



Legislation Text

File #: 22-2190, **Version:** 1

Planning and Building Department, Economic Development Division, recommending the Board consider the following:

- 1) Approve and authorize the Chair to sign Amendment IV to Agreement 4555 with NEO Fiber, Inc., doing business as Neo Connect, for as-needed, ongoing staffing assistance and consulting services in support of broadband connectivity in the County, revising the scope of work to include additional tasks, increasing the compensation amount by \$189,118 for a not-to-exceed amount of \$350,000, and extending the term of the Agreement by three (3) years for a revised expiration date of January 29, 2026; and
- 2) Authorize the Purchasing Agent, or designee, to execute any further documents determined necessary related to Agreement 4555, including amendments which do not increase the not-to-exceed amount or term of the Agreement, contingent upon approval by County Counsel and Risk Management.

FUNDING: American Rescue Plan Act / Transient Occupancy Tax funds.

DISCUSSION / BACKGROUND

On April 25, 2017 (File No. 17-0442, Item No. 5), the Board awarded Request for Proposals (RFP) 17-918-031 to NEO Fiber, Inc. (Neo Connect) to perform a Broadband Needs Assessment and Feasibility Study for the County and authorized the Purchasing Agent to negotiate and execute an agreement with a not-to-exceed amount of \$150,000 for this project, with funding provided through the Federal Economic Development Administration (EDA) Grant and General Fund. Agreement 248 was subsequently executed on September 20, 2017.

Beginning on January 23, 2018 (File No. 18-0077, Item No. 37), and concluding on December 17, 2019 (File No. 19-1821, Item No. 55), and as part of the Broadband Needs Assessment and Feasibility Study, the Board received several presentations from Neo Connect and staff regarding planning efforts, financial analysis and options related to implementing a broadband strategy in the County, and projected capital costs and funding alternatives of implementing County-wide broadband. During this period, the Board approved two (2) additional amendments to Agreement 248: Amendment II was approved to extend the expiration date to December 31, 2018 (File No. 18-1190, Item No. 2), and Amendment III was approved to increase the compensation amount by \$23,993 for a not-to-exceed amount of \$149,993 and extend the expiration date to June 30, 2019 (File No. 18-1889, Item No. 8).

As part of the final presentation on December 17, 2019, the Board also authorized staff to negotiate and execute a new agreement with Neo Connect for as-needed, ongoing staffing support and consulting services related to broadband efforts and the County's "Dig Once" policy for parallel conduit in County projects, and coordination with other agencies and developers on future projects.

On January 30, 2020, the Purchasing Agent executed Agreement 4555 with Neo Connect for the provision of general broadband consultant services on an as-needed basis, with a not-to-exceed amount of \$15,000 and a term of two (2) years.

On March 10, 2020 (File No. 20-0288, Item No. 30), the Board approved the Purchasing Agent to negotiate and execute Amendment I to Agreement 4555, increasing the compensation amount by \$35,882 for a not-to-exceed amount of \$50,882, and expanding the scope of work to include researching what areas of the County would qualify for upcoming grant opportunities. Amendment I was subsequently executed on April 14, 2020.

On June 30, 2020 (File No. 20-0835, Item No. 37), the Board received a presentation from Neo Connect and staff regarding broadband implementation grant opportunities and to evaluate the use of multiple funding sources for various grant matches and specific priority areas in the County. As part of this item, the Board also authorized the Purchasing Agent to negotiate and execute Amendment II to Agreement 4555, increasing the compensation amount by \$30,000, for a total not-to-exceed amount of \$80,882, and expanding the scope of work to include supporting staff with grant preparation. Amendment II was subsequently executed on July 8, 2020.

On January 4, 2022 (File No. 21-1150, Item No. 25), the Board approved and authorized the Purchasing Agent to sign Amendment III to Agreement 4555, increasing the compensation amount by \$80,882 for a total not-to-exceed amount of \$160,882 and extending the expiration date by one (1) year for a revised expiration date of January 29, 2023.

Based on the ongoing need for a consultant to provide grant writing and general broadband consulting services, staff are recommending that the Board consider and approve an amendment to this Agreement. This proposed Amendment IV revises the scope of work to include additional services, increases the compensation amount by \$189,118 for a total not-to-exceed amount of \$350,000, and extends the term of the Agreement by an additional three (3) years for a revised expiration date of January 29, 2026. The continuation of these services will allow the County to strategically align its efforts through Neo Connect by utilizing their expertise on various broadband topics, including but not limited to, grant writing and submittals, policy and ordinance implementation, County-wide connectivity, and collaborative stakeholder engagement with other agencies and developers. Additionally, extending the term of the agreement will allow additional time for these goals to be met. Neo Connect has helped the County secure over \$4,000,000 in both Federal and State funding to design, engineer and construct broadband infrastructure in under served priority areas within the County.

In addition to the changes noted above, other minor administrative changes to various articles were determined necessary and made throughout the Agreement. These changes included: updating the Notice to Parties Article to update the County's notice recipients; replacing the articles for Consultant to County, Independent Contractor, Default, Termination, and Cancellation, Conflict of Interest, and Nondiscrimination in their entirety to address recent changes in state law and revised standard County contract language. Similarly, three (3) new articles, Force Majeure, Waiver, and Electronic Signatures were added to for the same purpose. Exhibit C, "California Levine Act Statement", has been incorporated into the Conflict of Interest Article to address Government Code section 84308 (SB 1439, the Levine Act), regarding campaign contributions by Contractor, if any, to any officer of the County.

ALTERNATIVES

The Board may choose not to approve the proposed Amendment IV. This would result in the County

being unable to retain the continued broadband consulting services under this Agreement, including projects such as ARPA funded broadband infrastructure, assistance with future grant funding opportunities, and general broadband consulting services, which are vital for strategic alignment and the County's successful broadband connectivity initiatives.

PRIOR BOARD ACTION

See Discussion/Background above.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel and Risk Management have approved the proposed Amendment IV.

CAO RECOMMENDATION

Approve as recommended.

FINANCIAL IMPACT

There is no change to Net County Cost associated with this item. The additional compensation amount of \$189,118 associated with this proposed Amendment IV will be primarily offset by ARPA funding, which allows for the use of these funds for broadband infrastructure. ARPA funds must be obligated by December 31, 2024, and fully spent by December 31, 2026. General broadband services not eligible for ARPA reimbursement will be offset by TOT funding. Funding for both instances has been included in the Fiscal Year 2022-23 Budget and will be including in subsequent years' budgets accordingly.

CLERK OF THE BOARD FOLLOW UP ACTIONS

- 1) The Clerk of the Board to obtain the Chair's signature on two (2) original copies of Amendment IV; and
- 2) The Clerk of the Board to return one (1) fully-executed original Amendment IV to the Chief Administrative Office, Procurement and Contracts Division, for further processing.

STRATEGIC PLAN COMPONENT

Infrastructure: Encourage and support through policy and resources the pursuit of local, state, and federal, private and public funding opportunities to support the County's infrastructure; and

Economic Development: Invest in infrastructure needs to improve and maintain competitiveness - (2) Encourage development of high-speed internet service (broadband and or Wi-Fi).

CONTACT

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