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[Contract]

AUTHORIZING THE DEPARTMENT OF PUBLIC HEALTH, THE COLLABORATING INSTITUTION RESPONSIBLE FOR THE SCIENTIFIC CONDUCT OF THE PROJECT ENTITLED "SPECIAL PROJECTS OF NATIONAL SIGNIFICANCE (SPNS)", TO ENTER INTO A SUBCONTRACT IN THE AMOUNT OF \$7,448 WITH THE UNIVERSITY OF CALIFORNIA, THE PRIMARY CONTRACTOR, WHICH DOES NOT INCLUDE PATENT INFRINGEMENT INDEMNIFICATION AND FALSE CLAIMS CLAUSES; RETROACTIVE TO SEPTEMBER 30, 1999.

WHEREAS, The University of California has received funds from the Department of Health and Human Services, Health Resources and Services Administration (HRSA), Maternal and Child Health Bureau, for a project entitled: "Special Projects of National Significance (Spns)"; and,

WHEREAS, The University of California, as the primary contractor, has requested that the San Francisco City and County Department of Public Health enter into a subcontract to collaborate in this project; and,

WHEREAS, The subcontract specifies that Joshua Bamberger, M.D. is designated as the Project Director who shall be responsible for the scientific conduct of the project covered by this Agreement during the term of the subcontract; and,

WHEREAS, The University of California has agreed to reimburse the San Francisco City and County Department of Public Health in the amount of \$7,448, which includes indirect costs in the amount of \$1,241 based on 20% of salary, under the terms of this subcontract; and,

WHEREAS, As a condition of receiving the funds, the University of California requires the City to enter into an agreement (the "Agreement"), a copy of which is on file with the Clerk of the Board of Supervisors in File No. 992272; and,

WHEREAS, The University of California has indicated that it will not agree to any modification to the form of the Agreement; and,

WHEREAS, The Agreement does not contain certain provisions described below, which are required under the Administrative Code unless waived by the Board of Supervisors; and,

1 WHEREAS, the Board of Supervisors desires to authorize the Department of Public Health, on
2 behalf of the City, to enter into the agreement in order to receive and expend the funds for this and any
3 future years; now, therefore, be it

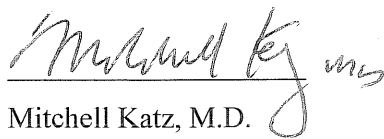
4 RESOLVED, That the San Francisco City and County Department of Public Health is hereby
5 authorized to enter retroactively into a subcontract in the amount of \$7,448 with the University of
6 California, the Primary Contractor, to be responsible for the scientific conduct of the project covered by
7 this Agreement; retroactive to September 30, 1999; and, be it

8 FURTHER RESOLVED, That the Board of Supervisors hereby waives the requirement
9 contained in Sections 6.21 and 21.19 of the Administrative Code that the Agreement include an
10 indemnification of the City by the University of California for the infringement of patent rights; and, be
11 it

12 FURTHER RESOLVED, That the Board of Supervisors hereby waives the requirement
13 contained in Section 6.57(c) of the Administrative Code that the Agreement include a paragraph reciting
14 the false claim provisions contained in Section 6.57(a) of the Administrative Code; and, be it

15 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of Public Health
16 to enter into similar agreements with the University of California if the subcontract recurs or is renewed.

17 RECOMMENDED:

18 
19 Mitchell Katz, M.D.
20 Director of Health

21 APPROVED:

22 
23 Health Commission

24 Department of Public Health
25



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Resolution

File Number: 992272

Date Passed:

Resolution authorizing the Department of Public Health, the collaborating institution responsible for the scientific conduct of the project entitled "Special Projects of National Significance (SPNS)", to enter into a subcontract in the amount of \$7,448 with the University of California, the primary contractor, which does not include patent infringement indemnification and false claims clauses; retroactive to September 30, 1999.

January 24, 2000 Board of Supervisors — SEVERED FROM CONSENT AGENDA

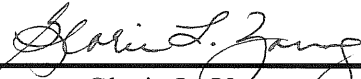
January 24, 2000 Board of Supervisors — ADOPTED

Ayes: 10 - Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng,
Yaki, Yee

Excused: 1 - Becerril

File No. 992272

I hereby certify that the foregoing Resolution was ADOPTED on January 24, 2000 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board



Date Approved



Mayor Willie L. Brown Jr.