

**STAFF REPORT FOR CALENDAR ITEM NO.: 8.4**  
**FOR THE MEETING OF: September 14, 2017**

**TRANSBAY JOINT POWERS AUTHORITY**

**BRIEF DESCRIPTION:**

Approve extension of Jenny Holzer artwork for the Bus Deck Level of the transit center by 110 linear feet and increase fabrication budget for artwork by \$600,000 with no change in the overall public art program budget, and amendments to certain agreements to implement.

**EXPLANATION:**

In 2008, the TJPA established a public art program budget of \$4.75 million, in the spirit of the City and County of San Francisco's "Percent for Art Ordinance," and consistent with policies established by the Federal Transportation Authority encouraging the inclusion of art in transportation facilities. That same year, the TJPA Board approved an intergovernmental agreement with the San Francisco Arts Commission ("SFAC") to manage the development and implementation of the TJPA's public art program (the "Intergovernmental Agreement") for a maximum compensation of \$950,000 and a term of seven years. In 2015, the TJPA and SFAC amended the Intergovernmental Agreement to extend the term to a maximum of 10 years with no change to the maximum compensation.

In 2009, the TJPA Board approved five artists, including Jenny Holzer, to create significant, site specific artworks embedded in the architecture of the transit center, and authorized Memoranda of Understanding (MOUs) between SFAC and the artists to develop conceptual proposals and artwork budgets. In 2010, the TJPA Board approved the design concept and budget for the Holzer artwork, and authorized the TJPA to enter a commission agreement with the artist. In 2016, the TJPA Board approved a commission agreement with Holzer ("Commission Agreement").

As currently planned, the Holzer artwork is a semi-transparent LED array 11 feet in height and 90 feet in length that will display animated scrolling text and other video content. It will be installed on the interior face of the glass curtain wall inside the Grand Hall at the Bus Deck level of the transit center. The text will be works of fiction and possibly non-fiction, selected or composed by the artist, in or about the Bay Area and the west. The artwork will have a significant visual impact and be a focal point for arriving and departing visitors. It is anticipated that this installation will make the transit center a destination for art patrons and culture-lovers. This is Holzer's first public art commission in San Francisco.

The current budget for the Holzer artwork is \$1,025,000, which is made up of \$25,000 artist

honorarium, \$260,000 artist fee, and no more than \$740,000 for design, fabrication, transportation, and installation of the artwork.

Holzer is a conceptual artist. As such, she creates the conceptual design for the artwork but does not physically execute the artwork; she relies on contractors to design, fabricate, transport, and install her artworks. In 2016, the TJPA Board approved a second amendment to the Intergovernmental Agreement between the TJPA and SFAC to allow SFAC to contract directly with Kiboworks, Custom LED Technologies (“Kiboworks”) for the design, fabrication, transportation, and installation of the Holzer artwork on behalf of the TJPA subject to payment by the TJPA. In February 2017, SFAC entered the contract with Kiboworks for the Holzer artwork at the 90-foot length.

In June 2017, the TJPA was forced to terminate a separate commission agreement with the artist Tim Hawkinson as a result of engineering challenges related to his artwork that could not be resolved within the constraints of the TJPA’s budget and schedule. The cancellation allowed the TJPA to preserve about \$830,000 of budgeted costs for that artwork. The TJPA Board directed staff to consider future opportunities to apply the funds to enhance the TJPA’s public art program.

After consultation with Holzer and SFAC, the TJPA staff recommends that the Holzer artwork be extended by about 110 linear feet, from the current 90 linear feet to a total of about 200 linear feet. The location of the artwork, as extended, would remain the same -- in the Grand Hall at the Bus Deck Level. Based on a quote from Kiboworks, the design, fabrication, transportation, and installation of the extension could be delivered for an amount not to exceed \$600,000, resulting in a total fabrication budget for the extended artwork of no more than \$1.34 million. Because the TJPA was able to preserve funds related to the cancellation of the Hawkinson artwork, the extension of the Holzer artwork would not require the TJPA to increase its previously approved public art program budget.

The Holzer Studio does not require any additional fee or commission related to the extension of the artwork. And SFAC does not require any additional fee related to its services administering the TJPA’s public art program, or contracting with Kiboworks on the TJPA’s behalf. The Commission Agreement between the TJPA and Holzer, and the Intergovernmental Agreement between the TJPA and SFAC would require administrative amendments to reflect the increased length of the Holzer artwork and increased fabrication budget, but with no change in compensation under the agreements.

**RECOMMENDATION:**

Approve extension of Jenny Holzer artwork for the Bus Deck Level of the transit center from 90 feet to 200 feet, approve allocation of an additional \$600,000 in fabrication budget for the

artwork with no change in the overall public art program budget, authorize the Executive Director to amend the Commission Agreement and Intergovernmental Agreement to reflect the increased length and fabrication budget but with no change in compensation under the agreements, and authorize the Executive Director to take such other actions as are reasonably necessary to implement the artwork consistent with the approvals granted herein.

**ENCLOSURES:**

1. Resolution

**TRANSBAY JOINT POWERS AUTHORITY  
BOARD OF DIRECTORS**

**Resolution No. \_\_\_\_\_**

WHEREAS, The Transbay Joint Powers Authority (TJPA) acknowledges the importance of art in making public spaces more enjoyable, reflecting the civic importance of buildings, improving the quality of life in the community, and adding value to the user's experience of a public transportation system; and

WHEREAS, The TJPA has approved the development of a \$4.75 million public art program of the highest standards that will enhance the national and international prestige of the Transbay Program; and

WHEREAS, The TJPA desires to commission original and exceptional artworks that complement the Transbay Program's mission, purpose, and architectural design, and that are appropriate for the transit center's constituency and the general public; and

WHEREAS, In 2008, the TJPA Board of Directors approved an intergovernmental agreement with the San Francisco Arts Commission (SFAC) to manage the development and implementation of the TJPA's public art program, which has been twice amended ("Intergovernmental Agreement"); and

WHEREAS, In 2009, the TJPA Board of Directors approved the selection of five artists, including Jenny Holzer, to create significant site specific artworks embedded in the architecture of the Transit Center; in 2010, the TJPA Board of Directors approved the design concept and budget for the Holzer artwork; and in 2016, the TJPA Board of Directors approved a commission agreement with Holzer ("Commission Agreement"); and

WHEREAS, As currently planned, the Holzer artwork is a semi-transparent LED array 11 feet in height and 90 feet in length that will display animated scrolling text and other video content, and will be installed on the interior face of the glass curtain wall inside the Grand Hall at the Bus Deck level of the transit center; and

WHEREAS, The current budget for the Holzer artwork is \$1,025,000, which is made up of \$25,000 artist honorarium, \$260,000 artist fee, and no more than \$740,000 for design, fabrication, transportation, and installation of the artwork; and

WHEREAS, Because Holzer is a conceptual artist and pursuant to the Intergovernmental Agreement, SFAC contracted directly with Kiboworks, Custom LED Technologies

(“Kiboworks”) for the design, fabrication, transportation, and installation of the Holzer artwork;  
and

WHEREAS, As a result of being forced to terminate a separate commission agreement with another artist, the TJPA has preserved about \$830,000 that had been budgeted under the TJPA’s public art program for the fabrication of that artwork; and

WHEREAS, After consultation with Holzer and SFAC, the TJPA staff recommends that the Holzer artwork be extended by about 110 linear feet, from the current 90 linear feet to a total of about 200 linear feet, with an increase in the design, fabrication, transportation, and installation budget for the extension at an amount not to exceed \$600,000, resulting in a total fabrication budget for the extended artwork of no more than \$1.34 million, and no change in the commission TJPA pays to Holzer under the Commission Agreement or the fee for services TJPA pays to SFAC under the Intergovernmental Agreement; now, therefore, be it

RESOLVED, That the TJPA Board of Directors (1) approves the extension of the Jenny Holzer artwork for the Bus Deck Level of the transit center from 90 feet to 200 feet, (2) approves an allocation of an additional \$600,000 in fabrication budget for the artwork with no change in the overall public art program budget, (3) authorizes the Executive Director to amend the Commission Agreement and Intergovernmental Agreement to reflect the increased length and fabrication budget for the Holzer artwork, but with no change in compensation under the agreements, and (4) authorizes the Executive Director to take such other actions as are reasonably necessary to implement the terms of the extension of the artwork consistent with the approvals granted herein.

I hereby certify that the foregoing resolution was adopted by the Transbay Joint Powers Authority Board of Directors at its meeting of September 14, 2017.

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Secretary, Transbay Joint Powers Authority