Resolution retroactively approving a third amendment to an emergency agreement between the Human Services Agency and 1231 Market Street Owner L.P., for the City’s continued use of 459 hotel rooms and associated services; increasing the contract amount by $25,618,542 for a total amount not to exceed $35,608,542; and extending the booking period for a potential total term of April 8, 2020, through July 1, 2021.

WHEREAS, In response to the COVID-19 pandemic, Mayor London N. Breed declared a “Local Emergency” on Tuesday, February 25, 2020; and

WHEREAS, The Human Services Agency (“HSA”), in coordination with the Department of Public Health, the Department of Emergency Management, the Department of Homelessness and Supportive Housing, the Real Estate Division (“RED”) and other City stakeholders (collectively, the “City’s COVID-19 Response Team”), procured hotel rooms and related emergency services in support of the Local Emergency; and

WHEREAS, The City temporarily uses the rooms to further the public health and safety in connection with its response to the Local Emergency by sheltering: (a) people who have been exposed to the COVID-19 virus or are under medical quarantine; (b) people who are otherwise within a vulnerable population and have no means to self-isolate or shelter-in-place; and (c) health care workers and first responders; and

WHEREAS, The City entered into an Emergency Agreement dated April 4, 2020, with 1231 Market Street Owner L.P. (“Hotel”) for the City’s use of 459 hotel rooms plus associated services, including food service, as amended by a First Amendment to Emergency Agreement dated May 15, 2020, to include requirements for City’s reimbursement through the Federal Emergency Management Agency, and a Second Amendment to Emergency Agreement dated
WHEREAS, The initial term of the Booking Contract runs for 122 nights from April 8, 2020, through August 7, 2020 (the “Booking Period”), and on July 6, 2020, the City exercised its option to extend the Booking Period on a month-to-month basis commencing August 8, 2020, and terminating no later than April 7, 2021; and

WHEREAS, The City’s COVID-19 Response Team wishes to continue to use the hotel rooms in connection with the Local Emergency; and

WHEREAS, HSA, in consultation with the Office of the City Attorney and RED, negotiated a proposed Third Amendment to Emergency Agreement (the “Third Amendment”) with the Hotel to increase the contract amount to a not to exceed contract amount of $35,608,542; and to extend the Booking Period through July 1, 2021, for a total potential Booking Period of April 8, 2020, through July 1, 2021 (449 nights), subject to City’s early termination rights as described in the Third Amendment; and

WHEREAS, A copy of the Third Amendment is on file with the Clerk of the Board in File No. 200819; and

WHEREAS, Charter, Section 9.118 requires Board of Supervisors approval of the Third Amendment; and

WHEREAS, The Planning Department determined the Booking Contract as amended is not a project under Sections 15278 and 15060(c)(2) of the California Environmental Quality Act (CEQA); now, therefore, be it

RESOLVED, That the Board of Supervisors hereby retroactively authorizes the Executive Director of HSA, on behalf of the City and County of San Francisco, to execute the Third Amendment to increase the contract amount to a total not to exceed amount of $35,608,542, and to extend the potential Booking Period until July 1, 2021, subject to City’s
early termination rights as described in the Third Amendment, and to perform all of City’s
obligations under the Booking Contract as amended; and, be it

FURTHER RESOLVED, That all actions heretofore taken by the officers of the City
with respect to the Booking Contract are hereby approved, confirmed and ratified; and, be it

FURTHER RESOLVED, That the Board of Supervisors authorizes the Executive
Director of HSA to enter into any amendments or modifications to the Booking Contract that
HSA determines, in consultation with the City Attorney and the Director of Property, do not
otherwise materially increase the obligations or liabilities of the City, are necessary or
advisable to effectuate the purposes of the Booking Contract or this Resolution, and are in
compliance with all applicable laws, including the City's Charter; and, be it

FURTHER RESOLVED, That within thirty (30) days of the Third Amendment being
fully executed by all parties, HSA shall provide the final Third Amendment to the Clerk of
the Board for inclusion into the official file.
Available: $25,618,542

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/s/
Ben Rosenfield
Controller

Funding for Fiscal Year 2020/2021 is subject to the enactment of the Annual Appropriation Ordinance for Fiscal Year 2020/2021.

RECOMMENDED:

/s/
Human Services Agency
Executive Director

/s/
Department of Public Health
Director of Health

/s/
Department of Emergency Management
Executive Director

/s/
Department of Homelessness and Supportive Housing
Director
Resolution retroactively approving a third amendment to an emergency agreement between the Human Services Agency and 1231 Market Street Owner L.P., for the City’s continued use of 459 hotel rooms and associated services; increasing the contract amount by $25,618,542 for a total amount not to exceed $35,608,542; and extending the booking period for a potential total term of April 8, 2020, through July 1, 2021.

August 20, 2020 Government Audit and Oversight Committee - RECOMMENDED AS COMMITTEE REPORT

August 25, 2020 Board of Supervisors - ADOPTED

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee

I hereby certify that the foregoing Resolution was ADOPTED on 8/25/2020 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

London N. Breed
Mayor

Date Approved 8·28·20