

## **RESOLUTION 2015-170**

**RESOLUTION AUTHORIZING AMENDMENT NO. 4  
TO THE AGREEMENT WITH PAE WHITE STUDIO,  
INC. FOR ARTISTIC CONSULTING SERVICES  
RELATED TO THE INTEGRATION OF PUBLIC ART  
INTO THE NORTH EMBARCADERO VISIONARY  
PLAN PHASE I INCREASING THE MAXIMUM  
AMOUNT PAYABLE UNDER THE AGREEMENT BY  
\$40,500 FOR A NEW MAXIMUM AMOUNT  
PAYABLE UNDER THE AGREEMENT OF \$291,350,  
AND EXTENDING THE TERM TO DECEMBER 31,  
2016**

**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., dba Pae White (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 project, which is a partnership project of the Joint Powers Authority (JPA) comprised of the District, City of San Diego and Civic San Diego (formerly Center City Development Corporation); and

**WHEREAS**, on October 19, 2011, the District entered into an Agreement with Pae White, on file as District Clerk Document No. 58164 (Agreement), for consulting services related to the fabrication and installation of public artwork in the NEVP Phase 1 project, for a total amount of \$125,000; and

**WHEREAS**, since that time, the Agreement has been amended by Amendment No. 1 to the Agreement, dated July 23, 2013 and on file as District Clerk Document No. 60571, which extended the term of the agreement through December 31, 2014 and increased the budget by \$22,400, Amendment No. 2 to the Agreement, dated January 2, 2014 and on file as District Clerk Document No. 61114, which increased the budget by \$69,200, and Amendment No. 3 to the Agreement, dated on October 22, 2014 and on file as District Clerk Document

No. 62470, which extended the term of the Agreement to December 31, 2015 and increased the budget by \$34,250; and


**WHEREAS**, the timeframe for the completion of the café portion of NEVP, has been further refined and Pae White's services on the project is recommended by District staff, which would require approval of Amendment No. 4 to the Agreement, which increases the maximum amount payable under the Agreement by \$40,500, thereby increasing the total maximum amount payable under the agreement to \$291,350, and extends the term of the Agreement for one year until December 31, 2016; and

**WHEREAS**, under Amendment No. 4 to the Agreement, the District is not obligated to pay Pae White if services are not rendered during any particular month and provides that the art is installed in accordance to the terms of the Agreement, as amended, prior to the expiration of the extended term, the District will be relieved from making any further payments.

**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 her designated representative is hereby authorized on behalf of the San Diego Unified Port District to enter into Amendment No. 4 to Agreement Between San Diego Unified Port District and Pae White Studio, Inc., dba Pae White for Consulting Services Related to the Fabrication and Installation of Public Artwork increasing the maximum amount payable under the Agreement by \$40,500 for a new maximum amount payable under the Agreement to \$291,350 and extending the term to December 31, 2016.

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 8<sup>th</sup> day of December, 2015, by the following vote:

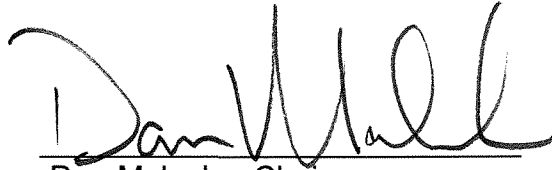
AYES: Bonelli, Castellanos, Malcolm, Merrifield, Moore, Nelson, and Valderrama.

NAYS: None.

EXCUSED: None.

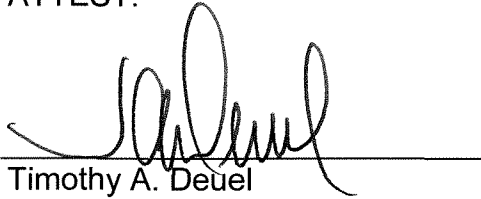
ABSENT: None.

ABSTAIN: None.



Dan Malcolm, Chairman  
Board of Port Commissioners

ATTEST:



Timothy A. Deuel  
District Clerk

(Seal)