

1 [Contract Modification - Retroactive - Yumei Hou - Central Subway Artwork - Term Extension]

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3 **Resolution retroactively approving Contract Modification No. 2 between the Arts**
4 **Commission, the Municipal Transportation Agency and Yumei Hou to extend the term**
5 **of the contract for two years for a total term of March 1, 2011, through**
6 **December 31, 2021, with no increase to the contract amount, to provide designs and**
7 **consult on the fabrication and installation of artwork to be displayed in the Central**
8 **Subway.**

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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 4th 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 Yumei Hou (Hou
17 Contract) to provide design and consult on the fabrication and installation of the artwork for
18 the Central Subway Chinatown – Rose Pak Station (CTS) for an amount not to
19 exceed \$60,500, and a term of March 1, 2011, to December 31, 2018 (seven years and ten
20 months); and

21 WHEREAS, The Hou Contract was previously amended by Contract Modification
22 No. 1, dated November 29, 2018, which extended the term of the contract one year to
23 December 31, 2019, due to delays with station construction; and

24 WHEREAS, Due to staff error, the term of the Hou inadvertently expired, which the
25 parties did not intend, and by these approvals the San Francisco Board of Supervisors

1 Directors affirms said contract continued in full force without interruption, and further approves
2 of all actions, expenditures and payments that the SFMTA has made to date in furtherance of
3 that contract; and

4 WHEREAS, Due to delay to the Central Subway Project construction, the term of the
5 Hou Contract must be further extended to December 31, 2021, so that the artist will remain
6 available to consult on the fabrication and the installation of their artwork in the Central
7 Subway Stations; and

8 WHEREAS, Contract Modification No. 2 would retroactively extend the term of the Hou
9 Contract to December 31, 2021, to coordinate the installation of the artwork with completion of
10 the Central Subway Project construction; the total term of the Hou Contract would exceed the
11 ten-year contract term limit set out in Charter, Section 9.118(b), and therefore requires the
12 Board of Supervisors' approval; and

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

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

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

3 WHEREAS, The modification of the Hou Contract as described herein comes within the
4 scope of the Central Subway SEIS/SEIR; and

5 WHEREAS, The Central Subway SEIS/SEIR on file with the Clerk of the Board of
6 Supervisors in File No. 210548, which is hereby declared to be a part of this Resolution as if
7 set forth fully herein; now, therefore, be it

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

15 FURTHER RESOLVED, That the Board of Supervisors retroactively approves Contract
16 Modification No. 2 to the Agreement between the City and County of San Francisco and
17 Yumei Hou (Hou Contract) to design and consult on the fabrication and installation of artwork
18 to be displayed in the Central Subway, to extend the term of that contract to
19 December 31, 2021, to accord with modified Central Subway Project construction deadlines,
20 with no increase to the contract amount; and, be it

21 FURTHER RESOLVED, That the Board of Supervisors approves all actions and
22 expenditures made by the SFMTA and the Arts Commission concerning the Hou Contract;
23 and, be it

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

5 FURTHER RESOLVED, That within thirty (30) days of the contract being fully executed
6 by all parties, the Arts Commission and the Municipal Transportation Agency shall provide the
7 final contract modification to the Clerk of the Board for inclusion into the official file.

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