

1 [Revenue Agreement Amendment – JC Decaux San Francisco, LLC – Extending Term to  
2 October 17, 2017]

3 **Resolution approving the second amendment to the revenue agreement between**  
4 **Public Works and JC Decaux San Francisco, LLC, for the Automatic Public Toilet and**  
5 **Public Service Kiosk Program, extending the agreement term by one year for a total**  
6 **agreement term of August 2, 1994, through October 17, 2017.**

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8 WHEREAS, The original agreement with JC Decaux San Francisco, Inc. was initiated  
9 as a pilot program with an effective date of August 2, 1994; and

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

14 WHEREAS, On December 14, 2015, the JC Decaux Agreement was amended  
15 pursuant to Section 5.10D of the JC Decaux Agreement to allow installation of temporary  
16 personal wireless service facilities; and

17 WHEREAS, The JC Decaux Agreement and First Amendment to the JC Decaux  
18 Agreement is on file with the Clerk of the Board of Supervisors in File No. 161019, which is  
19 hereby declared to be a part of this resolution as if set forth fully herein; and

20 WHEREAS, The process for soliciting competitive proposals to continue the program  
21 began in mid-2015 and due to non-responsive submittals to the Request for Proposals  
22 needed to be re-advertised; and

23 WHEREAS, The extension of the JC Decaux Agreement via the second amendment to  
24 October 17, 2017, a copy of which is on file with the Clerk of the Board of Supervisors in File  
25 No. 161019, is necessary to keep the existing public toilets and public service kiosks in

1 operation and to allow adequate time to negotiate a replacement revenue agreement with JC  
2 Decaux San Francisco, LLC, the only responsive proposer to the re-advertised Request for  
3 Proposals of April 29, 2016; and

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

7 RESOLVED, That the San Francisco Board of Supervisors approves the Second  
8 Amendment to the Revenue Agreement with JC Decaux San Francisco, LLC which extends  
9 the term of the JC Decaux Agreement by one year to October 17, 2017; and, be it

10 FURTHER RESOLVED, That within thirty (30) days of the second amendment to the  
11 revenue agreement being fully executed by all parties Public Works shall provide the  
12 executed amendment to the Clerk of the Board for inclusion into the official file.

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