

[Contract]

1 AUTHORIZING THE DEPARTMENT OF PUBLIC HEALTH, COMMUNITY HEALTH NETWORK,  
2 PRIMARY CARE SERVICES, TO ENTER INTO AN AGREEMENT AS SUBCONTRACTOR WITH  
3 LUTHERAN SOCIAL SERVICES, THE PRIMARY CONTRACTOR, IN THE AMOUNT OF \$90,994,  
4 TO PROVIDE PREVENTATIVE AND PRIMARY HEALTH CARE SERVICES AND WHICH  
5 INCLUDES AN INDEMNIFICATION CLAUSE AND WHICH DOES NOT INCLUDE PATENT  
6 INFRINGEMENT INDEMNIFICATION AND FALSE CLAIMS CLAUSES; RETROACTIVE TO  
7 OCTOBER 1, 1997.

8 WHEREAS, Lutheran Social Services has been awarded a grant from the US. Department of  
9 Housing and Urban Development for a collaborative effort to provide housing, mental health,  
10 substance abuse counseling, benefits counseling, nursing, primary care, and alternative therapy to  
11 multiple diagnosed persons with HIV; and

12 WHEREAS, Lutheran Social Services requires the City to enter into an agreement (the  
13 "Agreement") to provide a portion of these services, a copy of which agreement is on file with the  
14 Clerk of the Board of Supervisors in File No. 98-1322; and

15 WHEREAS, The Agreement specifies that the maximum dollar obligation of Lutheran Social  
16 Services under this agreement shall not exceed \$90,994, and

17 WHEREAS, Lutheran Social Services has indicated that it will not agree to any modification  
18 to the form of the Agreement; and,

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

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

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

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

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

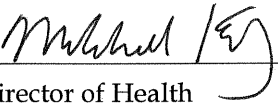
FURTHER RESOLVED, That the Board of Supervisors hereby approves the provision in the Agreement pursuant to which the City indemnifies Lutheran Social Services ; and, be it

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

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

FURTHER RESOLVED, That the Board of Supervisors authorizes the Department of Public Health to enter into similar agreements with Lutheran Social Services if the grant recurs or is renewed.

RECOMMENDED:

  
Director of Health

APPROVED:

  
Health Commission

Department of Public Health

Adopted - Board of Supervisors, San Francisco October 5, 1998

Ayes: Supervisors Ammiano Brown Kaufman Leno Newsom Teng  
Yee

Absent: Supervisors Bierman Katz Medina Yaki

I hereby certify that the foregoing resolution  
was adopted by the Board of Supervisors  
of the City and County of San Francisco

  
Clerk

File No.  
98-1322

OCT 16 1998  
Date Approved

  
Mayor