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[Contract]

AUTHORIZING THE DEPARTMENT OF PUBLIC HEALTH, COMMUNITY HEALTH PROMOTION AND PREVENTION, TO ENTER RETROACTIVELY INTO A SUBCONTRACT AGREEMENT IN THE AMOUNT OF \$31,950 WITH THE REGENTS OF THE UNIVERSITY OF CALIFORNIA SAN FRANCISCO, THE PRIMARY CONTRACTOR, TO PROVIDE EVALUATION OF THE YOUTH UNITED THROUGH HEALTH EDUCATION (YUTHE) PROGRAM, WHICH INCLUDES A RIGHTS IN DATA CLAUSE AND WHICH DOES NOT INCLUDE PATENT INFRINGEMENT INDEMNIFICATION AND FALSE CLAIMS CLAUSES; PROVIDING FOR RATIFICATION OF ACTION PREVIOUSLY TAKEN.

WHEREAS, The University of California San Francisco has received funds from the California Department of Health Services (DHS), State Office of AIDS, for evaluation of community planning of HIV prevention activities; and,

WHEREAS, The University of California San Francisco as the primary contractor has requested the Department of Public Health 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. 991988 ;
and

WHEREAS, The University of California San Francisco has agreed to reimburse the Department of Public Health in the amount of \$31,950 to fund evaluation of the YUTHE project;
and,

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

WHEREAS, The Agreement contains a 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 Director of Health is authorized to enter into the Agreement on behalf of the City; and, be it

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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, nonexclusive, and irrevocable 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 by the University of California San Francisco of the City for the infringement of patent rights; and, be it

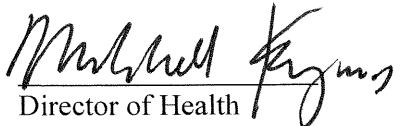
FURTHER RESOLVED, That the Board of Supervisors hereby waives the requirement contained in Section 6.57(c) of the Administrative Code that the Agreement include a paragraph reciting the false claim provisions contained in Section 6.57 (a) of the Administrative Code; and, be it

FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of Health to enter into similar agreements with the University of California San Francisco if the contract recurs or is renewed; and, be it

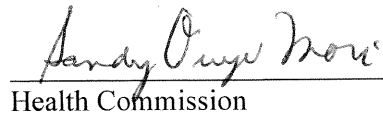
FURTHER RESOLVED, That although the City has incurred no legal obligation, the Board of Supervisors does hereby ratify the action previously taken; and, be it

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

RECOMMENDED:


Director of Health

APPROVED:


Health Commission

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: 991988

Date Passed:

Resolution authorizing the Department of Public Health, Community Health Promotion and Prevention, to enter retroactively into a subcontract agreement in the amount of \$31,950 with the Regents of the University of California San Francisco, the primary contractor, to provide evaluation of the Youth United Through Health Education (Yuthe) Program, which includes a rights in data clause and which does not include patent infringement indemnification and false claims clauses; providing for ratification of action previously taken.

November 22, 1999 Board of Supervisors — ADOPTED

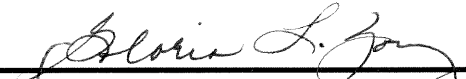
Ayes: 9 - Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

Absent: 1 - Ammiano


Excused: 1 - Becerril

File No. 991988

I hereby certify that the foregoing Resolution was ADOPTED on November 22, 1999 by the Board of Supervisors of the City and County of San Francisco.


Gloria L. Young
Clerk of the Board

DEC - 3 1999
Date Approved


Mayor Willie L. Brown Jr.