



The Canadian Network of Dance Presenters
CanDance / CanDanse
Le réseau canadien des diffuseurs de danse

Artist Negotiation Tools

The negotiation is an important conversation held between the presenter and the artist to sort out all the details surrounding the performance. The goal of the negotiation process is to create a contract that will provide both parties with equal protection and fully disclose expectations from both sides. Most of the details will be discussed in preliminary discussions, but the actual negotiation finalizes the arrangement and reviews all aspects to make sure nothing has been changed or left behind.

Performance Details

Venue, Date(s) and Performance Time(s)

Confirm that the performance site is in good condition and is heated or air-conditioned to an acceptable level. If there is a minimum required heating level in the venue, indicate that in the contract. Remember to negotiate time for both set up and performance if your performance cannot be set up and performed in one day.

Performance Fee

Do not feel uncomfortable about asking for your fee. You know how much money you need from each engagement to meet your income projections for the tour. Similarly, the presenter knows what their costs are and how much they can charge for tickets. They also have an idea how many tickets they can expect to sell for your engagement. Each of you needs to arrive at a satisfactory financial arrangement, and an open discussion is the best way to get there. Be prepared to be creative in coming to a financial arrangement. More and more, presenters are offering other financial arrangements besides straight guarantees such as lower guarantees with a split of the box office after expenses are met. Be prepared to listen and consider potential alternative solutions. Don't forget GST or HST!

Payment Methods

You may want part of your payment in cash instead of by cheque, so that you can pay your road expenses without finding a bank that will cash your cheque. On the other hand, you do not want to be carrying too much cash with you.

Payment Schedule

You may want to negotiate a portion of your payment in advance to help cover your pre-tour expenses.

Accommodation and Ground Transportation

Presenters may be open to the idea of providing hotel accommodations as a part of their compensation package to artists. Some presenters are entering into relationships with hotel operators in their community who are providing rooms to them for their use as part of the presenters' sponsorship package. You may be able to negotiate hotel rooms as part of your contract. If so, expect that the presenter will want you to reduce your fee to compensate for providing these rooms.

Usually, artists arrange their own transportation, but sometimes it is included as part of the presenter's expense. If the presenter is providing rooms, be sure to find out how far the hotel is from the performance venue and, if it is not nearby, ask for ground transportation. If you have a set to transport make sure that you've accounted for that in your planning.

Additional Services

Your contract may include master-classes or pre-show talks that you will provide, or a post-show reception that you will attend. Some of these services will have additional fees associated with them, while you will be expected to provide others, like talks or attending receptions, at no additional charge.

Promotional Activities You Will Participate In

Though the specifics may not yet be clear, the presenter may want you to participate in advance telephone interviews with local media or to have a local television crew attend your afternoon rehearsal. It is helpful for you to mention in the negotiation phase that you are interested in participating but that such activities will require time in advance to set up. If you do not allow media into your rehearsals on the road, make sure the presenter knows that. If you have specific media contacts or have retained the services of a publicist, be sure to talk to the presenter about how the two parties will coordinate promotional efforts to make sure you are not intruding on their relationships as their relationship to local media will take precedent over what you have.

Licensing Fee Payments

The artist generally pays the royalties, but the presenter generally pays fees to SOCAN (the Society of Composers Authors and Music Publishers of Canada). Make sure when you are doing your

budget that you have allowed for royalty payments to your artistic team. This is usually something that gets overlooked.

Complimentary Tickets

You may ask for some tickets to be made available to you, but clarify when you will release them back to the presenter if you are not going to use them. It is reasonable for the presenter to expect for you to return unused tickets at least a week prior to the performance. If circumstances do arise and you need additional tickets at the last minute please do not make the assumption that seats will be immediately available, nor should you go to the Box Office directly and request them. Remember that managing performance tickets is the responsibility of the presenter; therefore, all requests/changes etc. should go through them.

Insurance Coverage

The presenter is responsible for adequate third party or public liability insurance. To protect yourself, you must ensure that this coverage is in place. In addition, it is now becoming commonplace for some presenters to ask for the artist to also provide third-party public liability insurance. Discuss this with your presenter. There may be solutions you can arrive at together that don't require you to purchase costly insurance policies. You should also carry health and liability insurance for your performers and insurance for any vehicles that you may be using.

Hospitality Requirements

Simple hospitality requirements, such as bottled water and perhaps some fruit, are appropriate, but do not expect the presenter to cater to complex food requests.

Dressing Room Requirements

Be clear about how many dressing rooms you will need and require that they be clean and heated or air-conditioned to an appropriate temperature. Confirm that there will be a bathroom available that is shielded from public access.

Set-up, Rehearsal and Strike Times

Not all presenters have 24-hour access to the presenting venue, so clarify what time you need to arrive and start setting up, how long it will take to get the stage ready, how much time you will require for rehearsal and how long it will take to get everything packed up again. Be respectful of what you request and make sure you use the time you request. Theatre time is an expense the presenter must pay for. It is not professional to request the space and not use it.

Technical Equipment and Staffing Requirements

What sound and lighting equipment do you expect the presenter to provide? How much technical staff will you need to set up, do your rehearsal, run the show and take it all down? As with theatre time, be respectful of what you request and make sure you use it! Review all the details of your technical rider during the negotiation phase and make sure to attach a complete technical rider FOR THE SHOW YOU ARE TOURING to the contract.

Provision of Special Items

Need any special props or other technical requirements? Do not assume they will be there. Confirm all such expectations with the presenter well in advance.

Recording and/or Documentation

If you plan to record the performance for future sale or to document the performance for archival purposes, be sure to cover this in the contract negotiation. If the presenter works in a union facility, these activities may result in considerable additional costs for production personnel. The Presenter may require you to sign a waiver stipulating that the recording is for archival purposes only.

Timing of Negotiation

Establish deadlines for the conclusion of the negotiation process. Without such dates, the artist or presenter may risk losing engagements at the last minute when it is too late to find a replacement.

Timing of Contract Delivery

An engagement is not official until both parties have signed a contract. If you are providing the contract, clarify with the presenter how long it will take them to sign it and get it back to you.

Contract Details

There are also several standard contract clauses that must be present in any contract. These will not require discussion in the negotiation, but will be part of the final agreement, as follows:

Force Majeure (or Act of God) Clause

With this contract essential, both parties promise that they will not hold the other responsible if a performance is cancelled as a result of an epidemic, civil insurrection, serious illness of the artist(s), labour difficulties and strikes, floods, famine, weather conditions or any other cause beyond the control of either party. Usually this clause provides for a postponement and for further arrangements to be made to carry out the intent of the original contract within a reasonable period of time.

Notification Clause

Another contract basic, this is a statement of the address to which contracts will be delivered for the presenter and the artist and how they will be conveyed.

Rights of Assignment

This clause prevents either of the two parties to the contract from selling their interest in the venture to a third party without the consent of the other.

When you speak to the presenter, have a checklist in hand to make sure that you do not leave anything out. Write down the specifics for each detail as it is confirmed. Especially if you are negotiating many engagements at the same time, a system for keeping track of the specifics of each situation is vital.

Letter of Intent

Often, once you have completed the negotiation and before you produce a contract, either party may present the other with a letter of intent or “deal memo” for signature. This letter, which will outline the basics of the arrangement, may be required to support funding applications.

Contract

The contract is a statement of the understanding that has been reached through negotiation. Terms should be kept simple and clear. Unless absolutely necessary, steer clear of using a contract from a presenter. Festivals, orchestras and promoters often have their own standard contracts, but they likely present only a general scenario that does not precisely reflect the details of your engagement. If you create your own contract, it would be preferable to arrange for a lawyer to vet it. Every item in a contract may be challenged and negotiated or renegotiated before signing. When an item is renegotiated, or struck, prior to final signing, both parties should initial the changed clause.

Technical Rider

If you have separated out your technical addendum from your standard contract, be sure to stipulate that it requires a signature as well.

Signatures

When all terms have been finalized, send two copies of the contract to the presenter. Once all final terms have been ironed out, with all changes initialled and dated, the presenter will return the signed copies to you. After you also initial the changes, you will sign the two copies, returning one copy to the presenter and keeping two for your files.

Late Changes

Occasionally, issues may arise after the completion of the contract. For such changes, either you or the presenter should draft a letter for signature by both parties, indicating mutual agreement with regard to the change.

Promotional Details

Video

A broadcast-quality video or DVD generates interest among potential presenters. They are also important tools for promoting the show to the public. Provide a “b-roll” featuring two or three short (two- to three-minute), well-edited segments for use by the local television station. Also, some presenters may screen a sales video (a 10-minute loop is recommended) at their venue during special events or at shows that precede your engagement.

Photography

You should provide the presenter with excellent-quality colour photographs as requested. This can be either by: (i) high resolution (600 dpi) digital format (on CD); (ii) email ready high-resolution (600 dpi) digital format.

Descriptive Copy and Slogans

Provide two versions of your program description: (i) one or two lines for use in an advertisement; and (ii) a paragraph for use in a season brochure (between 50 – 150 words). If available, provide a few positive review quotes of varying lengths and appropriately annotated with the name of the media outlet and the date published.

Press Kit

Provide a press kit with the following:

- A sample press release (for incorporation into the presenter's material and circulation to local media).
- A "backgrounder" (an engaging description of your company, one or two pages long, for possible use in the house program or local newspaper, covering style of performance, artistic highlights, information on the art form, etc.).
- Artist biographies.
- Favourable reviews from other communities.
- The tour Itinerary and, possibly, a full-season's performance schedule.
- A CD with high-resolution photography and one or two high-quality photo prints.

Radio Music Beds

If your show features music, the presenter may be able to use 30- and 60-second music beds (mp3 files on CD) for radio ads. However, not many presenters purchase radio time on commercial stations, so this may not be necessary.

Flyer / Poster Artwork

The presenter may need camera-ready artwork for flyers and postcards. Leave blank space for adding local information (e.g., date, time, venue, ticket prices, box office phone number and presenter logo).

Collateral

Some presenters may request flyers and/or postcards for promotional use in the community. Be prepared to print and provide a pre-determined quantity of between 200 and 500 pieces. If the presenter wants more, you may charge them for additional costs. Also expect to provide each presenter with 25 to 50 posters. Again, if they want more, you may charge them for additional costs. Flyers, postcards and posters should have a blank space for adding local information (e.g., date, time, venue, ticket prices, box office phone number and presenter logo).

Media Participation

Participate in telephone interviews with local journalists prior to your engagement. Make the presenter aware that advance notice may be needed to find a suitable time and that interviews should be scheduled as far in advance as possible. If you have an in-house publicist or have hired one for the tour, make sure that local media calls are coordinated in advance with the local presenter.

Information Sheet

The tour manager – or you, if you are acting as your own manager – should prepare a file with the following documentation and information:

- Bus / Train / Airline documentation.
- Locator, reservation and telephone numbers.
- Car rental reservation numbers and telephone numbers.

In addition, for each community on the tour there should be a separate sheet on file with the following information:

- Presenter: name and telephone numbers (including office and cellular phone).
- Second contact at the organization: name and contact numbers (as above).
- Venue: name, address and telephone numbers (office and front-of-house).
- Production/technical manager: name and contact numbers (as above).
- Hotel: name, address, reservation confirmation number and telephone number.
- Program details: n.b., if you are traveling with more than one program, indication of which program is being performed in this community.
- Miscellaneous: Is there a reception? Is there a recommended late-night restaurant in the community? Etc.

Contract Checklist

This is a useful tool to have handy with you when you are on the phone with your presenter negotiating your performance detail.

City/province: _____

Presenter name: _____

Presenter address: _____

Presenter phone: _____

Best time of day to reach presenter: _____

Name of venue: _____

Performance Date(s): _____ Time(s): _____

Tickets and Audience

No of seats in venue: _____

Ticket prices: _____

Is there a subscription base? Yes: _____ No: _____

Fees

Fee type: Guarantee: _____ Split: _____

Fee amount: _____

Split details: _____

Payment Schedule

Amount on signing: _____

Amount on day of show: _____

Payment Types:

Cash: _____ Cheque: _____

Additional Services

Workshops: _____

Masterclasses: _____

Student matinees: _____

Pre show chat: _____

Post show discussions: _____

Reception: _____

Promotional Materials

When required: _____

Media interviews: _____

Licensing fee payments: _____

Complimentary tickets: _____

Sales tour merchandising: _____

