

**ITEM 4. TENDER - EORA JOURNEY 'MONUMENT FOR THE EORA'**

**FILE NO: S110606**

**TENDER NO: 1580**

**SUMMARY**

This report provides details of the tenders received for the Eora Journey 'Monument for the Eora'.

The 'Monument for the Eora' (working title), is the fourth public art project out of seven to be delivered by the City of Sydney as part of the Eora Journey: Recognition in the Public Domain program and the associated Implementation Plan unanimously endorsed by Council on 25 June 2012.

The Implementation Plan for the Eora Journey: Recognition in the Public Domain described the 'Monument for the Eora' as:

"A major 'flagship' public artwork to honour the Eora Nation in the environs of Sydney Harbour and the other great icons including the Opera House and the Harbour Bridge. This project proposes to be an indelible expression of Aboriginal culture and serve as symbol of hope and the enduring importance and significance of Aboriginal heritage to all Sydneysiders for generations to come."

Councillors were advised in August 2015, that this artwork is likely to be one of the most significant artworks created in the City's history. Continuing the traditions of millennia, this major public art project aims to recognise the Gadigal people's deep connection to country and will provide a symbolic gathering place for Aboriginal and Torres Strait Islander communities on Sydney Harbour.

The Eora Journey Curatorial Advisor and City staff developed the Artist Brief for the 'Monument for the Eora' with the Aboriginal and Torres Strait Islander Advisory Panel, the Eora Journey Public Art Working Group and the Public Art Advisory Panel.

Prior to advertising the Expression of Interest Artist Brief for the project, the CEO, City Design staff and Eora Journey Curatorial Advisor, Hetti Perkins, consulted with the City's Aboriginal and Torres Strait Islander Advisory Panel, Aboriginal and Torres Strait Islander leaders, historians and curators, the Metropolitan Local Aboriginal Land Council and the heads of the relevant authorities that control public land on the harbour foreshore including: The Sydney Harbour Foreshore Authority; NSW National Parks and Wildlife Service; The Sydney Opera House; The Barangaroo Delivery Authority, and; Roads and Maritime Services, as well as representatives of the NSW Government, including the Governor of New South Wales, David Hurley. As a result of these meetings and related Lord Mayor correspondence, the City received letters of support for the project from the Premier of New South Wales, Mike Baird and the NSW Minister for Aboriginal Affairs, Williams.

The artwork recommended by the Tender Evaluation Panel is proposed on land that is not controlled by the City of Sydney. City Staff are working to secure the support of relevant NSW Government Authorities and the necessary approvals to implement the project.

This report recommends that Council accept the tender offer of Tenderer 'D' for the Eora Journey 'Monument for the Eora', on a staged contract that is subject to the support of the relevant NSW Government Authorities and necessary approvals to implement the project.

Critical to the success of the selected project, particularly in regard to the significance of the proposed work, will be the widespread support of the Aboriginal and Torres Strait Islander communities that form the Eora Nation and more broadly across Australia. The report recommends engaging Aboriginal expertise with cultural knowledge specific to the proposal of the recommended tenderer to provide ongoing assistance and guidance with the delivery and execution of the artwork.

## **RECOMMENDATION**

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'D' for the Eora Journey 'Monument for the Eora' public art concept outlined in confidential Attachment A to the subject report;
- (B) Council endorse the direct appointment of an expert with cultural knowledge specific to the proposal of the recommended tenderer, nominated by the Curatorial Advisor, from the project budget as outlined in confidential Attachment A, to facilitate discussions with Aboriginal and Torres Strait Islander communities and provide specific cultural knowledge to inform the development and implementation of the recommended project;
- (C) Council endorse the expenditure of funds for the project to be delivered on land not under the control of the City of Sydney; and
- (D) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender and the additional Aboriginal expertise.

## **ATTACHMENTS**

**Attachment A:** Tender Evaluation Summary (Confidential)

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

**BACKGROUND**

1. The Eora Journey is one of the key projects envisaged in Sustainable Sydney 2030, endorsed by Council in 2008, to recognise and celebrate the ongoing significance of Aboriginal and Torres Strait Islander culture and heritage to the City of Sydney.
2. The Eora Journey: Recognition in the Public Domain is one of four major aspects of the Eora Journey developed in response to calls from the Aboriginal and Torres Strait Islander community and the broader community to celebrate and share the story of the world's oldest living culture in the public spaces throughout our city.
3. In 2010, following significant cultural mapping research resulting in the publication *Barani Barrabagu*, the City of Sydney commissioned Hetti Perkins and Julie Cracknell, following an open procurement process, to undertake an international review of contemporary interpretation practice to inform the development of the Eora Journey: Recognition in the Public Domain program.
4. On 5 December 2011, Council endorsed: the seven project concepts outlined in the International Review of Contemporary Interpretation Practice; resolved to establish the Eora Journey Public Art Working Group chaired by the Lord Mayor and including Councillors and members of the Aboriginal and Torres Strait Islander Advisory Panel and Public Art Advisory Panel; and appoint a Curatorial Advisor to oversee the development of the projects and advise the Council on their implementation.
5. On 2 April 2012, Council appointed Hetti Perkins as the Curatorial Advisor for the Eora Journey: Recognition in the Public Domain following an open tender.
6. On 25 June 2012, Council endorsed the Eora Journey: Recognition in the Public Domain Implementation Plan which further outlined the process for delivering the seven public art projects in the program, and proceed to implementation under the Curatorial Advisors oversight.
7. The Eora Journey: Recognition in the Public Domain Implementation Plan described the 'Monument for the Eora' as,

“A major 'flagship' public artwork to honour the Eora Nation in the environs of Sydney Harbour and the other great icons including the Opera House and the Harbour Bridge. This project proposes to be an indelible expression of Aboriginal culture and serve as symbol of hope and the enduring importance and significance of Aboriginal heritage to all Sydneysiders for generations to come.”
8. The purpose of the 'Monument for the Eora' outlined in the Eora Journey: Recognition in the Public Domain Implementation Plan was to:
  - (a) provide a major contribution to the recognition of Aboriginal and Torres Strait Islander culture and recognition of indigenous cultures around the world; and
  - (b) provide a major new icon to attract international visitors
9. Key criteria for the location of the 'Monument for the Eora' outlined in the Eora Journey: Recognition in the Public Domain Implementation Plan were:
  - (a) proximity to the Harbour;
  - (b) connection to iconic Sydney landmarks and landscape; and
  - (c) accessibility and one that allows large gatherings of people for events.

10. To date, the City has successfully delivered three Eora Journey: Recognition in the Public Domain projects: *Welcome to Redfern* by Reko Rennie launching the Eora Journey at the Redfern Terrace in March 2013; *born into darkness before dawn* by Nicole Foreshew projected onto the façade of Australian Museum during the first Corroboree Festival and into the Festival of Sydney, from September 2013 to February 2014; and *YININMADYEMI Thou didst let fall* by Tony Albert in Hyde Park, launched in March 2015 as part of the commemorations for the Centenary of ANZAC.
11. Beginning in 2014, the Eora Journey Curatorial Advisor and City staff undertook the development of the Artist Brief for the 'Monument for the Eora' with the Aboriginal and Torres Strait Islander Advisory Panel, the Eora Journey Public Art Working Group and the Public Art Advisory Panel.
12. The Artist Brief for the Expression of Interest noted:

“As the site of the first colony, Sydney has many public artworks that celebrate and recognise our nation’s colonial history and people. However, Sydney has very few works of significance that makes visible and acknowledges the traditional custodians of the local area and the ongoing presence and significance of the Aboriginal community today.”
13. Artists were asked to:

“consider sites that include land and water in their curtilage given the holistic nature of the relationship of the Gadigal people on whose country the artwork is intended to be located.”
14. The Artist Brief for the Expression of Interest sought Aboriginal and Torres Strait Islander artists to submit proposals for:

“a major public artwork of enduring and memorable significance to honour the Eora, the Aboriginal people of Sydney, and recognise the Gadigal clan as the traditional custodians of the City of Sydney local area.”
15. In August 2015, Councillors were advised of the process to date for implementing the 'Monument for the Eora' project and the proposed process to invite artists' submissions and to seek the approval of the relevant state government authorities if the preferred site was land not in the control of the City of Sydney.

#### **INVITATION TO TENDER**

16. The Expression of Interest for this Select Tender was open for 10 weeks from Saturday 5 September to Monday 16 November 2015 and was advertised in the following locations:
  - (a) The Daily Telegraph, 5 September 2015;
  - (b) The Sydney Morning Herald, Government Tender Section, 5 September 2015;
  - (c) The Sydney Morning Herald, Spectrum, 5 September 2015;
  - (d) The Sydney Morning Herald, Spectrum online, 5-11 September 2015;
  - (e) The Australian, 5 September 2015;
  - (f) The Australian online, What's On Feature, 5 September 2015;

- (g) The Koori Mail, 9 September 2015;
  - (h) SBS / NITV Online, 5-30 September 2015;
  - (i) Arts Hub online for the duration of the EOI period;
  - (j) The City of Sydney homepage, City Art website, Creative City Sydney e-newsletter; and
  - (k) A series of three short videos about the project with leading Aboriginal community members was distributed through City of Sydney social media channels. The full version of the video is currently on the City Art website.
17. In addition to the above advertising, the Curatorial Advisor contacted over 60 Aboriginal and Torres Strait Islander artists to advise them of the project.

### **TENDER SUBMISSIONS**

18. At the end of the Expression of Interest (EOI) period, 13 submissions were received from a diverse range of Aboriginal and Torres Strait Islander artists and supporting contractors (listed alphabetically):
- Architect Marshall Pty Ltd
  - Architectural Graphics Pty Ltd
  - Australian ART Services Pty Ltd
  - Axolotl Group Pty Ltd
  - Blackandwhitecreative Pty Ltd
  - Brenda Croft
  - Christian Thompson
  - Creative Move
  - Jeff Timbrey, Andrew Harvey and Randall Sinnamon
  - Joe Hurst
  - Jonathon Jones
  - Tim Guider
  - Urban Art Projects
19. Following the evaluation of EOI submissions by the Evaluation Panel in November 2015, a shortlist of five artist teams were invited to participate in a two stage Select Tender.
20. The purpose of the two stage Select Tender was to allow tenderers to make an interim submission and receive individual feedback and advice from the Curatorial Advisor, members of the Evaluation Panel, City staff, and external consultants reviewing technical aspects of the submissions, in order for each team to prepare the best possible proposal for their final tender submission.

21. In the Select Tender stage, tenderers were asked to indicate a delivery method, which included the option of nominating a lead contractor responsible for managing the contract with the City. If this option was selected the contracting party was required to make the final tender submission.
22. The two stage Select Tender period ran from 2 December 2015 to 9 May 2016.
23. At the closure of the final stage of the Select Tender, four submissions were received.
24. No late submissions were received.

### **TENDER EVALUATION**

25. All members of the Tender Evaluation Panel have signed Pecuniary Interest Declarations. No pecuniary interests were noted.
26. The relative ranking of tenders as determined from the total weighted score is provided in the confidential Tender Evaluation Summary – Attachment ‘A’.
27. All submissions were assessed in accordance with the approved evaluation criteria being:
  - (a) proposals from Aboriginal and Torres Strait Islander artists (or collaborations with non-Indigenous artists where it is clear that the lead artist is Indigenous);
  - (b) innovative, high quality proposals that address the complexities of the brief;
  - (c) strength of approach and methodology, including observation of Indigenous consultation and cultural protocols;
  - (d) appropriate relationship to the historical, social, cultural, and physical aspects of the site/s;
  - (e) evidence of previous experience working on projects within a specific budget and to a work program, and experience of project team;
  - (f) evidence of experience working collaboratively and commitment to delivering work to the project budget and program;
  - (g) consideration of the durability and longevity of the work proposed, in terms of materials, message and content;
  - (h) the artist’s and/or artist’s teams’ commitment to take out the insurances to a level commensurate with the risks involved in delivering the proposed work. Insurances include Public Liability, Professional Indemnity and/or Workers’ Compensation (for the duration of the contract);
  - (i) capacity to achieve the artwork within the required program and budget; and
  - (j) capacity to abide by Work Health and Safety legislation.

### **PERFORMANCE MEASUREMENT**

28. The City of Sydney Public Art Commissioning Agreement stipulates a number of performance requirements relating to and including:
  - (a) Warranty – the artist warrants they have the skill to undertake the commission;

- (b) Performance Standards – the artist undertakes the commission to the degree of quality and with the professionalism expected of commissions of this type;
  - (c) Materials – that specifies the artist must use high quality materials and be responsible for their storage and use by any sub-contractors; and
  - (d) Stages – the artist must deliver the work in accordance with the schedule outlined and may not progress to subsequent stages without written notice.
29. The City will ensure that these performance requirements are monitored throughout the engagement period by:
- (a) assessing progress claims by measuring the tenderer's program against the agreed schedule of scope and deliverables;
  - (b) requiring compliance with all relevant Australian Standards, the Building Code of Australia and Council policies; and
  - (c) attending regular meetings with stakeholders, in particular, the Eora Journey Public Art Working Group to confirm any revisions to the project scope and quality standards.

#### **FINANCIAL IMPLICATIONS**

30. There are sufficient funds allocated for this project within the current year's capital works/operating budget and future years' forward estimates.
31. Funds for the engagement of Aboriginal expertise to provide specific cultural knowledge, to support the project and the extent of community engagement required, are within the allocated project budget as indicated in confidential Attachment A.
32. Upon completion of the project, the artwork will enter the City of Sydney's City Art Collection and be included in regular maintenance schedules for permanent works.

#### **RELEVANT LEGISLATION**

33. 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.
34. Attachment A contains confidential commercial information of the tenderers and details of Council's tender evaluation and contingencies which, if disclosed, would:
- (a) confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business; and
  - (b) prejudice the commercial position of the person who supplied it.
35. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest because it would compromise Council's ability to negotiate fairly and commercially to achieve the best outcome for its ratepayers.

**CRITICAL DATES / TIME FRAMES**

36. Once approved by Council, Tenderer 'D' will be engaged by Council to secure the support of the relevant authorities and Aboriginal and Torres Strait Islander communities. This may require some design development, material research and prototyping to secure Owner's consent and support for the project.
37. It is intended that this initial design development and community engagement will occur in the Concept Design phase of a staged Public Art Commissioning Agreement contract.
38. Work on the detailed design of the artwork in preparation for construction documentation will not begin until the relevant authorities' consents necessary to implement the project at the proposed site have been received by the City.
39. Subject to receiving the relevant authorities support in mid to late 2016, it is anticipated that the project will be completed in 2018.
40. The Eora Journey was first endorsed by Council in 2008 as part of the Sustainable Sydney 2030 plan. The completion of the project in 2018 will celebrate 10 years of the Eora Journey.

**OPTIONS**

41. Not proceeding with the appointment of Tenderer 'D' will result in a further delay in the significant recognition of the Gadigal, our City's First Peoples and is not recommended.
42. The artwork will be of major significance to the Aboriginal and Torres Strait Islander people and the broader community and the delivery of the artwork will assist with this crucial and long overdue recognition.
43. If agreement with the relevant authority to secure the preferred site does not proceed, City staff will work with the artist to explore other site options. If no site can be secured for the recommended artwork, then the City may decide not to proceed with the project, or ask the Evaluation Panel to recommend an alternative tenderer.

**PUBLIC CONSULTATION**

44. The City of Sydney's Aboriginal and Torres Strait Islander Advisory Panel, the Public Art Advisory Panel and the Eora Journey Public Art Working Group have been, and will continue to be, consulted throughout the project.
45. In June 2015, a meeting was held with Aboriginal and Torres Strait Islander leaders, historians and curators to discuss the idea of a Monument for our First Peoples, the 'Monument for the Eora', as the fourth project in the Eora Journey.
46. Subsequently, advice concerning the proposal was provided to: the Governor of New South Wales, David Hurley; the Metropolitan Local Aboriginal Land Council; Premier of New South Wales, Mike Baird; Minister for the Arts and Deputy Premier, Troy Grant; and the New South Wales Minister for Aboriginal Affairs, Leslie Williams.
47. In July 2015, the CEO hosted a briefing on the project at Town Hall House with the key NSW State Government stakeholders led by Hetti Perkins and senior City staff. People and organisations represented included:
  - (a) Department of Premier and Cabinet;



- (b) The Royal Botanic Gardens;
  - (c) Sydney Harbour Foreshore Authority;
  - (d) NSW National Parks and Wildlife;
  - (e) Barangaroo Delivery Authority; and
  - (f) Arts NSW.
48. Separate briefings were held with the Governor of New South Wales, David Hurley and the CEO of the Opera House. Letters were also sent to Peter Duncan, CEO, Roads and Maritime Services to keep RMS informed of the project.
49. During these discussions, Barangaroo Delivery Authority advised they would be producing a major Aboriginal artwork as part of the development of Barangaroo Headland Park and that a separate expression of interest would be prepared by BDA for this project. It was advised in the 'Monument for the Eora' Artist Brief that, if Aboriginal and Torres Strait Islander artists wished to pursue a work at Barangaroo, they should contact BDA.
50. The Draft Artist Brief and presentation by the Curatorial Advisor was subsequently provided to the authorities for notifying their boards of the proposed project.
51. As a result of these meetings and correspondence, the City received letters of support for the project from the Premier of New South Wales, Mike Baird and the New South Wales Minister for Aboriginal Affairs, Leslie Williams.
52. As no adverse responses were received from the State Government or any of their authorities, the Artist Brief / Expression of Interest for the Select Tender was advertised from 5 September 2015 to 16 November 2015.
53. The 10 member Evaluation Panel for the project comprises representatives from: the Aboriginal and Torres Strait Islander Advisory Panel, Public Art Advisory Panel, Design Advisory Panel, the Eora Journey Public Art Working Group and specialists in Contemporary Aboriginal art and culture from the Art Gallery of New South Wales and a senior representative of the Metropolitan Local Aboriginal Land Council.
54. In November 2015, the Evaluation Panel shortlisted five artist teams from the 13 submissions received and invited the shortlisted artist teams to participate in a Select Tender to further develop their proposals for a fee of \$10,000 per artist team.
55. In June 2016, at the conclusion of the final evaluation meeting, the Panel wished to congratulate the shortlisted artists for the quality and conceptual rigour of their submissions.
56. Critical to the success of the selected project, particularly in regard to the significance of the proposed work, will be the widespread support of the Aboriginal and Torres Strait Islander communities that form the Eora Nation and more broadly across Australia.
57. The report recommends the direct appointment of an expert with cultural knowledge specific to the proposal of the recommended tenderer to provide ongoing assistance and guidance with the delivery and execution of the artwork.

58. As the Evaluation Panel's recommended artwork is proposed to be located on land that is not controlled by the City of Sydney, City staff are beginning to work with the relevant Government Authority in order to secure the necessary approvals to proceed with the implementation of the project.

**KIM WOODBURY**

Chief Operating Officer

Bridget Smyth, Design Director  
Glenn Wallace, Snr Public Art Project Manager