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[Grant – State]

AUTHORIZING THE DEPARTMENT OF PUBLIC HEALTH, CENTRAL ADMINISTRATION, TO ACCEPT RETROACTIVELY AND EXPEND A GRANT IN THE AMOUNT OF \$50,000 FROM THE STATE OFFICE OF LONG TERM CARE FOR THE LONG TERM CARE INTEGRATION PROJECT AND TO ENTER INTO AN AGREEMENT WHICH INCLUDES AN INDEMNIFICATION CLAUSE AND RIGHTS IN DATA CLAUSES, AND DOES NOT INCLUDE PATENT INFRINGEMENT INDEMNIFICATION AND FALSE CLAIMS CLAUSES.

WHEREAS, The Department of Public Health has applied for and been awarded a grant from the State Office of Long Term Care, in the amount of \$50,000 to fund the Long Term Care Integration Project; and,

WHEREAS, As a condition of receiving the grant funds, the State Office of Long Term Care 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. 991528 ; and,

WHEREAS, The State Office of Long Term Care has indicated that it will not agree to any modification to the form of the Agreement; and,.

WHEREAS, The Agreement contains certain provisions described below, which require 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 indemnifies the State Office of Long Term Care; and, be it

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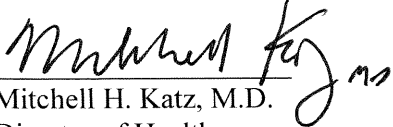
FURTHER RESOLVED, That the Board of Supervisors hereby approves the provision in the Agreement pursuant to which the City agrees to grant to the State a royalty-free, non-exclusive, and irrevocable license for the use of data developed under the contract; and, be it

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 of the City for the infringement of patent rights; and, be it

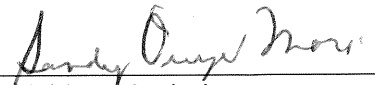
FURTHER RESOLVED, That the Board of Supervisors hereby waives the requirement contained in Section 6.57 (c) of the Administrative Code that the Agreement include a paragraph reciting the false claim provisions contained in Section 6.57 (a) of the Administrative Code; and, be it


FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of Health to enter into similar agreements with the State Office of Long Term Care, if the grant recurs or is renewed.

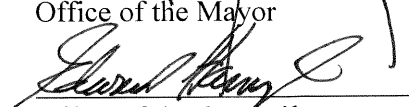
RECOMMENDED:

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

APPROVED:

  
\_\_\_\_\_  
Sandy Ouyang  
Health Commission

  
\_\_\_\_\_  
Office of the Mayor

  
\_\_\_\_\_  
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

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**File Number:** 991528

**Date Passed:**

Resolution authorizing the Department of Public Health, Central Administration, to accept retroactively and expend a grant in the amount of \$50,000 from the State Office of Long Term Care for the Long Term Care Integration Project and to enter into an agreement which includes an indemnification clause and rights in data clauses, and does not include patent infringement indemnification and false claims clauses.

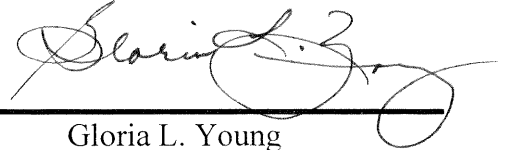
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October 4, 1999 Board of Supervisors — ADOPTED

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

File No. 991528

I hereby certify that the foregoing Resolution  
was ADOPTED on October 4, 1999 by the  
Board of Supervisors of the City and County  
of San Francisco.



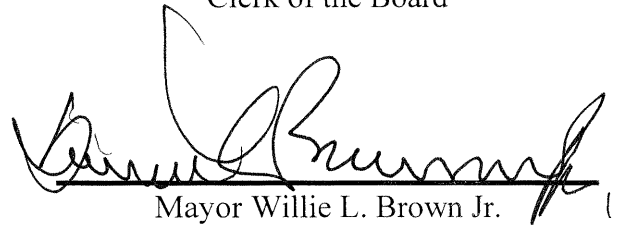
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Gloria L. Young  
Clerk of the Board

OCT 15 1999

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Date Approved



Mayor Willie L. Brown Jr.