

1 [Contract Agreement - Retroactive - California Department of Health Care Services -
2 Substance Use Disorder Services - Not to Exceed \$248,687,500]

3 **Resolution retroactively approving Agreement No. 22-20154, between the Department**
4 **of Public Health, Behavioral Health Services and the California Department of Health**
5 **Care Services, to provide substance use disorder services, for an amount not to**
6 **exceed \$248,687,500 for the seven year term of July 1, 2022, through June 30, 2027;**
7 **and to authorize the Department of Public Health to enter into amendments or**
8 **modifications to the agreement prior to its final execution by all parties that do not**
9 **materially increase the obligations or liabilities to the City and are necessary to**
10 **effectuate the purposes of the agreement or this Resolution.**

11
12 WHEREAS, The San Francisco Department of Public Health (DPH) provides the
13 covered Drug Medi-Cal Organized Delivery System services for substance use disorder
14 treatment for the City and County of San Francisco; and

15 WHEREAS, Oversight of these substance use disorder services is provided by the
16 DPH County Alcohol and Drug Program Administrator within DPH's Behavioral Health
17 Services branch (DPH-BHS); and

18 WHEREAS, The California Department of Health Care Services (DHCS) is responsible
19 for the administration of Medi-Cal services contracts; and

20 WHEREAS, On August 5, 2022, DHCS forwarded Agreement No. 22-20154 to provide
21 covered Drug Medi-Cal Organized Delivery System services for substance use disorder
22 treatment to the San Francisco Alcohol and Drug Program Administrator, for the term of July
23 1, 2022, through June 30, 2027, in an amount not to exceed \$248,687,500 on file with the
24 Clerk of the Board of Supervisors in File No. 220991, which is hereby declared to be a part of
25 this Resolution as if set forth fully herein; and

1 WHEREAS, DHCS requires a resolution, approved board minutes, order, motion, or
2 ordinance from the Board of Supervisors, which specifically approves and authorizes the
3 execution of the Agreement; and

4 WHEREAS, The Agreement includes Dispute Resolution Process clauses that obligate
5 the City to seek resolution of disputes under the Agreement using the State's process,
6 including in accordance with Division 9, Part 3, Chapter 7, Article 5.3 of the California Welfare
7 & Institutions Code and the procedures set forth for Administrative Hearings in California
8 Health and Safety Code, Section 100171; and

9 WHEREAS, The Agreement includes an Intellectual Property Indemnity clause that
10 obligates the City to indemnify, defend and hold harmless the State from and against all
11 actions or claims related to intellectual property or infringement arising out of the State's use
12 of intellectual property resulting from this Agreement; now, therefore, be it

13 RESOLVED, That the Board of Supervisors hereby authorizes the Director of Public
14 Health and the San Francisco Alcohol and Drug Program Administrator, on behalf of the City
15 and County of San Francisco, to retroactively enter into the Intergovernmental Agreement
16 No. 22-20154 with DHCS, in an amount not to exceed \$248,687,500 for a total agreement
17 term of July 1, 2022, through June 30, 2027; and, be it

18 FURTHER RESOLVED, That said Agreement shall include an indemnification and
19 dispute resolution provisions as set forth above; and, be it

20 FURTHER RESOLVED, That the Board of Supervisors hereby authorizes the San
21 Francisco Alcohol and Drug Program Administrator to enter into any amendments or
22 modifications to this agreement, prior to its final execution by all parties, that the Department
23 determines, in consultation with the City Attorney, are in the best interests of the City, do not
24 otherwise materially increase the obligations or liabilities of the City, are necessary or
25

1 advisable to effectuate the purposes of the agreement, and are in compliance with all
2 applicable laws; and be it

3 FURTHER RESOLVED, That within thirty (30) days of the Intergovernmental
4 Agreement No. 22-20154 being fully executed by all parties, the San Francisco Alcohol and
5 Drug Program Administrator shall provide the final agreement to the Clerk of the Board for
6 inclusion in File No. 220991.

7

8

9 RECOMMENDED:

10 /s/ _____

11 Dr. Grant Colfax

12 Director of Health

13

14

15

16

17

18

19

20

21

22

23

24

25