

1 [Contract Amendment - 1231 Market Street Owner L.P. - Emergency Agreement - Not to
2 Exceed \$88,568,327]

3 **Resolution approving a sixth amendment to an emergency agreement between the**
4 **Human Services Agency and 1231 Market Street Owner L.P., for the City’s continued**
5 **use of 459 hotel rooms and associated services; increasing the contract amount by**
6 **\$9,596,148 for a total amount not to exceed \$88,568,327; and extending the booking**
7 **period for a potential total term of April 8, 2020, to March 31, 2023.**

8

9 WHEREAS, In response to the COVID-19 pandemic, Mayor London Breed declared a
10 “Local Emergency” on Tuesday, February 25, 2020, as supplemented from time to time,
11 including the Forty-Fifth Supplemental Declaration dated February 10, 2022, authorizing the
12 extension of COVID-19-related contracts; and

13 WHEREAS, The Human Services Agency (“HSA”), in coordination with the Department
14 of Public Health, the Department of Emergency Management, the Department of
15 Homelessness and Supportive Housing (“HSH”), the Real Estate Division (“RED”), the Office
16 of Contract Administration (“OCA”), and other City stakeholders (collectively, the “City’s
17 COVID-19 Response Team”), procured hotel rooms and related emergency services in
18 support of the Local Emergency; and

19 WHEREAS, The City uses the rooms to further the public health and safety by
20 sheltering people who are otherwise within a vulnerable population and have no means to
21 socially-distance from possible COVID infection; and

22 WHEREAS, The City entered into an Emergency Agreement dated April 4, 2020, with
23 1231 Market Street Owner L.P. (“Hotel”) for the City’s use of 459 hotel rooms plus associated
24 services, including food service, as amended by a First Amendment to Emergency Agreement
25 dated May 15, 2020, to include requirements for City’s reimbursement through the Federal

1 Emergency Management Agency, as further amended by a Second Amendment to
2 Emergency Agreement dated July 27, 2020, to increase the maximum contract amount to pay
3 for food services, as further amended by “Third Amendment” to Emergency Agreement dated
4 August 28, 2020, as amended by a “Fourth Amendment” to Emergency Agreement dated
5 May 3, 2021, and as further amended by a “Fifth Amendment” to Emergency Agreement
6 dated March 1, 2022 (collectively, the “Booking Agreement”); and

7 WHEREAS, The Third Amendment was approved by the Board of Supervisors through
8 Resolution No. 380-20, a copy of the Booking Agreement is on file with the Clerk of the Board
9 in File No. 200819; and

10 WHEREAS, The Fourth Amendment was approved by the Board of Supervisors
11 through Resolution No. 304-21, a copy of the Booking Agreement is on file with the Clerk of
12 the Board in File No. 210500; and

13 WHEREAS, The Fifth Amendment was approved by the Board of Supervisors through
14 Resolution No. 71-22, a copy of the Booking Agreement is on file with the Clerk of the Board
15 in File No. 211236; and

16 WHEREAS, Ordinance No. 22-0703 which authorizes HSA to amend the Hotel
17 Booking Agreement to extend the term of the existing agreement and waive certain
18 Administrative and Environment Code requirements through August 31, 2023, was passed on
19 a first reading by the Board of Supervisors on July 19, 2022;

20 WHEREAS, The Booking Agreement originally ran for 122 nights from April 8, 2020
21 through August 7, 2020 (the initial “Booking Period”); through the Third Amendment, the
22 Booking Period was extended through the night of June 30, 2021; through the Fourth
23 Amendment, the Booking Period was extended through the night of March 22, 2022; through
24 the Fifth Amendment, the Booking Period was extended through the night of August 31, 2022;
25 and

1 WHEREAS, HSA and HSH wish to continue to use the hotel rooms, as well as continue
2 to procure food services from Hotel in connection with the use of the hotel rooms; and

3 WHEREAS, HSA, in consultation with the Office of the City Attorney, negotiated a
4 proposed Sixth Amendment to Emergency Agreement (the "Sixth Amendment") with the Hotel
5 to increase the contract amount to a not to exceed contract amount of \$88,568,327, and to
6 extend the Booking Period through March 31, 2023, for a total potential Booking Period of
7 April 8, 2020 to March 31, 2023 (1087 nights), subject to City's early termination rights as
8 described in the Booking Agreement; and

9 WHEREAS, A copy of the Sixth Amendment is on file with the Clerk of the Board in File
10 No. 220883; and

11 WHEREAS, Charter, Section 9.118, requires Board of Supervisors approval of the
12 Sixth Amendment; now, be it

13 RESOLVED, That the Board of Supervisors hereby authorizes the Human Services
14 Agency, on behalf of the City and County of San Francisco, as recommended by the Executive
15 Director of HSA, to execute the Sixth Amendment to increase the contract amount to a total
16 not to exceed amount of \$88,568,327, and to extend the potential Booking Period until March
17 31, 2023, subject to City's early termination rights as described in the Booking Agreement,
18 and to perform all of City's obligations under the Booking Agreement as amended; and, be it

19 FURTHER RESOLVED, That all actions heretofore taken by the officers of the City
20 with respect to the Booking Agreement are hereby approved, confirmed and ratified; and, be it

21 FURTHER RESOLVED, That the Board of Supervisors authorizes the HSA to enter
22 into any amendments or modifications to the Booking Agreement, in consultation with the
23 Executive Director of HSA and the City Attorney, that do not otherwise materially increase the
24 obligations or liabilities of the City, are necessary or advisable to effectuate the purposes of
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