

1 [Grant Agreement - Planned Parenthood Northern California - Security Services - Not to
2 Exceed \$400,000 - Waiver of Competitive Solicitation Requirement]

3 **Ordinance authorizing the Department of Public Health (“Department”) to award a one-**
4 **time grant to Planned Parenthood Northern California (“Planned Parenthood NC”) by**
5 **waiving the competitive solicitation requirements of Administrative Code, Chapter 21G,**
6 **for the purpose of funding security personnel to support access to family planning and**
7 **other sexual and reproductive healthcare services in an amount not to exceed**
8 **\$400,000, for a term not to exceed two years; and requiring the Department to provide**
9 **an annual report to the Board of Supervisors on the security personnel selected by**
10 **Planned Parenthood NC and security incidents experienced by Planned Parenthood**
11 **NC.**

12 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
13 **Additions to Codes** are in *single-underline italics Times New Roman font*.
14 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
15 **Board amendment additions** are in double-underlined Arial font.
16 **Board amendment deletions** are in ~~strikethrough Arial font~~.
17 **Asterisks (* * * *)** indicate the omission of unchanged Code
18 subsections or parts of tables.

17 Be it ordained by the People of the City and County of San Francisco:

18
19 Section 1. Background and Findings.

20 (a) Planned Parenthood Northern California (“Planned Parenthood NC”) is a nonprofit
21 organization that provides critical reproductive healthcare services and maintains healthcare
22 centers in San Francisco and other locations in Northern California and is affiliated with other
23 Planned Parenthood clinics nationwide. Planned Parenthood NC’s primary location, in San
24 Francisco, provides expert comprehensive sexual and reproductive healthcare, including birth
25

1 control, cancer screenings, pregnancy testing and counseling, sexually transmitted infection
2 (STI) testing and treatment, post-exposure prophylaxis (PEP) and pre-exposure prophylaxis
3 (PrEP) medications to prevent HIV infection, HPV vaccines, vasectomies, infertility services,
4 and abortions. Each year on average, Planned Parenthood NC's primary health center
5 provides contraception to 9,000 patients; 1,200 cervical cancer/Pap tests; 1,100 breast
6 exams; 31,000 STI tests; 7,200 HIV tests; and 19,200 chlamydia and gonorrhea tests.
7 According to Planned Parenthood NC, San Francisco currently has the highest rates of HIV
8 and gonorrhea infection per capita of all California counties and gonorrhea rates in San
9 Francisco have doubled in the last four years. Planned Parenthood NC health educators also
10 deliver sexual health education and outreach, on average per year, to over 15,000 youth,
11 teens, parents, providers, and professionals in San Francisco, including programs through the
12 San Francisco Unified School District.

13 (b) In a 2020 report, the National Abortion Federation ("NAF") found that abortion
14 providers reported significant increases in instances of violence and disruption against the
15 providers. Reports of assault and battery alone increased 125% from 2019 to 2020. The
16 report also cites a January 2020 Federal Bureau of Investigation report that outlined an
17 ongoing increase in anti-abortion threats, disruption, and violence. In its 2021 Violence and
18 Disruption Statistics Report, NAF noted that there was a "concerning, but sadly unsurprising,
19 increase in intimidation tactics, vandalism, and other activities aimed at disrupting services,
20 harassing providers, and blocking patients' access to abortion care." The report noted
21 "significant increases in stalking (600%), blockades (450%), hoax devices/suspicious
22 packages (163%), invasions (129%), and assault and battery (128%) compared to 2020."

23 (c) In 2021, the California Legislature enacted Assembly Bill No. 1356, which declared
24 in part that, "[a]cts of violence and harassment against abortion providers have persisted in
25 the decades since *Roe v. Wade*[, 410 U.S. 113 (1973),] and reproductive health centers are

1 seeing an increase in threats and security incidents, as existing laws have not sufficiently
2 deterred anti-abortion extremists.” The bill intended “to ensure that people who need access
3 to family planning and other sexual and reproductive health care services can do so
4 confidentially and in a timely manner without harassment, threats, or fear of bodily harm.”

5 (d) On June 7, 2022, the U.S. Department of Homeland Security (“DHS”) issued a
6 National Terrorism Advisory System bulletin. The bulletin noted that “[g]iven a high-profile
7 U.S. Supreme Court case about abortion rights, individuals who advocate both for and against
8 abortion have, on public forums, encouraged violence, including against . . . reproductive
9 healthcare personnel facilities, as well as those with opposing ideologies.” Subsequent to the
10 DHS bulletin, the Supreme Court issued its opinion in *Dobbs v. Jackson Whole Women’s*
11 *Health Organization*, 142 S. Ct. 2228 (2022), which overturned *Roe v. Wade* and ended the
12 federal constitutional right to an abortion that had been recognized in *Roe*.

13 (e) The U.S. Department of Justice reported seven federal criminal indictments in 2022
14 that involved violence or other conduct directed at reproductive healthcare providers, four of
15 which involved a Planned Parenthood clinic.

16 (f) Reproductive health care centers, such as Planned Parenthood NC, provide
17 essential health care services, especially for more vulnerable populations whose access to
18 care is otherwise limited. Absent adequately trained security personnel, patients seeking care
19 may be deterred from doing so by threats of intimidation and violence and may be subject to
20 harassment, intimidation, or violence if they choose to come to a clinic.

21 (g) The Board of Supervisors hereby finds that the public interest is served by ensuring
22 that people who need access to family planning and other sexual and reproductive healthcare
23 services at Planned Parenthood NC can do so without harassment, threat of intimidation, or
24 fear of bodily harm. In light of this public purpose and the unique circumstances concerning
25 access to healthcare services at Planned Parenthood NC, the Department of Public Health

1 (“Department”) may award a grant for security services to Planned Parenthood NC without a
2 competitive solicitation process otherwise required by Administrative Code Chapter 21G or
3 any other applicable competitive requirement. A true and correct copy of the proposed draft
4 grant agreement is in Board File No. 230217.

5
6 Section 2. Authorization to Enter Sole-Source Grant Agreement.

7 The Board of Supervisors hereby authorizes the Department of Public Health to award
8 a grant to Planned Parenthood Northern California in an amount not to exceed \$400,000 for a
9 term not to exceed two years, for the purpose of funding security personnel to support access
10 to healthcare services at Planned Parenthood NC’s primary location in San Francisco, without
11 adhering to the requirements of Administrative Code Section 21G.3, or any other applicable
12 competitive procurement requirement. The Board of Supervisors authorizes the Department
13 to enter into any modifications to the agreement that the Department determines, in
14 consultation with the City Attorney, are in the best interests of the City, do not otherwise
15 materially increase the obligations or liabilities of the City, are necessary or advisable to
16 effectuate the purposes of the agreement, and comply with all applicable laws.

17
18 Section 3. Transmittal of Grant Agreement.

19 Within 30 days of the grant agreement referenced in Sections 1(g) and 2 being fully
20 executed by all parties, the Department shall provide the fully executed agreement to the
21 Clerk of the Board of Supervisors for inclusion in the file for this ordinance, Board File No.
22 230217.

23
24 Section 4. Annual Report.

1 The Department shall submit a written report on an annual basis to the Board of
2 Supervisors regarding the security personnel selected by Planned Parenthood NC under the
3 grant, including but not limited to, staffing of security personnel at Planned Parenthood NC's
4 primary location in San Francisco, and a summary of security incidents there. The first report
5 is due to be submitted 12 months after the start date of the grant; the second report is due to
6 be submitted 24 months after the start date of the grant.

7
8 Section 54. Effective Date. This ordinance shall become effective 30 days after
9 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
10 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
11 of Supervisors overrides the Mayor's veto of the ordinance.

12
13 APPROVED AS TO FORM:
14 DAVID CHIU, City Attorney

15 By: /s/ Henry L. Lifton
16 HENRY L. LIFTON
17 Deputy City Attorney

18
19
20
21
22
23
24
25
n:\legana\as2023\2300217\01668527.docx