

FORM DAP-AT

AGREEMENT

FOR

**BROADBAND LOCAL PLANNING ASSISTANCE TO
ARIZONA COMMUNITIES**

PROVIDED BY

DIGITAL ARIZONA PROGRAM¹

MARCH 26, 2013

¹ The DIGITAL ARIZONA PROGRAM (DAP) is funded by National Telecommunications and Information Administration (NTIA) State Broadband Development Initiative (SBDI), a federal grant to the State of Arizona. DAP is managed by Arizona Strategic Enterprise Technology (ASET) and its planning partner, the Arizona Telecommunications and Information Institute (ATI Institute).



Agreement

For Agreements between Regional and Local Entities and ASET For Funding of Broadband Local Planning

AGREEMENT

This Agreement is made effective as of 3/26/2013 by and between the Arizona Strategic Enterprise Technology office of the Department of Administration of the State of Arizona, (hereinafter "ASET"), located at 100 N 15th Avenue, Phoenix Arizona, 85007; and **the Cochise County Government**, hereinafter "COMMUNITY ENTITY" located at **1415 W Melody Ln – Building G - Bisbee, AZ 85603**. Hereinafter also known as the "Parties."

BACKGROUND:

Whereas, ASET has been awarded a federal grant from National Telecommunications and Information Administration (NTIA) State Broadband Development Initiative (SBDI) for mapping the broadband resources available in Arizona and for developing plans for increasing broadband availability and adoption in the state.

Whereas, the NTIA grant requires ASET to reach out to local regions and communities in the state and to enter into short-term contracts with regional and/or local entities in support of broadband planning and technical assistance by those regions or communities.

Whereas, ASET, and/or its designated contractor where applicable, will manage the process of identifying eligible regional and/or community entities based on criteria established by ASET to which may be awarded broadband planning and/or technical assistance funds.

WHEREAS, COMMUNITY ENTITY has submitted a Request for Funds to ASET (attached hereto as Exhibit 1) and ASET has accepted the request.

NOW, THEREFORE, in consideration of the mutual undertakings herein contained and other good and valuable consideration, the PARTIES hereto acknowledge the consideration and agree as follows:

1. COMMUNITY ENTITY will provide deliverables on the terms described in COMMUNITY ENTITY's attached Request for Funds Letter.
2. Requester will utilize the requested funds to create an effective broadband development plan or business case for our region/community.

3. Requester understands that it must provide and document how it will provide (up to) Twenty Five Percent (25%) matching funds, including in-kind funds, based on the amount of funds provided by ASET as required by the NTIA grant. Requester agrees that it will comply with all related NTIA grant requirements.
4. COMMUNITY ENTITY shall provide an Invoice to ASET for the amount owed to the Entity for the Billable Milestone(s) and certified as successfully achieved by COMMUNITY ENTITY.
5. Invoices submitted by COMMUNITY ENTITY and approved by ASET shall be paid by ASET within 30 days of receipt.
6. COMMUNITY ENTITY shall provide ASET with a FINAL DRAFT of their findings, results, report(s) and/or recommendations prior to payment of the final Billable Milestone. The FINAL DRAFT report shall be void of any copyright restrictions or other use restrictions on both COMMUNITY ENTITY and ASET. A copy of said report shall be provided to ASET with COMMUNITY ENTITY's final Invoice.
7. This represents the entire Agreement between the Parties.
8. Any modification to this Agreement must be made in writing and signed by the Parties.
9. Each of the Parties agrees to hold the other harmless from any liability or damages arising out this Agreement or the work pertaining thereto.
10. Any dispute between the Parties shall be resolved by binding mediation using a mediator acceptable to both Parties.

Signed:

COCHISE COUNTY

ASET

By: _____
Ann English

By: _____

Title: Chair, Board of Supervisors

Title: _____

Date: _____

Date: _____

FORM DAP-AT-E1

EXHIBIT 1

FOR

**BROADBAND LOCAL PLANNING ASSISTANCE TO
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EXHIBIT 1

Request for:

Broadband Local Planning Funds from the Digital Arizona Project
A Federally funded Broadband Development Grant Program
Administered by the Arizona Strategic Enterprise Technology (ASET) Office

March 26, 2013

Cochise County Government
1415 W Melody Ln Building G
Bisbee, AZ 85603

Dear ASET Digital Arizona Project:

Cochise County Government, the funds requesting entity, ("Requester"), requests Broadband Local Planning Assistance support by the Digital Arizona Project, funded by National Telecommunications and Information Administration (NITA) State Broadband Development Initiative (SBDI), federal grant to the State of Arizona.

Requester requests **\$30,000** ("Assistance") to fund the activities associated with Local Community Planning and Outreach to improve broadband availability and adoption planning and capacity building for the following communities:

1. Region 1 – Cochise County, AZ
2. Region 2 – Graham County, AZ
3. Region 3 – Greenlee County, AZ
4. Region 4 – Santa Cruz County, AZ

Requester will utilize the requested funds in our efforts to organize, develop and promulgate an effective broadband development for our region/communities.

Requester understands that it must provide and document how it will provide (up to) twenty-five percent (25%) matching funds based on the amount of funds provided by ASET as required by the NITA grant. Requester agrees that it will comply with all related NITA grant requirements.

ASET cannot pay for any travel expenses. However, travel expenses related to the activities that are paid for by **Cochise County Government** can be used as matching funds as can other "in-kind" costs that may incur subject to approval by ASET.

The following Goals will be accomplished as a result of this Broadband Local Community Planning Assistance:

1. Development of business case(s), including: broadband enabled retention and expansion of Jobs/Employment; improvements in Education including, electronic curricula, assessment and distance learning; improvements in Tele-Health applications and processes between and among the patient, clinic, hospital and physician; and general enhancement of quality of life. These applications are aligned with the Digital Arizona Program and a complete system proposal will be prepared for digital capacity expansion in the counties of Cochise, Graham, Greenlee and Santa Cruz (four county region).
2. Assistance with grant writing support in Cochise County's efforts to apply for funding of broadband infrastructure buildouts.
3. Creation of regional sub-committees of within the four county region.
4. Creation of web pages on the Cochise County website to communicate progress and foster community interest in the activities listed above.

Requester understands that if this request for Local Community Planning funds is accepted by ASET, it will execute a binding Agreement with ASET.

The official name under which the Requester will execute the Agreement with ASET is:

1. **Cochise County Government.**

Requester operates under the authority of:

1. **Cochise County Government**

Requester understands that Required Documents must be provided as exhibits incorporated into the Agreement with ASET and that ASET will provide templates for these documents:

1. A copy of the Contract with each entity will be drafted so as not to become binding on Requester unless and until ASET has executed a binding Agreement with the Requester.
2. This Local Planning Assistance Contract(s) must include:
 - A. Detailed Statement(s) of Work including deliverables.
 - B. The timeframe over which the work will be accomplished.
 - C. The Billable Milestones and percentage of total Contract to be billed at each milestone. (Up to fifteen percent (15%) of the total amount of the Contract(s) may be paid on signing of Contract with ASET.
3. At each invoicing of ASET and at conclusion of the work, Requester will certify in the invoices provided to ASET for Review and Approval that the work and deliverables or milestones have been satisfactorily provided to Requester.
4. Requester will provide a copy of the agreed upon Final Deliverables to ASET, once approved, prior to payment of final billing statement.

5. Upon satisfactory conclusion and ASET Approval of the Work, Requester will provide an invoice to ASET for the amount of payment that is due (final invoice).
6. ASET will then pay Requester the amount due within 30 business days of receipt of the final invoice.
7. If Cochise County elects to retain a consultant(s) to assist their planning activities such consultant should possess demonstrated Local Community Planning skills as distinct from broadband Technical Assistance skills.

Requester appreciates ASET's support of our broadband local planning efforts and looks forward to working with ASET.

Cochise County Government

By:

Signature: _____
Ann English, Chair, Board of Supervisors

Date: _____

ASET Acceptance of Proposal for Local

By: _____

Signature: _____

Date of Acceptance: _____

FORM DAP-AT-E2

EXHIBIT 2

FOR

**BROADBAND LOCAL PLANNING ASSISTANCE TO
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MARCH 26, 2013

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Exhibit 2

Statement of Work

- A. Name of Project: **Cochise County Government**
- B. Start date of Project: **March 26, 2013**
- C. Estimated date of Project Close: **July 31, 2013**
- D. Major billable Milestones as per agreement:
1. Completion of Business Case Analysis (BCA) for broadband expansion for regions within the Northern Arizona Council of Governments four county areas of Cochise, Graham, Greenlee and Santa Cruz counties (four county region).
 2. Identification of feasible Grant opportunities. (actual grant writing to be accomplished through technical assistance dollars)
 3. Creation of Regional Broadband sub-committees within four county region.
 4. Completion of broadband webpage(s) on county government sites to communicate progress and foster community interest in activities.
- E. Milestone completion-time allocation plan for all billable milestones listed above (by region):
- **Region 1** – Cochise County
 - **Region 2** – Graham County
 - **Region 3** – Greenlee County
 - **Region 4** – Santa Cruz County

All Deliverables will be completed in 4.0 months ending **July 31, 2013**

1. Preparation of a Business Case Analysis:
 - I. Work with the four identified regions to assess the Inventory of broadband services and infrastructure currently available.
 - II. This Inventory will utilize such data resources as the Broadband Community Map, City-Data, ACA, DES, USA Reference and other applicable data resources to determine the current broadband capabilities and resources for targeted regions.
 - III. A Systems Requirement document will be prepared. It will present what is required to meet standard and above standard broadband capacity to adequately provide a competitive infrastructure to support Jobs/Economic Development, Education and Tele-Health within each of the four regions. The distinctions between the Broadband Inventory and the Systems Requirements will become the basis of the Business Case analysis for determining the levels of investment the private sector will be encouraged to make by the regions listed for meeting their broadband development goals.

- IV. An analysis of potential demand aggregation and its incentive value for private sector broadband investment in each region will be created as part of the business case analysis.
- V. A survey to gather data to be utilized in generating a report on current adoption of broadband services by educational and healthcare entities, businesses and private citizens including expectations from the communities for what would constitute desired levels of broadband capacity and services.

2. Grant opportunity identification

- I. Research, identify and qualify feasible grant opportunities for funding or partial funding of middle mile conduit buildouts utilizing SB1402 or other digital capacity (broadband) improvement projects to support availability of increased capacity to the target regions, will be completed (actual grant writing to be accomplished through technical assistance dollars).

3. Broadband Committees

- I. Create Regional Broadband sub-committees within the four county region. These Committees' formations are scheduled to occur by or before March 31, 2013. The subcommittees will serve as a voice for the local communities within the four county region in driving the availability of broadband capacity and services.

4. Broadband focused Webpage(s)

- I. Publication of pages is expected to occur at the inception of the approved activities. There will be periodic updates to include major milestone reporting on Broadband Local Planning efforts. These webpages will reflect community involvement and items of interest relating to the Digital Arizona Program and activities of the newly established Broadband Committees within the four county region. The Web links will identify the specifics of the Digital Arizona Program administered by ASET, the Regions assisted by Broadband Local Planning funds, and the Goals of these efforts.

F. As Stated in our Request for Funds application, the following goals will be accomplished as a result of Local Broadband Planning Funding.

- 1. A Business Case Analysis (BCA) that defines broadband expansion requirements for communities/regions within the four county region. This analysis will account for existing broadband services and infrastructure, define what is desired by the communities in question as improvements in digital capacity and services and describe practical and feasible approaches for aggregating broadband demand as an incentive to private sector investment in improving digital capacity. This BCA will include a Report on current adoption of broadband services by educational and healthcare entities, businesses and private citizens including expectations from the communities for what would constitute desired levels of broadband capacity and services.
- 2. Identification of one or more feasible grants opportunities which can support increased digital capacity.

3. Working and effective Broadband sub-committees which act as an ongoing voice for the local communities in driving the availability of better broadband services.
 4. Website pages to be an ongoing communication tool for the communities to foster citizen and stakeholder involvement in better broadband.
- G. The following deliverable(s) will be generated in pursuit of the above stated goals for the program. (Explain the deliverables; indicate which goals the deliverables support). These deliverables will be provided to ASET with Executive Summaries, Tables of Contents, Body of Report per Tables of Contents, Additional appendices as needed.
1. A Business Case Analysis (as described in section E & F above)
 2. Identify feasible grant opportunities and summary of results (as described in section E & F above)
 3. Regional Broadband sub-committees within Counties (as described in section E & F above)
 4. Webpages within current County websites (as described in section E & F above)

Any pertinent parsing of program costs, Milestones etc., should also be explained in detail, here.

Schedule of Billing Milestones and Deliverables

The table below details the schedule of billing milestones and deliverables to be adhered to throughout this engagement. A total of \$30,000 is awarded to Cochise County, to be distributed equally across the four regions identified in this agreement. Entity shall provide ASET with examples of milestones listed below along with billing invoices per due dates of deliverables. Invoices must also indicate matching contributions as described below in order to facilitate ASET's reporting to NTIA.

	Deliverable <i>(As Detailed in Section G)</i>	Billing Milestone & Delivery to ASET Based Upon Approx. % Complete						Total \$
		Start	25%	50%	75%	DRAFT to ASET	100%	
1	Business Case Analysis	3/26/13	4/26/13	5/24/13	6/28/13	7/31/13	7/31/13	
2	Grant Identification	3/26/13	N/A	N/A	N/A	N/A	7/31/13	
3	Regional BB Subcommittee	3/26/13	N/A	N/A	N/A	N/A	7/31/13	
4	Webpage Publication	3/26/13	N/A	N/A	N/A	7/31/13	7/31/13	
	Region 1 - Billable Amount	\$1125	\$1593**	\$1593	\$1593	\$0	\$1593	\$7,500
	Region 2 - Billable Amount	\$1125	\$1593	\$1593	\$1593	\$0	\$1593	\$7,500
	Region 3 - Billable Amount	\$1125	\$1593	\$1593	\$1593	\$0	\$1593	\$7,500
	Region 4 - Billable Amount	\$1125	\$1593	\$1593	\$1593	\$0	\$1593	\$7,500
	Total Billable to ASET	\$4,500	\$6,375	\$6,375	\$6,375	\$0.00	\$6,375	\$30,000
	Entity's Total Matching *	\$0	\$1,875	\$1,875	\$1,875	\$0.00	\$1,875	\$7,500
	Total Budget \$	\$4,500	\$8,250	\$8,250	\$8,250	\$0.00	\$8,250	\$37,500

*Matching dollars are not required to be posted per this schedule; however, final total of \$7,500 must be accounted for through report to ASET by the agreement end-date (12/31/13)

**Figure rounded down.

Additional explanation of Cochise County Broadband Local Planning Budget:

Amount Requested from ASET *	\$30,000
Region 1 – Cochise County	\$7,500
Region 2 – Graham County	\$7,500
Region 3 – Greenlee County	\$7,500
Region 4 – Santa Cruz County	\$7,500
Total Matching Contribution (25% of \$30,000)**	\$7,500
Total Proposed Budget	\$37,500

* Includes management and administrative costs such as non-ATI Institute consultant(s) or in-house staff in the development and support of Business Case Analysis, web page integration into existing website(s) and Regional Broadband Sub-Committee.

**Indirect costs should be limited to no more than 17% of the ASET funding and should be paid for as part of the \$7,500 matching contribution.