

THIS PRINT COVERS CALENDAR ITEM NO.: 10.3

**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

DIVISION: Central Subway

BRIEF DESCRIPTION:

Approving modifications to the contracts with artists Catherine Wagner, Paramedia, White Light, Tomie Arai, and Yumei Hou to provide designs and consult on the fabrication and installation of artwork to be displayed in the Central Subway, to extend the terms of those contracts to December 31, 2021 due to delays to Project construction, and to approve (retroactively where appropriate) contract modifications that extend the term of those contracts beyond the ten-year term limit under Charter section 9.118; and, to request the Board of Supervisors to approve the contract modifications.



SUMMARY:

- In 2011, the San Francisco Arts Commission and the SFMTA awarded contracts to artists Catherine Wagner, Paramedia, White Light, Tomie Arai, and Yumei Hou to design and oversee the fabrication and installation of works of art to be displayed in the Central Subway stations (collectively the Artists' Contracts).
- Each of the Artists' Contracts has been amended several times to address various changes in the stations designs and to extend the terms of the Artists' Contracts to conform to delays and schedule changes in the Project construction schedule.
- These contract modifications will remedy errors in approvals of prior contract modifications and will affirm the terms of the Artists' Contracts.
- Due to delay to the Central Subway Project construction, the terms of each of the Artists' Contracts must be further extended so that the artists will remain available to oversee the fabrication and the installation of their respective artworks in the Central Subway stations.

ENCLOSURES:

1. SFMTA Board Resolution
2. Modifications Contracts with Artists: Catherine Wagner, Paramedia, White Light, Tomie Arai, and Yumei Hou
3. <https://www.sfmta.com/about-sfmta/reports/central-subway-final-seisseir> (Central Subway Final SEIS/SEIR and Mitigation Monitoring and Reporting Program)

APPROVALS:

	DATE
DIRECTOR 	<u>April 28, 2021</u>
SECRETARY 	<u>April 27, 2021</u>

ASSIGNED SFMTAB CALENDAR DATE: May 4, 2021

PURPOSE

Approving modifications to the contracts with artists Catherine Wagner, Paramedia, White Light, Tomie Arai, and Yumei Hou to provide designs and consult on the fabrication and installation of artwork to be displayed in the Central Subway, to extend the terms of those contracts to December 31, 2021 due to delays to Project construction, and to approve (retroactively where appropriate) contract modifications that extend the term of those contracts beyond the ten-year term limit under Charter section 9.118; and, to request the Board of Supervisors to approve the contract modifications.

STRATEGIC GOALS AND TRANSIT FIRST POLICY PRINCIPLES

This action supports the following SFMTA Strategic Plan Goal and Objectives:

Goal 2 – Make transit and other sustainable modes of transportation the most attractive and preferred means of travel.

Objective 2.1: Improve transit service.

Objective 2.2: Enhance and expand use of the city’s sustainable modes of transportation

Objective 2.3: Manage congestion and parking demand to support the Transit First policy.

Goal 3 – Improve the environment and quality of life in San Francisco.

Objective 3.2: Advance policies and decisions in support of sustainable transportation and land use principles.

Objective 3.4: Provide environmental stewardship to improve air quality, enhance resource efficiency, and address climate change.

Objective 3.5: Achieve financial stability for the agency.

This item will support the following Transit First Policy Principles:

1. Improves the safe and efficient movement of people and goods.
2. Improves public transit as an attractive alternative to travel by private automobile.
8. Allocates transit investments to meet the demand for public transit generated by new public and private commercial and residential developments.
9. Promotes the use of regional mass transit and the continued development of an integrated, reliable, regional public transportation system.

DESCRIPTION

Central Subway Artwork

The San Francisco Arts Commission has delegated authority to contract for artwork to be included in City construction projects, and the SFMTA has approval authority over its expenditures for federally funded capital projects.

The Arts Commission issued a Request for Qualifications (RFQ) on October 1, 2004 and April

30, 2008 for proposals for artwork to be displayed in the Central Subway. The Arts' Commission selected Catherine Wagner, Paramedia, White Light, Tomie Arai, and Yumei Hou as the highest qualified scorers pursuant to the RFQ. The Arts Commission then negotiated contracts with each of these artists. In 2011, the Arts Commission and the SFMTA awarded contracts to artists Catherine Wagner, Paramedia, White Light, Tomie Arai, and Yumei Hou to design and oversee the fabrication and installation of works of art to be displayed in the Central Subway (collectively the Artists' Contracts). The San Francisco Civil Service Commission approved the Artists' Contracts under Civil Service Commission Notice of Action for Contract No. 4062-10/11, dated January 3, 2011.

Each of the Artists' Contracts were previously amended several times to address various changes in stations designs and to extend the terms of the Artists' Contracts to conform to delays and changes in the Central Subway Project construction schedule (discussed below).

Due to staff error, the terms of the contracts with Paramedia and Catherine Wagner, respectively, were inadvertently previously extended beyond the ten-year contract term limit set out in Charter Section 9.118(b); the proposed modifications to those contracts will remedy those errors. (Staff may have calculated the term of the extended contracts using effective dates on which the City's Controller certified the funds for the contract or the dates on which the City issued notice to proceed.) Also, the contracts with White Light, Yumei Hou, and Tomie Arai inadvertently expired, which the parties to those respective contracts did not intend; the proposed modifications to those contracts will remedy those errors. Staff regrets those errors and will take steps to more closely manage the Artists' Contracts.

The details of each Artist Contract modification are set out below.

Paramedia Contract: On March 1, 2011, the San Francisco Arts Commission and the SFMTA approved the Agreement between the City and County of San Francisco and Paramedia, LLC to provide artwork for the Central Subway Project (Paramedia Contract), which includes design, fabrication and consultation on the installation of the artwork for the Central Subway Union Square Market Street Station (UMS). Paramedia's artwork consists of LED light panels suspended from the UMS concourse level ceiling that display changing light patterns.

As awarded, the term of the Paramedia Contract was for an amount not to exceed \$536,550 and a term of seven years and ten months, from March 1, 2011 to December 31, 2018.

The Paramedia Contract has been amended twice to extend the term due to delays to Project construction. Contract Modification No. 1, dated November 29, 2018, extended the term of the contract one year to December 31, 2019. Contract Modification No. 2, dated December 23, 2019, extended the term of the contract one year and six months to June 29, 2021. Due to staff error, Contract Modification No. 2 exceeded the ten-year term limit imposed by Charter section 9.118(b). Contract Modification No. 3 corrects that error by retroactively approving the prior extension of the Paramedia Contract (under Contract Modification No. 2), and further extends the term of that contract to December 31, 2021, to coordinate the installation of the artwork with completion of Central Subway Project construction. The total term of the Paramedia Contract would exceed the ten-year contract term limit set out in Charter section 9.118(b), and therefore requires the Board of Supervisors' approval.

Catherine Wagner Contract: On June 1, 2011, the San Francisco Arts Commission and the SFMTA approved the Agreement between the City and the County of San Francisco and Catherine Wagner to provide artwork for the Central Subway Project (Wagner Contract), which includes design and consultation on the fabrication and installation of the artwork for the Central Subway Yerba Buena Moscone Station (YBM). Catherine Wagner's artwork consists of large glass panels and large granite stone slabs depicting photographic images of the construction of the Moscone Convention Center to be displayed at the entry and concourse level of YBM.

As awarded, the term of the Wagner Contract was for an amount not to exceed \$312,470, and a term of seven years and seven months, from June 1, 2011 to December 31, 2018. The Wagner Contract has been amended four times to correct the identification of the Contractor, to extend the term, and to increase the contract amount. Contract Modification No. 1, dated July 3, 2012, corrected the identification of the Contractor as Catherine Wagner LLC, instead of the person Catherine Wagner. Contract Modification No. 2, dated November 16, 2018, extended the term of the contract one year to December 31, 2019, due to delays to YBM construction. Contract Modification No. 3, dated January 13, 2020, further extended the term of the contract one year and six months, to June 29, 2021, due to delays with station construction.

Contract Modification No. 4, dated September 23, 2020, increased the contract amount by \$15,906 for re-fabrication of glass in order to conform to station as-built dimensions, for an amount not to exceed amount \$328,376, and extended the term one year to June 29, 2022, due to delays to YBM construction. Due to staff error, Contract Modification No. 4 exceeded the ten-year term limit imposed by Charter section 9.118(b). Contract Modification No. 5 corrects that error by amending the term of the Wagner Contract to December 31, 2021 to coordinate the installation of the artwork with completion of Central Subway Project construction. As amended, the total term of the Wagner Contract would exceed the ten-year contract term limit set out in Charter section 9.118(b), and therefore requires the Board of Supervisors' approval.

Yumei Hou Contract: On March 1, 2011, the San Francisco Arts Commission and the SFMTA approved the Agreement between the City and County of San Francisco and Yumei Hou to provide artwork designs for the Central Subway Project (Hou Contract), which includes design and consultation on the fabrication and installation of the artwork for the Central Subway Chinatown – Rose Pak Station (CTS). Yumei Hou's artwork is based on paper cutouts of scenes and characters from Chinese folklore executed on large steel panels to be displayed in the CTS mezzanine and ticketing area.

As awarded, the term of the Hou Contract was for an amount not to exceed \$60,500, and a term of March 1, 2011 to December 31, 2018 (seven years and ten months). The Hou Contract has been amended once to extend the term. Contract Modification No. 1, dated November 29, 2018, extended the term of the contract one year to December 31, 2019, due to delays with station construction. Contract Modification No. 2 would retroactively extend the term of the Hou Contract to December 31, 2021, to coordinate the installation of the artwork with completion of the Central Subway Project construction. The total term of the Hou Contract would exceed the ten-year contract term limit set out in Charter section 9.118(b), and therefore requires the Board of Supervisors' approval.

Tomie Arai Contract: On March 1, 2011, the San Francisco Arts Commission and the SFMTA approved the Agreement between the City and the County of San Francisco and Tomie Arai to provide artwork for the Central Subway Project (Arai Contract), which includes design and consultation on the fabrication and installation of the artwork for CTS. Tomie Arai's artwork consists of photographs illustrating historical and contemporary Chinatown, which will be fabricated onto large glass panels to be displayed on the exterior of the CTS parapet and on the CTS platform walls.

As awarded, the term of the Arai Contract was for an amount not to exceed \$290,500 and a term of seven years and ten months, from March 1, 2011 to December 31, 2018. The Arai Contract has been amended twice to increase the contract amount and extend the term. Contract Modification No. 1, dated July 2, 2012, increased the contract amount \$60,500 for additional scope of work due to changes to CTS design, for a total amount not to exceed \$351,000. Contract Modification No. 2, dated March 21, 2019, extended the term of the contract two years to December 31, 2020, due to additional delays to CTS construction. Contract Modification No. 3 would retroactively extend the term of the Arai Contract to December 31, 2021, to coordinate the installation of the artwork with completion of Central Subway Project construction. The total term of the Arai Contract would exceed the ten-year contract term limit set out in Charter section 9.118(b), and therefore requires the Board of Supervisors' approval.

White Light Contract: On June 1, 2011, the San Francisco Arts Commission and the SFMTA approved the Agreement between the City and the County of San Francisco and White Light LLC and Werner Klotz to provide artwork for the Central Subway Project (White Light Contract), which includes design and consultation on the fabrication and installation of the artwork for UMS. The White Light artwork consists of hundreds of stainless steel discs suspended from the UMS platform ceiling to form a sculptural ribbon.

As awarded, the White Light Contract was for an amount not to exceed \$374,900 and a term of seven years and seven months, from June 1, 2011 to December 31, 2018. The White Light Contract has been amended four times to extend the term and to increase the contract amount. Contract Modification No. 1, dated August 30, 2016, increased the contract amount \$60,723 for additional engineering services and additional artwork renderings, for a total contract amount not to exceed \$435,623. Contract Modification No. 2, dated November 29, 2018, extended the term of the contract one year to December 31, 2019, due to delays to UMS construction. Contract Modification No. 3, dated November 5, 2019, increased the contract amount \$23,200 for additional engineering services, for a total contract amount not to exceed \$458,823, and extended the term of the contract one year and six months, to June 29, 2020, due to delays to UMS construction. Contract Modification No. 4 would retroactively extend the term of the White Light Contract to December 31, 2021, to coordinate the installation of the artwork with completion of the Central Subway Project construction. As amended, the total term of the White Light Contract would exceed the ten-year contract term limit set out in Charter section 9.118(b), and therefore requires the Board of Supervisors' approval.

Delays to Central Subway Project Construction

Tutor Perini Corporation (Tutor) is performing Central Subway construction work, including installation of artwork to be displayed in the Central Subway stations, under Contract CN-1300. Construction of the Central Subway has been delayed by more than three years due to unexpected site conditions and design changes. Modification 137 to Contract 1300 approved by the SFMTA Board of Directors on March 6, 2021, extended the construction substantial completion date to March 31, 2021 and the construction final completion date to September 27, 2021. Tutor will perform the majority of the artwork installation in the interim period between substantial and final completion. It is necessary to extend the Artists' Contracts through final completion of construction work so that the artists can oversee the production of the artwork by fabricators and be present on site to oversee the installation of the artwork. The proposed modifications to the Artists' Contracts extends the terms of the Artists' Contracts to December 31, 2021, three months beyond the construction final completion date in case there are further delays to Tutor's completion of the work, and to allow additional time for the artists to adjust the appearance and function (where applicable) of their respective artworks.

STAKEHOLDER ENGAGEMENT

The SFMTA meets with community organizations and elected officials on a regular basis to inform them of construction activities, status of the Project, and anticipated completion and revenue service dates. Community outreach is not needed for this Modification, as the extension of the Artists' Contracts to oversee installation of artwork will not impact the public.

ALTERNATIVES CONSIDERED

The SFMTA could decide not to modify the Artist Contracts, but doing so risks improper installation of artwork for which the City has paid a total of approximately \$5,183,324. Tomie Arai's artwork (the large signature pieces for the Chinatown - Rose Pak Station) has not been completed, and likely will remain unfinished if the Arai Contract is not extended.

FUNDING IMPACT

The Central Subway Project is funded with Federal Transit Administration (FTA) New Starts, Federal Congestion Management & Air Quality (CMAQ), State Transportation Bond Proposition 1A and 1B, State Regional Improvement Program, State Transportation Congestion Relief Program (TCRP), Prop K Half-Cent Local Sales Tax funds and other local funds. The modifications of the Artists' Contracts only extend the terms of those contracts, they do not increase the contract amounts of those agreements, and will not increase the total Project cost.

ENVIRONMENTAL REVIEW

The Central Subway Final Supplemental Environmental Impact Statement / Supplemental Environmental Impact Report (Central Subway SEIS/SEIR) evaluated the environmental impacts of the Central Subway project, including construction of the subway stations. On August 7, 2008, the San Francisco Planning Commission certified the Final SEIR (Case No. 1996.281E). On August 19, 2008, the SFMTA Board of Directors approved Resolution 08-150 adopting Central Subway Project Alternative 3B as the Locally Preferred Alternative, the CEQA Findings,

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Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Plan.

The modification of the Artists' Contracts as described herein comes within the scope of the Central Subway SEIS/SEIR.

The Central Subway SEIS/SEIR is on file with the SFMTA Board of Directors and may be found in the records of the Planning Department at <https://sfplanning.org/> and 49 South Van Ness Avenue, Suite 1400 in San Francisco, and is incorporated herein by reference.

OTHER APPROVALS RECEIVED OR STILL REQUIRED

The City Attorney's Office has reviewed this calendar item.

The Board of Supervisors' approval is required under Charter section 9.118, because the proposed modifications to the Artists' Contracts will extend the term of those contracts beyond ten years.

RECOMMENDATION

Staff recommends that the SFMTA Board of Directors approve modifications to the contracts with artists Catherine Wagner, Paramedia, White Light, Tomie Arai, and Yumei Hou to provide designs and consult on the fabrication and installation of artwork to be displayed in the Central Subway, to extend the terms of those contracts to December 31, 2021 due to delays to Project construction, and to approve (retroactively where appropriate) contract modifications that extend the term of those contracts beyond the ten-year term limit under Charter section 9.118; and, request the Board of Supervisors to approve the contract modifications.

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION NO. _____

WHEREAS, The SFMTA's Central Subway Project, which is Phase 2 of the Third Street Light Rail Project, is constructing a new subway line in San Francisco, which runs approximately 1.6 miles from 4th and Brannan Streets, north under Fourth Street to Stockton Street, and north under Stockton Street into Chinatown; and,

WHEREAS, In 2011, the San Francisco Arts Commission and the SFMTA awarded contracts to artists Catherine Wagner, Paramedia, White Light, Tomie Arai, and Yumei Hou to design and consult on the fabrication and installation of works of art to be displayed in the Central Subway stations (collectively the Artists' Contracts); and,

WHEREAS, Each of the Artists' Contracts have been amended several times to address various changes in stations designs and to extend the terms of the Artists' Contracts to conform to delays and schedule changes in the Project construction schedule; and,

WHEREAS, Due to staff error, the terms of the contracts with Paramedia and Catherine Wagner, respectively, were inadvertently previously extended beyond the ten-year limit requiring Board of Supervisors' approval under Charter 9.118(b), which these contract modifications will remedy; and,

WHEREAS, Due to staff error, the terms of contracts with Yumei Hou, White Light, and Tomie Arai, each inadvertently expired, which the parties did not intend, and by these approvals the SFMTA Board of Directors affirms said contracts continued in full force without interruption, and further approves of all actions, expenditures and payments that the SFMTA has made to date in furtherance of those contracts; and,

WHEREAS, Due to delay to the Central Subway Project construction, the terms of each of the Artists' Contracts must be further extended so that the artists will remain available to consult on the fabrication and the installation of their respective artworks in the Central Subway Stations; and,

WHEREAS, The San Francisco Civil Service Commission approved the Artists' Contracts under Civil Service Commission Notice of Action for Contract No. 4062-10/11, dated January 3, 2011; and,

WHEREAS, The SFMTA's Contract Compliance Office has previously determined that due to the proprietary nature of the Artists' Contracts, there are no subcontracting opportunities for Small Business Enterprises those contracts; and,

WHEREAS, The Central Subway Final Supplemental Environmental Impact Statement/Supplemental Environmental Impact Report (Central Subway SEIS/SEIR) evaluated the environmental impacts of the Central Subway Project, including construction of the subway stations; on August 7, 2008, the San Francisco Planning Commission certified the Final SEIR (Case No. 1996.281E); on August 19, 2008, the SFMTA Board of Directors approved Resolution 08-150 adopting Central Subway Project Alternative 3B as the Locally Preferred Alternative, the California Environmental Quality Act (CEQA) Findings, Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Plan; and,

WHEREAS, The modification of the Artists' Contracts as described herein comes within the scope of the Central Subway SEIS/SEIR; and,

WHEREAS, The Central Subway SEIS/SEIR is on file with the SFMTA Board of Directors and may be found in the records of the Planning Department at <https://sfplanning.org/> and 49 South Van Ness Avenue, Suite 1400 in San Francisco, and is incorporated herein by reference; now therefore, be it

RESOLVED, That the SFMTA Board of Directors has reviewed and considered the Central Subway Supplemental Environmental Impact Statement/Supplemental Environmental Impact Report and record as a whole, and finds that the Central Subway Supplemental Environmental Impact Statement/Supplemental Environmental Impact Report is adequate for the Board's use as the decision-making body for the actions taken herein relative to construction of the Project, and incorporates the California Environmental Quality Act findings by this reference as though set forth in this Resolution; and be it

FURTHER RESOLVED, That the SFMTA Board of Directors retroactively approves Contract Modifications Nos. 3 and 4 and approves Contract Modification No. 5 to the Agreement between the City and the County of San Francisco and Catherine Wagner LLC to provide artwork for the Central Subway Project (Wagner Contract) to design and consult on the fabrication and installation of artwork to be displayed in the Central Subway, for a total contract amount not to exceed amount \$328,376, and to extend the term of that contract to December 31, 2021 to accord with modified Project construction deadlines; and be it

FURTHER RESOLVED, That the SFMTA Board of Directors requests the Board of Supervisors to retroactively approve Contract Modifications Nos. 3 and 4 and approve Contract Modification No. 5 to the Wagner Contract to extend the term of that contract to December 31, 2021; and be it

FURTHER RESOLVED, That the SFMTA Board of Directors retroactively approves Contract Modification No. 2 and approves Contract Modification No. 3 to the Agreement between the City and County of San Francisco and Paramedia, LLC to provide artwork for the Central Subway Project (Paramedia Contract) to design, fabricate and consult on the installation of artwork to be displayed in the Central Subway, to extend the term of that contract to December 31, 2021, to accord with modified Project construction deadlines, with no increase to the contract amount, and be it

FURTHER RESOLVED, That the SFMTA Board of Directors requests the Board of Supervisors to approve Contract Modification Nos. 2 and 3 to the Paramedia Contract to extend the term of that Contract to December 31, 2021; and be it

FURTHER RESOLVED, That the SFMTA Board of Directors retroactively approves Contract Modification No. 4 to the Agreement between the City and the County of San Francisco and White Light Inc. and Werner Klotz Public Art Inc. to provide artwork for the Central Subway Project (White Light Contract), to design and consult on the fabrication and installation of artwork to be displayed in the Central Subway, to extend the term of that contract to December 31, 2021 to accord with modified Project construction deadlines, with no increase to the contract amount; and be it

FURTHER RESOLVED, That the SFMTA Board of Directors requests the Board of Supervisors to approve Contract Modifications No. 4 to the White Light Contract to extend the term of that contract to December 31, 2021; and be it

FURTHER RESOLVED, That the SFMTA Board of Directors approves Contract Modification No. 3 to the Agreement between the City and the County of San Francisco and Tomie Arai to provide artwork for the Central Subway Project (Arai Contract) to design and consult on the fabrication and installation of artwork to be displayed in the Central Subway, to extend the term of that contract to accord with modified Project construction deadlines, with no increase to the contract amount; and be it

FURTHER RESOLVED, That the SFMTA Board of Directors requests the Board of Supervisors to approve Contract Modification No. 3 to the Arai Contract to the extend the term of that Contract to December 31, 2021; and be it

FURTHER RESOLVED, That the SFMTA Board of Directors approves Contract Modification No. 2 to the Agreement between the City and County of San Francisco and Yumei Hou to provide artwork for the Central Subway Project (Hou Contract) to design and consult on the fabrication and installation of artwork to be displayed in the Central Subway, to extend the term of that contract to accord with modified Project construction deadlines, with no increase to the contract amount; and be it

FURTHER RESOLVED, That the SFMTA Board of Directors requests the Board of Supervisors to approve Contract Modification No. 2 to the Hou Contract to the extend the term of that Contract to December 31, 2021; and be it

FURTHER RESOLVED, That the SFMTA Board of Directors approves all actions and expenditures made by the SFMTA and the Arts Commission concerning the aforesaid contracts; and be it

FURTHER RESOLVED, That the SFMTA Board of Directors authorizes the Director of Transportation, in consultation with the City Attorney, to take such action as the Director deems necessary to effect the intent and purposes of this Resolution.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of May 4, 2021.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

**City and County of San Francisco
Arts Commission
401 Van Ness Avenue, Suite 325
San Francisco, California 94102**

**Fifth Amendment to Agreement between the
City and County of San Francisco and Catherine Wagner LLC**

This Fifth Amendment to the Agreement (this “Amendment”), dated for convenience as March 11, 2021, in San Francisco, California, by and between Catherine Wagner LLC (“Contractor”), and the City and County of San Francisco, a municipal corporation (“City”), acting by and through its Municipal Transportation Agency (“SFMTA”) and its Arts Commission (“Commission”), for the purposes and on the terms and conditions set forth below.

RECITALS

WHEREAS, City and Contractor have entered into the Agreement (as defined below); and

WHEREAS, City and Contractor desire to modify the Agreement on the terms and conditions set forth;

NOW, THEREFORE, Contractor and the City agree as follows:

SUMMARY OF FIFTH AMENDMENT

As more particularly described below, this Amendment modifies the Agreement to extend the term to December 31, 2021. The term extension is necessary because the construction of the Central Subway Project is delayed, and the Project will require Contractor’s services through and for a short period following the completion of construction.

In addition, this Amendment also adds contract requirements mandated by federal procurement laws.

FIFTH AMENDMENT OF AGREEMENT

The Agreement is modified as follows:

1. Definitions. The following definitions shall apply to this Amendment:

1a. Agreement. The term “Agreement” shall mean the Agreement dated **June 1, 2011** between Contractor and City, and the First Amendment, Second Amendment, Third Amendment, Fourth Amendment, and this Fifth Amendment to the Agreement.

1b. Contract Monitoring Division. Effective July 28, 2012, with the exception of Sections 14B.9(D) and 14B.17(F), all of the duties and functions of the Human Rights

Commission under Chapter 14B of the Administrative Code (LBE Ordinance) were transferred to the City Administrator, Contract Monitoring Division (“CMD”). Wherever “Human Rights Commission” or “HRC” appears in the Agreement in reference to Chapter 14B of the Administrative Code or its implementing Rules and Regulations, it shall be construed to mean “Contract Monitoring Division” or “CMD” respectively.

1c. Other Terms. Terms used and not defined in this Amendment shall have the meanings assigned to such terms in the Agreement.

2. Modification to the Agreement. The Agreement is hereby modified as follows:

2a. Section 2. Term of the Agreement

The Term of the Agreement is extended to **December 31, 2021**.

Section 2 is hereby deleted and replaced in its entirety to read as follows:

2. Term of Agreement

The term of this Agreement shall be from June 1, 2011 to December 31, 2021, unless extended by subsequent contract modification pursuant to the contract modification requirements in this Agreement.

3. Effective Date. This Amendment shall be effective when fully executed (that is, signed by all parties); each of the modifications set forth in Section 2 shall be effective as of June 1, 2021, without interruption or suspension from that date to the date the parties execute this Amendment.

4. Legal Effect. Except as expressly modified by this Amendment, all of the terms and conditions of the Agreement shall remain unchanged and in full force and effect.

The remainder of this page has been intentionally left blank.

IN WITNESS WHEREOF, Contractor and City have executed this Amendment as of the date first referenced above.

CITY

CONTRACTOR

Recommended by:

Catherine Wagner LLC

Ralph Remington
Director of Cultural Affairs
San Francisco Arts Commission

Catherine Wagner LLC
308 Precita Avenue
San Francisco, CA 94110
City vendor number: 69181

APPROVED:

SAN FRANCISCO MUNICIPAL
TRANSPORTATION AGENCY

City vendor number: 87713

Jeffrey Tumlin
Director of Transportation
Date: _____

Authorized By:

Municipal Transportation Agency Board of
Directors

Resolution No: _____

Adopted: _____

Attest: _____
Secretary, Board of Directors

Approved as to Form:

Dennis J. Herrera
City Attorney

By:

Robert K. Stone
Deputy City Attorney
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**City and County of San Francisco
Arts Commission
401 Van Ness Avenue, Suite 325
San Francisco, California 94102**

**Third Amendment to Agreement between the
City and County of San Francisco and Paramedia LLC**

This Third Amendment to the Agreement (this “Amendment”), dated for convenience as March 11, 2021, in San Francisco, California, by and between Paramedia LLC (“Contractor”), and the City and County of San Francisco, a municipal corporation (“City”), acting by and through its Municipal Transportation Agency (“SFMTA”) and its Arts Commission (“Commission”), for the purposes and on the terms and conditions set forth below.

RECITALS

WHEREAS, City and Contractor have entered into the Agreement (as defined below); and

WHEREAS, City and Contractor desire to modify the Agreement on the terms and conditions set forth;

NOW, THEREFORE, Contractor and the City agree as follows:

SUMMARY OF THIRD AMENDMENT

As more particularly described below, this Amendment modifies the Agreement to extend the term an additional ten months, retroactive to March 1, 2021. The term extension is necessary because the construction of the Central Subway Project is delayed, and the Project will require Contractor’s services through and for a short period following the completion of construction.

In addition, this Amendment also adds contract requirements mandated by federal procurement laws.

THIRD AMENDMENT OF AGREEMENT

The Agreement is modified as follows:

1. Definitions. The following definitions shall apply to this Amendment:

1a. Agreement. The term “Agreement” shall mean the Agreement dated **June 1, 2011** between Contractor and City, and the First Amendment, Second Amendment, and this Third Amendment to the Agreement.

1b. Contract Monitoring Division. Effective July 28, 2012, with the exception of Sections 14B.9(D) and 14B.17(F), all of the duties and functions of the Human Rights Commission under Chapter 14B of the Administrative Code (LBE Ordinance) were transferred to the City Administrator, Contract Monitoring Division (“CMD”). Wherever “Human Rights Commission” or “HRC” appears in the Agreement in reference to Chapter 14B of the Administrative Code or its implementing Rules and Regulations, it shall be construed to mean “Contract Monitoring Division” or “CMD” respectively.

1c. Other Terms. Terms used and not defined in this Amendment shall have the meanings assigned to such terms in the Agreement.

2. Modification to the Agreement. The Agreement is hereby modified as follows:

2a. Section 2. Term of the Agreement

The Term of the Agreement is extended to **December 31, 2021**.

Section 2 is hereby deleted and replaced in its entirety to read as follows:

2. Term of Agreement

The term of this Agreement shall be from March 1, 2011 to December 31, 2021, unless extended by subsequent contract modification pursuant to the contract modification requirements in this Agreement.

3. Effective Date. This Amendment shall be effective when fully executed (that is, signed by all parties); each of the modifications set forth in Section 2 shall be effective as of March 1, 2021, without interruption or suspension from that date to the date the parties execute this Amendment.

4. Legal Effect. Except as expressly modified by this Amendment, all of the terms and conditions of the Agreement shall remain unchanged and in full force and effect.

The remainder of this page has been intentionally left blank.

IN WITNESS WHEREOF, Contractor and City have executed this Amendment as of the date first referenced above.

CITY

CONTRACTOR

Recommended by:

Paramedia LLC

Ralph Remington
Director of Cultural Affairs
San Francisco Arts Commission

Erwin Redl
Paramedia LLC
425 Napoleon Road #5
Bowling Green, OH 43402

APPROVED:

City vendor number: 78725

SAN FRANCISCO MUNICIPAL
TRANSPORTATION AGENCY

Jeffrey Tumlin
Director of Transportation

Authorized By:

Municipal Transportation Agency Board of
Directors

Resolution No: _____

Adopted: _____

Attest: _____
Secretary, Board of Directors

Approved as to Form:

Dennis J. Herrera
City Attorney

By:

Robert K. Stone
Deputy City Attorney

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**City and County of San Francisco
Arts Commission
401 Van Ness Avenue, Suite 325
San Francisco, California 94102**

**Fourth Amendment to Agreement between the
City and County of San Francisco and White Light Inc. and Werner Klotz Public Art Inc.**

This Fourth Amendment to the Agreement (this “Amendment”), dated for convenience as March 11, 2021, in San Francisco, California, by and between White Light Inc. and Werner Klotz Public Art Inc. (“Contractor”), and the City and County of San Francisco, a municipal corporation (“City”), acting by and through its Municipal Transportation Agency (“SFMTA”) and its Arts Commission (“Commission”), for the purposes and on the terms and conditions set forth below.

RECITALS

WHEREAS, City and Contractor have entered into the Agreement (as defined below); and

WHEREAS, City and Contractor desire to modify the Agreement on the terms and conditions set forth;

NOW, THEREFORE, Contractor and the City agree as follows:

SUMMARY OF FOURTH AMENDMENT

As more particularly described below, this Amendment modifies the Agreement to extend the term an additional one year and six months to December 31, 2021. The term extension is necessary because the construction of the Central Subway Project is delayed, and the Project will require Contractor’s services through and for a short period following the completion of construction.

In addition, this Amendment also adds contract requirements mandated by federal procurement laws.

FOURTH AMENDMENT OF AGREEMENT

The Agreement is modified as follows:

1. Definitions. The following definitions shall apply to this Amendment:

1a. Agreement. The term “Agreement” shall mean the Agreement dated **June 1, 2011** between Contractor and City, and the First Amendment, Second Amendment, Third Amendment, and this Fourth Amendment to the Agreement.

1b. Contract Monitoring Division. Effective July 28, 2012, with the exception of Sections 14B.9(D) and 14B.17(F), all of the duties and functions of the Human Rights Commission under Chapter 14B of the Administrative Code (LBE Ordinance) were transferred to the City Administrator, Contract Monitoring Division (“CMD”). Wherever “Human Rights Commission” or “HRC” appears in the Agreement in reference to Chapter 14B of the Administrative Code or its implementing Rules and Regulations, it shall be construed to mean “Contract Monitoring Division” or “CMD” respectively.

1c. Other Terms. Terms used and not defined in this Amendment shall have the meanings assigned to such terms in the Agreement.

2. Modification to the Agreement. The Agreement is hereby modified as follows:

2a. Section 2. Term of the Agreement

The Term of the Agreement is extended to **December 31, 2021**.

Section 2 is hereby deleted and replaced in its entirety to read as follows:

2. Term of Agreement. The term of this Agreement shall be from June 1, 2011 to December 31, 2021, unless extended by subsequent contract modification pursuant to the contract modification requirements in this Agreement.

3. Effective Date. This Amendment shall be effective when fully executed (that is, signed by all parties); each of the modifications set forth in Section 2 shall be effective as of June 29, 2020, without interruption or suspension from that date to the date the parties execute this Amendment.

4. Legal Effect. Except as expressly modified by this Amendment, all of the terms and conditions of the Agreement shall remain unchanged and in full force and effect.

The remainder of this page has been intentionally left blank.

IN WITNESS WHEREOF, Contractor and City have executed this Amendment as of the date first referenced above.

CITY

CONTRACTOR

Recommended by:

White Light Inc. and Werner Klotz Public Art Inc.

Ralph Remington
Director of Cultural Affairs
San Francisco Arts Commission

Jack Campbell
White Light Inc.
2565 3rd St #314
San Francisco, CA 94107
City vendor number: 83573

APPROVED:

SAN FRANCISCO MUNICIPAL
TRANSPORTATION AGENCY

Werner Klotz
Werner Klotz Public Art Inc.
35 West 35th Street
New York, NY 10001
City vendor number: 83190

Jeffrey Tumlin
Director of Transportation

Authorized By:

Municipal Transportation Agency Board of
Directors

Resolution No: _____

Adopted: _____

Attest: _____
Secretary, Board of Directors

Approved as to Form:

Dennis J. Herrera
City Attorney

By:

Robert K. Stone
Deputy City Attorney

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**City and County of San Francisco
Arts Commission
401 Van Ness Avenue, Suite 325
San Francisco, California 94102**

**Third Amendment to Agreement between the
City and County of San Francisco and Tomie Arai**

This Third Amendment to the Agreement (this “Amendment”), dated for convenience as January 19, 2021, in San Francisco, California, by and between Tomie Arai (“Contractor”), and the City and County of San Francisco, a municipal corporation (“City”), acting by and through its Municipal Transportation Agency (“SFMTA”) and its Arts Commission (“Commission”), for the purposes and on the terms and conditions set forth below.

RECITALS

WHEREAS, City and Contractor have entered into the Agreement (as defined below); and

WHEREAS, City and Contractor desire to modify the Agreement on the terms and conditions set forth;

NOW, THEREFORE, Contractor and the City agree as follows:

SUMMARY OF THIRD AMENDMENT

As more particularly described below, this Amendment modifies the Agreement to extend the term two additional years. The term extension is necessary because the construction of the Central Subway Project is delayed, and the Project will require Contractor’s services through and for a short period following the completion of construction.

In addition, this Amendment also adds contract requirements mandated by federal procurement laws.

THIRD AMENDMENT OF AGREEMENT

The Agreement is modified as follows:

1. Definitions. The following definitions shall apply to this Amendment:

1a. Agreement. The term “Agreement” shall mean the Agreement dated **June 1, 2011** between Contractor and City, and the First Amendment, Second Amendment and this Third Amendment to the Agreement.

1b. Contract Monitoring Division. Effective July 28, 2012, with the exception of Sections 14B.9(D) and 14B.17(F), all of the duties and functions of the Human Rights

Commission under Chapter 14B of the Administrative Code (LBE Ordinance) were transferred to the City Administrator, Contract Monitoring Division (“CMD”). Wherever “Human Rights Commission” or “HRC” appears in the Agreement in reference to Chapter 14B of the Administrative Code or its implementing Rules and Regulations, it shall be construed to mean “Contract Monitoring Division” or “CMD” respectively.

1c. Other Terms. Terms used and not defined in this Amendment shall have the meanings assigned to such terms in the Agreement.

2. Modification to the Agreement. The Agreement is hereby modified as follows:

2a. Section 2. Term of the Agreement

The Term of the Agreement is extended to **December 31, 2021**.

Section 2 is hereby deleted and replaced in its entirety to read as follows:

2. Term of Agreement

The term of this Agreement shall be from March 1, 2011 to December 31, 2021, unless extended by subsequent contract modification pursuant to the contract modification requirements in this Agreement.

3. Effective Date. This Amendment shall be effective when fully executed (that is, signed by all parties); each of the modifications set forth in Section 2 shall be effective as of December 31, 2020, without interruption or suspension from that date to the date the parties execute this Amendment.

4. Legal Effect. Except as expressly modified by this Amendment, all of the terms and conditions of the Agreement shall remain unchanged and in full force and effect.

The remainder of this page has been intentionally left blank.

IN WITNESS WHEREOF, Contractor and City have executed this Amendment as of the date first referenced above.

CITY

CONTRACTOR

Recommended by:

Tomie Arai

Ralph Remington
Director of Cultural Affairs
San Francisco Arts Commission

Tomie Arai
245 West 107th Street, 12H
New York, NY 10025

Supplier Number: 0000009360

APPROVED:

SAN FRANCISCO MUNICIPAL
TRANSPORTATION AGENCY

Jeffrey Tumlin
Director of Transportation

Authorized By:

Municipal Transportation Agency Board of
Directors

Resolution No: _____

Adopted: _____

Attest: _____
Secretary, Board of Directors

Approved as to Form:

Dennis J. Herrera
City Attorney
By:

Robert K. Stone
Deputy City Attorney

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**City and County of San Francisco
Arts Commission
401 Van Ness Avenue, Suite 325
San Francisco, California 94102**

**Second Amendment to Agreement between the
City and County of San Francisco and Yumei Hou**

This second Amendment to the Agreement (this “Amendment”), dated for convenience as March 12, 2021, in San Francisco, California, by and between Yumei Hou (“Contractor”), and the City and County of San Francisco, a municipal corporation (“City”), acting by and through its Municipal Transportation Agency (“SFMTA”) and its Arts Commission (“Commission”), for the purposes and on the terms and conditions set forth below.

RECITALS

WHEREAS, City and Contractor have entered into the Agreement (as defined below); and

WHEREAS, City and Contractor desire to modify the Agreement on the terms and conditions set forth;

NOW, THEREFORE, Contractor and the City agree as follows:

SUMMARY OF SECOND AMENDMENT

As more particularly described below, this Amendment modifies the Agreement to extend the term to December 31, 2021. The term extension is necessary because the construction of the Central Subway Project is delayed, and the Project will require Contractor’s services through and for a short period following the completion of construction.

In addition, this Amendment also adds contract requirements mandated by federal procurement laws.

SECOND AMENDMENT OF AGREEMENT

The Agreement is modified as follows:

1. Definitions. The following definitions shall apply to this Amendment:

1a. Agreement. The term “Agreement” shall mean the Agreement dated **March 1, 2011** between Contractor and City, and the First Amendment to the Agreement.

1b. Contract Monitoring Division. Effective July 28, 2012, with the exception of Sections 14B.9(D) and 14B.17(F), all of the duties and functions of the Human Rights Commission under Chapter 14B of the Administrative Code (LBE Ordinance) were transferred

to the City Administrator, Contract Monitoring Division (“CMD”). Wherever “Human Rights Commission” or “HRC” appears in the Agreement in reference to Chapter 14B of the Administrative Code or its implementing Rules and Regulations, it shall be construed to mean “Contract Monitoring Division” or “CMD” respectively.

1c. Other Terms. Terms used and not defined in this Amendment shall have the meanings assigned to such terms in the Agreement.

2. Modification to the Agreement. The Agreement is hereby modified as follows:

2a. Section 2. Term of the Agreement

The Term of the Agreement is extended to **December 31, 2021**.

Section 2 is hereby deleted and replaced in its entirety to read as follows:

2. Term of Agreement

The term of this Agreement shall be from March 1, 2011 to December 31, 2021, unless extended by subsequent contract modification pursuant to the contract modification requirements in this Agreement.

3. Effective Date. This Amendment shall be effective when fully executed (that is, signed by all parties); each of the modifications set forth in Section 2 shall be effective as of December 31, 2019, without interruption or suspension from that date to the date the parties execute this Amendment.

4. Legal Effect. Except as expressly modified by this Amendment, all of the terms and conditions of the Agreement shall remain unchanged and in full force and effect.

The remainder of this page has been intentionally left blank.

IN WITNESS WHEREOF, Contractor and City have executed this Amendment as of the date first referenced above.

CITY

CONTRACTOR

Recommended by:

Yumei Hou

Ralph Remington
Director of Cultural Affairs
San Francisco Arts Commission

Yumei Hou
1590 Broadway Street, Apt. 211 S
San Francisco, CA 94109

APPROVED:

Supplier Number: 0000083325

SAN FRANCISCO MUNICIPAL
TRANSPORTATION AGENCY

Jeffrey Tumlin
Director of Transportation

Authorized By:

Municipal Transportation Agency Board of
Directors

Resolution No: _____

Adopted: _____

Attest: _____
Secretary, Board of Directors

Approved as to Form:

Dennis J. Herrera
City Attorney

By:

Robert K. Stone
Deputy City Attorney

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