



Legislation Text

File #: 2400-2016, Version: 1

BACKGROUND:

This ordinance authorizes the Director of the Department of Technology to continue an agreement with Columbus Fibernet LLC, for fiber optic cable maintenance services in the amount of \$68,108.56 with a coverage term period from October 21, 2016 through October 20, 2017 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 for the contract of sale for fiber and underground conduit with Columbus Fibernet, LLC, to acquire a portion of the conduit system known as Fibernet. The agreement was most recently continued via ordinance 1296-2015 (EL017652) passed July 27, 2015. The portion of the conduit system purchased consisted of one (1) point nine inch (1.9") duct with ninety-six (96) strand single mode fiber installed therein.

This ordinance will authorize fiber optic cable maintenance services for the CFN fiber duct system. Terms negotiated at the time of purchase waived maintenance fees for a term of five years. October of 2015 initiated the beginning of an annual maintenance fee for the Columbus Fibernet conduit system. The terms of the contract are identified below.

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 City owns approximately 500 miles of fiber optic cabling in various strand count quantities throughout the City. 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 (DAX Account No. #: 005936); CC# : 31-1762185; Expiration Date: 08/09/2018

EMERGENCY:

Emergency action is requested to expedite authorization of this contract in order to initiate services from the supplier at the prices proposed.

FISCAL IMPACT:

In 2015, the Department of Technology legislated \$68,108.56 (EL017652) via ord.:1296-2015, with Columbus Fibernet LLC (CFN), to continue with fiber optic cable maintenance services (associated with the contract of sale for fiber and underground conduit with Columbus Fibernet, LLC, to acquire a portion of the conduit system known as Fibernet). The total cost of this ordinance is \$68,108.56 to continue fiber optic cable maintenance services in support of the City's fiber

optic infrastructure. Funds for this expense have been budgeted and are available within the Department of Technology, Information Services Division, Information Services Operating Fund. Including this renewal, the aggregate contract total amount is \$4,412,773.12.

To authorize the Director of the Department of Technology to continue 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 \$68,108.56 from the Department of Technology, Information Services Division, Information Services Operating Fund; and to declare an emergency. (\$68,108.56)

WHEREAS, the original agreement (EL010409) and (EL011025) was authorized by ordinance 1296-2009, passed October 5, 2009 and by ordinance 1327-2010, passed October 4, 2010 for a contract of sale for fiber and underground conduit with Columbus Fibernet, LLC, to acquire a portion of the conduit system known as Fibernet and was most recently continued via ordinance 1296-2015 (EL017652) passed July 27, 2015. The portion of the conduit system purchased consisted of one (1) point nine inch (1.9") duct with ninety-six (96) strand single mode fiber installed therein; and

WHEREAS, this legislation authorizes the Director of the Department of Technology to continue 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 \$68,108.56 with a coverage term period from October 21, 2016 through October 20, 2017; and

WHEREAS, the City owns approximately 500 miles of fiber optic cabling in various strand count quantities throughout the City. 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; and

WHEREAS, the terms negotiated at the time of purchase waived maintenance fees for a term of five years, therefore October of 2015 initiated the beginning of an annual maintenance fee for the Columbus Fibernet conduit system; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Technology in that it has become immediately necessary to authorize the Director to continue 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 continue 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 in the amount of \$68,108.56 with a coverage term period from October 21, 2016 through October 20, 2017.

SECTION 2: That the expenditure of \$68,108.56 or so much thereof as may be necessary is hereby authorized to be expended from **(Please see attachment 2400-2016 EXP):**

Dept.: 47| **Div.:** 47-02| **Obj Class:** 03 | **Main Account:** 63050| **Fund:** 5100| **Sub-fund:** 510001| **Program:** IT010| **Section 3:** 470201| **Section 4:** IT01| **Section 5:** IT0103| **Amount:** \$68,108.56|

SECTION 3: 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 4: 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 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.