

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Strategic Business Technology *MC*

BOARD AGENDA # *B-5

Urgent

Routine

AGENDA DATE September 22, 2015

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval of a Five-Year Master Services Agreement with Comcast Enterprise Services for Internet and Ethernet Services

STAFF RECOMMENDATIONS:

- 1) Approve a five-year Master Services Agreement with Comcast Enterprise Services for Internet and Ethernet Services.
- 2) Authorize the County Purchasing Agent to enter into and sign a five-year Master Services Agreement with Comcast Enterprise Services .

FISCAL IMPACT:

Stanislaus County departments (Library, Probation, Sheriff's Office) currently have multiple internet and Ethernet agreements with Comcast Enterprise Services totaling over \$1.4 million. Entering into this Comcast Enterprise Services Master Services Agreement will enable departments to place new orders or renewal agreements at a lower rate than they are currently paying today. Internet and Ethernet services would cost 10-50% less than existing agreements for County locations where Comcast currently provides

(Continued on Page 2)

BOARD ACTION AS FOLLOWS:

No. 2015-435

On motion of Supervisor Monteith , Seconded by Supervisor Chiesa
and approved by the following vote,

Ayes: Supervisors: Chiesa, Monteith, DeMartini, and Chairman Withrow

Noes: Supervisors: None

Excused or Absent: Supervisors: O'Brien

Abstaining: Supervisor: None

- 1) X Approved as recommended
- 2) _____ Denied
- 3) _____ Approved as amended
- 4) _____ Other:

MOTION:

ATTEST:


CHRISTINE FERRARO TALLMAN, Clerk

File No.

FISCAL IMPACT (Continued):

services through its Comcast Network (majority of Modesto, Oakdale, Patterson and Newman communities) and already providing MetroEthernet services. The level of savings will vary depending on whether the department chooses to keep the same speed and class of service or whether the department chooses to upgrade services leveraging the lower pricing and improving performance for the same costs they are paying today.

DISCUSSION:

Stanislaus County departments currently contract for a variety of internet and Ethernet services on an individual basis with multiple service providers. On July 29, 2015, Stanislaus County General Services Agency posted a Request for Proposals (RFP) for services to provide a high-speed Wide Area Network (WAN) Ethernet and internet solution that will provide reliable and secure transmissions of voice, data, and video.

The intent of the RFP was to identify and contract with one or more service providers that would provide internet and Ethernet services at a fixed rate lower than the existing agreements that were independently negotiated with departments. Departments could then utilize the master agreement that best serves their needs.

In addition to potential cost savings, the RFP would provide the County with options in Ethernet coverage that would provide the County with true network redundancy enabling the County to recover more quickly from an unplanned network outage. One of the primary requirements of the RFP was that the service provider shall not share or rent fiber optic services from another service provider. A failover Ethernet connection to the County's core operations that is provided from a different service provider than the County's primary Ethernet circuits will enable the County to switch services to the alternate carrier in the event that the primary provider has an Ethernet outage. While the primary service provider repairs downed Ethernet circuits, the County would be able to continue daily operations having access to critical enterprise-wide applications such as Oracle Financial Management System and Peoplesoft. Maintaining network operations will also ensure that customers are able to access services.

On August 31, 2015, three vendors submitted proposals - AT&T, Comcast Enterprise Services, and Network Services Inc. In the initial review of the proposals, requirements and pricing clarifications were sent out to all three vendors. The vendors were provided 48 hours to respond. On Thursday, September 3, 2015, Network Services Inc. emailed the General Services Agency and indicated that they would not be able to provide the information in the time frame requested and, therefore, were withdrawing their proposal. AT&T and Comcast provided the necessary clarifications by the deadline.

AT&T provided their standard service level agreements and pricing, which are consistent with the State of California Master Services Agreement CALNET 3. On

Approval of a Five-Year Master Services Agreement with Comcast Enterprise Services for Internet and Ethernet Services
Page 3

March 31, 2015, Stanislaus County Board of Supervisors approved the Authorization To Order (ATO) with AT&T via the State of California Master Services Agreement CALNET 3 for network and telecommunications services for a term ending June 30, 2018, with two optional one-year extensions at the same rates. This State of California Master Services Agreement contains the services included in the July 29, 2015 RFP, therefore no additional contract is needed with AT&T.

Comcast Enterprise Services provided their standard service level agreements and two pricing agreements. One pricing agreement is for a three-year term with two optional one-year extensions at the same rates and the second pricing agreement is for a five year agreement. While the pricing on both options is more competitive than the pricing for existing agreements with County departments, rates for the five year agreement are better than the three year agreement. Existing agreements that departments have with Comcast will need to go to full term before they can take advantage of the lower, proposed master agreement rates.

Stanislaus County departments (Library, Probation, Sheriff's Office) currently have multiple internet and Ethernet agreements with Comcast Enterprise Services totaling over \$1.4 million. Entering into this Comcast Enterprise Services Master Services Agreement will enable departments to place new orders or renewal agreements at a lower rate than they are currently paying today. Internet and Ethernet services would cost 10-50% less than existing agreements for County locations where Comcast currently provides services through its Comcast Network (majority of Modesto, Oakdale, Patterson and Newman communities) and already providing MetroEthernet services. The level of savings will vary depending on whether the department chooses to keep the same speed and class of service or whether the department chooses to upgrade services leveraging the lower pricing and improving performance for the same costs they are paying today.

SBT recommends entering into a five-year Master Services Agreement with Comcast Enterprise Services securing fixed rates for internet and network services.

POLICY ISSUES:

Approval of this item supports the Board's priority of Efficient Delivery of Public Services by contracting with local providers and providing the County with improved pricing for internet and network services and options for network redundancy.

STAFFING IMPACT:

Existing staff from the General Services Agency and Strategic Business Technology will process the Comcast Enterprise Services.

Approval of a Five-Year Master Services Agreement with Comcast Enterprise Services
for Internet and Ethernet Services

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CONTACT INFORMATION:

Marcia Cunningham, Director of Strategic Business Technology – (209) 525-4357

ATTACHMENTS:

- Attachment A – Comcast Internet Services Pricing Options
- Attachment B – Comcast Three (3) year Ethernet Services Pricing Options
- Attachment C – Comcast Five (5) year Ethernet Services Pricing Options
- Attachment D – Comcast Master Services Agreement
- Attachment E – Comcast First Amendment to Master Services Agreement

Internet Services

MBPS	3 Year Monthly Price (with two 1yr options)	5 Year Monthly Price
20	\$ 484.50	\$ 436.24
50	\$ 672.60	\$ 605.34
100	\$ 984.10	\$ 853.48
200	\$ 1,347.10	\$ 1,212.58
300	\$ 1,708.10	\$ 1,537.48
400	\$ 2,031.10	\$ 1,828.18
500	\$ 2,325.60	\$ 2,093.04
600	\$ 2,591.60	\$ 2,332.44
700	\$ 2,829.10	\$ 2,546.38
800	\$ 3,038.10	\$ 2,734.48
900	\$ 3,228.10	\$ 2,905.48
1000	\$ 3,399.10	\$ 3,059.38
2000	\$ 7,197.00	\$ 6,477.60
3000	\$ 9,830.70	\$ 8,713.90
4000	\$ 11,645.70	\$ 10,322.65
5000	\$ 13,394.70	\$ 11,872.90
6000	\$ 15,077.70	\$ 13,364.65
7000	\$ 16,694.70	\$ 14,797.90
8000	\$ 18,245.70	\$ 16,172.65
9000	\$ 19,730.70	\$ 17,488.90
10000	\$ 21,149.70	\$ 18,746.65

ALL pricing is contingent on category 1 pricing (on-net "lit-building" please see proposal pages 22-27 for clarification)

COMCAST

ATTACHMENT B

36 MONTH Ethernet Private Line Services (EPL) - with two 1 year renewal options

MBPS	Basic Class of Service	Priority Class of Service	Premium Class of Service
	Monthly Price	Monthly Price	Monthly Price
20	\$468.00	\$516.00	\$564.00
25	\$ -	\$ -	\$ -
30	\$510.00	\$558.00	\$612.00
40	\$546.00	\$600.00	\$666.00
50	\$582.00	\$642.00	\$714.00
60	\$624.00	\$690.00	\$762.00
70	\$660.00	\$732.00	\$816.00
80	\$696.00	\$774.00	\$864.00
90	\$732.00	\$816.00	\$912.00
100	\$774.00	\$864.00	\$966.00
200	\$1,464.00	\$1,518.00	\$1,632.00
300	\$1,518.00	\$1,578.00	\$1,698.00
400	\$1,572.00	\$1,632.00	\$1,764.00
500	\$1,626.00	\$1,692.00	\$1,830.00
600	\$ -	\$ -	\$ -
700	\$ -	\$ -	\$ -
800	\$ -	\$ -	\$ -
900	\$ -	\$ -	\$ -
1000	\$ 1,896.00	\$1,980.00	\$2,166.00
2000	Speed Available but pricing is individual case basis for everything over 1GB		
3000	Speed Available but pricing is individual case basis for everything over 1GB		
4000	Speed Available but pricing is individual case basis for everything over 1GB		
5000	Speed Available but pricing is individual case basis for everything over 1GB		
6000	Speed Available but pricing is individual case basis for everything over 1GB		
7000	Speed Available but pricing is individual case basis for everything over 1GB		
8000	Speed Available but pricing is individual case basis for everything over 1GB		
9000	Speed Available but pricing is individual case basis for everything over 1GB		
10000	Speed Available but pricing is individual case basis for everything over 1GB		

36 MONTH Ethernet Network Services - with two 1 year renewal options (ENS)

MBPS	Basic Class of Service	Priority Class of Service	Premium Class of Service
	Monthly Price	Monthly Price	Monthly Price
20	\$ 285.00	\$ 304.00	\$ 330.60
25	\$ 304.00	\$ 323.00	\$ 347.70
30	\$ 311.60	\$ 338.20	\$ 364.80
40	\$ 342.00	\$ 368.60	\$ 399.00
50	\$ 368.60	\$ 399.00	\$ 433.20
60	\$ 399.00	\$ 429.40	\$ 467.40
70	\$ 425.60	\$ 463.60	\$ 457.14
80	\$ 456.00	\$ 494.00	\$ 535.80
90	\$ 482.60	\$ 524.40	\$ 573.80
100	\$ 513.00	\$ 744.80	\$ 608.00
200	\$ 737.20	\$ 798.00	\$ 866.40
300	\$ 771.40	\$ 847.40	\$ 938.60
400	\$ 805.60	\$ 900.60	\$ 1,007.00
500	\$ 839.80	\$ 950.00	\$ 1,079.20
600	\$ 879.60	\$ 1,003.20	\$ 1,147.60
700	\$ 919.60	\$ 1,052.60	\$ 1,219.80
800	\$ 959.60	\$ 1,105.80	\$ 1,288.20
900	\$ 999.60	\$ 1,155.20	\$ 1,360.40
1000	\$ 1,010.80	\$ 1,208.40	\$ 1,428.80
2000	Speed Available but pricing is individual case basis for everything over 1GB		
3000	Speed Available but pricing is individual case basis for everything over 1GB		
4000	Speed Available but pricing is individual case basis for everything over 1GB		
5000	Speed Available but pricing is individual case basis for everything over 1GB		
6000	Speed Available but pricing is individual case basis for everything over 1GB		
7000	Speed Available but pricing is individual case basis for everything over 1GB		
8000	Speed Available but pricing is individual case basis for everything over 1GB		
9000	Speed Available but pricing is individual case basis for everything over 1GB		
10000	Speed Available but pricing is individual case basis for everything over 1GB		

ALL pricing is contingent on category 1 pricing (on-net "lit-building")

COMCAST

ATTACHMENT C

60 MONTH - Ethernet Private Line (EPL)

MBPS	Basic Class of Service		Priority Class of Service		Premium Class of Service	
	Monthly Price	Monthly Price	Monthly Price	Monthly Price	Monthly Price	Monthly Price
20	\$ 421.20		\$ 464.40		\$ 507.60	
25	\$ 442.80	\$ -	\$ -	\$ -	\$ -	\$ -
30	\$ 459.00		\$ 502.20		\$ 550.80	
40	\$ 491.40		\$ 540.00		\$ 599.40	
50	\$ 523.80		\$ 577.80		\$ 642.60	
60	\$ 561.60		\$ 621.00		\$ 685.80	
70	\$ 594.00		\$ 658.80		\$ 734.40	
80	\$ 627.00		\$ 696.60		\$ 777.60	
90	\$ 658.80		\$ 734.40		\$ 820.80	
100	\$ 697.00		\$ 777.60		\$ 869.40	
200	\$ 1,317.60		\$ 1,366.20		\$ 1,468.80	
300	\$ 1,366.20		\$ 1,420.20		\$ 1,528.20	
400	\$ 1,414.80		\$ 1,468.80		\$ 1,587.60	
500	\$ 1,436.00		\$ 1,522.80		\$ 1,647.00	
600	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
700	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
800	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
900	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
1000	\$ 1,709.00		\$ 1,782.00		\$ 1,949.40	
2000	Speed Available but pricing is individual case basis for everything over 1GB					
3000	Speed Available but pricing is individual case basis for everything over 1GB					
4000	Speed Available but pricing is individual case basis for everything over 1GB					
5000	Speed Available but pricing is individual case basis for everything over 1GB					
6000	Speed Available but pricing is individual case basis for everything over 1GB					
7000	Speed Available but pricing is individual case basis for everything over 1GB					
8000	Speed Available but pricing is individual case basis for everything over 1GB					
9000	Speed Available but pricing is individual case basis for everything over 1GB					
10000	Speed Available but pricing is individual case basis for everything over 1GB					

60 MONTH - Ethernet Network Services (ENS)

MBPS	Basic Class of Service		Priority Class of Service		Premium Class of Service	
	Monthly Price	Monthly Price	Monthly Price	Monthly Price	Monthly Price	Monthly Price
20	\$ 256.50		\$ 273.60		\$ 297.54	
25	\$ 273.60		\$ 290.70		\$ 313.12	
30	\$ 280.44		\$ 304.38		\$ 328.32	
40	\$ 307.80		\$ 331.74		\$ 359.10	
50	\$ 331.74		\$ 359.10		\$ 389.88	
60	\$ 359.10		\$ 386.46		\$ 420.66	
70	\$ 383.04		\$ 417.24		\$ 451.44	
80	\$ 410.40		\$ 444.60		\$ 482.22	
90	\$ 434.34		\$ 471.96		\$ 516.42	
100	\$ 461.70		\$ 499.32		\$ 547.20	
200	\$ 663.48		\$ 718.20		\$ 779.76	
300	\$ 694.26		\$ 762.66		\$ 844.74	
400	\$ 725.04		\$ 810.54		\$ 906.30	
500	\$ 755.82		\$ 855.00		\$ 971.28	
600	\$ 785.82		\$ 902.88		\$ 1,032.84	
700	\$ 815.82		\$ 947.34		\$ 1,097.82	
800	\$ 845.82		\$ 995.22		\$ 1,159.38	
900	\$ 875.82		\$ 1,039.68		\$ 1,224.36	
1000	\$ 909.72		\$ 1,087.56		\$ 1,285.92	
2000	Speed Available but pricing is individual case basis for everything over 1GB					
3000	Speed Available but pricing is individual case basis for everything over 1GB					
4000	Speed Available but pricing is individual case basis for everything over 1GB					
5000	Speed Available but pricing is individual case basis for everything over 1GB					
6000	Speed Available but pricing is individual case basis for everything over 1GB					
7000	Speed Available but pricing is individual case basis for everything over 1GB					
8000	Speed Available but pricing is individual case basis for everything over 1GB					
9000	Speed Available but pricing is individual case basis for everything over 1GB					
10000	Speed Available but pricing is individual case basis for everything over 1GB					

ALL pricing is contingent on category 1 pricing (on-net "lit-building")

COMCAST ENTERPRISE SERVICES MASTER SERVICES AGREEMENT (MSA)

MSA ID#: Ca-150057-NWood	MSA Term: 60 months	Account Name: Stanislaus County
CUSTOMER INFORMATION		
Primary Contact: Terri Sanders	<u>Primary Contact Address Information</u>	
Title: Manager III	Address 1: 1010 - 10th Street	
Phone: 209-342-1729	Address 2: Suite 5400	
Cell:	City: Modesto	
Fax:	State: CA	
Email: snaderst@stancounty.com	Zip Code: 95354	

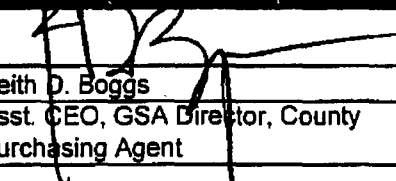
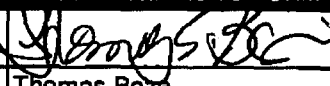
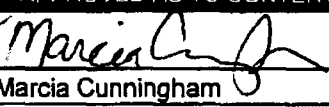
This Master Service Agreement ("Agreement") sets forth the terms and conditions under which Comcast Cable Communications Management, LLC and its operating affiliates ("Comcast") will provide communications and other services ("Services") to the above Customer. The Agreement consists of this fully executed Master Service Agreement Cover Page ("Cover Page"), the Enterprise Services General Terms and Conditions ("General Terms and Conditions"), any written amendments to the Agreement executed by both parties ("Amendments"), the Product-Specific Attachment for the applicable Services ("PSA(s)") and each Sales Order accepted hereunder ("Sales Orders"). In the event of any inconsistency among these documents, precedence will be as follows: (1) this Cover Page (2) General Terms and Conditions, (3) PSA(s), and (4) Sales Orders. This Agreement shall be legally binding when signed by both parties and shall continue in effect until the expiration date of any Service Term specified in a Sales Order referencing the Agreement, unless terminated earlier in accordance with the Agreement.


The Customer referenced above may submit Sales Orders to Comcast during the Term of this Agreement ("MSA Term"). After the expiration of the initial MSA Term, Comcast may continue to accept Sales Orders from Customer under the Agreement, or require the parties to execute a new MSA.

The Agreement shall terminate in accordance with the General Terms and Conditions. The General Terms and Conditions and PSAs are located at <http://business.comcast.com/enterprise-terms-of-service/index.aspx> (or any successor URL). Use of the Services is also subject to the High-Speed Internet for Business Acceptable Use Policy ("AUP") located at <http://business.comcast.com/customer-notifications/acceptable-use-policy> (or any successor URL), and the High-Speed Internet for Business Privacy Policy (Privacy Policy") located at <http://business.comcast.com/customer-notifications/customer-privacy-statement> (or any successor URL). Comcast may update the General Terms and Conditions, PSAs, AUP and Privacy Policy from time to time upon posting to the Comcast website.

Services are only available to commercial customers in wired and serviceable areas in participating Comcast systems (and may not be transferred). Minimum Service Terms are required for most Services and early termination fees may apply. Service Terms are identified in each Sales Order, and early termination fees are identified in the applicable Product Specific Attachments.

BY SIGNING BELOW, CUSTOMER AGREES TO THE TERMS AND CONDITIONS OF THE AGREEMENT.

CUSTOMER SIGNATURE (Authorized Representative)		APPROVED AS TO FORM	APPROVED AS TO CONTENT
Signature:			
Printed Name:	Keith D. Boggs	Thomas Boze	Marcia Cunningham
Title:	Asst. CEO, GSA Director, County Purchasing Agent	Asst. County Counsel	SBT Director
Date:		9/17/2015	09/17/2015

COMCAST USE ONLY (by authorized representative)	
Signature: 	Sales Rep: Nathan Woodard
Name: Mark O'Leary	Sales Rep Email: nathan_woodard@cable.comcast.com
Title: vp	Region: California (Bay / NC)
Date: 9/24/2015	Division: West

Amendment No. Ca-150057-NWood/A1

FIRST AMENDMENT
to
Comcast Enterprise Services Master Services Agreement No. Ca-150057-NWood

This First Amendment ("Amendment") is concurrently entered into on September 22, 2015 ("Effective Date") in conjunction with the Comcast Enterprise Services Master Services Agreement No. Ca-150057-NWood ("Agreement") by and between Comcast Cable Communications Management, LLC ("Comcast") and Stanislaus County ("Customer"), individually referred to herein as "Party" and jointly referred to as "Parties". In the event of an explicit conflict between this Amendment and the Agreement, the terms and conditions of this Amendment shall take precedence in the interpretation of the explicit matter in question. Unless otherwise set forth herein, all capitalized terms set forth herein shall have the same meaning as set forth in the Agreement.

Whereas, the Parties desire to amend the Agreement by this writing to reflect the amended or additional terms and conditions to which the Parties have agreed to;

Now, therefore, in consideration of the mutual covenants, promises, and consideration set forth in this Amendment, the Parties agree as follows:

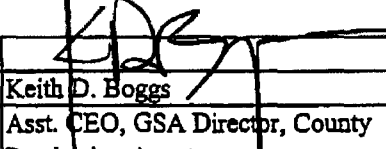
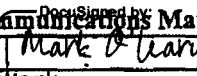
- Article 11.15 is hereby added to the General Terms and Conditions to read as follows:

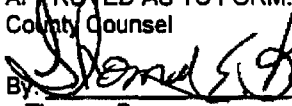
"Non-Appropriation of Funds. Customer warrants and represents that it is a government entity for purposes of procurement under the applicable state procurement laws. In the event Customer is unable to secure funds or if funds are not appropriated by the applicable local, state or federal agency for performance during any fiscal period of the term of Sales Order No. Ca-150057-NWood-4414952, such Sales Order may be terminated ("Termination") by the Customer upon written notification to Comcast, to include a copy of the non-appropriation of funds notification, as of the beginning of the fiscal year for which funds are not appropriated or otherwise secured. In the event Customer terminates a Sales Order under this "Non-Appropriation of Funds" provision, neither Party shall have any further obligation to the other Party, excepting Customer shall be responsible for the payment of any and all unpaid charges for Services rendered and for Comcast equipment, and, any and all unpaid capital expenses incurred by Comcast on behalf of the applicable Sales Order, all of which are to be paid by Customer to Comcast in accordance with Article 3.3 herein. The capital expenses amount set forth hereunder shall be reduced by the total amount of NRC and MRC already paid to Company by Customer under the Agreement at the time of Termination. Customer hereby agrees to notify Comcast in writing as soon as it has knowledge that funds are not available for the continuation of the performance as set forth in the Sales Order, for any fiscal period under the applicable Sales Order Term."

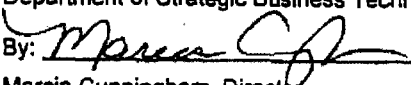
- Article 11.16 is hereby added to the General Terms and Conditions to read as follows:

"The Parties acknowledge that Customer may be subject to certain open records laws and any provisions contained in the Agreement that involve or require confidentiality and disclosure of information shall be applicable only to the extent permitted by law."

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment as of the day and year written below and the persons signing covenant and warrant that they are duly authorized to sign for and on behalf of the respective Parties. Except as otherwise modified by this Amendment, all other terms and conditions set forth in the Agreement shall remain in full force and effect.

Stansilaus County		Comcast Cable Communications Management, LLC	
Signature:		Signature:	
Printed Name:	Keith D. Boggs	Printed Name:	Mark O'Leary
Title:	Asst. CEO, GSA Director, County Purchasing Agent	Title:	vp
Date:		Date:	9/24/2015

APPROVED AS TO FORM:
County Counsel
By: 
Thomas Boze
Asst. County Counsel

APPROVED AS TO CONTENT:
Department of Strategic Business Technology
By: 
Marcia Cunningham, Director