

1 [Contract]

2  
3 AUTHORIZING THE DEPARTMENT OF PUBLIC HEALTH, THE COLLABORATING  
4 INSTITUTION RESPONSIBLE FOR THE SCIENTIFIC CONDUCT OF THE PROJECT ENTITLED  
5 “NIMH COLLABORATIVE HIV/STD PREVENTION TRIAL” TO ENTER INTO AN  
6 SUBCONTRACT IN THE AMOUNT OF \$44,144 WITH THE UNIVERSITY OF CALIFORNIA, THE  
7 PRIMARY CONTRACTOR, WHICH DOES NOT INCLUDE PATENT INFRINGEMENT  
8 INDEMNIFICATION AND FALSE CLAIMS CLAUSES; RETROACTIVE TO SEPTEMBER 30,  
9 1999.

10 WHEREAS, The University of California has received funds from the Department of Health and  
11 Human Services, National Institutes of Health, for a project entitled: “NIMH Collaborative HIV/STD  
12 Prevention Trial”; and,

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

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

19 WHEREAS, The University of California has agreed to reimburse the San Francisco City and  
20 County Department of Public Health in the amount of \$44,144 under the terms of this subcontract; and,

21 WHEREAS, As a condition of receiving the funds, the University of California requires the City  
22 to enter into an agreement (the “Agreement”), a copy of which is on file with the Clerk of the Board of  
23 Supervisors in File No. 000188 ; and,

24 WHEREAS, The University of California has indicated that it will not agree to any modification  
25 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; now, therefore, be it

1 RESOLVED, That the Department of Public Health is hereby authorized to enter retroactively  
2 into a subcontract in the amount of \$44,144 with the University of California , the Primary Contractor, to  
3 be responsible for the scientific conduct of the project covered by this Agreement; retroactive to  
4 September 30, 1999 and, be it

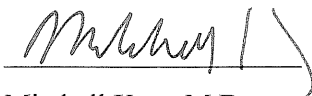
5 FURTHER RESOLVED, That the Director of Health is authorized to enter into the Agreement  
6 on behalf of the City; and, be it

7 FURTHER RESOLVED, That the Board of Supervisors hereby waives the requirement  
8 contained in Sections 6.21 and 21.21 of the Administrative Code that the Agreement include an  
9 indemnification of the City by the University of California for the infringement of patent rights; and, be  
10 it

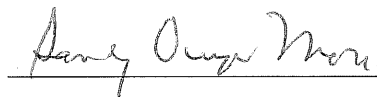
11 FURTHER RESOLVED, That the Board of Supervisors hereby waives the requirement  
12 contained in Section 6.57(c) of the Administrative Code that the Agreement include a paragraph reciting  
13 the false claim provisions contained in Section 6.57(a) of the Administrative Code; and, be it

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

16 RECOMMENDED:

17   
18 Mitchell Katz, M.D.  
19 Director of Health

20 APPROVED:

21   
22 Health Commission

23  
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

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**File Number:** 000188

**Date Passed:**

Resolution authorizing the Department of Public Health, the collaborating institution responsible for the scientific conduct of the project entitled "NIMH Collaborative HIV/STD Prevention Trial" to enter into an subcontract in the amount of \$44,144 with the University of California, the primary contractor, which does not include patent infringement indemnification and false claims clauses; retroactive to September 30, 1999.

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March 6, 2000 Board of Supervisors — ADOPTED

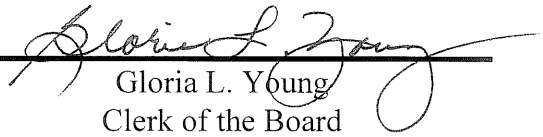
Ayes: 9 - Ammiano, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

Absent: 1 - Bierman

Excused: 1 - Becerril

File No. 000188

I hereby certify that the foregoing Resolution was ADOPTED on March 6, 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.