

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE WEST VIRGINIA GOVERNOR'S EXECUTIVE OFFICE, THE WEST VIRGINIA
DEPARTMENT OF COMMERCE, AND THE WEST VIRGINIA DEPARTMENT OF
EDUCATION/K12 SCHOOLS**

This Memorandum of Understanding (MOU) is between the West Virginia Governor's Executive Office, the West Virginia Department of Commerce (WV DOC), and the West Virginia Department of Education/K12 Schools (WVDE/K12) for the purpose of the WVDE/K12 Schools providing administration, support, and to meet reporting requirements for a grant agreement in which the WV Governor's Executive Office has entered into with the Broadband Technology Opportunities Program (BTOP).

WHEREAS, on the 11th day of August, 2010 the West Virginia Governor's Executive Office entered into a Grant Agreement with the Broadband Technology Opportunities Program (BTOP);

WHEREAS, through the Grant Agreement, the WVDE/K12 will serve as partner for the fiber and broad band connectivity to 471 K12 schools and related equipment to provide additional broad band service in West Virginia;

WHEREAS, funds for the Grant Agreement are derived from federal funds pursuant to the American Recovery and Reinvestment Act (ARRA) of 2009, and

WHEREAS, the WVDE/K12 has significant knowledge and experience in administering such grants,

THEREFORE, the parties agree as follows:

1. Scope of Work.
(Exhibit A):
 - a. WVDE to provide the administration to 471 K12 schools of router installs and related equipment for a total not to exceed \$12,132,960.00 (Note: all funds commitment or expenditure must have prior approval of the GIT) available for this portion of the project;
 - b. WVDE to arrange for installation of 471 routers following WVDE State guidelines;
 - c. K12 schools to obtain prior written approval from WVDE and BTOP Project Management Team prior to request to vendor for fiber build;
 - d. K12 schools to pay vendor invoices following WVDE/K12 guidelines;
 - e. WVDE and K12 schools to provide all necessary administrative support related to WVDE/K12 schools to meet all reporting requirements associated with this grant entered into on the 11th day of August, 2010 between the West Virginia Governor's Executive Office, the WV DOC, and the Grantee.

WV Governor's Executive Office agrees to:

- a. complete action to acquire funding;
- b. provide funding to the K12 schools for payment of invoices from vendors for fiber build.

2. Performance Period.

WVDE/K12 agrees to perform the work outlined in section one, "Scope of Work", of this agreement between the 1st day of February, 2010 and the 31st day of January, 2013. The performance period may be extended only by consent by all parties to this MOU in writing and with NTIA approval.

3. Monitoring and Compliance.

WVDE/K12 agrees to:

- a. provide quarterly report information to the grant implementation team as required;
- b. perform all monitoring and oversight functions necessary to assure that the Grantee is in compliance with ARRA requirements, state and federal laws and regulations, and the grant agreement between the Grantee and the WV Governor's Executive Office;
- c. provide other reports as required.

4. Maintenance of Records.

- a. K12 schools to validate invoices from vendors with explicit notations as to the specific project and site;
- b. K12 schools to maintain detailed files of all transactions;
- c. while maintaining detailed files, K12 schools to forward the invoice to the grant implementation team for validation, processing, etc.;
- d. WVDE and K12 schools to maintain records pertinent to this Agreement for a period of 3 years following completion of work;
- e. WVDE and K12 schools to make records available for inspection by the WV Governor's Executive Office during regular business hours.

Grant Implementation Team (GIT) agrees to:

- a. validate invoices and submit to the WV Governor's Executive Office with sufficient detailed information for funding draw down;
- b. maintain detailed files.

5. Definitions:

Grant Implementation Team/Project Management Team (GIT) –
Kelly Goes, Cabinet Secretary Department of Commerce
Jimmy Gianato, Director DHSEM
Michael Todorovich, J-3 NGWV
Joan Smith, MA Admin/Operations Assistant 3

6. Notice and Correspondence. The parties to this MOU shall submit all notice and correspondence related to this MOU to the following addresses:

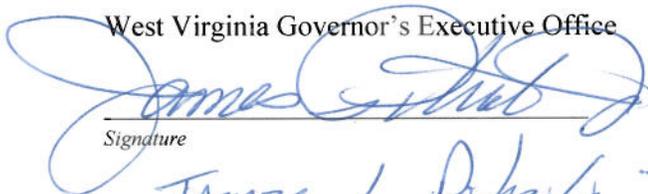
<u>Cindy M. Smith</u>	<u>Michael Todorovich</u>	<u>Vicki Allen/Brenda Williams</u>
Name of Contact	Name of Contact	Name of Contact
WV Governor's Exec Office	WV DOC (GIT)	WVDE/K12
1900 Kanawha Blvd., E.	1900 Kanawha Blvd., E.	1900 Kanawha Blvd., E.
Building 1, State Capitol Complex	Building 6, Room 525	Building 6, Room 346
Charleston, WV 25305	Charleston, WV 25305	Charleston, WV 25305

7. Assignment. Neither party shall assign nor transfer any interest in this Agreement, nor assign any claims for money due or to become due during this Agreement, without the prior written approval of all parties.

8. Termination or Modification. Either party may terminate this Agreement by giving the other party written notice at least thirty (30) days before the intended date of termination. By such termination, no parties may nullify obligations already incurred for performance. Any variation, modification or amendment of any provision of this Agreement shall be valid only if in writing, duly executed by all parties hereto, and attached to this Agreement.

9. Entire Agreement. This Agreement constitutes the entire agreement between the parties. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall bind any parties.

West Virginia Governor's Executive Office



Signature
JAMES L. Prothro, Jr.

Name
Policy Director

Title
8-11-10

Date

West Virginia Department of Commerce



Signature
Kelley M. Goets

Name
Secretary of Commerce

Title
8/13/10

Date

West Virginia Department of Education/K12 Schools

Steven L. Paine
Signature

Steven L. Paine
Name

State Supt. of Schools
Title

8/17/10
Date

Exhibit A

Process for Requesting, Installing and Invoicing of Fiber Connections from BTOP Grant for WV K-12 Public Schools

1

BTOP Grant letter authorizing purchase signed by Secretary Goes and WVDE State Superintendent

1.1 Establish and sign MOU to allow process for funds to flow (WVDE - Terry Harless and Governor's Office - Cindy Smith)

2

Submission of TCRs

2.1 County initiates request for fiber connection to local RESA

2.2 RESA technician completes TCR Form (Exhibit C) and submits to WVDE personnel for approval:

2.2.a WVDE personnel

Vicki Allen (vallen@access.k12.wv.us)

Greg Chapman (gchapman@access.k12.wv.us)

Eric Petrucci (epetrucc@access.k12.wv.us)

Brenda Williams (brendaw@access.k12.wv.us)

2.3 WVDE approves TCR request and returns to County for submission to Verizon/Frontier

3

Verizon/Frontier develop configuration of fiber build costs along with timeline of installation and submits for approval to:

3.1 Grant Implementation Team (GIT)

3.2 Grant Implementation Team (GIT) approves and notifies Verizon/Frontier to proceed with build

Exhibit A

Process for Requesting, Installing and Invoicing of Fiber Connections from BTOP Grant for WV K-12 Public Schools

4

Verizon/Frontier builds fiber connection and upon completion notify:	
4.1	County personnel
4.2	Mike Todorovich (michael.todorovich@ng.army.mil)
4.3	WVDE personnel Vicki Allen (vallen@access.k12.wv.us) Greg Chapman (gchapman@access.k12.wv.us) Eric Petrucci (epetrucc@access.k12.wv.us) Brenda Williams (brendaw@access.k12.wv.us)

5

Verizon/Frontier submits invoice for acceptance and approval* to:	
5.1	County personnel - confirms install and that new circuit is working County also notifies Verizon/Frontier of "turn-off" of previous circuit
5.2	WVDE personnel - reviews invoice and verifies circuit attaches to K12 POPs Vicki Allen (vallen@access.k12.wv.us) Greg Chapman (gchapman@access.k12.wv.us) Eric Petrucci (epetrucc@access.k12.wv.us) Brenda Williams (brendaw@access.k12.wv.us)
5.3	Grant Implementation Team does Final approval and notifies Governor's Office of approval for payment. <i>and requests drawdown.</i>

6

Payment of Invoice	
6.1	Approval of invoice sent to Governor's Office for approval of fund transfer to County personnel
6.2	County draws down funds through electronic system and pay invoice.