

REQUEST FOR PROPOSALS

PARTNERSHIP FOR EXPANSION OF BROADBAND SERVICES FOR THE CITY OF MAYSVILLE AND MASON COUNTY, KENTUCKY

ACCEPTANCE DATE: **Monday, January 17, 2022 at 2:00 PM (local time)**

ACCEPTANCE PLACE
Mason County Fiscal Court
MasonCoBBRFP@ctcnet.us *and* 3 paper copies/USB
Mason County Fiscal Court
221 Stanley Reed Court Street
Maysville, KY 41056

Opening will be virtual:

January 17, 2022; 4:00 p.m.

Virtual location link:

<https://us02web.zoom.us/j/88957083762?pwd=eW9SUlVheGZLTTRdXUHIbWGHVWdhVZz09>

Meeting ID: 889 5708 3762

Passcode: 805104

One tap mobile

+13017158592,,88957083762#,,,,*805104# US (Washington DC)

+13126266799,,88957083762#,,,,*805104# US (Chicago)

Requests for information related to this Invitation should be directed to CTC Technology & Energy, Mason County Contractor, at MasonCoBBRFP@ctcnet.us.

Issue Date: Friday, December 17, 2021

ANYONE IN NEED OF ANY REASONABLE ACCOMMODATION FOR ANY TYPE OF DISABILITY IN ORDER TO PARTICIPATE IN THIS PROCUREMENT SHOULD CONTACT THE MASON COUNTY FISCAL COURT AS SOON AS POSSIBLE.

NOTICE

The Mason County Fiscal Court and the City of Maysville will receive proposals via email at MasonCoBBRFP@ctcnet.us until **2:00 PM local time on Monday, January 17, 2022**. The proposals should contain information detailing qualifications and ability from parties interested in providing an analysis of the current availability of broadband services in the County and formulating a plan outlining the design, construction, and operation of a broadband services network to unserved, underserved, and unreliably served areas in the City of Maysville and Mason County. These proposals must include a detailed accounting of the respondent's history, capability, available resources, and proposed methodology to achieve the desired goal of designing and constructing a system capable of delivering high-speed broadband to all unserved and underserved areas within the county.

Proposals shall be publicly presented in a virtual format at the date and time listed above.

Current mapping of available infrastructure may be obtained at <https://bit.ly/30p6mlJ>. A description of the mapping categories is included below in **Appendix C**.

The City of Maysville and Mason County (referred to throughout this document as City/County where appropriate) reserve the right to reject any and all submissions, to waive any informalities, and to negotiate for the modifications of any proposal or to accept that proposal which is deemed the most desirable and advantageous from the standpoint of customer value and service and concept of operations.

The Mason County Fiscal Court and the City of Maysville are an Equal Opportunity Employers. WBE/MBE firms are encouraged to respond to this Request for Proposals.

INTENT

Whenever a specific "Brand Name" is used in these specifications, it is used for descriptive purposes only. The Mason County Fiscal Court and the City of Maysville shall be the sole judge of whether a proposal meets the intent of these specifications.

This is a Request for Proposals. Any reference to proposer, respondent, partner, or entity in this document shall be construed as the vendor/firm/contractor submitting the response to this RFP.

CONTENTS

1.	GENERAL INFORMATION	3
2.	COMMUNITY AT A GLANCE.....	4
3.	PROJECT OVERVIEW.....	5
4.	REQUIRED DISCLOSURES.....	7
5.	REQUIRED LICENSES.....	8
6.	RFP SCHEDULE	8
7.	PROJECT REQUIREMENTS	8
8.	RFP RESPONSE REQUIRED ELEMENTS.....	10
9.	RFP PROPOSER QUESTIONS AND ADDENDUM PROCESS.....	12
10.	SUBMISSION INFORMATION	12
11.	EVALUATION TEAM AND RFP SCORING CRITERIA	12
12.	STATEMENT OF NON-BINDING NATURE OF RFP	13
13.	INTELLECTUAL PROPERTY, CONFIDENTIALITY AND OPEN RECORDS	14
	APPENDIX A: RESPONSIBILITY MATRIX.....	15
	APPENDIX B: FINANCIAL RESPONSIBILITIES QUESTIONS	16
	APPENDIX C: EXPLANATION OF MAPPING CATEGORIES	22

REQUEST FOR QUALIFICATIONS

1. GENERAL INFORMATION

Access to reliable and affordable broadband internet connectivity is not a new issue for Kentucky’s families and small businesses. The desire to connect all citizens has been a goal identified as a central pillar of economic development, job growth, infrastructure improvements, technological innovation, energy security, and quality of life in America by the U.S. Department of Agriculture in “A Case for Rural Broadband,” published in April of 2019. The Commonwealth endeavored to “break down geographic and financial barriers to education and economic development and help connect Kentuckians to the world” when it launched the Kentucky Wired Project in 2015, which as of early 2021 met its goal of completing a middle-mile network with access points in all 120 Kentucky counties. The challenge of bringing service from these points to the homes of the estimated 669,360 (15.8%) Kentuckians lacking access to high-speed broadband remains.

The COVID-19 pandemic fully exposed the deficiency of broadband connectivity in the Commonwealth, identified by Governor Andy Beshear in the Better Kentucky Plan presented in August of 2021, which calls for high-speed, reliable internet access to serve the need for all Kentucky citizens to “stay informed and connected to school, work, family, church, health care and other

critical services.” In areas where the digital divide is greatest, citizens are disconnected from services vital to health and welfare. More importantly, a significant number of these areas are not planned to be served within the context of future build-out capital planning. Extended infrastructure needs and lower population densities create unique challenges for private industry to deliver services within an affordable framework on its own. Providing connections to these unserved areas is vital to the region’s future.

Accordingly, the City/County seeks a qualified and willing partner to review the current status of broadband availability, to develop a plan for the construction of an expanded network to address the deficient areas in the County, and to partner with the County to construct and operate the required middle-mile and last-mile infrastructure. This infrastructure will be used to provide broadband services in the areas of the County currently not served or currently underserved or unreliably served (and where existing providers do not plan to serve).

The purpose of this Request for Proposals (RFP) is to receive a proposal stating qualifications from interested partners who have the technical expertise, resources, and capacity to design and construct broadband infrastructure and provide access to retail service operations that will support dedicated broadband connectivity that **exceeds** Federal Communications Commission minimum standards to the areas of the County not served and not planned to be served. All interested firms must provide a comprehensive proposal detailing their qualifications and a proposed approach to reach these objectives, meeting all required elements listed in this RFP to be evaluated by the City/County. The provider(s) with responses judged to be of the highest quality will be invited to make a formal presentation to the City/County. The City/County will negotiate with the entity ultimately identified as the recommended provider.

2. COMMUNITY AT A GLANCE

The Broadband Expansion Initiative is geographically comprised of the City of Maysville and Mason County, Kentucky.

Mason County is located in north central Kentucky, directly south of the Ohio River, an hour southeast of Cincinnati, Ohio, and an hour northeast of Lexington, Kentucky. Mason County’s population, as of the 2019 Census estimate, is just above 17,000 residents, an approximately 400 person decrease from the 2010 population. This geographic area is comprised of approximately 247 square miles. Its largest city and County seat, the City of Maysville, is located on the Ohio River in the north-central section of the county. The other population centers in the County are Dover, located in the northwest corner of the County, with a population of approximately 248 (the 2019 Census estimate), Germantown, on the border of Bracken County and Mason County with a population of approximately 149 (the 2019 Census estimate), and Sardis, on the border of Robertson County and Mason County, with a population of approximately 101 (the 2019 Census estimate).

The City of Maysville is the retail and employment hub of a seven-county area, including Mason, Bracken, Robertson, Fleming, and Lewis Counties in Kentucky, as well as Brown and Adams Counties

in Ohio. Maysville Regional Medical Center is the medical hub of the seven-county area, with numerous independent clinics and specialists. Mason County Schools, St. Patrick School, The Downing Academy of the Arts, and Maysville Community and Technical College provide education and training opportunities. Additionally, the city boasts two charming historic districts, and numerous museums, galleries, and theaters.

Demographic and geographic information available at:

<https://www.census.gov/quickfacts/fact/table/masoncountykentucky,KY/PST045219>

The City/County will work with prospective partners to make geographic information system (GIS) data available as requested to assist with the preparation of the proposal. The County completed a survey of existing infrastructure as part of this effort in August of 2021. The survey included a complete ride out of all County roads (including the City of Maysville) to collect detailed data regarding existing broadband infrastructure. Prospective respondents can download the data at <https://bit.ly/3Op6mIj> or request the file via email MasonCoBBRFP@ctcnet.us. As noted previously, an explanation of the mapping categories can be found in **Appendix C**.

3. PROJECT OVERVIEW

The City/County desires to identify a qualified partner through this Broadband Expansion Initiative RFP that can assess the current availability of broadband internet services and then design and construct a network within the unserved, underserved, and unreliably served areas of each county to provide the availability of broadband connections to those unserved and underserved geographic areas. Proposals received in response to this RFP will serve as the basis for determining the provider best positioned to successfully undertake the endeavor and negotiate a contract with the City/County to design and implement such a network.

Access to broadband is critical to the future of the City of Maysville and Mason County. Equal and affordable access to communications infrastructure and service is essential to promoting equal opportunity in business, education, employment, healthcare, and many other aspects of day-to-day life. We recognize the need and the challenges of expanding broadband to businesses and residents in the less densely populated sections of the City/County.

The City/County intends to empower its residents and local businesses to be network economy producers—not just consumers of network information and data services. Further, we intend to provide our stakeholders with the broadband capacity they need to compete successfully in the global marketplace. The City/County believes this project will enable diversification and new economic opportunities that attract business from new sectors. Affordable world-class connectivity for business and residential customers is a key economic development tool to aid in attracting new industry.

The City/County intends to support this vision with a fiscally sustainable long-term solution. It recognizes that broadband bandwidth needs expand at a rapid pace and that savvy solutions ideally consider community needs not just of today, but for 10 to 15 years into the future.

Project goals are listed below. The response to this RFP (Proposal) should demonstrate the willingness, ability, and qualifications of the respondent to meet the stated goals:

1. Assess current availability of broadband services to refine the City/County's understanding of service gaps in the City/County.
2. Develop a proposed technical approach that:
 - a. Remediate and prioritize unserved, underserved, and unreliably served areas of the City/County with a minimum speed that meets the FCC definition for broadband, but strive to exceed that minimum; the resulting infrastructure should be built throughout the City/County with no "cherry picking" or building only to the most affluent areas of a community where there is a higher likelihood of obtaining subscribers willing to pay for service, and thus seeing a quicker return on capital investment.
 - b. Favors fiber-to-the-premises (FTTP) system designs wherever feasible. The City/County has a preference for FTTP system designs but will accept designs with a staged approach to future-proof solutions, as any federal funding will require a future-proof solution to a certain extent.
 - c. Identifies the infrastructure needed to support the delivery of leading-edge broadband services consistent with proposed design.
 - d. Supports the operational needs of individuals and businesses through a platform of high-speed internet services.
 - e. Provides dedicated fiber capacity between City/County sites for its own internal communications needs.
 - f. Uses all available technology options to deliver a long-term solution with sustainable infrastructure that is as robust and flexible as practical.
3. Establish the City of Maysville and Mason County as being at the forefront of the most connected communities in the Commonwealth, region, and nation.
4. Offer a competitive rate structure for broadband services. In addition to providing "future-proof" broadband connectivity for residents, the City/County strives to provide affordable options for all income levels.¹

¹ <https://www.fcc.gov/emergency-broadband-benefit-program>

5. Provide a focus on reliability of broadband services.
6. Provide flexibility such that the system design may be implemented as a whole or in phases.
7. Provide for long-term service delivery to end-users with a high-quality product and superior customer service. A description of how customer service training may be tailored to fit the City/County's preferences should be included in submitted responses.
8. Demonstrate the ability to be implemented as expediently and professionally as possible without compromising the integrity of the project. The City/County acknowledges that an aggressive timeline is a major goal of this project and the ability to meet this goal should be reflected in submitted responses.
9. Promote a competitive local broadband marketplace. The partnership will facilitate a local broadband marketplace that is as competitive as reasonably possible. Although this procurement seeks one partner, and the City/County may consider short-term exclusivity with a selected partner, our ultimate goal is to foster competition in a way that supports the community's best interest. The business model should accept, accelerate, and encourage competition among service providers.
10. Support unfettered access. The resulting network will deliver an unfettered data offering that does not impose caps or usage limits on one use of data over another (i.e., does not limit streaming). All application providers (data, voice, video, and cloud services) are equally able to provide their services, and the consumer's access to advanced data opens up the marketplace.
11. Provide full financial transparency to the City/County and be cost efficient.

Responses will be evaluated for evidence of the respondent's ability to meet the project goals and implement a designed system pursuant to the scoring criteria listed in this RFP and formal presentation if selected as a finalist. The identified partner will move forward with negotiations to enter into an agreement with the City/County to begin implementation of the scope of work identified in this RFP and the negotiated terms.

4. REQUIRED DISCLOSURES

The anticipated project may not be governed in its entirety by provisions of the model procurement code. However, pursuant to the provisions of KRS 45A.343, the contractor or vendor is required to reveal to the County any final determination of a violation of KRS Chapters 136, 139, 141, 337, 338 and 342 by the contractor or vendor within the previous five (5) years; and further that said contractor or vendor has been and is in continuous compliance with the provisions of KRS Chapters 136, 139, 141, 337, 341, and 342 for the duration of the contract. The failure of a contractor or vendor

to reveal a final determination of a violation to a local government, or to comply with the statutory requirements, is considered grounds for cancellation of a contract and disqualification of the contractor or vendor from eligibility for any County contracts for a period of two (2) years.

THE CITY/COUNTY RESERVES THE RIGHT TO REJECT ANY AND ALL SUBMISSIONS AND TO WAIVE FORMALITIES.

5. REQUIRED LICENSES

All interested parties must possess all federal, state, and local qualifications and licenses required to provide services in the City of Maysville, Mason County, and the Commonwealth of Kentucky upon award.

6. RFP SCHEDULE

Submissions will be opened on Friday, December 17. Tentative timeline and milestones are as follows:

DATE	MILESTONE
Friday, December 17, 2021	RFP Issued
Monday, December 27, 2021	Deadline for Questions and Requests for Clarification (by 11:59 p.m., Eastern)
Thursday, January 6, 2022	Final Addendum to RFP and Statement of Clarifications Issued
Monday, January 17, 2022	Response (Proposal) to RFP due by 2:00 p.m. Local Time
TBD	Notification to Finalists
TBD	Finalist Presentations
TBD	Announcement of Respondent Selected for Negotiation Stage

7. PROJECT REQUIREMENTS

The Broadband Expansion Project desires to identify a qualified partner through this RFP who can assess the current availability and quality of broadband internet services within the City of Maysville and Mason County and then design and construct a network to expand broadband availability to unserved and underserved geographic areas.

The City/County is seeking a private or public partner that will provide internet services to residents

and businesses located in areas that are currently unserved or underserved. The City/County encourages proposers to detail a proposed business model encompassing all aspects of the deployment and operations of broadband services, including ownership and ongoing maintenance of the resulting infrastructure. Respondents should clearly indicate how their approach can achieve the County's partnership and connectivity goals.

The County expects that the partner will provide a full "turnkey" solution for the delivery of products and service that include assessment of current conditions, design, engineering, procurement, permitting, construction, operation, maintenance and repair, and regulatory compliance, and that the designed network will be adaptable for future growth and technology. The City/County is not interested in operating or maintaining the resulting infrastructure. The proposed solution should be consistent with project goals listed in Section 3 of this RFP.

Any system design must, at a minimum, provide speeds consistent with the ARPA funding eligibility requirement for broadband (100 Mbps downstream / 20 Mbps upstream, scalable to symmetrical 100 Mbps downstream/100 Mbps upstream). The City/County is cognizant of the federal government's emphasis on 100/20 speeds in a number of their grant programs and strongly favors a plan that strives to exceed this minimum standard and meets the long-term goals of the project as stated in Section 3 above.

Potential partners with the top ranked submissions will be notified by the City/County as outlined in the RFP timeline, Section 6, and may be asked to provide a formal presentation to the City/County highlighting the ability to meet the goals and objectives as provided in this RFP, as well as any additional information relevant to consideration. This may include but is not limited to:

- Relevant market studies and analysis
- General fiber infrastructure design examples from past projects
- Proposed project timeline for analysis, design, construction, and end user subscription
- Residential expansion capabilities and desires
- Financing capacity and pro forma
- Cost-efficient construction and deployment
- Cost-efficient pricing for services and CPE for consumers
- Proposed project team with illustration of their experience and qualifications
- Illustrations of unique qualifications, skills, or value to the project.

The bidder judged to be the most qualified will be engaged in a negotiation to define the scope of work and terms for project implementation. Once the scope is approved, the City/County expects the project work to begin immediately. The construction timeline will depend somewhat on the partnership developed with the successful respondent; however, the respondent should be prepared to meet aggressive timelines for design, build-out, and activation of the network. **It should be noted that the project does not consider wireless, unlicensed or fixed licensed, to be a suitable sole option to meet its broadband needs in the long-term; however, providing wireless offerings in conjunction with a core hardline service connection may be considered, and in some cases desired (especially if it enables immediate temporary deployment of service where a wireline infrastructure is planned**

to replace it within a year of the wireless deployment).

8. RFP RESPONSE REQUIRED ELEMENTS

All interested parties who seek to develop a partnership with the City of Maysville and Mason County as part of the Broadband Expansion Project must submit a response in the form of a proposal that outlines their qualifications and ability to meet the goals, objectives, and requirements illustrated in this RFP. The response will be used to evaluate the most appropriate fit for the project. To achieve a full, fair, and uniform review process, all submissions must be an electronic copy of the response that includes the following components in order to be judged responsive to this RFP:

- A. **Cover Letter:** Provide a Letter of Transmittal on company letterhead stating why the respondent is interested in developing a partnership with the City/County and a list of requirements, if any, in this RFP that the provider is unable to meet. Limit 1 page.
- B. **Operational Capabilities:** Provide an overview of the respondent's organization, services, partners, resources, and capabilities. Provide details on the company's (or its shareholders') knowledge, experience, and operations within the broadband telecommunications industry and, if applicable, infrastructure development in the region, as well as key expertise that qualifies it to be considered in this RFP. Limit 2 pages.
- C. **Current Offering Overview:** Current broadband providers should include an overview of their products and services, operations, total subscriber count, type of services (business or residential or both), local presence in the region, and other markets served. Highlight any special programs related to low-income and school programs, such as E-rate, in which they participate. Demonstrate any similar arrangements with municipalities, electric utilities, or other public-private partnerships. Limit 2 pages.
- D. **Business Structure:** Provide a project organizational chart of the business showing how the initiative will be organized. Provide information that demonstrates the ability of the business to provide the capital financing required to implement a proposed system design. Address the main areas of risk for the project and how you will endeavor to reduce that risk. Limit 2 pages.
- E. **Estimated Project Cost:** Include the total proposed estimated cost of the turnkey effort with detail. This section should identify specific funding contributions and resources required from the City/County to make the financials viable. **Fill out Appendix B – Financial Responsibilities Questions and submit in its native PDF format.** *Submissions that do not follow the instructions will be excluded from further review.* Limit 2 pages not including tables and attachments.
- F. **Service and Product Offerings:** Provide a narrative overview (limit 1 page) of the services and products to be offered with detail on pricing for consumers by speed of services.

Include a summary table as structured below (Service Offerings Summary) and information about costs related to customer-premises equipment (CPE) and any other relevant information that is important to be considered.

Broadband Performance Tier	Speed (Mbps)	Monthly Service Cost	CPE Cost (to Customer)

- G. **Affirmation and Narrative:** Affirm an interest in this partnership with the City/County and include a detailed narrative and mapping that clearly and completely addresses the project goals, objectives, and desired outcomes as illustrated in this document, with particular emphasis and detail given to the information provided in sections three (3) and seven (7) of this RFP. Illustrate an approach that is designed to be implemented in a phased approach. Include a route overview map in your narrative. **All proposers must attach a .kmz or .shp file of proposed routing with clearly defined layers for various types of infrastructure.** *Submissions that do not follow the instructions will be excluded from further review.*
- H. **Project Timeline:** Include a project timeline that highlights the order of segments for construction. Include a brief narrative description of the segmentation and order of the approach and reasoning for the order of the approach. Respondents should note any roadblocks. Include assumptions such as (but not limited to) number of work crews, make ready timelines, and anticipated issues around material lead times.
- I. **Roles and Responsibilities:** Define the roles and responsibilities for the respondent, the City/County, and other partners, if any, including any other requirements. Define how the respondent’s proposal will comply with local, state, and federal regulatory requirements. **Fill out Appendix A – Responsibility Matrix and submit in its native Microsoft Excel format.** *Submissions that do not follow the instructions will be excluded from further review.* Limit 2 pages.
- J. **References:** Provide a minimum of three (3) industry or municipality references that demonstrate the respondent’s ability to successfully plan, implement, and deploy broadband network products and services using innovative public or private environments. Include name, title, organization, phone number, and email address.
- K. **Regional Support:** Please indicate willingness to discuss a regional approach that would include neighboring jurisdictions in the eventual build-out plans.
- L. **Grant Support:** Please provide a brief discussion regarding willingness and ability to assist the City/County in pursuing grant funds to aid in the potential funding needs of the City/County to support this project.

- M. **Miscellaneous Supporting Information:** Provide any additional supporting information, documentation, or materials that illustrate the qualifications and ability of the proposer to meet the goals, objectives, and requirements outlined in this RFP.

9. RFP PROPOSER QUESTIONS AND ADDENDUM PROCESS

Questions relating to definitions, interpretations, and information and requests for clarification must be in writing, on or before **Monday, December 27, 2021 by 11:59 p.m.** (local time), directed to CTC Technology & Energy (consultant to the City/County) via email: MasonCoBBRFP@ctcnet.us

No questions will be accepted after the deadline for questions has passed. Responses to questions or requests for clarification regarding this RFP will be issued in writing as an addendum and posted on the Mason County Fiscal Court website. Any such addenda shall be issued by **Thursday, January 6, 2022 by 2:00 p.m.** (local time) and shall be considered part of the RFP.

10. SUBMISSION INFORMATION

Submission Date and Time: No later than Monday, January 17, 2022, at 2:00 p.m. local time

The City/County will receive proposals via email at MasonCoBBRFP@ctcnet.us until **2:00 p.m. local time on Monday, January 17, 2022**. Only those responses received prior to or on the submission date and time will be considered. ***All respondents should also send (via U.S. mail or drop off in person at the Court), a USB drive and 3 paper copies of the proposal and its attachments (print the PDF and Excel appendices to include with the paper version).*** The City/County is aware that the U.S. Postal Service delivery timelines are long. If you have submitted via email prior to the submission date and time, your proposal will be accepted.

11. EVALUATION TEAM AND RFP SCORING CRITERIA

The City/County will evaluate the responses submitted and will be evaluated on the following criteria to determine the finalist(s):

- Relevant experience and qualifications (75 points/20%)
- Overall quality and completeness of submission (15 Points/4%)
- Financial soundness and capability to meet RFP goals and objectives (50 points/13%)
- Narrative addressing goals, objectives, and requirements (75 points/20%)
- Responses from references (30 points/8%)
- Proposed schedule and timeline (50 points/13%)
- Cost effectiveness of funding proposal (50 points/13%)

- Proposed customer pricing (30 points/8%)

The City/County may, at its discretion, request any or all respondents to clarify information presented in the submission.

Finalist(s) will be determined based upon the scoring of criteria outlined above. The recommended submission will be determined by the City/County following a formal presentation by selected finalists. The City/County will decide at the time of review how many finalists they will ask to present formally.

Once a Provider has been selected, the City/County and the Provider will enter into the negotiation period to refine the vision for the Project and finalize the terms of an Agreement. If no agreement can be negotiated, the City/County will enter into negotiations with the second-ranked respondent and so forth until an agreement is reached.

FINAL CONTRACT OR AGREEMENT SHALL BE SUBJECT TO APPROVAL BY THE CITY/COUNTY

The City of Maysville and Mason County reserve the right to evaluate all submitted proposals and to move forward with the submission deemed to be in the best interest of the county. The City/County may, in their sole and absolute discretion, accept or reject, in whole or in part, for any reason whatsoever any or all Proposals; re-advertise this RFP; postpone or cancel at any time the RFP process; waive any informalities of or irregularities in the process; negotiate with any party or request additional information if it so desires.

Proposals that are not submitted on time and/or do not conform to the RFP requirements will not be considered. The County may determine, in its sole discretion, whether any aspect of the proposal satisfies the criteria established in this RFP. In all cases, the City/County shall have no liability to any contractor for any costs or expense incurred in connection with this proposal or otherwise.

The City/County will allow a proposer's representative bearing proper authorization and identification to withdraw the proposer's unopened proposal prior to submission deadline. A firm wishing to modify his/her proposal may do so by withdrawing the initial submission and then submitting a modified proposal ***prior to the deadline***. Neither the staff nor the facilities of the City/County will be available to assist a proposer desiring to make modifications. It will be the proposer's responsibility to make all modifications. The City/County may conduct discussions with persons submitting proposals for the purpose of clarification to assure full understanding of, and responsiveness to, the solicitation requirements. The City/County reserves the right to cease all contract preparation activities at any time and reject all proposals if such action is determined to be in the best interest of the City/County.

12. STATEMENT OF NON-BINDING NATURE OF RFP

The issuance of this RFP and any subsequent response by a respondent does not create a binding

obligation on the part of the City/County to enter into any form of agreement or contract, or to pay any costs associated with the preparation of responses or submissions with the respondent, for the development of a broadband network, delivery of products and services or otherwise. Nor shall the RFP in any way create an association, partnership, or joint venture among respondents and the City/County.

13. INTELLECTUAL PROPERTY, CONFIDENTIALITY AND OPEN RECORDS

The City/County will not pay for any information requested, and all responses submitted become the property of the City/County. Responses will not be returned and may be subject to disclosure pursuant to state open-records statutes. If a respondent believes that any portion of its response includes proprietary or other confidential information, it must be clearly labeled "Confidential Information", and the respondent must state the basis for the claim to confidential treatment. To the extent permitted by law, the City/County will treat such information as confidential and will not disclose it to a third party without prior notification and authorization.

APPENDIX A: RESPONSIBILITY MATRIX

Appendix A is included as a separate file and can be downloaded here: <https://bit.ly/30p6mJJ>.

Please submit Appendix A electronically in its native Excel format. Include a printed version in your paper submissions. *Failure to follow these instructions may result in rejection of the response.*

APPENDIX B: FINANCIAL RESPONSIBILITIES QUESTIONS

The purpose of these additional questions is to garner a more complete understanding of the respondent's plan for partnership with the City/County. Our goal is to gain a solid understanding of financial requirements underpinning your approach to a partnership through informative yet brief responses to the questions below. **Please submit Appendix B electronically in its native PDF format. Include a printed version in your paper submissions. Failure to follow these instructions may result in rejection of the response.**

Financing means any borrowing required or any investments provided. **Funding** refers to resources that can include subscriber revenues, taxes, or other sources that are used to cover operation, maintenance, debt service, and other expenses.

- 1) What, if any, financial requirements do you have of the City/County in order to enter into a partnership?

- 2) How do you propose to finance the network build-out? Please note that, in this RFP, funding is defined as providing money for the network operation and debt service, while financing is defined as the means of raising money, as a bond issuance, to finance the FTTP construction and start-up costs.

- 3) How will the financing be secured? By whom and with what guarantees?

4) Will the City/County be required to make any recurring service payment to the respondent, any partner(s), or a separate limited liability company (LLC) created for the partnership?

Yes

No

4a) If "Yes," will these payments be subject to a consumer price index (CPI) increase?

Yes

No

N/A

4b) If "yes," what are the conditions of payment obligations from the City/County to the respondent, any partner(s), or an LLC? (If "No," please enter "N/A" for Question 4b.)

5) Will the City/County be required to make any service payments **guarantees** to the respondent, any partner(s), or an LLC ?

Yes

No

5a) If "Yes," will these payments be subject to a consumer price index (CPI) increase?

Yes

No

N/A

5b) If "yes," what are the conditions of payment obligations from the City/County to the respondent, any partner(s), or an LLC ? (If "No," please enter "N/A" for Question 5b.)

6) Will the respondent, any partner(s), or an LLC be required to make any service payments directly to the City/County?

Yes

No

6a) If "yes," will these payments be subject to a CPI increase?

Yes

No

N/A

7) How is the project funded? Please note that, in this RFP, funding is defined as providing money for the network operation and debt service, while financing is defined as the means of raising money, as a bond issuance, to finance the FTTP construction and start-up costs.

8) If subscriber revenues are projected to fund the project:

8a) Are these subject to CPI in the financial projections?

Yes

No (If "No," please enter "N/A" for Questions 8a through 8e.)

N/A (If "N/A," please enter "N/A" for Questions 8a through 8e.)

8b) What is the marketing approach to reach subscriber revenue projections?

8c) What would be the sales objectives (in subscribers) in years 1, 2, and 3?

8d) What take-rate do the projections assume?

8e) What are the key themes of a marketing strategy that would be implemented?

9) Is a basic free or reduced cost service proposed?

Yes

No (If "No," please enter "N/A" for Questions 9a and 9b.)

9a) If yes, what are the eligibility requirements for receiving the service and who is required to support the operating expenses of delivering the service?

9b) How are funds for support of the free service generated?

APPENDIX C: EXPLANATION OF MAPPING CATEGORIES

The .kmz file with mapping data for the City/County is included at <https://bit.ly/30p6mIJ>

The following information is relevant to the data in that file:

Make Ready Status:

- **Category A** – No make-ready will be required; new cable can be placed on poles with no pole modifications needed. Fiber will need to be placed a minimum of 40” below existing power cable or neutral, and 12” from the bottom of a street light bracket.
- **Category B** – Minimum make-ready modifications will be needed at an average of 10-25% poles per mile in the form of adjusting existing cable height to make room for new cable placement. No pole replacements will be needed in this area.
- **Category C** – Heavy make-ready modifications will be needed in the form of adjustment of existing cable attachments on most poles. Approximately 25-50% of the poles will need to be replaced to maintain necessary clearances in these areas. This category appears in many of the residential areas where drops and spans crowd the communications space.
- **Category D** – This category is for areas where complete pole replacement will be needed on at least 75% of all poles. Existing poles are too crowded and there is no room currently for new cable placement.
- **No poles** – This category indicates where there are no existing poles.
- **Underground** – This category indicates where existing utilities are underground.

Service Availability Status:

- **FTTP & Cable** – 2.73 miles, 181 addresses
- **Cable & Telephone/DSL** – 241.9 miles, 6,572 addresses
- **Telephone/DSL** – 265.1 miles, 2,091 addresses
- **No Visible Poles from Road** – 77.1 miles, 176 addresses
- **Private Roads** – 243 miles