



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Department Name:** General Services  
**Department No.:** 063  
**For Agenda Of:** November 16, 2021  
**Placement:** Administrative  
**Estimated Time:**  
**Continued Item:** N/A  
**If Yes, date from:**  
**Vote Required:** 4/5ths

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**TO:** Board of Supervisors

**FROM:** General Services Janette D. Pell, Director (805) 560-1011  
Contact Info: Andre Monostori, Interim Assistant Director (805) 568-2606

**SUBJECT:** Amendment to the Agreement with Level 3, LLC, for Dark Fiber Services; All Districts

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**County Counsel Concurrence**

As to form: Yes

**Other Concurrence:** Risk Management

As to form: Yes

**Auditor-Controller Concurrence**

As to form: Yes

Other Concurrence: Purchasing

As to form: Yes

**Recommended Actions:**

- a) Approve and authorize the Chair to execute the First Amendment to the Lease Agreement between the County of Santa Barbara and Level 3 Communications, LLC (not a local vendor) for Dark Fiber Services, extending the lease for ten (10) years to December 31, 2031, with two optional five (5) year renewal periods, in the amount of \$95,000 for the Renewal IRU Fee for the initial fibers, and annual maintenance costs of \$33,000 subject to annual increases based on the Consumer Price Index and not to exceed five percent; and
- b) Approve Budget Revision Request #BJE-0007964 (Attachment 3); and
- c) Determine that the recommended actions do not constitute a project subject to environmental review and are exempt for the California Environment Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(b)(4), finding that the actions are organizational or administrative activities of governments that will not result direct or indirect physical changes in the environment.

**Summary Text:**

This agreement was approved and authorized by the Board of Supervisors on June 26, 2001, Board Contract BC02-073. The agreement was for a period of 20 years with an initial payment of \$190,000 and annual maintenance cost of approximately \$23,000, with capped CPI adjustments for successive

years. This amendment renews the term of the agreement for a new ten (10) year period commencing on January 1, 2022 and continuing through December 31, 2031, with two optional five (5) year renewal terms. Amendment 1 includes an annual maintenance cost of \$33,000 with capped CPI adjustments for successive years and a one-time, Indefeasible Right of Use (IRU) Fee of \$95,000.

**Background:**

From 1997-2000, the General Services department solicited fiber network proposals for high-speed links between primary North and South County offices from a multitude of telecommunications service providers. None of the proposals were considered to be affordable. In 2001, Level 3 was in the process of constructing a fiber optic route through our county. A proposal from Level 3 was solicited and the agreement for dark fiber services was approved and authorized by the Board of Supervisors on June 26, 2001, Board Contract BC02-073. The agreement was for a period of 20 years with an initial payment of \$190,000 and annual maintenance cost of approximately \$23,000, with capped CPI adjustments for successive years. This amendment renews the term of the agreement for a new ten (10) year period commencing on January 1, 2022 and continuing through December 31, 2031, with 2 optional five (5) year renewal terms. Amendment 1 includes an annual maintenance cost of \$33,000 with capped CPI adjustments for successive years and a one-time, Indefeasible Right of Use (IRU) Fee of \$95,000.

In 2001, the County also paid for the building of three fiber laterals from Level 3’s main fiber optic route through the County. Laterals were installed to the Administration Building, the Goleta Jail, and the Lompoc Civic Center. Renewing this amendment allows the County to maximize our investment in building the laterals. Dark fiber services are integral to our network connectivity between our north and south county offices.

Most commonly, telecommunication carriers install fiber optic cables and then charge their customers for bandwidth consumed. In contrast, a dark fiber optic cable is a cable where there are no light pulses being transmitted through it. Entities (businesses, universities, and governments) lease the fibers from a telecommunications carrier and then light them with their own electronics and network gear, dictating the network’s architecture, bandwidth, and security. Leasing dark fiber services positions the County for future growth with minimal additional investment. There is no additional carrier charge for increased bandwidth usage.

**Contract Renewals and Performance Outcomes:**

Level 3 has performed per agreement and it is anticipated the quality of their product will continue to meet the County’s expectations.

**Fiscal and Facilities Impacts:**

Budgeted: Funds are available; Budget Revision 0007964 is attached for approval and will allocate the available funds in the Information Technology Services Fund reserves for the one-time project costs of \$95,000; annual on-going costs for year one of the amendment are already included in the current year budget.

**Fiscal Analysis:**

<u>Funding Sources</u>	<u>Current FY 2021-22 Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
Information Technology Services Fund 1915	\$128,000	\$ 33,000	\$ 95,000
<b>Total</b>	<b>\$128,000</b>	<b>\$ 33,000</b>	<b>\$ 95,000</b>

Narrative: The first amendment to the lease is being funded by Fund 1915 Information Technology Services Internal Service Fund. The amendment includes an annual maintenance cost of \$33,000 with capped CPI adjustments for ten years.

**Key Contract Risks:**

**Staffing Impacts:** None

**Special Instructions:**

Provide two (2) duplicate originals of the Amendment to the Agreement and a Minute Order to Andre Monostori, Interim Assistant Director, General Services Department.

**Attachments:**

1. Attachment 1 - First Amendment
2. Attachment 2 - Agreement for Dark Fiber Services - Level 3 LLC
3. Attachment 3 - BJE - 0007964
4. Attachment 4 - CEQA Notice of Exemption

**Authored by:**

Virginia Butterfield, Technical Services Manager, Information Communications Technology Division

**cc:**