DRAFT

Memorandum of Understanding (MOU)

City/County Joint Conduit Project

1. Parties:

This memorandum of understanding (MOU) is made this _____day of _____, 20__ by and between the City of Billings, Montana, 210 North 27th Street, Billings, MT 59101 (City), and Yellowstone County, Montana, 217 North 27th Street, Billings, MT 59101 (County).

2. Purpose:

The City and County wish to work cooperatively on a project to install approximately 3,400 linear feet of 4" conduit, seven (7) pull boxes and any other miscellaneous items necessary to install fiber from the MET Bus Transfer Center, located at 220 North 25th Street, to the 911 Center, located at 2305 8th Avenue North.

3. Effective Date:

This MOU is effective upon written approval by both parties <u>and payment to the City from the County</u>. The City and County shall maintain equal ownership of conduit and share in all on-going maintenance costs for the life of the conduit. The conduit includes three (3) cells, one (1) of which will be owned by the City, one (1) owned by the County, and one (1) cell shared by the City and County for the initial fiber run from each of our main offices to the 911 Center.

4. Responsibilities:

The City shall be responsible for competitively bidding the project, coordination of construction and for full payment to contractor(s). The County shall be responsible for paying the City $84,733, which represents 50% of the total cost of the conduit project and the engineering fees minus the expense related to the extension of the conduit to the Parks and Recreation facility. The total amount shall be paid within thirty (30) days of final payment being made to the construction contractor and by invoice from the City to the County.

5. Contacts:

City of Billings: David Watterson, Chief Information Officer – 406-657-8330

Yellowstone County: Ross Cavazos, Information Services Director – 406-256-2713

6. Modifications and Amendments:

Any amendment or modification of this MOU or any provisions herein shall be made in writing and executed in the same manner as this original document and shall after execution become a part of this MOU.

IN WITNESS WHEREOF, the parties hereto have executed this instrument the day and year first above written.

CITY OF BILLINGS, MONTANA_____

By: Thomas W. Hanel, Mayor

YELLOWSTONE COUNTY, MONTANA_____

By: , Commissioner

APPROVED AS TO FORM:

By_____

Brent Brooks, City Attorney

By_____

, County Attorney