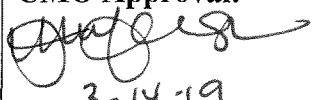


CITY COUNCIL ACTION REQUEST

Department(s): OED/OCA	CEQA: Not a Project, File No. PP17-003, Agreements/ Contracts (New or Amended) resulting in no physical changes to the environment.	Coordination: OCA, CAO, PW, CMO Budget Office	Dept. Approval: /s/ Kim Walesh
Council District(s): 4			CMO Approval:  3-14-19

SUBJECT: EXTENSION OF TERM AND INCREASE OF FUNDS FOR COOPERATIVE AGREEMENT NO. 8 (BART PUBLIC ART)

RECOMMENDATION:

Adopt a resolution authorizing the City Manager to negotiate and execute a Third Amendment to Cooperative Agreement No. 8 between the City and Santa Clara Valley Transportation Authority (VTA), for the design, construction, and reimbursement relating to the public art component of the BART extension to Berryessa, to extend the existing term until December 31, 2019 and to increase the amount of the agreement by \$8,000 to a total of \$488,000.

BASIS FOR RECOMMENDATION:

The City and VTA entered into a Master Agreement on June 22, 2010 setting forth the framework for the construction of the BART extension in San José. The Master Agreement contemplated subsequent cooperative agreements to address project-specific issues. Under subsequent Council actions, the City and VTA entered into multiple cooperative agreements to address the design, construction, and reimbursement of the BART extension to Berryessa. On November 27, 2012 the City and VTA entered into Cooperative Agreement No. 8 that addresses the implementation of public art as part of the BART extension to Berryessa in order to facilitate public art integration within the Berryessa Station and facilitate the timely completion of the BART project currently under construction. That agreement ended on December 31, 2016. On December 13, 2017, City Council approved a 1st amendment to that agreement, extending current term of Cooperative Agreement No. 8 to end on December 31, 2017 and a Second Amendment was entered into on June 29, 2018 which extended the term to December 31, 2018, consistent with what was then the term of the Master Agreement.

The construction of the BART project is now expected to extend into late 2019, with a possible opening date presently estimated to be November 2019. The public art services provided by the City under Cooperative Agreement No. 8 are needed until BART opens and some follow up may be needed after the opening. VTA and the City therefore agree that it is of mutual interest to both VTA and the City to extend the term of Cooperative Agreement No. 8 to December 31, 2019. This extension of the term of Cooperative Agreement No. 8 parallels the present term of the Master Agreement.

In addition, the continued delay in completion of the project has made it necessary for VTA to increase its funding to the City by \$8,000 for project management services provided by the City in conjunction with the public art project for this BART station.

COST AND FUNDING SOURCE:

Approval of the recommendation to extend the term of Cooperative Agreement No. 8 will increase Coop Agreement No. 8 from \$480,000 to \$488,000. Of the contract's present \$480,000 in funding, \$380,000 was allocated to the actual cost of the artwork for this project, and \$100,000 was allocated to the City's project management costs. The additional \$8,000 provided to the City by VTA will increase the funding for the City's project management costs in the BART Public Art Design appropriation which will be brought forward prior to year-end. There is no cost to the City; the funds will be provided to the City by VTA as a reimbursement for cost of services, per the original agreement.

FOR QUESTIONS CONTACT: Kerry Adams Hapner, Director of Cultural Affairs, (408) 793-4333