

IN A DREAM YOU S



## Jenny Holzer Project for the Transbay Joint Powers Authority

1. Motion to approve the modification of the Arts Commission's scope of services in the Intergovernmental Agreement with the Transbay Joint Powers Authority to authorize the Arts Commission to manage the fabrication agreement for the Transbay Holzer LED art project.
2. Motion to authorize the Arts Commission's management of the LED fabrication contract for the Jenny Holzer Project for the Transbay Joint Powers Authority.

### Background:

In May, 2008, the Arts Commission (SFAC) entered into an Intergovernmental Agreement (IGA) with the Transbay Joint Powers Authority (TJPA) to plan, develop and oversee the implementation of a public art program for the new Transbay Transit Center. The TJPA voluntarily allocated \$4.75 million for this purpose. The TJPA is not a city government agency and the public art requirement was not mandated.

The SFAC's scope of work included: conducting the artist selection process, preparing MOUS with each of the five artists selected for specific proposals, assisting with the drafting and preparation of the agreement to be issued by TJPA to each artist and to oversee the project through preliminary design through to onsite implementation. The five artists are: James Carpenter, Julie Change, Jenny Holzer, Ned Kahn and Tim Hawkinson. While the SFAC managed the contracts, the contracts were between the TJPA and the artist.

### The Holzer Project:

Jenny Holzer's project design was presented to the SFAC in 2010. It will be located on the bus deck mezzanine and will be fabricated using LED text that will be 11 feet high and 90 feet long. The text will face out into the Grand Hall. To develop the text to be used, the artist will conduct research about the history of the California, the Bay Area and the Bay Bridge and the original Transbay Center and will as well use text that she has previously composed. This is Jenny Holzer's first permanent public commission in San Francisco.

### The Motion:

The TJPA wishes to modify the existing IGA with the SFAC to allow the SFAC to manage the fabrication contract with the LED fabricator selected by the Jenny Holzer Studio. There are multiple reasons for this decision. Now that DPW has been placed in charge of design and construction, the Director of Design and Construction prefers to have this contract managed by the SFAC to ensure higher quality control, as opposed to assigning it to a TJPA subcontractor, who would have no relationship to either the Artist nor the Arts Commission. Having the SFAC manage fabrication contracts is a method with which he is familiar, based upon other recent projects, such as General Hospital. Moreover, this contracting methodology would save the project approximately \$105,000 which would have been the mark up charged by the subcontractor. There would have been another markup charged by the General

Contractor as well in addition to the \$105,000. The original implementation budget of \$740,000 was submitted in 2010. It is realistic to expect that costs have escalated since that time. The City Attorneys for the SFAC and DPW are prepared to undertake this work along with counsel for the TJPA. They have no objection to the proposal from a legal standpoint.

Once the fabricator has been named and the budget finalized, I will return to VAC asking for authorization for the Director of Cultural Affairs to enter into agreement with named contractor for a specific dollar amount. At this time however, it is important to have the SFAC approve the proposed modification to the scope of work in the IGA to authorize the Arts Commission's management of the fabrication contract.