

Request for Proposals

Request for Proposals for a Broadband Services Provider to Work Cooperatively with Thomas Jefferson Planning District Commission and Member Counties on an Application for Broadband Infrastructure Funding under the American Recovery and Reinvestment Act of 2009

Release Date: August 20, 2009

Due Date: September 16, 2009

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Introduction

The Thomas Jefferson Planning District Commission (TJPDC) and its partners, Albemarle County, Fluvanna County, Greene County, Louisa County and Nelson County (hereinafter “Regional Consortium”) intends to participate in submittal of a proposal for Broadband Initiative Program/Broadband Technology Opportunities Program (BIP/BTOP) funding under the American Recovery and Reinvestment Act of 2009 (ARRA) to provide broadband internet service in unserved and underserved areas of the five county TJPDC region in central Virginia. The goal of the participating members of the Regional Consortium is to achieve 100% broadband availability in all unserved and underserved areas of the five county region. The members of the Regional Consortium believe that applications with the greatest likelihood of funding under the BIP/BTOP program are those which represent regions rather than single governmental units, those which combine the strengths of public and private partners and those which provide benefits to community anchor institutions, public safety entities and critical community facilities. The members of the Regional Consortium desire to identify a qualified private partner (hereinafter “Provider”) and work with that Provider in submitting an application for consideration in the second, and if necessary, third round of BIP/BTOP funding. The Regional Consortium expects to enter into an agreement with the selected Provider to 1) work cooperatively to seek the grant funds, and 2) implement the proposed system. The members of the Regional Consortium will not make any financial commitment to the partnership and do not expect to derive any revenue from the project.

The members of the Regional Consortium and the selected Provider will benefit from this partnership in several ways when compared to other private parties that are not selected to participate with the Regional Consortium.

1. The Provider will have a commitment for a multi-jurisdictional partnership agreement with the Regional Consortium. This will increase the number of households and businesses that can be served and improve the scoring of the Broadband Infrastructure Application.
2. The Provider and the Consortium will cooperatively prepare the Broadband Infrastructure Application. This will provide information and input that will improve the application and reduce the effort required on the part of the Provider.
3. The Regional Consortium will identify and secure the support of community anchor institutions and public safety entities which should strengthen the application.
4. The member counties of the Regional Consortium will agree to negotiate for use of existing publicly owned towers or other facilities.

The following describes the proposal process and all required submission materials and provides an outline of the anticipated Public-Private Partnership Agreement.

Process and Schedule

The Regional Consortium intends to participate in submittal of an application for funding during the second round of applications. Although the final date for applications for the second round has not yet been established, information from USDA RUS and Department of Commerce NTIA indicates that the second round application date will not be earlier than November 30, 2009. The following schedule is based on that anticipated application date.

1. Request for Proposal Released (August 20, 2009)
2. Pre-proposal Meeting (September 3, 2009 at 2:00 pm) – Representatives of the TJPDC and the five counties will be available to review the Request for Proposals and respond to questions. Written questions are due to the TJPDC via email to info@tjpc.org no later than 5:00 pm on August 27, 2009. The pre-proposal meeting will be held at the Albemarle County Office Building (South).
3. Due Date for Proposals (September 16 @4:00 pm at TJPDC)
4. First proposal review by committee and selection of finalists (September 24, 2009)
5. Interviews with finalists and selection of most qualified proposer (September 30, 2009)
6. Execution of Agreement between TJPDC and Provider (October 8, 2009)
7. First draft of Broadband Infrastructure Application due to TJPDC (November 6, 2009)
8. Final draft of BIP/BTOP application complete (November 13, 2009)
9. BIP/BTOP application submitted (November 30, 2009)

Required Submission Materials and Scoring

The goal of this Request for Proposals is to allow members of the Regional Consortium to identify and select the best qualified Provider for broadband services in unserved and underserved areas of the five county region. As a result, the submission materials need not be developed to a level of detail necessary for completing the full BIP/BTOP application. But the submission materials must be of sufficient detail to allow members of the regional consortium to compare the proposals, accurately assess the merits of each, and determine if the Provider can meet all of the requirements covered in the Broadband Infrastructure Application.

Proposals must include all of the following items and are due at TJPDC no later than 4:00 pm on September 16, 2009. Proposals which do not include all the required materials will not be considered. Respondents should submit eight (8) printed copies of the proposal plus one CD ROM containing an electronic copy of the proposal. Electronic or email submission of proposals will not be accepted. Under Virginia law TJPDC and the members of the Consortium can only hold aspects of the submitted materials as confidential per specific provisions of the Virginia Freedom of Information Act. Proposals should cite specific protections of the Virginia Freedom of Information Act (§2.2-3700 et seq.) being invoked related to trade secret, proprietary information or financial record data and materials being submitted.

1. Information on Provider– Name, address, and key contact information for Provider and all subcontractors, vendors or consultants participating in the response to this request for

proposals. Also included should be information on any projects undertaken in the past by the Provider or any predecessor firms using federal funds.

2. Proposed project conceptual design and network diagram. System design should include the key network components that create a middle mile internet backbone where needed and enable connectivity from the end-user to the Internet backbone, showing what will be funded versus what already exists. For wireless access, state the frequency, how much spectrum is available, technology used, morphology and topology of the area, power levels at the user devices, and whether or not mobile. List specific advantages for using this particular technology strategy, taking into account service offering capacity, speed, reliability, cost effectiveness and features that enhance the capability of county operations, community anchor institutions, public safety entities and critical community facilities.
3. Cite paths to upgrade the system and add additional capabilities in the future. (15 points)
4. Proposal for all required maintenance and customer support services (15 points)
5. Management team resumes (15 points)
6. Description of similar projects undertaken by firm demonstrating the ability of the Provider to successfully complete the required project (15 points)
7. Budget and Proposed Funding including all sources of cash or in-kind matching (up to 30 points). The members of the Regional Consortium require that the Provider commit to providing the match for the project. Proposers who commit to the minimum 20% match will receive no more than 10 points. Proposers who commit to overmatch will receive proportionally higher point scores up to the maximum of 30 points.
8. Historical financial statements including income statement, balance sheet and statement of cash flows (15 points Year project pro forma demonstrating economic sustainability (15 points) Confirm that all of the requirements of the Broadband Infrastructure Application can be met or identify any items that are uncertain (5 points).

A committee representing TJPDC and the five participating counties will review and score all of the proposals submitted in response to this RFP. Based on the scoring finalists will be selected and asked to interview with the members of the committee on September 30, 2009.

Public-Private Partnership Agreement

Once the Provider is selected through this Request for Proposals process, the Regional Consortium and the Provider will enter into a public-private partnership agreement. This agreement will state which partner will be the applicant for funding and be structured around the following commitments on the part of the Regional Consortium and the selected Provider.

Commitments by Regional Consortium

The Regional Consortium will provide the following commitments in writing to the selected provider:

1. The Regional Consortium will work with the Provider to prepare a fully completed Broadband Infrastructure Application for the second round of BIP/BTOP funding.

2. Access to Tower Sites – The five local governments understand that the counties may own or manage towers that could be used to as part of the system design. The counties agree to lease tower space on terms that will be negotiated after selection of the Provider and that are economically feasible to both partners.
3. The Regional Consortium agrees to secure the support of non-county government service organizations in the project area with particular emphasis on community anchor institutions, public safety entities and critical community facilities.

The members of the Regional Consortium understand that the system design may require the development of new towers within the jurisdictions. As such, Providers shall be subject to the regulatory processes followed in each county, and will be solely responsible for securing necessary permits.

Commitments by Provider

This paragraph identifies key (but not all) elements of the Broadband Infrastructure Application that the Regional Consortium will expect the Provider to contribute to the preparation of the Broadband Infrastructure Application. Page citations refer to the current Broadband Infrastructure Application issued by the Federal Government. The Broadband Infrastructure Application may change for the second round of ARRA funding, must be complete in all areas to receive federal funding consideration.

1. Key proposal design and management elements
 - a. Identify the Funded and Unfunded Service Areas as described in the Broadband Infrastructure Application (page 9-11 Of 38)
 - b. System Design, network diagram and required certification by a Professional Engineer registered in Virginia as described in the Broadband Infrastructure Application (page 14 of 38) which at a minimum provides performance of at least 768 kbps downstream and 200 kbps upstream.
 - c. Commitment to the Last Mile Coverage Obligations as identified in the NOFA.
 - d. Infrastructure buildout timeline including all milestones required in the Broadband Infrastructure Application (page 15 of 38).
 - e. All licenses and regulatory approvals required to implement and operate the proposed project.
 - f. Identification of all vendors and contractors that will be used and readiness to enter into agreements with the Provider.
 - g. Provider management team resumes as required in the Broadband Infrastructure Application (page 16 of 38).
 - h. Provider organizational readiness as required in the Broadband Infrastructure Application (page 16 of 38).
 - i. Provider organization chart as required in the Broadband Infrastructure Application (page 16 of 38).
 - j. Provider legal opinion as required in the Broadband Infrastructure Application (page 16 of 38).

- k. Project budget including all costs as well as funding sources as shown on page 17 of 38 of the Broadband Infrastructure Application.
 - l. Provider historical financial statements as required on page 18 of 38 of the Broadband Infrastructure Application.
 - m. Broadband subscriber estimates as required on page 18 of 38 of the Broadband Infrastructure Application.
 - n. Provider Pro Forma 5-Year financial forecast and assumptions as described on page 18 of 38 of the Broadband Infrastructure Application.
 - o. Provider estimate of cost per household for the proposed projects and a demonstration of the affordability of the proposal as required on page 13 of 38 of the Broadband Infrastructure Application.
2. Non-discrimination and interconnection commitments: Provider will adhere to non-discrimination requirements as set forth in the section V.C.2.b of the Notice of Funding Availability.
 3. Financial Commitments:
 - a. The Provider will provide a minimum of 20% of the required project cost as match as either cash contribution or in the form of eligible in-kind contributions.
 - b. The Provider must make available sufficient information to demonstrate financial feasibility for the project as described in the NOFA.
 - c. The Provider must make available sufficient information to demonstrate economic sustainability for the project per the provisions in the NOFA.
 - d. The Provider must provide all the proposed services identified in the application for BIP/BTOP funding within the proposed budget. The members of the Regional Consortium will not contribute any funding or in-kind resources to the project and will not agree to any reduction in proposed services or coverage.
 4. Commitment to Development and Continuing Service:
 - a. The Provider will develop the identified system design and network as provided in the application materials and that the system will provide broadband service at the estimated cost per household. The system design may require the development of additional towers or other facilities to provide the required service. If such development is necessary the Provider will solely own those facilities and be responsible for all maintenance and improvement of those facilities.
 - b. The Provider will provide all necessary system maintenance, customer support, marketing and customer education.
 - c. The Provider will provide continuing uninterrupted service including all necessary maintenance and improvements to the system in the entire service area(s) identified in the proposal for ARRA funding until such time as the Provider can demonstrate one or more of the following conditions exist to the Regional Consortium:
 - i. The systems developed using the grant funding are functional obsolescent;
 - ii. The beneficiaries of the system, including end users and community anchor institutions, public safety entities and critical community facilities, have at least one other option for broadband internet service that provides that service at the same or faster download and upload speeds and at the same or lower costs.