

STAFF REPORT FOR CALENDAR ITEM NO: 8.2
FOR THE MEETING OF: December 14, 2017

TRANSBAY JOINT POWERS AUTHORITY

BRIEF DESCRIPTION:

Authorize the Executive Director to execute amendments to extend the terms of the agreement with the artist Julie Olcott (Chang) to June 30, 2018, and the artists James Carpenter and Ned Kahn to September 30, 2018.

EXPLANATION:

In July 2010, the TJPA Board authorized agreements with Mr. Carpenter, Ms. Chang, and Mr. Kahn for the following artworks:

- James Carpenter – Shaw Alley Light Fields
- Julie Chang – Grand Hall Terrazzo Floor
- Ned Kahn – Bus Jet Fountain

The Executive Director executed the agreements in 2011. Each agreement expires December 31, 2017. All three artworks are in various stages of construction. Over 90 percent of the terrazzo floor in the Grand Hall is installed and completion is anticipated in January 2018. The entire 1000-foot length of precast concrete units on the rooftop level are installed for the bus jet fountain, as well as the majority of the plumbing. The pump systems are remaining to be installed, and then programming of the fountain display is expected in second quarter 2018. The Shaw Alley light field is in the final mockup stage, while the rough-in of electrical has been completed. Following final approval of the mockup from the artist, the artwork will move into full fabrication, and installation is anticipated in second quarter 2018.

While construction of each artwork is well underway, staff recommends extending the three agreements at this time to June 2018 for Ms. Olcott and September 2018 for Mr. Carpenter and Mr. Kahn to allow completion of each artwork with consultation by each artist. (Note that TJPA also has an agreement with Jenny Holzer for an LED artwork at the Bus Deck level, but that much more recent agreement does not require renewal.)

RECOMMENDATION:

Authorize the Executive Director to execute amendments to the agreements with the following three artists: James Carpenter, Julie Olcott (Chang), and Ned Kahn, extending the term to June 2018 for Ms. Olcott and September 2018 for Mr. Carpenter and Mr. Kahn, to allow each artist's continued oversight of fabrication and installation, and with no change in total authorized compensation.

ENCLOSURES:

1. Resolution
2. Form of Amendment

**TRANSBAY JOINT POWERS AUTHORITY
BOARD OF DIRECTORS**

Resolution No. _____

WHEREAS, The Transbay Joint Powers Authority (TJPA) acknowledges the importance of art in making public spaces more enjoyable, improving the quality of life in the community, and adding value to the public transportation experience; and

WHEREAS, The TJPA developed a Public Art Program to enhance the national and international prestige of the overall Transbay Program, in cooperation with the San Francisco Arts Commission (SFAC); and

WHEREAS, The TJPA commissioned original and exceptional artworks that are complementary to the Transbay Program's mission, purpose and architectural design, and appropriate for the transit center's constituency and the general public; and

WHEREAS, The TJPA Board of Directors (TJPA Board) approved the selection of James Carpenter, Julie Chang, and Ned Kahn in July 2010, and the Executive Director executed agreements with each artist in 2011, with terms to December 31, 2017; and

WHEREAS, The three artists have successfully completed their design work and are currently engaged in oversight of fabrication and installation which is proceeding with all due speed but which will not be complete before December 31, 2017; now, therefore, be it

RESOLVED, That the TJPA Board authorizes the Executive Director to execute amendments to the agreements with James Carpenter, Julie Olcott (Chang), and Ned Kahn, to extend the term of the agreements to June 30, 2018 for Ms. Olcott and September 30, 2018 for Mr. Carpenter and Mr. Kahn, and with no change in total authorized compensation.

I hereby certify that the foregoing resolution was adopted by the Transbay Joint Powers Authority Board of Directors at its meeting of December 14, 2017.

Secretary, Transbay Joint Powers Authority

**Amendment No. [01/02]
Professional Services Agreement between
the Transbay Joint Powers Authority and [Artist]**

THIS Amendment No. [1/2] to the Professional Services Agreement to furnish artwork, including development of detailed plans and specifications, and the Artist's consultation and oversight for fabrication and installation of the artwork dated [month day], 2011 ("Agreement") is entered into as of the _____ day of December 2017 in San Francisco, California, by and between [Artist] (the "Artist" or "Contractor"), and the **Transbay Joint Powers Authority** ("TJPA").

Recitals

A. The TJPA is responsible for implementing the Transbay Program ("Program"). The Program includes the construction of a new multi-modal transit center on the site of the former Transbay Terminal at First and Mission Streets in San Francisco, an extension of Caltrain from its existing terminus at Fourth and Townsend Streets through a tunnel to the new transit center, and the construction of a new bus ramp and bus storage facilities. The TJPA has allocated budget for the acquisition and installation of artwork for the new transit center building.

B. On July 15, 2010, by Resolution No. **10-029**, the TJPA Board approved the Artist's preliminary design and budget for the proposed artwork and authorized the Executive Director to execute an Agreement for the completion of the artwork, including development of detailed plans and specifications, and the Artist's consultation and oversight for fabrication and installation of the artwork. The parties executed the Agreement effective [month day], 2011.

C. [*Chang and Kahn Amendments*: Amendment No. 1 was entered into in April 2011, to incorporate the most recent regulations of the United States Department of Transportation ("USDOT") relevant to artworks. The Agreement as amended by Amendment No. 1 is collectively referred to herein as the "Agreement"].

D. The parties now desire to extend the term of the Agreement to allow for completion of fabrication and installation of the artwork.

Now, therefore, TJPA and Artist agree to amend Section 2 of the Agreement to read as follows:

2. Term of the Agreement

The term of this Agreement shall be from the Effective Date of the Agreement, as defined in Section 3 below, to [June/September 2018], unless extended by subsequent contract modification pursuant to the contract modification requirements in this Agreement. Notwithstanding the above, this Agreement may be extended by mutual agreement for a period not to exceed [18 months or 15 months] beyond this term, provided that such extension does not create a contract with a total aggregate term of more than 9 years.

All other provisions of the Agreement shall remain in full force and effect.

**TRANSBAY JOINT POWERS
AUTHORITY**

Mark Zabaneh
Executive Director

Transbay Joint Powers Authority
Board of Directors
Resolution No. _____
Adopted: _____
Attest:

Secretary, TJPA Board

Approved as to Form:

By _____
TJPA Legal Counsel

ARTIST
[Name]

Signature

Printed Name

Tax Identification Number