

Impact of Suspending Public Art Projects

EXECUTIVE SUMMARY

Administration has suspended all Requests for Proposal (RFPs) for new public art design, as per Council's direction with NM2017-32 (Amendments to the Corporate Public Art Policy). Attachment 1 contains the 2017 September 11 confirmed Council minutes regarding NM2017-32. Council requested this report which includes the impact of suspending projects until Q2 2018.

Council unanimously agreed that the direction to suspend further RFPs was not meant to include the Southeast 17th Avenue Transitway which was deemed a "significant project currently underway." After assessing the impact of suspending all RFPs between September 15, 2017 and April 1, 2018, Administration has determined that there are two projects Council may consider to fall into the same category as the Southeast 17th Ave Transitway. This report and its attachments provide information on these projects as well as a further eight that have been suspended (Attachment 2). It also provides information on the 20 public art projects that were already contracted prior to September 15, 2017 and are currently being completed (Attachment 3).

ADMINISTRATION RECOMMENDATIONS:

That Council:

1. Receive for information this report on the impact of suspending all new public art projects scheduled for RFP until Q2 2018; and
2. Direct Administration on whether to suspend the RFPs for the following two significant projects currently underway:
 - Anderson Pedestrian Bridge; and
 - 112th Ave Road Widening

PREVIOUS COUNCIL DIRECTION / POLICY

On 2017 September 11, NM2017-32 was adopted, and Council directed Administration to "immediately suspend further Requests for Proposal (RFP) regarding new public art design as of September 15, 2017" to which the following amendment was added and approved "not meant to include significant projects currently underway, including but not limited to the Southeast 17th Avenue Transitway Project."

NM2017-32 also directed Administration to "report back directly to Council no later than November 2017 on the impact of suspending all new public art projects scheduled for RFP until Q2 2018."

BACKGROUND

The Public Art Policy (CPS2003-95) was implemented by Council in 2004 "to pursue the integration of public art in the cultural fabric of Calgary, recognizing public art as a vital ingredient in Calgary's on-going development as a great, creative city." The Public Art Policy requires that all eligible City of Calgary capital projects allocate a percentage of costs to the creation of public art. Specifically, the Policy states:

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“the percentage for Public Art allocation will be calculated on portions of the eligible project capital costs over \$1 million using a sliding scale with two break points:

- 1% for the portion up to \$50 million; and*
- 0.5% for the portion over \$50 million.*
- The allocation from each capital project will be capped at \$4 million.*

Eligible capital projects include all upgrade (U), growth (G), and service (S) budget items over \$1 million. Ineligible costs include land purchase, rolling stock, portable equipment (furniture, computers, etc.), and maintenance (M) budgets.

When planning an upgrade (U), growth (G) or service (S) capital project that exceeds \$1 million, City of Calgary Departments will identify and prorate the allocation for public art based on all restricted and unrestricted funds to the capital project budget.”

Further, the Policy states that there are three considerations related to the expenditure of the ‘percent for public art’ allocation:

- 1. The restricted public art allocation will reside with the initiating Department as part of the overall capital project for development of public art on the capital project site;*
- 2. The Departments will transfer a portion of the unrestricted public art allocation to the Public Art Reserve;*
- 3. Administration may choose to pool a portion of the unrestricted public art allocation for use at more publicly accessible sites or combine the restricted and unrestricted public art allocation not transferred to the Public Art Reserve for development of public art on the capital project site.*

In adherence with the Policy, Departments had 20 public art works attached to capital projects contracted and underway prior to September 15, 2017. Most will be installed by the end of 2018. A list of these projects is attached for information (Attachment 3).

In order to follow Council’s direction to immediately suspend further Requests for Proposal (RFP) regarding new public art design and to report back on the impact of suspending such RFPs until Q2 2018, Administration had to assess the number and type of eligible capital projects that would be affected.

INVESTIGATION: ALTERNATIVES AND ANALYSIS

In accordance with the Capital Action Plan 2014-2018 approved by Council, there were 11 capital projects eligible for public art due to go out for RFP between September 15, 2017 and April 1, 2018. Investigation was conducted into each of these projects to determine the potential impact of delaying the public art portion of the project for the six months between September 2017 and April 2018. Prompted by the amendment to the motion that suspension was “not meant to include significant projects currently underway, including but not limited to the Southeast 17th Avenue Transitway Project”, Administration considered how best to determine “significant projects currently underway”.

As a result, Administration decided to review each project through the lens of the triple bottom line with considerations given to economic, social, and environmental impacts.

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Economic considerations included the following: delays to the overall capital project, of which the public art was 1%; restrictions on funding sources; and increased costs of the overall capital project. Captured by the “Social” lens were considerations of community expectations as understood through community engagement. Environmental considerations were important for projects near the watershed and in parklands.

As a result of this investigation it was determined that Council should be made aware of the impact on delaying two projects. Administration concluded that RFPs could be suspended on the other eight scheduled public art projects until the end of Q1 without significant impacts. However, should these projects be delayed any further, the impact would have to be re-assessed (Attachment 2).

Stakeholder Engagement, Research and Communication

Individual project managers assigned to capital projects were asked to provide information on the state of each of the projects. The relevant Business Unit Directors and ALT were then provided with the information and asked to provide input. The conclusion was that, in addition to the 17th Ave SE BRT project already approved by Council, the following two projects, currently underway, would be adversely impacted by the delay until Q2 of an RFP for Public Art design:

- Anderson Pedestrian Bridge: An agreement with the Province explicitly states that all project costs need to be submitted by FAC (Facility Acceptance Certificate), or November 2018 in this case. The allocation for Public Art (\$50,000) would need to be spent by then, or else be forfeited. The RFP would be focused on TsuuT'ina Nation artists, who are expecting that opportunities are forthcoming based on earlier community engagement.
- 112th Ave Widening: \$75,000 of the funds must be spent before end of 2018 or will be forfeited. RFP will be for integrated artwork to help stabilize the slope and reduce maintenance, in support of the naturalization program and in alignment with the biodiversity strategy.

Strategic Alignment

In 2016 Council approved spending on capital infrastructure projects to help revitalize the economy. Accordingly, City Departments, when planning an upgrade (U), growth (G) or service (S) capital project that exceeds \$1 million, have identified and prorated the allocation for public art based on all restricted and unrestricted funds to the capital project budget.

The current process for developing public art works begins with the development of a project plan which is based on the capital project to which the art will be connected. The RFP calls for artists to respond to the project plan and to conduct their own community engagement.

Recognizing that there are 20 art projects that had been tendered and contracted in accordance with current Council approved policy and process and would, therefore continue to completion, Council directed Administration to suspend all new public art projects scheduled for RFP. This provides Administration the time to re-visit the public art process and report back to Council with recommendations on a new process in Q1 of 2018.

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Social, Environmental, Economic (External)

Social

Community engagement has been undertaken, both by the capital team responsible for the whole capital project and by the public art team in order to determine community interest in particular projects. Community Associations and Business Improvement Associations have reached out to their communities to provide input on these projects and have indicated their desire for art to be included in the capital projects. In the case of Anderson Bridge, the T'suu Tina Nation has also been engaged in the hope that artists from there will want to participate in the development of public art adjacent to their community.

Environmental

Many projects, particularly those capital projects involving UEP and Parks, seek to integrate artists into the design teams that are addressing environmental challenges. Biodiversity and naturalization are guiding concerns for the slope stabilization project at 112th Ave.

Economic

Capital project budgets are put together from a variety of sources and some of the funds connected to these projects have restrictions imposed from outside stakeholders.

Financial Capacity

Current and Future Operating Budget:

No impact to current operating budget.

Current and Future Capital Budget:

If the RFPs for the public art integrated into these two capital projects are delayed, \$125,000 in committed funds would be lost.

Risk Assessment

The suspension of further Requests for Proposal regarding new public art design until Q2 2018 poses the following risks: delaying the completion of the project increases the costs of project management; the opportunity to integrate an artist onto the design team early in the process, thereby enabling more effective integration of the art with the whole project, is lost; opportunities to provide employment for artists and the trades with whom they work will be delayed; ongoing delays increase the potential for corporate reputational risk due to unmet community expectations.

REASONS FOR RECOMMENDATIONS:

Administration was asked to provide information to Council on the impact of suspending further RFPs for public art design until Q2 2018. Administration has analysed each of these projects against economic, social, and environmental criteria similar to those by which Council determined that the Southeast 17th Transitway was a significant project currently underway. Further direction from Council is required on two projects: Anderson Pedestrian Bridge and the 112th Ave Road Widening.

ATTACHMENT(S)

1. Confirmed Council Minutes re: NM2017-32 (Amendments to the Corporate Public Art Policy)
2. Analysis: Suspended Public Art Projects that have not gone to RFP
3. Public Art Projects Contracted Prior to September 15, 2017 (Currently Underway)