

**CABINET MEETING - 14 FEBRUARY 2007**

**EXECUTIVE SUMMARY SHEET – PART I**

**Title of Report:**  
**LANDMARK ART FEATURE**

**Author(s):**  
**DIRECTOR OF COMMUNITY AND CULTURAL SERVICES**

**Purpose of Report:**  
The purpose of this report is to inform members of the process undertaken to select artist Christian Moeller based in Los Angeles, USA, as a consultant artist for the creation for the Landmark Public Art Project which will be undertaken from February 2007 to 31 March 2008.

**Description of Decision:**  
Cabinet is requested to endorse the decisions taken to date in respect of procurement of a consultant artist for the Landmark Public Art Project and agree this as an exception to the Council's Contract Procedure Rules.

**Is the decision consistent with the Budget/Policy Framework?** **\*Yes**

**If not, Council approval is required to change the Budget/Policy Framework**

**Suggested reason(s) for Decision:**  
The reasons for the decision is to approve the appointment of Christian Moeller and to subsequently award a contract for the commissioned works known as the Landmark Art Feature.

**Alternative options to be considered and recommended to be rejected:**  
1.0 There are no alternative options recommended

**Is this a "Key Decision" as defined in the Constitution?** **Yes**

**Is it included in the Forward Plan?** **Yes**

**Relevant Review Committee:**  
**Culture and Leisure**

**REPORT OF DIRECTOR OF COMMUNITY AND CULTURAL SERVICES**

**LANDMARK ART FEATURE**

**2.0 PURPOSE OF THE REPORT**

- 1.1 The purpose of this report is to inform members of the process undertaken to select artist Christian Moeller based in Los Angeles, USA, as a consultant artist for the creation of a landmark art feature to be undertaken from February 2007 to 31 March 2008.

**3.0 DESCRIPTION OF DECISION**

- 2.1 Cabinet is requested to endorse the decisions taken to date in respect of procurement of a consultant artist for the landmark art feature; and agree this as an exception to the Council's Contract Procedure Rules.

**4.0 INTRODUCTION/BACKGROUND**

- 3.1 This is an ambitious initiative to create an exceptional artwork, which will focus attention locally, regionally, nationally and internationally on Sunderland and become a focal point for major regeneration on the banks of the River Wear. The project involves the commissioning of a £300,000 public art sculpture as part of the Art on the Riverside project, set up in 1997 and covering the area of Newcastle, North Tyneside, South Tyneside and Sunderland.
- 3.2 From the original lottery submission each authority area was given a budget allocation to commission a landmark art feature to be sited in Tyne and Wear Development Corporation controlled land. In each case the intention was to attract an artist of international calibre.
- 3.3 As part of the Tyne and Wear Art on the Riverside initiative, Sunderland City Council intends to deliver a landmark art feature of exceptional quality and vision in 2007/2008.
- 3.4 At the time of inception of the project the City Council did not have a Public Art Officer; therefore the role of the consultant curator was awarded to Art In Partnership a public arts agency based in Edinburgh. Art in Partnership's role included to inform the location, approach, artists' brief and selection of the successful artist.
- 3.5 Following identification of a site at Galley's Gill Festival Park, the consultant curator has worked with the City Council to draw together the artist's brief and selection of artist(s). The City Council has been flexible to the involvement of artists throughout this process and the artist's brief reflects this. A contract is now being put in place by the City Council in consultation with the consultant curator to take the project forward to completion.

## **5.0 PROCUREMENT PROCESS UNDERTAKEN**

4.1 In the case of the landmark art feature, the consultant curator advised a two stage selection process. Stage 1 provided a long list of 10 most suitable artists based on their previous work and in particular their appropriateness for the project. Stage 2 involved three short-listed artists who were each paid a fee to work up their ideas in much more detail. This involved consulting with structural engineers, etc. regarding fabrication and also providing a much more detailed budget.

## **6.0 THE INITIAL SELECTION**

5.1 The commencement stage of the selection process sought expressions of interest from ten artists appropriate to the scale of this commission. Each artist was asked to present a design proposal for consideration and to submit a CV, images of previous work undertaken and a statement of interest.

5.2 The consultant curator, Art in Partnership, drew up a long-list of suitable artists. The criteria used to select the artists included:

- Experience of projects of comparable scale;
- Experience of working with other design professionals e.g. engineers, landscape architects and architects;
- A national or international reputation;
- On the evidence of their previous work, did the artist have the potential to make exceptional artwork for Sunderland that would focus attention locally, nationally and internationally.

5.3 The selection panel was made up of representatives of the Council and art experts. The panel each completed an evaluation exercise as well as providing relevant comments on the individual presentations.

5.4 Following structured and extensive consideration, it was recommended that three artists should be commissioned to provide their ideas for a landmark art feature on the Festival Park site. This decision was based on the selection criteria identified in section 5.2 of this report.

5.5 It was also the unanimous view that the three short listed artists demonstrated through their work that they were capable of providing an art feature that would match the particular priorities of the site. This included visual impact both near and afar, durability and a quality piece within the budgetary constraints of the project.

## **6.0 THE DESIGN STAGE**

6.1 Each of the three selected artists were commissioned to produce a design, including detailed costings for the construction of their proposal, which included a fee and expenses.

6.2 All three artists were invited to a site visit and briefing and were required to present their proposal to the selection panel.

6.3 The criteria for the proposal included:

- A short statement regarding the conceptual basis for the proposed artwork;
- CV and images of relevant previous work;
- Visualisations of the proposal including its likely location within the site;
- Outline details regarding materials, fabrication and maintenance;
- Breakdown of the budget for the construction phase;
- An estimated timeline for the development, construction and installation of the artwork;
- An indication of any revisions/additions required to surrounding landscaping.

## **7.0 CURRENT POSITION**

7.1 The Selection Panel met on October 19 2006 and subsequently confirmed Christian Moeller as the winning tenderer. In the intervening time Art in Partnership and the Council's solicitors have prepared a draft contract for approval.

7.2 The contract specifies that the successful artist will control all elements of the project, with the contract being offered on a staged basis:

- STAGE 1 - Design Development – to provide detailed costed drawings for planning and other approval processes as required and obtain such necessary approvals;
- STAGE 2 – Commencement of fabrication of the artwork commission;
- STAGE 3 - Completion and installation of artwork;
- STAGE 4 – Maintenance programme.

## 8.0 FINANCIAL IMPLICATIONS

8.1 The project is entirely funded externally through the Arts Lottery and Tyne Wear Partnership.

8.2 The project has a budget of:

Available Budget	£377,335
Spend to date (committed)	£ 62,029
<b>Balance</b>	<b><u>£315,306</u></b>
Contract price	(£300,000)

8.3 A fee of £300,000 is available for the project. This fee is fully inclusive of all costs relating to the provision of the service. The payment of this fee will be made in the following stages:

- Stage 1: £30,000 (based upon the signing of the contract agreement to undertake the Design Development stage);
- Stage 2: £100,000 [on certification by the Council's consultant curator, Art in Partnership, of completion of the Design Development stage to include the securing of any necessary approvals (anticipated June 2007)];
- Stage 3: £100,000 (on certification by the Agent of Completion and installation to the satisfaction of the Client (acting reasonably));
- Balance £70,000 (twelve months after certification of completion of the work).

8.4 Maintenance costs can be contained within existing budgets.

## 9.0 Project Timetable

9.1 The project is programmed to meet the requirements of the principal funding sponsors, Arts Council England, North East and Tyne and Wear Partnership, and as such must be completed by March 2008.

## 10.0 REASON FOR DECISION

10.1 The reason for the decision is to approve the appointment of Christian Moeller and to subsequently award a contract to commission the landmark art feature, having followed the procurement process outlined in this report.

## **11.0 ALTERNATIVE OPTIONS**

- 11.1 The only other option is to do nothing with the result that the project will at best stall and at worst the grant funding will be lost to the Sunderland area.

## **12.0 RELEVANT CONSIDERATIONS/CONSULTATIONS**

### 12.1 Financial Implications

- 12.1.1 The financial implications are detailed at paragraph 8.0 above. The cost of this project is contained within existing budgets and supported by 100% external grant funding.

### 12.2 Risk Analysis

- 12.2.1 The project is being developed jointly by Community and Cultural Services and Development and Regeneration involving input and advice from partners where appropriate.

- 12.2.2 A small internal working group has sought to identify and resolve any issues relating to land use, environment, planning, highways, security, marketing and events.

- 12.2.3 Overall project management has been effectively directed by Art in Partnership and will include the securing of a positive planning permission.

- 12.2.4 The project is currently on programme. However as indicated above, it is crucial that the work is completed by March 2008.

### 12.3 Procurement

- 12.3.1 Advice has been sought from the Corporate Procurement Manager and the City Solicitor. Due to the specific nature of the procurement and the preferred procurement process an exemption from CPR's is required.

## **13.0 LIST OF APPENDICES & BACKGROUND PAPERS**

- 13.1 There is no list of appendices attached to this report.

- 13.2 Background papers referred to are detailed below:

Briefing Reports: September 2003, January 2006

Briefing Paper: February 2005, November 2005