



May 7, 2021

The Honorable Members of the Board of Supervisors  
City and County of San Francisco  
1 Dr. Carlton Goodlett Place, Room 244  
San Francisco, CA 94102

**Honorable Members of the Board of Supervisors:**

The San Francisco Municipal Transportation Agency (SFMTA) and the San Francisco Arts Commission (SFAC) request that the San Francisco Board of Supervisors approve modifications to the contracts with artists Catherine Wagner, Paramedia, White Light, Tomie Arai, and Yumei Hou to provide design 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, without increasing the contract amounts; and, to request the Board of Supervisors to approve the contract modifications.

**Background:**

The SFAC 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 SFAC 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 SFAC 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 (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 previously was amended several times to address various changes in station designs and to extend the terms of the Artists' Contracts to conform to delays and changes in the Central Subway Project construction schedule.



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 the errors and will take steps to more closely manage the Artists' Contracts.

**Alternatives Considered:**

The San Francisco Board of Supervisors could decide not to modify the Artists' 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 Station) has not been completed, and likely will remain unfinished if the Arai Contract is not extended.

**Funding Impact/Budget:**

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.

**Funding Sources:**

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.

**SFMTA Board Action:**

On May 4, 2021, the SFMTA Board of Directors approved resolutions authorizing the Director of Transportation to execute the Amendments to the contracts with artists Catherine Wagner, Paramedia, White Light, Tomie Arai, and Yumei Hou, subject to approval by the Board of Supervisors.



**Recommendation:**

The SFMTA and the SFAC recommend that the San Francisco Board of Supervisors adopt the resolutions approving the Amendments to the contracts with artists Catherine Wagner, Paramedia, White Light, Tomie Arai, and Yumei Hou.

Thank you for your consideration of this proposed amendment. Should you have any questions or require more information, please do not hesitate to contact me at any time.

**Sincerely,**

DocuSigned by:  


5D9CA93F693F43E...  
**Jeffrey Tumlin**

**Director of Transportation**

DocuSigned by:  


8E2E3A3D19EA4E1...  
**Ralph Remington**

**Director of Cultural Affairs**