

1 [Contract]

2
3 AUTHORIZING THE DEPARTMENT OF PUBLIC HEALTH, THE COLLABORATING
4 INSTITUTION RESPONSIBLE FOR THE SCIENTIFIC CONDUCT OF THE "HIV DRUG ACCESS
5 STUDY" TO ENTER INTO A SUBCONTRACT IN THE AMOUNT OF \$14,149 WITH THE
6 UNIVERSITY OF CALIFORNIA, THE PRIMARY CONTRACTOR, WHICH DOES NOT INCLUDE
7 PATENT INFRINGEMENT INDEMNIFICATION AND FALSE CLAIMS CLAUSES;
8 RETROACTIVE TO FEBRUARY 24, 1999.

9 WHEREAS, The University of California has received funds from the Department of Health and
10 Human Services, for a project entitled: "HIV Drug Access" ; and,

11 WHEREAS, The University of California, as the primary contractor, has requested that the San
12 Francisco City and County Department of Public Health enter into a subcontract to participate in this
13 project; and,

14 WHEREAS, The subcontract specifies that Herminia Palacio, M.D. is designated as the Project
15 Director who shall be responsible for the scientific conduct of the project covered by this Agreement
16 during the term of the subcontract; and,

17 WHEREAS, The University of California has agreed to reimburse the San Francisco City and
18 County Department of Public Health in the amount of \$14,149, which includes indirect costs in the
19 amount of \$1,024 based on .078% of salary under the terms of this subcontract; and,

20 WHEREAS, As a condition of receiving the funds, the University of California requires the City
21 to enter into an agreement (the "Agreement"), a copy of which is on file with the Clerk of the Board of
22 Supervisors in File No. 992102 ; and,

23 WHEREAS, The University of California has indicated that it will not agree to any modification
24 to the form of the Agreement; and,

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

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

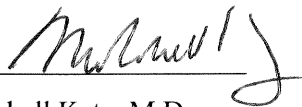
1 RESOLVED, That the San Francisco City and County Department of Public Health is hereby
2 authorized to enter into a subcontract in the amount of \$14,149 with the University of California, the
3 Primary Contractor, to be responsible for the scientific conduct of the project covered by this Agreement;
4 retroactive to February 24, 1999; and, be it

5 FURTHER RESOLVED, That the Board of Supervisors hereby waives the requirement
6 contained in Sections 6.21 and 21.19 of the Administrative Code that the Agreement include an
7 indemnification of the City by the University of California for the infringement of patent rights; and, be
8 it

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

12 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of Public Health
13 to enter into similar agreements with the University of California if the contract is renewed.

14 RECOMMENDED:

15 

16 Mitchell Katz, M.D.
17 Director of Health

18 APPROVED:

19 

20 Health Commission

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22
23
24
25 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: 992102

Date Passed:

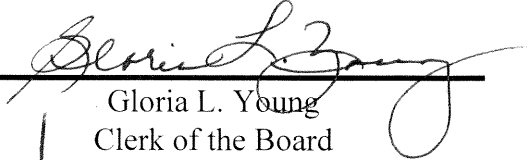
Resolution authorizing the Department of Public Health, the collaborating institution responsible for the scientific conduct of the "HIV Drug Access Study" to enter into a subcontract in the amount of \$14,149 with the University of California, the primary contractor, which does not include patent infringement indemnification and false claims clauses; retroactive to February 24, 1999.

December 20, 1999 Board of Supervisors — ADOPTED

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

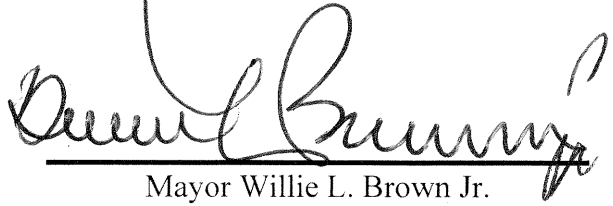
File No. 992102

I hereby certify that the foregoing Resolution was ADOPTED on December 20, 1999 by the Board of Supervisors of the City and County of San Francisco.


Gloria L. Young
Clerk of the Board

DEC 30 1999

Date Approved


Mayor Willie L. Brown Jr.