



RUSH

COMMISSION AGENDA ITEM  
DOCUMENT ROUTING FORM

(2) ✓ 11/22/16 L

Today's Date: 11/16/2016

**DOCUMENT TITLE:** SECOND AMENDMENT TO AGREEMENT FOR A PROPIETARY PURCHASE OF INTERNET AND NETWORK COMMUNICATIONS SERVICES - COMCAST

**COMM. MTG. DATE:** 11/1/2016 **CAM #:** 16-0973 **ITEM #:** PUR-1 **CAM attached:** ☒ YES ☐ NO

**Routing Origin:** CAO **Router Name/Ext:** Astrid Sperling/5001 **Action Summary attached:** ☒ YES ☐ NO

**CIP FUNDED:** ☐ YES ☐ NO

Capital Investment / Community Improvement Projects defined as having a life of at least 10 years and a cost of at least \$50,000 and shall mean improvements to real property (land, buildings, or fixtures) that add value and/or extend useful life, including major repairs such as roof replacement, etc. Term "Real Property" include: land, real estate, realty, or real.

**1) City Attorney's Office:** Documents to be signed/routed? ☒ YES ☐ NO # of originals attached: 2

Is attached Granicus document Final? ☒ YES ☐ NO

Approved as to Form: ☒ YES ☐ NO

Date to CCO: 11/16/16

Cole Copertino  
Attorney's Name

Initials

**2) City Clerk's Office:** # of originals: 2 Routed to: Gina Ri/CMO/X5013 Date: 11/16/16

**3) City Manager's Office:** CMO LOG #: 10137 Document received from:

Assigned to: L. FELDMAN ☐ S. HAWTHORNE ☐ C. LAGERBLOOM ☒  
L. FELDMAN as CRA Executive Director ☐

☐ APPROVED FOR LEE FELDMAN'S SIGNATURE ☐ N/A FOR L. FELDMAN TO SIGN

PER ACM: S. HAWTHORNE (Initial/Date) C. LAGERBLOOM

(Initial/Date) ☐ **PENDING APPROVAL** (See comments below)

Comments/Questions: \_\_\_\_\_

Forward 2 originals to ☒ Mayor ☐ CCO Date: 11/16/16

Rec'd - 11/21/16  
**4) City Clerk's Office:** Retains 1 original and forwards 1 originals and 1 copy to: Linda Blanco/Procurement/5141

Attach    certified Reso #    ☐ YES ☒ NO

Original Route form to CAO

Rev. 7/6/16

**SECOND AMENDMENT**  
to  
**Comcast Enterprise Services Master Services Agreement No. FL-294274-dkeen**

**This Second Amendment** ("Amendment") is concurrently entered into on October 12, 2016 ("Effective Date") in conjunction with the Comcast Enterprise Services Master Services Agreement No. FL-294274-dkeen ("Agreement") by and between Comcast Cable Communications Management, LLC ("Comcast") and the City of Fort Lauderdale, a Florida municipal corporation ("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; and

**Whereas**, the Parties seek to migrate Customer from I-Net dark fiber lines to an alternate Comcast service;

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

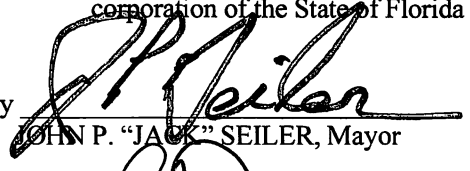
1. Article 11.29 is hereby added to the Enterprise Services General Terms and Conditions ("General Terms and Conditions") to read as follows:
  1. Sales Order # FL-294274-dkeen-6154961 and all subsequent Sales Orders shall be coterminous with MSA ID FL-294274-dkeen and expire on April 3rd, 2019.
  2. Installation, Construction, Custom Installation, and all one-time nonrecurring charges shall be performed by Comcast at no cost on this and all subsequent Sales Orders.
  3. Parties will transition Customer's I-Net Dark fiber lines in a two (2) phases ("Phased Plan") and continued use of the remaining active fiber lines lit by Customer until Phased Plan has been completed.
    - a. Phase 1: Sales Order # FL-294274-dkeen-6154961 to be executed prior to November 15, 2016.
      - i. Implementation and billing of Phase 1 shall not commence prior to Service Acceptance.
    - b. Phase 2: consisting of Data Centers connectivity to be executed prior to October 15th 2017.
      - i. Implementation and billing of Phase 2 shall not commence prior to October 1st 2017.
      - ii. Customer shall not be required to implement Phase 2.
  4. The fixed rate schedule below ("Rate Schedule") for ENS and EDI shall set forth the MRC for each circuit install pursuant to MSA ID FL-294274-dkeen as amended.

Service	BW mb	MRC	NRC
ENS	5	\$309.96	\$0.00
ENS	10	\$452.50	\$0.00
ENS	50	\$679.00	\$0.00
ENS	100	\$1,222.20	\$0.00
ENS	200	\$1,290.00	\$0.00
ENS	1000	\$1,320.00	\$0.00
ENS	2000	\$2,010.20	\$0.00
ENS	3000	\$2,403.20	\$0.00
EDI	100	\$1,684.50	\$0.00
EDI	200	\$2,481.50	\$0.00
EDI	300	\$3,146.00	\$0.00
EDI	400	\$3,741.50	\$0.00
EDI	500	\$4,284.00	\$0.00
EPL	5G	\$2,925.00	\$0.00
EPL	10G	\$5,850.00	\$0.00

**REMAINDER OF PAGE LEFT INTENTIONALLY BLANK**

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.

CITY OF FORT LAUDERDALE, a municipal  
corporation of the State of Florida

By   
JOHN P. "JACK" SEILER, Mayor

(CORPORATE SEAL) ATTEST:

  
JEFFREY A. MODARELLI, City Clerk

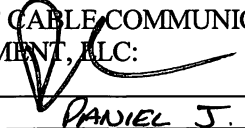
By   
LEE R. FELDMAN, City Manager

Approved as to form:

  
COLE J. COPERTINO  
Assistant City Attorney

(CORPORATE SEAL)

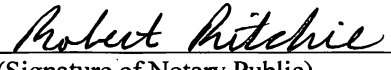
COMCAST CABLE COMMUNICATIONS  
MANAGEMENT, LLC:

By:   
Print Name: DANIEL J. CARR  
Title: VICE PRESIDENT, SALES OPERATIONS

STATE OF PENNSYLVANIA :  
COUNTY OF PHILADELPHIA :

The foregoing instrument was acknowledged before me this 2nd day of November, 2016, by DANIEL J. CARR as VICE PRESIDENT for Comcast Cable Communications Management, LLC, a Delaware corporation authorized to transact business in the State of Florida.

(SEAL) **COMMONWEALTH OF PENNSYLVANIA**  
**NOTARIAL SEAL**  
**ROBERT RITCHIE, Notary Public**  
**City of Philadelphia, Phila. County**  
**My Commission Expires April 8, 2020**

  
(Signature of Notary Public)  
Notary Public, State of PENNSYLVANIA

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known X OR Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_