

RESOLUTION

Agreed to by the Virginia Dr. Martin Luther King, Jr. Memorial Commission
April 30, 2021

Approving agreements and approvals made by the Chair of the Virginia Dr. Martin Luther King, Jr. Memorial Commission on behalf of the Commission and authorizing the Chair to continue to make agreements and approvals on the Commission's behalf to facilitate completion of the project.

WHEREAS, during its multi-year commemoration of the 150th anniversary of the Emancipation Proclamation, issued on January 1, 1863, and the abolition of slavery in the United States, the Virginia Dr. Martin Luther King, Jr. Memorial Commission (the Commission) initiated its project to construct the Emancipation and Freedom Monument (the Monument) dedicated to the contributions of African American Virginians in the centuries-long fight for emancipation and freedom; and

WHEREAS, in 2013, the Commission issued a request for proposals for such a monument, and after considering several submissions, notified sculptor Thomas Jay Warren (the Artist) of Oregon of the selection of his proposal for a 12-foot statue featuring bronze figures representing a man and woman holding an infant, newly freed from slavery; and

WHEREAS, the Commission selected Brown's Island in Richmond as the site for the Monument and initiated the process of transferring the property, situated at the end of the Fifth Street pedestrian bridge, from the City of Richmond to the Commonwealth of Virginia, and relocating existing artwork at the site, the Mill, to a new location on Brown's Island; and

WHEREAS, the Commission entered into an agreement with the Artist on June 13, 2018, to commission the Monument, to be installed at the selected site on Brown's Island, with a budget of \$765,000 and an anticipated 2019 project completion date; and

WHEREAS, in early 2019, the Artist completed work on life-size clay models, which were approved by the Commission and were then 3D scanned, enlarged, and 3D printed as casting patterns for the 12-foot bronze figures; in June 2019, the 3D-printed patterns were sent to Artworks Foundry in Berkeley, California, and bronze sections were cast for assembly; and

WHEREAS, in 2019, it was determined that the chosen site for the Monument would obstruct vehicular traffic on Brown's Island, necessitating relocation of the Monument's site on Brown's Island and changes to the Monument's schedule and budget; and

WHEREAS, at its August 19, 2019, meeting, the Commission was informed of the need for site relocation and voted unanimously to authorize the Chair, on behalf of the Commission, to approve (i) amendments to the contract with the Artist reflecting changes to the site of the Monument, schedule of completion, and budget; (ii) changes relating to other contingencies that may arise regarding the Monument; and (iii) the Monument's site design documents; and

WHEREAS, the Chair, on behalf of the Commission, and the Artist, entered into an amended agreement on November 29, 2019, to allow for relocation of the Monument's site, extension of the timeline for completion of the Monument, and a budget increase of \$96,580; and

WHEREAS, in 2020, site work on Brown's Island was delayed by (i) the COVID-19 pandemic and (ii) the discovery of arsenic and chromium in the soil on Brown's Island, necessitating an agreement between the City of Richmond and the Commonwealth of Virginia for a site-wide soil

management plan prior to the transfer of the Brown's Island property from the City to the Commonwealth; and

WHEREAS, the Artist completed work on the bronze figures comprising the Monument in 2020, and the figures remained in storage at Artworks Foundry until such time as the foundry could no longer house the bronze figures; and

WHEREAS, in a letter agreement dated March 24, 2021, the Chair, on behalf of the Commission, and the Artist agreed to the transportation of the artwork to the Commonwealth, to be stored for a period of up to nine months at the Department of General Services, Surplus Property Warehouse, 1910 Darbytown Road, Richmond, 23231; such agreement included approval of an additional fee of \$2,125 to unload the artwork at the warehouse; and

WHEREAS, the artwork, which includes (i) the female figure on pedestal (3,500 lbs.), (ii) the male figure (1,500 lbs.), and (iii) chains (500 lbs.), was delivered to the Commonwealth on April 19, 2021, where it will remain in storage until site work is completed and the Monument is installed on Brown's Island; and

WHEREAS, in April 2021, prior to commencing site work, the agreement with the Artist required further amendment to account for the terms of the soil management plan, the need for an elongated work schedule to accommodate planned events on Brown's Island, and other contingencies that led to increased costs and a revised schedule for the Monument site's landscape architect and contractor; and

WHEREAS, the Chair, in consultation with state agencies, entered into an amended agreement with the Artist on April 29, 2021, approving a final budget not to exceed \$966,383.50 and a completion date of September 30, 2021; and

WHEREAS, in anticipation of contingencies that may arise in the remaining stages of the project, it is the Commission's desire to be kept informed of developments relating to the Monument and to continue to delegate to the Chair, in consultation with state agencies, the authority to make agreements and approvals regarding the Monument at such times when the Commission cannot meet to expeditiously consider such decisions; now, therefore, be it

RESOLVED, That the Commission approves the agreements and approvals regarding the Emancipation and Freedom Monument previously made by the Chair, in consultation with state agencies, on the Commission's behalf, which include:

- (i) the agreement with the Artist dated November 29, 2019;
- (ii) the letter agreement with the Artist dated March 24, 2021;
- (iii) approval of schematic design documents and site design documents; and
- (iv) the amended agreement with the Artist dated April 29, 2021; and be it

RESOLVED FURTHER, That the Commission reaffirms its authorization of the Chair to continue, in consultation with state agencies, to make agreements and approvals on the Commission's behalf to facilitate the completion of the Emancipation and Freedom Monument.