



## Legislation Details (With Text)

**File #:** 2150-2021      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 8/5/2021      **In control:** Technology Committee

**On agenda:** 9/13/2021      **Final action:** 9/16/2021

**Title:** To authorize the Director of the Department of Technology to renew an agreement with Columbus Fibernet, LLC (CFN) for fiber optic cable maintenance services for the CFN fiber duct system in support of the City's fiber optic infrastructure; to authorize the expenditure of \$72, 917.54 from the Department of Technology, Information Services Division, Information Services Operating Fund, and to declare an emergency. (\$72,917.54)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 2150-2021EXP, 2. CFN\_CityofColumbus\_Yr12\_Estimate\_030321

| Date      | Ver. | Action By             | Action   | Result |
|-----------|------|-----------------------|----------|--------|
| 9/16/2021 | 1    | CITY CLERK            | Attest   |        |
| 9/15/2021 | 1    | MAYOR                 | Signed   |        |
| 9/13/2021 | 1    | COUNCIL PRESIDENT     | Signed   |        |
| 9/13/2021 | 1    | Columbus City Council | Approved | Pass   |

This ordinance authorizes the Director of the Department of Technology to renew an agreement with Columbus Fibernet LLC for fiber optic cable maintenance services in the amount of \$72,917.54, with a coverage term period from October 21, 2021 through October 20, 2022 for the CFN fiber duct system, in support of the City's fiber optic infrastructure. The original agreement (EL010409) and (EL011025) was authorized by ordinances 1296-2009, passed October 5, 2009, and 1327-2010, passed October 4, 2010. These ordinances authorized the city to acquire a portion of the conduit system known as Fibernet, which at that time consisted of one (1) point nine inch (1.9") duct with ninety six (96) strand single mode installed fiber. This ordinance authorizes year thirteen (13) of a twenty (20) year agreement, authorized by above-mentioned 1296-2009. At the time of purchase, maintenance fees were waived for a period of five years. Starting in 2015, however, contract terms for scheduled annual maintenance (with an annual maintenance fee) was authorized. These terms are as follows:

"Section 9.1 references: "Scheduled Maintenance Seller shall use commercially reasonable methods to maintain the Property in a secure and good condition. Such routine maintenance ("Scheduled Maintenance") shall include, but is not limited to, locating and marking the Property and pumping, venting, air quality testing, and proofing the Property when necessary. Buyer shall pay to Seller for Seller's services under this Section 9.1, an amount equal to \$0.19 (cents) a year per foot of conduit owned by Buyer (the "Maintenance Fee") for the period commencing 5 years from the Closing date and continuing thereafter for a period of 12 months ("Initial Term"). The first 5 years of this contract the fees will be waived. After the Initial Term expires, the Maintenance Fee shall increase annually by the change in CPI. This fee shall continue for so long as Seller is providing Scheduled Maintenance services to Buyer hereunder. Such payments are due up front on the first day of each anniversary of the Closing date."

The aforementioned original agreement was most recently renewed on July 27, 2020, via ordinance 1706-2020,

authorizing the required annual maintenance for the period of October 21, 2020 through October 20, 2021.

The City fiber optic cabling in various strand count quantities throughout the City. The above-described services are needed to regularly inspect and maintain these assets, and provide fiber optic cable maintenance services in the event of unforeseen damage to the fiber network. This agreement provides labor, equipment, and materials needed to ensure reliable operation of the City's fiber network.

### **CONTRACT COMPLIANCE**

Vendor: Columbus Fibernet LLC (CFN)      CC#: 31-1762185;      DAX # 005936

### **FISCAL IMPACT**

In fiscal years 2019 and 2020, \$71,170.85 and \$72,229.80 was expended to renew the Columbus Fibernet LLC contract, respectively. This ordinance authorizes the expenditure of \$72,917.54 to renew the aforementioned contract through October 20, 2022. These funds are budgeted and available in the Department of Technology, Information Services Division, Information Services Operating Fund.

### **EMERGENCY**

Emergency legislation is requested to facilitate prompt contract execution and related payment for services.

To authorize the Director of the Department of Technology to renew an agreement with Columbus Fibernet, LLC (CFN) for fiber optic cable maintenance services for the CFN fiber duct system in support of the City's fiber optic infrastructure; to authorize the expenditure of \$72, 917.54 from the Department of Technology, Information Services Division, Information Services Operating Fund, and to declare an emergency. (\$72,917.54)

**WHEREAS**, the City owns approximately fiber optic cabling in various strand count quantities that need to be regularly inspected and maintained; and

**WHEREAS**, the city entered into a twenty-year agreement (EL010409) and (EL011025), authorized by ordinances 1296-2009, passed October 5, 2009 and 1327-2010, passed October 4, 2010, in which it acquired a portion of the conduit system known as Fibernet; and

**WHEREAS**, this ordinance authorizes renewal of year thirteen (13) of a twenty (20) year agreement; and

**WHEREAS**, at the time of the aforementioned purchase, maintenance fees were waived for a period of five years but starting in 2015, contract terms for scheduled maintenance and an annual maintenance fee was authorized; and

**WHEREAS**, this legislation authorizes the Director of the Department of Technology to renew an agreement with Columbus Fibernet LLC, for fiber optic cable maintenance services for the CFN fiber duct system in support of the City's fiber optic infrastructure, in the amount of \$72,917.54 with a coverage term starting October 21, 2021 and ending on October 20, 2022; and

**WHEREAS**, an emergency exists in the Department of Technology in that it is immediately necessary to authorize the Technology Director to renew an agreement with Columbus Fibernet, LLC (CFN) for fiber optic cable maintenance services for the CFN fiber duct system in support of the City's fiber optic infrastructure, for the preservation of the public health, peace, property, safety and welfare; now, therefore:

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1:** That the Director of the Department of Technology be, and hereby is, authorized to renew year thirteen of a twenty-year agreement with Columbus Fibernet, LLC (CFN) for fiber optic cable maintenance services for the CFN fiber duct system in support of the City's fiber optic infrastructure in the amount of \$72,917.54, starting on October 21, 2021 and ending on through October 20, 2022.

**SECTION 2:** That the expenditure of \$72,917.54 or so much thereof as may be necessary is hereby authorized to be expended as follows in the attachment to this ordinance. (Please see attachment 2150-2021EXP):

**SECTION 3:** That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

**SECTION 4:** That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this ordinance.

**SECTION 5.** That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.