Resolution retroactively approving Contract Modification No. 4 to extend the term of the contract for a total term of June 1, 2011, through December 31, 2021, with no change to the contract amount of $458,823 between the Arts Commission, Municipal Transportation Agency, White Light Inc. and Werner Klotz Public Art Inc., to provide designs and consult on the fabrication and installation of artwork to be displayed in the Central Subway.

WHEREAS, The SFMTA’s 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 Fourth and Brannan Streets, north under Fourth Street to Stockton Street, and north under Stockton Street into Chinatown; and

WHEREAS, On June 1, 2011, the San Francisco Arts Commission and the SFMTA approved the Agreement between the City and the County of San Francisco and White Light LLC and Werner Klotz to provide artwork for the Central Subway Project (White Light Contract), which includes design and consultation on the fabrication and installation of the artwork for Union Square Market Street Station (UMS) for an amount not to exceed $374,900 and a term of seven years and seven months, from June 1, 2011, to December 31, 2018; and

WHEREAS, The White Light Contract has been amended three times: Contract Modification No. 1, dated August 30, 2016, increased the contract amount $60,723 for additional engineering services and additional artwork renderings, for a total contract amount not to exceed $435,623; Contract Modification No. 2, dated November 29, 2018, extended the term of the contract one year to December 31, 2019, due to delays to UMS construction; and Contract Modification No. 3, dated November 5, 2019, increased the contract amount $23,200
for additional engineering services, for a total contract amount not to exceed $458,823 and
extended the term of the contract one year and six months, to June 29, 2020, due to delays to
UMS construction; and

WHEREAS, Due to staff error, the term of the White Light 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
White Light Contract must be further extended to December 31, 2021, so that White Light LLC
and Werner Klotz will remain available to consult on the fabrication and the installation of their
artwork in the Central Subway Stations; and

WHEREAS, Contract Modification No. 4 would retroactively extend the term of the
White Light Contract to December 31, 2021, to coordinate the installation of the artwork with
completion of the Central Subway Project construction; as amended, the total term of the
White Light 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 White Light
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 White Light Contract, there are no subcontracting
opportunities for Small Business Enterprises that contract; 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 San Francisco Planning Commission certified the
Final SEIR (Case No. 1996.281E); on August 19, 2008, the SFMTA Board of Directors
approved Resolution 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 White Light 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. 210547, 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. 4 to the Agreement between the City and the County of San Francisco and
White Light Inc. and Werner Klotz Public Art Inc. (White Light Contract) 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 modified 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 White Light 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 30 days of the Contract Modification being fully-executed by all parties, the Director of Transportation and the Director of Cultural Affairs shall provide the final Contract Modification to the Clerk of the Board for inclusion into the official file.
Resolution retroactively approving Contract Modification No. 4 to extend the term of the contract for a total term of June 1, 2011, through December 31, 2021, with no change to the contract amount of $458,823 between the Arts Commission, Municipal Transportation Agency, White Light Inc. and Werner Klotz Public Art Inc., 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

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.

[Signature]
Angela Calvillo
Clerk of the Board

[Signature]
London N. Breed
Mayor

6/25/2021
Date Approved