

Tender – Reject and Negotiate - T-2022-837 – Public Art Collection Maintenance and Inspection Services

File No: S045562

Tender No: T-2022-837

Summary

This report provides details of the tenders received for Public Art Collection Basic Maintenance and Inspection Services.

The City of Sydney's collection of public art and cultural heritage, gathered under the umbrella of the Sydney Open Museum, consists of over 200 items dating back to 1818 and includes significant memorials, civic fountains and monuments, and contemporary site-specific works.

The purpose of the Public Art Basic Maintenance and Inspection Services contract is to have a dedicated team to regularly maintain, clean, inspect and report on public art items in the City's public art collection to ensure these much loved and high-profile items are well presented.

Basic maintenance and inspection services include litter removal, dry brushing and washing of the artworks, as well as regular monitoring and reporting on issues such as vandalism, graffiti, damage and artworks not appearing, functioning or operating as intended.

This report recommends that Council decline to accept the offers received for the Public Art Collection Basic Maintenance and Inspection Services tender and enter into negotiations with suitable vendors for these services. It is also recommended that Council approve extending the current contract to ensure service continuity until the City enters into a new contract for the provision of Public Art Collection Maintenance and Inspection Services.

Recommendation

It is resolved that:

- (A) Council decline to accept the tender offers received for Public Art Collection Basic Maintenance and Inspection Services for the reasons set out in Confidential Attachment A to the subject report;
- (B) Council does not invite fresh tenders, as it is considered that inviting fresh tenders would not attract additional suitable vendors over and above those that have responded to this tender;
- (C) authority be delegated to the Chief Executive Officer to enter into negotiations with any person with a view to entering into a contract on terms that are appropriate in relation to the subject matter of the tender;
- (D) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender;
- (E) Council be informed of the successful vendor via the CEO Update;
- (F) Council approve a contract variation for Public Art Collection Basic Maintenance and Inspection Services to extend the term of the existing contract for up to six months from 1 June 2023 to 30 November 2023 to ensure service continuity during the negotiation process;
- (G) Council note the financial implications as further detailed in Confidential Attachment A to the subject report; and
- (H) authority be delegated to the Chief Executive Officer to negotiate, execute, administer the variation to the contract and enter into any necessary documentation with the current supplier to give effect to the resolutions above.

Attachments

Attachment A. Tender Evaluation Summary (Confidential)

Background

1. The City of Sydney's collection of public art and cultural heritage, gathered under the umbrella of the Sydney Open Museum, consists of over 200 items dating back to 1818 and includes significant memorials, civic fountains and monuments, and contemporary site-specific works.
2. Art in public places is one of the indicators of a flourishing cultural life. It can add joy, texture and complexity to the public domain, reveal hidden histories, help to define our places, tell our stories and preserve our memories for future generations.
3. The Local Government Act 1993 requires that Councils plan for, account for and manage assets for which it is responsible, meeting community expectations and technical, safety and functionality requirements.
4. Care for the City's public art collection includes:
 - (a) regular basic cleaning and inspection of all items;
 - (b) planned and specialised maintenance of some items, such as waxing bronzes every five years; or annual structural certification of suspended works;
 - (c) repairs and corrective maintenance as required; and
 - (d) a comprehensive conservation program.
5. The purpose of the Public Art Basic Maintenance and Inspection Services contract is to have a dedicated team to regularly maintain, clean, inspect and report on public art items in the City's public art collection to ensure these much loved and high profile items are well presented and cared for.
6. Basic maintenance and inspection services include litter removal, dry brushing and washing of the artworks, as well as regular monitoring and reporting on issues such as vandalism, graffiti, damage and artworks not appearing, functioning or operating as intended.
7. While the tasks associated with this contract do not require specialist skills, these require a level of care and awareness to ensure there is no damage to fragile or unusual materials or to heritage fabric.
8. The current Public Art Basic Maintenance Contract is due to expire on 31 May 2023. An extension of this contract is required to ensure service continuity until the City enters into a new contract for the provision of Public Art Collection Maintenance and Inspection Services. It is proposed that the existing contract be varied for up to six months to 30 November 2023.

Invitation to Tender

9. Requests for Tender was advertised via Tenderlink on 24 November 2022. The tender period closed on 30 January 2023.

Tender Submissions

10. Three submissions were received from the following organisations:
 - Urban Maintenance Systems Pty Ltd (ABN 38005251954)
 - Venetian Media Group Pty Ltd (ABN 94608613501)
 - Ventia Australia Pty Ltd (ABN 11093114 553)
11. No late submissions were received.

Tender Evaluation

12. All members of the Tender Evaluation Panel have signed Pecuniary Interest Declarations. No pecuniary interests were noted.
13. The relative ranking of tenders as determined from the total weighted score is provided in the Confidential Tender Evaluation Summary – Attachment A.
14. All submissions were assessed in accordance with the approved evaluation criteria being:
 - (a) the lump sum and schedule of prices;
 - (b) demonstrated experience in inspecting and appropriately reporting on the condition of items of heritage and/or cultural significance;
 - (c) demonstrated experience in the appropriate cleaning and maintaining items of heritage and/or cultural significance;
 - (d) demonstrated experience in carrying out services of a similar size and nature;
 - (e) personnel allocation, qualifications, experience and capacity, including sub-contractors and fair work requirements;
 - (f) proposed methodology;
 - (g) proposed data management and reporting plan;
 - (h) demonstrated commitment to WHS, environmental management and quality assurance; and
 - (i) financial and commercial integrity including insurances.

Performance Measurement

15. The Service Provider and the City are to work in partnership to ensure a high standard of public art collection management and maintenance are being met, with a strong focus to reduce energy and water consumption across all public art items and at all times ensuring public safety is not compromised.

16. In order to facilitate continuous improvement and open communication between both the Service Provider and the City, the Service Provider will have their performance monitored regularly throughout the term of the contract.
17. The performance management system will comprise of three main elements:
 - (a) Service Provider Audit requirements.
 - (b) City of Sydney Audit requirements.
 - (c) Service Provider six-monthly performance evaluation.

Financial Implications

18. At the current stage of the tender process, it is anticipated that there are sufficient funds allocated for this project within next year's draft operating budget and future years' forward estimates. The City's draft Long Term Financial Plan and operating budget for 2023/24 will go on public exhibition in mid-May with final Council approval expected in late June 2023.
19. It is proposed to extend the existing Public Art Basic Maintenance contract for up to an additional six months to ensure service continuity. There are sufficient funds within the draft 2023/24 operational budget to cover the proposed extension.

Relevant Legislation

20. The tender has been conducted in accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2021.
21. Local Government Act 1993 - Section 10A provides that a council may close to the public so much of its meeting as comprises the discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.
22. 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.
23. 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

- 24. Current contract expires 31 May 2023
- 25. New contract to commence 1 December 2023.

Options

- 26. An alternative option is to readvertise the tender. This option is not recommended because it is unlikely to attract additional suitable vendors over and above those who responded.
- 27. Another option is to not proceed with the services. This option is not recommended as the City has an obligation to maintain assets to meet community expectations and technical, safety and functionality requirements. In addition, in some instances a lack of basic maintenance will lead to deterioration of materials and costly repairs.

KIM WOODBURY

Chief Operating Officer

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