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| 11-6-20 |  |  | **12** |
| Eastrail Fiber |  |  |  |
|  |  |  |
|  | Sponsor: | Balducci | |
| [tr] |  |  |  |
|  | Proposed No.: | 2020-0306 | |
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**AMENDMENT TO STRIKING AMENDMENT S1 TO PROPOSED ORDINANCE 2020-0306, VERSION 1**

On page 107, after line 2419, insert:

"ER6 EXPENDITURE RESTRICTION:

Of this appropriation for capital project 1139245, Eastrail Fiber Development project, up to $300,000 shall be expended or encumbered solely for the development of a request for proposals solicitation package for the Eastrail Fiber Development project, issuance of a request for proposals and review of proposals; and such development, issuance and review shall require the participation of at least one council representative."

On page 109, after line 2468, insert:

"P2 PROVIDED FURTHER THAT.

Of this appropriation, for capital project 1139245, Eastrail Fiber Development project, no more than the $300,000 restricted in Expenditure Restriction ER6 of this section shall be expended or encumbered until: (1) the executive transmits the Eastrail Fiber Development project report; and (2) thirty days have lapsed following the report's transmittal without the council adopting a motion rejecting the report. For the purposes of this proviso, the transmittal date is day one.

The Eastrail Fiber Development project report shall be transmitted after the preferred vendor is selected by the Eastrail Fiber Development project request for proposals process but before contract negotiations with the preferred vendor are completed. For the purposes of this proviso and the requested report, "fiber capability" refers to the broadband connection for Internet access and other communication purposes provided by the deployment of the fiber infrastructure in the Eastrail corridor. The report shall include, but not be limited to:

A. The anonymous ranking of all vendors that submitted a proposal;

B. Descriptions of the contractual models proposed by the preferred and the next two top ranked vendors ("other vendors") for all potential types of models described in the request for proposals. The descriptions shall include:

1. The entity that will own the fiber infrastructure. If joint ownership is proposed, the description shall list the owners and their respective stakes, as well as how the respective stakes were determined;

2. The entity that will be responsible for the maintenance and operation of the fiber infrastructure;

3. Benefits to those with property interests in the parcels that comprise the Eastrail ("Eastrail owner"), including the amount of access to the fiber capability each Eastrail owner would have and how that level of access was determined;

4. The estimated capital costs including a breakdown of the amounts by funding sources and payors

5. The estimated operating costs and expected payors; and

6. The estimated revenues from leased fiber capability over the next ten years and how they will be generated; and

C. An analysis of the opportunities provided by each of the contractual models proposed by the preferred vendor and other vendors related to the following council priorities:

1. Increase the capacity for service to underserved and/or unserved areas of the county, as defined in the county's Broadband Access Study;

2. Balance upfront and ongoing costs with maximizing service, particularly to unserved and underserved individuals, including those residing in affordable and public housing;

3. Encourage equitable economic development;

4. Address privacy and data security;

5. Preserve or advance the potential for a county-owned broadband system; and

6. Provide benefits or enhancements for Eastrail users.

The executive shall electronically transmit the Eastrail Fiber Development project report to the clerk of the council, who shall retain an electronic copy and provide an electronic copy to all councilmembers and the council chief of staff."

**EFFECT: *Amendment would include an expenditure restriction and proviso for the Eastrail Fiber Development capital project.***

* ***The Expenditure Restriction would allow $300k of the proposed $13.4 million appropriation to be used for the development, issuance, and review of a RFP and would require the participation of at least one Council representative in the RFP process.***
* ***The Proviso would withhold the remaining appropriation until (1) the Executive transmits a report that describes the top three ranked vendor proposals and analyzes the opportunities the proposals provide related to Council priorities (e.g., increase the capacity for service to underserved and/or unserved areas) and (2) thirty days have lapsed following the report's transmittal without the Council adopting a motion rejecting the report. The report shall be transmitted after the preferred vendor is selected following the RFP issuance but before contract negotiations are complete.***