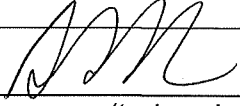
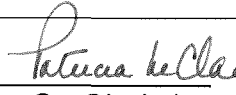




Hamilton

CITIZEN COMMITTEE REPORT

To:	Chair and Members General Issues Committee
From:	Annelisa Pedersen and Tricia LeClair Co-Chairs, Arts Advisory Commission   (to be signed by Co-Chairs)
Date:	June 20, 2012
Re:	Public Art Procurement Process (AAC12- 002) (City Wide)

Recommendation:

- (a) That fees charged to proponents by the City of Hamilton for the acquisition of bid documents for public art procurements (as per 2012 Council-approved User Fees – Report FCS11096) be waived.
- (b) That Tourism and Culture staff and Financial Services (Procurement) staff investigate the feasibility of eliminating the fees for public art procurement charged by the Biddingo service by purchasing an annual Biddingo membership to use on behalf of proponents or by not using the Biddingo service for public art procurement.
- (c) That the terms of reference for public art bid documents be made available on the website of the Tourism and Culture Division for the review of potential proponents.

Background:

The Arts Advisory Commission (AAC) is a Citizen Volunteer Committee appointed by Council. As part of their mandate, the AAC monitors and assists with the implementation of the City's Public Art Program. The AAC also liaises with and acts as a point of contact regarding issues affecting the arts community.

The AAC was contacted earlier this year by members of the arts community who expressed concern about an increase in fees charged to artists to acquire bid documents for public art procurements online. The adoption of the Biddingo bid

management system in 2011, as part of the City's procurement process, provided an additional option for access to bid documents: they are now available both online and by in-person pick up at City of Hamilton offices. The procurement of public art is governed by the City's Procurement Policy.

The cost of acquiring Basic RFPs (Requests for Proposals) for all procurements, including public art procurements, is as follows:

	Fees to acquire Basic RFP bid documents online via Biddingo (without a Biddingo membership)	Fees to acquire Basic RFP bid documents in person
Document Fee, City of Hamilton	\$30.66 (including tax)	\$40.70 (plus tax)
Biddingo System Access Fee (no tax)	\$30.00	
Biddingo Administration Fee (15% of before tax City Document Fee)	\$3.52	
HST	\$0.51 (on Administration Fee)	\$5.29
Total Costs	\$64.69	\$45.99

Proponents also have the option to subscribe for an annual Biddingo membership that provides ongoing access to all bid opportunities. An annual membership costs \$250.

Artists considering acquisition of bid documents can view a copy of the bid documents in the Tourism and Culture Division offices before purchase, to help inform their decision. Participation in the City's Public Art Program is not limited to residents of the City of Hamilton. However, there is no way for artists outside of Hamilton to access detailed bid information without paying for the bid documents.

The AAC requested that staff gather information about municipal best practices for the procurement process for public art. An overview of bid document costs and methods for acquisition from 21 Canadian municipalities is attached as Appendix A to Report AAC12-002. This information shows that the City of Hamilton is the only municipality of the 21 municipalities surveyed that charges artists a fee to acquire bid documents for public art procurements.

Based on this information, and its interest in ensuring that the City's Public Art Program is as successful as possible, the AAC passed the following motions at its March 27th meeting:

That the AAC recommends to Council that fees to access and submit proposals in response to public calls to undertake public art projects be waived, in keeping with best municipal practice;

That the AAC informs Council of issues pertaining to the procurement process for public art that may limit the success of the public art program, with further study and recommendations to occur as part of the 2012/13 review of the Public Art Master Plan.

Analysis/Rationale:

Proposed Elimination of RFP Bid Document Fees

The Arts Advisory Commission recommends that public art bid document fees be eliminated, as the City of Hamilton is the only municipality of the 21 Canadian cities surveyed that charges a fee for the acquisition of bid documents for public art procurements. More detail is provided in Appendix A to Report AAC12-002.

The success of public art procurement lies in the number and variety of proposals that are submitted. Charging a fee for the acquisition of bid materials is a barrier to participation in that:

- Approximately 1/3 of artists in Hamilton have incomes that are considered to be below the poverty line, making the fee prohibitive for many,
- Artists who have excellent ideas but limited experience with public art may be less inclined to take a chance on submitting a proposal if there is a fee involved and direct access is limited, and
- Direct competition with municipalities across the country who do not charge fees and provide direct access to documents put our program at a disadvantage and lower the chance of success.

There are two primary components to the bid document fee; the City of Hamilton document fee (as per 2012 Council-approved User Fees – Report FCS11096) and the Biddingo system access fee. The City of Hamilton document fee can be waived by Council, and therefore the AAC is recommending the waiver. The Biddingo system access fee, as outlined in the table above, cannot be waived, and so the Tourism and Culture Division has agreed to cover the cost of an ongoing \$250 annual Biddingo membership through the public art capital account #7101058705. Tourism and Culture staff working with procurement staff can then use this membership to download the appropriate bid documents and addendums to provide to interested artists at no charge. Alternately, public art procurement could not use the Biddingo service.

Other Issues that Impact the Success of the Public Art Program

Through its experience in participating on all public art juries, the Arts Advisory Commission is aware of a number of issues with the current public art procurement

process that are having an impact on the success of the public art program. These include:

- prohibitively complex bid documents,
- difficulty tailoring existing procurement processes to meet the unique needs of public art procurements (such as the use of citizen juries),
- lack of consistency with public art procurement processes in many other municipalities, and
- limited access to detailed bid information.

In order to make detailed bid information easily available to potential proponents in both Hamilton and beyond, the AAC recommends that the terms of reference for each public art competition be posted on the website of the Tourism and Culture Division, with clear instructions that artists wishing to bid must acquire complete bid documents from the appropriate source.

The Arts Advisory Commission appreciates the efforts that staff from both the Financial Services (Procurement) and Tourism and Culture Division have made to adapt the current procurement process to the needs of the Art in Public Places Program. When staff undertake a review of the Public Art Master Plan in 2012/13, the AAC will provide input regarding further changes that will enhance the success of the City's Art in Public Places Program.

Municipality	City Administers Public Art Program?	Cost to Acquire Bid Documents		Where Call Documents are Available				Notes/Comments
		Highest Fee/Bid for all Third-party Sites	Fee for RFP Pick Up from City	Paid Third-party site (e.g. Biddingo)	Ad/full bid available on City's website	Ad/full bid available at free third-party site (e.g. public art listserv, Akimbo.ca)	Available at City to pick up	
City of Hamilton	Yes	\$64.69	\$45.99	Full bid	No	Ad	Yes	Tax included
City of Toronto	Yes	\$0	\$0	No	Yes	Yes	N/A	
City of Ottawa	Yes	\$0	\$0	No	Yes	Yes	No	
City of Mississauga	Yes	\$0	\$0	Biddingo	Full bid	Ad	No	
City of Winnipeg	Arms length	\$0	\$0	No	N/A	N/A	N/A	
City of Kitchener	Yes	\$0	\$0	No	Yes	Yes	Selected projects	
City of Burlington	Third party administration	\$0	\$0	No	Full bid	Full bid	No	
City of Vancouver	Yes	\$0	\$0	No	Yes	Yes	On request	
City of St.Catharines	Yes	\$0	\$0	No	Full bid	Ad only	On request	
City of Victoria	Yes	\$0	\$0	No	Yes	No	Yes	
City of Calgary	Yes	\$0	\$0	APC	Ad	APC	No	Alberta Purchasing Connection
City of Edmonton	Arms length	\$0	\$0	No	Yes	Ad only	On request	
City of Montreal	Yes	\$0	\$0	No	Yes	No	No	
City of Medicine Hat	Yes	\$0	\$0	APC	Ad	Yes	No	Alberta Purchasing Connection
City of Saanich	Yes	\$0	\$0	No	Yes	No	Yes	
City of Waterloo	Yes	\$0	\$0	No	No	Yes	No	
City of Port Coquitlam	Yes	\$0	\$0	No	Full Bid	Ad	Yes	
City of Saskatoon	Yes	\$0	\$0	No	Yes	Yes	Yes	
City of Thunder Bay	Yes	\$0	\$0	No	Yes	Ad only	Yes	
City of Brantford	Yes	\$0	\$0	No	Yes	TBD	Yes	New Program
City of Surrey	Yes	\$0	\$0	No	Full Bid	Full Bid	No	