

1 [Contract]

2  
3 AUTHORIZING THE DEPARTMENT OF PUBLIC HEALTH, POPULATION HEALTH AND  
4 PREVENTION DIVISION, TO ENTER RETROACTIVELY INTO A SUBCONTRACT IN THE  
5 AMOUNT OF \$73,487 WITH THE UNIVERSITY OF CALIFORNIA, THE PRIMARY  
6 CONTRACTOR, TO CONDUCT A RESEARCH STUDY OF INADEQUATE FOLLOW-UP OF  
7 MAMMOGRAPHY ABNORMALITIES, WHICH INCLUDES AN INDEMNIFICATION CLAUSE  
8 AND PATENTS AND RIGHTS IN DATA CLAUSES AND WHICH DOES NOT INCLUDE PATENT  
9 INFRINGEMENT INDEMNIFICATION AND FALSE CLAIMS CLAUSES; RETROACTIVE TO  
10 JULY 1, 1998.

11 WHEREAS, The California Legislature has requested The Regents of the University of  
12 California establish and administer a program of support for research on Breast Cancer; and

13 WHEREAS, The State of California has appropriated funds to the Regents of the University of  
14 California for the administration of the Breast Cancer Research Program (BCRP); and

15 WHEREAS, The University of California has recommended for funding the proposal submitted  
16 by Daramola C. Evins, P.A., Dr.P.H. for the conduct of BCRP research; and

17 WHEREAS, The performance of the work shall be under the direction of Daramola Cabral Evins  
18 in collaboration with Arthur Coleman of the BVHP Health Care Task Force, and Marion Lee of the  
19 University of California, San Francisco; and

20 WHEREAS, The University of California has agreed to reimburse the San Francisco City and  
21 County Department of Public Health in the amount of \$73,487 under the terms of this subcontract; and

22 WHEREAS, As a condition of receiving the funds, the University of California requires the City  
23 to enter into an agreement (the "Agreement"), a copy of which is on file with the Clerk of the Board of  
24 Supervisors in File No. 990202 ; and

25 WHEREAS, The University of California has indicated that it will not agree to any  
modification to the form of the Agreement; and,

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

1 WHEREAS, The Agreement does not contain certain provisions described below, which are  
2 required under the Administrative Code unless waived by the Board of Supervisors; now, therefore, be it

3 RESOLVED, That the San Francisco City and County Department of Public Health is hereby  
4 authorized to enter into a subcontract in the amount of \$73,487 with the University of California, the  
5 Primary Contractor; retroactive to July 1, 1998; and, be it

6 FURTHER RESOLVED, That the Board of Supervisors hereby approves the provision in the  
7 Agreement pursuant to which the City indemnifies The Regents of the University of California; and, be it

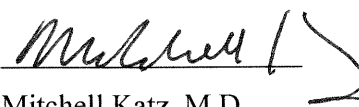
8 FURTHER RESOLVED, That the Director of Health is authorized to enter into the Agreement  
9 on behalf of the City; and, be it

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 Regents of the University of California for the infringement of patent  
13 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 reciting  
16 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 Health  
18 to enter into similar agreements with the University of California if the contract recurs or is renewed.

19 RECOMMENDED:

20   
21 Mitchell Katz, M.D.  
22 Director of Health

23 APPROVED:

24   
25 Health Commission

26 Department of Public Health

File No. 990202

I hereby certify that the foregoing Resolution was ADOPTED on March 8, 1999 by the Board of Supervisors of the City and County of San Francisco.



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Gloria L. Young  
Clerk of the Board

MAR 19 1999

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Date Approved



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Mayor Willie L. Brown Jr.



# 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:** 990202

**Date Passed:**

Resolution authorizing the Department of Public Health, Population Health and Prevention Division, to enter retroactively into a subcontract in the amount of \$73,487 with the University of California, the primary contractor, to conduct a research study of inadequate follow-up of mammography abnormalities, which includes an indemnification clause and patents and rights in data clauses and which does not include patent infringement indemnification and false claims clauses; retroactive to July 1, 1998.

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March 8, 1999 Board of Supervisors — ADOPTED

Ayes: 9 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom,  
Yaki

Absent: 2 - Teng, Yee