

ST. PETERSBURG CITY COUNCIL

Meeting of February 7, 2019

REPORT

TO: The Honorable Charles Gerdes, Chair, and Members of City Council

SUBJECT: A Resolution approving the First Amendment to the Artist Agreement between the City of St. Petersburg, Florida ("City") and Janet Echelman, Inc. ("JEI") to extend the deadlines for JEI to commence and complete fabrication and delivery of the artwork and to modify the payment schedule; authorizing the Mayor or his designee to execute the First Amendment; approving a transfer in the amount of \$275,000 from the unappropriated balance of the Pier Echelman Sculpture Donation Fund (1889) resulting from donations from private persons and entities to fund the artwork to the Arts in Public Places Fund (1901); approving a supplemental appropriation in the amount of \$275,000 from the increase in the unappropriated balance of the Arts in Public Places Fund (1901) resulting from the above transfer to the Mayor's Office Department, Office of Cultural Affairs (020-1777); approving a supplemental appropriation in the amount of \$25,000 from the unappropriated balance of the Arts in Public Places Fund (1901), to the Mayor's Office Department, Office of Cultural Affairs (020-1777); authorizing payment to JEI in an amount not to exceed \$300,000 for fees and costs to order materials necessary for fabrication; and providing an effective date.

EXPLANATION: On August 2, 2018, City Council approved an Artist Agreement between the City and JEI for design development, fabrication, delivery, aesthetic direction for installation and warranty of a net sculpture ("Sculpture") to be installed within an area centrally located on the Pier approach (not located in Spa Beach Park). Design development was completed in mid-December. The Artist Agreement provided that on or before November 15, 2018, the City would provide JEI a notice to proceed with full fabrication in the amount of \$600,000. Due to the substantial time and effort to advance the design and provide sufficient time for the City's Construction Manager (Skanska) to develop initial cost estimates for the cost of the city's supporting infrastructure, both the City and JEI agreed to a partial authorization to proceed with fabrication for the purpose of ordering the net material only.

The Artist Agreement includes the following phases and associated lump sum fees and costs:

On Signing of Agreement	\$ 75,000 (authorized)
On Submission of Design Development	\$ 75,000 (authorized)
On Approval of Final Design Development	\$ 75,000 (authorized)
Subtotal initial authorization	\$ 225,000
On partial commencement of fabrication	\$ 300,000 (requested)
On full commencement of fabrication	\$ 300,000
On completion of 50% fabrication	\$ 600,000
On completion of installation of Sculpture	\$ 43,975
Subtotal final authorization	\$ 943,975
Total Not to Exceed Fee	\$1,468,975

This First Amendment reduces the amount due upon commencement of fabrication to a partial authorization in the amount of \$300,000 to cover the ordering of the net fabric. On or before March 21, 2019, Administration will ask City council to (i) approve a supplemental appropriation for the balance of the funding received from private persons and entities in the amount of \$973,975 and (ii) authorize payment to

JEI in the amount of \$943,975 for the balance of the fabrication and aesthetic direction for installation of the Sculpture.

RECOMMENDATION: Administration recommends City Council approve the attached resolution: Approving a First Amendment to the Artist Agreement between the City of St. Petersburg, Florida ("City") and Janet Echelman, Inc. ("JEI") to extend the deadlines for JEI to commence and complete fabrication and delivery of the artwork and to modify the payment schedule; authorizing the Mayor or his designee to execute the First Amendment; approving a transfer in the amount of \$275,000 from the unappropriated balance of the Pier Echelman Sculpture Donation Fund (1889) resulting from donations from private persons and entities to fund the artwork to the Arts in Public Places Fund (1901); approving a supplemental appropriation in the amount of \$275,000 from the increase in the unappropriated balance of the Arts in Public Places Fund (1901) resulting from the above transfer to the Mayor's Office Department, Office of Cultural Affairs (020-1777); approving a supplemental appropriation in the amount of \$25,000 from the unappropriated balance of the Arts in Public Places Fund (1901), to the Mayor's Office Department, Office of Cultural Affairs (020-1777); authorizing payment to JEI in an amount not to exceed \$300,000 for fees and costs to order materials necessary for fabrication; and providing an effective date.

COST/FUNDING INFORMATION: The Public Arts Commission approved funding in the amount of \$250,000 from the Arts in Public Places Fund for the fees and costs to be paid to JEI pursuant to the Artist Agreement; \$225,000 was previously appropriated with the approval of the Artist Agreement on August 2, 2018, the other \$25,000 will be appropriated with this First Amendment. Funding will be available after transfer of \$275,000 from the unappropriated balance of the Pier Echelman Sculpture Donation Fund (1889) resulting from donations from private persons and entities to fund the artwork to the Arts in Public Places Fund (1901); approval of a supplemental appropriation in the amount of \$275,000 from the increase in the unappropriated balance of the Arts in Public Places Fund (1901) resulting from the above transfer to the Mayor's Office Department, Office of Cultural Affairs (020-1777) and approval of a supplemental appropriation in the amount of \$25,000 from the unappropriated balance of the Arts in Public Places Fund (1901) to the Mayor's Office Department, Office of Cultural Affairs (020-1777).

ATTACHMENTS: Resolution
First Amendment

APPROVALS:

rq



Administrative



Budget

Resolution No. 2019-_____

A RESOLUTION APPROVING THE FIRST AMENDMENT TO THE ARTIST AGREEMENT BETWEEN THE CITY OF ST. PETERSBURG, FLORIDA ("CITY") AND JANET ECHELMAN, INC. ("JEI") TO EXTEND THE DEADLINES FOR JEI TO COMMENCE AND COMPLETE FABRICATION AND DELIVERY OF THE ARTWORK AND TO MODIFY THE PAYMENT SCHEDULE; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE THE FIRST AMENDMENT; APPROVING A TRANSFER IN THE AMOUNT OF \$275,000 FROM THE UNAPPROPRIATED BALANCE OF THE PIER ECHELMAN SCULPTURE DONATION FUND (1889) RESULTING FROM DONATIONS FROM PRIVATE PERSONS AND ENTITIES TO FUND THE ARTWORK TO THE ARTS IN PUBLIC PLACES FUND (1901); APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$275,000 FROM THE INCREASE IN THE UNAPPROPRIATED BALANCE OF THE ARTS IN PUBLIC PLACES FUND (1901) RESULTING FROM THE ABOVE TRANSFER TO THE MAYOR'S OFFICE DEPARTMENT, OFFICE OF CULTURAL AFFAIRS (020-1777); APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$25,000 FROM THE UNAPPROPRIATED BALANCE OF THE ARTS IN PUBLIC PLACES FUND (1901) TO THE MAYOR'S OFFICE DEPARTMENT, OFFICE OF CULTURAL AFFAIRS (020-1777); AUTHORIZING PAYMENT TO JEI IN AN AMOUNT NOT TO EXCEED \$300,000 FOR FEES AND COSTS TO ORDER MATERIALS NECESSARY FOR FABRICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on August 2, 2018, City Council approved an artist agreement between the City and Janet Echelman, Inc. ("JEI") for design development, fabrication, delivery, aesthetic direction for installation, and

warranty of a net sculpture ("Sculpture") to be installed on the St. Pete Pier™ in an amount not to exceed \$1,468,975; and

WHEREAS, pursuant to City Council action, Administration authorized payment in the amount of \$225,000 to JEI under the artist agreement for fees and costs for design development; and

WHEREAS, to ensure the necessary colors and mixes are available for fabrication, a payment of \$300,000 is necessary for materials to be ordered prior to the City's issuance of a notice to proceed with fabrication; and

WHEREAS, the City has received \$275,000 in donations into the Pier Echleman Sculpture Donation Fund from private persons and entities; and

WHEREAS, funding for the \$300,000 payment to JEI for materials will be available after (i) a transfer in the amount of \$275,000 from the unappropriated balance of the Pier Echleman Sculpture Donation Fund resulting from donations received from private persons and entities to the Arts in Public Places Fund; (ii) a supplemental appropriation of \$275,000 from the increase in the unappropriated balance of the Arts in Public Places Fund resulting from the above transfer to the Mayor's Office Department, Office of Cultural Affairs; and (iii) a supplemental appropriation of \$25,000 from the unappropriated balance of the Arts in Public Places Fund to the Mayor's Office Department, Office of Cultural Affairs; and

WHEREAS, Administration will not authorize JEI to commence with fabrication of the Sculpture and other remaining services set forth in the artist agreement until City Council approves a supplemental appropriation in the amount \$943,975 from additional funding received from private persons and entities for the artwork; and

WHEREAS, Administration recommends approval of this Resolution.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that the first amendment to the artist agreement between the City of St. Petersburg, Florida ("City") and Janet Echelman, Inc. ("JEI") to extend the deadlines for JEI to commence and complete fabrication and delivery of the artwork and to modify the payment schedule is hereby approved.

BE IT FURTHER RESOLVED that the Mayor or his designee is authorized to execute the first amendment.

BE IT FURTHER RESOLVED that there is hereby approved the following transfer for FY 2019:

Pier Echleman Sculpture Donation Fund (1889)
Arts in Public Places Fund (1901) \$275,000

BE IT FURTHER RESOLVED that there is hereby approved from the increase in the unappropriated balance of the Arts in Public Places Fund (1901) resulting from the above transfer, the following supplemental appropriation for FY 2019:

Arts in Public Places Fund (1901)
Mayor's Office Department,
Office of Cultural Affairs Division (020-1777) \$275,000

BE IT FURTHER RESOLVED that there is hereby approved from the unappropriated balance of the Arts in Public Places Fund (1901), the following supplemental appropriation for FY 2019:

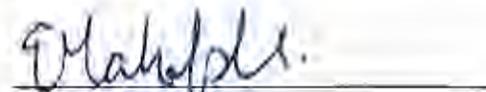
Arts in Public Places Fund (1901)
Mayor's Office Department,
Office of Cultural Affairs Division (020-1777) \$25,000

BE IT FURTHER RESOLVED that payment to JEI in an amount not to exceed \$300,000 for fees and costs to order materials necessary for fabrication is hereby authorized.

This Resolution shall become effective immediately upon its adoption.

Approvals:


Administration


Budget


City Attorney (Designee)
00426061

FIRST AMENDMENT TO AGREEMENT

THIS FIRST AMENDMENT ("First Amendment") is made and entered into on this ____ day of _____, 2019, by and between Janet Echelman, Inc. ("JEI") and the City of St. Petersburg, Florida ("Client") (collectively, "Parties").

WHEREAS, the Parties entered into an agreement in August 2018 ("Agreement"), for JEI to develop a design, fabricate, deliver, provide aesthetic direction for installation, and warrant a net sculpture and related artist services for the Project (as defined in the Agreement) to be installed at the St. Pete Pier™, and

WHEREAS, the Parties desire to amend the Agreement to modify the deadlines for JEI to provide services and deliverables and to modify the payment schedule,

NOW, THEREFORE, for and in consideration of the mutual promises, covenants, and conditions herein contained, the foregoing recitals which are incorporated herein, and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the Client and JEI hereby agree as follows:

1. The chart of schedule and deadlines set forth in Appendix A of the Agreement is deleted and replaced with the following chart:

Deliverable or Service	Deadline
A. JEI submit Preliminary Design documents to Client	30 days from Notice To Proceed with Design Development
B. JEI submit Final Location & Site Coordinates to Client	45 days from Notice To Proceed with Design Development
C. JEI submit Final Design Development documents to Client	90 Days from Notice To Proceed with Design Development
D. JEI place order for at least \$300,000 worth of materials needed for the Project	On or before February 8, 2019
E. JEI commence fabrication	On or before March 21, 2019, provided Client has given JEI a Notice to Proceed with Fabrication
F. JEI complete Fabrication and Delivery	On or before November 1, 2019

2. The payment schedule chart set forth in Appendix B of the Agreement is deleted and replaced with the following chart:

On signing of Agreement	US \$ 75,000
On submission of Design Development	US \$ 75,000
On approval of Design Development and commencement of Support to Engineer for CDs	US \$ 75,000
Prior to Client giving JEI a Notice to Proceed with Fabrication (this amount is intended to cover a portion of the materials necessary for the Project)	US \$ 300,000
On commencement of Fabrication	US \$ 300,000
On completion of 50% Fabrication	US \$ 600,000
On delivery of Sculpture	US \$ 43,000
On Written Confirmation that Installation of Sculpture meets JEI's aesthetic intent.	US \$ 975
Total Fee	US \$1,468,975

3. Any and all provisions of the Agreement not specifically amended by this First Amendment shall remain in full force and effect.

(REMAINDER OF PAGE INTENTIONALLY LEFT BLANK)

IN WITNESS WHEREOF, JEL and the Client have caused this First Amendment to be executed by their duly authorized representatives on the date first above written.

JANET ECHELMAN, INC.

By: _____
(Signature)

(Please Print or Type Name)

(Title)

WITNESSES

By: _____
Print: _____

By: _____
Print: _____

CITY OF ST. PETERSBURG, FLORIDA

By: _____
(Signature)

(Please Print or Type Name)

(Title)

ATTEST:

Chan Srinivasa, City Clerk

(SEAL)

Approved as to Form and Content:

By: _____
City Attorney (Designee)

00474604

February 7, 2019 - Pier Report Item F.6



February 7, 2019 - Pier Report Item

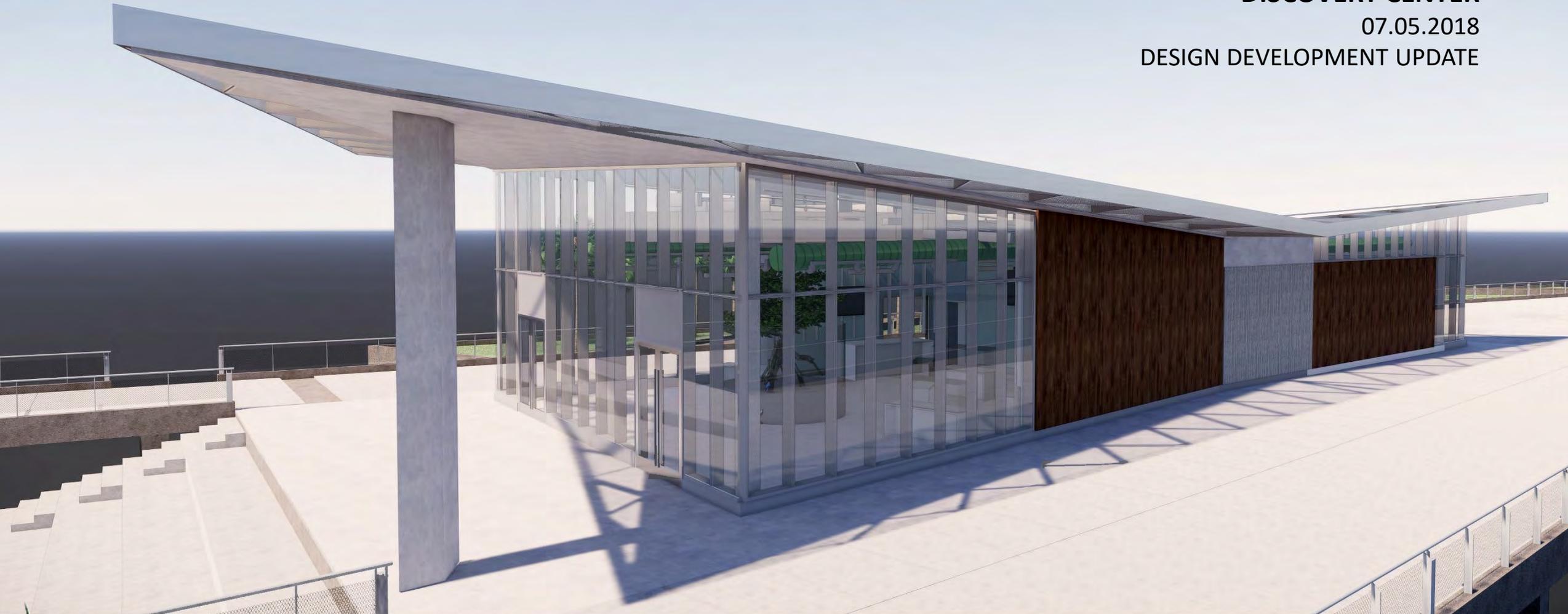
City Council Requested Action

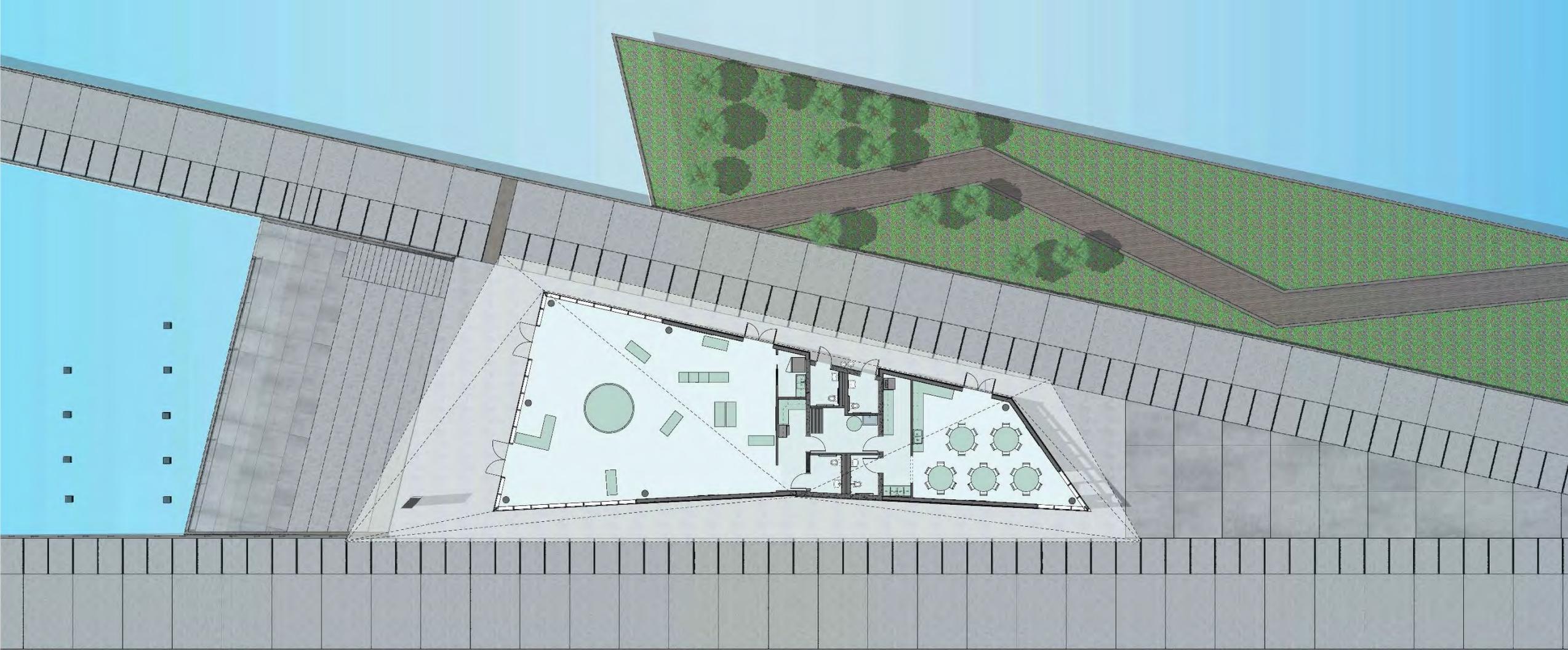
- Acceptance of Addendum No. 1 to the Pier GMP for the construction of the Tampa Bay Watch tenant improvements in the amount of \$711,371,
- Acceptance of Addendum No. 2 to the Pier GMP in the amount of \$400,000 to increase the owner's contingency ,
- Authorize execution of the Fifth Amendment to the Pier CMAR Agreement with Skanska to include the following:
 - Incorporate the Addendum No's 1 and 2
 - Incorporate a revised project schedule for the Pier which reflects a substantial completion date of December 20, 2019
- Approve a supplemental appropriation in the amount of \$561,731 from the General Capital Improvement Fund resulting from revenue from Tampa Bay Watch,
- Approve a supplemental appropriation in the amount of \$400,000 from the amount authorized for "Pier District Enhancements" to provide for the increase in owner's contingency,
- Authorize the First Amendment to the Janet Echelman Artist Agreement to extend the dates for authorization of fabrication of the net fabric and delivery of the artwork.

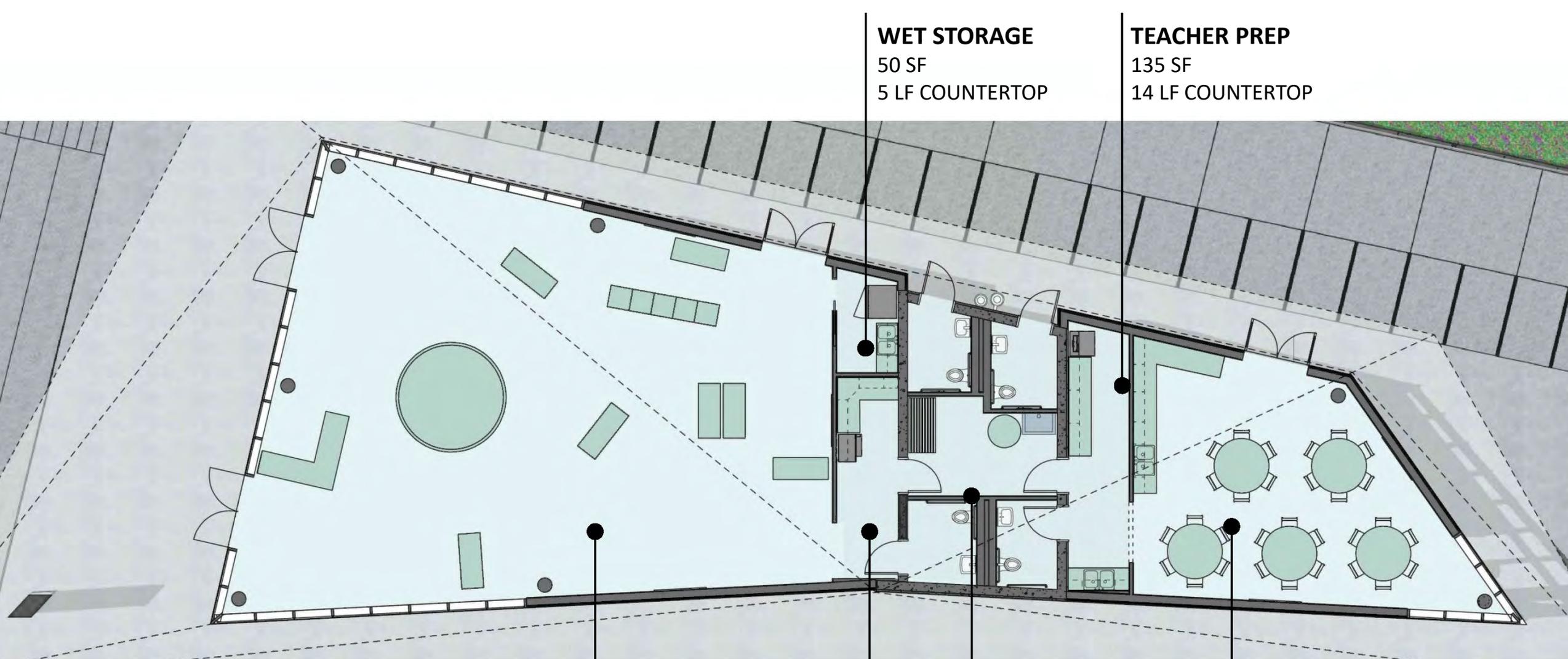
Tampa Bay Watch Discovery Center – Tenant Improvements

- Tampa Bay Watch Tenant Improvements in the amount of \$711,371:
 - TBW to provide funding in the amount of \$561,731 as a reimbursement to City
 - City Tenant Improvement contribution of \$150,000
- Discovery Center core & shell improvements
 - Construction currently in progress
 - Substantial Completion scheduled for September 17, 2019
- Tenant Build-Out
 - Tenant work coordination continuing, obtain permit, contractor award bid packages, review shop drawings
 - Commence Tenant work June 4, 2019
 - Substantial Completion of Tenant Improvements scheduled for November 15, 2019

**ST PETERSBURG PIER
DISCOVERY CENTER**
07.05.2018
DESIGN DEVELOPMENT UPDATE







WET STORAGE

50 SF
5 LF COUNTERTOP

TEACHER PREP

135 SF
14 LF COUNTERTOP

DISCOVERY CENTER

1875 SF

WORKROOM

105 SF
6 LF COUNTERTOP

STORAGE

112 SF

CLASSROOM

582 SF
34 LF COUNTERTOP

FLOOR PLAN

ASD | SKY











Janet Echelman Net Sculpture

New St. Pete Pier™ Enhancements Approved to Date

COMPONENTS	TOTAL	APPROVED (12-7-17)	APPROVED (4-19-18)	APPROVED (6-7-18)	APPROVED (8-2-18)	APPROVED (1-3-19)	AMOUNT AVAILABLE
• Pier Plaza Improvements	\$ 2,000,000	\$ 1,731,000	\$ 0	0	0	0	\$ 269,000
• Contingency	\$ 950,000	\$ 800,000	\$ 150,000	0	0	\$ 100,000	\$ (100,000)
• Play Elements	\$ 1,300,000	\$ 415,076	\$ 1,000,000	0	0	0	\$ (115,076)
• Art Infrastructure	\$ 1,575,000	0	\$ 0	0	\$ 300,000	0	\$ 1,275,000
• Gateway Enhancements	\$ 1,000,000	0	\$ 0	\$ 153,301	0	0	\$ 846,699
• Furnishing & Operations Support	\$ 1,125,000	0	\$ 0	0	0	\$ 350,000	\$ 775,000
• Sustainability Measures	<u>\$ 2,050,000</u>	<u>\$ 695,924</u>	<u>\$ 150,000</u>	<u>0</u>	<u>0</u>	<u>\$ 500,000</u>	<u>\$ 704,076</u>
Enhancements. Total	\$10,000,000	\$ 3,642,000	\$ 1,300,000	\$ 153,301	\$ 300,000	\$ 950,000	\$ 3,654,699
						Less amount this request: \$ (400,000)	
						Revised Amount Available: \$ 3,254,699	

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Revised Pier - Total Project Funding

Original Pier Funding:

- ✓ TIF Appropriations Prior to Bond Funding \$ 10,000,000
- ✓ Bond Proceeds \$ 40,000,000

Enhancement Funds:

- ✓ Approved Transfer from District Enhancement \$ 3,642,000
- ✓ Requested Additional Owner Contingency \$ 400,000 (Addendum No. 2)
- ✓ Subtotal Pier Project Funding \$ 54,042,000

Other City Funds:

- ✓ Approved Transfer for Seawalls (Penny) \$ 700,000
- ✓ Janet Echelman Feasibility Study (PAC) \$ 37,500
- ✓ American Academy of Dermatology Donation \$ 250,000
- ✓ Subtotal Other City Funding \$ 987,500

- ✓ Total Pier Project Funding \$ 55,029,500

Non-City Funds:

- ✓ TBW Discovery Center Reimbursable \$ 561,731 (Addendum No. 1)
- ✓ Adjusted Total Project Funding (all sources) \$ 55,591,231

Pier Approach Budget

➤ Cost/Encumbrances to Date		\$ 4,164,228
✓ Project Cost 2016 – 2018	\$ 433,845	
✓ W- Architecture A/E Design Fees	\$ 2,801,246	
✓ Design Reimbursement from Doc Ford	(\$ 127,363)	
✓ Skanska Pre-Construction Service	\$ 356,500	
✓ Children’s Playground	\$ 700,000	
➤ Project Administration /Other		\$ 980,000
✓ City PM/Inspection/Permitting/Testing	\$ 200,000	
✓ Site FF&E	\$ 200,000	
✓ Private Utilities & Public Infrastructure	\$ 130,000	
✓ Design & Consulting Services	\$ 150,000	
✓ Children’s Playground Installation	\$ 300,000	
➤ Construction of Pier Approach (Final GMP)		\$ 15,030,610 *
➤ GMP Addendums to Date		\$ 6,652,888
✓ Addendum No. 1 Doc Ford Piles	\$ 185,239	
✓ Addendum No. 2 Doc Ford Pile Install	\$ 581,611	
✓ Addendum No. 3 Doc Ford’s Structure	\$ 1,085,737	
✓ Addendum No. 4 North Basin Seawall	\$ 2,964,769	
✓ Addendum No. 5 Full Doc Ford Core & Shell	\$ 1,835,532	
➤ Art Contribution		\$ 140,000
➤ Project Contingency		\$ 229,556
Pier Approach Project Total (all sources)		\$ 27,197,282

* Includes \$453,911 from Water Resources for new potable water and sewer lines.