

ONCE YOU HAVE COMPLETED THE REQUEST PLEASE SEND TO LEGAL SERVICES WHO WILL ARRANGE FOR SIGNATURE BY THE STATUTORY OFFICERS.

CONTRACT PROCEDURE RULES / FINANCIAL PROCEDURE RULES – EXEMPTION REQUEST

Request for exemption from Contracts Procedure Rules or Financial Procedure Rules for Specialised Work or Special Circumstances (CPR 3 / FPR C53)

Officer: Wendy May, Cultural Services Team Manager

Division: Economic Regeneration, Place Directorate

Reason for request: (delete as inapplicable)

- ~~a) one of the tendering methods detailed in Standing Order 7 has been used and has resulted in either unacceptable, irregular or no tenders;~~
- b) only one supplier is available for technical or artistic reasons;**
- ~~c) the procurement is a repetition of work awarded on an earlier contract that was subject to a formal tendering procedure. This procedure shall only be used where the expiration of the earlier contract is less than one year and in the opinion of the officers stated above, the value of the previous successful tender was sufficiently competitive in comparison the second lowest tender, that best value can be secured;~~
- ~~d) extreme urgency exists for unforeseen reasons which are not attributable to the Council and the various time limits cannot be met;~~
- ~~e) the procurement of a named product or service required to be compatible with an existing product or service previously provided in relation to the same matter;~~

An exemption from the Contract Procedure Rules (CPR) is sought on the basis that only one supplier is available for artistic reasons. The contract to be awarded is to commission a piece of artwork at a cost of £50,000. As such, a procurement procedure that is compliant with the CPR for a contract of this value is not appropriate. Instead, a call for artistic proposals has been run from which a single artist has been selected. This process demonstrates value for money in achieving the Council's desired artistic outcomes to the extent possible in the market for arts projects.

This exemption is now requested to award the contract directly to that artist on the basis that only they can deliver the artistic proposals that have been selected. Details of the call for artistic proposals are set out below.

What is the Council buying?

- Public Art for Ashby Culture and Leisure Quarter, approved by Cabinet on 17 October 2017.

The proposal:

The creation of a highly distinctive, unique sculpture that will act as a significant, welcoming gateway to the new Culture and Leisure Quarter. Inspired by Ashby's location and environment, very effectively encapsulated in its new logo and marketing material. The design concept is to create a series of tall, elegant curved forms whose appearance changes as you walk around the site. From two distinct viewpoints the shapes will magically form the image of a large, majestic tree – 'The Heart of the Forest'.

The work will be a memorable landmark that proudly expresses Ashby's status as a growing, all-encompassing, progressive, co-operative and forward looking community. The organic curving forms of the artwork will vary in size from 3.5 up to 8 metres in height, meaning that it will be visible from a distance, with its ever-changing shapes having the effect of drawing people closer. In this respect it can be regarded as an interactive sculpture that will entice people to seek out different viewpoints, then be rewarded when the optimum positions are found directly behind or in front of the work. At these points the powerful image of a beautiful tree is formed, hopefully accompanied by an uplifting feeling and a broad smile!

Application shortlisting process

Stage one – all applications assessed and artists selected for interview

- Technical appraisal of all applications and pointing/ordering: Cultural Services Team
- Review of technical appraisal: Director, Head of Service, Portfolio Holder, Manager
- Engagement of an external partner Arts Development Team, Milton Keynes Council to review applications and to assist with the shortlisting process and to make recommendations for the next stage
- All 16 applications were independently assessed by the external

assessor

- Five artists were shortlisted and invited to interview
- All unsuccessful applicants were contacted by email, those who requested feedback were given detailed feedback on their application
- Engagement of The National Forest Company to provide further information for the shortlisted artists and involvement in the next stage

Stage two - interviews

- Five artists were interviewed
- Interview panel established, consisting of: Paul Sanders - Head of Community Services (NWLDC), Wendy May - Cultural Services Team Manager (NWLDC), Sue Anderson - Community Liaison Officer (The National Forest Company), Jack Fargher - Clerk (Ashby de la Zouch Town Council) and Louise Izod - Public Art Officer (external assessor)
- One artist was unanimously selected by the interview panel
- Interview panel recommendations were reported to Strategy Group on 22 May 2018, the recommendation was supported by Strategy Group and approved to appoint the artist
- The artist accepted the appointment

Summary costs breakdown of successful artist:

1: PLANNING, DEVELOPMENT & ENGAGEMENT:	£10,000	
2: COMMUNITY ARTWORK:	£8,500	
3: SCULPTURE FABRICATION:	£24,000	
4: SCULPTURE INSTALLATION:	£7,500	
Grand total VAT)	£50,000	(exc.

Signature: Wendy May Date: 27.06.2018

Agreed [Signature] Chief Executive Date: 27/6/2018

Agreed T. Blyden s 151 Officer Date: 27/06/18

Agreed [Signature] Monitoring Officer 27.6.18

Date reported to Cabinet

(When complete, this form should be retained on the relevant contract administration file)

