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[Grant – State]

AUTHORIZING THE DEPARTMENT OF PUBLIC HEALTH, POPULATION HEALTH AND PREVENTION, TO ACCEPT RETROACTIVELY AND EXPEND A GRANT IN THE AMOUNT OF \$171,002 FROM THE STATE OFFICE OF AIDS, FOR THE AIDS DRUG ASSISTANCE PROGRAM AND TO ENTER INTO AN AGREEMENT WHICH DOES NOT INCLUDE PATENT INFRINGEMENT INDEMNIFICATION AND FALSE CLAIMS CLAUSES; WAIVING INDIRECT COSTS AND PROVIDING FOR RATIFICATION OF ACTION PREVIOUSLY TAKEN.

WHEREAS, The Department of Public Health has applied for and been awarded a grant from the State Office of AIDS, in the amount of \$171,002 to fund the AIDS Drug Assistance Program; and,

WHEREAS, As a condition of receiving the grant funds, the State Office of AIDS requires the City to enter into an agreement (the “Agreement”); a copy of which is on file with the Clerk of the Board of Supervisors in File No. 991759 ; and,

WHEREAS, The State Office of AIDS has indicated that it will not agree to any modification to the form of the Agreement; and,

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

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

FURTHER RESOLVED, That the Director of Health is authorized to enter into the Agreement in behalf of the City; 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 for the infringement of patent rights; and, be it

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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

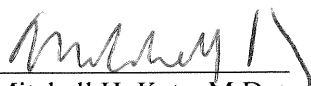
FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of Public Health to enter into similar agreements with the State Office of AIDS if the grant recurs or is renewed; and, be it

FURTHER RESOLVED, That the Board of Supervisors does hereby waive indirect costs; and, be it

FURTHER RESOLVED, That although the City has incurred no legal obligation, the Board of Supervisors does hereby ratify the action previously taken; and be it

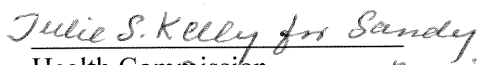
FURTHER RESOLVED, The Controller should be urged to designate the positions created under the grant as "G" or grant-funded positions, which would terminate when the grant expires.

RECOMMENDED:

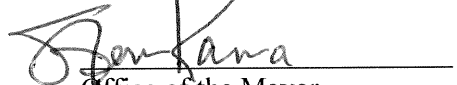


Mitchell H. Katz, M.D.
Director of Health

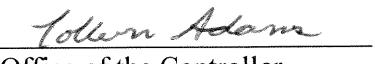
APPROVED:



Julie S. Kelly for Sandy
Health Commission *moi*



Tom Kana
Office of the Mayor



Tolson Adams
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

File Number: 991759

Date Passed:

Resolution authorizing the Department of Public Health, Population Health and Prevention Division, to accept retroactively and expend a grant in the amount of \$171,002 from the State Office of AIDS, for the AIDS Drug Assistance Program and to enter into an agreement which does not include patent infringement indemnification and false claims clauses; waiving indirect costs and providing for ratification of action previously taken.

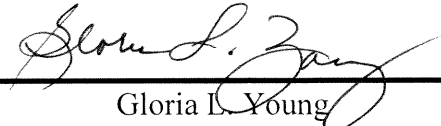
October 25, 1999 Board of Supervisors — ADOPTED

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

Absent: 1 - Becerril

File No. 991759

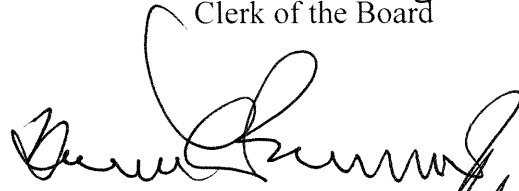
I hereby certify that the foregoing Resolution was ADOPTED on October 25, 1999 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

NOV - 5 1999

Date Approved



Mayor Willie L. Brown