Resolution retroactively approving Modification No. 3 between the Arts Commission, the Municipal Transportation Agency and Tomie Arai to extend the term of the contract for one year for a total term of March 1, 2011, through December 31, 2021, with no increase to the contract amount of $290,500 to provide designs and consult on the fabrication and installation of artwork to be displayed in the Central Subway.

WHEREAS, The San Francisco Municipal Transportation Agency’s (SFMTA) Central Subway Project, which is Phase 2 of the Third Street Light Rail Project, is constructing a new subway line in San Francisco, which runs approximately 1.6 miles from 4th and Brannan Streets, north under Fourth Street to Stockton Street, and north under Stockton Street into Chinatown; and

WHEREAS, On March 1, 2011, the San Francisco Arts Commission and the SFMTA approved the Agreement between the City and the County of San Francisco and Tomie Arai to provide artwork for the Central Subway Project (Arai Contract) to provide designs and consult on the fabrication and installation of the artwork for Central Subway Chinatown Rose Pak Station (CTS) for an amount not to exceed $290,500 and a term of seven years and ten months, from March 1, 2011, through December 31, 2018; and

WHEREAS, The Arai Contract has been previously amended twice: Contract Modification No. 1, dated July 2, 2012, increased the contract amount $60,500 for additional scope of work due to changes to CTS design, for a total amount not to exceed $351,000; Contract Modification No. 2, dated March 21, 2019, extended the term of the contract two years to December 31, 2020, due to additional delays to CTS construction; and
WHEREAS, Due to staff error, the term of the Arai Contract inadvertently expired, which the parties did not intend, and by these approvals the San Francisco Board of Supervisors affirms said contract continued in full force without interruption, and further approves of all actions, expenditures and payments that the SFMTA has made to date in furtherance of that contract; and

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

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

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

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

WHEREAS, The Central Subway SEIS/SEIR on file with the Clerk of the Board of Supervisors in File No. 210546, which is hereby declared to be a part of this Resolution as if set forth fully herein; now, therefore, be it

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

FURTHER RESOLVED, That the Board of Supervisors retroactively approves Contract Modification No. 3 to the Agreement between the City and the County of San Francisco and Tomie Arai (Arai Contract) to provide artwork for the Central Subway Project to design and consult on the fabrication and installation of artwork to be displayed in the Central Subway, to extend the term of that contract to December 31, 2021, to accord with Central Subway Project construction deadlines, with no increase to the contract amount; and, be it

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

FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of Transportation and the Director of Cultural Affairs, in consultation with the City Attorney, to take such action as the Director deems necessary to effect the intent and purposes of this Resolution; and, be it
FURTHER RESOLVED, That within thirty (30) days of the contract being fully executed by all parties, the Arts Commission and the Municipal Transportation Agency shall provide the final contract modification to the Clerk of the Board for inclusion into the official file.
Resolution retroactively approving Modification No. 3 between the Arts Commission, the Municipal Transportation Agency and Tomie Arai to extend the term of the contract for one year for a total term of March 1, 2011, through December 31, 2021, with no increase to the contract amount of $290,500 to provide designs and consult on the fabrication and installation of artwork to be displayed in the Central Subway.

June 03, 2021 Government Audit and Oversight Committee - RECOMMENDED

June 15, 2021 Board of Supervisors - ADOPTED

Ayes: 10 - Chan, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani and Walton

Excused: 1 - Melgar

File No. 210546

I hereby certify that the foregoing Resolution was ADOPTED on 6/15/2021 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

London N. Breed
Mayor

6/25/2021
Date Approved