

1 [Contract Modification - Retroactive - Paramedia, LLC - Central Subway Artwork - Term
2 Extension]

3 **Resolution retroactively approving Contract Modification No. 2 to extend the term to**
4 **June 29, 2021; and approving Contract Modification No. 3 to extend the term for a total**
5 **term of June 1, 2011, through December 31, 2021, with no increase to the contract**
6 **amount of \$536,550 between the Arts Commission, Municipal Transportation Agency,**
7 **and Paramedia, LLC, to provide designs and consult on the fabrication and installation**
8 **of artwork to be displayed in the Central Subway.**

9
10 WHEREAS, The San Francisco Municipal Transportation Agency's (SFMTA) Central
11 Subway Project, which is Phase 2 of the Third Street Light Rail Project, is constructing a new
12 subway line in San Francisco, which runs approximately 1.6 miles from Fourth and Brannan
13 Streets, north under Fourth Street to Stockton Street, and north under Stockton Street into
14 Chinatown; and

15 WHEREAS, On March 1, 2011, the San Francisco Arts Commission and the SFMTA
16 approved the Agreement between the City and County of San Francisco and Paramedia, LLC
17 to provide artwork for the Central Subway Project (Paramedia Contract), for the design,
18 fabrication and consultation on the installation of artwork for the Central Subway Union
19 Square Market Street Station (UMS), for an amount not to exceed \$536,550 and a term of
20 seven years and ten months, from March 1, 2011, to December 31, 2018; and

21 WHEREAS, The Paramedia Contract has been amended twice to extend the term due
22 to delays to Central Subway construction: Contract Modification No. 1, dated November 29,
23 2018, extended the term of the contract one year to December 31, 2019; Contract
24 Modification No. 2, dated December 23, 2019, extended the term of the contract one year and
25 six months to June 29, 2021, and

1 WHEREAS, Due to staff error, Contract Modification No. 2 exceeded the ten-year term
2 limit imposed by Charter, Section 9.118(b); and

3 WHEREAS, Due to delay to the Central Subway Project construction, the term of the
4 Paramedia Contract must be further extended to December 31, 2021, so that Paramedia will
5 remain available to consult on the fabrication and the installation of their artwork in the Central
6 Subway Stations; as so amended, the total term of the Paramedia Contract would exceed the
7 ten-year contract term limit set out in Charter, Section 9.118(b), and therefore requires the
8 Board of Supervisors' approval; and

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

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

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

23 WHEREAS, The modification of the Paramedia Contract as described herein comes
24 within the scope of the Central Subway SEIS/SEIR; and

1 WHEREAS, The Central Subway SEIS/SEIR on file with the Clerk of the Board of
2 Supervisors in File No. 210545, which is hereby declared to be a part of this resolution as if
3 set forth fully herein; now therefore, be it

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

11 FURTHER RESOLVED, That the Board of Supervisors retroactively approves Contract
12 Modification No. 2, and approves Contract Modification No. 3 to the Agreement between the
13 City and the County of San Francisco and Paramedia to design and consult on the fabrication
14 and installation of artwork to be displayed in the Central Subway (Paramedia Contract) and to
15 extend the term of that contract to December 31, 2021, to accord with modified Central
16 Subway Project construction deadlines, without increase to the contract amount; and, be it

17 FURTHER RESOLVED, That the Board of Supervisors approves all actions and
18 expenditures made by the SFMTA and the Arts Commission concerning the Paramedia
19 Contract; and, be it

20 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of
21 Transportation and the Director of Cultural Affairs, in consultation with the City Attorney, to
22 take such action as the Director deems necessary to effect the intent and purposes of this
23 Resolution; and, be it

24
25

1 FURTHER RESOLVED, That within 30 days of the Contract Modification being fully-
2 executed by all parties, the Director of Transportation and the Director of Cultural Affairs shall
3 provide the final Contract Modification to the Clerk of the Board for inclusion into the official
4 file.

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25