



## Legislation Text

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**File #:** 1329-2010, **Version:** 1

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### **BACKGROUND:**

Previously ordinance 1297-2009 passed by City Council October 5, 2009 authorized the Director of the Department of Technology to enter into a contract with James H. Hyland, III to acquire the rights and interests in one (1) fiber-optic conduit, which is to be populated with seventy-two (72) strand single mode fiber optic cable and authorized the expenditure of \$250,000.00 from the Department of Technology Capital Improvement Fund - Fiber Project.

This ordinance authorizes and directs the Director of the Department of Technology, on behalf of the City of Columbus to modify the existing contract of Sub-Indefeasible Rights of Use (IRU) with James H. Hyland, III to increase funds by \$775,000.00 to acquire the remaining portion of the rights and interests in one (1) fiber-optic conduit contained within the duct bank system known as Citynet (7.5 miles), which is to be populated with seventy-two (72) strand single mode fiber optic cable and is located within the downtown business district of the City of Columbus. Funds for this portion of the acquisition were not available until the August 2010 bond sale.

Columbus City Council continues to work with the Department of Technology in conjunction with the Department of Development to utilize the conduit and fiber as an economic development asset that can be integrated into an overall strategy to assist current businesses and attract new ones. The conduit and fiber will be used as an economic development incentive to bring high-tech companies to Columbus by providing an existing "telecommunications pathway" within the City's business district, allowing these prospective businesses to avoid the costs associated with constructing their own conduits.

The Department of Technology will also utilize the conduit and fiber to further build out the City of Columbus' existing fiber-optic network, while making the network more robust and redundant. Acquisition of these conduits and fiber will enhance service ability to the City's citizenry by providing the Department of Technology with alternate pathways for future fiber-optic connectivity to City agencies, partner agencies and businesses within the downtown business district. This conduit can provide access points for fiber-optic backhaul to future wireless networks, or fiber-to-the-premise networks.

This ordinance waives the competitive bidding provisions of the City Code Section 329, as it was determined that there were only two providers of conduit/fiber optic cabling serving the downtown area. Both companies provided information and quotes to assist with determining what would be suitable for this project. The information and quotes received were from Citynet (\$1,500,000.00 to \$1,750,000.00) and James H. Hyland, III (\$1,025,000.00), the lowest quote.

**EMERGENCY ACTION:** Emergency legislation is requested in order to expedite processing of the necessary paperwork, to avoid interruption or delays in the performance of service, and because this item is weather dependent.

**Fiscal Impact:** For this project in 2009, \$250,000.00 was expended and funded via the 2009 Capital Improvement bond sale. In August, bonds were sold to fund the remaining portion of the cost totaling \$775,000.00. With passage of this ordinance the aggregate total of the contract of Sub-Indefeasible Rights of Use (IRU) with James H. Hyland, III to acquire the rights and interests in one (1) fiber-optic conduit to be populated with seventy-two (72) strand single mode fiber optic cable contained within the duct bank system know as Citynet (7.5miles) will be \$1,025,000.00.

**CONTRACT COMPLIANCE:** Vendor Name: James H. Hyland, III. - Contract Compliance #207483531 Expiration Date: 9/15/2011

To authorize and direct the Director of the Department of Technology on behalf of the City of Columbus to modify and increase funds on an existing contract of Sub-Indefeasible Rights of Use with James H. Hyland, III to acquire the remaining portion of the rights and interests in one (1) fiber-optic conduit known as Citynet, to be populated with seventy-two (72) strand single mode fiber optic cable installed therein; to waive the competitive bidding provisions of the Columbus City Codes; and to authorize the expenditure of \$775,000.00 from the Department of Technology Capital Improvement Fund, and to declare an emergency. (\$775,000.00)

**WHEREAS**, broadband access is viewed as being vital to government and business in order to remain competitive in a global economy; and broadband infrastructure is an asset that can be used by the City of Columbus to attract high-tech companies and encourage economic development; and

**WHEREAS**, fiber and conduit were identified within the City-wide connectivity plan as assets that the City should buy, build or lease; and entering into an agreement shall assist in maintaining the integrity of the public right-of-way by reducing access to right-of-way, pavement openings, and street and sidewalk disruption and closures; and

**WHEREAS**, the City of Columbus desires to purchase conduit and fiber for greater connectivity and stronger network capabilities for the betterment of government service delivery and the citizens of Columbus; and

**WHEREAS**, under ordinance 1297-2009 the Department of Technology on behalf of the City of Columbus entered into a contract of Sub-Indefeasible Rights of Use with James H. Hyland, III to acquire rights and interests in one (1) fiber-optic conduit known as Citynet and authorized the expenditure of \$250,000.00, and

**WHEREAS**, it is necessary to modify this contract to increase funds by \$775,000.00 to acquire the remaining portion of the rights and interests in one (1) fiber-optic conduit known as Citynet (7.5 miles), to be populated with seventy-two (72) strand single mode fiber optic cable installed therein; and

**WHEREAS**, this agreement requests approval to waive the competitive bidding provisions of the Columbus City Code Section 329, as it has been determined that the information and quotes received were from Citynet and James H. Hyland III, and from this information James Hyland III was chosen; and

**WHEREAS**, with this contract modification of \$775,000.00 along with the previous \$250,000.00 will now bring the aggregate total amount of the contract to \$1,025,000.00; and

**WHEREAS**, an emergency exists whereby there is an immediate need for the Department of Technology on behalf of the City of Columbus to modify and increase funding on an existing contract of Sub-Indefeasible Rights of Use with James H. Hyland, III to acquire rights and interests in one (1) fiber-optic conduit known as Citynet (7.5 miles); to sustain the Department of Technology's broadband and technology needs, and to expand the scope of the City's service delivery to attract potential business which shall assist in the economic betterment of the City and its citizenry, and preservation of the public health, peace, property and safety; now, therefore:

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

**SECTION 1.** That the Director of the Department of Technology on behalf of the City of Columbus is hereby authorized and directed to modify and increase the amount by \$775,000.00 on an existing contract of Sub-Indefeasible Rights of Use with James H. Hyland, III to acquire the remaining rights and interests in one (1) fiber-optic conduit contained in the duct bank system known as Citynet (7.5 miles).

**SECTION 2.** That the expenditure of \$775,000.00, or so much thereof as may be necessary in regard to the action authorized in SECTION 1, be and is hereby authorized and approved as follows:

Division: 47-02

Fund: 514

Sub-fund: 004

OCA Code: 474601

Object Level 1: 06

Object Level 3: 6655

Project: 470046-100001 Fiber Optics

Amount \$775,000.00

**SECTION 3.** That the City Auditor is hereby authorized to establish proper accounting project numbers and to make any accounting changes to revise the funding source for any contract or contract modification associated with the funds in SECTION 2 above.

**SECTION 4.** That the competitive bidding provisions of Chapter 329 of the Columbus City Codes 1959, be and hereby are waived.

**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.