

1 (Grant - Private)

2  
3 AUTHORIZING THE DEPARTMENT OF PUBLIC HEALTH, POPULATION HEALTH AND  
4 PREVENTION DIVISION, HIV RESEARCH SECTION, TO ACCEPT RETROACTIVELY  
5 AND EXPEND A GRANT IN THE AMOUNT OF \$211,587 FROM THE PUBLIC HEALTH  
6 FOUNDATION ENTERPRISES, INC. ON THE CONDUCT AND EVALUATION OF ON-  
7 GOING PHASE III HIV VACCINE EFFICACY TRIALS AND TO ENTER INTO AN  
8 AGREEMENT WHICH INCLUDES AN INDEMNIFICATION CLAUSE AND WHICH DOES  
9 NOT INCLUDE PATENT INFRINGEMENT INDEMNIFICATION AND FALSE CLAIMS  
CLAUSES; PROVIDING FOR RATIFICATION OF ACTION PREVIOUSLY TAKEN.

10 WHEREAS, The Department of Public Health has applied for and been awarded a grant  
11 from the Public Health Foundation Enterprises, Inc. in the amount of \$211,587 on the conduct  
12 and evaluation of on-going Phase III HIV vaccine efficacy trials; and,

13 WHEREAS, As a condition of receiving the grant funds, the Public Health Foundation  
14 Enterprises, Inc. requires the City to enter into an agreement (the "Agreement"), a copy of which  
15 is on file with the Clerk of the Board of Supervisors in File No. 000015; and,

16 WHEREAS, Public Health Foundation Enterprises, Inc. has indicated that it will not  
17 agree to any modification to the form of the Agreement; and,

18 WHEREAS, The Agreement contains a certain provision described below, which  
19 requires the approval of the Board of Supervisors; and,

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

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

25 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 Director of Health is authorized to enter into the  
2 Agreement on behalf of the City; and, be it

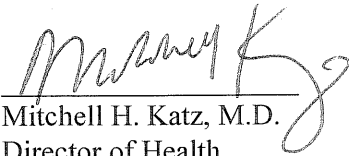
3 FURTHER RESOLVED, That the Board of Supervisors hereby approves the provision  
4 in the Agreement pursuant to which the City indemnifies Public Health Foundation Enterprises,  
5 Inc. and, be it

6 FURTHER RESOLVED, That the Board of Supervisors hereby waives the requirement  
7 contained in Sections 6.21 and 21.19 of the Administrative Code that the Agreement include an  
8 indemnification of the City by for the infringement of patent rights; and, be it

9 FURTHER RESOLVED, That the Board of Supervisors hereby waives the requirement  
10 contained in Section 6.57 (c) of the Administrative Code that the Agreement include a paragraph  
11 reciting the false claim provisions contained in Section 6.57 (a) of the Administrative Code; and,  
12 be it


13 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of  
14 Public Health to enter into similar agreements with Public Health Foundation Enterprises, Inc. if  
15 the grant recurs or is renewed.

16 RECOMMENDED:

17   
18 Mitchell H. Katz, M.D.  
19 Director of Health

20 APPROVED:

21   
22 Health Commission

23   
24 Office of the Mayor

25 

Office of the Controller

Department of Public Health



# City and County of San Francisco

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

## Tails Resolution

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**File Number:** 000015

**Date Passed:**

Resolution authorizing the Department of Public Health, Population Health and Prevention Division, HIV Research Section, to accept retroactively and expend a grant in the amount of \$211,587 from the Public Health Foundation Enterprises, Inc. on the conduct and evaluation of ongoing Phase III HIV vaccine efficacy trials and to enter into an agreement which includes an indemnification clause and which does not include patent infringement indemnification and false claims clauses; providing for ratification of action previously taken.

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February 7, 2000 Board of Supervisors — ADOPTED

Ayes: 10 - Ammiano, Becerril, Bierman, Brown, Kaufman, Leno, Newsom, Teng,  
Yaki, Yee

Absent: 1 - Katz

File No. 000015

I hereby certify that the foregoing Resolution was ADOPTED on February 7, 2000 by the Board of Supervisors of the City and County of San Francisco.



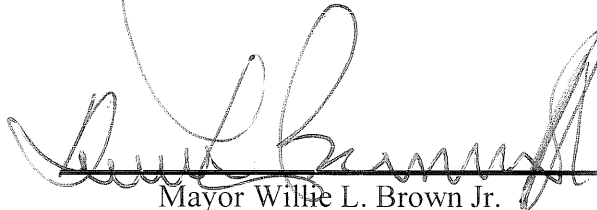
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Gloria L. Young  
Clerk of the Board

FEB 18 2000

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Date Approved



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Mayor Willie L. Brown Jr.