

1 [Revenue Agreement Amendment - Retroactive - JC Decaux San Francisco, Inc. - Extending
2 Term to June 30, 2019]

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3 **Resolution retroactively approving the Sixth Amendment to the Revenue Agreement**
4 **between San Francisco Public Works and JC Decaux San Francisco, LLC, for the**
5 **Automatic Public Toilet and Public Service Kiosk Program extending the contract term**
6 **by 156 days, changing the termination date from January 25, 2019, to June 30, 2019.**

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8 WHEREAS, San Francisco Public Works entered into an agreement with JC Decaux
9 San Francisco, Inc. for a public toilet and public service kiosk pilot program, with an effective
10 date of August 2, 1994; and

11 WHEREAS, The Board of Supervisors approved a First Amended and Restated
12 Automatic Public Toilet and Public Service Kiosk Agreement (“JC Decaux Agreement”) on
13 December 7, 1998, which expanded the program beyond the trial phase with a term ending on
14 October 17, 2016; and

15 WHEREAS, On December 14, 2015, the parties executed a first amendment to the JC
16 Decaux Agreement to allow installation of temporary personal wireless services in the kiosks;
17 and

18 WHEREAS, On October 28, 2016, the Board of Supervisors approved a second
19 amendment to the JC Decaux Agreement to extend the term of the agreement to October 17,
20 2017; and

21 WHEREAS, On November 14, 2017, the Board of Supervisors approved a third
22 amendment to the JC Decaux Agreement to extend the term of the agreement to February 14,
23 2018; and

24 WHEREAS, On April 17, 2018, the Board of Supervisors approved a fourth amendment
25 to the JC Decaux Agreement to extend the term of the agreement to October 12, 2018; and

1 WHEREAS, On November 13, 2018, the Board of Supervisors approved a fifth
2 amendment to the JC Decaux Agreement to extend the term of the agreement to January 25,
3 2019; and

4 WHEREAS, The JC Decaux Agreement, the First Amendment to the Agreement,
5 Second Amendment to the Agreement, the Third Amendment to the Agreement, the Fourth
6 Amendment to the Agreement, and the Fifth Amendment to the Agreement are on file with the
7 Clerk of the Board of Supervisors in Files No. 981599, 161019, 170994, 180135, and 180964
8 respectively and which are hereby declared to be a part of this Resolution as if set forth fully
9 herein; and

10 WHEREAS, SF Public Works needs additional time to complete contract negotiations
11 based on the newly approved design that has met all City design and review requirements for
12 proposed new public toilets and public service kiosks as of the December 2018; and

13 WHEREAS, SF Public Works cannot complete the negotiations for the new Toilets and
14 Kiosks before the current agreement expires; and

15 WHEREAS, Charter, Section 9.118(a) requires that amendments to contracts that
16 when entered into had anticipated revenues of \$1,000,000 or more be approved by the Board
17 of Supervisors; now, therefore, be it

18 RESOLVED, That the San Francisco Board of Supervisors approves the Sixth
19 Amendment to the JC Decaux Agreement, which extends the term of the JC Decaux
20 Agreement by 156 days to June 30, 2019; and, be it

21 FURTHER RESOLVED, That within thirty (30) days of the amendment being fully
22 executed by all parties, SF Public Works shall provide the final amendment to the Clerk of the
23 Board for inclusion into the official file.