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[Grant – Private]

AUTHORIZING THE DEPARTMENT OF PUBLIC HEALTH, POPULATION HEALTH AND PREVENTION DIVISION, TO ACCEPT RETROACTIVELY AND EXPEND A GRANT IN THE AMOUNT OF \$145,421 FROM THE UNIVERSITY OF CALIFORNIA UNIVERSITYWIDE AIDS RESEARCH PROGRAM (UARP) AND TO ENTER INTO AN AGREEMENT WHICH INCLUDES RIGHTS IN DATA CLAUSES AND DOES NOT INCLUDE PATENT INFRINGEMENT INDEMNIFICATION AND FALSE CLAIMS CLAUSES; PROVIDING FOR RATIFICATION OF ACTION PREVIOUSLY TAKEN.

WHEREAS, The Department of Public Health has applied for and been awarded a grant from the University of California Universitywide AIDS Research Program (UARP), in the amount of \$145,421 to fund a study of HIV Prevention Policy; and,

WHEREAS, As a condition of receiving the grant funds, the UARP 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. 991767 ; and,

WHEREAS, The UARP has indicated that it will not agree to any modification to the form of the Agreement; and,

WHEREAS, The Agreement contains a certain provision described below, which requires the approval of the Board of Supervisors; and,

WHEREAS, The Agreement does not contain certain provisions described below, which are required under the Administrative Code unless waived by the Board of Supervisors; now, therefore, be it

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

FURTHER RESOLVED, That the Director of Health is authorized to enter into the Agreement in 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 agrees to grant a royalty-free and nonexclusive license for the use of data developed under the contract; and, be it

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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 for the infringement of patent rights; and, be it

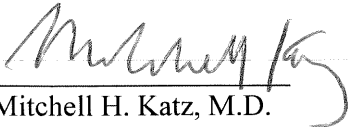
FURTHER RESOLVED, That the Board of Supervisors hereby waives the requirement contained in Section 6.57 (c) of the Administrative Code that the Agreement include a paragraph reciting the false claim provisions contained in Section 6.57 (a) of the Administrative Code; and, be it

FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of Public Health to enter into similar agreements with UARP if the grant recurs or is renewed; and, be it

FURTHER RESOLVED, That although the City has incurred no legal obligation, the Board of Supervisors does hereby ratify the action previously taken; and be it

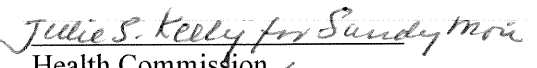
FURTHER RESOLVED, The Controller should be urged to designate the positions created under the grant as "G" or grant-funded positions, which would terminate when the grant expires.

RECOMMENDED:




Mitchell H. Katz, M.D.
Director of Health

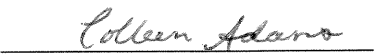
APPROVED:



Julie S. Kelly for Sandy Moré
Health Commission



Ben Kawa for
Office of the Mayor



Colleen Adams
Office of the Controller

Department of Public Health



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Resolution

File Number: 991767

Date Passed:

Resolution authorizing the Department of Public Health, Population Health and Prevention Division, to accept retroactively and expend a grant in the amount of \$145,421 from the University of California Universitywide AIDS Research Program (UARP) and to enter into an agreement which includes rights in data clauses and does not include patent infringement indemnification and false claims clauses; providing for ratification of action previously taken.

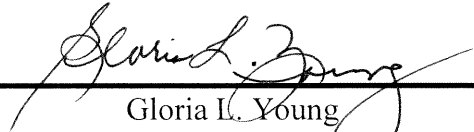
October 25, 1999 Board of Supervisors — ADOPTED

Ayes: 10 - Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng,
Yaki, Yee

Absent: 1 - Becerril

File No. 991767

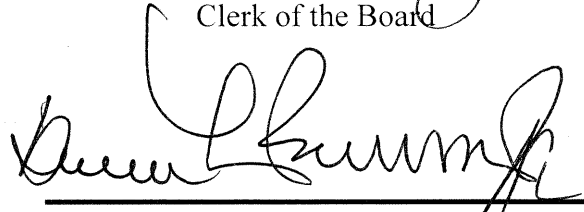
I hereby certify that the foregoing Resolution was ADOPTED on October 25, 1999 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

NOV - 5 1999

Date Approved



Mayor Willie L. Brown Jr.