

4.3 Consequently, officials proposed that the installations be designed and created by artists via a design competition, in compliance with the EU procurement regulations.

4.4 The competition sought highly-creative and commercially-driven project proposals that would help to attract visitors to our historic sites, and which were international in scale and ambition.

4.5 The key purpose of the artworks is to create an opportunity for Cadw to boost visitor numbers at one or more of the properties in guardianship and, in turn, to improve revenue for reinvestment in the management of the portfolio.

4.6 The design competition was offered in two Lots. Lot 1 would provide an artwork specifically for Flint Castle. Lot 2

4.7 The design competition was facilitated by Corporate Procurement Service and two artworks have been selected by a panel consisting of officials from Cadw, Visit Wales and the Arts Council of Wales.

4.8 Corporate Procurement Services have raised some concerns around the outcome and these are covered in the advice below.

4.9 Following the selection of the artworks, individual commissioning agreements are being prepared by Commercial Legal Services prior to award.

Please note: The following information along with their Annexes is confidential and embargoed until the contracts have been awarded.

Lot 1 Flint Castle. The Iron Ring (for images see Annex A)

The artist describes their proposal as follows (taken from their bid proposal):

Iron Ring is a large scale, iconic sculpture for Flint Castle in the form of a 30m diameter rusted steel ring resting on the banks of The Dee Estuary. It marks Flint Castle as the first of Wales' historic Iron Ring Castles built by King Edward I to suppress Welsh uprisings, a project that was the most ambitious and concentrated building project in medieval Europe.

The sculpture symbolises a giant rusted crown representing the intimate relationship between the medieval monarchies of Europe and the castles that they built. The sculpture's precarious balanced form, half buried beneath the ground, half projecting into the air, demonstrates the unstable nature of the crown. Its location at Flint Castle marks the spot where the crown was famously transferred from one medieval dynasty to another, as described in Shakespeare's Richard II. Flint Castle was the setting as Richard II surrendered the crown to Henry IV, a momentous event that shaped the history of Britain and Europe.

Iron Ring has been carefully designed to work at many scales. From afar its striking, iconic form resembles a giant ancient artefact, washed up on the shore of the Dee Estuary. Its scale and dynamic form, complemented by LED lighting, means that it will become an instantly recognisable landmark for the area. However as you approach the sculpture it becomes obvious that the piece is more than a sculpture. A

passageway is carved out of the giant ring, allowing visitors to travel over its circumference.

The gently sloping path elevates you above the ground, providing views of the estuary and of Flint Castle. Closer inspection reveals the sides of the walkway are intricately engraved. On one side of the path the full length contains an iconic quote taken from Shakespeare's Richard II as the King is considering surrendering his throne. On the other side the path turns the ring into a giant compass, providing the name and direction of the other castles that make up the Iron Ring, providing details of their own stories and legends and creating a link between them and Flint that encourages visitors to visit the other castles in the ring.

At numerous other points along the circular path further engravings will celebrate local landmarks, historic towns and their links with Flint Castle as well as content about the flora and fauna of the Dee estuary. Thus the ring becomes more than a sculpture, it is an interactive tool that tells the story of the Castle and its relationship with its environment, its historic connection with the surrounding towns and castles and its importance in the development of Wales, Britain and the wider world. By doing so we will create a sculpture that has broad appeal, to both national and international visitors.

The artist has provided a breakdown of costs (exclusive of VAT) for the proposal:

1. Artist Fees: including design, development, consultations: £30,000
2. Cost of build stage, including materials: £250,000
3. Cost of transport and installation: £90,000
4. Other costs:
 - Site preparation / archaeological excavation: £8,000
 - Structural engineering: £9,000
 - Lighting consultant: £2,000
 - Geotechnical survey: £4,000
 - Planning / legal: £2,000

Total: £395,000 (excl of VAT)

Lot 2

5. What is your advice to the Minister?

5.1 Lot 1 (Iron Ring) has a significant foundation and its proposed location may have a significant impact on buried archaeology and on the SSSI of the Dee estuary. Previous excavations in the proposed location indicate the high potential of buried wooden medieval remains. Cadw's historic environment branch have been asked to provide a scheme of work to research this potential. However, Cadw is also exploring other suitable locations within the vicinity of the Castle which may be appropriate.

The artist has confirmed that they are flexible with regard to the location in Flint, including moving it to adjacent land. Commercial Legal Services are drawing up the final commissioning agreement between Welsh Government and the artist that will take into account that a location needs to be agreed but this will not fully mitigate the potential risk of the artist claiming damages if a suitable location should not be found.

5.2 Any additional costs that may arise from necessary surveys, site investigations or archaeological investigation will be met through the Cadw Capital Works programme.

5.3 Following the finalisation of the contract, the award can be made. It is hoped that this will happen in the next fortnight. Local stakeholder groups are aware an announcement is due soon but are not sighted on the preferred design. The bidder needs to be informed first and the 10-day procurement standstill period needs to come to a conclusion without any challenges before any announcements are made publicly. Post announcement the artist will need to meet with the local stakeholder so they can help inform final detailed proposals.

5.4 Officials recommend that you approve the proposed award of contract following the commissioning agreement being developed, noting the risks highlighted above.

5.5 Lot 2

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5.6

5.7

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5.9 There is no obligation to award both lots (contracts), either simultaneously or individually, or at all.

6. What legal or policy obligations are relevant to this advice?

6.1 Section 61 of GOWA 2006 provides Welsh Ministers with wide powers to do anything they consider to support culture. In particular, it states that the Welsh

Ministers may do anything which they consider appropriate to support archaeological remains in Wales and buildings and places of historical or architectural interest.

6.2 Well-being of Future Generations (Wales) Act: The conservation of the historic environment supports the well-being goal of creating a Wales of vibrant culture that promotes and protects culture and heritage, and encourages participation.

6.3 Statutory Consideration & Policy compliance: There are no policy considerations relating to this advice.

6.4 Equality and Human Rights: Due regard has been given to Equality and Human Rights considerations.

6.5 Welsh Language: This submission raises no issues regarding the Welsh language.

6.6 Rights of the child (UNCRC): Due regard has been given to children's rights (UNCRC).

6.6 Promoting economic opportunity for all (Tackling Poverty) - I have considered the advice set out in this MA and I confirm there are no direct implications relating to Promoting economic opportunity for all

7. What are the financial implications of Ministers agreeing to this advice and which budget will this be paid through?

7.1 The budget for both lots (£920k) was agreed in MA-P KS 8088 16 – Cadw and through the Tourism Incentive Support Scheme - Visit Wales. The Commission for Lot 1 will not exceed £474k. There is no additional expenditure as a result of this submission.

7. 2 Economy & Infrastructure Corporate Finance has cleared the financial implications set out in this paragraph under number EI/CF/17/115. As there are no issues of regularity or propriety, nor are the proposals novel or contentious, this submission does not need prior approval by the Corporate Governance Unit (CGU). In accordance with FN 01/2015 this advice has been copied to the CGU and SB mailboxes for monitoring purposes

8. What communication, engagement or media activity is planned following this decision?

8.1 Officials will work closely with your press team on opportunities to highlight the Welsh Government investment in Year of Legends artworks. An announcement on Lot 1 – Flint can be made as soon as the final contractual discussions are completed and the necessary standstill period has elapsed.

Annex A: Copy Recipients

All mandatory copy recipients (MA-Policy) as indicated in the guidance

Additional copy recipients specifically interested in this advice:

E&I Ministerial Advice List

Cadw Ministerials