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[Grant-Federal]

AUTHORIZING THE DEPARTMENT OF PUBLIC HEALTH, POPULATION HEALTH AND PREVENTION, COMMUNITY HEALTH AND SAFETY SERVICES, TO ACCEPT AND EXPEND A GRANT OF \$1,054,979 FROM THE NATIONAL INSTITUTE OF DRUG ABUSE (NIDA) FOR FORECASTING HIV EVOLUTION IN IV DRUG USERS (IVDU) AND OTHER POPULATIONS AND TO ENTER INTO AN AGREEMENT WHICH INCLUDES RIGHTS IN DATA CLAUSES AND DOES NOT INCLUDE INTELLECTUAL PROPERTY INDEMNIFICATION AND FALSE CLAIMS CLAUSES.

WHEREAS, The Department of Public Health has applied for and been awarded a grant from the National Institute of Drug Abuse in the amount of \$1,054,979 for Forecasting HIV Evolution in IVDU and Other Populations; and,

WHEREAS, As a condition of receiving the grant funds, NIDA 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. 001195 ; and

WHEREAS, The Agreement contains a certain provision described below, which requires the approval of the Board of Supervisors; 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

WHEREAS, The grant budget includes provision for indirect costs of \$96,891; now, therefore, be it

RESOLVED, That the Department of Public Health is hereby authorized to accept and expend the grant funds pursuant to San Francisco Administrative Code Section 10.170-1; and, be it

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

3 FURTHER RESOLVED, That the Board of Supervisors hereby approves the provision in the
4 Agreement pursuant to which the City agrees to grant a royalty-free and nonexclusive license for the
5 use of data developed under the contract; and, be it


6 FURTHER RESOLVED, That the Board of Supervisors hereby waives the requirement
7 contained in Section 21.21 of the Administrative Code that the Agreement include an indemnification
8 of the City by NIDA for the infringement of patent rights, copyright, trademark, and other intellectual
9 property rights; and, be it

10 FURTHER RESOLVED, That the Board of Supervisors hereby waives the requirement that the
11 Agreement include a paragraph reciting the false claims provisions contained in Section 21.35 of the
12 Administrative Code: and, be it

13 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of Health to
14 enter into similar agreements with NIDA if the grant recurs or is renewed; and, be it

15 FURTHER RESOLVED, The Controller should be urged to designate the position created
16 under the grant as a "G" or grant-funded position, which would terminate when the grant expires.
17

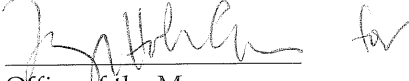
18
19 RECOMMENDED:

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21 Director of Health

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23
24
25 Department of Public Health

APPROVED:


Health Commission


Office of the Mayor


Office of the Controller



City and County of San Francisco

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

Tails Resolution

File Number: 001195

Date Passed:

Resolution authorizing the Department of Public Health, Population Health and Prevention, Community Health and Safety Services, to accept and expend a grant of \$1,054,979 from the National Institute of Drug Abuse (NIDA) for forecasting HIV Evolution in IV Drug Users (IVDU) and other populations and to enter into an agreement which includes rights in data clauses and does not include intellectual property indemnification and false claims clauses.

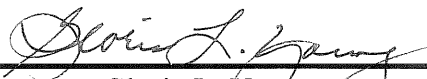
July 24, 2000 Board of Supervisors — ADOPTED

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

Absent: 1 - Katz

File No. 001195

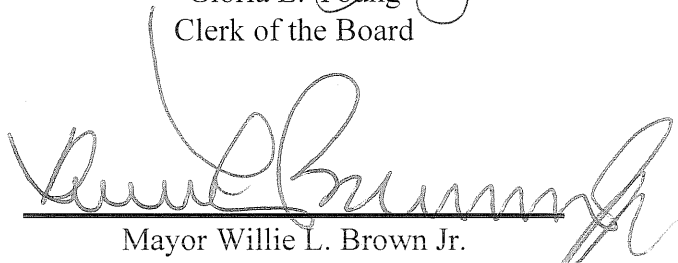
I hereby certify that the foregoing Resolution was ADOPTED on July 24, 2000 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

AUG - 3 2000

Date Approved



Mayor Willie L. Brown Jr.