



# Conditions for Submission of Proposal

## ARTWORK FOR SCAFFOLD WRAP

540 George Street, Sydney

March 2021

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# Conditions for Submission of Proposal

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## Introduction

The Council of the City of Sydney ("Council") invites proposals from artists, photographers and designers for the provision of high-quality images for the scaffold wrap in accordance with this Request for Proposal.

Council is seeking proposals from artists, photographers and designers in the form of a two-dimensional image to cover the scaffold that will soon be erected over the north and west elevations to the Woolworths Building on the corner of George and Park Streets while the facades are repainted.

Proposals must comply with the Artist Brief in all respects.

Bidders must submit quotations in the manner required by this document.

# Key Conditions for Submission of Proposal

## Summary

Summary	Description
<b>Name of Request for Proposal</b>	<b>Artist Brief – Request for Proposal</b>
<b>Closing Date</b>	<b>Tuesday, 20 April 2021</b>
<b>Closing Time</b>	<b>10:00am</b>
<b>Contact Person</b>	<p>Contract enquiries should be directed to the project manager only. Enquiries may be submitted by as follows:</p> <p>(i) by e-mail to the Council's Procurement Representative as follows:</p> <p><b>Project manager, Graham Brideson</b></p> <p>Tel: 02 <b>8019 6952</b></p> <p>Email: <b><a href="mailto:gbrideson@cityofsydney.nsw.gov.au">gbrideson@cityofsydney.nsw.gov.au</a></b></p>
<b>Lodging a Proposal</b>	<p>Completed submissions should be lodged electronically on the form at the <u><a href="#">website</a></u> by the closing time on the closing date nominated. Bidders must ensure they allow sufficient time to upload their submission in full to the web portal. Respondents will receive a successful submission request that is timed and dated upon completion.</p>
<b>Evaluation Criteria</b>	<ul style="list-style-type: none"> <li>• Strength of image</li> <li>• Response to theme</li> <li>• Response to site and context</li> <li>• Suitability of the art work to be replicated and printed on the scaffold wrap</li> <li>• Have both daytime and night time appeal.</li> </ul>
<b>Request for Proposal Documents</b>	<p>The documents that comprise this Request for Quotation include:</p> <ul style="list-style-type: none"> <li>• Artist Brief - Request for Proposal</li> <li>• Conditions for Submission of Proposal</li> <li>• Licence Agreement – Artwork for the 532-540 George Street Sydney Scaffolding</li> <li>• Technical Elevations – Scaffolding - 540 George Street Sydney</li> <li>• Elevation – Scaffold Wrap</li> <li>• Explanatory Diagram – Scaffold Wrap</li> </ul>

## Conditions for Submission of Proposal

Summary	Description
	<ul style="list-style-type: none"><li>• Photograph – Woolworths building</li></ul>
<b>Terms</b>	Licence Agreement – Artwork for the 532-540 George Street Sydney Scaffolding

# Standard Conditions for Submission of Proposal

## 1. REQUEST FOR PROPOSAL (RFP)

By submitting an RFP, the Artist acknowledges that:

- Council at its absolute discretion reserves the right to accept or reject any proposal.
- Council at its absolute discretion reserves the right to reject the offer of any Artist who has any unresolved disputes with the City.
- Any costs incurred by Artists in any way associated with the preparation and submission of this RFP, will be entirely borne by the Artist.
- No legal or other obligations will arise between an Artist and Council unless or until formal documentation has been signed.

## 2. REQUEST FOR PROPOSAL PROCEDURE

### 2.1. Information and Enquiries

Where an Artist has any doubt about the meaning of any aspect of the RFP, the Artist must make enquiries about and clarify matters with Council's Project Manager. All enquiries about the RFP must be referred in writing to Council's Project Manager.

**All communications related to this RFP should be addressed to the Council's Project Manager (via the contact details specified in the key conditions) and not to other Council officers or other persons. The attention of Artists is drawn to condition 2.4.**

### 2.2. Discrepancies, Errors and Omissions

Artists must carefully and thoroughly consider and check the RFP and must notify Council's Project Manager in writing of any errors, ambiguities, discrepancies, inconsistencies or omissions in the RFP. Council will not be liable for any such error, ambiguity, discrepancy, inconsistency or omission.

### 2.3. Artist to Rely on Own Enquiries

In submitting a quotation, Artists will be deemed to have:

- (a) Examined information relevant to the circumstances having an effect on the proposal and which is obtainable by the making of enquiries;
- (b) Satisfied themselves as to the correctness and sufficiency of their proposal and that their proposal covers the cost of complying with the obligations of the quotation documents, the requirements of the relevant Authorities and of matters and things necessary for the due and proper performance and completion of the submission described in the RFP documents; and

### 2.4. Artist Not to Solicit Council Personnel

Subject to condition 2.2, Artists (or any representative of an Artist must not at any time before Council makes a final decision to accept a proposal, contact or interview or



attempt to interview or to discuss or to attempt to discuss with Council members, employees, authorised representatives other than Council's Project Manager in accordance with the RFP, any matter about the RFP or any other RFP submitted in response to the RFP. Council reserves the right to reject any proposal submitted by an Artist which contravenes this condition.

For clarity, a representative of an Artist, for the purpose of this condition, includes a person or other legal entity who acts at the request of an Artist or its agent. Also, this condition does not prevent ordinary business or other contact arising from or pertaining to Council functions (so long as that contact is not used to interview or attempt to interview or to discuss or to attempt discussion on any matter relating the RFP).

## 2.5. Returnable Forms

**Artists must complete all parts of the RFP forms. Council may reject any Artist's RFP which does not provide all the required information.**

## 2.6. Conforming and alternative Proposals

An Artist may also submit an alternative and non-conforming proposal. Any alternative non-conforming proposal must satisfy the objectives of Council in issuing the request for proposal, the requirements of the Artists Brief.

Failure to comply with any condition of proposal may render the proposal non-conforming.

## 3. LODGEMENT OF REQUEST FOR PROPOSAL

RFPs must be lodged in the following form:

- i). Using the website by the closing time and closing date nominated. Artists must ensure they allow sufficient time to upload their submission in full to the web portal.

Artists will receive a Successful Submission Receipt timed and dated upon completion. Should assistance be required please contact the Project Manager.

Any proposals received by Council after the closing date will not, unless the *Local Government (General) Regulation* provides otherwise, be considered by Council.

All proposals lodged will become the property of Council. Artists' intellectual property and moral rights will be preserved for submissions to the same extent as if they had been accepted.

## 4. CONFIDENTIALITY

Information provided in this RFP or imparted to any Artist as part of the RFP process must only be used for the purpose of preparing and submitting a proposal response. Receipt of this document implies acceptance of this condition.

Artists' intellectual property and moral rights will be preserved for submissions to the same extent as if they had been accepted. Information received by Council may be subject to disclosure to the public under the Government Information (Public Access) Act 2009 and regulations unless it has been provided in confidence, relates to

commercially sensitive information or falls within an exemption from disclosure under that Act.

## **5. ACCEPTANCE OF REQUEST FOR PROPOSAL AND LICENCE**

If the Council accepts an RFP it will issue a notification to the preferred Artist. This notification does not create a contract with the Artist. The Council and preferred Artist are legally bound only when a written Licence is executed by the parties. Lodgement of an RFP will itself be an acknowledgement and representation by the Artist that it agrees to comply with the Licence in its entirety. **No amendments to terms of Licence will be accepted.**

## **6. CONFLICT OF INTEREST**

In this clause “conflict of interest” means an actual or potential pecuniary or non-pecuniary conflict of interest (see the Council’s Code of Conduct under Governance for further explanation of these terms). Artists must disclose any conflict of interest in undertaking the requirements of the specifications and contract. Where an Artist has a conflict of interest, the Artist must provide Council in writing with detailed information about the nature and scope of the conflict of interest and include details of any arrangements proposed to resolve or manage the conflict of interest should the Artist be awarded the Licence. Based on the information provided by the Artist, Council will make the final decision regarding the Artist’s conflict of interest. If a conflict of interest is not disclosed by an Artist and Council then becomes aware of the conflict, the Artist may be excluded from this RFP and/or any future process by which Council is seeking the provision of services.

Additional Information relating to the City’s requirements of Artists regarding how to submit an RFP, frequently asked questions and ethical business conduct can be found on the website.

## **7. NO BUSINESS IN ABUSE**

Artists are advised that the Council has resolved to adopt the "No Business In Abuse" pledge and is currently reviewing the implementation of the pledge in the context of its procurement policies. If and to the extent this review results in a change to the Council's existing procurement practice and such change affects this particular procurement process an addendum will be issued to all Artists. For the information of Artists, the pledge provides that all Artists submitting a proposal should:

- a) have zero tolerance for child abuse;
- b) Respect people's fundamental rights to freedom from arbitrary and indefinite detention;
- c) Not treat people in a cruel, inhumane or degrading manner; and
- d) Commit to transparency and independent monitoring to ensure these principles are upheld.

## **8. ASSESSMENT CRITERIA**

Proposals will be examined and evaluated according to the criteria tabled in the Key Conditions.



## Conditions for Submission of Proposal

- Strength of image
- Response to theme
- Response to site and context
- Suitability of the art work to be replicated and printed on the scaffold wrap
- Have both daytime and night time appeal.

Each of the mandatory evaluation criteria listed above is considered to be critical to this RFP. They are not of equal weight for evaluation and are not listed in order of priority.

Artists compliance on each of the mandatory evaluation criteria will be separately evaluated using the Evaluation Rating Scale below:

Score Rating	Description
90 – 100	No risk, excellent response with added value and innovation
80 – 89	No risk, excellent response
70 – 79	Very low risk, good response
60 – 69	Low risk, good response
50 – 59	Low risk, acceptable response
40 – 49	Medium risk, but acceptable response

**If a Proposal receives a score of less than 40 in any one mandatory assessment criteria, that Proposal will be deemed non-compliant and will not be recommended for acceptance by Council.**

Artists must provide all components of the request for proposal. Council may reject any proposal which does not provide all the required information.

