

File No. 190058

Committee Item No. 14

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Budget & Finance Sub-Committee

Date July 10, 2019

Board of Supervisors Meeting

Date _____

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

OTHER (Use back side if additional space is needed)

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Completed by: Linda Wong

Date July 5, 2019

Completed by: Linda Wong

Date _____

1 [Revenue Agreement Amendment - JC Decaux San Francisco, LLC - Extending Term to April
2 25, 2019]

3 **Resolution retroactively approving the Sixth Amendment to the Revenue Agreement**
4 **between Public Works and JC Decaux San Francisco, LLC, for the Automatic Public**
5 **Toilet and Public Service Kiosk Program extending the contract term by 90 days,**
6 **changing the termination date from January 25, 2019, to April 25, 2019.**

7
8 WHEREAS, Public Works entered into an agreement with JC Decaux San Francisco,
9 LLC for a public toilet and public service kiosk pilot program, with an effective date of August
10 2, 1994; and

11 WHEREAS, The Board of Supervisors approved a First Amended and Restated
12 Automatic Public Toilet and Public Service Kiosk Agreement ("JC Decaux Agreement") on
13 December 7, 1998, which expanded the program beyond the trial phase with a term ending on
14 October 17, 2016; and

15 WHEREAS, On December 14, 2015, the parties executed a first amendment to the JC
16 Decaux Agreement to allow installation of temporary personal wireless services in the kiosks;
17 and

18 WHEREAS, On October 28, 2016, the Board of Supervisors approved a second
19 amendment to the JC Decaux Agreement to extend the term of the agreement to October 17,
20 2017; and

21 WHEREAS, On November 14, 2017, the Board of Supervisors approved a third
22 amendment to the JC Decaux Agreement to extend the term of the agreement to February 14,
23 2018; and

24 WHEREAS, On April 17, 2018, the Board of Supervisors approved a fourth amendment
25 to the JC Decaux Agreement to extend the term of the agreement to October 12, 2018; and

1 WHEREAS, On November 13, 2018, the Board of Supervisors approved a fifth
2 amendment to the JC Decaux Agreement to extend the term of the agreement to January 25,
3 2019; and

4 WHEREAS, The JC Decaux Agreement, the First Amendment to the Agreement,
5 Second Amendment to the Agreement, the Third Amendment to the Agreement, the Fourth
6 Amendment to the Agreement, and the Fifth Amendment to the Agreement are on file with the
7 Clerk of the Board of Supervisors in Files No. 981599, 161019, 170994, 180135, and 180964
8 respectively and which are hereby declared to be a part of this Resolution as if set forth fully
9 herein; and

10 WHEREAS, Public Works needs additional time to complete contract negotiations
11 based on the newly approved design that has met all City design and review requirements for
12 proposed new public toilets and public service kiosks as of the December 2018; and

13 WHEREAS, Public Works cannot complete the negotiations for the new Toilets and
14 Kiosks before the current agreement expires; and

15 WHEREAS, Charter, Section 9.118(a) requires that amendments to contracts that
16 when entered into had anticipated revenues of \$1,000,000 or more be approved by the Board
17 of Supervisors; now, therefore, be it

18 RESOLVED, That the San Francisco Board of Supervisors approves the Sixth
19 Amendment to the JC Decaux Agreement, which extends the term of the JC Decaux
20 Agreement by 90 days to April 25, 2019; and, be it

21 FURTHER RESOLVED, That within thirty (30) days of the amendment being fully
22 executed by all parties, Public Works shall provide the final amendment to the Clerk of the
23 Board for inclusion into the official file.

**City and County of San Francisco
San Francisco Public Works
1155 Market Street, 4th Floor
San Francisco, CA 94103**

Sixth Amendment to Agreement

THIS SIXTH AMENDMENT (this “Amendment”) is made as of January 11, 2019, in San Francisco, California, by and between **JC Decaux San Francisco, LLC** (“Contractor”), and the City and County of San Francisco, a municipal corporation (“City”), acting by and through its Director of Public Works.

RECITALS

WHEREAS, City and Contractor have entered into the Agreement as amended (as defined below); and

WHEREAS, City and Contractor desire to modify the Agreement on the terms and conditions set forth herein to extend the contract duration by 90 days;

NOW, THEREFORE, Contractor and the City agree as follows:

1. Definitions. The following definitions shall apply to this Amendment:

1a. Agreement. The term “Agreement” shall mean the Agreement dated August 2, 1994, between Contractor and City, as amended by the:

First Amended and Restated Agreement, approved by the Board of Supervisors on December 7, 1998; and

First Amendment to the Agreement, dated December 14, 2015; and

Second Amendment to the Agreement, dated October 28, 2016; and

Third Amendment to the Agreement, dated September 12, 2017; and

Fourth Amendment to the Agreement, dated February 5, 2018; and

Fifth Amendment to the Agreement, dated September 5, 2018

1b. Other Terms. Terms used and not defined in this Amendment shall have the meanings assigned to such terms in the Agreement.

2. Modifications to the Agreement. The Agreement is hereby modified as follows:

2a. Section 1.03. *Section 1.03. Term of Agreement* of the Agreement currently reads as follows:

This Agreement shall commence as of the Original Effective Date and shall continue, subject to the terms of this Agreement regarding termination, to 11:59 p.m. on January 25, 2019.

Such section is hereby amended in its entirety to read as follows:

This Agreement shall commence as of the Original Effective Date and shall continue, subject to the terms of this Agreement regarding termination, to 11:59 p.m. on April 25, 2019.

IN WITNESS WHEREOF, Contractor and City have executed this Amendment as of the date first referenced above.

CITY

CONTRACTOR

SAN FRANCISCO PUBLIC WORKS

JC DECAUX SAN FRANCISCO, LLC

MOHAMMED NURU
DIRECTOR

By: _____

Print Name: J. Francois Nion

Title: Executive Vice President

Federal Tax ID #: 94-3211833

City Vendor Number: 47073

Approved as to Form:

Dennis J. Herrera
City Attorney

By: _____
Gus Guibert
Deputy City Attorney

Print Form

Introduction Form

By a Member of the Board of Supervisors or Mayor

2019 JAN 15 PM 4:25
 Time stamp
 or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor [] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Topic submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Supervisor Aaron Peskin

Subject:

Revenue Agreement Amendment - JC Decaux San Francisco, LLC - Extending Term to April 25, 2019

The text is listed:

Resolution retroactively approving the Sixth Amendment to the Revenue Agreement between San Francisco Public Works and JC Decaux San Francisco, LLC, for the Automatic Public Toilet and Public Service Kiosk Program extending the contract term by 90 days, changing the termination date from January 25, 2019, to April 25, 2019.

Signature of Sponsoring Supervisor:



For Clerk's Use Only