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(Grant - State)

AUTHORIZING THE DEPARTMENT OF PUBLIC HEALTH, POPULATION HEALTH AND PREVENTION DIVISION, TO ACCEPT RETROACTIVELY AND EXPEND A GRANT IN THE AMOUNT OF \$130,500 FROM THE STATE OFFICE OF FAMILY PLANNING TO PROVIDE TEENSMART OUTREACH AND COUNSELING SERVICES AND TO ENTER INTO AN AGREEMENT WHICH INCLUDES RIGHTS IN DATA CLAUSES AND WHICH DOES NOT INCLUDE PATENT INFRINGEMENT INDEMNIFICATION AND FALSE CLAIMS CLAUSES.

WHEREAS, The Department of Public Health has applied for and been awarded a grant from the State Office of Family Planning in the amount of \$130,500 to fund TeenSMART outreach and counseling services; and,

WHEREAS, As a condition of receiving the grant funds, the State Office of Family Planning 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. 982017 ; and,

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

WHEREAS, The Agreement contains a certain provision described below, which requires the approval of the Board of Supervisors; 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; and,

WHEREAS, The Board of Supervisors desires to authorize the Department of Public Health, on behalf of the City, to enter into the Agreement in order to receive and expend the grant funds for this and any future years; 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

1 FURTHER RESOLVED, That the Director of Health is authorized to enter into the
2 Agreement on behalf of the City; and, be it

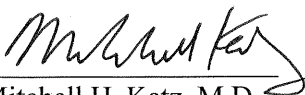
3 FURTHER RESOLVED, That the Board of Supervisors hereby approves the provision
4 in the Agreement pursuant to which the City agrees to grant a royalty-free, nonexclusive and
5 irrevocable license for the use of data developed under the contract; and, be it

6 FURTHER RESOLVED, That the Board of Supervisors hereby waives the requirement
7 contained in Sections 6.21 and 21.19 of the Administrative Code that the Agreement include an
8 indemnification of the City by the State Office of Family Planning for the infringement of patent
9 rights; and, be it

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


14 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of
15 Public Health to enter into similar agreements with the State Office of Family Planning if the
16 grant recurs or is renewed.


17 RECOMMENDED:

18 
19 Mitchell H. Katz, M.D.
20 Director of Health

21 APPROVED:

22 
23 Health Commission

24 
25 Office of the Mayor


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: 982017

Date Passed:

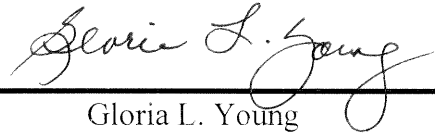
Resolution authorizing the Department of Public Health, Population Health and Prevention Division, to accept retroactively and expend a grant in the amount of \$130,500 from the State Office of Family Planning to provide TeenSMART outreach and counseling services and to enter into an agreement which includes rights in data clauses and which does not include patent infringement indemnification and false claims clauses.

January 25, 1999 Board of Supervisors — ADOPTED

Ayes: 11 - Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki,
Yee, Ammiano

File No. 982017

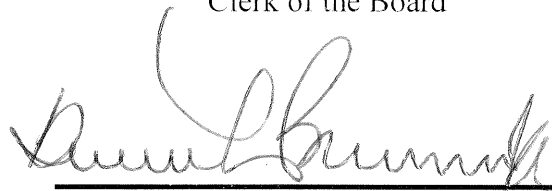
I hereby certify that the foregoing Resolution was ADOPTED on January 25, 1999 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

FEB - 5 1999

Date Approved



Mayor Willie L. Brown Jr.

File No. 982017 continued...