



BOARD OF SUPERVISORS

KUYLER CROCKER
District One

PETE VANDER POEL
District Two

AMY SHUKLIAN
District Three

EDDIE VALERO
District Four

DENNIS TOWNSEND
District Five

**Information &
Communications
Technology
COUNTY OF TULARE
AGENDA ITEM**

AGENDA DATE: November 19, 2019 - REVISED

Public Hearing Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>

CONTACT PERSON: Marilyn Lucas PHONE: 559-622-7313

SUBJECT: Approve Dark Fiber Lease Agreement with Comcast Business Communications, LLC.

REQUEST(S):
That the Board of Supervisors:

1. Approve Dark Fiber Lease Agreement with Comcast Business Communications, LLC, for data communications in a recurring monthly amount not to exceed \$5,726 retroactive from October 25, 2019 through October 25, 2029 (120 months). The agreement is retroactive to October 25, 2019 however there is a time period after the agreement is approved by both parties for completion testing and acceptance of fiber at each location specified in section 2.8 and schedule A which will become the Service Date; and
2. Find that the Board had authority to enter into the proposed agreement as of October 25, 2019, and that it was in the County's best interest to enter into the agreement on that date; and
3. Authorize the Chairman of the Board to sign three (3) copies of the Lease Agreement.

SUMMARY:
From about 1996-2016 the County used dark fiber for data communications between a number of locations in Tulare, Visalia and Dinuba. At the end of the franchise agreement with Comcast in 2016, the County no longer had access to that fiber and had to move to vendor managed communication services with restricted bandwidth. This ten year agreement provides access to much of the original fiber. This will be a fixed cost without regard to bandwidth which means that the

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communication links can be sized for the maximum bandwidth that might be needed rather than basing it on the average bandwidth needs. Additionally, ICT has found dark fiber to be much more reliable than managed services.

The agreement begins on October 25, 2019 however there is a time period after the agreement is approved by both parties for completion testing and acceptance of fiber at each location specified in section 2.8 and schedule A which will become the Service Date.

The following terms deviate substantively from the standard County boilerplate:

1. The County could be required to pay a late charge, a fee from the FCC, or pay if under limited circumstances outline in section 4.2 through 4.4 result in additional costs for the Comcast to provide services.
2. This agreement automatically renews at the end of the initial ten-year term on a yearly basis under Article 5.
3. The County will be responsible for the labor and maintenance and repair materials, under Article 7.
4. The County will agree to mutual indemnity under Article 9.
5. Comcast may assign the agreement to any affiliate under Article 11.

FISCAL IMPACT/FINANCING:

The cost for this maintenance and support agreement is an amount not to exceed \$5,726 per month and is included in the FY 19/20 Fiscal Budget, to be paid from account number 001-091-2000-7043. There is no net County cost.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The County's five year strategic plan includes the Organizational Performance initiative to promote countywide loss prevention and workplace safety along with continuously improving organizational effectiveness.

ADMINISTRATIVE SIGN-OFF:


Peg L. Yeates
Information & Communications Technology Director

cc: County Administrative Office

Attachment(s)
Attachment A – Dark Fiber Lease Agreement with Comcast Business Communications, LLC

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF APPROVE DARK)
FIBER LEASE AGREEMENT WITH) Resolution No. _____
COMCAST BUSINESS COMMUNICATIONS,) Agreement No. _____
LLC)

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD _____
_____, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: JASON T. BRITT
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

1. Approved Dark Fiber Lease Agreement with Comcast Business Communications, LLC, for data communications in a recurring monthly amount not to exceed \$5,726 retroactive from October 25, 2019 through October 25, 2029 (120 months). The agreement is retroactive to October 25, 2019 however there is a time period after the agreement is approved by both parties for completion testing and acceptance of fiber at each location specified in section 2.8 and schedule A which will become the Service Date; and
2. Found that the Board had authority to enter into the proposed agreement as of October 25, 2019, and that it was in the County's best interest to enter into the agreement on that date; and
3. Authorized the Chairman of the Board to sign three (3) copies of Lease Agreement.