

**LETTER OF AGREEMENT
BETWEEN
UNIVERSITY OF MONTANA
AND
MISSOULA COUNTY PUBLIC SCHOOLS**

INFORMATION TECHNOLOGY – WIDE AREA NETWORK

This Agreement (“Agreement”) is between Missoula County Public Schools (hereinafter “MCPS”), whose address is 915 South Avenue West, Missoula, MT 59801 and the University of Montana (hereinafter “UM”), whose address is 32 Campus Drive, Missoula, MT 59812.

RECITALS

WHEREAS, the purpose of this agreement to create enduring technological solutions and physical network connections that support students, and

WHEREAS, this agreement covers physical connectivity of the MCPS Wide Area Network (WAN) within the UM Social Sciences building and all conduit and fiber pathways leading to the Social Sciences building on the UM campus, and

WHEREAS, MCPS entered into a contract with Wide Open Networks (“Contractor”) to provide a long-term solution for a wireless and fiber-based network infrastructure for a WAN, and

WHEREAS, pursuant to said contract, Contractor will construct a fiber WAN system intended to be owned and operated by MCPS that will provide a maximum of twelve (12) dedicated strands of single mode fiber from various MCPS locations to MCPS’s Data Center at the MCPS Business Building, that will allow for isolation of IP telephony traffic, centralized fire and security alarm traffic, isolation of video security systems, VDI technologies and full data traffic with single fault tolerance, and

WHEREAS, for one segment, Contractor will construct a maximum of twelve (12) dedicated strands of single mode fiber from MCPS’s Data Center to the Social Sciences Building on the UM campus, and

WHEREAS, Contractor’s work on the fiber segment between the MCPS Data Center and the Social Sciences building on the UM campus shall comply with the specifications in Exhibit A,

NOW THEREFORE, in consideration of the foregoing recitals and other good and valuable consideration including the terms of this Agreement, the parties agree as follows:

PHYSICAL CONNECTIVITY OF MCPS WAN

The MCPS WAN will enter the UM Campus at the South East Corner of Daly

Avenue and Arthur Street.

From that point, the path of the fiber cable will utilize the UM Tunnel System to the final termination point in the basement of the UM Social Sciences. A fiber cable will connect the MCPS Juniper switch to the UM Cisco switch for the purposes of sharing access to the Internet and connectivity between the MCPS and UM networks. (See the attached detail of routing within the tunnel system.)

An additional segment will run north along Arthur St, continuing to Eddy Avenue, turning east for one block to Maurice Avenue, and then continue north along Maurice Avenue until the conduit leaves UM Property in Madison Park. UM agrees to execute an access easement or other appropriate documentation to allow installation of the fiber cable, as contemplated herein. (See attached route maps and engineering drawings)

Contractor will be potholing, boring and cleaning up between the hours of 7:00 am and 6:00 pm using all necessary and required traffic control and safety requirements, paying special attention when/where temporary traffic control is adjacent to public schools and during peak hour traffic.

Traffic control shall include providing for the needs and control of all users; motorist, bicyclist and pedestrians including persons with disabilities, through a temporary traffic control zone. Pedestrian/ bicycle barriers will be deployed to insure separation of the work zone from any public traffic during construction. All required surface openings will be marked and barricaded to maintain isolation of public traffic after hours of construction.

At no time shall Contractor hamper the use of any existing facility or interrupt the operation of existing utility systems. All work shall be carried out in such a manner as to cause the least interference with continuous operation and/or the work of other contractors. Corridors, doorways and exits, shall be kept free of all materials at all times. If it becomes necessary to interrupt utility service to make a connection, alteration or relocation to such system, Contractor and/or their contractors shall prearrange such work with MCPS and UM.

Equipment to be used on this permit include, 2013 Ditch Witch JT25 weight 20,760 lb., 2015 Ditch Witch FX60 weight 7,272 lb., Case 580 Backhoe, weight 17,545 lb., 2003 International 8600 GX4 weight 52,000 lb., 2006 International 4300 DT466 weight 23,500 lb. ECT.

Contractors shall comply with all safety guidelines and all laws of any governmental authorities for the safety of persons or property, including use of cones, fencing and barricades where necessary.

Post construction access between the hours of 7:00am and 5:00 pm will be necessary only to insure all clean up and seeding (germination) is complete and that all acts necessary to allow normal occupancy as a result of the work performed.

MCPS may access the site, upon reasonable notice to: provide ongoing maintenance; perform utility locates; access maintenance holes; perform inspections for damage; and perform occasional audits. In the event of a fiber breakage, construction similar to above may be required.

Contractor shall prepare and provide a work plan to MCPS and MCPS's Project Manager that shall include all materials to be used and the construction and installation techniques used to complete the fiber segment described herein.


MCPS or MCPS's Project Manager shall provide the work plan to the UM IT PMO Office and the UM Facilities Department hazardous materials coordinator for approval. No work on the fiber segment described herein may commence until approval is provided in writing from the UM.

If any construction and installation work on the fiber segment described herein is in an area that has not been tested for the presence of hazardous material and the work plan cannot be modified to avoid it without additional cost or delay, UM shall notify MCPS and the parties shall cooperate to deal with removal/abatement of such materials and equitable changes to costs and timelines under the MCPS Contract Documents with Contractor.


Upon receipt of written approval from the UM, MCPS or MCPS's Project Manager shall notify Contractor of the receipt of such approval. Contractor may commence work on the fiber segment described herein following 24 hours' notice to the UM IT PMO Office and the UM Facilities Department hazardous materials coordinator.

Contractor shall notify MCPS and MCPS's Project Manager as soon as feasible if it encounters any hazardous materials in performing the work on the fiber segment described herein.

UNIVERSITY OF MONTANA


21 OCT 2016

MATT RILEY, CIO Date



Date
10/21/16

MISSOULA COUNTY PUBLIC SCHOOLS

Hatton Littman Date
Director of Technology & Communications

Pat McHugh Date
Executive Director of Business & Operations

EXHIBIT A

This Exhibit provides requirements for work on the fiber segment between the MCPS Data Center and the Social Sciences Building on the University of Montana campus.

1. All construction and installation work performed by Contractor shall conform to the standards set forth in the Contract Documents.
2. Contractor shall prepare and provide a work plan to MCPS and MCPS's Project Manager that shall include all materials to be used and the construction and installation techniques used to complete the fiber segment described herein.
3. MCPS or MCPS's Project Manager shall provide the work plan to the UM IT PMO Office and the UM Facilities Department hazardous materials coordinator for approval. No work on the fiber segment described herein may commence until approval is provided in writing from the UM. Delay or failure to obtain approval from the UM shall not affect Substantial Completion on the rest of the work performed under the Contract Documents, and shall result in extension of deadlines for performance of work on the fiber segment described herein (including, extension in dates on which liquidated damages might otherwise apply with regard to such work).
4. If any construction and installation work on the fiber segment described herein is an area that has not been tested for the presence of hazardous material and the work plan cannot be modified to avoid it without additional cost or delay, Contractor shall notify MCPS and the parties shall cooperate to deal with removal/abatement of such materials and equitable changes to costs and timelines under the Contract Documents.
5. Upon receipt of written approval from the UM, MCPS or MCPS's Project Manager shall notify Contractor of the receipt of such approval. Contractor may commence work on the fiber segment described herein following 24 hours' notice to the UM IT PMO Office and the UM Facilities Department hazardous materials coordinator.
6. Contractor shall notify MCPS and MCPS's Project Manager as soon as feasible if it encounters any hazardous materials in performing the work on the fiber segment described herein.
7. Contractor shall notify MCPS and MCPS's Project Manager of any specifications or requirements supplied by the UM to it not described herein.