



June 29, 2018

**NOTICE TO PUBLIC
REQUEST FOR PROPOSAL**

**COUNTYWIDE BROADBAND SYSTEM
PUBLIC-PRIVATE PARTNERSHIP**

The Bedford County Broadband Authority (Authority) will accept conceptual proposals until 2:00 p.m. EST time on 31 August, 2018, in the Office of the County Administrator for Bedford County, Virginia, located at 122 East Main Street, Suite 202, Bedford, Virginia 24523, to form a public-private partnership with the Authority for the provision of county-wide wireless broadband internet as specified by the Scope of Services. The procurement will be administered by the County Administrator of Bedford County acting as the Authority's Agent ("Authority's Agent").

Copies of this Request for Proposal may be obtained upon request from the Authority's Agent, telephone (540) 586-7601, or they may be picked up at the above location. The request for proposals may be viewed on the County's web page: <http://www.co.bedford.va.us/rfp>.

The Offeror has the responsibility to identify and describe clearly the services it proposes. Offerors should take into account that not only the content but also the form and clarity of their proposal are considerations the Authority will take into account. If the Authority cannot determine what is being proposed, it is likely to reject the proposal. All information should be submitted in an organized, easy-to-understand manner.

The right is reserved, as the interest of the Authority requires, to revise or amend the specifications prior to the date set for opening proposal; the opening date may be postponed if deemed necessary by the Authority's Agent. Such revisions and amendments, if any, will be announced by written Addenda to the specifications. The Authority will reject proposals received after the date and time of closing and return them to the Offeror unopened. Timely submission of proposals is the sole responsibility of the Offeror.

Each Offeror should submit one original and seven paper copies of its proposal, signed by an official of the Offeror with actual authority to sign the proposal, together with one electronic copy, which may be submitted to the Authority's Agent in Adobe Portable Document Format by email, upon a CD- or DVD-ROM, or upon a flash drive. In the event of a discrepancy between the time of receipt of the email and the time of receipt of the paper original, the time of receipt of the paper original shall control. Proposals must be submitted to:

G. Carl Boggess
County Administrator
County of Bedford, Virginia
122 East Main Street, Suite 202
Bedford, Virginia 24523
540-586-7601
c.boggess@bedfordcountyva.gov

I. PURPOSE & GENERAL PROCESS:

This is a solicitation issued by the Bedford County Broadband Authority (the “Authority”) for one or more private partner(s) to build, maintain, and operate a system of qualifying communications services¹ for Bedford County, Virginia, in accordance with feasibility studies and plans that it has already carried out. This solicitation is issued under the Authority’s powers as a responsible public entity under the Public-Private Education Facilities and Infrastructure Act of 2002 (the “Act”).

This solicitation covers the Conceptual Phase of the process of selecting an offeror or offerors to partner with the Authority to continue to design and to undertake construction and operation of the project as defined below. In the Conceptual Phase, the offeror should provide conceptual information as set forth in this solicitation, focusing on qualifications and experience, project characteristics, project financing, and project benefits and compatibility with the Authority’s goals and the County’s needs.

The Authority may, but need not, proceed to the Detail Phase with one or more offerors. In the Detail Phase, the offeror(s) will be invited to submit a detailed proposal, focusing on the development strategy and team, assumptions behind the project, necessary public and government support, the impact on the County, the project’s financial feasibility, and such other and further information as the offeror may submit or the Authority may request.

Following the Detail Phase, the Authority may enter into Interim Agreement(s) with one or more offerors. At least 30 days prior to entering the Interim Agreement, the Authority will hold one or more public hearings to obtain input on the project. During the Interim Phase, the Authority and the offeror will work collaboratively to design the project, obtain real estate interests and licenses, obtain governmental permits and approvals, put in place financing, and negotiate the specifics of construction and long-term operation of the project.

The Interim Phase may be followed by the Comprehensive Phase, in which the Authority and its partner will construct and operate the project.

II. BACKGROUND:

¹ Defined as “a communications service, which shall include but is not limited to, high-speed data service and Internet access service, of general application, but excluding any cable television or other multi-channel video programming service.” Section 56-484.7:1(A), Code of Virginia, 1950, as amended.

Bedford County consists of 764 square miles in the west-central portion of Virginia known as the Piedmont Plateau. The Town of Bedford, the county seat, is located in the heart of the county on the U.S. Route 460 corridor, midway between the cities of Lynchburg to the east and Roanoke to the west. The County's boundaries consist of the Blue Ridge Mountains on the west, the James River on the northeast, and Smith Mountain Lake on the south. The area has a rolling to hilly terrain with elevations from a low of 800 feet above sea level, with some mountainous areas reaching an elevation of 4,200 feet. The County's 2017 population was estimated at approximately 78,000.

Bedford County exemplifies the Digital Divide that the Federal Communications Commission (FCC) has taken on. While there are areas of the County that are very well-served with internet service, principally around the City of Lynchburg and the Town of Bedford there are also large swathes of the County with little to no internet service whatsoever.

In 2009, the Board of Supervisors of Bedford County created the Bedford County Broadband Authority, an independent political subdivision of the Commonwealth under the Virginia Wireless Service Authorities Act, with a charge to expand the availability of broadband internet in unserved and underserved areas of the County. In July 2017, the Authority commissioned the Atlantic Group of Companies to develop a report on current internet availability in Bedford County and on strategies to expand availability. On May 1, 2018, the Atlantic Group submitted *Bedford: Broadband Vision 2020 (Vision 2020)*, which is attached to this solicitation and incorporated by reference.

Vision 2020 foresees that there is no single solution or single provider that will be the "silver bullet" solution for all of Bedford County. However, covering currently underserved areas will require:

1. Installation of some fiber-optic backhaul, and identification of where microwave backhaul will be necessary.
2. Construction of nine new towers, and mounting of antenna equipment on two existing structures.
3. Network deployment. Obtaining spectrum, testing, and installation of equipment.
4. Ongoing operations. Managing and servicing the facilities and customers.

The *Vision 2020* report also lays out a strategy for meeting needs that focuses on the construction of nine new 195' wireless support structures and location of antennas on two existing structures.

III. CONCEPTUAL PROPOSAL SUBMISSION REQUIREMENTS

1. General Instructions.

Interested offerors are required to comply with the following provisions in preparing their proposals. Where instructions appear to conflict and no order of precedence is specified,

the most stringent requirement applies. Any information given to one prospective offeror will be provided promptly to all other prospective offerors who are known to have expressed interest. If the information is necessary to submit an offer, or if the lack of the information appears, in the sole judgment of the Authority, to be prejudicial to any other prospective offerors, the information will be furnished as an amendment to this solicitation. The following sections should be included in any conceptual proposal:

Section	Description	Page Limit
	Cover Letter & Executive Summary	3 pages
Part A	Background on Firm & Team Qualifications	15 pages
Part B	Project Strategy	15 pages
Part C	Project Experience & References	10 pages
Part D	Resumes of Key Staff	10 pages
Part E	Unique or Unusual Capabilities of the Firm	5 pages
Part F	Public Procurement Required Forms	N/A
Part G	Cost Proposal	N/A
Part H	Other Matters Deemed Relevant by the Firm	10 pages

2. Instructions on Part A—Background on Firm & Team Qualifications.

The Authority is seeking proposals to design, build, and operate a wireless internet system. Offerors should have a proven combination of experience, financial capacity, and expertise in the planning, design, development, and construction of similar projects. Offerors should demonstrate successful completion of similar projects either wholly within the private sector, as part of a public-private partnership, or preferably both. A successful offeror should also have experience working within the processes and culture that are characteristic of Virginia local government to form a collaborative partnership based on transparency, responsiveness to citizen needs and desires, and a commitment to balancing political needs and operational needs. History of meeting these needs successfully is highly desirable.

Each offeror must provide both background and qualifications on the firm and of key individuals in the firm who would be principal members of the team working on the project. Please indicate especially experience both of the firm and key individuals with: (1) public/private partnerships; (2) construction and operation of internet projects, with specific attention to wireless; and (3) experience with the regulatory agencies with authority over this type of project.

3. Instructions on Part B—Project Strategy.

Much of the Authority’s intended strategy and schedule for achieving its project goals is contained in *Vision 2020*. However, the specifics of the construction and operational phases of the project remain very open-ended, and the Authority encourages offerors to come up with creative approaches and solutions. The project strategy should outline specific goals to be met, and clearly state and explain deviations from the *Vision 2020* strategy and timeline and the rationale for the deviations. It should also set out a proposed methodology for construction, what partners, subcontractors, and outside consultants would be necessary, and

strategies for operating the system and providing solid, responsive customer service at fair, reasonable, and uniform prices.

4. Instructions on Part C—Project Experience & References.

The offeror should provide details on not more than three previous experiences with similar projects, including a description of the scope and type of project, and the name and contact information of a person involved in the project who does not work for your firm whom the Authority can contact to discuss.

5. Instructions on Part D—Resumes of Key Staff.

The offeror should provide resumes or curricula vitae of key personnel who would be assigned to the project. Each resume should not exceed two pages in length.

6. Instructions on Part E—Unique or Unusual Capabilities of the Firm.

Describe any unusual or unique capabilities, experience, tools, or perspective the offeror has related to the project. This section may expand on items covered in previous sections or introduce new information on the firm or on team members.

7. Instructions on Part F—Public Procurement Required Forms.

Offerors must submit the forms attached to this solicitation for compliance with the Virginia Public Procurement Act. In addition, the offeror should provide:

- (a) Identify any current or past relationship of the firm or the project team with the Authority or Bedford County.
- (b) Describe any prior contacts of the firm or the project team with Authority or Bedford County personnel relating to the project.
- (c) Provide a sworn certification for each firm in the project team that the neither the firm nor its partners on the project is currently debarred or suspended by any federal, state, or local government entity, nor have its principals operated as another entity that is so debarred or suspended.
- (d) Provide a sworn certification for each firm in the project team attesting that it has not declared bankruptcy, nor operated under another entity name that declared bankruptcy, within the past 10 years.
- (e) Provide an explanation of the firm's level of commitment to using small, women-owned, minority, and local businesses in developing and implementing the project.

8. Instructions on Part G—Cost Proposal.

Offerors should submit a cost proposal in a separate section of the proposal providing general, non-binding costs and costing data for the phases of the project. This should include estimates of the manhours and cost breakdowns for the tasks identified in Part B of the

proposal. The offeror should also provide information on its creditworthiness and financial history.

9. Instructions on Part H—Other Matters Deemed Relevant by the Firm.

An offeror may submit further information it considers necessary and appropriate for the consideration of the Authority.

IV. COPIES & SUBMISSION

Each offeror should submit one original and seven paper copies of its proposal, signed by an official of the offeror with actual authority to sign the proposal, together with one electronic copy, which may be submitted to the Authority's Agent in Adobe Portable Document Format by email, upon a CD- or DVD-ROM, or upon a flash drive. In the event of a discrepancy between the time of receipt of the email and the time of receipt of the paper original, the time of receipt of the paper original shall control. Proposals must be submitted to:

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122 East Main Street, Suite 202
Bedford, Virginia 24523
540-586-7601
c.boggess@bedfordcountyva.gov

The Authority reminds offerors that changes to this solicitation, in the form of addenda or written clarifications, will be issued as late as 31 July 2018. Notice of the addenda will be duly posted to the Authority's website at 31 July 2018.

The offeror has the responsibility to identify and describe clearly the services it proposes. Offerors should take into account that not only the content but also the form and clarity of their proposal are considerations the Authority will take into account. If the Authority cannot determine what is being proposed, it is likely to reject the proposal. All information should be submitted in an organized, easy-to-understand manner.

No fee or bond is required to submit a proposal. The Authority reserves the right to require a fee or bond at subsequent stages in the PPEA process.

The Authority will reject proposals received after the date and time of closing and return them to the offeror unopened. Timely submission of proposals is the sole responsibility of the offeror.

V. SELECTION PROCESS AND CRITERIA

In accordance with the Authority's PPEA Guidelines, the Authority has created and appointed a selection committee of experts to advise the Board of Directors on technical aspects of proposals. The function of the PPEA Advisory Committee is to work with the Board of Directors to evaluate the evaluate PPEA proposals and to make a recommendation to the Board of Directors on whether and with whom the Board should proceed to the detail phase and possibly authorize negotiation and entry of an interim or comprehensive agreement.

The Authority's Agent shall forward proposals to the Committee members as soon as they are received. The Committee should hold at least one in-person meeting at which it will evaluate, discuss, and rank proposals. It should make memoranda of its meetings and the proceedings and any decisions made. The Committee should then interview top proposers in an effort to understand, clarify, and narrow their choices and the scope of the proposals. The number of proposers to interview is in the sound discretion of the Committee.

The Committee may recommend: (1) That the Authority not move forward with any proposer; (2) that it move forward to the detailed or interim phase with one proposer; or (3) that the Authority should choose between two or more proposers who it has qualified recommendations on to move to the detailed or interim phase. It should choose the proposal that is the "best value," that is, the proposal that represents the overall combination of quality, price, and various elements of required services that in total are optimal relative to the Authority's needs. In making its determination, it should take a holistic approach. It should consider, in making its evaluation:

Qualifications and Experience

1. Experience with similar projects;
2. Demonstration of ability to perform work;
3. Leadership structure;
4. Project manager's experience;
5. Management approach;
6. Financial condition; and
7. Project ownership.

Project Characteristics

1. Project definition;
2. Proposed project schedule;
3. Operation of the project;
4. Technology and technical feasibility;

5. Conformity to laws, regulations, and standards;
6. Environmental impacts;
7. State and local permits; and
8. Maintenance of the project.

Project Financing

1. Cost and cost benefit to the Authority and the County;
2. Financing and the impact on the debt burden of the Authority and the County;
3. Financial plan, including the degree to which the proposer has conducted due diligence investigation and analysis of the proposed financial plan and the results of any such inquiries or studies;
4. Opportunity costs assessment;
5. Estimated cost;
6. Life-cycle cost analysis; and
7. The identity, credit history, past performance of any third party that will provide financing for the project and the nature and timing of its commitment, as applicable.

Community Impacts

1. Impacts, interactions, and future plans with the County's existing providers;
2. Comments at the public hearing on the proposals;
3. Neighborhood and community development impacts, if any; and
4. Economic development impacts.

In making its final recommendation, the Committee shall provide the Board a memorandum detailing its rationale for its recommendation with reference to these criteria.

VI. TRADE SECRETS & PROPRIETARY INFORMATION

All information submitted by offerors is presumed to be open to public inspection following the deadline for submissions in accordance with the Virginia Freedom of Information Act. However, offerors may designate information that it believes is proprietary and confidential, which will not be disclosed, in accordance with applicable law. However, this is subject to the following criteria:

- The proposal must reasonably and thoughtfully differentiate confidential from non-confidential information and mark confidential pages accordingly. Proposals that are designated confidential in their entirety will not be protected from disclosure.

- The offeror must clearly invoke this protection, in writing, in its cover letter and executive summary.
- The offeror must submit a letter or memorandum stating the reasons why protection is necessary.

Upon receipt of a proposal that designates portions as confidential and proprietary, the Authority's Agent will make a determination of the applicability of the exclusions, and send a proposer a written determination of the scope and applicability of the protection. The offeror may then remove its entire proposal or the unprotected information from consideration, at its election, by taking prompt action.

VII. MISCELLANEOUS

All offerors must submit the non-collusion form attached to this proposal. Offerors are reminded that collusion, kickbacks, attempts to contact and influence decision-makers on this solicitation, and other activity designed to improperly influence the process not only will disqualify any offeror from consideration, but may be prosecuted criminally and civilly as violations of the Virginia Conflicts of Interests Act, the Virginia Governmental Frauds Act, and may be considered embezzlement or attempted embezzlement of federal funds, if they are used in any proposal. **Offerors or potential offerors should not contact or attempt to contact any member of the Advisory Committee or the Board of Directors. All such inquiries should be directed to the Authority's Agent.**

Successful offerors, upon entry of a contract in the interim or comprehensive phase of the PPEA process, will be expected to comply with all provisions of the Bedford County Standard Terms & Conditions and the provisions of the Virginia Public Procurement Act. If an offeror is not familiar with these provisions, it should contact the Authority's Agent to obtain a copy of them to ensure that the offeror can comply if its proposal is selected for negotiation.

END OF PPEA SOLICITATION

BEDFORD COUNTY BROADBAND AUTHORITY



PROPOSAL REQUIREMENTS AND NON-COLLUSION STATEMENT

My signature certifies that the accompanying proposal is not the result of, or affected by, any unlawful act of collusion with another person or company engaged in the same line business or commerce, or any act of fraud punishable under the Virginia Conflict of Interests Act, section 2.2-3100 et seq. of the *Code of Virginia*, 1950, as amended, the provisions of the Virginia Public Procurement Act on Ethics in Public Contracting, sections 2.2-4367 et seq. of the *Code of Virginia*, 1950, as amended the Virginia Governmental Frauds Act, sections 18.2-498.1 et seq. of the *Code of Virginia*, 1950, as amended. Furthermore, I understand that violations of these statutes are crimes, and can result in fines, prison sentences, and civil damage awards.

I hereby certify that I am authorized to sign, personally or as a Representative for the Firm:

Name of Firm or Individual: _____

Address: _____

Signature

Date

Printed Name and Title

Telephone: _____

Fax: _____

FEI/FIN No. _____

Email: _____