

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

# OAKLAND CITY COUNCIL

RESOLUTION No. 84747 C.M.S.

2013 NOV 21 AM 9:34

Introduced by Councilmember \_\_\_\_\_

**A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO AMEND THE PROFESSIONAL SERVICES AGREEMENT WITH ARTIST DAN CORSON FOR PUBLIC ART DESIGN, FABRICATION AND INSTALLATION SERVICES FOR THE BART 17<sup>TH</sup> STREET GATEWAY PROJECT TO (1) EXTEND THE TERMINATION DATE TO JUNE 30, 2014, AND (2) INCREASE THE CONTRACT FOR A TOTAL AMOUNT NOT TO EXCEED SIX HUNDRED FIFTY THOUSAND DOLLARS (\$650,000) IN CENTRAL DISTRICT PUBLIC ART FUNDS**

**WHEREAS**, the City of Oakland Department of Economic and Workforce Development and Public Works Agency are jointly managing the project improvements of the BART 19<sup>th</sup> Street Oakland Station entrance located on the alley at 17<sup>th</sup> Street between Broadway and Telegraph Avenue in Oakland's Uptown District; and

**WHEREAS**, public art funding for the BART 17th Street Gateway project has been allocated from Central District percent-for-art funds and approved by the Oakland City Council; and

**WHEREAS**, professional artistic design services are needed to implement the public art component for the BART 17th Street Gateway project; and

**WHEREAS**, in February 1989, the City of Oakland adopted a Public Art Ordinance (No. 11086 C.M.S.) authorizing the allocation of 1.5% of City capital improvement project costs for the commissioning of public artwork; and

**WHEREAS**, it is the intent of the Public Art Ordinance to provide a means for the City to commission artists to create artwork that enlivens, enhances, and enriches the visual environment of the City of Oakland; and

**WHEREAS**, on May 4, 2010, the City Council approved Resolution No. 82718 C.M.S., awarding a professional services agreement to Dan Corson in an amount not to exceed \$600,000 for Public Art design, fabrication and installation services for the BART 17th Street Gateway Project; and

**WHEREAS**, the associated construction project was initially bid in August 2012 and the single bid received was rejected; and

**WHEREAS**, it was determined that it was in the City's best interest to re-bid the project; and

**WHEREAS**, the project was re-bid and on June 4, 2013, the City Council approved Resolution No. 84425 C.M.S., awarding a construction contract to Bay Construction; and

**WHEREAS**, it has been determined that, based on cost escalations due to a delay in the schedule, the existing BART 17th Street Gateway Public Art agreement with Dan Corson should be amended to extend the termination date and increase the compensation for the fabrication and installation phases of the project; and

**WHEREAS**, the City of Oakland finds that this contract is professional in nature and will not result in a loss of employment or salary by any person having permanent status in the competitive service; and

**WHEREAS**, funding for the permanent artwork project increase in the amount of up to \$50,000 is available within the Municipal Capital Improvement Fund (5505), Public Art Organization (02992), Central District Public Art Project (C340520), Public Art Program (CE01); now, therefore, be it

**RESOLVED**, that the City Council hereby authorizes the City Administrator to amend the professional services agreement with artist Dan Corson to (1) extend the termination date to June 30, 2014, and (2) increase the contract for a total amount not to exceed six hundred fifty thousand dollars (\$650,000); and be it

**FURTHER RESOLVED**, that the above contract funding increase of up to \$50,000 shall be allocated from funding available within the Municipal Capital Improvement Fund (5505), Public Art Organization (02992), Central District Public Art Project (C340520), Public Art Program (CE01); and be it

**FURTHER RESOLVED**, that the City Administrator is hereby authorized to execute any amendments or modifications of said contract within the limitations of the project specifications; and be it

**FURTHER RESOLVED**, the agreement shall be reviewed and approved by the City Attorney for form and legality prior to execution and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, DEC 10 2013


PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN — 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST   
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California