

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNIVERSITY PARK, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A SERVICE ORDER WITH UNITE PRIVATE NETWORKS, LLC FOR EXTENSION OF A FIBER-OPTIC NETWORK OF THE HIGHLAND PARK INDEPENDENT SCHOOL DISTRICT TO THE UNIVERSITY PARK PUBLIC LIBRARY IN ACCORDANCE WITH THE AGREEMENT; MAKING FINDINGS EXEMPTING SUCH CONTRACT FROM THE REQUIREMENTS OF COMPETITIVE BIDDING; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City desires to contract with Unite Private Networks, LLC (“UPN”) for extension of a fiber-optic network (“Dark Fiber”) of the Highland Park Independent School District (“HPISD”) to the University Park Library for public safety purposes; Now, Therefore,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF UNIVERSITY PARK, TEXAS:**

**SECTION 1.** That the City Council finds and determines that the above conditions exist and to accomplish such objective, it is necessary to contract with UPN for the extension of a fiber-optic network currently linking the various school campuses, administrative buildings, and other properties owned, leased, or otherwise used by HPISD. The HPISD has issued a Letter of Authorization for the City to connect to the Dark Fiber. See Exhibit “A” attached hereto and made part hereof.

**SECTION 2.** The City Council finds that the Dark Fiber extension and connection may be accomplished without competitive bidding or sealed proposals by the City because such system is necessary to preserve and protect the public health and safety of the City’s residents, and such Dark Fiber is available from only one source, such exemptions being authorized by Sections 252.022 (a) (2) and (a) (7) of the Local Government Code.

**SECTION 3.** That the City Manager is authorized and directed to execute the Letter of Authorization and the Service Order with UPN for extension and connection of the Dark Fiber to the Library, plus maintenance, as stated in the Service Order at an installation cost of \$70,000.00

and monthly service charge of \$150.00 for 120 months. A true copy of the Service Order is attached hereto as Exhibit “B” and made part hereof.

**SECTION 4.** This Resolution shall take effect immediately from and after its passage, and it is accordingly so resolved.

**DULY PASSED** by the City Council of the City of University Park, Texas, on the 19th day of November 2019.

**APPROVED:**

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**OLIN LANE JR., MAYOR**

**APPROVED AS TO FORM:**

**ATTEST:**

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**CITY ATTORNEY**  
(RLD/10-31-19/111871)

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**CHRISTINE GREEN, CITY SECRETARY**

## Exhibit "A"



UPN ID: 19887

### Letter of Authorization

This Letter of Authorization ("LOA") authorizes the City of University Park (the "City") and Unite Private Networks, LLC ("UPN") to connect Dark Fiber ordered from UPN by the City to the Highland Park Independent School District's (the "District") Dark Fiber network provided by UPN (the "HPISD Network") under Service Order for Dark Services (18-17789) executed by and between the District and UPN on August 23, 2018 (the "District Agreement").

The District hereby authorizes the City to connect to the HPISD Network and acknowledges that two (2) strands of Dark Fiber to be utilized to connect the City to the HPISD Network are fibers previously reserved for the District's future use.

The City shall be responsible for continued authorization from the District related to any services ordered from UPN connected to the HPISD Network. Any cancellation or revocation of this LOA, including but not limited to revocation due to the District's termination of any portion of the District Agreement, shall not impact the City's early cancellation or termination liability under an applicable service order with UPN.

The Parties agree that this LOA shall be valid for the duration of the District Agreement.

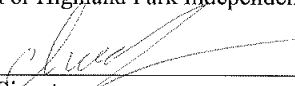
For Unite Private Networks, LLC:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name & Title

\_\_\_\_\_  
Date

For Highland Park Independent School District:

  
\_\_\_\_\_  
Signature

Charles Jackson, Chief Technology Officer

\_\_\_\_\_  
Name & Title

10/30/2019

\_\_\_\_\_  
Date

For the City of University Park:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name & Title

\_\_\_\_\_  
Date

## **Exhibit “B”**



## Service Order

### Dark Services - (19-19887)

Contact Information				
Unite Private Networks, LLC ("UPN")		City of University Park ("Customer")		
COMPANY CONTACT:	Randy Wright	COMPANY CONTACT:	Dale Harwell	
PHONE:	(817) 805-7776	PHONE:	(214) 987-5311	
EMAIL:	Randy.Wright@upnfiber.com	EMAIL:	dharwell@uptexas.org	
PAYMENT ADDRESS:	Unite Private Networks, LLC 7200 NW 86 <sup>th</sup> Street, Suite M Kansas City, MO 64153	BILLING ADDRESS:	City of University Park Library 8383 Preston Center Plz. Dallas, TX 75225	
Billing Information and Service Commitment Period				
Order Type:	New			
UPN Service Order ID:	19-19887			
Customer ID:	To be Assigned			
Service Type/s:	Dark Fiber (DF)			
Service Term Length (beginning on date of installation):	Approximately 120 months (see Service Order Term)			
Service Order Monthly Recurring Charge:	\$150			
Service Order Non-Recurring Charge:	\$70,000			
Service Other Charges:	\$0			
Circuit 1				
<u>Location A</u>		<u>Location Z</u>		
Site Name:	Administration	Site Name:	University Park Library	
Address:	3800 University Blvd. Dallas, TX 75205	Address:	8383 Preston Center Plz. Dallas, TX 75225	
Site Contact:	Dale Harwell	Site Contact:	Dale Harwell	
Phone:	(214) 987-5311	Phone:	(214) 987-5311	
Point of Demarcation:	MPOE	Point of Demarcation:	MPOE	
Service and Pricing Schedule				
Type	Service	Term	Monthly Recurring Charge	Non-Recurring Charge
New	Circuit 1: Two (2) strands DF	Approx. 120 months	\$150	\$70,000
Total =			\$150	\$70,000
<p>Comments: This Service Order is related to the Service Order for Dark Services (18-17789) by and between UPN and Highland Park Independent School District on August 23, 2018 (the "Highland Park ISD Agreement"). Circuit 1 above shall be connected to the Dark Fiber Network provided under the Highland Park ISD Agreement. Customer shall be responsible for all cross connects. Customer acknowledges and agrees that the Dark Fiber provided to Customer in this Service Order ("Customer Fibers") will not be accessible to Customer other than at the Location A and Z Points of Demarcation listed above. UPN's performance under this Service Order is contingent upon the valid execution of a letter of authorization ("LOA") granting Customer authorization from Highland Park Independent School District to purchase services under the Highland Park ISD Agreement and connect to its Dark Fiber Network.</p> <p>Service Order Term: The term of this Service Order shall commence on the Installation Date and be coterminous with the Highland Park ISD Agreement.</p> <p>Minimum Point of Entry and Additional Charges: Customer will meet UPN at the Minimum Point of Entry ("MPOE") unless otherwise noted above. The MPOE is the closest practical point to where the cable enters the building. In the event Customer desires the installation to occur somewhere other than the MPOE, Customer understands that there will be additional costs.</p> <p>Installation Date: Anticipated installation date shall occur approximately one hundred twenty (120) days after the following events have occurred: (1) the acquisition of all necessary permits, licenses, pole attachment agreements, third-party fiber, and rights of way to complete the project; and (2) the full execution of this Service Order (the "Installation Date").</p>				

This Service Order for Dark Services includes and incorporates by reference the Highland Park ISD Agreement. Customer and UPN agree to be bound by the Highland Park ISD Agreement. From time to time, additional Service Orders for Dark Services may be entered into between UPN and Customer which shall incorporate the terms and conditions of the Highland Park ISD Agreement.

Unite Private Networks, LLC:

City of University Park:

By: \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_