



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## New Business - Addon

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J8

9/17/2019

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### **Subject:**

Board Approval to exercise the 1st, oneyear renewal option on the Bright House Networks Business Solutions Services Master Agreement's Terms and Conditions, as amended (hereinafter referred to as the "Agreement").

### **Fiscal Impact:**

None

### **Dept/Office:**

Information Technology

### **Requested Action:**

It is requested that the Board of County Commissioners extend/renew the Agreement for an additional year, under the same terms and conditions. It is also requested for the Chair to execute the extension/renewal, and any subsequent actions relating to the Agreement.

### **Summary Explanation and Background:**

In May of 2016, voice communication services were awarded by RFP to Bright House Networks (currently known as Charter Communications/Spectrum).

A contract was executed by the Chair for a three (3) year agreement through June 30, 2019, with three (3), one (1) year renewal terms provided that such renewal terms and conditions are mutually agreed upon by the Parties in writing. In February 2019 an amendment to the Agreement was approved by the Board to alter the term of the Agreement until September 30, 2019. The Amendment still allowed for up to three (3), one (1) year renewal terms.

Due to the project reports from Spectrum/Charter Communications and I.T. staff, Spectrum is set to meet the project installation deadline of September 30, 2019. Therefore, it is requested that the Agreement be renewed for one (1) year through September 30, 2020, in order for Spectrum to continue with the services outlined in the Agreement. Attached is a draft of the extension/renewal agreement reviewed by the County Attorney's Office and Spectrum/Charter's attorney. We do not anticipate any substantive changes to the draft; the final draft will be submitted to the Chair for signature.

### **Clerk to the Board Instructions:**

602



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001  
Fax: (321) 264-6972  
Tammy.Rowe@brevardclerk.us

September 18, 2019

MEMORANDUM

TO: Jeff McKnight, Information Technology Director

RE: Item J.8., Board Approval to Exercise the First, One-Year Renewal Option on the Bright House Networks Business Solutions Services Master Agreement's Terms and Conditions, as Amended

The Board of County Commissioners, in regular session on September 17, 2019, approved and authorized the Chair to execute First Extension of Existing Agreement with Charter Communications/Spectrum (formerly Bright House Networks Business Solutions Services) for an additional year through September 30, 2019, under the same terms and conditions; and authorized the Chair to execute any subsequent actions relating to the Agreement. Enclosed is executed First Extension of Existing Agreement.

**Upon execution by the Contractor, please return a fully-executed First Extension of Existing Agreement to this office for inclusion in the official minutes.**

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

Encl. (1)

cc: Contracts Administration

**FIRST EXTENSION OF EXISTING AGREEMENT**

**THIS AGREEMENT** made and entered into this 17th day of September, 2019 by and between Charter Communications/Spectrum (formerly Bright House Networks Business Solutions Services), hereinafter referred to as "Contractor," and the **BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA**, a political subdivision of the State of Florida.

**WITNESSETH:**

WHEREAS, the parties hereto have previously entered into Agreement on September 27, 2016 and;

WHEREAS, the original term of this Agreement was for three (3) years with provision for three (3) renewals of one (1) year each; *(if appropriate)*

WHEREAS, this is the first renewal of the Agreement: *(if appropriate)*

WHEREAS, the parties hereto desire to extend the term of said Agreement for an additional period of time and;

NOW, THEREFORE, in consideration of the premises and mutual covenants herein contained, the parties hereby agree, as follows:

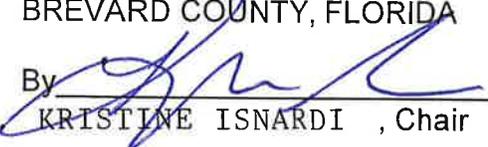
1. That the original Agreement approved by the Board on September 27, 2016, and Amendment approved by the Board on February 26, 2019 to extend the original Agreement's three-year end date from June 30, 2019 to September 30, 2019 between the parties under the original Agreement and Amendment is hereby renewed for the first year of its three (3), one (1) year renewal terms through September 30, 2020, under the same terms and conditions otherwise expressed therein.
2. That all terms and conditions of the previous original Agreement and Amendment, which is incorporated herein by this reference, not inconsistent with the provisions of this Agreement, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals on the date first above written.

ATTEST:

By  \_\_\_\_\_  
SCOTT ELLIS, CLERK

BOARD OF COUNTY COMMISSIONERS OF  
BREVARD COUNTY, FLORIDA

By  \_\_\_\_\_  
KRISTINE ISNARDI, Chair

Reviewed for legal form and content:

By \_\_\_\_\_  
Assistant County Attorney

CONTRACTOR:

By \_\_\_\_\_

**First Extension of Bright House Networks Business Solutions Master Agreement  
Terms and Conditions**

**THIS FIRST EXTENSION** (this “Extension”) to the Bright House Networks Business Solutions Services Master Agreement Terms and Conditions (“Agreement”), is entered into as of September \_\_\_\_, 2019, by and between Bright House Networks, LLC, an operating subsidiary of Charter Communications Operating, LLC, providing the Services(s) under the Agreement (“Spectrum”), and Brevard County, a political subdivision of the State of Florida (“Customer”) (collectively the “Parties” or each individually a “Party”). Capitalized terms not defined herein shall have the meaning set forth within the Agreement as identified below.

**WHEREAS**, Customer and Spectrum entered into the Agreement, as amended, pursuant to Voice Communications Request For Proposal No. P-4-16-04 (“RFP”), whereby Customer would purchase certain Services from Spectrum; and

**WHEREAS**, the Parties modified certain terms of the Agreement pursuant to the Rider to the Agreement, dated September 27, 2016 (“First Rider”), and the Amendment to Rider, dated February 26, 2016; and

**WHEREAS**, the Parties now desire to extend the Agreement for one (1) year.

**NOW, THEREFORE**, in consideration of the mutual promises, covenants, and conditions herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows:

1. To the extent there is a conflict between the terms of this Extension and the Agreement, the terms of this Extension shall control.
2. The Agreement is hereby renewed and extended for one (1) year, up to and including September 30, 2020.
3. The Parties hereto have executed this Extension by their duly respective authorized representatives.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK. SIGNATURES TO FOLLOW.]

IN WITNESS WHEREOF, the Parties hereto have caused this Extension to be executed on their behalf by their duly authorized representatives intending it to take effect as an instrument under seal as of the date last written below.

**BREVARD COUNTY**

By:   
Print: KRISTINE SWARR  
Title: CHAIR  
Date: Sept. 17 2019

**BRIGHT HOUSE NETWORKS, LLC**  
By: Charter Communications, Inc., its manager

By: Daniel Roche  
Daniel Roche (Sep 18, 2019)  
Print: Daniel Roche  
Title: VP - Enterprise Sales  
Date: Sep 18, 2019

As approved by Board 9/17/19

# Extension to Brevard County Spectrum Agreement - CLEAN CAO 2

Final Audit Report

2019-09-19

|                 |  |
|-----------------|--|
| Created:        | 2019-09-18                                   |
| By:             | alexandra.pendergrass@charter.com            |
| Status:         | Signed                                       |
| Transaction ID: | CBJCHBCAABAAznTiQk4gdtEuuwIUGtfhKuEbFnQhdVDj |

## "Extension to Brevard County Spectrum Agreement - CLEAN CAO 2" History

-  Document created by alexandra.pendergrass@charter.com  
2019-09-18 - 5:11:05 PM GMT- IP address: 172.72.115.251
-  Document emailed to Daniel Roche (daniel.roche@charter.com) for signature  
2019-09-18 - 5:11:43 PM GMT
-  Email viewed by Daniel Roche (daniel.roche@charter.com)  
2019-09-18 - 5:53:43 PM GMT- IP address: 107.77.216.114
-  Document e-signed by Daniel Roche (daniel.roche@charter.com)  
Signature Date: 2019-09-19 - 0:54:08 AM GMT - Time Source: server- IP address: 107.77.204.156
-  Signed document emailed to Daniel Roche (daniel.roche@charter.com), stephanie.roberts@charter.com and alexandra.pendergrass@charter.com  
2019-09-19 - 0:54:08 AM GMT



Adobe Sign

## Deborah Thomas

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**From:** Colon, Alice <Alice.Colon@brevardfl.gov>  
**Sent:** Wednesday, September 25, 2019 2:56 PM  
**To:** Deborah Thomas  
**Cc:** Tammy Rowe  
**Subject:** RE: ITEM J.8. 9-17-19

Thank you Deborah (and Tammy). This one replaces the previous one that was signed during the 9/17/19 meeting because the previous one was a draft submitted with the agenda report and wasn't mean to be signed.

We apologize for any confusion and inconvenience.

Have a great day.

### Alice Colon

Executive Secretary  
Brevard County BoCC Information Technology Dept.  
2725 Judge Fran Jamieson Way, C203  
Viera, FL 32940  
321.617.7395 x52889

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**From:** McKnight, Jeff  
**Sent:** Wednesday, September 25, 2019 11:24 AM  
**To:** Colon, Alice <Alice.Colon@brevardfl.gov>  
**Subject:** FW: ITEM J.8. 9-17-19

Jeff McKnight, PMP®  
Director  
Information Technology  
Brevard County BoCC  
321 633-2135

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**From:** Deborah Thomas <[deborah.thomas@brevardclerk.us](mailto:deborah.thomas@brevardclerk.us)>  
**Sent:** Wednesday, September 25, 2019 11:22 AM  
**To:** McKnight, Jeff <[jeff.mcknight@brevardfl.gov](mailto:jeff.mcknight@brevardfl.gov)>  
**Cc:** Tammy Rowe <[Tammy.Rowe@brevardclerk.us](mailto:Tammy.Rowe@brevardclerk.us)>  
**Subject:** ITEM J.8. 9-17-19

Good morning:

Per your request, attached, please find a copy of Item J.8., *Board Approval to Exercise the First One Year Renewal Option* from the September 17, 2019 Board meeting.

We will send the Original via postal mail today.

If you have any questions, feel free to contact us.

Thank you.

Deborah Thomas  
Administrative Assistant  
Clerk to the Board  
400 South Street, 2nd Fl.  
Titusville, Florida 32780  
(321)637-2001

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