



Town of Johnstown

TOWN COUNCIL AGENDA COMMUNICATIONS

AGENDA DATE:	May 3, 2021
SUBJECT:	Contract Award for 2021 Regional Broadband Needs Assessment and Feasibility Study – Owner’s Representative
ACTION PROPOSED:	Consider Approval of an Owner’s Representative for the Broadband Study to Peak View Enterprises
ATTACHMENTS:	1. Town of Johnstown Professional Services Agreement 2. Tim Scott – Resume
PRESENTED BY:	Matt LeCerf, Town Manager

AGENDA ITEM DESCRIPTION:

In April 2020, the registered voters of the Town of Johnstown were asked to consider providing the Town with an exemption of SB 152, which prohibits municipalities from the expenditure of funds for broadband projects. That ballot was approved by roughly a 75 % - 25% margin in support of the exemption.

In FY 2021, funds were appropriated by Council to conduct a study for a Broadband Needs Assessment and Feasibility Study. While developing the RFP, neighboring communities were interested in partnering with on us this study. The study then took more of a regional focus and in February 2021, an Intergovernmental Agreement was entered into between the Towns of Berthoud, Johnstown, Mead, and Milliken to issue a joint RFP for a Regional Broadband Needs Assessment and Feasibility Study. The RFP was issued in February 2021, and the proposals were received and opened in March 2021. Representatives from each of the municipalities reviewed the proposals submitted for consideration. Reference checks were also conducted for the top 2 selected applicants. Based on the review of the applicants, Staff representing each of the 4 entities are unanimously recommending to award the project to Magellan Advisors.

As the group evaluated the response to the RFP, the conversation with the reference checks consistently mentioned the need to “ask the right questions” and “ensure that the project is not being driven based on predetermined outcomes”, but rather what is best for the community and what project type is both financially viable and makes the most sense of having success for the long-term benefits of the community. As the Staff from the four (4) Town’s discussed this aspect it was decided

The Community That Cares

www.TownofJohnstown.com

P: 970.587.4664 | 450 S. Parish Ave, Johnstown CO | F: 970.587.0141

that having an Owner's Representative might be the best outcome to ensure that the interest of the four communities were being represented and the project was being properly evaluated. Staff representatives on several occasions were pointed to Tim Scott, Owner of Peak View Enterprises. Staff has met with him regarding the project, and provided him with a copy of the RFP advertised for a response and the RFP received that is recommended for award this evening. Based on our discussions with Mr. Scott and his expertise in this field, we are confident that he can represent the municipal partners on this project fairly and appropriately. A contract for his services to run concurrently with the Broadband Study is attached for your consideration.

Collectively, the entities have determined it will be efficient to have the Town of Johnstown oversee the contract. As agreed upon in the IGA, each entity will pay their pro rata share based on population percentages. Funds have been appropriated for this project, but they are less than the contract award. This is because of the fact that the scope has grown to a more regional focus. An amendment to the budget appropriating additional funds may be necessary, but those funds that would be appropriated as expenditures would be reimbursed by the other municipalities participating in the project, recognized as revenues, and result in a net zero-dollar difference in the ending fund balance as projected for FY 2021.

LEGAL ADVICE:

The contract used is our standard Professional Services Agreement drafted by the Town Attorney.

FINANCIAL ADVICE:

Funds are allocated in FY 2021 for this project.

RECOMMENDED ACTION: Approve the contract for Professional Services as presented.

SUGGESTED MOTIONS:

For Approval: I move to approve the Town of Johnstown Professional Services Agreement awarding a contract to Peak View Enterprises LLC.

For Denial: I move we deny the Town of Johnstown Professional Services Agreement awarding a contract to Peak View Enterprises, LLC.

Reviewed and Approved for Presentation,



Town Manager

The Community That Cares

www.TownofJohnstown.com

P: 970.587.4664 | 450 S. Parish Ave, Johnstown CO | F: 970.587.0141