

**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 Catherine Wagner LLC**

This Third Amendment to the Agreement (this "Amendment"), dated for convenience as of January 13, 2020, 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 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 the completion of construction and before the Project opens to the public.

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, as amended by the First Amendment to the Agreement, dated **July 3, 2012**, the Second Amendment to the Agreement, dated **November 16, 2018**, 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 **June 29, 2021** due to extended date of installation of artwork, received from the SFMTA Contractor.

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

2. Term of Agreement

The initial term of this Agreement shall be from June 1, 2011 to June 29, 2021, 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 written agreement of the parties for a period not to exceed two years beyond the initial term, provided that such extension does not create a contract with a total aggregate term of more than ten years.

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 retroactive to June 1, 2011.

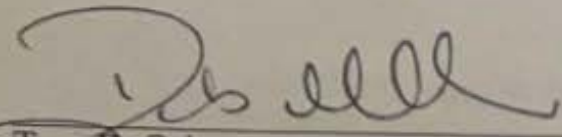
4. Legal Effect. Except as expressly modified by this Amendment, all of the terms and conditions of the Agreement shall remain unchanged and in full force and effect.

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

CITY

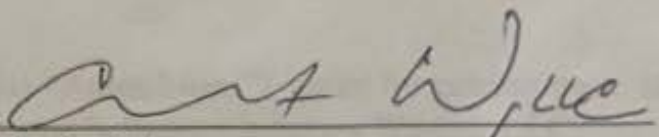
Recommended by:



Tom DeCaigny *for*
Director of Cultural Affairs
San Francisco Arts Commission

CONTRACTOR

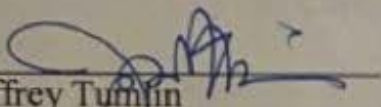
Catherine Wagner LLC



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

APPROVED:

**SAN FRANCISCO MUNICIPAL
TRANSPORTATION AGENCY**

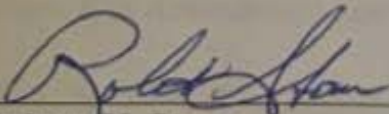


Jeffrey Tumlin
Director of Transportation
Date: 2/14/20

City vendor number: 87713

Approved as to Form:

Dennis J. Herrera
City Attorney

By: 

Robert K. Stone
Deputy City Attorney