

1 [Revenue Agreement Amendment - JC Decaux San Francisco, LLC - Extending Term to
2 January 25, 2019]

3 **Resolution retroactively approving the Fifth Amendment to the Revenue Agreement**
4 **between Public Works and JC Decaux San Francisco, LLC, for the Automatic Public**
5 **Toilet and Public Service Kiosk Program extending the contract term by 105 days,**
6 **changing the termination date from October 12, 2018, to January 25, 2019.**
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8 WHEREAS, Public Works entered into an agreement with JC Decaux San Francisco,
9 LLC for a public toilet and public service kiosk pilot program, with an effective date of August
10 2, 1994; and

11 WHEREAS, The Board of Supervisors approved a First Amended and Restated
12 Automatic Public Toilet and Public Service Kiosk Agreement (“JC Decaux Agreement”) on
13 December 7, 1998, which expanded the program beyond the trial phase with a term ending on
14 October 17, 2016; and

15 WHEREAS, On December 14, 2015, the parties executed a first amendment to the JC
16 Decaux Agreement to allow installation of temporary personal wireless services in the kiosks;
17 and

18 WHEREAS, On October 28, 2016, the Board of Supervisors approved a second
19 amendment to the JC Decaux Agreement to extend the term of the agreement to October 17,
20 2017; and

21 WHEREAS, On November 14, 2017, the Board of Supervisors approved a third
22 amendment to the JC Decaux Agreement to extend the term of the agreement to February 14,
23 2018; and

24 WHEREAS, On April 17, 2017, the Board of Supervisors approved a fourth amendment
25 to the JC Decaux Agreement to extend the term of the agreement to October 12, 2018; and

1 WHEREAS, The JC Decaux Agreement, the First Amendment to the Agreement,
2 Second Amendment to the Agreement, Third Amendment to the Agreement, and the Fourth
3 Amendment to the Agreement are on file with the Clerk of the Board of Supervisors in File
4 Nos. 981599, 161019, 170994, and 180135 respectively and which are hereby declared to be
5 a part of this Resolution as if set forth fully herein; and

6 WHEREAS, Public Works needs additional time for the newly proposed design to meet
7 all City design and review requirements for proposed new public toilets and public service
8 kiosks; and

9 WHEREAS, Public Works cannot complete all of the required reviews and approvals
10 for the new Toilets and Kiosks before the current agreement expires; and

11 WHEREAS, Charter, Section 9.118(a) requires that amendments to contracts that
12 when entered into had anticipated revenues of \$1,000,000 or more be approved by the Board
13 of Supervisors; now, therefore, be it

14 RESOLVED, That the San Francisco Board of Supervisors approves the Fifth
15 Amendment to the JC Decaux Agreement, which extends the term of the JC Decaux
16 Agreement by 105 days to January 25, 2019; and, be it

17 FURTHER RESOLVED, That within thirty (30) days of the amendment being fully
18 executed by all parties, Public Works shall provide the final amendment to the Clerk of the
19 Board for inclusion into the official file.

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