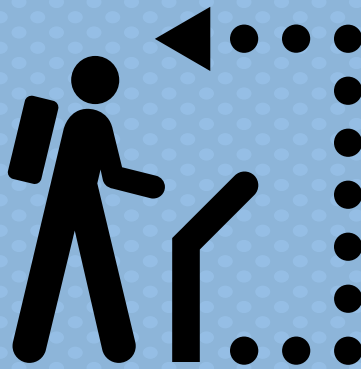


BAM! Complete Guide to Contract Riders

by Robert Baird



#25

A guide for artists, agents,
managers, and presenters

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Introduction

The devil is in the details, so they say, and contract riders are designed to provide specific details which can shape the clauses of any contract and clarify exactly what a clause means and how it will be operational.

There are three kinds of contract riders currently in common use appended to, and forming part of, contracts:

1. A General Contract Rider
2. A Technical Rider
3. A Hospitality Rider

This Guide will cover what is usually included in each of these riders, but each contract and each artist/manager-venue relationship is unique and the rider should be constructed to reflect the actual and current situation for the artist. Keeping riders up-to-date is an absolute necessity. Providing riders for different configurations of your group is key.

In short, providing comprehensive and accurate riders will make the presentation of artists much easier on everyone involved and will ensure that both parties to a contract, performer and buyer, are aware of the requirements at all levels for a successful performance.

General Contract Rider

Depending upon the size of an artistic group and the performance requirements (including tech and hospitality), some contracts will contain all of the information needed in the main contract and do away with the general contract rider. However, the main contract may become unwieldy and the rider can be appended to provide details.

If you use a general contract rider, then the main contract can provide the necessary information of who, what, where, when and how much, with signatures and the nitty-gritty can be included in a rider which forms part of the contract (and should be referenced as such in the main contract)

A general contract rider might include such things as:

1. Payment terms

- a. How advance will be paid and when (due date);
- b. To whom will performance fee be paid, by whom and when;
- c. In what currency will fee be paid;
- d. When will settlement be finalized and paid out.
- e. Withholding - specifies the IRS obligatory 30% withholding or Revenue Canada 15% withholding for foreign artists and details regarding Tax Waiver Requirements to avoid this withholding.

2. Show Details

- a. Restrictions on opening act (usually requires main artist's approval);
- b. Detail on additional activities surrounding show – what activities will be undertaken, by whom, when, etc. (meet and greet, receptions, workshops, etc.);
- c. What venue will provide (clean and safe stage, rehearsal space and dressing room, incl. furniture; stage lighting, sound equipment with professional personnel to operate all such equipment; all necessary house staff (back and front of house), etc.);
- d. Complimentary tickets (how many for artist, what kind of tickets will be provided, when released back to venue);
- e. Ticketing and pricing (how many tickets will be offered for sale at what price, how many comps, etc.);
- f. Sound/check or Rehearsal requirements – time and length (details in Tech Rider);
- g. Details on instruments venue will provide (tuned concert grand piano, specific piano provider – Steinway, for example, or acceptable substitute, backline items, etc.);
- h. Restrictions on recording of concert and notice placed in program and/or announced before performance);
- i. Venue to provide printed program (if applicable) and what text will be included from artist);

- j. What information will artist provide for promotion (note that **current** promotional materials must always be used) and what promotion will be undertaken by presenter/venue and/or required of artist (interviews, promo appearances, etc.);
- k. Request copies of all local press reviews, news items;
- l. What will ensure if performance is cancelled other than through *force majeure* – penalties, disposition of advance payment, re-scheduling possibilities, etc.);
- m. Exclusivity – is there a radius clause, i.e. no performances in a certain time frame in a certain geographical area around venue;
- m. Licensing Fee responsibility – venue or artist;
- n. Insurance Coverage – what insurance coverage will be required to be provided by artist – can artist utilize a TULIP clause on venue liability coverage;
- o. Merchandise – What will be sold, who will sell it, when will it be sold, what is the venue/artist split, when will it be settled with artist and by whom, where is merchandise deposited before performance, who will be responsible for it, where can artist retrieve unsold merch, etc.);
- p. Security requirements – what security venue will provide to protect artists and artist’s equipment;
- q. Props – what props are needed to be provided by venue and what is their placement (refer to Stage Plot)

3. Other Details

- a. Accommodation – how many rooms, how many nights. Note that hotel designation (4-star?), kind of room, hotel amenities required, etc. will be included in the Hospitality Rider);
- b. Ground Transportation (if required) – detail to and from airport, locally, type and size of vehicle, need to accommodate luggage (specify number of pieces and size, etc.)
- c. Hospitality – what to be provided generally and when (to be specified in Hospitality Rider);
- d. Dressing Room – how many, access to private bathroom, etc. (furnishings to be specified in Hospitality Rider);
- e. Load-in and Set-up time and length (details in Tech Rider);
- f. Strike – when, how long and any assistance required (details in Tech Rider);
- g. Technical Equipment (simple requirement or should be detailed in Tech Rider);
- h. Contact Information – details of names and phone/cell numbers, email addresses, etc. for artist and venue

4. Legal Details

- a. **Force Majeure** – Both parties promise that they will not hold the other party responsible or liable in any way if a performance is cancelled or cannot take place as a result of an epidemic, civil insurrection, serious illness of the artist(s), labour difficulties and/or strikes, floods, famine, weather conditions or any other cause beyond the control of either party.
- b. **Notification Clause** – This specifies the method of communication between parties and is normally an address and method of delivery.
- c. **Rights of Assignment** – This prevents either of the two parties to the contract from assigning the contract to a third party without the consent of the other.
- d. **Indemnity** – This ensures that the parties will hold each other harmless in the event of third party claims for loss, damage, etc.
- e. **Independent Contractor** – This specifies that there is no long-term employment relationship between the Artist and Presenter.
- f. **HST** – This specifies the collecting and remitting of HST in Canada
- g. **Disputes and Attorney's Fees** – This details how disputes will be handled and who will be responsible for paying the lawyers.

- h. **Jurisdiction** – This will specify in which jurisdiction the contract is to be interpreted. Normally, this is in the jurisdiction where the event takes place, but it may be the jurisdiction of the Artist's home base.
- i. **Contract Provision** – This notes that a breach of one clause in the contract does not negate the whole contract.

Note that riders (like contracts) can be written in plain English so that both parties to the document can understand exactly what the details of the rider cover.

It is important that riders are read and negotiated where necessary and it is always a good idea to have both parties initial each and every page of the rider to ensure that the rider has been read and accepted to avoid problems come performance day.

Technical Rider

The Technical Rider will detail load-in and stage/risers set-up, rehearsal requirements, backline requirements, sound and lighting requirements with specific gear needed, video and projection needs. It is best to include in the Technical Rider a Stage Plot with Input list showing location of all equipment and artists on stage, and a lighting plot with local crew request.

General

Load-in and Set-up

What time will load-in begin

How long will it take

Will you need local crew to assist – how many?

Detail any risers needed (refer to Stage Plot)

Strike

When will this happen

How long will it take

Will you need local crew to assist – how many?

Sound

General

Specify that a qualified professional sound engineer must be provided for sound check and performance. Person should be fully experienced in the set-up and operation of the monitor and front of house system. Personnel running sound check MUST be the person running performance sound.

Equipment and Control

Require that professional sound personnel and equipment be provided

Specify who will have control of placement of speakers, monitors and Front of House sound mix.

Specify who will have control of sound levels

Specify who will control the sound during performance

Front of House System

Mixing Console

Specify type and size of mixing console required for performance – number of inputs, subgroups, number of post-fade auxiliary sends, and stereo master outputs.

Specify requirements for input channel section (hi-pass filter, 4-band EQ with sweep-able or parametric mid-band controls.

Specify requirement for adequate lighting for console, EQs and processing

Specify FOH console brands preferred with model Numbers

Outboard Equipment

Specify equalizers on each output (range, L,R, centre cluster, delays, etc.)

Specify stereo crossover (if required)

Specify channels of noise gate (with equipment preferences)

Specify number of compressor channels (with equipment preferences)

Specify number of stereo digital reverb units (with Equipment preferences)

Specify requirement for CD player or Ipod hookup

Speaker System

Specify number of speakers preferred (including subwoofers)

Specify brands of speakers preferred with minimum specifications required (full stereo, fully responsive from 40 to 16,000 Hz)

Specify requirement for uniform dispersion throughout complete listening area of venue

Require speakers to be flown or elevated above heads of "standing audience."

Specify requirement for front fills along lip of stage (number preferred and whether wedges will suffice)

Microphones and Monitors

Provide a complete list of number and type of microphones, number and type of microphone stands
Specify number of monitors required and placement (refer to Stage Plot)

Cables

Specify placement of cables (around stage perimeter)
Require that all cables, snake, etc. be supplied

Equipment List

Provide an itemized list of all sound equipment required

Backline

Provide a complete itemized list of all components of backline to be provided, including:

Drum Kit – Make and model and size of bass drum, bass drum pedal, snare drum, toms, drum stands, seat, carpet, sticks and drum key.

Cymbals – Make and model and size of cymbals, and stands required

Guitars – Make and model, stand, guitar amp

Cables – Specify number, type and length needed

Stage Plot

Provide a professionally-drawn Stage Plot indicating position of all equipment on stage, including instruments, speakers, microphones, DIs, etc.

Lighting

Lighting plots can vary from a simple paragraph describing the general lighting effects desired (general wash of light, specific pools of light, down-lighting needed, use of gels at discretion of light board operator, etc.) to extremely complicated lighting instrument set-up with literally hundreds of lighting cues, etc.

Provide a list of lighting instruments required including follow-spots, gobos, lekos, moving head fixtures, special fixtures, hazer or fogger, etc.

Provide a Lighting Plot showing placement of all lighting instruments on battens or trusses and placement of same

Provide a list of lighting cues for house lighting board operator (if feasible)

Specify disposition of house lights (Up pre-show, fade to 50%, fade to black or whatever as required)

Video/Projection

Specify number of video screens, size and placement

Specify number of projectors, preferred brands, lumens required

Hospitality Rider

Accommodation

Specify number of hotel room and number of nights; type of room (single, double, etc.)

Specify hotel quality (4-star, etc.) and location (proximity to venue)

Specify smoking or non-smoking, no pets preferred, etc.

Specify if executive-level preferred

Specify hotel amenities required (on-site health or exercise facility, 24-hour room service, swimming pool)

Dressing Room

Specify number of dressing rooms required and access to private bathrooms

Specify need for furniture, power points, clothes rack, iron and ironing board, WIFI code available, etc.

Request date and times for use of dressing rooms

Specify need for security of dressing rooms and personal items of artists

Dressing Room Food and Drink

Specify type (cheese tray, fresh fruit, etc.) and quantity of food required (1 tray each to feed x number of people, etc.)

Specify need for water or other beverage (tea, coffee, soft drinks, beer, wine, etc.) – quantity and brands preferred

Meals

Note that any and all **food allergies** should be listed at the top of each meal request in **bold and CAPS**.

Load-in

Specify need for private room

Specify type of food (pizza, sandwiches, etc.)

Specify number and type of pizza, sandwich

Specify dietary details (i.e., NO tuna, etc.)

Specify hot drinks – coffee, tea, cream, milk, (no powders), sugar, sweeteners, honey, caffeine-free, herbal choices, etc.

Specify cold drinks – water – number of bottles and preferences (NOT Dasani, etc.), Gatorade, juice – type and quantity

Specify fruit desired (1 bunch bananas, 2 pints strawberries, 1 sliced pineapple, 2 mangoes, etc.)

Specify cheese tray (cheese preferences)

Specify yogurt required – brand and flavours, fat content

Specify if bags of ice needed

Request that food be refrigerated as need for duration of Show

Request clean cups, glasses, utensils, napkins, ice as required

Pre-Show

Specify time of meal

Specify kind of meal to be provided (hot, cold, vegan, sushi, etc.) and number of each

Specify type of entrée (chicken, pasta, Mexican, etc.)

Specify need for soup (preferences) and/or salad (preferences)

Specify hot and cold beverages to accompany meal

Post-Show

Specify type of food and quantity (pizza variety, sandwiches, etc.)

Bus food/stock

Specify quantity and type of food (sandwiches, drinks, ice, etc.)

Summary

Riders can be incorporated into a contract, be a single page or run to book-length, depending upon the artist and the performance. The rider ensures that the venue and the artist understand the expectations and requirements that will result in a satisfying experience for all.

Please refer to the BAM! Complete Guide to Contracts #7 for sample General Contract Rider, Technical Rider, Hospitality Rider and Contact Information Forms.

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Consulting website: www.bairdartists.com



Robert Baird, President of Baird Artists Management, is now available for consultation and advice regarding Canadian and U.S. regulations and information for performers, agents/managers and performing arts venues. Mr. Baird has been in the performing arts for over fifty years and has had distinguished careers in education, publishing and musical theatre. He served on the Board of Directors (2008-2010) and was President (2011-2013) of the North American Performing Arts Managers and Agents (NAPAMA). He was Treasurer and Vice-President of Festivals and Events Ontario (FEO) and served on that Board on various committees (2010-2013). Mr. Baird received the Arts Northwest Coyote Award and the Performing Arts Exchange Mary Beth Treen Award in 2012. He is Chair of Team Agent Network (TAN) and APAP Showcase Coordinator.

Robert is a regular columnist in *International Musician: The Official Journal of the American Federation of Musicians of the United States and Canada* (Circulation 100,000+ Monthly) where he writes a monthly column entitled "Crossing Borders". The column focuses on what artists need to know to get into Canada or the United States. He also writes a monthly column entitled "Artist Manager's Toolkit" for *International Arts Manager*, based in London, England.

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