

1 [Agreements - Amending State Contract Funds - Alcohol and Drug Programs - \$69,008,529]

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3 **Resolution retroactively authorizing the San Francisco Department of Public Health,**
4 **Community Behavioral Services, to enter into an amended Combined Net Negotiated**
5 **Amount and Drug Medi-Cal Agreement with the State of California Department of**
6 **Alcohol and Drug Programs (DADP) for the term of July 1, 2010, through June 30, 2014,**
7 **in the amount of \$69,008,529; implementing a Contingency Assignment of Agreement**
8 **from DADP to the Department of Health Care Services (DHCS) if the FY2013-2014**
9 **Budget Act is enacted to eliminate DADP and transfer the “Non Drug Medi-Cal”**
10 **Program to DHCS; holding DADP harmless from any and all claims resulting from the**
11 **agreement; authorizing and designating the DPH County Alcohol and Drug**
12 **Administrator to sign said Agreement and to approve amendments for less than 10% of**
13 **the contracted amount.**

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15 WHEREAS, On September 14, 2010, the San Francisco Board of Supervisors
16 approved a resolution (File No. 101109) retroactively authorizing the San Francisco
17 Department of Public Health, Community Behavioral Health Services (DPH-CBHS) to enter
18 into a Combined Net Negotiated Amount and Drug Medi-Cal Agreement with the State of
19 California Department of Alcohol and Drug Programs (DADP) for the term of July 1, 2010
20 through June 30, 2013 in the amount of \$60,402,780; and

21 WHEREAS, On May 3, 2013, DADP sent a contract amendment for substance use
22 disorder services that would (1) extend the contract period to end June 30, 2014, (2) decrease
23 the contract amount for FY 2012-13 from \$20,134,260 to \$15,723,320, (3) add new funding in
24 the amount of \$15,723,320 for FY2013-14, and (4) implement a Contingency Assignment of
25 Agreement from DADP to Department of Health Care Services (DHCS) if the FY 2013-14

1 Budget Act is enacted to eliminate DADP and transfer the “Non Drug Medi-Cal” program to
2 DHCS; and

3 WHEREAS, The Agreement includes a hold harmless clause, which provides that the
4 City will hold the State harmless from (1) any claims and losses resulting to contractors,
5 subcontractors, individuals, firms, and corporations furnishing or supplying work services,
6 materials, or supplies in connection to the performance of this contract, and (2) any claims
7 and losses resulting to any person, firm, or corporation who may be injured or damaged in
8 connection to the City’s performance of this contract; and

9 WHEREAS, The DPH County Alcohol and Drug Administrator is designated to sign the
10 Combined Net Amount and Drug Medi-Cal Agreement and approve future amendments for
11 less than ten percent (10%) of the contracted amount; now, therefore, be it

12 RESOLVED, That DPH-CBHS is hereby retroactively authorized to enter into an
13 amended Combined Negotiated Net Agreement and Drug Medi-Cal Agreement with DADP for
14 the term of July 1, 2010 through June 30, 2014 in the amount of \$69,008,529, to decrease the
15 contract for FY 2012-13 from \$20,134,260 to \$15,723,320, and to add \$15,723,320 in new
16 funding for FY 2013-14; and, be it

17 FURTHER RESOLVED, That said Agreement shall implement a Contingency
18 Assignment of Agreement from DADP to DHCS if the FY 2013-14 Budget Act is enacted to
19 eliminate DADP and transfer the “Non Drug Medi-Cal” program to DHCS; and, be it

20 FURTHER RESOLVED, That said Agreement shall include an indemnification of the
21 State of California as set forth in File No. 130494; and, be it

22 FURTHER RESOLVED, That the DPH County Alcohol and Drug Administrator is
23 hereby authorized and designated by the Board of Supervisors to sign said Agreement and to
24 approve Agreement amendments for less than ten percent (10%) of the contracted amount.

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4 RECOMMENDED:

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6 Barbara A. Garcia, MPA

7 Director of Health

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