

Request for Proposal RFP

Jefferson County GigReady Broadband Implementation

PROPOSALS DUE: December 20, 2022

All **questions** concerning this RFP must be submitted in writing (email is acceptable) by 5:00 PM EST of **December 7, 2022** and addressed to:

**John Nissel, County Administrator
124 East Washington Street
Charles Town, WV 25414**

Proposals must be received by the date and time stated above or they will remain unopened and returned. No allowance will be made for postmark or error in delivery to incorrect address.

Proposals shall be prepared at the bidder's expense and becomes a Jefferson County Commission record and therefore public record. Submit 3 copies of the proposal, including one original (clearly marked "ORIGINAL"), and one copy in WORD software or PDF, shall be submitted in a sealed container. The face of the container shall be clearly marked in the lower left corner as follows:

Jefferson County GigReady Broadband Implementation

Proposals must be submitted to:

**John Nissel, County Administrator
124 East Washington Street
Charles Town, WV 25414
jnissel@jeffersoncountywv.org
304-728-3284**

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Tentative Milestone Dates

Milestone	Date
RFP drafted and published	November 2022
ISPs – 30 days to respond to RFP	December 2022
Jefferson County to review RFP responses	December 2022
Jefferson County enters contract with ISP	January 2023
JC/ISP submits a GigReady Implementation Application for construction	Mid January 2023
WV Office of Broadband Reviews applications and decides on funding	1 st Quarter of 2023
Estimated start of construction	Beginning of 2024

Evaluation Criteria	Points
Qualifications and Experience	20
Approach, Methodology and Timeline	20
Cost Proposal	20
Matching Funds	40

Overview

The Jefferson County Commission seeks qualified vendors to construct, own and operate fiber to the premise infrastructure to identified, unserved targeted locations. This project will be supported by funds from the state of West Virginia's GigReady broadband infrastructure grant program which utilizes American Rescue Plan Act (ARPA) funding which may include the ARPA Capital Projects Fund and State and Local Fiscal Recovery Fund and the selected vendor will be required to comply with all procedures and rules associated with the state's GigReady Program.

This RFP process will identify a vendor that, together with the County, will form a public private partnership that will be the applicant for funding from the state of West Virginia's GigReady Program.

Awards will support broadband infrastructure that delivers reliable internet service that meets or exceeds symmetrical download and upload speeds of 100 megabits per second (Mbps), speeds that are needed for a household with multiple users to simultaneously access the internet to telework and access education and health monitoring.

In accordance with ARPA requirements, service providers are required to participate in the Federal Communications Commission's (FCC) Affordable Connectivity Program (ACP). The ACP helps ensure that households can afford the broadband they need for work, school, healthcare, and more by providing a discount of up to \$30 per month. The selected vendor will also be required to offer at least one broadband service, with no data caps, that is fully subsidized under the ACP program.

Private partners will be required to contribute matching funds to the project, in addition to county level matching funds, in order to meet the GigReady Program's required match of 25% of total project costs. The county has \$500,000.00 available as matching funds to add to a private partner's matching funds contribution.

Respondents are required to incorporate all Targeted locations specifically identified by the county in their response. The county has identified the following target area locations, more accurately depicted on the attached map(s). Please see Appendix A.

In addition to these specified Targeted locations, respondents are encouraged to propose funded service areas, made up of Targeted locations, as broadly as possible throughout the county. Applications into the GigReady Program may propose to pass non Targeted locations if those passings are necessary to serve Targeted locations, but no expenses for serving non Targeted locations can be included in the application.

Proposals must adhere to the state of West Virginia GigReady Program Procedures and Rules.

It is anticipated the selected vendor will continue to work with the county as a public private partnership applicant during additional rounds of GigReady Program funding that will be funded by the Infrastructure Investment and Jobs Act BEAD Program to expand broadband infrastructure to all unserved locations within the county.

Scope of Work

Grant recipients will be expected to:

1. Assist the county in preparing an application into the state of West Virginia's GigReady Program.
2. Execute a public-private partnership agreement with the county, to be negotiated.
3. Construct a fiber to premise network to all identified, unserved targeted locations, including all necessary permitting and environmental clearances.
4. Own and operate the fiber to the premise network offering retail service and customer support to subscribers.
5. Offer at least one broadband service, with no data caps, that is fully subsidized under the Affordable Care Act.
6. Contribute matching funds such that the public private partnership application meets the GigReady Program's 25% matching funds requirement.

Proposal should include and will be evaluated based on:

- Cover Sheet (Provided)
- General Vendor Information Sheet (Provided)
- Demonstrated Understanding of Scope of Work
- Qualifications and Experience
- Approach, Methodology and Timeline for Achieving Scope of Work
- Company Resources and Project Team
- Relevant Experience
- Proof of insurance as described in Vendor Qualifications
- Fee Schedule and Cost Proposal
- Any other local requirements

Proposal Requirements

Proposals should include the following:

- **Point of Contact**
- **Description of Vendor**
- **GigReady Program Familiarity:** Respondents must thoroughly review the state of West Virginia's GigReady Program Procedures such that proposals are compliant with that Program.
- **High Level Design and Cost Estimate:** to fully construct fiber to the premise network to all identified unserved targeted addresses. This cost estimate will serve as the basis for a grant funding request from the state of West Virginia's GigReady Program.
- **Timeline:** All project activities must be completed within 24 months of the award of funds from the GigReady Program.
- **Experience:** Describe respondent's experience delivering broadband service:
 - a. Experience in broadband development and broadband project management with state and local government agencies in the past three years.
 - b. Skills, technical resources and capabilities, experience and expertise in broadband development program of comparable scope and scale.
- **Proposed Services:** Specify the performance characteristics, including upload and download speeds, of all proposed retail service offering that you will offer on the newly constructed fiber to the premise network including,
 - a. The proposed fully subsidized service.
 - b. All other proposed retail service offerings

- **Matching Funds:** Describe your matching funds contribution to the project, which at the least must ensure that the public private partnership’s application meets the GigReady Program’s 25% matching funds requirement.
- **Network Technology:** Describe in detail the network technology and network architecture of your proposed FTTP network. For example, “XGS-PON with a 1:32 field distributed split.”

Assistance to be Provided

The Jefferson County Commission will provide: Access to available GIS data related to the state’s GigReady Program including Target addresses, Other addresses and already funded areas; internet speed test data as reported by the West Virginia Speed Test Portal via the West Virginia Broadband Enhancement Council.

Reporting

Subrecipients/grantees must comply with statutory/regulatory requirements and terms and conditions of award. Subrecipients must provide Jefferson County Commission and WVDED with all information requested by the WVDED, so that it may report to the Treasury on subrecipient’s/grantee’s use of grant funds.

Jurisdiction of Generated Data

All materials, maps, reports and data generated through this project shall remain the property of the local government. Data will also be provided to the State of West Virginia, West Virginia Office of Broadband in electronic and paper format.

Access to Subrecipient Records

Recipients and subrecipients/grantees must maintain records and financial documents for five years after all funds expended or returned. Subrecipient must permit the Pass-Through Entity (WVDED, Office of Broadband) and auditors’ access to subrecipient’s records and financial statements as necessary.³

Selection Process

- **ACCEPTANCE PERIOD:** Unless otherwise specified herein, proposals shall be valid and honored for a period of Ninety (90) calendar days from the submittal deadline date.
- **ADDENDA ACKNOWLEDGMENT:** Each proposal shall include specific acknowledgment in the space provided of receipt of all addenda issued during the solicitation period. Failure to acknowledge may result in the proposal being rejected as not responsive.
- **AUTHORIZED SIGNATURES.** Every proposal must be signed by the person or persons legally authorized to bind the Proposer to a contract for the execution of the work. Upon request of the Jefferson County Commission, any agent submitting a proposal on behalf of a Proposer shall provide a current power of attorney certifying the agent’s authority to bind the Proposer. If an individual makes the proposal, his or her name, signature, and post office address must be shown. If a firm or partnership makes the proposal, the name and post office address of the firm or partnership and the signature of at least one of the general partners must be shown. If a corporation makes the proposal, the proposal shall show the name of the state under the laws of which the corporation is chartered, the name and post office

address of the corporation and the title of the person signing on behalf of the corporation. Upon request of the Jefferson County Commission, the corporation shall provide a certified copy of the bylaws or resolution of the board of directors showing the authority of the officer signing the proposal to execute contracts on behalf of the corporation.

- **AWARD OF PROPOSAL.** Award will be made to the Proposer offering the most advantageous proposal after consideration of all Evaluation Criteria set forth below. The criteria are not listed in any order of preferences. The Jefferson County Commission will evaluate all proposals received in accordance with the Evaluation Criteria. The Jefferson County Commission reserves the right to establish weight factors that will be applied to the criteria depending upon order of importance. Weight factors and evaluation scores will not be released until after award of proposal. The Jefferson County Commission shall not be obligated to accept the lowest priced proposal, but will make an award in the best interests of the Jefferson County Commission after all factors have been evaluated.
 - **CANCELLATION OF SOLICITATION.** The Jefferson County Commission may cancel this solicitation at any time.
 - **COMPLIANCE WITH LAWS.** All proposals shall comply with current federal, state, and other laws relative thereto.
 - **DEFINITION OF TERMS.** For the purposes of this RFP, the following definitions will be used:
 1. Contract—The entire and integrated written contract/agreement between the Owner and Contractor which shall consist of the Request for Proposal, all Addenda, the RFP Terms and Conditions, the Proposal, any written Change Order modifications, and Performance Bond(s). The Contract supersedes prior negotiations, representations, or agreements, whether written or oral.
 2. Contractor – Same as Successful Proposer.
 3. May – Indicates something that is not mandatory, but permissible.
 4. Owner - The Jefferson County Commission, the entity with whom Contractor has entered into the Contract/Agreement and for whom the Work is to be performed.
 5. Proposal – The offer made by the Proposer.
 6. Proposer – The person or firm making the offer to the Owner to perform work.
 7. RFP – Acronym for “Request for Proposal.
 8. Shall/Must - Indicates a mandatory requirement.
 9. Should – Indicates something that is recommended but not mandatory.
 10. Submittal Deadline – The date and time on or before which all proposals must be submitted.
 11. Successful Proposer – The person, contractor, or firm to whom the award is made.
 - **DOCUMENTS TO BE RETURNED WITH PROPOSAL.** Failure to completely execute and submit the required documents before the Submittal Deadline may render a proposal non-responsive. The documents that must be returned by the Submittal Deadline are listed on the form entitled "Proposal Documents To Be Returned" and attached hereto.
 - **INK OR TYPEWRITTEN.** All information, prices, notations, signatures, and corrections must be in ink or typewritten. Mistakes may be crossed out and corrections typed or printed adjacent to the mistake and initialed in ink by the person signing the proposal.
 - **NOMENCLATURES.** The terms Successful Proposer, Successful Contractor, and Contractor may be used interchangeably in these specifications and shall refer exclusively to the firm with whom the Jefferson County Commission enters into a contract because of this solicitation.
 - **NON-COLLUSION AFFIDAVIT.** Proposers are required to submit a Non-Collusion Affidavit with their Proposals. See attached Affidavit. If there is reason to believe that collusion exists among the Proposers, the Jefferson County Commission may refuse to consider proposals from participants in such collusion.
- OPENING OF PROPOSALS.** All proposals, irrespective of irregularities or informalities, will be opened and

the names of the Proposers and proposed prices will be publicly read aloud at the Submittal Deadline. All interested persons are invited to be present at the opening and reading of proposals.

- **POSTPONEMENT OF OPENING.** The Jefferson County Commission reserves the right to postpone the Submittal Deadline and opening of proposals any time before the date and time announced in the Request For Proposals or subsequent addenda.
- **PRICE DISCREPANCIES.** In the event that there are unit price items in a proposal schedule and the "amount" indicated for a unit price of an item does not equal the product of the unit price and quantity listed, the unit price shall govern and the amount will be corrected accordingly. If there is more than one item in a proposal schedule, and the total indicated for the schedule does not agree with the sum of prices of the individual items, the prices given for the individual items shall govern and the total for the schedule will be corrected accordingly. The Proposer will be bound by said corrections.
- **PRICES.** All Proposals shall give the prices proposed, both in writing and in figures, shall give all other information requested herein, and shall be signed by the Proposer's authorized representative. Proposal prices shall include everything necessary for the completion and fulfillment of the contract.
- **PROPOSAL FORMS/SUBMITTAL.** Proposals should be clearly labeled and submitted in a sealed envelope or box bearing the name of the Proposer, RFP number, and Submittal Deadline. Proposer's authorized representative must properly initial any erasures or alterations of any kind. Proposals that contain omissions or improper erasures or irregularities may be rejected. No oral, electronic, telegraphic, or telephonic proposals or modifications will be considered. Forms. Proposals must be submitted on preprinted forms supplied in this RFP. Copies. Proposers shall submit one (1) original proposal marked "MASTER", and the two (2) identical copies on or before the Submittal Deadline. Discrepancies. If discrepancies are found between the original and copy or copies, the original "MASTER" will provide the basis for resolving such discrepancies. If one document is not clearly marked "MASTER", the Jefferson County Commission reserves the right to use the original as the Master.
- **PROPOSAL CONTENT.** Proposer must describe in detail how he will meet the requirements of this RFP, and may provide additional related information with his proposal. The proposal should be presented in a format that corresponds to, and references, the sections outlined in the Specification or Scope of Work, and should be presented in the same order. Responses to each section and subsection should be labeled to indicate which item is being addressed. Proposals should be straightforward and concise. Emphasis should be concentrated on conforming to the RFP instructions, responding to the RFP requirements, and on providing a complete and clear description of the offer. If a complete response cannot be provided without referencing supporting documentation, you must provide such documentation with the proposal indicating where the supplemental information can be found. The Jefferson County Commission is not liable for any costs incurred by Proposers before entering into a formal contract. Costs of developing the proposals or any other such expenses incurred by the Proposer in responding to the RFP, are entirely the responsibility of the Proposer, and shall not be reimbursed in any manner by the Jefferson County Commission.
- **PROPOSAL MODIFICATIONS.** Any Proposer who wishes to make modifications to a proposal already received by the Jefferson County Commission must withdraw his proposal in order to make the modifications. Withdrawals must be made in accordance with the terms and conditions of this solicitation (see Proposal Withdrawal). All modifications must be made in ink, properly initialed by Proposer's authorized representative, executed, and submitted in accordance with the terms and conditions of this solicitation. It is the responsibility of the Proposer to ensure that modified or withdrawn proposals are resubmitted before the Submittal Deadline.
- **PROPOSAL, REJECTION OF.** The Jefferson County Commission reserves the right to reject any or all Proposals or any part of a Proposal. The Jefferson County Commission reserves the right to reject the Proposal of any Proposer who previously failed to perform adequately for the Jefferson County Commission or any other governmental agency. The Jefferson County Commission expressly reserves

the right to reject the Proposal of any Proposer who is in default on the payment of taxes, licenses or other monies due to Jefferson County.

- **PROPOSAL WITHDRAWAL.** Proposers' authorized representative may withdraw proposals only by written request received by the Office of Impact Fees, Impact Fees Program Specialist, before the Submittal Deadline.
- **PROPOSER'S BACKGROUND.** Proposer must provide a company profile. Information shall include:
 - Company ownership and whether a sole proprietorship, partnership, or corporation. If incorporated, the state in which the company is incorporated and the date of incorporation.
 - Location of the company offices.
 - Number of employees both locally and nationally.
 - Office location(s) from which employees will be assigned to the project.
 - Name, address, and telephone number of the Proposer's point of contact for a contract resulting from this RFP.
 - Company background/history demonstrating why the Proposer is qualified to provide the services described in this RFP.
 - Length of time Proposer has been providing services described in this RFP. Please provide a brief description.
 - Resumes for key staff to be responsible for performance of the scope of work of any contract resulting from this RFP. Proposer must include in his proposal a complete disclosure of any alleged significant prior or ongoing contract failures, any civil or criminal litigation or investigation pending which involves the Proposer or in which the Proposer has been judged guilty or liable. Failure to comply with the terms of this provision will disqualify any proposal. The Jefferson County Commission reserves the right to reject any proposal based upon the Proposer's prior history with the Jefferson County Commission or with any other party, which documents, without limitation, unsatisfactory performance, adversarial or contentious demeanor, significant failure(s) to meet contract milestones or other contractual failures.
- **PROPOSER'S REFERENCES.** Proposers should provide a minimum of five (5) references from similar projects performed for any local government clients within the last five years. Information provided shall include: Client/Business name; and Project description; and Project dates (starting and ending); and Client/Business project manager name and telephone number.
- **PUBLIC RECORDS.** Under West Virginia State Code §29B, Freedom of Information, the information and materials received by the Jefferson County Commission in connection with an RFP response shall be deemed to be public records subject to public inspection upon award, recommendation for award, or 10 days after bid opening, whichever occurs first. However, under West Virginia State Code, §29B-1-4, Exemptions, certain exemptions to the public records law are statutorily provided. If the Proposer believes any of the information contained in his or her response is exempt from the Public Records Law, then the Proposer must, in his or her response, specifically identify the material which is deemed to be exempt and cite the legal authority for the exemption; otherwise, the Jefferson County Commission will treat all materials received as public records.
- **QUALIFICATION OF PROPOSERS.** Each Proposer shall be skilled and regularly engaged in the general class or type of work called for under the contract for no less than three (3) years. The Proposers experience shall be set forth and submitted on the form provided herewith. It is the intention of the Jefferson County Commission to award a contract to a Proposer who furnishes satisfactory evidence that the Proposer has the requisite experience, ability, sufficient capital, facilities, and plant to enable the Proposer to prosecute the work successfully and properly, and to complete it within the time specified in the contract. To determine the degree of responsibility to be credited to the Proposer, the Jefferson County Commission will weigh any evidence that the Proposer has performed satisfactorily other contracts of like nature, magnitude and comparable difficulty and comparable rates of progress. In

selecting the lowest responsive and responsible Proposer, consideration will be given not only to the financial standing but also to the general competency of the Proposer for the performance of the work covered and/or specified in the contract documents. To this end, each Proposal shall be supported by a statement of the Proposer's experience on the form entitled "Proposer's Statement of Relevant Experience", which is a part of the contract documents.

- **REJECTION OF PROPOSALS, WAIVER OF INFORMALITIES.** The Jefferson County Commission reserves the right to reject any or all proposals, or any part of a proposal. The Jefferson County Commission reserves the right to waive any informality with any proposal submission. The Jefferson County Commission reserves the right to reject the proposal of any Proposer who previously failed to perform adequately for the County or any other governmental agency. The Jefferson County Commission expressly reserves the right to reject the proposal of any Proposer who is in default on the payment of taxes, licenses, or other monies due the Jefferson County Commission.
- **SELL OR ASSIGN.** The successful Proposer shall not have the right to sell, assign, or transfer any rights or duties under this contract without the specific written consent of the Jefferson County Commission.
- **SIGNATURES.** An individual who is authorized to bind the Proposer must sign the proposal.

Selection Criteria

Vendors will be evaluated on the following criteria:

1. **Qualifications and Experience:** The Jefferson County Commission prefers firms with experience in the development, operations and maintenance of broadband infrastructure.
2. **Approach, Methodology and Timeline:** Capacity to perform the work within the given time limitations. Services proposed, how the local government will be involved in the planning and design process and the overall approach to the project.
3. **Cost Proposal and matching fund contribution.**
4. **Insert any other required local government conditions and directions as needed to fully address local needs and requirements.**

Minority and/or female-owned businesses are encouraged to apply. The county is an equal opportunity employer and does not discriminate on the basis of race, color, creed, national origin or against faith-based organizations.

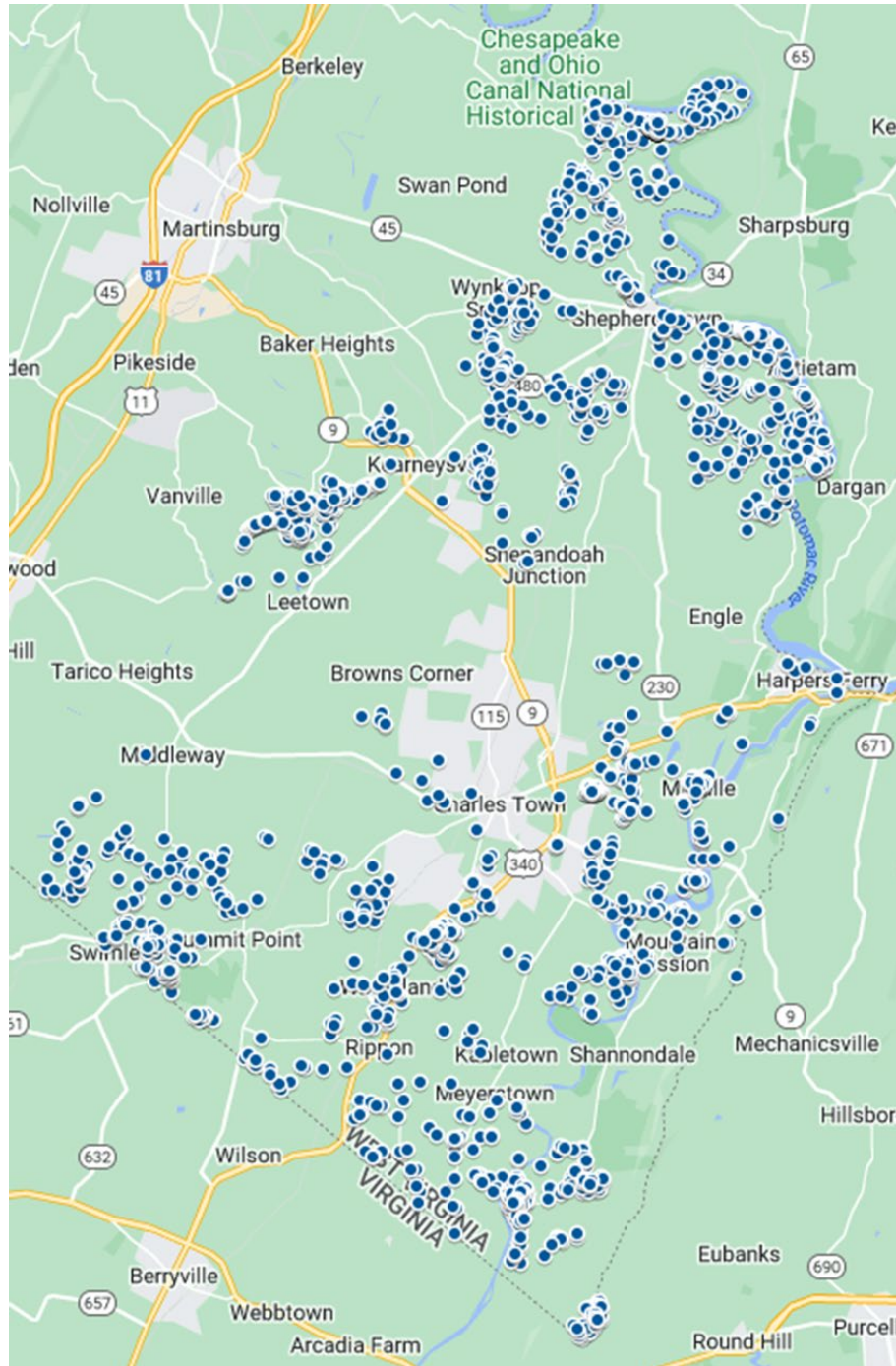
Vendors should review the complete RFP from the Jefferson County Commission for instructions and specifications. The complete RFP is available here:

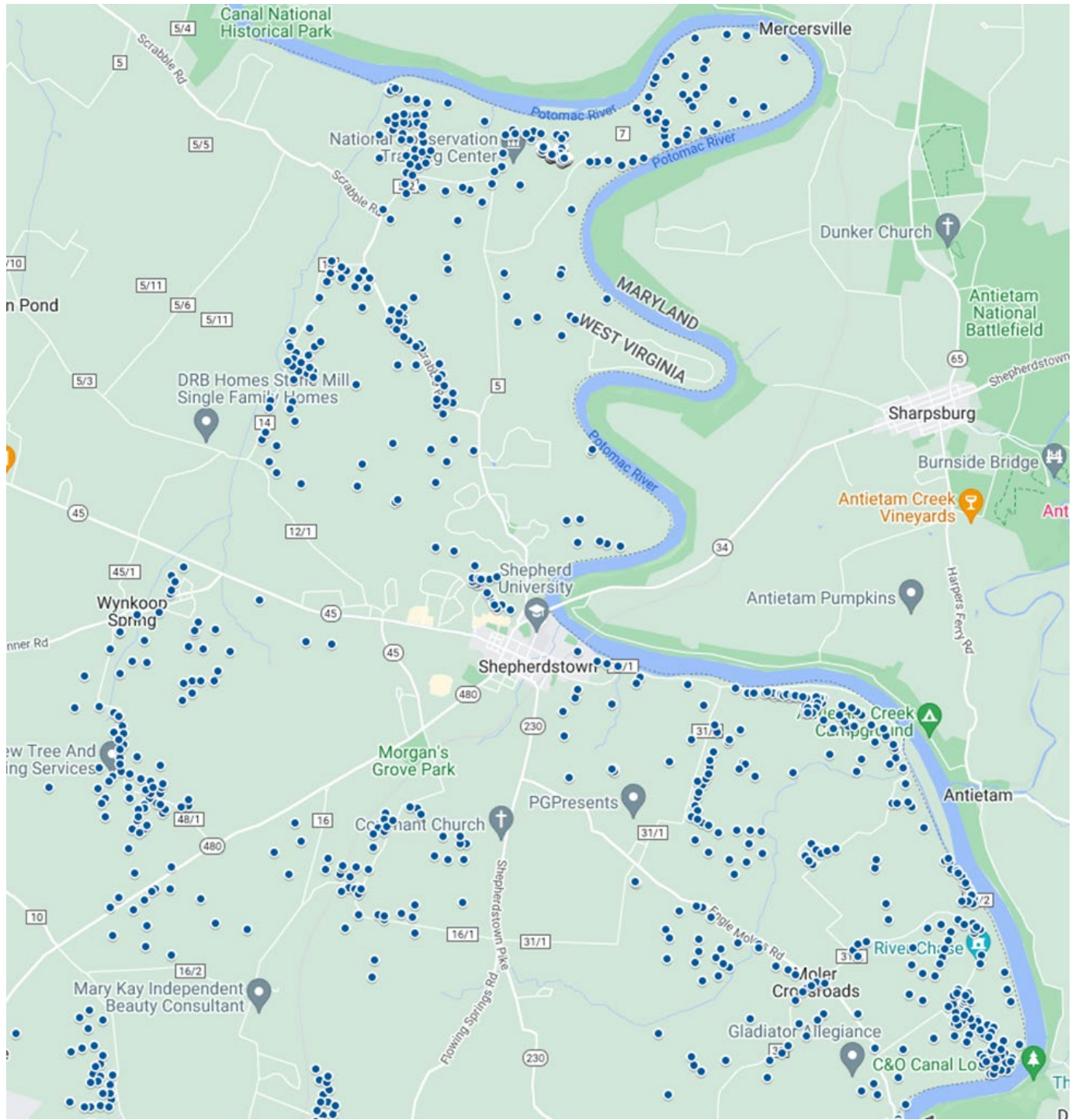
<https://www.jeffersoncountywv.org/county-government/bids-rfps> or by contacting:

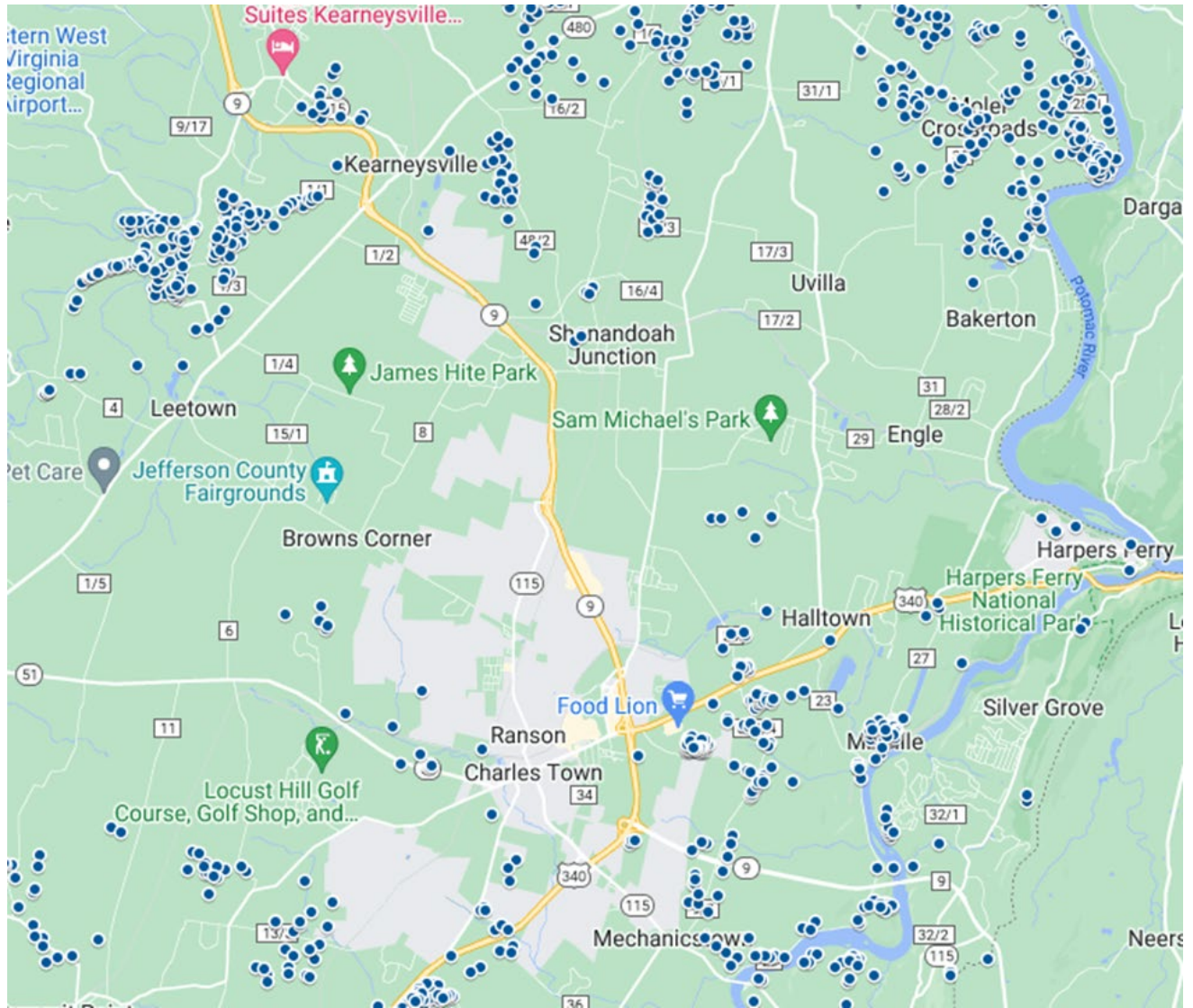
Name: John Nissel
Title: County Administrator
Email: jnissel@jeffersoncountywv.org
Address: 124 E Washington ST
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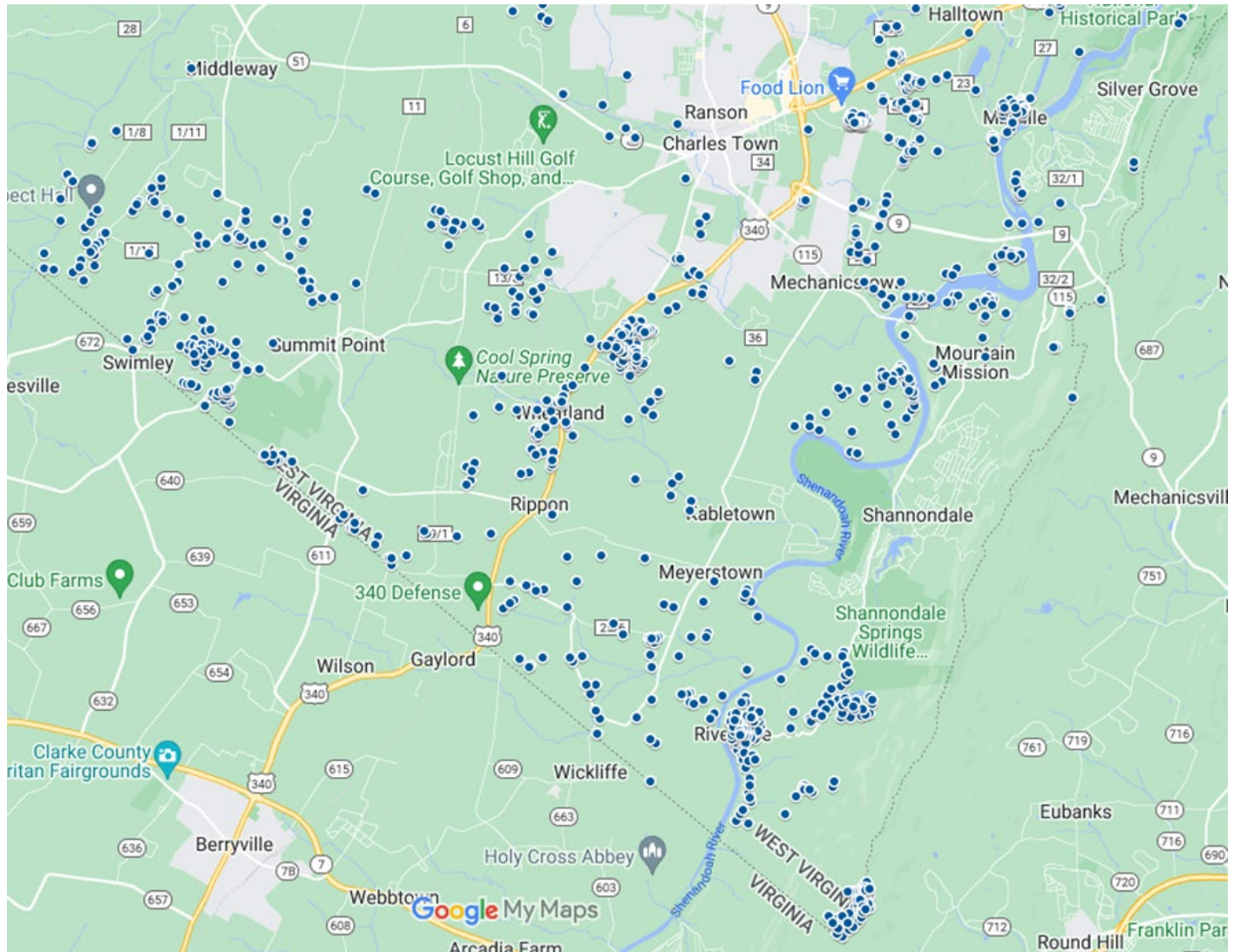
Jefferson County Targeted Addresses (Appendix A)

The blue dots indicated on the following maps are areas of priority for broadband infrastructure expansion in Jefferson County. These addresses are identified as Targeted Addresses according to the WV Office of Broadband









Proposal Cover Sheet

Name of Company	
Address of Home Office	
City of Home Office	
State of Home Office	
County of Home Office	
Zip Code of Home Office	
Phone Number of Home Office	
Federal EIN	
State EIN	

Contact Name:

Contact Office Phone Number:

Contact Cell Phone Number:

Contact Email Address:

“Proposal and cost schedule shall be valid and binding for ONE HUNDRED EIGHTY (180) days following the proposal due date and will become part of the contract that is negotiated with the Jefferson County Commission.

General Vendor Information Sheet

Name of parent company	
Length of time in business	
Length of time in business of providing proposed service	
Gross revenue for the prior fiscal year	
Percentage of gross revenue generated by proposed	
Total number of clients	
Total number of clients in the proposed service area	
Number of public sector clients	
Number of full-time personnel in:	
Consulting	
Sales, marketing, and administrative support	
Internet fiber-optic technical staff	
Other (please note relevant staff)	
Where is your headquarters located? Field offices?	
Which office would service this account?	
Other significant statistics related to creating feasibility projects during the past year	

If the vendor has had a contract terminated for default during the past five years, all such incidents must be described. Termination for default is defined as notice to stop performance due to the vendor's nonperformance or poor performance; and the issue was either (a) not litigated or (b) litigated, and such litigation determined the vendor to be in default. As an attachment to your proposal, submit full details of all terminations for default experienced by the vendor during the past **five years**, including the other party's name, address, and telephone number. Present the vendor's position on the matter. The Jefferson County Commission will evaluate the facts and may, at its sole discretion, reject the vendor's proposal if the facts discovered indicate that completion of a contract resulting from this RFP may be jeopardized by selection of the vendor. If no such terminations for default have been experienced by the vendor in the past five years, declare so in the required attachment.