

1 [Contract Amendment - Retroactive - SF Americania LLC - Emergency Agreement -
2 121 Seventh Street - Not To Exceed \$16,430,164]

3 **Resolution approving a third amendment to an emergency agreement between the**
4 **Human Services Agency (HSA) and SF Americania LLC, for the use of hotel rooms to**
5 **house individuals experiencing homelessness or individuals who are at risk of**
6 **developing severe COVID-19, to extend the contract term to August 31, 2022, with an**
7 **option to extend further; and increase the contract amount by \$6,670,714 for a total not**
8 **to exceed amount of \$16,430,164; and to authorize the Executive Director of HSA to**
9 **enter into amendments or modifications to the contract that do not materially increase**
10 **the obligations or liabilities to the City and are necessary to effectuate the purposes of**
11 **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 March 24, 2020,
2 with SF Americana LLC (“Hotel”) for the City’s use of 142 hotel rooms plus associated
3 services, as amended by a First Amendment to Emergency Agreement dated June 11, 2020,
4 and a Second Amendment dated March 22, 2021 (collectively, the “Agreement”); and

5 WHEREAS, The Agreement originally ran from March 24, 2020, through July 23, 2020
6 (the initial “Booking Period”), and through an extension notice dated June 23, 2020, the
7 Booking Period was extended on a month-to-month basis and through the Second
8 Amendment, the Booking Period was extended to November 15, 2021; and

9 WHEREAS, Section 2 of the Forty-Fifth Supplement to the February 25, 2020 Mayoral
10 Proclamation declaring the existence of a local emergency (“Section 2 of the Forty-Fifth
11 Supplement”) authorizes the Executive Director of the Human Services Agency (“HSA”) to
12 extend the term of the Agreement up to and including August 31, 2022, and authorizes a
13 further extension beyond August 31, 2022, provided that before exercising an option to further
14 extend the term, the Executive Director of HSA must first obtain the approval of the Board of
15 Supervisors by ordinance waiving any applicable restrictions in the Municipal Code;

16 WHEREAS, City and Hotel now wish to extend the term of the Agreement in
17 accordance with Section 2 of the Forty-Fifth Supplement and to increase the contract sum
18 beyond \$10,000,000 in accordance with San Francisco Charter Section 9.118; and

19 WHEREAS, HSA, in consultation with the Office of the City Attorney, negotiated a
20 proposed Third Amendment to Emergency Agreement (the “Third Amendment”) with the Hotel
21 to extend the Booking Period through August 31, 2022, with an option for the Executive
22 Director of the Human Services Agency to further extend the term, and to increase the
23 contract amount to a not to exceed contract amount of \$16,430,164 and;

24 WHEREAS, A copy of the Third Amendment is on file with the Clerk of the Board in File
25 No. 211235; and

1 WHEREAS, FEMA funding for the Third Amendment may be unavailable beyond
2 March 31, 2022; and

3 WHEREAS, Charter, Section 9.118, requires Board of Supervisors approval of the
4 Third Amendment to increase the contract amount beyond \$10,000,000; and

5 WHEREAS, The Board of Supervisors recognizes and provides retroactive approval of
6 the Third Amendment, dated November 16, 2021; now, therefore, be it

7 RESOLVED, In accordance with Section 2 of the Forty-Fifth Supplement that the Board
8 of Supervisors hereby authorizes a Third Amendment to extend the term of the Agreement up
9 to and including August 31, 2022, and authorizes a further extension beyond August 31, 2022,
10 provided that before exercising an option to further extend the term, the Executive Director of
11 HSA must first obtain the approval of the Board of Supervisors by ordinance waiving any
12 applicable restrictions in the Municipal Code; and, be it

13 FURTHER RESOLVED, In accordance with San Francisco Charter Section 9.118, that
14 the Board of Supervisors hereby authorizes an increase to the contract amount of \$6,670,714
15 for a total not to exceed amount of \$16,430,164; and, be it

16 FURTHER RESOLVED, That the Board of Supervisors recognizes and provides
17 retroactive approval of the Third Amendment, dated November 16, 2021; and, be it

18 FURTHER RESOLVED, That the Board of Supervisors authorizes the Executive
19 Director of HSA to enter into any amendments or modifications to the Agreement that HSA
20 determines, in consultation with the City Attorney, do not otherwise materially increase the
21 obligations or liabilities of the City, are necessary or advisable to effectuate the purposes of
22 the Agreement or this Resolution, and are in compliance with all applicable laws, including the
23 City's Charter; and, be it

