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[Grant -State]

AUTHORIZING THE DEPARTMENT OF PUBLIC HEALTH, POPULATION HEALTH AND PREVENTION DIVISION, COMMUNITY HEALTH AND SAFETY, TO ACCEPT RETROACTIVELY AND EXPEND GRANT FUNDS OF \$358,910 FROM THE CALIFORNIA DEPARTMENT OF HEALTH SERVICES TO PROVIDE HIV-1 VIRAL LOAD TESTS AND TO ENTER INTO AN AGREEMENT WHICH INCLUDES INDEMNIFICATION AND RIGHTS IN DATA CLAUSES AND WHICH DOES NOT INCLUDE PATENT INFRINGEMENT INDEMNIFICATION AND FALSE CLAIMS CLAUSES; WAIVING INDIRECT COSTS.

WHEREAS, The Department of Public Health has applied for and been awarded a grant from The California Department of Health Services in the amount of \$358,910 to provide HIV Viral Load Tests for AIDS Drug Assistance Program eligible clients from Early Intervention Program sites; and,

WHEREAS, As a condition of receiving the grant funds, The California Department of Health Services requires the City to enter into an agreement (the "Agreement"), a copy of which is on file with the Clerk of the Board of Supervisors in File No. 98-1606 ; and,

WHEREAS, The California Department of Health Services does not allow for indirect costs for this program; and,

WHEREAS, The Agreement contains certain provisions described below, which require the approval of the Board of Supervisors; and,

WHEREAS, The Agreement does not contain certain provisions described below, which are required under the Administrative Code unless waived by the Board of Supervisors; and,

WHEREAS, The Board of Supervisors desires to authorize the Department of Public Health, on behalf of the City, to enter into the Agreement in order to receive and expend the grant funds for this and any future years; now, therefore, be it

RESOLVED, That the Department of Public Health is hereby authorized to accept retroactively and expend the grant funds pursuant to San Francisco Administrative Code section 10.170-1; and, be it

1 FURTHER RESOLVED, That the Board of Supervisors does hereby waive indirect costs; and,
be it

2 FURTHER RESOLVED, That the Director of Health is authorized to enter into the Agreement
3 on behalf of the City; and, be it

4 FURTHER RESOLVED, That the Board of Supervisors hereby approves the provision in the
5 Agreement pursuant to which the City indemnifies The California Department of Health Services;
6 and, be it


7 FURTHER RESOLVED, That the Board of Supervisors hereby approves the provision in the
8 Agreement pursuant to which the City agrees to grant a royalty-free and nonexclusive license for the
9 use of data developed under the contract; and, be it

10 FURTHER RESOLVED, That the Board of Supervisors hereby waives the requirement
11 contained in Sections 6.21 and 21.19 of the Administrative Code that the Agreement include an
12 indemnification of the City by The California Department of Health Services for the infringement of
13 patent rights; and, be it

14 FURTHER RESOLVED, That the Board of Supervisors hereby waives the requirement
15 contained in Section 6.57 (c) of the Administrative Code that the Agreement include a paragraph
16 reciting the false claim provisions contained in Section 6.57 (a) of the Administrative Code: and, be it

17 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of Public
18 Health to enter into similar agreements with The California Department of Health Services if the grant
19 recurs or is renewed.

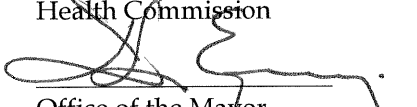
20 RECOMMENDED:

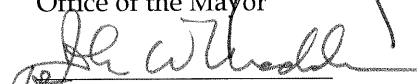
21 
22 Director of Health

Department of Public Health

APPROVED:

23 
24 Health Commission

25 
Office of the Mayor


Office of the Controller



City and County of San Francisco

Veterans Building
401 Van Ness Avenue, Room 308
San Francisco, CA 94102-4532

Tails

Resolution

File Number: 981606

Date Passed:

Resolution authorizing the Department of Public Health, Population Health and Prevention Division, Community Health and Safety, to accept retroactively and expend grant funds of \$358,910 from the California Department of Health Services to provide HIV-1 Viral Load Tests and to enter into an agreement which includes indemnification and rights in data clauses and which does not include patent infringement indemnification and false claims clauses; waiving indirect costs.


October 19, 1998 Board of Supervisors — ADOPTED

Ayes: 10 - Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Teng,
Yaki, Yee

Absent: 1 - Newsom

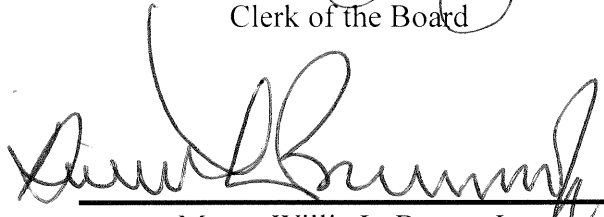
File No. 981606

I hereby certify that the foregoing Resolution was ADOPTED on October 19, 1998 by the Board of Supervisors of the City and County of San Francisco.


Gloria L. Young
Clerk of the Board

OCT 30 1998

Date Approved


Mayor Willie L. Brown Jr.