



Request for City Council Committee Action from the Department of CPED Planning Division

Date: April 12, 2010

To: Betsy Hodges, Chair, Ways & Means/Budget Committee

Referral to: (None)

Subject: Amendment to and Termination of Contract with Frank Stone for design services for 5 Points public art

Recommendation: Approve the amendment to and termination of Contract No. 27395 between the City and Frank Stone and authorize the appropriate City officials to sign the amendment and termination agreement.

Previous Directives: 9/18/2009, authorization of issuance of a Request for Proposals (RFP) for public artist/landscape architect for the 5 Points "Delisi's" Project at 2119 West Broadway

Department Information

Prepared by: Mary Altman, CPED; Gary Winter, City Attorney's Office

Approved by: Barbara Sporlein, Planning Director _____

Presenters in Committee: Mary Altman, 673-3006

Reviews

- Permanent Review Committee (PRC): Approval ___ Date _____
- Civil Rights Approval Approval ___ Date _____
- Policy Review Group (PRG): Approval ___ Date _____

Financial Impact

- No financial impact

Community Impact (not relevant)

Supporting Information

In September 2009, the City issued a Request for Qualifications for a public artist/landscape architect team for public art for the 5 points project. Through the selection process the team of Frank Stone/Marjorie Pitz was selected.

After participating in the initial design phase of the project, Frank Stone has decided to withdraw for personal reasons. He has offered to waive his copyrights for any designs produced during the design phase in order for the City to commission Marjorie Pitz to further refine and implement these designs. (Marjorie Pitz is a public artist, as well as a landscape architect. In a collaborative design process, artists share copyright of designs.)

For the design phase of this project, Pitz and Stone are under separate contracts using the City's Standard agreement. To allow Frank Stone to waive his copyrights for this project, his contract must be amended to include new language in section "XVII. INTELLECTUAL PROPERTY", clause "a) Artwork." This language differs from the language that has been approved by Council for the Standard Agreement. Furthermore, Frank Stone has requested that the City terminate his contract.

Attachments: Contract Amendment

City of Minneapolis
The Standard Agreement - Amendment Form
And Termination of Agreement

City Contract Number: C-27395

Contractor Name: .Frank Stone

Amendment to:

Scope of services: Subtract section 2.d. under "Timeline and Milestones" and section 3 "Credits." The Contractor has requested and the City has granted the Contractor's request to withdraw from and to terminate the Contract effectively as of April 18, 2010.

Contract amount decrease amount by \$2,500 for a total not to exceed \$.7,403 including eligible reimbursable expenses.

Extend the contract term from to

(Amendment for purpose of extending contract term **only** does not require Contractor's signature).

Amend section "XVII. INTELLECTUAL PROPERTY", clause "a) Artwork" to read as follows:

The Contractor waives all other rights provided through the Copyright Act of 1976, 17 U.S.C. Section 101 et. seq. to as it pertains to any designs that the Contractor was involved in creating through the 5 Points Project.

The parties being in agreement have caused this Contract to be signed as follows:

FOR THE CONTRACTOR:

By _____

Its

By signing this amendment to the agreement, I represent that I have the authority to enter into and bind the Contractor to this agreement.

FOR THE CITY:

By _____

Its **Department Head**

By signing this amendment to the agreement, I represent that I have the authority to enter into and bind the City to this agreement.

Note to City Contract Managers: Please send just one copy of the amendment form, with original signatures, to Procurement-Contract Management Office, 552 Towle Bldg.