

1 [Contract Amendment - 1231 Market Street Owner L.P. - Emergency Agreement - Not to
2 Exceed \$54,800,664]

3 **Resolution approving a fourth amendment to an emergency agreement between the**
4 **Office of Contract Administration and 1231 Market Street Owner L.P., for the City’s**
5 **continued use of 459 hotel rooms and associated services; increasing the contract**
6 **amount by \$19,202,122 for a total amount not to exceed \$54,800,664; and extending the**
7 **current booking period, which expires on July 1, 2021, until March 1, 2022, for a**
8 **potential total term of April 8, 2020, to March 1, 2022.**

9
10 WHEREAS, In response to the COVID-19 pandemic, Mayor London Breed declared a
11 “Local Emergency” on Tuesday, February 25, 2020, as supplemented from time to time,
12 including the Thirty-Fifth Supplemental Declaration dated February 19, 2021, authorizing the
13 extension of COVID-19-related contracts; and

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

20 WHEREAS, The City temporarily uses the rooms to further the public health and safety
21 in connection with its response to the Local Emergency by sheltering: (a) people who have
22 been exposed to the COVID-19 virus or are under medical quarantine; (b) people who are
23 otherwise within a vulnerable population and have no means to self-isolate or shelter-in-place;
24 and (c) health care workers and first responders; and

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

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

12 WHEREAS, The Booking Contract originally ran for 122 nights from April 8, 2020
13 through August 7, 2020 (the initial “Booking Period”) and through the Third Amendment, the
14 Booking Period was extended through the night of June 30, 2021; and

15 WHEREAS, The City’s COVID-19 Response Team wishes to continue to use the hotel
16 rooms in connection with the Local Emergency; and

17 WHEREAS, OCA and HSA, in consultation with the Office of the City Attorney,
18 negotiated a proposed Fourth Amendment to Emergency Agreement (the “Fourth
19 Amendment”) with the Hotel to increase the contract amount to a not to exceed contract
20 amount of \$54,800,664, and to extend the Booking Period through March 1, 2022, for a total
21 potential Booking Period of April 8, 2020 to March 1, 2022 (691 nights), subject to City’s early
22 termination rights as described in the Booking Contract; and

23 WHEREAS, A copy of the Fourth Amendment is on file with the Clerk of the Board in
24 File No. 210500; and

1 WHEREAS, Charter, Section 9.118, requires Board of Supervisors approval of the
2 Fourth Amendment; now, therefore, be it

3 RESOLVED, That the Board of Supervisors hereby authorizes the City’s Purchaser, on
4 behalf of the City and County of San Francisco, as recommended by the Executive Director of
5 HSA, to execute the Fourth Amendment to increase the contract amount to a total not to
6 exceed amount of \$54,800,664, and to extend the potential Booking Period until
7 March 1, 2022, subject to City’s early termination rights as described in the Booking Contract,
8 and to perform all of City’s obligations under the Booking Contract as amended; and, be it

9 FURTHER RESOLVED, That all actions heretofore taken by the officers of the City
10 with respect to the Booking Contract are hereby approved, confirmed and ratified; and, be it

11 FURTHER RESOLVED, That the Board of Supervisors authorizes the Purchaser to
12 enter into any amendments or modifications to the Booking Contract that HSA determines, in
13 consultation with the Executive Director of HSA and the City Attorney, do not otherwise
14 materially increase the obligations or liabilities of the City, are necessary or advisable to
15 effectuate the purposes of the Booking Contract or this Resolution, and are in compliance with
16 all applicable laws, including the City's Charter; and, be it

17 FURTHER RESOLVED, That within thirty (30) days of the Fourth Amendment being
18 fully executed by all parties, HSA shall provide the final Fourth Amendment to the Clerk of the
19 Board for inclusion into the official file.

Fiscal Year 2021/2022 increase: \$19,202,122

Fund ID:	10020
Department ID:	149657
Project Authority ID:	10036575
Account ID:	530310
Activity ID:	0001

/s/
Ben Rosenfield
Controller

Funding for Fiscal Year 2021/2022 is subject to the enactment of the Annual Appropriation Ordinance for Fiscal Year 2021/2022.

RECOMMENDED:

/s/
Office of Contract Administration
Purchaser

/s/
Human Services Agency
Executive Director

/s/
Department of Public Health
Director of Health

/s/
Department of Emergency Management
Executive Director

/s/
Department of Homelessness and Supportive Housing
Director