

1 [Grant -State]

2 AUTHORIZING THE DEPARTMENT OF PUBLIC HEALTH, POPULATION HEALTH AND
3 PREVENTION DIVISION, COMMUNITY HEALTH AND SAFETY, TO ACCEPT RETROACTIVELY
4 AND EXPEND ~~GRANT FUNDS~~ RETROACTIVELY OF \$523,318 FROM THE CALIFORNIA DEPARTMENT OF
5 HEALTH SERVICES TO PROVIDE IMMUNIZATION SERVICES AND A COLLABORATIVE
6 IMMUNIZATION PROJECT AND TO ENTER INTO AN AGREEMENT WHICH INCLUDES
7 INDEMNIFICATION AND RIGHTS IN DATA CLAUSES AND WHICH DOES NOT INCLUDE
8 PATENT INFRINGEMENT INDEMNIFICATION AND FALSE CLAIMS CLAUSES; WAIVING
9 INDIRECT COSTS.

10 WHEREAS, The Department of Public Health has applied for and been awarded a grant from
11 The California Department of Health Services in the amount of \$523,318 to provide the Immunization
12 Services and Collaborative Immunization Project; and,

13 WHEREAS, As a condition of receiving the grant funds, The California Department of Health
14 Services requires the City to enter into an agreement (the "Agreement"), a copy of which is on file with
15 the Clerk of the Board of Supervisors in File No. 98-1365; and

16 WHEREAS, The Agreement contains certain provisions described below, which require the
17 approval of the Board of Supervisors; and,

18 WHEREAS, The Agreement does not contain certain provisions described below, which are
19 required under the Administrative Code unless waived by the Board of Supervisors; and,

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

23 RESOLVED, That the Department of Public Health is hereby authorized to accept
24 retroactively and expend retroactively the grant funds pursuant to San Francisco Administrative Code section
25 10.170-1; and, be it

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

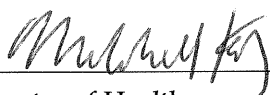
FURTHER RESOLVED, That the Board of Supervisors hereby approves the provision in the Agreement pursuant to which the City indemnifies The California Department of Health Services; and, be it

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

FURTHER RESOLVED, That the Board of Supervisors hereby waives the requirement contained in Sections 6.21 and 21.19 of the Administrative Code that the Agreement include an indemnification of the City by The California Department of Health Services for the infringement of patent rights; and, be it

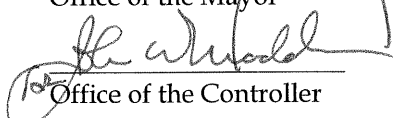
FURTHER RESOLVED, That the Board of Supervisors hereby waives the requirement contained in Section 6.57 (c) of the Administrative Code that the Agreement include a paragraph reciting the false claim provisions contained in Section 6.57 (a) of the Administrative Code: and, be it

FURTHER RESOLVED, That the Board of Supervisors authorizes the Department of Public Health to enter into similar agreements with The California Department of Health Services if the grant recurs or is renewed.

RECOMMENDED:

Director of Health

APPROVED:

Health Commission

Office of the Mayor

Office of the Controller

Department of Public Health

Adopted - Board of Supervisors, San Francisco October 5, 1998

Ayes: Supervisors Ammiano Brown Kaufman Leno Newsom Teng
Yee

Absent: Supervisors Bierman Katz Medina Yaki

I hereby certify that the foregoing resolution
was adopted by the Board of Supervisors
of the City and County of San Francisco

File No.
98-1365

OCT 16 1998

Date Approved



clerk



Mayor