

GOLDEN GATE BRIDGE, HIGHWAY AND TRANSPORTATION DISTRICT

RESOLUTION NO. 2010-081

**RESCIND THE ACTION TO
AUTHORIZE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT
WITH CLEARWIRE DBA CLEAR WIRELESS, LLC,
RELATIVE TO REQUEST FOR PROPOSALS NO. 2010-BT-5,
WIRELESS INTERNET SERVICES ONBOARD GOLDEN GATE TRANSIT BUSES;
AND, AUTHORIZE REISSUING THE REQUEST FOR PROPOSALS**

September 24, 2010

WHEREAS, on August 18, 2009, the Golden Gate Bridge, Highway and Transportation District (District) advertised Request for Proposals (RFP) No. 2010-BT-5, *Wireless Internet Services Onboard Golden Gate Transit Buses*, to provide a higher quality experience to bus riders by allowing them the opportunity to use commute time to their advantage, as well as providing a way for the District to communicate with passengers in the event of an emergency or significant impact to services; and,

WHEREAS, a sole proposal was received by the deadline date of September 22, 2009, from Clearwire dba Clear Wireless, LLC (Clearwire), Kirkland, WA, with a proposal to make the service free to the passenger and, because this would serve as a demonstration project to pilot 4G service on a public transportation facility, Clearwire was willing to absorb the operational costs; and,

WHEREAS, the Board of Directors, by Resolution No. 2009-096 at its meeting of November 20, 2009, authorized execution of a Professional Services Agreement (Agreement) with Clearwire, for a five-year term, with two one-year option years, at the District's sole discretion and at no cost to the District, with the intention of having the system go "live" on the buses in late 2010; and,

WHEREAS, shortly after the Contract was awarded, Clearwire notified the District that, due to an organizational restructure, hardware could not be provided at no cost, as previously agreed upon, and that provision of 4G coverage into the North Bay, beyond San Francisco, had been postponed indefinitely; and,

WHEREAS, without the benefits of the superior 4G network and the cost for assuming existing 3G service, in an estimated total amount of \$670,000.00, and given Clearwire's inability to perform in accordance with its original proposal, staff recommends rescinding the Agreement, which would relieve Clearwire from its obligations and permit the District to seek new proposals; and,

WHEREAS, staff proposes to reissue an RFP to provide wireless internet service at no cost to customers, to be funded through the District's online advertising revenue; and

WHEREAS, the Governmental Affairs and Public Information Committee, at its meeting of September 24, 2010, has so recommended; now, therefore be it

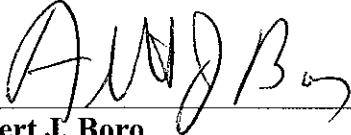
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BOARD OF DIRECTORS MEETING OF SEPTEMBER 24, 2010
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RESOLVED that the Board of Directors (Board) of the Golden Gate Bridge, Highway and Transportation District hereby rescinds the authorization to execute a Professional Services Agreement with Clearwire, dba Clear Wireless, LLC, relative to Request for Proposals No. 2010-BT-5, *Wireless Internet Services Onboard Golden Gate Transit Buses*; and be it further


RESOLVED, that the Board hereby authorizes reissuing the Request for Proposals.

ADOPTED this 24th day of September 2010, by the following vote of the Board of Directors:

- AYES (16):** Directors Campos, Chu, Cochran, Dufty, Elsbernd, McGlashan, Moylan, Newhouse Segal, Pahre, Sanders, Snyder, Sobel and Stroeh; Second Vice President Eddie; First Vice President Reilly; President Boro
- NOES (0):** None
- ABSENT (3):** Directors Brown, Grosboll and Kerns



Albert J. Boro
President, Board of Directors

ATTEST: 
Janet S. Tarantino
Secretary of the District