

RESOLUTION 2014-198

RESOLUTION AUTHORIZING AMENDMENT NO. 3 TO THE AGREEMENT WITH PAE WHITE STUDIO, INC. FOR CONSULTING SERVICES RELATED TO NORTH EMBARCADERO VISIONARY PLAN PHASE 1 INCREASING THE MAXIMUM AMOUNT PAYABLE UNDER THE AGREEMENT BY \$34,250 FOR A NEW MAXIMUM AMOUNT PAYABLE UNDER THE AGREEMENT OF \$250,850 AND EXTENDING THE TERM TO DECEMBER 31, 2015

WHEREAS, the San Diego Unified Port District (District) is a public corporation created by the legislature in 1962 pursuant to Harbors and Navigation Code Appendix 1, (Port Act); and

WHEREAS, the Board of Port Commissioners (BPC) adopted BPC Policy No. 110 to establish a policy governing the processing and administration of public projects, consulting and service agreements, the purchasing of supplies, materials, and equipment, and grants; and

WHEREAS, Pae White Studio, Inc., d.b.a. Pae White, has been providing professional design and consulting services related to the artwork integrated into the esplanade buildings and architecture, including the café, information building, restroom, two pavilions, and four kiosks that are a part of the North Embarcadero Visionary Plan (NEVP) Phase 1, which is a partnership project of the Joint Powers Authority (JPA) comprised of the District, the City of San Diego and Civic San Diego (formerly Center City Development Corporation); and

WHEREAS, in 2011, the District entered into an agreement with Pae White for consulting services in the amount of \$125,000; and

WHEREAS, at the time of the agreement, it was envisioned that the overall project would be completed by mid-2013; however, due to unforeseen site conditions and other delays, the completion date of the project has been extended; and

WHEREAS, as an interim step, Amendment No. 1 to the Pae White agreement was issued on July 23, 2013, which extended payments for monthly consulting services until October 2013, and extended the term of the agreement until December 31, 2014; and

WHEREAS, Amendment No. 1 was executed as a short-term measure to meet the demands of the project and ensure uninterrupted monthly consulting services of Pae White, while the timeline and remaining scope for the project were being further analyzed; and

WHEREAS, in alignment with the extended timeline for completion of the NEVP Phase 1 project, and the need for Pae White's continued services on the design team, Amendment No. 2 to the Pae White agreement was brought forward to the Board for approval in December 2013. Similar amendments to agreements for two other NEVP project consultants, Arcadis U.S. Inc. and Project Design Consultants, went to the Board in September 2013 for approval and authorization of additional funds; and

WHEREAS, Amendment No. 2 increased the expenditure in an amount not to exceed \$69,200 thereby increasing the aggregate total of the agreement to \$216,600; and

WHEREAS, this amendment provided for Pae White's continued involvement and active participation as an integral part of the design team for the NEVP Phase I project and was approved by the Board on December 10, 2013. Since that time, the timeframe for the completion of the NEVP project, including the café portion of the project, has been further refined and it will require the artist's consulting services on the project for a longer period of time than anticipated in Amendment No. 2; and

WHEREAS, Amendment No. 3 will increase the maximum amount payable under the Agreement by \$34,250 for a new total amount payable under the agreement of \$250,850 which will cover the costs associated with Pae White's continued monthly services on the design team; and

WHEREAS, Amendment No. 3 also extends the term of the agreement for one year until December 31, 2015, to allow for the artist's involvement through completion of the NEVP project.

NOW, THEREFORE, BE IT RESOLVED by the Board of Port Commissioners of the San Diego Unified Port District, as follows:

That the Executive Director or his designated representative is hereby authorized and directed on behalf of the San Diego Unified Port District to enter into Amendment No. 3 to the Agreement with Pae White Studio, Inc., dba Pae White, for consulting services related to the fabrication and installation of North Embarcadero Visionary Plan Phase 1 integrated artwork increasing the maximum amount payable under the Agreement by \$34,250 for a new maximum amount payable under the Agreement to \$250,850 and extending the term to December 31, 2015.

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APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL



By: ~~Assistant~~ Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 14th day of October 2014, by the following vote:

AYES: Bonelli, Castellanos, Malcolm, Merrifield, Moore, Nelson, and Valderrama.

NAYS: None.

EXCUSED: None.

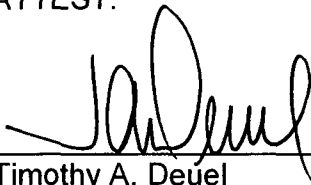
ABSENT: None.

ABSTAIN: None.



Robert E. Nelson, Chairman
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk

(Seal)