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[Contract]

AUTHORIZING THE DEPARTMENT OF PUBLIC HEALTH, POPULATION HEALTH AND PREVENTION DIVISION, TO ENTER INTO A SUBCONTRACT IN THE AMOUNT OF \$6,003 WITH THE UNIVERSITY OF CALIFORNIA, THE PRIMARY CONTRACTOR, TO COLLABORATE IN THE MARIN COUNTY BREAST CANCER STUDY OF ADOLESCENT RISK FACTORS, WHICH INCLUDES INDEMNIFICATION CLAUSES AND WHICH DOES NOT INCLUDE PATENT INFRINGEMENT INDEMNIFICATION AND FALSE CLAIMS CLAUSES; RETROACTIVE TO JULY 1, 1998; WAIVING INDIRECT COSTS.

WHEREAS, The University of California has received funds from the California Breast Cancer Research Program for a project entitled: Marin County Breast Cancer Study of Adolescent Risk Factors; and

WHEREAS, The University of California, as the primary contractor, has requested that the San Francisco City and County Department of Public Health, enter into a subcontract to participate in this project; and

WHEREAS, The subcontract specifies that Dr. Daramola Cabral Evins, Population Health and Prevention Division, Community Health and Safety Services, Community Health Epidemiology, participates in this project by facilitating focus group discussions and analyzing focus group data during the term of the subcontract; and

WHEREAS, The University of California has agreed to reimburse the San Francisco City and County Department of Public Health in the amount of \$6,003 under the terms of this subcontract; and

WHEREAS, As a condition of receiving the funds, the University of California 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. 98-1460 ; and

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; and,

3 WHEREAS, The University of California does not allow for indirect costs for this subcontract;
4 and

5 WHEREAS, the Board of Supervisors desires to authorize the Department of Public Health, on
6 behalf of the City, to enter into the agreement in order to receive and expend the funds for this and any
7 future years; now, therefore, be it

8 RESOLVED, That the San Francisco City and County Department of Public Health is hereby
9 authorized to enter into a subcontract in the amount of \$6,003 with the University of California, the
10 Primary Contractor, to facilitate focus group discussions and analyze focus group data ; retroactive to
11 July 1, 1998; and, be it

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

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

16 FURTHER RESOLVED, That the Board of Supervisors hereby waives the requirement
17 contained in Sections 6.21 and 21.19 of the Administrative Code that the Agreement include an
18 indemnification of the City by The Regents of the University of California for the infringement of patent
19 rights; and, be it

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

23 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of Public Health
24 to enter into similar agreements with the University of California if the contract is renewed.
25


RECOMMENDED:



Mitchell Katz, M.D.
Director of Health

Department of Public Health

APPROVED:



Health Commission



City and County of San Francisco

Veterans Building
401 Van Ness Avenue, Room 308
San Francisco, CA 94102-4532

Tails

Resolution

File Number: 981460

Date Passed:

Resolution authorizing the Department of Public Health, Population Health and Prevention Division, to enter into a subcontract in the amount of \$6,003 with the University of California, the primary contractor, to collaborate in the Marin County Breast Cancer Study of adolescent risk factors, which includes indemnification clauses and which does not include patent infringement indemnification and false claims clauses; retroactive to July 1, 1998; waiving indirect costs.


October 19, 1998 Board of Supervisors — ADOPTED

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

Absent: 1 - Newsom

File No. 981460

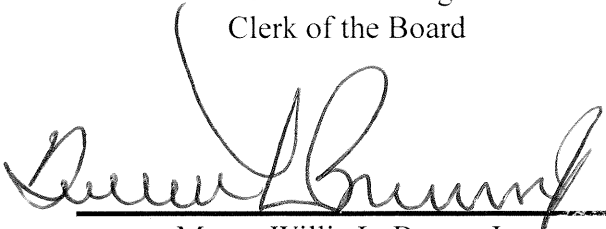
I hereby certify that the foregoing Resolution was ADOPTED on October 19, 1998 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

OCT 30 1998

Date Approved



Mayor Willie L. Brown Jr.

File No. 981460 continued...