

# CITY AND COUNTY OF SAN FRANCISCO

## SECOND AMENDMENT

### TO THE GRANT BETWEEN THE CITY AND COUNTY OF SAN FRANCISCO AND SELF-HELP FOR THE ELDERLY

THIS AMENDMENT (this “Amendment”) is made as of **December 5, 2018**, in San Francisco, California, by and between **Self-Help for the Elderly, 731 Sansome Street, Suite #100, San Francisco, CA 94111**, hereinafter referred to as “Grantee”, and the City and County of San Francisco,

#### RECITALS

WHEREAS, City and Grantee have entered into the Agreement (as defined below); and

WHEREAS, City and Grantee desire to modify the Agreement on the terms and conditions set forth herein to increase the contract amount by a total of \$1,136,712 for add back funding and for the cost of doing business for nutrition services for seniors and adults with disabilities, and,

WHEREAS, Grantee represents and warrants that it is qualified to perform the services required by City as set forth under this Grant and Modification Agreement;

NOW, THEREFORE, Grantee and the City agree as follows:

**1. Definitions.** The following definitions shall apply to this Amendment:

(a.) **Agreement.** The term “Agreement” shall mean the Agreement dated **July 1, 2017** between Grantee and City.

First Amendment                      October 4, 2017

(b.) **Contract Monitoring Division. Contract Monitoring Division.** Effective July 28, 2012, with the exception of Sections 14B.9(D) and 14B.17(F), all of the duties and functions of the Human Rights Commission under Chapter 14B of the Administrative Code (LBE Ordinance) were transferred to the City Administrator, Contract Monitoring Division (“CMD”). Wherever “Human Rights Commission” or “HRC” appears in the Agreement in reference to Chapter 14B of the Administrative Code or its implementing Rules and Regulations, it shall be construed to mean “Contract Monitoring Division” or “CMD” respectively.

(c.) **Other Terms.** Terms used and not defined in this Amendment shall have the meanings assigned to such terms in the Agreement.

**2. Modifications to the Agreement.** The Agreement is hereby modified as follows:

- (a.) **Article 5.1 Maximum Amount of Grant Funds** of the Agreement currently reads as follows:

The amount of the Grant Funds disbursed hereunder shall not exceed **Eight Million, Four Hundred Sixty Four Thousand, Forty One Dollars (\$8,464,041)** for the period from **July 1, 2017 to June 30, 2020, plus any contingent amount authorized by City and certified as available by the Controller.**

**Contingent amount: Up to Eight Hundred Forty Six Thousand, Four Hundred Four dollars (\$846,404) for the period from July 1, 2019 - June 30, 2020, may be available, in the City's sole discretion as a contingency but only subject to written authorization by the City and if monies are certified as available by the Controller.**

The maximum amount of Grant Funds disbursed hereunder shall not exceed **Nine Million, Three Hundred Ten Thousand, Four Hundred Forty Five Dollars (\$9,310,445)** for the period from **July 1, 2017 to June 30, 2020.**

Such section is hereby replaced in its entirety to read as follows:

The amount of the Grant Funds disbursed hereunder shall not exceed **Nine Million, Six Hundred Thousand, Seven Hundred Fifty Three Dollars (\$9,600,753)** for the period from **July 1, 2017 to June 30, 2020, plus any contingent amount authorized by City and certified as available by the Controller.**

**Contingent amount: Up to Nine Hundred Sixty Thousand, Seventy Five dollars (\$960,075) for the period from July 1, 2019 - June 30, 2020, may be available, in the City's sole discretion as a contingency but only subject to written authorization by the City and if monies are certified as available by the Controller.**

The maximum amount of Grant Funds disbursed hereunder shall not exceed **Ten Million, Five Hundred Sixty Thousand, Eight Hundred Twenty Eight Dollars (\$10,560,828)** for the period from **July 1, 2017 to June 30, 2020.**

Grantee understands that, of the maximum dollar disbursement listed in Section 5.1 of this Agreement, the amount shown as the Contingent Amount may not to be used in Program Budgets attached to this Agreement as Appendix B, and is not available to Grantee without a revision to the Program Budgets of Appendix B specifically approved by Grant Agreement Administrator. Grantee further understands that no payment of any portion of this contingency amount will be made unless and until such funds are certified as available by Controller. Grantee agrees to fully comply with these laws, regulations, and policies/procedures.

- (b.) **Appendix A.** Appendices A, A1, A2 and A4 of the agreement describe the services to be provided.

Such section is hereby superseded in its entirety by Appendices A5, A6, A7 and A8, attached to this Modification Agreement, which display the additional services to be provided under this Modification Agreement.

- (c.) **Appendix B.** Appendices B, B1, B2, B3, B4, B5 and B7, Calculation of Charges, of the Agreement displays the original total amount of **\$8,464,041**.

Such section is hereby superseded in its entirety by Appendices B8, B9, B10, B11, B12, B13 and B14, Calculation of Charges, which display the budget for the increased contract amount of **\$1,136,712** for the additional services included in this Modification Agreement.

- (d.) **17.6 Entire agreement** section 17.6 is hereby replaced in its entirety to read as follows:

**17.6 Entire Agreement.** This Agreement and the Application Documents set forth the entire Agreement between the parties, and supersede all other oral or written provisions. If there is any conflict between the terms of this Agreement and the Application Documents, the terms of this Agreement shall govern. The following appendices are attached to and a part of this Agreement:

Appendix A5, Services to be Provided – ENP Congregate Meals  
Appendix A6, Services to be Provided – ENP HDM  
Appendix A7, Services to be Provided – Congregate AWD  
Appendix A8, Services to be Provided – HDM AWD  
Appendix B8, Budget – ENP Congregate Meals  
Appendix B9, Budget – ENP CHAMPSS  
Appendix B10, Budget – ENP Congregate Nutrition Compliance  
Appendix B11, Budget – HDM ENP  
Appendix B12, Budget – HDM Nutrition Compliance  
Appendix B13, Budget – Congregate AWD  
Appendix B14, Budget – HDM AWD

3. **Effective Date.** Each of the modifications set forth in Section 2 shall be effective on and after **December 5, 2018**.
4. **Legal Effect.** Except as expressly modified by this Amendment, all of the terms and conditions of the Agreement shall remain unchanged and in full force and effect.

