

County of Santa Clara



City of San José



December 6, 2010

Sent Via E-Mail

Supervisor Alice Lai-Bitker, President
Alameda County Board of Supervisors
1221 Oak Street, #536
Oakland, CA 94612

Dear President Lai-Bitker,

On December 7, the Board of Supervisors is scheduled to vote to authorize an amendment to Alameda County's agreement with the Bay Area Urban Area Security Initiative (City and County of San Francisco as fiscal agent). At its surface, this appears to be a simple agenda item, authorizing the Sheriff to accept additional funds.

The reality is much more complex. Sheriff Ahern's memo states that funds will go to "various projects such as Interoperable Communications." What it doesn't state is the scope of work that the Sheriff's office has taken on in the area of Interoperable Communications over the past ten months and the legal and financial risk that Alameda County may be exposed to as a result.

Some of the funds from UASI will go to Sheriff Ahern's work as Executive Sponsor of the Bay WEB project and its companion, Project Cornerstone. Bay WEB began as a project of the Bay Area Urban Area Security Initiative, whose staff in February 2010 decided to enter into a public-private partnership agreement with Motorola for the Bay WEB project. Project Cornerstone, the first phase, is funded with \$6 million in Bay Area UASI funds, while Motorola applied for and obtained \$50 million in stimulus funds from the Department of Commerce's National Telecommunications Information Administration for the larger Bay WEB project.

For several months now, we have been working to understand the facts of these two interoperable communications broadband projects. We have had to file Freedom of Information Act and Public Records Act requests with federal and local jurisdictions (including one pending with the Alameda County Sheriff). We have filed complaints with UASI and asked the Department of Commerce Inspector General to investigate.

What we do know is the following:

- The federal grant application for Bay WEB had inaccurate and misleading information regarding the agreement by Bay Area cities and counties to participate in Bay WEB, the governance structure for the project, and the fiscal implications for our jurisdictions.
- No public body has voted on any of the Bay WEB contracts, vendor selection, funding or agreements, not the UASI Approval Authority, nor any of the Bay Area counties or cities.
- The procurement/partnership process for Project Cornerstone and Bay WEB were deeply flawed. The process fell outside all of our organizations' standards for procurement, and raised numerous questions (see attached letter to the Department of Commerce Inspector General). Corporations responded to a lengthy RFI for a pilot project that explicitly said it was not a procurement document. The UASI staff sent a 1 ½ page email to responders that was later labeled the "RFP." Many of the lead staff members on the procurement are former employees of the successful bidder.
- The cities of San Jose and Oakland and the County of Santa Clara have all raised concerns about the actions taken by UASI staff without Approval Authority action, including the re-allocation of the funds before you on December 7. We believe much of the funding are funds allocated by vote of the Approval Authority for projects in San Jose, Oakland, and San Francisco. UASI staff does not have the authority to reallocate them to the Alameda County Sheriff without a vote.
- The Alameda County Sheriff took on the role of Executive Sponsor of the Bay WEB project. Several contractual documents have been signed, including a public-private partnership agreement with Motorola, and we can find no evidence that these contracts have been authorized by the Board of Supervisors or reviewed by County Counsel (see attached letter from Mayor Reed to the Sheriff).
- None of us know what these projects will cost our local jurisdictions. Motorola and UASI refuse to make the grant application public. We have only been able to obtain redacted copies, which do not contain critical cost information.
- This project will require significant site preparedness costs for cities and counties, despite the grant application affirming to NTIA that all sites are "shovel ready." It will also require unknown annual costs from local jurisdictions and likely lock us into a sole-source relationship for the next decade or two.

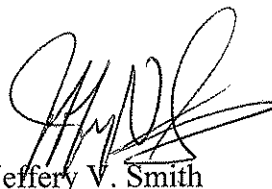
Before you vote on Item 32, we ask that you look more deeply into the issues surrounding the broadband projects and determine if this work is in the best interest of Alameda County or our region.

Please feel free to contact us or our offices if you wish additional information.

Sincerely,



Chuck Reed
Mayor



Jeffery V. Smith
County Executive

Cc: UASI Approval Authority Board