

Julian P. Lagos
128 Garces Drive
San Francisco, CA. 94132
(415) 584-1700

July 10, 2009

San Francisco Department of Technology
and Information Services (DTIS)
c/o Ms. Jolie Gines
Protest RFP #04-2009
(Public Access Cable Channel Operator)
One South Van Ness Avenue
Second Floor
San Francisco, CA. 94103

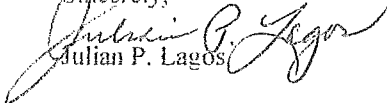
RE: Protest - RFP #04-2009

Dear Ms. Gines:

I am protesting the award of the public contract to the Bay Area Video Coalition (BAVC) for the future operation and management of the San Francisco Public Access Television station and channels, on the following grounds:

- 1.) The City's entire bidding and selection process in this matter lacked any transparency whatsoever, in violation of the both state and local Sunshine laws;
- 2.) The presumptive recipient of the public contract, BAVC, failed to disclose prior to, during, and after the close of the bidding and selection process, any conflicts-of-interest they may have with any public officials, public agencies, or private entities doing business with the City & County of San Francisco or within San Francisco city limits, who may have influenced the outcome of bidding and selection process in awarding this contract, a violation of local and state ethics laws regulating the award of public contracts;
- 3.) The presumptive recipient's proposal, BAVC, fails to address the following:
a) Future public access to studio production facilities, including both Main Studio and Flash Studio, either at the current facilities conveniently located at 1720 Market Street in San Francisco, or other convenient and accessible facility, for production of both 'live' and recorded productions by the general public; (b) Costs to the general public and taxpayers associated with the closing of the current Market Street facilities. Both are violations of the Mission Statement of San Francisco public access television.
- 4.) The presumptive recipient's proposal, BAVC, restricts programmers access to the public access broadcast channels by imposing restrictions that unfairly require programmers To compete for time slots through an unscientific audience measurement scheme, thus Subverting the Mission Statement of San Francisco public access television:
- 5.) Finally, the presumptive recipient's proposal, BAVC, imposes restrictions, as a whole, which infringe on the Free Speech rights of both producers and viewers alike, violations of both the state and U.S. Constitutions.

Sincerely,


Julian P. Lagos

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CITY AND COUNTY OF SAN FRANCISCO

DEPARTMENT OF TECHNOLOGY



Chris A. Vein
CIO, City and County of San Francisco
Executive Director, Department of Technology

Christine Martin
Chief of Staff

Telephone: (415) 581-4001

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July 17, 2009

Mr. Julian P. Lagos
128 Garces Drive
San Francisco, CA 94132

RE: Protest -RFP #04-2009

Dear Mr. Lagos,

We received your letter dated July 10, 2009, regarding the protest of RFP #04-2009. We appreciate your interest in this matter. However, we have determined that you are not eligible to protest the Intent to Award a grant agreement for RFP #04-2009.

The RFP states, " any firm *that has submitted a responsive proposal* and believes that the City has incorrectly selected another proposer for award may submit a written notice of protest. . . . The protest *must be signed by an individual authorized to represent the proposer* , and must cite the law, rule, local ordinance, procedure or RFP provision on which the protest is based. In addition, the protestor must specify facts and evidence sufficient for the City to determine the validity of the protest ." (italics added)

Because you did not submit a proposal, you are not identified as being affiliated with any proposal, or you have not been authorized to represent a proposer, you are not eligible to file a protest in this matter.

The Department of Technology will take the comments in your letter under consideration as it negotiates an agreement to operate the public access channels with BAVC.

If you have any questions, please contact me at 415 581 3974.

Very truly yours,

A handwritten signature in cursive script that reads "Jolie Gines".

Jolie Gines
Contract Administration

cc: Barry Fraser, Department of Technology
Margarita Gutierrez, City Attorney
Jennifer Gilomen, Bay Area Video Coalition
Ken Ikeda, Bay Area Video Coalition
Ron Vinson, Department of Technology