

Memorandum



Date: March 11, 2025

To: Chair and Members
Art in Public Places Trust

From: Marialaura Leslie, Director
Department of Cultural Affairs

Subject: Trust Resolution No. APPT 25-12 / Thundersnow Road, LLC / Marshall L. Davis, Sr.
African Heritage Cultural Arts Center / Addendum I

Trust Resolution No. APPT 25-12

RESOLUTION APPROVING ADDENDUM I TO THE PROFESSIONAL ARTIST SERVICES AGREEMENT IN SUBSTANTIALLY THE FORM ATTACHED WITH THUNDERSNOW ROAD, LLC (LEAD ARTIST, XAVIERA SIMMONS) IN THE NOT-TO-EXCEED AMOUNT OF \$105,000.00 FOR ADDITIONAL PHASE II - FABRICATION AND INSTALLATION SERVICES FOR THE MARSHALL L. DAVIS SR AFRICAN HERITAGE CULTURAL ARTS CENTER ARTWORK PROJECT (FROM DEPARTMENT OF CULTURAL AFFAIRS PUBLIC ART FUNDS).

Recommendation

It is recommended that the Art in Public Places Trust approve Addendum I to the Professional Artist Services Agreement in substantially the form attached with Thundersnow Road, LLC (lead artist, Xaviera Simmons) in the not-to-exceed amount of \$105,000.00 for additional Phase II – Fabrication and Installation Services for the Marshall L. Davis, Sr. African Heritage Cultural Arts Center artwork project.

Background

On February 14, 2017, through approval of Trust Resolution No. APPT 17-06, the Trust authorized a commission contract with Thundersnow Road, LLC (lead artist, Xaviera Simmons) in the initial amount of \$225,000.00 for design, fabrication, and installation of the PAC recommended artist's proposal for an exterior digital marquee with integrated metal panels for the Marshall L. Davis, Sr. African Heritage Cultural Arts Center. Ms. Simmons's artwork proposal featured an original text composition transferred to a cutout backlit metal structure that would integrate a state-of-the art digital LED screen. The artwork composition would serve as a marquee to inform the surrounding community of the center's activities while serving to enhance the building's façade architecture at the prominent corner of NW 22 Ave and NW 62 Street.

In collaboration with APP staff and the client's executive team, the artist, along with her new local fabricator, are in the final stages of realizing her original design intent at a cost that is much greater than the current balance of the artist's budget. A series of technical and logistical challenges exhausted the artist's contingency budget and resulted in the artist's termination of the original fabricator for nonperformance of design-related work. To fulfill her contract obligation, the artist has negotiated an all-inclusive estimate with a local fabricator that covers the redesign and fabrication of her unique handwritten fonts on metal, the data and electrical scope of work, the procurement of the digital equipment and LED lighting, and permitting-related expenses as well as escalated inflationary costs over the eight years since being commissioned by the APP Trust

for the work. Though fair in value, the current estimate to finalize the artwork is above and beyond the current balance of the artist's contract.

Given the significance of this artwork at the Center, the artist's preeminent career and her dedication to realize this commission, which is significantly advanced despite many challenges, APP recommends increasing the project budget by \$105,000.00 using unencumbered funds from the internal APP general contingency to complete the artwork by Fall of 2025. These funds will be replenished by an allocation of APP's monies to be generated by a future development on the grounds of this cultural facility.

APP staff recommends the approval of Trust Resolution No. APPT 25-12 authorizing Addendum I to the Professional Artist Services Agreement with Thundersnow Road, LLC (lead artist, Xaviera Simmons) in the not-to-exceed amount of \$105,000.00 for additional Phase II - Fabrication and installation Services for the Marshall L. Davis, Sr. African Heritage Cultural Arts Center artwork project.