Resolution retroactively approving Contract Modification No. 2 between the Arts Commission, the Municipal Transportation Agency and Yumei Hou to extend the term of the contract for two years for a total term of March 1, 2011, through December 31, 2021, with no increase to the contract amount, 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 County of San Francisco and Yumei Hou (Hou Contract) to provide design and consult on the fabrication and installation of the artwork for the Central Subway Chinatown – Rose Pak Station (CTS) for an amount not to exceed $60,500, and a term of March 1, 2011, to December 31, 2018 (seven years and ten months); and

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

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

Supervisor Peskin
BOARD OF SUPERVISORS
Directors 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 Hou Contract must be further extended to December 31, 2021, so that the artist will remain available to consult on the fabrication and the installation of their artwork in the Central Subway Stations; and

WHEREAS, Contract Modification No. 2 would retroactively extend the term of the Hou Contract to December 31, 2021, to coordinate the installation of the artwork with completion of the Central Subway Project construction; the total term of the Hou 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 Hou 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 Artists’ Contracts, 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 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 Hou 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. 210548, 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. 2 to the Agreement between the City and County of San Francisco and
Yumei Hou (Hou 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 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 Hou 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 Contract Modification No. 2 between the Arts Commission, the Municipal Transportation Agency and Yumei Hou to extend the term of the contract for two years for a total term of March 1, 2011, through December 31, 2021, with no increase to the contract amount of $60,500 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. 210548

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