

REQUEST FOR EXPRESSION OF INTEREST

TITLE: Consultancy services to deliver international development activity for the Australian arts sector in Europe

This document is available until the closing date.

Issue Date: Thursday, 20 December 2018

Closing Time: Monday, 4 February 2019, 2.00pm (Australian Eastern Daylight Time)

Lodgement Address: a.gill@australiacouncil.gov.au

PART A - INTRODUCTION

1. Summary

By this Request for Expression of Interest (EOI), we are seeking submissions from a potential consultant for the provision of consultancy services to lead the development and implementation of the Australia Council's International Arts Strategy in Europe.

2. Issue of next stage of procurement

Following evaluation of submissions in response to this EOI, we may, at our discretion:

- develop a shortlist of respondent consultants and invite some or all of those short-listed persons to an interview with the Australia Council; and
- request some or all of those short-listed persons to deliver a presentation to demonstrate how the Proposed Requirement (Schedule 1) will be successfully implemented and delivered.

3. Timetable

An indicative timetable for the conduct of this EOI process is described below. We may amend the timetable from time to time. Any amendments will be notified to all interested respondent consultants by being published on the Australia Council's website at <http://www.australiacouncil.gov.au/about/procurement/>

- Issue of EOI: Thursday, 20 December 2018
- Closing date for submissions: Monday, 4 February 2019, 2:00pm (Australian Eastern Daylight Time)
- Interviews and presentations: week beginning 11 February 2019
- Contract start date: March 2019 (exact dates to be negotiated)

4. Further information and enquiries

Any questions arising during this EOI process, or requests for clarification or further information, must be made in writing in the first instance to:

Amrit Gill, Director, International Development

Email: a.gill@australiacouncil.gov.au

We may provide the answer to any query without disclosing the source of the query, by publishing the answer on the Australia Council website.

Without limitation, all potential respondent consultants should expect that answers to any queries that provide additional substantive information will be made publicly available via our website.

PART B - CONDITIONS OF SUBMISSION

1. Lodgement of submissions

Lodgement Address

Submissions must be emailed to a.gill@australiacouncil.gov.au

Faxed, posted or hand delivered submissions **will not** be accepted.

Closing Time

The deadline for lodgement of submissions is **2:00pm (AEDT), Monday, 4 February 2019**.

Late submissions

We will not consider a submission received after the Closing Time. Lodgement of submissions by the Closing Time is entirely your responsibility. However, we will not penalise you for a delay due solely to our mishandling of an application.

Corrections and additions

If you become aware of an error or omission in your submission and wish to lodge a correction or additional information, the material must be lodged with us in writing at the Lodgement Address, **before** the Closing Time. We are not obliged to consider a correction or additional information received after the Closing Time.

Ownership of submissions

All submissions become the property of the Australia Council once lodged. We may copy, amend, extract or otherwise deal with all or any part of a submission for the purpose of conducting the EOI process and related procurement processes. We reserve the right to disclose the contents of all submissions only for the purposes of:

- (a) conducting an efficient EOI process and related procurement processes; or
- (b) as otherwise required to any Commonwealth department, agency, authority, Minister, the Parliament or any Parliamentary officer or committee, for the proper performance of their statutory or governmental responsibilities.

2. Requirements for Submissions

Format and content

Submissions are to be structured as shown in **Schedule 3 (Expression of Interest)**, and provide the information indicated in that Schedule. You may use the electronic version of this EOI document available from the Australia Council website to prepare your submission by completing the relevant sections in that document, or prepare your own separate document that satisfies the requirements of Schedule 3.

Conditions for Participation

Submissions must address the conditions for participation specified in **Schedule 2 (Conditions for Participation)**.

3. Participation in the EOI process

Acknowledgment and disclaimer

The Australia Council, its officers, employees, advisors and agents make no express or implied representation or warranty as to the currency, reliability or completeness of the information contained in this EOI.

It is your responsibility to obtain all information necessary for the preparation of your submission. In lodging a submission, you acknowledge that you did not rely on any express or implied statement, representation or warranty as to the truth, accuracy or completeness of the information contained in this EOI, or otherwise provided to you by the Australia Council.

Your costs

All expenses and costs you incur in connection with this EOI, including (without limitation) preparing and lodging a submission, providing the Australia Council with further information, attending interviews and participating in any subsequent negotiations, is your sole responsibility.

No contract

Nothing in this EOI should be construed to give rise to any contractual obligations or rights, express or implied, by the issue of this EOI or the lodgement of a submission

in response to it. No contract will be created until a formal written contract is executed between the Australia Council and the successful respondent consultant.

The Australia Council's rights

Notwithstanding any other provision of this EOI, we reserve the right, at any time to:

- (a) alter, amend, vary or end this EOI and the process outlined in this EOI;
- (b) if we consider that it is in the public interest to do so, suspend or terminate this EOI process or any part of it;
- (c) require additional information or clarification from you or anyone else, or provide additional information or clarification to you or anyone else;
- (d) negotiate or not negotiate with any one or more respondent consultant, and discontinue negotiations at any time;
- (e) allow, or not allow, the successful respondent consultant to enter into the proposed contract in the name of a different legal entity from that which provided a response to this EOI;
- (f) select and negotiate with more than one respondent consultant where we form a view that there is no one respondent consultant who could successfully deliver and meet the Proposed Requirement; and
- (g) add to, alter, delete or exclude any of the requirements to be provided by the preferred respondent consultant under this EOI.

For the avoidance of doubt, we may exercise our rights under this clause and elsewhere in this EOI at any time and in our absolute discretion, unless this EOI expressly provides otherwise.

False or misleading claims

If you are found to have made false or misleading claims or statements or obtained improper assistance, we may reject your submission from any further consideration. You should be aware that giving false or misleading information to the Commonwealth is a serious offence under the *Criminal Code Act 1995*.

Unlawful inducements

You must not violate any applicable laws or Australia Council policies in relation to unlawful inducements in connection with the preparation or lodgement of your submission and the EOI process.

Collusive tendering

You must not engage in any collusive tendering, anti-competitive conduct or any other similar conduct with any other respondent consultant or person in relation to the preparation or lodgement of your submission or the EOI process.

4. Australian Government Policy Requirements

Freedom of Information

You should note the operation of the *Freedom of Information Act 1982* which gives members of the public the right of access to documents in the possession of Australian Government departments and its agencies. You should obtain your own independent professional advice on the impact of this Act on your participation in the EOI process.

Privacy

We are obliged to protect personal information in accordance with the Australian Privacy Principles in the *Privacy Act 1988* (Privacy Act). We reserve the right at any time not to disclose any information that is subject to, or that we reasonably believe could be subject to, protection under the Privacy Act.

You must also comply with any and all obligations under the Australian Privacy Principles in the Privacy Act where applicable.

Workplace

You are required to comply with the relevant provisions of applicable legislative requirements, awards and workplace arrangements, including without limitation:

- (a) workplace/industrial relations legislation;
- (b) occupational health and safety legislation;
- (c) workers compensation legislation; and
- (d) affirmative action legislation; and
- (e) any other relevant policies and guidelines of the Australia Council.

Auditor-General Act 1997

Your attention is drawn to the *Auditor-General Act 1997* which gives the Auditor-General and any authorised person a right, at all reasonable time, to access relevant

information, documents and records. You should obtain your own independent professional advice on the impact of this Act on your participation in this EOI process.

5. Other Policy Requirements

European Union General Data Protection Regulation

You undertake to comply with the General Data Protection Regulation (GDPR) (EU) 2016/679 where applicable during this EOI process and will:

- (a) implement appropriate security measures to ensure that persons engaged to process personal data are subject to appropriate confidentiality measures;
- (b) use adequate safeguards with respect to the protection of privacy and the fundamental rights and freedoms of individuals whose personal data is processed under this Contract; and
- (c) assist the Australia Council, by way of adopting appropriate processes and procedures, to fulfil its responsibilities in respect of any data breach event or in response to any requests received from data subjects or supervising authorities; and
- (d) delete or return the personal data at the end of the service arrangement, and make available any information the Australia Council needs to demonstrate its own record keeping compliance.

The successful EOI respondent will also be required to agree to comply with the GDPR as per the above.

PART C – EVALUATION OF SUBMISSIONS

1. Assessment of Submissions

Assessment objective

We will assess submissions to identify respondent consultants who are interested in, and capable of, providing the Australia Council's Proposed Requirement. After the assessment of the submissions, we may decide to progress to an interview and presentation stage in accordance with Part A, clause 2 of this EOI.

Initial assessment

Each submission lodged with us in response to this EOI will be initially assessed to ensure that:

- (a) the submission was submitted by the Closing Time (or the Australia Council has accepted the submission as a late submission in accordance with Part B, clause 1 of this EOI);
- (b) at the time of opening, the submission meets the minimum format and content requirements specified in this EOI, and includes all required information, statements, certifications and declarations; and
- (c) the submission satisfies the Conditions for Participation set out in Schedule 2.

Rejection after initial assessment

If we consider a submission does not satisfy the evaluation criteria, we will:

- (a) not consider the submission any further and reject you from further participation in the EOI process;
- (b) promptly notify you that you have been rejected from participating in the EOI process on the basis of the initial assessment of its submission; and
- (c) provide a written explanation for rejection to you, upon request.

Evaluation criteria

We will assess submissions that have satisfied the following evaluation criteria. These criteria are not in any order of importance unless otherwise indicated:

1. Degree qualifications in business or arts management, coupled with substantial leadership experience gained within the international arts sector.

2. Highly developed market development knowledge and experience with demonstrated engagement in Europe.
3. Highly developed people leadership skills, with the ability to work collaboratively with senior staff to deliver goals and objectives.
4. Knowledge and professional experience gained across multiple arts practice areas (music, dance, visual arts, theatre, literature, emerging and experimental arts, community arts and cultural development).
5. Proven experience in establishing and maintaining partnerships and credible professional networks across the international arts sector, with an emphasis on relationships within the assigned jurisdiction.
6. Willingness and ability to travel as required.
7. Possession of language skills relevant to the assigned jurisdiction.
8. Compliance with the EOI and provisions of the contract.

SCHEDULE 1 – PROPOSED REQUIREMENT

1. Background to the Requirement

The [Australia Council's International Arts Strategy](#) details the aims, objectives and approaches of our international work. It ensures our effective investment in international activity and guides us in maximising international opportunities for Australian artists.

The strategy is informed by deep sector consultation and research commissioned by the Australia Council. The International Arts Strategy aligns with the goals set out in the [Australia Council Strategic Plan 2014-2019: A culturally ambitious nation](#), particularly Goal One: Australian arts are without borders.

Based on our research, market intelligence and experience in market through the work of our [International Development Managers](#), our strategy identifies priority geographic regions for international arts activity, pinpointing priority art forms in each region. Current geographic priorities include: Europe, North America, North Asia and Southeast Asia.

The Council's International Development Consultant – Europe operates in the following countries: France, Germany, United Kingdom and Nordic countries, with scope for engagement with additional countries as demand and opportunities arise.

Guiding objectives for the Council's European strategy are to:

1. Support Australian artists in market with up to date, contextualised, competitive intelligence that enables them to best access markets for their work
2. Cultivate relationships with key gate-keepers who offer opportunities to Australian artists
3. Create opportunities for artists to develop their relationships with gate-keepers through supported networking
4. Create pathways for discovery of specialised opportunities through artist exchange at key festivals and platforms in visual arts, literature and performing arts.

It is expected that the consultant will build a program of activity that delivers on these objectives and responds to sector demand and opportunities as they arise.

2. The Australia Council Environment

The International Development Consultant – Europe will be based in Europe, preferably in one of the priority countries in the region: France, Germany, United Kingdom, and Nordic countries.

The consultant will be part of a team of International Development Managers reporting the Director, International Development.

The consultant's work is supported by the International Market Adviser – Europe, who is based in Sydney at the Australia Council office.

The International Development team comprises 12 staff within the Council's Strategic Development and Advocacy Division.

More information on the Council's [structure](#) and [Strategic Plan](#) can be found on our website.

3. Scope of Requirement and Services

The Australia Council is looking to appoint a consultant to deliver the following services:

1. Further develop and refine the Australia Council's international strategy for Europe.
2. Develop an annual implementation plan, in concert with the Australia Council's Director, International Development and International Development Managers.
3. Develop successful relationships with key stakeholders at the Australia Council.
4. Identify and cultivate key external stakeholders in Europe, both in the government and arts sectors, for existing and potential partnerships.
5. Undertake development activities in Europe on behalf of the Australia Council. This will include networking, identifying market opportunities and attending key events.
6. Identify and report on opportunities to program activity in the region.
7. Lead Australian delegations to key international platforms in the region.
8. Contribute to the international sector intelligence for Australia Council grant applications and selection processes as needed.
9. Provide fortnightly reports of services provided with achievement of outcomes, and contribute to internal and external briefings.

The consultant will be based in Europe and must hold, or be eligible for, a work permit, visa or citizenship that will allow them to live and work in the region, preferably in one of the priority countries in the region: France, Germany, United Kingdom, and Nordic countries.

The consultant must also hold, or be eligible for, the appropriate business visitor visa to attend meetings and events in Australia.

The consultant must be willing and able to travel as required within Europe, as well as be able to spend a minimum of four weeks in Australia every calendar year for team meetings, planning and training.

4. Budget

The consultant will be appointed on a retainer basis at a rate to be invoiced fortnightly.

The consultant is required to quote a fee for services that is inclusive of all costs required to perform the services, apart from travel. The proposed quote should be itemised to clearly demonstrate how the quote has been developed and what is included.

The Council will provide a travel budget to the consultant, based on an agreed travel plan, to cover their travel costs within the region, and to and from Australia.

All other costs associated with delivering the services are the responsibility of the consultant, including taxes and charges relevant to the country in which the consultant is based.

5. Term

The contract will be offered for an initial 24 month term, with potential to extend.

SCHEDULE 2 – CONDITIONS FOR PARTICIPATION

Conditions for participation

The Conditions for Participation are that the:

- (a) respondent consultant must have relevant prior experience in the provision of the types of services described in this EOI;
- (b) respondent consultant must not be bankrupt or insolvent; and
- (c) respondent consultant must hold, or be eligible for, a work permit, visa or citizenship that will allow them to live and work in Europe, in one of the priority countries in the region: France, Germany, United Kingdom, and Nordic countries, as well as the appropriate business visitor visa to attend meetings and events in Australia.

The onus rests with the respondent consultant to demonstrate compliance with these Conditions.

SCHEDULE 3 – EXPRESSION OF INTEREST

1. Respondent Consultant Details

Name: (full legal name)

ABN: (if Australian)

Contact person

Name:

Position:

Address:

Telephone:

Email:

After lodgement of a submission, Respondent Consultants must promptly notify the Australia Council of any changes to this information.

2. Conflict of Interest

Respondent Consultants must include in their submission details any likely conflicts of interest if selected to provide the Australia Council's Proposed Requirement.

3. Response to Conditions for Participation

Respondent Consultants must set out their response to the specific requirements as set out in the Conditions for Participation.

4. Response to Proposed Requirement and Services

Respondent Consultants must set out their response to the specific requirements in the Proposed Requirement (maximum 6 pages).

5. Credentials

Respondent Consultants must attach a curriculum vitae.

6. Referees

Respondent Consultants must include the name and contact details for two referees.