

RESOLUTION

NO: 2024-05-069

LIVINGSTON COUNTY

DATE: May 28, 2024

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**Resolution Authorizing Negotiations, Agreements, and to Apply for and Accept Grants (BEAD & Other) for The Livingston County Public Safety, Educational, and Municipal Open Access Middle Mile Fiber Network – Information Technology**

- WHEREAS,** Livingston County has received \$37.2 million in American Rescue Plan Act funding, which \$12.5 million dollars has been allocated for a middle mile fiber trunkline service to support middle mile broadband services; and
- WHEREAS,** Livingston County has a need for a Public Safety, Educational, Municipal, Open Access Middle Mile Fiber Optic Trunkline system that will meet the growing needs of the county and enhance future broadband services to Livingston and its residents; and
- WHEREAS,** Livingston County has compiled extensive research, surveys and compiled a full report on the fiber trunkline proposal and is 40% completed with constructing a resilient multi use fiber and conduit network; and
- WHEREAS** a joint Request for Proposal (RFP) was issued by Merit Networks on behalf of Livingston County and Livingston Educational Services Agency and *eX<sup>2</sup>* Technology is the responsive and responsible bidder who is the most advantageous to the program, with price and other factors considered and offers the best value to Livingston County; and
- WHEREAS** Livingston County can benefit from future expansion of partnerships and contractual agreements with *eX<sup>2</sup>* Technology for other public safety infrastructure projects and improvements, and
- WHEREAS** Livingston County Information Technology Department is requesting the Livingston County Board of Commissioners to continue to authorize the project to route design, permit, construct, and the of the multi phased fiber optic trunkline for the **Livingston County Public Safety, Educational & Municipal Open Access Middle Mile Fiber Network** in an amount not to exceed \$12,500,000 of American Rescue Plan Act funding, \$3,100,000 in other system generated revenues, and to contribute other system generated revenues through the commercialization of the system, to improve the fiber and conduit system for Livingston county public safety, education, municipal connections, and enhanced broadband connectivity for its residents and businesses.
- THEREFORE BE IT RESOLVED** that the Livingston County Board of Commissioners hereby authorizes entering into negotiations with parties for the purpose of constructing, expanding, partnering, commercializing, and maintaining the **Livingston County Public Safety, Educational & Municipal Open Access Middle Mile Fiber Network** as well as authorizing Livingston County, to create a consortium to manage said system, and to search out private partners for additional fiber optic services to Livingston County, and provide quarterly reports to the Board of Commissioners on the progress and health of said system.

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**BE IT FURTHER RESOLVED** that the Board of Commissioners authorizes the funding and entering into contracts with the following entities for a project cost amount not to exceed \$15,600,000 of presently allocated funds and to allow for future system generated revenues to be applied to the expansion of the fiber and conduit network:

1. eX<sup>2</sup> for the design engineering, and construction of Phase 1,2, future phases, expanding the existing contract scopes of services and executing a mutually agreed upon contracts, amendments related to **the Livingston County Public Safety, Educational & Municipal Open Access Middle Mile Fiber Network,**
2. LESA, local school districts and municipalities for fiber maintenance agreements to formulate a public consortium partnership to fund construction and maintenance of **the Livingston County Public Safety, Educational & Municipal Open Access Middle Mile Fiber Network**
3. to proceed with searching out and negotiating with private partners on the development of Public Private Partnerships that will ultimately be able to work with Livingston County to apply for Federal & State Grant opportunities like B.E.A.D funds for middle mile and last mile services.

**BE IT FURTHER RESOLVED** that the Board of Commissioners authorizes Livingston County staff to apply for and if awarded accept the State of Michigan B.E.A.D Grant and other grants and to apply for other applicable grants.

**BE IT FURTHER RESOLVED** that the Board of Commissioners authorizes any necessary budget transfers, account creation and amendments to facilitate this project in an amount not to exceed the authorized cost of the project.

**BE IT FURTHER RESOLVED** that the Chairman of the Livingston County Board of Commissioners is authorized to sign all forms, assurances, contracts/agreements, renewals and future amendments for monetary and contract language adjustments related to the above upon review and/or preparation of Civil Counsel.

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**MOVED:**  
**SECONDED:**  
**CARRIED:**