure
- Contributions in kind (exceeding 5%)
- Costs already covered by Public Cultural Organisations, or another public funding programme/scheme managed or co-managed by Arts Council Malta or another public agency, Government department or Ministry
- Costs declared by the beneficiary and covered by another grant of the Government of Malta or the European Union
- Costs incurred by a co-producer who will not be a co-beneficiary of an agreement in case of selection
- Costs which are already covered through usual operational budgets (space which is owned by the applicant or the partner/supporting organisation/individual)

¹ All costs will be considered only if these resources are not already covered/cannot be covered by the applicants or supporting/partner organisations.

- Debt and debt service charges
- Doubtful debts
- Excessive or reckless expenditure
- Exchange losses
- Fees for services provided by Public Cultural Organisations or another public agency, Government department or Ministry
- Funding for the creation or upholding of bursaries, prizes or scholarships
- Indirect producers' fees and contingencies
- Interest owed
- Provisions for losses or debts
- Reimbursement of salaries, or part thereof
- Retroactive costs
- Return on capital
- Subsistence, catering and hospitality.

3.5 What applications are not eligible?

The following are **not** eligible under this Fund:

- Activities of an intrinsically self-sustainable nature
- Activities which are not related to culture, the arts and the creative industries
- Activities whose objective is fundraising or political propaganda
- Applications which do not have approval from the respective local council to embellish a pre-set site artistically
- Applications submitted after noon (12:00) of the respective deadline day
- Applications submitted by public entities with or without a line vote
- Costs for traditional activities and festivities
- Events held on a regular basis, including annual projects, annual festivals, school/annual shows, regular training programmes
- Incomplete applications (refer to the application checklist in section 5.1)
- Individual modules credited as part of an educational course or research as part of established academic programmes
- Initiatives eligible under the Malta Film Fund, VOPS, Għaqda Kazini tal-Banda, National Book Council, Valletta Cultural Agency, Malta Arts Scholarships or any other state-funded programme dedicated to Maltese arts/culture
- Projects of an intrinsically self-sustainable nature
- Projects that would have already taken place before the result is notified to applicant(s)
- Projects whose duration does not fall within the eligible timeframe.

4. Evaluation

The Evaluation Board will base its decision upon the following criteria:

4.1 Criterion 1: Concept (40 marks)

The evaluators will consider the project concept, the collaborations involved, the contribution of the project towards the long-term capacity (skills & resources) of the beneficiary, collaborators, participants and the wider community, and to what extent the project addresses the Fund's objectives.

- Is the proposed project specifically designed for the site and is it commensurate in scale with its surroundings? Is it a suitable addition to the public space proposed? Does it aesthetically enhance the public space to which it relates or otherwise interact with its surrounding environment? Is the proposed artwork durable and reasonable to maintain in terms of time and expense? (20 marks)
- Is the proposed artwork being designed and constructed by persons experienced in the production of such artwork? (10 marks)
- Is the proposed artwork suitable by way of form and quality for public viewing and accessibility? Does the project contribute to a sense of civic pride? (10 marks)

4.2 Criterion 2: Project Management (20 marks)

The evaluators will consider the level of commitment and preparation in place prior to the proposal, as well as the proposed strategic plan to deliver and achieve the aims of the project.

- Did the applicant obtain all the necessary approvals as required? (5 marks)
- Did the applicant identify all the public safety conditions or factors and provide ways to mitigate them? (5 marks)
- Is the proposed timeframe reasonable and realistic? Are the key milestones to fulfil the project clear? Did the applicant provide a long-term plan to define long-term maintenance (not less than 30 years)? (10 marks)

4.3 Criterion 3: Audience Engagement (20 marks)

The evaluators will consider the type of audience engagement. The proposals need to take into consideration the actual space in which the installations will be set up in.

- Does the proposal include an element of immersive and interactive narratives that are emotional, inspiring and thought-provoking, reflecting the world's new realities? (10 marks)
- How will the proposed project transmit the values of the Sustainable Development Goals to the audience? For more information refer to: <https://www.un.org/sustainabledevelopment/sustainable-development-goals/> (5 marks)
- Does the proposal provide details on the accessibility level of the proposed project? (5 marks)

4.4 Criterion 4: Budget (20 marks)

The evaluators will consider how well-planned and realistic the presented budget plan is.

- Are the application and budget presented well researched and planned? (10 marks)
- Are the objectives of the project clearly reflected throughout the application and financial plan? (10 marks)

5. Submitting the application

Follow these steps to apply:

1. Read these guidelines and regulations very carefully.
2. Check whether your proposed idea can be addressed by this scheme.
3. Click the link that will take you to the online application system.
4. Create your profile with Arts Council Malta by clicking on Register and filling in the details.
5. From the open calls section, select the online application for the scheme you intend to apply for.
6. Follow the instructions step by step. Fill in all the required information in the online application including the budget and attach the supporting documentation.
7. Submit the application. You should receive an automatic acknowledgement by the system. If you do not receive such a notification, contact us on applyforfunds@artscouncil.mt.

In case of difficulty, or if you would like to consult us regarding this fund, you can call us on 2334 7230 from Monday to Friday between 09:00 and 16:00, or email us on fundinfo@artscouncil.mt.

It is your responsibility to present a complete application form as explained in these guidelines and regulations. If you do not present all the necessary information and documentation, your application will not be processed and evaluated.

Prior to the application deadline, Arts Council Malta representatives will not be checking your application forms. It is solely at the Arts Council Malta's discretion to request that applicants provide any missing mandatory documentation following the call deadline.

Upon submission of the application, applicants accept that should the application be awarded funding, the name, the project title, a short description of the project and the amount awarded may be published by Arts Council Malta.

A decision on funding will be made on the strength of the submitted information, and supporting documents.

Applications handed in after 12:00 (noon) of the respective deadline cannot be accepted.

5.1 Checklist

- A copy of the VAT Certificate of Registration
- All quotations amounting to the full cost to be incurred
- An endorsement letter by the Local Council signed by the Executive Secretary and Mayor including the approval, commitment of maintenance and upkeep for the proposed works of art
- Applicant biography/Artist CV to be included in the applicant profile
- Evidence of ownership of rights for the proposed project or contract of acquisition/transfer of rights
- In the case of entities registered with the Malta Business Registry, a most recent Good Standing Certificate of Registration – this document is renewed annually by the Malta Business Registry and is proof of compliance
- Site plan and 3D renderings in standard measurements and formats showing the location of the artwork, complete with landscaping, lighting and other appropriate accessories to complement and protect the work
- The Planning Authority permit or documentation of submission.

6. EVALUATION PROCESS

This fund is competitive and will be evaluated by a panel of three relevant experts, according to established criteria.

As specified above, each criterion is allocated specific marks. In order to be considered for funding, projects have to obtain 60 marks or more.

Nevertheless, the evaluation session and funding decisions depend on the quality of the submitted proposals as well as the availability of the funds. Therefore, obtaining 60 marks or more does not automatically mean that your project proposal has been successful. The Evaluation Board may decide not to allocate the total funds available for a particular call if the proposed projects do not reach the required level in terms of the fund criteria.

Eligible applications will be assessed by an evaluation team selected by the Council on the basis of their professional experience. Arts Council Malta will select evaluators on the basis of their independent and professional experience. The evaluators will present an assessment on each of the proposed projects, indicating the relevant ratings awarded.

6.1 Shortlisting

The evaluation board will meet during an initial evaluation session in which all eligible applications will be discussed. All applications will be given a score, and those scoring 60 marks and higher will be shortlisted. The shortlisted applications will be invited to attend a pitching session.

The pitching session is not compulsory, and it is up to the applicant to accept to attend the pitching session, or not. Shortlisted applicants who opt out of attending a pitching session will not be penalised. It

is solely at the evaluators' discretion to invite any applicant scoring less than 60 marks to attend a pitching session.

All applications, including those that are not shortlisted, will receive the official result notification together with a copy of the feedback form on the results date as indicated on page 2 of this document.

6.2 Pitching

The aim of the pitching session is to create an opportunity for applicants to make a case for their projects in front of the evaluators. The project applications would already have been reviewed by the evaluators and the Fund Managers before the pitching session.

During the session, the applicant has the opportunity to present comments, latest insights, 3D models and additions to the already submitted project description.

The pitch can be presented in a variety of formats, including but not limited to: visual aids, PowerPoint presentations, audio, etc., but should not be longer than ten (10) minutes. During the pitch, applicants are expected to explain the project's artistic vision and communicate how the project will be implemented. This ten-minute pitch will be followed by a Q&A session with the panel of evaluators.

6.3 Communication of results

On the day indicated on page 2, you will receive your results notification from Arts Council Malta. Together with the covering letter, we will also attach a copy of the feedback form, indicating the reasons and marks leading to the Evaluation Board's decision, according to the fund's criteria.

The order of classification of the projects, according to the marks allocated by the evaluators, will be published online. Only the names and summaries of the successful projects will be published; in the case of projects which have not been awarded any funds, only their reference number will be published.

If you have any difficulties concerning your results, you should email us on fundinfo@artscouncil.mt within five (5) days of receiving your funding decision.

No information on the evaluation process will be released before the official result notification.

Any form of soliciting will automatically disqualify an application.

All information received by the Senior Fund Executive, Fund Manager and Evaluators will be considered confidential, both during and after the evaluation process. Provisions on data protection and confidentiality for successful projects will be included in the Grant agreement.

7. Project implementation and monitoring

Beneficiaries must provide full documentation to support the application and budget plan within 30 days from receipt of the notification letter. The Council will accept a variation of up to 5% from the proposed total cost. The contingency indicated in the budget plan will support any variations from the proposed total cost. **Under no circumstances will the Council be in a position to increase the grant awarded.**

Upon provision and approval of the above mandatory documentation, a contract specifying the conditions of the fund will be signed. The grant may only be awarded upon completion of the above process within the established timeframe.

70% of the total amount allocated by the Evaluation Board will be processed after the signing of the contract. The remaining 30% will be disbursed after the submission of the final report by the beneficiary, following approval by Arts Council Malta.

The beneficiaries must use the provided logo on all related material and specify that the project is supported as follows: **Supported by Arts Council Malta and the Planning Authority**, in all marketing, PR and printed material. The grant received must be used solely for the purpose for which it was awarded, in line with the submitted proposal and the contract.

Beneficiaries must notify Arts Council Malta immediately if changes affecting the nature of the project take place during implementation. Changes cannot be implemented unless approval is received. Arts Council Malta reserves the right to revise or withhold the final payment if the change in the project is not considered to be in line with the initial proposal, or if the Council is not informed of the changes within a reasonable time.

Beneficiaries must make themselves available for visits and communication with Arts Council Malta representatives for monitoring purposes, both during the implementation of the project as well as after its completion.

Arts Council Malta also reserves the right to revise the final payment, if the total expenditure is less than that estimated in the application form.

7.1 Report

At the end of your project, you will be required to submit a detailed report highlighting the work carried out and the project achievements, by not later than six (6) weeks after your project has concluded. Arts Council Malta will provide a template for your report. If relevant, together with this report, beneficiaries must submit copies of any relevant marketing, publicity or information material developed for the funded project. Beneficiaries will also be requested to submit evidence of the research process, which includes visual documentation (a minimum of 5 high resolution images should be submitted), blogs and other documentation.

You will also be required to present a final updated budget together with all supporting documents including VAT invoices and fiscal receipts.

Arts Council Malta retains the right to make use of submitted project material.

Arts Council Malta retains the right to recover funds in case these are not being used and/or are misused and/or are not used according to the submitted budget.

8. Complaints Procedure

Filing a complaint will not affect your chances of receiving support from Arts Council Malta in the future. All complaints will be treated with confidentiality.

8.1 Grounds for complaints

Applicants can make a complaint regarding procedural anomalies and irregularities during the submission and evaluation process in terms of the procedures stipulated in these guidelines and regulations. Complaints cannot be made concerning:

- The Arts Council's or Government's policies and procedures;
- The merits of the application in terms of the criteria stipulated in these guidelines and regulations.

Only applicants may file complaints concerning their project.

8.2 Filing a complaint

Complaints must be made in writing and must be as clear as possible. The complaint must state the grounds and the reasons for the complaint, providing a detailed explanation and justification supported by relevant documentation or testimonials as to why the complainant deems that irregularities were committed in the procedure(s) stipulated in these guidelines and regulations or in standard good governance rules and regulations governing the public sector. The decision at the end of the complaint process shall be final. Complaints need to be made to the Arts Council Malta's Head of Funding within five (5) working days of receipt of your funding decision. You will normally receive a reply to your complaint within ten (10) working days.

In case you are not satisfied with the reply, Arts Council Malta will convene a Board that will discuss your complaint further. If you approach our complaints procedure, then you are accepting that we can use information about your project to address the complaint. The decision of the Board is final.

9. Applicability of State Aid rules

9.1 State Aid rules applicable for undertakings that carry out an economic activity within the meaning of Article 107 TFEU

The State Aid scheme will be implemented in line with the provisions of Commission Regulation (EU) No 1407/2013 of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid, OJ L 352/1 of 24 December 2013, as amended by Commission Regulation (EU) 2020/972 of 2 July 2020 amending Regulation (EU) No 1407/2013 as regards its prolongation and amending Regulation (EU) No 651/2014 as regards its prolongation and relevant adjustments, OJ L 215/3 of 7 July 2020.

This Regulation applies to aid granted to undertakings in all sectors, with the exception of:

- a) aid granted to undertakings active in the fishery and aquaculture sector, as covered by Council Regulation (EC) No 104/2000;
- b) aid granted to undertakings active in the primary production of agricultural products;
- c) aid granted to undertakings active in the sector of processing and marketing of agricultural products, in the following cases:
 - i. where the amount of the aid is fixed on the basis of the price or quantity of such products purchased from primary producers or put on the market by the undertakings concerned;
 - ii. where the aid is conditional on being partly or entirely passed on to primary producers;
- d) aid to export-related activities towards third countries or Member States, namely aid directly linked to the quantities exported, to the establishment and operation of a distribution network or to other current expenditure linked to the export activity;
- e) aid contingent upon the use of domestic over imported goods.

The total amount of de minimis aid granted to a single undertaking shall not exceed the amount of €200,000 over any period of three consecutive fiscal years.

This period covers the fiscal year concerned as well as the previous two fiscal years. 'Fiscal year' means the fiscal year as used for tax purposes by the undertaking concerned.

This maximum threshold would include all State Aid granted under this aid scheme and any other State Aid measure granted under the de minimis rule including that received from any entity other than Arts Council Malta. Any de minimis aid received in excess of the established threshold will have to be recovered, with interest, from the undertaking receiving the aid.

The rules on cumulation of aid as outlined in Article 5 of the de minimis Regulation will be respected.

Applicants are to submit a de minimis declaration indicating any other de minimis aid received or applied for during the previous two fiscal years and the current fiscal year. This will ensure that the total amount of de minimis aid granted to a single undertaking under the de minimis rule will not exceed the de minimis threshold over three fiscal years.

Should a successful applicant not be eligible to receive de minimis aid, the said applicant will be deemed ineligible and the next ranked applicant will be awarded.

In line with the de minimis State Aid Regulation, records regarding de minimis aid shall be maintained for 10 years from the date on which the last individual aid is granted under the Scheme.

9.2 Applicants and applications that do not carry out an economic activity within the meaning of Article 107 TFEU

Applicants and applications that do not carry out an economic activity within the meaning of Article 107 TFEU may also apply for the scheme. The rules outlined in section 9.1 are not applicable in the case of such applicants and applications.

Need advice?

ACM offers pre-submission consultation services to help secure support for your project. We are there every step of the way. We can help you determine whether the core concept and profile of your project are in line with the targeted support mechanism, and provide feedback on the way you plan to present your project. Plan ahead and get in touch with us at least four weeks before the submission deadline, to make the best of our services.

You are welcome to call us on 2334 7230 on weekdays, between 09:00 and 16:00, or to send us an email on fundinfo@artscouncil.mt.

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