

CITY ENTRY STATEMENTS AND SIGNAGE EOI REVIEW

Datworks Filename: RTT Advertising Signs/Structures

Attachment:

[Attachment 2: City Entry Signage Design Competition](#)

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PURPOSE

The purpose of this report is to summarise the outcomes of City Entry Statements and Signage Expression of Interest (T-1688-13/14-CII) which closed on 28 March 2014.

BACKGROUND

Council resolved at its meeting on 18 December 2013 to review designs provided by 4 submitters for Council entry statements provided through an expression of interest (EOI) which closed on 28 March 2014. The EOI panel required Council guidance on whether to proceed to tender on a preferred design and for procurement to prepare documentation for Council's decision on the EOI. A Council workshop presentation was conducted on 7 May 2014 to assess the concepts submitted. Ten concepts were presented, and concepts 3-1/2/3 and 4-1 were identified as the preferred/shortlisted options by councillors present.

ISSUES

There are two key issues connected with the EOI submissions for entry statements which will impact the way forward:

- 1 Ownership and copyright of the designs submitted under the EOI

Pursuant to legal advice received, EOI submitters have exclusive rights in respect to their submissions as per clauses 15.1 to 15.3 in the EOI documentation. The provisions expressly exclude the transfer of any copyright in the EOI submissions, except where a reproduction is made for the purpose of the evaluation. Reproducing any of the EOI design concepts for the purpose of inviting tenders from persons other than the owner of the works will infringe the copyright that subsists in those works.

As per s196 of the *Copyright Act*, the copyright in the EOI submissions could be licensed to or assigned to another party subject to a written assignment by/on behalf of the author. Therefore Council may be able to use an EOI submission in an invitation to tender if a licence or assignment is sought from the owner, however, this may be costly and cause further delays in the tender process.

2 EOI submissions did not meet procurement requirements

Upon assessment of the 4 submitters against the procurement compliance evaluation matrix, 3 of the 4 companies did not provide all the requested deliverables in the EOI documentation (mandatory criteria). Only one company provided all information required by the due date of the EOI.

Concepts 3-1/2/3 and 4-1 were provided by submitters which, upon assessment, did not meet the mandatory criteria (as per the EOI requirements) and are therefore non-conforming respondents. As per s3.8 of the EOI documentation (T-1688-13/14-CII):

“Eligibility to participate in post Closing Time negotiations and any invitation to tender issued to individuals or entities on the short list (if any) will be restricted to Respondents who:

- *Comply with the provisions of the EOI; and*
- *Are identified on the short list prepared by RCC from the individuals or entities who responded to the EOI.”*

As the preferred designs were supplied by non-conforming respondents, any invitation to tender would be contrary to the EOI documentation.

Given the legal implications of the above issues, there are 2 logical ways forward for the treatment of the entry statements:

- 1 To undertake a design competition (managed by Council) for a generic entry statement concept which assigns the intellectual property rights to Redland City Council (RCC) in order to avoid any ownership or copyright infringements; or
- 2 To undertake operational works to revitalise the current infrastructure through re-wrapping signage and upgrading electrical supply/lighting thereby extending the life of the current signage.

Given that the original intent for upgrading the entry statements was to introduce LED screens for warnings/Council messages, Option 1 would be preferred, as the scope for designs would still include this requirement. Though Option 2 would require significantly less budget than Option 1 moving forward, it would be unable to incorporate this new desired element.

STRATEGIC IMPLICATIONS

Legislative Requirements

Council is obligated under the *Local Government Regulation 2012* to uphold the conditions of the EOI issued.

If the preferred designs are used or reproduced by Council in any way (other than for the purpose of their evaluation), this will result in a direct breach of the EOI documentation and *Copyright Act*.

Risk Management

To reduce/remove future legal and financial risk, it is recommended that Council:

- does not attempt to use designs supplied by respondents for tender purposes; and
- does not attempt to negotiate with or invite non-compliant respondents to tender (even if the designs of that respondent were preferred or shortlisted).

Financial

All financial risks associated with the use of any designs and future actions are unable to be quantified, however, it can be assumed that there could be significant costs associated with:

- the unauthorised/unlicensed use of design concepts submitted by respondents to the EOI;
- the undertaking of open negotiations with respondents who provided preferred designs/concepts and any potential licensing costs for their use; and
- potential legal actions from unsuccessful compliant respondents, if Council proceeds to negotiate or go to tender with non-compliant submitters.

Alternatively, the proposal for a design competition for a generic entry statement concept (Option 1 below) to be managed by the Communication, Engagement and Tourism Group, has been estimated at an operational cost of \$25,000. The breakdown of these costs is shown in Attachment 2.

People

There are no identified risks.

Environmental

There are no identified risks.

Social

There are no identified risks.

Alignment with Council's Policy and Plans

Actions proposed in this report are in accordance with Council's current procurement guidelines and internal advice received from the Procurement Service Unit and Legal Services Unit.

CONSULTATION

Areas consulted in the development of this report include the:

- Procurement Services Unit;
- Legal Services Unit;
- Roads, Drainage and Marine Unit; and
- Communication, Engagement and Tourism Group.

OPTIONS

- 1 Finalise the EOI without proceeding to any further tender on a preferred design and task the Communication, Engagement and Tourism Group to undertake a design competition for a generic entry statement concept that assigns the intellectual property rights to Redland City Council at an operational cost of \$25,000.
- 2 Finalise the EOI and advise submitters that Council is not proceeding with the entry statement concept at this time. Consider the option to re-wrap and upgrade electrical supply at the 6 existing entry statements sites and approve future budget allocation (estimated operational cost of \$60,000 pending further investigation).
- 3 Finalise the EOI and proceed to enter into open negotiation for a licensing arrangement with the preferred design submitters.

OFFICER'S RECOMMENDATION

That Council resolves to:

1. Finalise the Expression Of Interest without proceeding to any further tender on a preferred design; and
2. Task the Communication, Engagement and Tourism (CET) Group to undertake a design competition for a generic entry statement concept that assigns the intellectual property rights to Redland City Council and amend the 2014/2015 Operational Budget to include \$25,000 for the CET Group to undertake the design competition.

COUNCIL RESOLUTION

Moved by: Cr M Elliott

Seconded by: Cr A Beard

That Council resolves to finalise the Expression of Interest without proceeding to any further tender on a preferred design.

CARRIED 11/0

ATTACHMENT 2 - CITY ENTRY SIGNAGE DESIGN COMPETITION

PROPOSAL

Undertake a design competition for a generic entry statement concept for new city entry signs.

RECOMMENDATIONS

Establish a competition program outlining:

- Entry details
- Prizes
- Selection and judging
- Sponsors
- Key dates
- Advertising
- Copyright and Intellectual Property
- Community engagement
- Events
- Webpage
- Costs

ENTRY DETAILS

Open to contemporary artists and general public living in the Redlands.

1. Artists/public to enter by providing:
 - Completed entry form (available online or hardcopy)
 - Digital images of work on CD, USB or email attachment
 - Artist CV
 - Consent form
2. Judges review digital images and entries are then shortlisted
3. Finalists announced and works are displayed at exhibition
4. Winners announced at formal function

PRIZES

Prizes could be awarded as follows:

- First prize - \$8,500
- Encouragement award - \$1000
- People's choice award - \$500 (where the public can vote online)

Winner of the first prize artwork to be used on the City Entry Signs

All prize winners will be on display in Redland Art Gallery, online and at Libraries

SELECTION AND JUDGING

It is recommended that:

A selection panel is established to develop selection criteria and entry requirements. Panel to consist of:

- Mayor and Councillor/Councillors
- CEO
- Recognised art experts
- Community member/s
- Sponsor

Establish selection criteria that outline what the works should demonstrate eg:

- Standard of work
- Meaning
- Technique

Judging panel to shortlist from digital images presented upon entry.
Shortlisted artists/public (finalists) invited to exhibit at touring exhibition.
Winners announced at function at Redland Art Gallery.

SPONSORS

Recommended to seek sponsors to provide cash and in-kind support for the exhibition and curating of art works. Suggest approaching sponsors who have supported the Redland Art Gallery in the past for example:

- International Arts Services
- Stark Creations
- Cleveland Picture Framing

KEY DATES

Establish key timelines including:

- Entries open
- Finalists announced
- Entries closed
- Exhibition dates
- Winners announced
- Unveiling of new City Entry Signs

ADVERTISING

Develop an advertising campaign to promote key dates through print media ads, media releases, social media and website.

COPYRIGHT and INTELLECTUAL PROPERTY

Council should require unencumbered usage rights for all printed and electronic artworks for promotions, publications and events.

Entrants should agree to intellectual property requirements as part of the entry process.

Council should publicly recognise the authorship of all work exhibited and in any publicity leading up to the announcement of the winner. The winner's artwork for the signs will become the sole property of Council.

Advise that some artworks may be used in print media.

COMMUNITY ENGAGEMENT

An element of community engagement would be required to be undertaken to establish some of the key themes that could be used in the installation that represent Redlands. This could be used by the committee and by artists/public who are entering.

EVENTS

It is recommended that a series of events will take place as part of the competition. Including:

Exhibition of finalists

- Touring exhibition for 2-3 weeks (shopping centres, restaurants, libraries, other galleries)
- Main exhibition (Redland Art Gallery)

Winners announced

- Invite-only function at Redland Art Gallery to conclude the touring exhibition
- Winner and other awards announced.
- Certificates to all others

City Entry Sign unveiling

- Unveiling of the new erected signs (State Minister, Mayor, Artist, Councillors, media etc)

WEBSITE

Develop a competition web page on Council's website to include:

- About
- How to enter
- Latest news (eg: finalists announced)
- Touring exhibition details
- Sponsors
- Online Gallery

COSTS

It is proposed the competition will cost \$25,000 with a breakdown as follows:

Awards - cash prizes	\$10,000
Staff - 1 x FTE .5 for approx 3 months	\$10,000
Catering for function	\$1000
Exhibition displays	\$1000
Venue hire	\$250
Advertising	\$500
Equipment hire – Art curating equipment	\$1200

Printing – entry forms and gallery programs	\$1000
Other - Miscellaneous	\$50
TOTAL	\$25,000