

ITEM 13. TENDER - GREEN SQUARE PUBLIC ART CONNECTING PROJECT
FILE NO: S121114.006
TENDER NO: RFT1549

SUMMARY

This report provides details of the tenders received for the public art Connecting Project in Green Square.

The Connecting Project is one of five public art projects approved for implementation in Green Square as outlined in the Green Square Public Art Implementation Plan, unanimously endorsed by Council on 26 August 2013. It is the largest of all public art commissions at Green Square both in terms of financial resources and coverage of area.

This public art project is one of the most complex, given the staging and delivery of the Green Square Town Centre and Epsom precincts. The Evaluation Panel recommended that a negotiation period would refine proposals so that their feasibility and staging can be further resolved prior to entering into a contract for a final artwork for a lump sum.

This report recommends that Council reject all tender offers and enter into negotiations with artists and/or artist-led multidisciplinary teams to enter into a contract.

RECOMMENDATION

It is resolved that:

- (A) Council reject all tenders for the Green Square public art Connecting Project;
- (B) Council not re-tender the project, as re-tendering is unlikely to attract additional suitable contractors over and above those that have responded to this tender that demonstrate a capacity to undertake the scope of works;
- (C) authority be delegated to the Chief Executive Officer to enter into negotiations with suitably qualified suppliers (respondent artists and/or artist-led multidisciplinary teams) that have the demonstrated experience and capability to undertake the scope of works;
- (D) authority be delegated to the Chief Executive Officer to enter into a contract with a preferred contractor for the Green Square public art Connecting Project up to a maximum contract value of AU\$1.7M, subject to the conclusion of negotiations with suitably qualified suppliers for the scope of works; and
- (E) Council be informed of the successful tenderer via the CEO Update.

ATTACHMENTS

Attachment A: Tender Evaluation Summary (Confidential)

(As Attachment A is confidential, it will be circulated separately from the agenda paper and to Councillors and relevant senior staff only.)

BACKGROUND

1. In May 2011, the City Art Public Art Strategy and associated Policy were adopted by Council. This broad new public art strategy was a direct action from Sustainable Sydney 2030 and the key directions established for the creation of a 'lively and engaging City' and a 'Cultural and Creative City'.
2. In endorsing the updated Green Square Public Art Strategy on 25 March 2013, Council authorised creating a high quality public domain enriched with public art throughout the Green Square Town Centre, confirming its commitment to the Sustainable Sydney 2030 strategic direction of Sustainable Development Renewal and Design.
3. Further underlining this commitment, Council endorsed the engagement of a Curatorial Advisor for public art in Green Square on 13 May 2013.
4. On 26 August 2013, Council endorsed the Green Square Public Art Implementation Plan developed by Amanda Sharrad in collaboration with City Design. The Implementation Plan outlined four future public art projects for delivery in Green Square with indicative timeframes and budgets, including:
 - (a) Drying Green Park;
 - (b) The Former Royal South Sydney Hospital Site;
 - (c) Connecting Project; and
 - (d) Temporary Projects.
5. Two of the four public art projects proposed are now underway, with artist Kerrie Poliness finalising her integrated public artwork *Stream* into the Drying Green Park, and Maria-Fernanda Cardoso engaged to develop her public artwork *While I Live I Will Grow* as an integrated part of The Former Royal South Sydney Hospital Site.
6. In addition to these projects, public artworks may be incorporated into the Library, Plaza and Aquatic Centre as part of the international design competition winning entries. These are the subject of separate tender processes.
7. The Green Square Public Art Strategy envisages public art for the Connecting Project to physically and conceptually unite the civic spine for this community. Including various civic and community facilities in the Green Square Town Centre and the Epsom precincts, the Connecting Project artwork aims to enhance the experience of traversing from one end of the public domain to the other, actively encouraging people to engage with and observe the surrounding environment.

EXPRESSIONS OF INTEREST

8. The Stage One Expression of Interest was advertised locally and nationally from Tuesday 19 May to Tuesday 28 July 2015. A total of 64 submissions were received for consideration from local, national and international artists.
9. The Stage One Expression of Interest was advertised in the following locations:
 - (a) Online through Tenderlink from Tuesday 19 May to Tuesday 28 July 2015;

- (b) Artshub Art of Money Bulletin Thursday 21 and 28 May April 2015 (distribution 26,805);
 - (c) Artshub Jobs Bulletin Wednesday 25 May and Monday 1 June 2015 (distribution 27,056);
 - (d) Koori Mail Wednesday 20 May 2015;
 - (e) Art Monthly Australia magazine print advertising between Thursday 28 May to Wednesday 24 June 2016 (circulation 5,000);
 - (f) Artmonthly.org.au banner between Tuesday 19 May to Thursday 18 June 2015;
 - (g) Artlink quarterly magazine print advertising between Monday 1 June to Tuesday 28 July 2015;
 - (h) Artlink.com.au between Tuesday 19 May to Tuesday 28 July 2015;
 - (i) Artist Profile eDM;
 - (j) Friends of the Monthly eDM Monday 1 June 2015 (subscriptions 35,000);
 - (k) The Saturday Paper print advertising Saturday 23 May 2015;
 - (l) The Saturday Paper eDM Saturday 30 May 2015 (subscriptions 55,000);
 - (m) Architectural Review magazine print advertising between Wednesday 27 May to Tuesday 23 June 2015 (subscriptions 60,000);
 - (n) Artinamericamagazine.com between Tuesday 19 May to Thursday 18 June 2015;
 - (o) Artinamericamagazine.com eDM on Thursday 28 May 2015 (subscriptions 10,000);
 - (p) Art In America magazine print advertising between Tuesday 2 June to Tuesday 28 July 2015 (circulation 75,000);
 - (q) Public Art Review.org between Tuesday 19 May to Friday 17 July 2015;
 - (r) Public Art Review.org facebook on Tuesday 19 May 2015;
 - (s) Public Art Review.org eDM on Tuesday 19 May 2015;
 - (t) The Sydney Morning Herald, Spectrum, print advertising 19 May and 23 May 2015;
 - (u) Creative City Sydney enews in May 2015 (distribution 6000+); and
 - (v) Online on the City Art Website, The Creative City Sydney Website and through the City of Sydney's City Art influencer network between Tuesday 19 May to Tuesday 28 July 2015.
10. An artist briefing was held at Town Hall House on Thursday 28 May 2015 to brief artists on the broader project.

EXPRESSIONS OF INTEREST (EOI) SUBMISSIONS

11. Forty-four submissions were received in response to the Expression of Interest for the Green Square public art Connecting Project from the following organisations (listed alphabetically):

- Amanda Kay & Jerome Dobinson T/A The 3rd Door
- Angela de la Cruz
- Axolotl Group Pty Limited
- Bonnie Hall Fine Art Asset Management
- Bruce Williams
- c solano sl
- Callum Morton
- Carterwilliamson Architects
- China Heights
- Claire Healy and Sean Cordeiro
- Creative Road Art Projects Pty Ltd
- D.J Plummer and B Smith
- danimarti.com
- Diego Bonetto
- dion horstmans
- Elaine Miles
- elasticities
- Eleanor Avery
- Equiluminant Ltd
- Fluid design by M Manzi
- George King Architects Ltd
- Giulia Giannola
- inges idee gbr
- Ivan Navarro
- James Watts
- Jan van der Ploeg
- Jane Alison Cavanough T/As Jane Cavanough Artlandish Art and Design
- Jane du Rand Ceramic Mosaic Artist Pty Ltd
- Jen Lewin Studio
- John Meade
- Julia Yonetani
- Kathy Temin

- Kimsooja Studio
- Knox Nominees Australia Pty Ltd (trading as Alexander Knox)
- Koji Ryui
- Louise Paramor
- Marion Borgelt
- Mark Handforth
- Matthew Grunbaum
- Matthew Harding
- Michael Pinsky
- Mikala Dwyer
- NBF Creative
- Nicole Voevodin-Cash
- Nigel Helyer
- Nike Savvas
- Optimus Design
- Ota Fine Arts
- Ox Engineering Group Pty Ltd
- PETER YIP DESIGN LTD (HK)
- PhenomenArts, Inc.
- Rirkrit tiravanija
- Roberto L. Delgado
- ROBYN BACKEN
- Sanitas Studio
- Shaun Gladwell
- Simon McGrath
- Simon Periton
- Stallard Sculptures
- Susan Dorothea White
- Thomas Thorby-Lister
- Tobias Rehberger
- Velan Flanjak
- Warren Langley

12. No late submissions were received.

EXPRESSIONS OF INTEREST EVALUATION

13. The Evaluation Panel met on Wednesday 2 September 2015 at Town Hall House and shortlisted five artists to further develop their concepts as part of a two stage Select Tender.
14. All members of the Tender Evaluation Panel signed Pecuniary Interest Declarations. No pecuniary interests were noted.
15. All submissions were assessed in accordance with the approved evaluation criteria being:
 - (a) strength and innovation of the concept, proposed approach and methodology;
 - (b) response to the brief, site, context and local communities;
 - (c) artistic excellence;
 - (d) artist's previous experience or demonstrated potential to work site-specifically;
 - (e) durability and longevity of the work proposed, in materials and message/content;
 - (f) the artist's ability to take out the insurances to a level commensurate with the risks involved with the proposed art works. Insurances include Public Liability, Professional Indemnity and/or Workers' Compensation;
 - (g) capacity to achieve the artwork within the required program and budget; and
 - (h) capacity to abide by Work Health & Safety legislation.

TENDER SUBMISSIONS

16. Five submissions were received from the five shortlisted artists/artist-led multidisciplinary teams on Tuesday 23 February 2016 at 11.00am as part of the Stage Two Select Tender. No late submissions were received.
17. Submissions were received from the tenderers listed in the confidential Tender Evaluation Summary – Attachment A.

TENDER EVALUATION

18. The evaluation of these five submissions took place at Town Hall House on Wednesday 9 March 2016.
19. All members of the Tender Evaluation Panel signed Pecuniary Interest Declarations. No pecuniary interests were noted.
20. The relative ranking of tenders as determined from the total weighted score is provided in the Confidential Tender Evaluation Summary – Attachment A.
21. All submissions were assessed in accordance with the approved evaluation criteria being:

- (a) strength and innovation of the concept, proposed approach and methodology;
- (b) response to the brief, site, context and local communities;
- (c) artistic excellence;
- (d) artist's previous experience or demonstrated potential to work site-specifically;
- (e) durability and longevity of the work proposed, in materials and message/content;
- (f) the artist's ability to take out the insurances to a level commensurate with the risks involved with the proposed art works. Insurances include Public Liability, Professional Indemnity and/or Workers; Compensation;
- (g) capacity to achieve the artwork within the required program and budget; and
- (h) capacity to abide by Work Health & Safety legislation.

PERFORMANCE MEASUREMENT

22. In entering into the contract, the City will ensure that performance standards are met and monitored during the project by the City's Project Manager:
- (a) carrying out regular reviews and Key Performance Indicator (KPI) monitoring to ensure the artist/artist led multidisciplinary team remains on track with regard to the program and the quality of work;
 - (b) presenting regular progress reports and results to the Project Control Group (PCG) and seeking input and addressing issues raised by members of the PCG; and
 - (c) ensuring the artist/artist-led multidisciplinary team completes the project as specified in the tender documents.

FINANCIAL IMPLICATIONS

23. There are sufficient funds allocated for this project within the current year's capital works budget and future years' forward estimates.

RELEVANT LEGISLATION

24. The tender has been conducted in accordance with the Local Government Act 1993, the Local Government (General) Regulation 2005 and the City's Procurement and Contract Management Policy.
25. Information provided by tenderers which is commercial-in-confidence has been protected and will not be disclosed in accordance with section 10A(2)(d) of the Local Government Act 1993. A consistent standard for all tenderers has been used in assessing any request for confidentiality by a tenderer.
26. It is not considered to be in the public interest to make the confidential information public because it may affect the continuing negotiations and discourage future tenders who do not wish this information to be in the public domain.

CRITICAL DATES / TIME FRAMES

27. Program Key Milestones:

- (a) Negotiations with suitably qualified suppliers mid-late 2016
- (b) Evaluation of suitably qualified suppliers by late 2016
- (c) Chief Executive Officer appoint Contractor by end 2016
- (d) Project Delivery dates as per Green Square Town Centre and Epsom precinct staging and dependant on final proposal.

OPTIONS

28. Council has the following options in regards to this tender:

- (a) reject all tenders and re-advertise, which is not recommended as it is considered this does not:
 - (i) provide value for money; or
 - (ii) attract additional submissions that demonstrate a capacity to undertake the scope of works;
- (b) reject all tenders and negotiate with suitably qualified respondents with demonstrated capacity to carry out the works and delegate authority to the Chief Executive Officer to enter into a lump sum contract. This option is recommended.

29. Council has the option of not proceeding with this project by resolving not to accept an offer from any of the tendering parties. However, if this project does not proceed, the City will fail to deliver public artwork for the community as per the unanimously endorsed Green Square Public Art Implementation Plan in August 2013. This option is not recommended.

PUBLIC CONSULTATION

30. City staff and the Curatorial Advisor for Green Square have attended three community consultation days held in Green Square on 17 May 2014, 20 September 2014 and 2 May 2015. Staff discussed the development of the Stage One brief with stakeholders at the event on 17 May 2014, 20 September and 2 May 2015. Staff and the Curatorial Advisor spoke to members of the public regarding the project and advised them of the process for selection and appointment of an artist.

31. City staff and the Curatorial Advisor for Green Square conducted an Artist Briefing at Town Hall House on 28 May 2015.

32. The Curatorial Advisor and city staff will continue to attend these regular consultation days to update the community and gather feedback on the project as it progresses.

33. The program for the project and the final project, once endorsed and developed, will be communicated through the City's public art website City Art and through the City's Creative e-news and other available platforms.

BRIDGET SMYTH
Director City Design

Lisa Corsi, Special Project Coordinator (Public Art)