

1 [Contract]

2
3 AUTHORIZING THE DEPARTMENT OF PUBLIC HEALTH, POPULATION HEALTH AND
4 PREVENTION DIVISION, TO ENTER INTO A SUBCONTRACT IN THE AMOUNT OF \$12,203
5 WITH THE NORTHERN CALIFORNIA CANCER CENTER, THE PRIMARY CONTRACTOR, TO
6 PARTICIPATE IN A PROJECT TO IMPROVE PAP SMEAR FOLLOW-UP IN A HIGH-RISK
7 UNDERSERVED POPULATION AND WHICH INCLUDES INDEMNIFICATION, BINDING
8 ARBITRATION, AND RIGHTS IN DATA CLAUSES AND WHICH DOES NOT INCLUDE PATENT
9 INFRINGEMENT INDEMNIFICATION AND FALSE CLAIMS CLAUSES; RETROACTIVE TO
10 MARCH 1, 1998; WAIVING INDIRECT COSTS.

11 WHEREAS, The Northern California Cancer Center has received funds through the National
12 Cancer Institute, Department of Health and Human Services, for a project entitled: Cancer Screening,
13 Managed Care & the Underserved, including a strategy to improve pap smear follow-up in a high risk
14 underserved population; and

15 WHEREAS, The Northern California Cancer Center, as the primary contractor, has requested the
16 that the San Francisco City and County Department of Public Health, enter into a subcontract to
17 participate in this project; and

18 WHEREAS, The subcontract specifies that Dr. Daramola Cabral-Evins, Population Health and
19 Prevention Division, Community Health and Safety Services, Community Health Epidemiology,
20 participates in this project by developing a strategy to improve pap smear follow-up in a high risk
21 underserved population during the term of the subcontract; and;

22 WHEREAS, The Northern California Cancer Center has agreed to reimburse the San Francisco
23 City and County Department of Public Health in the amount of \$12,203 under the terms of this
24 subcontract; and

25 WHEREAS, As a condition of receiving the funds, the Northern California Cancer Center
requires the City to enter into an agreement (the "Agreement"), a copy of which is on file with the Clerk
of the Board of Supervisors in File No. 98-1247 ; and

WHEREAS, The Northern California Cancer Center has indicated that it will not agree to any
modification to the form of the Agreement; and,

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

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

5 WHEREAS, The Northern California Cancer Center does not allow for indirect costs for this
6 subcontract; and

7 WHEREAS, the Board of Supervisors desires to authorize the Department of Public Health, on
8 behalf of the City, to enter into the agreement in order to receive and expend the funds for this and any
9 future years; now, therefore, be it

10 RESOLVED, That the San Francisco City and County Department of Public Health is hereby
11 authorized to enter into a subcontract in the amount of \$12,203 with The Northern California Cancer
12 Center, the Primary Contractor, to improve pap smear follow-up in a high risk underserved population;
13 retroactive to March 1, 1998; and, be it

14 FURTHER RESOLVED, That the Board of Supervisors hereby approves the provision in the
15 Agreement pursuant to which the City indemnifies The Northern California Cancer Center; and, be it

16 FURTHER RESOLVED, That the Board of Supervisors hereby approves the provision in the
17 Agreement pursuant to which the City agrees to submit all claims arising out of the Agreement to
18 binding arbitration; and, be it

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

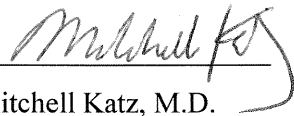
22 FURTHER RESOLVED, That the Board of Supervisors hereby waives the requirement
23 contained in Sections 6.21 and 21.19 of the Administrative Code that the Agreement include an
24 indemnification of the City by The Northern California Cancer Center for the infringement of patent
25 rights; and, be it

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

29 FURTHER RESOLVED, That the Board of Supervisors authorizes the Department of Public
30 Health to enter into similar agreements with the Northern California Cancer Center if the contract is
31 renewed.

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RECOMMENDED:



Mitchell Katz, M.D.
Director of Health

APPROVED:



Health Commission

Department of Public Health

Adopted - Board of Supervisors, San Francisco August 24, 1998

Ayes: Supervisors Ammiano Bierman Brown Kaufman Leno Medina
Newsom Yaki Yee

Absent: Supervisor Katz Teng

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



Clerk



Mayor

File No.
98-1247

AUG 28 1998
Date Approved