

**ITEM 8. CANCELLATION OF TENDER - EORA JOURNEY REDFERN
TERRACE**

FILE NO: S110604.003

TENDER NO: 1650

SUMMARY

This report provides details of the tender for the Eora Journey Redfern Terrace.

The Redfern Terrace project was endorsed by Council as part of the Eora Journey: Recognition in the Public Domain Implementation Plan in 2012. This community-based project aims to re-activate the remaining end terrace at the corner of Caroline and Hugo Streets, Redfern, on the same block as the Redfern Community Centre.

The first stage of the Redfern Terrace project produced the temporary artwork, *Welcome to Redfern*, by Reko Rennie and local Aboriginal youth. The City of Sydney launched the Eora Journey program with this artwork in March 2013.

For the second stage of the Redfern Terrace, the City of Sydney invited appropriately qualified and experienced Aboriginal and Torres Strait Islander artists to submit proposals for the terrace to become a living museum, displaying the stories and historical material of Aboriginal people living in Redfern.

This report recommends that Council cancel the tender for the second stage of the Eora Journey Redfern Terrace in accordance with section 55(3)(i) of the Local Government Act, as a result of extenuating circumstances. The report also recommends that Council enter into negotiations with suitably qualified artist teams for the Eora Journey Redfern Terrace, as no tenders were received at the time of the tenders closing.

RECOMMENDATION

It is resolved that:

- (A) Council cancel Tender 1650 for the Eora Journey Redfern Terrace;
- (B) Council not invite fresh tenders on the basis that it is unlikely a more satisfactory result would be achieved;
- (C) in accordance with section 55(3)(i) of the Local Government Act 1993, due to extenuating circumstances, being the unavailability of tenderers, authority be delegated to the Chief Executive Officer to enter into negotiations and contracts with suitably qualified artist teams to undertake the project; and negotiate, execute and administer the contracts relating to the tender; and
- (D) Council be informed of the successful contractor by CEO Update.

ATTACHMENTS

Attachment A: Tender Evaluation Summary (Confidential)

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

BACKGROUND

1. Council endorsed the Eora Journey in 2008 to recognise and celebrate the ongoing significance of Aboriginal and Torres Strait Islander culture and heritage to the City of Sydney as one of 10 key projects envisaged in Sustainable Sydney 2030.
2. The Eora Journey: Recognition in the Public Domain program is one of four pillars 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 of our city.
3. In 2010, following significant cultural mapping research that resulted in the publication *Barani Barrabagu / Yesterday Tomorrow*, the City commissioned Hetti Perkins and Julie Cracknell to undertake an International Review of Contemporary Interpretation Practice to inform the Eora Journey: Recognition in the Public Domain.
4. On 5 December 2011, Council acknowledged the high quality of the Review and provided in-principle endorsement of seven project concepts. Council resolved to establish the Eora Journey Public Art Working Group to oversee the preparation of an implementation plan and provide advice in delivering these seven projects. Council also resolved to appoint a Curatorial Advisor to provide advice on the development of the implementation plan and oversee the delivery of the projects.
5. On 2 April 2012, following an open tender process, Council appointed Hetti Perkins as the Curatorial Advisor for the Eora Journey: Recognition in the Public Domain.
6. Subsequently, on 25 June 2012, Council endorsed the Eora Journey: Recognition in the Public Domain Implementation Plan and agreed to proceed with the implementation of the seven endorsed project concepts under the oversight of the curatorial advisor.
7. Since Hetti Perkin's appointment, the City has produced a number of public artworks, including *Yininmadyemi, Thou didst let fall* by Tony Albert which was launched in Hyde Park in March 2015.
8. The initial scope of the Redfern Terrace Project, outlined in the Eora Journey: Recognition in the Public Domain Implementation Plan, described the project as follows:
 - (a) a community-based project to renovate the remaining end terrace at the corner of Caroline and Hugo Streets, Redfern, on the same block as the Redfern Community Centre;
 - (b) that the terrace become a living museum displaying the historical material documenting lives of Aboriginal people living on The Block;
 - (c) operating like the Tenement Museum in New York, the Redfern Terrace would be a starting point for the Redfern Tour (one of the seven endorsed projects) and provide opportunities for temporary projects to be developed with the Aboriginal community related to the history of the area;
 - (d) the Eora Journey Curatorial Advisor and the City will initiate discussions with the Historic Houses Trust and other organisations on the management of sites such as Susannah Place Museum in The Rocks and Rouse Hill House; and

- (e) a temporary street art project is proposed, incorporating a legal graffiti wall suggested by the community, in the first instance to 'claim' the site for a future cultural project and improve the streetscape.
- 9. The first stage of the Redfern Terrace Project produced the temporary artwork, *Welcome to Redfern*, by Reko Rennie and local Aboriginal youth. The City of Sydney launched the Eora Journey program with this artwork in March 2013.
- 10. For the second stage of the Redfern Terrace, the City of Sydney invited appropriately qualified and experienced Aboriginal and Torres Strait Islander artists to submit proposals for the terrace to become a living museum, displaying the stories and historical material of Aboriginal people living in Redfern.
- 11. In the Expression of Interest – Artist Brief for the second stage of the Redfern Terrace, the curatorial advisor Hetti Perkins described the project as:
 - “...a unique opportunity to document and celebrate Redfern stories – from the everyday lives of families to the enduring legacy of this heartland of Aboriginal activism. As a ‘living’ museum where stories are creatively integrated with the building, the Redfern Terrace will become a landmark for generations to come.”

INVITATION TO TENDER

- 12. The Expression of Interest (EOI) – Artist Brief for the Redfern Terrace Tender was advertised for six weeks from 18 April 2016, closing on 30 May 2016.
- 13. The open invitation to submit an EOI was advertised in the following locations:
 - (a) Arts Hub (professional arts website) – 19 - 25 April;
 - (b) Arts Hub Special Report – 19 April;
 - (c) SBS website 18 April – 1 May;
 - (d) Koori Radio (30 second ad) aired 18 April - 27 April;
 - (e) The Koori Mail website – 20 April - 3 May;
 - (f) The Koori Mail – 20 April;
 - (g) The South Sydney Herald – 2 May;
 - (h) The Sydney Morning Herald Government Tender Section – 19 April; and
 - (i) The City of Sydney’s homepage, Creative City Sydney e-newsletter and homepage, City Art website, and via the City of Sydney facebook page.
- 14. The Aboriginal and Torres Strait Islander Advisory Panel, Public Art Advisory Panel and Design Advisory Panel were advised of the EOI being open in order to notify their networks.
- 15. The Curatorial Advisor also held an Artist Briefing for the project at the Redfern Community Centre on Wednesday, 27 April 2016.

16. Over 50 individuals and businesses downloaded the EOI Artist Brief documentation during the EOI period.
17. At the close of the EOI, one submission was received.
18. The submission was subsequently evaluated as meeting the requirements of the project and was subsequently invited to tender.

TENDER SUBMISSIONS

19. Submissions closed on 21 November 2016 and, at the closing date of the Tender, no submissions were received.
20. No late submissions were received.

FINANCIAL IMPLICATIONS

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

RELEVANT LEGISLATION

22. The tender has been conducted in accordance with the Local Government Act 1993, the Local Government (General) Regulation 2005 and the City's Contracts Policy.
23. 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.
24. 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

25. The original project plan for the Redfern Terrace anticipated a 12 month story collection phase, in 2017, followed by a design and construction tendering phase in 2018, with a completion date in 2019.
26. The delay to the project, due to the need to find and negotiate with qualified teams, cannot be determined at this point.

OPTIONS

27. Council has the following options in regard to this Tender:
 - (a) cancel the Tender and re-advertise. This option is not recommended as it is considered that this will not attract additional submissions; or

- (b) cancel the Tender and negotiate with suitably qualified contractors with demonstrated capacity to carry out the work and delegate the authority to the Chief Executive Officer to enter into a lump sum contract. This option is recommended.

PUBLIC CONSULTATION

- 28. The development of the EOI – Artist Brief for the Eora Journey Redfern Terrace has been undertaken by the Eora Journey Curatorial Advisor in collaboration with the City’s Aboriginal and Torres Strait Advisory Panel, and the Eora Journey Public Art Working Group that includes members of the Aboriginal and Torres Strait Advisory Panel and Public Art Advisory Panel.
- 29. In March 2016, the Lord Mayor wrote to the CEOs and Directors of over 20 Aboriginal organisations in the City to advise them of the project, with the offer to meet with the Eora Journey Curatorial Advisor Hetti Perkins to discuss the project.
- 30. The Lord Mayor also wrote to all current and former Aboriginal and Torres Strait Islander Advisory Panel Members who have been involved in the development of Eora Journey: Recognition in the Public Domain projects.
- 31. The Curatorial Advisor held an Artist Briefing for the project at the Redfern Community Centre on Wednesday, 27 April 2016.

KIM WOODBURY

Chief Operations Officer

Bridget Smyth, Design Director

Glenn Wallace, Senior Public Art Project Manager