



City and County of San Francisco
London N. Breed
Mayor

San Francisco Department of Public Health

Grant Colfax, MD
Director of Health

Behested Payment Solicitation Rules Exception Form & Certification

Directions: Please complete, sign, and return pages 1-2 of the form below, filling in all blanks with the requested information and selecting only one of the three check boxes.

Name of Grant/Gift (the Award): 2021 Federally Qualified Health Center (FQHC) License Fee and Maintenance Grant

Amount: \$ 204,250

Date Received & Term of Grant/Gift: May 26, 2022, for CY 2021

Name of Original Source of the Grant/Gift (the Donor): Epic Systems Corporation

Purpose of Form: Section 3.620 of the San Francisco Campaign and Governmental Conduct Code (the SF C&GCC) prohibits City and County of San Francisco (City) officers and employees from directly or indirectly soliciting a behested payment from an interested party. A **behested payment** is a payment made at the request of the City officer or employee for a legislative, governmental, or charitable purpose. **Interested parties** include, among other things, either a) a participant involved in an administrative enforcement or license, permit, or other entitlement proceeding before any officer or employee within DPH or b) a person or entity that contracts with or seeks to contract with the City, the San Francisco Unified School District, or the San Francisco Community College District where the total anticipated or actual value of such contracts within a fiscal year equals or exceeds \$100,000. **Interested parties** also include contract or expenditure lobbyists and permit consultants. Donors should refer to Section 3.620 of the SF C&GCC and related rules and regulations for more detailed information about behested payments.

This form is to be used by the San Francisco Department of Public Health (DPH) and the Donor listed above to certify that the listed Award is not a solicitation of a behested payment as determined by Regulation 3.620-8 of the San Francisco Ethics Commission Regulations. Awards that meet the criteria listed in Regulation 3.620-8 for not being a solicited behested payment are exempt from the prohibition listed in Section 3.620 of the San Francisco Campaign and Governmental Conduct Code and can be accepted and expended by the City and/or DPH.

Certification: Donor may be an interested party as defined in Section 3.620 of the SF C&GCC and related Ethics Commission Regulations. Because Donor is also the source of the Award listed above (*either as the original source or as an intermediary that is sub-awarding from a different source*), the City can only accept the funds if the Award qualifies for an exception to the restriction on soliciting a behested payment from an interested party under Section 3.620 of the SF C&GCC or Ethics Commission Regulations.



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Please certify, by selecting which one of the following options is most applicable, that the listed information is accurate related to the Award listed above:

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Competitive Award. The Award is being made by Donor pursuant to a competitively awarded grant for which DPH or a DPH designee applied, as described in Ethics Commission Regulation 3.620-8(a) (*copy located on back page*). Donor certifies that the Award is competitively awarded under its own processes—the SF C&GCC and Ethics Commission Regulations do not define that concept. Note that the negotiation by DPH and the Donor and expansion of the terms of any such grant agreement does not make the Award a prohibited behested payment.

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Award Initiated by Donor with a Grant Agreement. The Award is being made by Donor pursuant to a grant agreement between Donor and the City/DPH, and the Award was initiated by Donor, as described in Ethics Commission Regulation 3.620-8(b) (*copy located on back page*). Donor certifies that the Award was not initiated by DPH or a DPH designee. Note that the negotiation by DPH and the Donor and expansion of the terms of any such grant agreement, after initiation by the Donor, does not make the Award a prohibited behested payment.

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Award Initiated by Donor Without a Grant Agreement. The Award is a gift or other payment from Donor to the City/DPH, and the Award was initiated by Donor, as described in Ethics Commission Regulation 3.620-8(c) (*copy located on back page*). Donor certifies that the Award was not initiated by DPH or a DPH designee. This gift or payment must not confer a personal benefit on any City official or employee. Gifts or payments that confer a personal benefit include, but are not limited to, food, drinks, holiday parties, and items intended for employee appreciation or recognition.

I [Signatory Name] [REDACTED], as an authorized representative of Donor, certify and affirm that the above information is true and accurate, and I acknowledge that providing false or inaccurate information may violate City rules. I am authorized to and accordingly confirm that Donor, upon request by City, DPH, and/or the San Francisco Ethics Commission, will provide any requested documentation that Donor is legally allowed to provide which demonstrates the accuracy of the statements above.

[REDACTED]

Signatory

[REDACTED]

Signatory Title

[REDACTED]

Date



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Copy of Relevant Ethics Commission Regulations for Reference (Aug. 2024)
(please go to Ethics Commission Regulations for the current, applicable regulations)

Regulation 3.620-8: Exceptions

The following actions are not solicitations of behested payments for the purposes of Section 3.620:

- (a) Applying for a competitively awarded grant with or directly from an interested party, if the City officer or designated employee is applying on behalf of their department. Negotiating the terms of, entering into, performing pursuant to, amending, and expanding such a grant agreement between the source of the grant, the interested party, and the City is also not soliciting a behested payment.
- (b) Negotiating the terms of, entering into, performing pursuant to, amending, or expanding a grant agreement between an interested party and the City, on behalf of the officer or designated employee's department, that was initiated by an interested party. Any City officer or designated employee using this exception bears the burden of proving that they did not initiate the grant offer or negotiations. This proof could be demonstrated, for example, through copies of emails or other written communications or other means.
- (c) Coordinating the acceptance of gifts or other payments to the City that have been initiated by an interested party. Any City officer or designated employee using this exception bears the burden of proving that they did not initiate the payment from the interested party. This proof could be demonstrated, for example, through copies of emails or other written communications or other means. Any gift or payment accepted using this exception cannot confer a personal benefit on any City officials. Gifts or payments that confer a personal benefit include, but are not limited to food, drinks, holiday parties, and items intended for employee appreciation or recognition. ...