

1 [Contract Amendment - 1231 Market Street Owner L.P. - Emergency Agreement - 1231
2 Market Street - Not to Exceed Amount to \$78,972,179]

3 **Resolution approving a fifth amendment to an emergency agreement between the**
4 **Human Services Agency (HSA) and 1231 Market Street Owner L.P., for the use of 459**
5 **hotel rooms to house individuals experiencing homelessness or individuals who are at**
6 **risk of developing severe COVID-19, to extend the contract term to August 31, 2022,**
7 **with an option to extend further; and increase the contract amount by \$24,456,776 for a**
8 **total not to exceed amount of \$78,972,179; and to authorize the Executive Director of**
9 **HSA to enter into amendments or modifications to the contract that do not materially**
10 **increase the obligations or liabilities to the City and are necessary to effectuate the**
11 **purposes of the contract or this Resolution.**

12
13 WHEREAS, In response to the COVID-19 pandemic, Mayor London Breed declared a
14 "Local Emergency" on Tuesday, February 25, 2020, as supplemented from time to time,
15 including the Thirty-Fifth Supplemental Declaration dated February 19, 2021, authorizing the
16 extension of COVID-19-related contracts; and

17 WHEREAS, The Human Services Agency ("HSA"), in coordination with the Department
18 of Public Health, the Department of Emergency Management, the Department of
19 Homelessness and Supportive Housing ("HSH"), the Real Estate Division ("RED"), the Office
20 of Contract Administration ("OCA"), and other City stakeholders (collectively, the "City's
21 COVID-19 Response Team"), procured hotel rooms and related emergency services in
22 support of the Local Emergency; and

23 WHEREAS, The City uses the rooms to further the public health and safety by
24 sheltering people who are otherwise within a vulnerable population and have no means to
25 socially-distance from possible COVID infection; and

1 WHEREAS, The City entered into an Emergency Agreement dated April 4, 2020, with
2 1231 Market Street Owner L.P. (“Hotel”) for the City’s use of 459 hotel rooms plus associated
3 services, located at 1231 Market Street and commonly known as “Hotel Whitcomb”, as
4 amended by a First Amendment to Emergency Agreement dated May 15, 2020, to include
5 requirements for City’s reimbursement through the Federal Emergency Management Agency
6 (“FEMA”), as further amended by a Second Amendment to Emergency Agreement dated July
7 27, 2020, as further amended by a “Third Amendment” to Emergency Agreement dated
8 August 28, 2020, and as further amended by a “Fourth Amendment” to Emergency
9 Agreement dated May 3, 2021 (collectively, the “Booking Contract”); and

10 WHEREAS, The Third Amendment was approved by the Board of Supervisors through
11 Resolution No. 380-20, a copy of the Third Amendment is on file with the Clerk of the Board in
12 File No. 200819; and

13 WHEREAS, The Fourth Amendment was approved by the Board of Supervisors
14 through Resolution No. 304-21, a copy of the Fourth Amendment is on file with the Clerk of
15 the Board in File No. 210500; and

16 WHEREAS, The Booking Contract originally ran from April 8, 2020, through August 7,
17 2020 (the initial “Booking Period”); through the Third Amendment, the Booking Period was
18 extended through the night of June 30, 2021; through the Fourth Amendment, the Booking
19 Period was extended through the night of February 28, 2022; and

20 WHEREAS, Section 2 of the Forty-Fifth Supplement to the February 25, 2020 Mayoral
21 Proclamation declaring the existence of a local emergency (“Section 2 of the Forty-Fifth
22 Supplement”) authorizes the Executive Director of the Human Services Agency (“HSA”) to
23 extend the term of Booking Contract up to and including August 31, 2022, and authorizes a
24 further extension beyond August 31, 2022, provided that before exercising an option to further
25

1 extend the term, the Executive Director of HSA must first obtain the approval of the Board of
2 Supervisors by ordinance waiving any applicable restrictions in the Municipal Code; and

3 WHEREAS, City and Hotel now wish to (a) extend the term of the Booking Contract in
4 accordance with Section 2 of the Forty-Fifth Supplement, and (b) increase the contract sum in
5 an amount beyond \$10,000,000 in accordance with San Francisco Charter Section 9.118; and

6 WHEREAS, HSA, in consultation with the Office of the City Attorney, negotiated a
7 proposed Fifth Amendment to Emergency Agreement (the "Fifth Amendment") with the Hotel
8 to extend the Booking Period through August 31, 2022, with an option for the Executive
9 Director of the Human Services Agency to further extend the term, and to increase the
10 contract amount to a not to exceed contract amount of \$78,972,179 and;

11 WHEREAS, A copy of the Fifth Amendment is on file with the Clerk of the Board in File
12 No. 211236; and

13 WHEREAS, FEMA funding for the Fifth Amendment may be unavailable beyond March
14 31, 2022; and

15 WHEREAS, Charter, Section 9.118, requires Board of Supervisors approval of the Fifth
16 Amendment to increase the contract in an amount beyond \$10,000,000; now, therefore, be it

17 RESOLVED, In accordance with Section 2 of the Forty-Fifth Supplement, that the
18 Board of Supervisors hereby authorizes a Fifth Amendment to extend the term of the Booking
19 Contract up to and including August 31, 2022, and authorizes a further extension beyond
20 August 31, 2022, provided that before exercising an option to further extend the term, the
21 Executive Director of HSA must first obtain the approval of the Board of Supervisors by
22 ordinance waiving any applicable restrictions in the Municipal Code; and, be it

23 FURTHER RESOLVED, In accordance with San Francisco Charter Section 9.118, that
24 the Board of Supervisors hereby authorizes an increase to the contract amount of
25 \$24,456,776 for a total not to exceed amount of \$78,972,179; and, be it



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Resolution

File Number: 211236

Date Passed: March 01, 2022

Resolution approving a fifth amendment to an emergency agreement between the Human Services Agency (HSA) and 1231 Market Street Owner L.P., for the City's continued use of 459 hotel rooms and associated services located at the Hotel Whitcomb on 1231 Market Street; increasing the contract amount by \$24,456,776 for a total amount not to exceed \$78,972,179; extending the booking period, which expires on March 1, 2022, for a potential total term of April 8, 2020, through December 1, 2022; and to authorize the Executive Director of HSA to enter into amendments or modifications to the contract that do not materially increase the obligations or liabilities to the City and are necessary to effectuate the purposes of the contract or this Resolution.

February 09, 2022 Budget and Finance Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

February 09, 2022 Budget and Finance Committee - RECOMMENDED AS AMENDED

February 15, 2022 Board of Supervisors - CONTINUED

Ayes: 10 - Chan, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

Absent: 1 - Haney

March 01, 2022 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

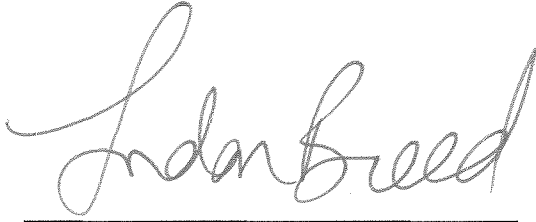
Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

March 01, 2022 Board of Supervisors - ADOPTED AS AMENDED


Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 211236

I hereby certify that the foregoing
Resolution was ADOPTED AS AMENDED
on 3/1/2022 by the Board of Supervisors of
the City and County of San Francisco.



London N. Breed
Mayor


Angela Calvillo
Clerk of the Board

3/1/22

Date Approved