MEMORANDUM

TO: Agency Commissioners

FROM: Tiffany Bohee, Executive Director

SUBJECT: Authorizing a Third Amendment to the Personal Services Contract with Helene Fried & Associates, a sole proprietorship, to extend the contract term to a date when all Public Art Pieces are installed and unveiled but in no event later than October 1, 2016; Hunters Point Shipyard Redevelopment Project Area.

EXECUTIVE SUMMARY

On May 19, 2009, the San Francisco Redevelopment Agency ("SFRA") Commission authorized a Personal Services Contract ("Contract") with a consultant team led by Helene Fried & Associates (collectively "HFA") to work with SFRA to facilitate the selection, installation and maintenance of public art ("Shipyard Public Art") for Parcel A of the Hunters Point Shipyard ("Shipyard"). The Contract was amended in May 2010 and January 2012.

Shipyard Public Art is the public art element of the Cultural Historic Recognition Program ("CHRP"). The CHRP is one of eleven community benefit programs included in the Community Benefits Agreement of the Shipyard’s Phase 1 Disposition and Development Agreement for the redevelopment of the Shipyard ("DDA").

The art to be installed on the Shipyard will be funded with approximately $1 million in grant funds from the United States Department of Commerce, Economic Development Administration ("EDA"). The grant was to expire in August 2013. However, an extension of the grant deadline was approved by EDA and will allow for an extended use of funds for Shipyard Public Art until August 2015.

Due to the extended project timeline and addition of support services, HFA’s contract needs to be amended. There will be no changes to the contract scope or existing budget of $399,500.

Staff recommends that the Executive Director be authorized to amend the Contract with HFA to extend the contract term to a date when all Shipyard Public Art pieces are installed and unveiled but in no event later than October 1, 2016.

BACKGROUND:

CHRP is one of 11 community benefit programs included in the Community Benefits Agreement of the Shipyard Phase 1 DDA and is a critical component in the Agency’s strategy to restore the Shipyard’s role in supporting the economic vitality of the Bayview Hunters Point ("BVHP") community. In addition to improving the quality of life for the residents who live there, the
Program will ensure that the future Shipyard is not disconnected from the historic and cultural elements of its past. The CHRP will also underscore the level of public investment in the area, making it a more attractive location to own a home or locate a business.

CHRP aims to create an art program that identifies opportunities for recognizing cultural components of the Shipyard and surrounding community in the development of the Shipyard, integrates cultural features and facilities throughout the Shipyard, and provides opportunities for local artists to participate in creating public art for the Shipyard.

Over time, several consultants have provided services to SFRA and the Hunters Point Shipyard Citizens Advisory Committee (“CAC”) with the planning of CHRP. Documents prepared in the past include a conceptual report entitled “Remembering our Past for the Future” (produced by Myles Stevens and Associates in 2004) and the Hunters Point Shipyard, Phase 1, Parcel A, Open Space & Streetscape Master Plan (approved by the SFRA Commission on January 17, 2009) that identified potential locations to place public art and to tell the story of the Shipyard and the surrounding BVHP community through interpretive features.

**DISCUSSION:**

Shipyard Public Art is the first CHRP project and focuses on the public art aspect of the program by commissioning nine public art pieces for the Shipyard. As a first step, on May 19, 2009 the SFRA Commission authorized a Personal Services Contract with a consultant team lead by HFA to facilitate the selection, commissioning and installation of public art for Parcel A. The consultant team was selected through a competitive public process in accordance with OCII’s purchasing policy in which six proposals were received in response to a request for proposals.

Since 2009, HFA has supported SFRA, and now OCII to achieve the following milestones:

- **Selection of public artists through a jury-led selection process.** Following broad local and nationwide outreach effort to attract a wide range of suitable artist applications, a total of 283 artist portfolios were received in response to the Call for Artists that was released in August 2009. The artist selection jury (consisting of three art professionals, a representative of the Shipyard CAC, a community member who is not a member of the CAC, a member of the SFRA Commission and senior SFRA staff representatives, the San Francisco Art Commission and the Developer) invited 32 finalists to submit specific proposals in different price segments, including one “opportunity segments” for emerging public artists. Thirty-one finalists submitted proposals which were publicly displayed at the Bayview Opera House for a week. At their final meeting in December 2009, the Artist Selection Jury reviewed all finalists’ proposals and recommended nine artists for commissions for the Hilltop area of Parcel A on the Shipyard. (See Attachment 2: Artist Bio and Summary)

- **Negotiation of Artist contracts.** Contracts with each individual artist or artist team for the design and fabrication for public artworks for Shipyard Parcel A were executed. Negotiations included determining optimal locations for public artworks in the regional park and pocket parks on Shipyard Parcel A based on artist vision and park construction
schedule limitations, agreeing on contract milestones and a payment schedule as well as discussing the details of the contract scope including the public art youth program.

- **Artist support in the design phase.** Artists began their design work immediately after contract execution. Several meetings and calls with the artist teams and their engineers as well as coordination with other City Department such as DPW and the City’s Americans with Disabilities Act (“ADA”) compliance person were required to discuss multiple design iterations. The HFA team supported staff during design reviews.

- **Artist support during the fabrication phase.** Once designs and construction drawings were approved, artists started to fabricate their artworks. HFA and SFRA staff provided ongoing technical support and oversight during the fabrication phase, responding to artist questions and concerns as well as ensuring that fabrication of artworks was progressing as scheduled. Mid-point and final fabrication visits were part of the ongoing monitoring of the fabrication progress and an additional final review of completed art pieces prior to transportation to the Shipyard may be required for all or some artworks. (See Attachment 3: Progress Photo Documentation)

- **Shipyard Public Art Youth Program.** At the request of the Shipyard Citizen’s Advisory Committee (“CAC”) SFRA developed a Shipyard Public Art Youth Program which took place from January through December 2011. The intent of the program was to enable BVHP youth with artistic inclinations to gain hands-on art experience alongside experienced artists participating in the Shipyard Public Art program. Staff worked with California Lawyers for the Arts (“CLA”), a San Francisco based nonprofit organization which has extensive experience working with Bayview youth, to develop the Shipyard Public Art Youth Program. Each of the nine HPS public artists volunteered their time and spent one Saturday with a group of youth from BVHP and other San Francisco neighborhoods. The monthly workshops, took different shapes and forms based on each individual artist’s background, expertise and preferred medium. (See Attachment 4: Shipyard Public Art Youth Program Booklet and Video)

HFA’s contract scope has several outstanding tasks that are tied to future activities, such as the installation of the artworks. Outstanding HFA tasks include:

- **Preparation for Installation of Artwork**
  The timing for installation of artworks has been postponed due to delays in the delivery of Parcel A open space. The first artworks are now slated to be installed in fall 2013. In accordance with EDA guidelines, installation of artwork must be carried out by a separate installation contractor who will be procured by an invitation to bid in compliance with federal and local procurement guidelines. HFA will work with staff and artists to prepare for the installation of the art pieces, including assisting with obtaining any necessary permits for installation, identifying potential contractors for installation, developing a schedule and check-list for the installation of all art pieces, and assist with the selection of the installation contractor.

- **Transfer of Ownership and Insurance Recommendations**
  Artists are responsible for transporting the artwork to a to-be-determined site at the Shipyard. HFA will be present at the hand-off to OCII. After a thorough on-site review of
the artwork by HFA, ownership will be transferred OCII and subsequently be passed on to a designated public entity, likely the San Francisco Public Art Commission, in accordance with OCII’s Long Range Property Management Plan (a requirement under dissolution law). In anticipation of the transfer of ownership, HFA will research best practices for the transfer of ownership and adequate insurance of publicly accessible pieces of artwork and recommend appropriate approaches.

- **Technical Support during Installation**
  HFA will work with staff, artists and installation contractor to facilitate the installation of the art pieces. Contractor will coordinate with artists and troubleshoot when necessary.

- **Maintenance and Conservation Manual**
  The art will be publicly owned and as such, HFA will develop a maintenance plan and budget for the installed art pieces and ensure that an acceptable maintenance schedule is established and that all parties with designated responsibilities are aware and agree to the terms and conditions of the plan. The maintenance budget will be funded from Shipyard Maintenance Community Facilities District revenues.

- **Artwork Plaques and Signage**
  Artwork requires acknowledgement and information signage that includes details about the artwork and artist and identifies artwork as part of OCII’s collection. In collaboration with staff, HFA will work with a sub-contractor to design, fabricate and place ADA compliant artwork plaques on site that will allow disabled individuals to experience the artwork.

- **Project Documentation, Marketing and PR**
  Project accomplishments are to be documented in written and in photographic form by HFA, staff and artists and compiled into attractive collateral, such as a Shipyard Public Art website (to be hosted on the Agency website), brochures or pamphlets for marketing and public relations purposes and material for the main branch of the public library. Wherever required, published material shall follow the guidelines of the Americans with Disabilities Act (“ADA”). Photographic material includes pictures of the fabrication process (to be provided by artists) and photographic documentation of the final installed artwork (to be provided by HFA).

- **Celebration**
  HFA will plan a community celebration in late 2014 or early 2015 to commemorate the successful completion of Shipyard Public Art. A broad range of stakeholders will be invited to an outdoor reception to enjoy the newly constructed parks and the public art. HFA will provide support by coordinating the planning and the public relations for the event.

**Contract Term Extension without Budget Increase**

The funding source for Shipyard Public Art is a grant from the United States Department of Commerce, Economic Development Administration. The goal of the EDA grants is to generate jobs, help retain existing jobs, and stimulate industrial and commercial growth in economically
distressed areas of the United States. The Shipyard Public Art grant was set to expire in August 2013. Due to the continued delay in the construction of Parcel A Parks, Agency staff requested and received a time extension which will allow funds to be used until August 2015.

HFA’s services are needed throughout the life of the project and thus HFA’s contract term needs to be extended. There will be no changes to the contract scope or existing total budget of $399,500 with approximately $90,000 remaining at the current time.

**Enforceable Obligation**

The Contract with HFA is an enforceable obligation under the Dissolution Law. The Contract is in furtherance of, and is necessary to complete, obligations under OCII’s grant agreements with EDA, whose continued acceptance has been authorized by Oversight Board Resolution No. 14-2012 on October 12, 2012. The Contract is shown on line HPSY 51 of the Recognized Obligation Payment Schedule for July to December 2013, which was approved by the Oversight Board and the Department of Finance.

**California Environmental Quality Act**

The Third Amendment to the HFA Contract would allow for an increase of the Contract duration but would not change the public work that would be installed on Parcel A of Hunters Point Shipyard. Agency authorization of the Third Amendment is an Agency administrative activity that is not a “Project”, as defined by the California Environmental Quality Act (“CEQA”) Guidelines Section 15378(b)(5). The Third Amendment will not independently result in a physical change in the environment and is not subject to environmental review under CEQA.

(Originated by Amabel Akpa-Asare, Assistant Project Manager)

Attachment 1: Contract Amendment
Attachment 2: Artist bio and artwork summary
Attachment 3: Artwork progress photo documentation
Attachment 4: Public Art Youth Program Booklet and Video/CD