

## **TOPIC: EDS Use of Non-Legacy Infrastructure and/or Sharing Infrastructure with the Government**

### **ISSUE:**

- Define when the Government can allow EDS to use non-legacy equipment, or share equipment with EDS.

### **DECISION:**

- The exchange/sale authority (contract clause 6.23), granted to the Navy for use under the NMCI contract, pertains only to the IT infrastructure that will be replaced in the process of providing NMCI services. Only that equipment which is part of the existing IT infrastructure is part of that authority. Spare equipment and equipment used for other purposes is not to be exchanged. Spare infrastructure and infrastructure not part of the existing legacy networks, is not included under the government-furnished equipment provisions of the contract and is not required to be provided to the Contractor.
  - Dedicated Legacy Support Equipment: Where the function of the equipment is dedicated strictly to support the existing legacy network, the Government will give EDS exclusive use of the equipment at AOR and issue a DD 1149 form accordingly. The Government will terminate use at that time and will not be responsible for damages to EDS equipment due to failure of this support equipment thereafter. EDS may negotiate with the Government to arrange for maintenance services for this government-owned equipment on a reimbursable basis. However, dedicated support equipment that is connected to the legacy network (e.g. UPS, backup generators) will become property of EDS at AOR under the exchange/sale authority (contract clause 6.23).
- The Government will decide on a case-by-case basis when spare ducts and other infrastructure, not specific to NMCI, may be provided for the contractor's use and will document such approval on a DD Form 1149 for the period of the contract. However, the Government will retain the ownership for the shared infrastructure. In cases where infrastructure (e.g. bundled cable) is shared by the Contractor to support NMCI services and the Government for non-NMCI functions, the Contractor and the Government will share costs incurred to maintain that infrastructure. The maintenance costs shared will be proportional to the use each party receives from the infrastructure and could be as simple as a ratio of the number of fibers each has divided by the total number of fibers. The Government may allow EDS to utilize other government owned and operated support equipment (e.g. air conditioning, backup generator, UPS, etc.), where there is capacity available.
  - Shared Support Equipment: Where equipment supports more than the existing legacy network, the Government will continue to operate, maintain, and repair such equipment in accordance with the ongoing non-NMCI requirements for that facility. The Government is not responsible for damages to EDS equipment during periods of maintenance and repair of this government-owned and operated equipment. If EDS requires a higher level of service for its needs, then it is EDS's responsibility to augment the

maintenance or provide its own equipment. EDS may negotiate with the Government to arrange for maintenance services for this government-owned equipment on a reimbursable basis. The Government will notify EDS of any planned utility outages.

Agreement 26 Oct 03