

Town of Monterey, MA
Broadband Services Procurement
2018
Monterey, Massachusetts
High Bandwidth Internet Services Procurement

1.0 General Procurement Information

RFP Release Date: November 7, 2018
Bidder's Conference: Planned for November 27, 2018 2:00 PM
Questions Due: December 3, 2018: Send Questions to: Broadband@montereyma.gov
Response to Questions: December 10, 2018
Submittal Date deadline: January 7, 2019 2PM **See below:**
Interview Date: Week of January 14, 2019 at Town's discretion
Award Date: Award anticipated in month of February
Procurement Officers and Submittal addresses: **Town of Monterey**
435 Main Road
PO Box 308
Monterey, MA 01245

1. Bidders Conference and questions

1. Bidder's conference is planned for November 27, 2018 at 2:00 PM Eastern time.
2. Bidder's conference will be held at Monterey Town Hall
3. Bidder's conference is also via conference phone bridge.
4. All Bidder's Conference attendees must pre-register via email at Broadband@Montereyma.gov by noon Eastern on November 26, 2018.
5. Conference phone number and passcodes will be distributed to all valid registered parties by end of day, November 26, 2018
6. Bidder's Conference intent is to receive and ask clarifying questions. Written answers to questions will be compiled and made available December 10, 2018

2.0 Background and Purpose of Procurement

2.1 Background

The Town of Monterey, MA (Town) is looking for a Vendor to provide a town-wide high speed broadband services network. We are seeking a Fiber-to-the-Premise (FTTH or FTTP) deployment capable of providing sustained bandwidth for all users at all times up to 1GB/S (1 gigabit/second). Vendor's proposal shall comprehend existing premises as well as the potential for fiber based connectivity to current buildable lots (Fiber-to-the-Curb). Buildable lots (~85) are identified in Map provided in section B1

We recognize that there are, perhaps, several requests for similar services in the marketplace in addition to this request. This request differs in that it is being offered by the Town of Monterey solely for the benefit of the Town and is not part of any other solicitation, state initiated or otherwise.

For purposes of this solicitation, the "Town" refers to the Town of Monterey or its MLP. If necessary and/or advantageous, the Town of Monterey can and may make use of its MLP as part of the process to select and implement the best solution for the Town, its residents and the network subscribers.

Town of Monterey, MA
Broadband Services Procurement
2018

2.2 Purpose of Procurement

The Town of Monterey seeks a telecommunications Vendor who can provide a complete Town solution for meeting the need and primary goal of achieving high bandwidth Internet access for residents and businesses in the Towns, with the availability of related services such as high definition Voice over Internet Protocol (VOIP) telephone service, viewed as a positive addition. The Town highly desires for such services to be provided via a state of the art Fiber To The Premises (FTTP) network. The goal is in accord with the Commonwealth's goal of extending Internet access to Towns in western Massachusetts. Monterey understands that the lack of density of houses and businesses in the unserved Western Massachusetts community has been and continues to be an obstacle to attracting broadband service providers who are willing to invest in infrastructure to deliver the services

It is anticipated that the Vendor will own and maintain full responsibility for the proposed network and assume all risks related to its design, implementation, and continuing operations (including financial risks). The Town does not have plans to acquire any interest in the Vendor's network. The Town is open to considering a variety of approaches that best meet our collective needs and requirements.

To the extent we are able to do so, the Town will work to allow Vendor to locate facilities on Town-owned property or provide needed easements. The Town will facilitate any local permitting required and waive associated municipal fees. Information on some potential sites will be available at the Bidder's conference.

The Town desires to identify and contract with an experienced and financially strong telecommunications provider to maximize benefit to the Town relative to services and offerings while coincidentally minimizing Town and Subscriber costs and risk.

3.0 Scope of Vendor Service

3.1 Broadband Network Service

The Town seeks a telecommunications vendor who can provide a complete solution for meeting the need and goal of achieving high bandwidth Internet access for all residents and businesses in the Town. Provision of this service will require that the Vendor provide connection to their network for all premises, residential and business, within Town boundaries, including those on private roadways and driveways. The selected Vendor will be responsible for program management, make-ready assessment and permitting, design and engineering, obtaining premise-entry consents, network implementation, network operations, subscriber marketing and billing, customer support, network maintenance and emergency response and network renewal, as needed. In responding to this RFP, the proposing Vendor will need to provide plans for how it will proceed to implement its service to the Town.

3.2 Monterey Service Area Description

Exhibit B1 attached is a map of Monterey, MA prepared by MBI. The map shows the existing *MassBroadband 123* middle mile and Town roadways. While poles are for the most part jointly owned with Verizon, National Grid is the power distribution provider and pole setter in the Town and holds maintenance and replacement responsibility for poles. The Town estimates a count of **844** premises, **1900+** poles; **85** buildable parcels and **57** route miles of public and private roadway.

Town of Monterey, MA
Broadband Services Procurement
2018

3.3 Required Services

The Town requires high bandwidth connection to the Internet, referred to as broadband, to all households/living units and businesses (collectively "Subscribers") within the geographic boundaries of the Towns. As noted above, the Town highly desires services to be offered via a Vendor-provided FTTP network. The Town will consider the Vendor to have provided ubiquitous service to all premises on public and private roadways if the Vendor is able to offer connection to at least **96 %** or better of the premises and ~ 85 buildable lots in the Town. Services standards will be determined through the contract negotiation process.

In order to meet the needs of all potential Subscribers, the Town considers it highly desirable for a Vendor to be capable of offering different levels (tiers) of broadband Internet service to choose from, with each level of service supporting different network connection bandwidths for downstream and upstream data transfers. In order to be considered broadband service, a Vendor's Internet service, by FCC definition, must be capable of supporting a connection bandwidth no less than 25 megabits per second (Mbps) for downstream data transfer, and no less than 3 Mbps for upstream data transfer. If a vendor wishes to propose tiers of service, then it is highly desirable for the lowest tier of broadband service offered to be capable of supporting a network connection bandwidth of at least 50 Mbps for downstream data transfers, and at least 10 Mbps for upstream data transfers. Symmetric data transfer service is not required, but highly desirable. Vendor proposals, whether proposing a single or multiple service tiers, must have as a minimum, an upload rate equal to or greater than 25% of the download rate for each tier. A proposal that also offers basic Internet service options to choose from for Subscribers that do not require high bandwidth connection to the Internet will also be considered to be advantageous in the selection process.

Within this proposal request, "bandwidth" refers to the sustained downstream and/or upstream data transfer rate supported for a given level of Internet service for all premises at all times. This is not a peak (up to) transfer rate.

3.4 Optional Services

The Town highly desires for a Vendor to be capable of offering high definition VOIP telephone service. The Town believes that dramatic changes continue to shape both Telephone and Television services going forward. To that end, High Definition or classic television channel package service to all premises via the Vendor's high bandwidth network is seen as a nice to have but not necessarily a requirement. Vendor's proposal shall comprehend and allow for the availability of third party services. These services may be currently defined (backup and file storage, telemedicine, security, etc.) or undefined. Vendor shall detail its plans for supporting third party services (Rackspace, spare fiber, capacity, etc.) both at the subscriber and third party level.

3.5 Subscriber Options

Vendors who are able to offer telephony and television channel package services in addition to the required high-bandwidth Internet access, must afford subscribers the option of Internet access only. For all bundled service packages offered by a Vendor, subscribers must be afforded the level of Internet service per Section 3.3 requirements.

4.0 Minimum Qualifying Criteria for Vendors

Town of Monterey, MA
Broadband Services Procurement
2018

If the entity responding to this proposal differs from the entity that would enter into a Broadband Services Agreement with the Town, then that disclosure should be clearly made in the response. Further, if the proposing entity differs, then a statement must be provided by the proposing Vendor stating whether it will or will not provide a guaranty for the performance of the entity entering into the Agreement.

4.1 History and experience

The proposing Vendor must detail directly relevant business history in the telecommunications arena and also disclose how long it has provided broadband Internet services. A brief history of the firm must be provided noting its evolution of telecommunication services and in particular broadband services. Further, a concise statement of its current business strategy must be provided. Include history of completed projects providing Internet service similar to that required here.

4.2 Size and financial resources

The Town prefers to contract with a Vendor of substantial size and financial resources, especially as the Vendor will be expected to finance the full capital cost of make-ready, design and commissioning and provisioning of the network. The proposing Vendor must provide audited financial statements prepared on a Generally Accepted Accounting Principles (GAAP) basis showing annual revenues (that is, gross revenue less any pass-through revenue). Further, the proposing Vendor must offer credible evidence of its ability to finance the project. If the proposing Vendor is a privately held corporation, it shall enclose its audited financial statements in a sealed envelope marked "Proprietary and Confidential." Proposing Vendors shall detail sources of funding and capitalization. Vendors shall acquire surety and/or completion bonds as evidence of ability to complete project. This requirement extends to Vendor's partners and sub-contractors as well. The Town will hold confidential records submitted in such an envelope so marked until completion of evaluations and as otherwise permitted by law. The financial information is necessary for the Town to evaluate and mitigate risk.

4.3 Minimum existing customer base for requested services

The proposing Vendor must provide evidence of currently providing fiber based high-bandwidth Internet services to at least 500 subscribers.

4.3.1

In the case where Vendor does not currently have 1,000 fiber based subscribers, Vendor must provide detail on existing contracts and provide a plan showing their ability to deploy (funding, resources and organization) and support a whole town broadband service.

5.0 Requirements for Proposal Content

Vendors are encouraged to prepare responses using clear and concise language that responds to the RFP in a straightforward manner. All acronyms and technical terms must be explained. Vendors are requested to organize their RFP submission to follow the same order as in Section 5.0, and to label any additional attachments deemed appropriate to match the Section number it addresses.

The proposing Vendor must address the following in the presentation of its proposal:

A. Minimum Qualification Requirements

Town of Monterey, MA
Broadband Services Procurement
2018

The responses to Sections 5.1 through 5.3 should address the minimum qualification criteria required in Section 4.0.

- 5.1** Business history and experience.
- 5.2** Size and financial resources.
- 5.3** Description and size of broadband Internet service customer base.

B. Comparative Criteria

5.4 Internet Service Performance Requirements

The proposing Vendor must provide a description of the tiers of Internet service that will be available to Subscribers to choose from, for both downstream and upstream services per the requirements provided in Section 3.3.

-Highly Advantageous: Vendor offers more than one tier of high bandwidth broadband service, including a level of service that supports a connection bandwidth equal to or greater than 1 Gbps for both downstream and upstream data transfers. No tier of service offered supports a connection bandwidth less than 50 Mbps for downstream data transfers, and less than 10 Mbps for upstream data transfers. Vendor also offers basic Internet service via connection bandwidths less than the minimum bandwidths required to be considered broadband service.

-Advantageous: Vendor offers more than one tier of high bandwidth broadband service, including a level of service that supports a connection bandwidth equal to or greater than 1 Gbps for downstream data transfers, and at least 250 Mbps for upstream data transfers. No tier of service offered supports a connection bandwidth less than 50 Mbps for downstream data transfers, and less than 10 Mbps for upstream data transfers. Vendor also offers basic Internet service via connection bandwidths less than the minimum bandwidths required to be considered broadband service.

-Not Advantageous: Vendor offers a single tier high bandwidth broadband service that supports a connection bandwidth no greater than 50 Mbps for downstream data transfers, and no greater than 10 Mbps for upstream data transfers. Vendor also offers basic Internet service via connection bandwidths less than the minimum bandwidths required to be considered broadband service.

-Not Acceptable: Vendor only offers basic Internet service via network connection bandwidths for downstream and upstream data transfers that are less than the minimum bandwidths required to be considered broadband service [An Unacceptable rating will disqualify entire proposal.]

5.4.1 Proposing Vendor must provide evidence of being able to provide high-bandwidth Internet service to the Subscriber. The preferred methods for providing such evidence is via references (with contact information) and recent results from an independent study that measures broadband service performance as delivered by an Internet service provider to the consumer, such as the Federal Communication Commission's (FCC) Measuring Broadband America Program. References are the agencies within the towns/cities responsible for monitoring performance. Via evidence, Vendor's actual connection bandwidths for all levels of broadband service offered must be shown to be greater than 80% of the advertised bandwidths across all time periods.

Town of Monterey, MA
Broadband Services Procurement
2018

-Highly advantageous: Study results or other evidence shows Vendor's actual measured connection bandwidths for all levels of broadband service offered are greater than 90% of the advertised bandwidths.

-Advantageous: Study results or other evidence shows Vendor's actual measured connection bandwidths for all levels of broadband service offered are between 85 and 90% of the advertised bandwidths.

-Not Advantageous: Study results or other evidence shows Vendor's actual measured connection bandwidths for all levels of broadband service offered are between 80 and 85% of the advertised bandwidths.

-Unacceptable: Study results or other evidence shows Vendor's actual measured connection bandwidths for all levels of broadband service offered are less than 80% of the advertised bandwidths. [An Unacceptable rating will disqualify entire proposal.]

5.4.2 Proposing Vendor must provide evidence of being able to satisfy its existing broadband Internet service customers with respect to service performance, service options available, subscriber billing, service pricing, maintenance and emergency response, and service problem handling. The preferred method for providing such evidence is via independent survey results, such as the report released by the American Customer Satisfaction Index, that measures the level of national cross-industry customer satisfaction for products and services. Via evidence the Vendor's current level of customer satisfaction for all levels of broadband service offered must be shown to be greater than 70%. The Proposing Vendor must provide evidence of a valid contract with a Third Party Contractor in the event that the Proposing Vendor does not provide the services performed cited in this Paragraph. The Third Party Service Provider Service Agreement must include contractual evidence that, in the event the Proposing Vendor ceases to exist as a going concern, the Third Party Service Provider agrees to continue Services in the name of the Town until such time an Alternate Broadband Vendor is retained by the town.

-Highly advantageous: Evidence shows that Vendor's customer satisfaction rating is greater than 90% for Internet services.

-Advantageous: Evidence shows that Vendor's customer satisfaction rating is between 80 and 90% for Internet services.

-Not Advantageous: Evidence shows that Vendor's customer satisfaction rating is between 70 and 80% for Internet services.

-Unacceptable: Evidence shows that Vendor's customer satisfaction rating is less than 70% for Internet services. [An Unacceptable rating will not disqualify entire proposal, but will be a negative in the overall composite rating.]

5.4.3 Service Availability to Subscriber

Proposing Vendor must detail reliability and availability history for existing deployments and reliability and availability goals for this deployment. Proposing Vendor shall propose consequences if this deployment does not meet or exceed industry standards for availability to subscriber. For all categories below, Vendor shall explain logic for justifying their claim.

-Highly Advantageous: The Vendor commits to a monthly average of 99.99% or better availability to subscriber over the course of an average month (8.64 seconds/day/user).

Town of Monterey, MA
Broadband Services Procurement
2018

-Advantageous: The Vendor commits to a monthly average of 99.9% or better availability to subscriber over the course of an average month (86.4 seconds or 1.44 minutes/day/user)

-Not Advantageous: The Vendor commits to a monthly average of 99.0% or better availability to subscriber over the course of an average month (14.4 minutes/day/user)

-Unacceptable: The Vendor commits to a monthly average less than 99.0% or better availability to subscriber over the course of an average month (more than 14.4 minutes/day unavailability).

5.5 Service Schedule Requirements

Proposing Vendor must be able to provide broadband Internet service to all Subscribers within two years from contract commencement and/or the completion of all make-ready work to be performed by Verizon. To the extent service availability is delayed due to causes that could not be anticipated and/or are beyond the Vendor's control, and the Vendor can demonstrate exercising diligence in its efforts, the contract will be amended as appropriate.

-Highly advantageous: The Vendor commits to providing broadband Internet service to all available Subscribers within eighteen (18) months of contract commencement.

-Advantageous: The Vendor commits to providing broadband Internet service to all available Subscribers within two (24 months) years of contract commencement.

-Not advantageous: The Vendor commits to providing broadband Internet service to all available Subscribers within 2.5 years (30 months) years of contract commencement.

-Unacceptable: The Vendor commits to providing broadband Internet service to all available Subscribers in excess of 2.5 years (30 months) years of contract commencement. [An Unacceptable rating will disqualify entire proposal.]

5.5.1 Proposing Vendor must provide Internet service to all Subscribers located on public and private roads in the Towns, to the extent such Units are currently connected to existing utility poles or conduit with space available for additional cables. A Subscriber includes each household or living unit and business that consents to a network connection on its property, and within the geographic boundaries of a Town. If a Vendor proposes a linear connection allowance for reaching Subscribers on a private road or driveway, the Vendor shall propose a per foot unit price applicable to the overage allowed per connection beyond 700 feet per Subscriber of overhead connection.

-Highly advantageous: The Vendor commits to connecting and providing Internet service to all Subscribers on public and private roads, regardless of linear connection distance, to the extent such Subscribers are currently connected to existing utility poles or conduit with usable space available for additional cables.

-Advantageous: The Vendor commits to connecting and providing Internet service to all Subscribers on public and private roads, with a linear connection allowance of 500 feet, to the extent such Subscribers are currently connected to existing utility poles or conduit with usable space available for additional cables.

Town of Monterey, MA
Broadband Services Procurement
2018

-Not advantageous: The Vendor commits to connecting and providing Internet service to all Subscribers on public and private roads, with a linear connection allowance of 300 feet, to the extent such Subscribers are currently connected to existing utility poles or conduit with usable space available for additional cables.

-Unacceptable: The Vendor commits to connecting and providing Internet service to all Subscribers on public roads only with a linear connection allowance to be negotiated, to the extent such Subscribers are currently connected to existing utility poles or conduit with usable space available for additional cables. [Unacceptable rating will not disqualify entire proposal, but will be a negative in the overall composite rating.]

5.5.2 Proposing Vendor must provide a plan, including equipment and cost to Subscriber, if any, for initial installation of on-premises equipment. Equipment may include but is not limited to Interior ONTs, modems, routers, UPS, cables, connectors, labor, etc. Minimum ONT requirements are 4 Ethernet ports, 2 phone jacks and 802.11 AC wireless capability.

-Highly Advantageous: Proposing Vendor plans to provide and install on-premises equipment at no cost to Subscriber.

-Advantageous: Proposing Vendor plans to provide and install on-premises equipment at a cost to Subscriber not exceeding \$250.

-Not advantageous: Proposing Vendor plans to provide and install on-premises equipment at a cost to Subscriber not exceeding \$500.

-Unacceptable: Proposing Vendor plans to provide and install on-premises equipment at a cost to Subscriber exceeding \$500. [Unacceptable rating will not disqualify entire proposal, but will be a negative in the overall composite rating.]

5.5.3 Proposing Vendor must provide a plan for addressing how broadband service will be provided to new premises after the network construction has been completed. To the extent possible the plan shall include the applicable terms, conditions, and costs that will apply, as well as who will be responsible for future costs.

-Highly Advantageous: The proposing Vendor commits to providing broadband service to future premises, and provides a detailed plan for the terms, costs, and responsibilities of the involved parties.

-Advantageous: The proposing Vendor commits to providing broadband service to future premises, and provides a general plan for the terms, costs, and responsibilities of the involved parties.

-Not advantageous: The proposing Vendor commits to providing broadband service to future premises, but defers the determination of terms, costs, and responsibilities of the involved parties to the future.

-Unacceptable: The proposing Vendor does not commit to providing broadband service to future premises after the network construction has been completed. [Unacceptable rating will not disqualify entire proposal, but will be a negative in the overall composite rating.]

Town of Monterey, MA
Broadband Services Procurement
2018

5.6 Proposing Vendor must provide a comprehensive description of its business proposition for the Town and its Subscribers, including all offered service options and the associated rates (cost) for each service. The Vendor must provide high bandwidth broadband Internet service. Other services, such as high definition telephone service, high definition television channel package service, and basic Internet are not required, but are considered by the Town to be highly desirable. Vendor shall detail television packages, including "local" stations and regional networks, available to Subscribers if applicable.

-Highly advantageous: Proposing Vendor offers different tiers of broadband Internet service to choose from per Section 3.3, as well as basic Internet service. The Vendor also offers high definition telephone service (G.722 codec quality or better), and high definition television channel packages (comparable to satellite-based television channel package services) to choose from combined with the Internet services. The Vendor offers all of these services as a Triple Play package. The Vendor demonstrates that its subscription rate charge for such Triple Play package is reasonable and generally comparable to similar packages offered in Northeastern U.S. markets.

-Advantageous: Proposing Vendor offers different tiers of broadband Internet service to choose from per Section 3.3, as well as basic Internet service. The Vendor also offers high definition telephone service (G.722 codec quality or better), or high definition television channel packages (comparable to satellite-based television channel package services) to choose from that can be bundled together with the Internet services, but not as a Triple Play package. The Vendor demonstrates that its subscription rate charges for these offered services are reasonable and generally comparable with those offered in Northeastern U.S. markets.

-Not advantageous: Proposing Vendor offers different tiers of broadband Internet service per Section 3.3, as well as basic Internet service. The Vendor demonstrates that its subscription rate charges for these offered services are reasonable and generally comparable with those offered in Northeastern U.S. markets.

-Unacceptable: Proposing Vendor offers only the minimum required level of broadband Internet service per Section 3.3, as well as basic Internet service, or the Vendor demonstrates that its subscription rate charges for any offered service, bundled services, or Triple Play package are unreasonable and generally not comparable with those offered in Northeastern U.S. markets. [Unacceptable rating will not disqualify entire proposal, but will be a negative in overall composite rating.]

5.7 Proposing Vendor shall identify and specify any service value enhancements it plans to offer the Town. This shall include discussion of free or discounted service fees for Town institutions (Town Hall, Schools, Library, Fire Station, etc.).

-Highly Advantageous: The Vendor offers additional value enhancements and offers free broadband service for all Town institutions.

-Advantageous: The Vendor offers additional value enhancements and offers discounted rate broadband service for all Town institutions.

-Not advantageous: The Vendor does not offer discounted rate broadband service for all Town institutions.

Town of Monterey, MA
Broadband Services Procurement
2018

-Unacceptable: The Vendor offers no service value enhancements. [Unacceptable rating will not disqualify entire proposal, but will be a negative in the overall composite rating.]

C. Other Proposal Content

5.8 If the proposing Vendor takes exception to any portion of the minimum requirements of this Proposal, the Vendor shall concisely and clearly articulate its exception and its reasoning therefore. Vendor should consider that a material exception may lead to the Vendor being deemed non-responsive. A proposing Vendor, however, may suggest alternative approaches to those required here that in its judgment provides similar, equal to or greater value. Any alternative approach(s) will be subjected to the same comparative criteria herein.

5.9 If any part of the Scope of Vendor Service is to be provided or completed by a Sub-Vendor or Subcontractor, the proposing Vendor must provide a complete description of the services to be so performed along with a full description of the qualifications capabilities and financial statements of the Sub-Vendor or Subcontractor. As part of the contract award for services, the Town reserves the right to approve or disapprove any and all such Sub-Vendors or Subcontractors and to revoke any approval previously given.

5.10 Proposing Vendor must provide contact information for all similar contracts with a town for broadband Internet service completed in the last two years in the Northeast.

5.11 Proposing Vendor must agree to be responsible for obtaining consents from premise owners to make connections.

5.12 Proposing Vendor must disclose company policies as respects the following:

5.12.1 The Town requires the selected Vendor and/or Internet Service Provider to adhere to the principle of Net Neutrality whereby access is available to all content and applications regardless of the source, and without blocking particular products, content or websites.. To that end, describe your network management or non-discrimination policy as regards to (a) types (network protocols) of traffic, (b) sources or destinations of traffic (including Vendor's own), and (c) traffic content. The Town may re-consider its position if and when changes occur due to Federal law or guidelines.

5.12.2 The Town requires Vendor to maintain the privacy of the individual Subscribers and not track, publish or share information related to the content accessed by Individuals or groups of Subscribers. Describe what monitoring and statistics you maintain regarding network traffic. Include in the description what customer specific information is logged and how long those logs are retained.

5.12.3 Describe in detail your network management in regards to bandwidth and capacity planning with a particular focus on bandwidth between a Town's users and the Internet. If you are providing diverse Internet circuits/gateways, address capacity planning for each circuit as appropriate.

5.12.4 Describe in detail your monitoring of Customer Premises Equipment and customer usage.

Town of Monterey, MA
Broadband Services Procurement
2018

5.12.5 Describe in detail any limitations on the use of the service that will be applied to customer usage.

5.12.6 Describe in detail what would constitute abuse of the network or network service, and what steps would be taken regarding an abuser.

5.12.7 Describe in detail processes for requesting new or modifications to services (including cancellation, temporary and/or seasonal stoppage), trouble ticket and service plans and process. Town shall view a self-service portal designed to reduce operational costs of staffing additional resources at a call center as highly advantageous.

5.12.8 Detail plans and processes that minimize operational cost increases to Subscribers through minimization of truck rolls and other high cost support services. This may include use of local resources, sub-contractors or other ongoing cost minimization programs.

5.13 The Town desires to gain insight into the design of high bandwidth networks the Vendor typically constructs to provide customers with broadband Internet services. In support of this desire the proposing Vendor must provide a description of the proposed network design it will plan to construct to provide customers in the Town with required services listed in Sections 5.4 and 5.6. The description of the network design should include content such as system-level schematics and block diagrams for the proposed network architecture and topology, identification of the network component technologies to be used, a list of the user equipment for each premise, a list of equipment to be centrally located (regionally or within each Town) and operated by the Vendor, etc.

5.14 Proposing Vendor must provide the Town with options for offering broadband Internet services to Subscribers located within Town boundaries on private roads and driveways, not connected via utility poles or underground conduit (e.g. Stevens Lake Association). Options should address situations where utility poles are not permitted.

5.15 Proposing Vendor must describe and provide sub-contracts where appropriate its process for performing network maintenance and responding to emergencies. The Vendor must also describe its existing operating and maintenance infrastructure. Vendor should also address its current policy and plans for as-needed renewal and future upgrades, such as frequency of replacement of core network equipment, technology upgrades, or pro-active replacement of parts, for all of its existing broadband Internet customers.

5.16 Proposing Vendor must provide a copy of its current customer service plan made available to existing broadband Internet customers. The customer service plan must address subscriber billing and customer service problem handling.

5.17 In support of the Town's desire for the proposing Vendor to be responsible for all customer marketing efforts, the proposing Vendor should provide its plan for marketing its available broadband Internet services.

5.18 Proposing Vendor must provide a copy of its Customer Terms and Conditions governing its relationship with customers, currently provided to all existing broadband Internet subscribers.

5.19 Proposing Vendor must describe its process for addressing life-line services, E911, and emergency handling in outage situations for existing broadband Internet customers. Vendor shall detail fees, billing and other processes associated with availability of these services to Subscribers.

Town of Monterey, MA
Broadband Services Procurement
2018

5.20 Proposing Vendor must provide a list and description of the Internet Service Provider (ISP) services (e.g. Internet access, email, domain name registration, web hosting, online distributed discussion services (e.g. Usenet), cloud services, online storage services, etc.) provided to existing broadband Internet customers. Vendor shall detail the fees and fee structure of these services.

5.21 Proposing Vendor shall detail its typical and planned for this deployment, strategy regarding upgrades to the proposed services, associated physical plant and equipment.

6.0 Vendor Price Proposal

VENDOR IS TO SUBMIT ITS PRICE PROPOSAL IN RESPONSE TO THIS SECTION IN A SEPARATE, SEALED ENVELOPE

In that this is a **SERVICES ONLY** Procurement, the proposing Vendor must complete and submit the Price Proposal Form included as Exhibit C to this RFP for the Town. The Exhibit C shall be submitted under separate cover and sealed.

The Town is prepared to transfer any and all monies; limited to monies the Town receives from the State to the Vendor, necessary and sufficient to offset a portion of the construction costs of a Fiber Optic Broadband Network within the Town. If the proposing Vendor offers to provide the services at no cost to the Town, the proposing Vendor should enter “Zero” on the price form.

A detailed listing of Tiered Services and Subscriber Fees charged to the MLP and or individual Subscribers for broadband and related services must be provided detailing the costs associated with each tier of service offered. Administrative fees, if any, that may be levied to accommodate a Subscriber Request to move from one tier to another must be provided.

With a percentage of subscribers defined as Second Home Owners, define your policy for suspending/re-starting service. We expect the vendor to support requests of this type. Explain in detail all charges that such a policy would cause to be levied on subscribers.

The proposing Vendor shall specify any end of term options for continuing service for the Town beyond the proposed contract term. While the proposed price may effectively be used by the Vendor to defray the capital cost of the network, the Town acknowledges that it has no current intention to gain any residual ownership interest in the network. Any default by the Vendor during the contract term, however, may result in a security or potential ownership interest accruing to the Town.

7.0 Evaluation criteria and selection of Vendor Submittal and Price Proposal

The Town will make its selection in the following manner:

7.1 A Town selection committee will determine, at its discretion, those vendors meeting the minimum qualification requirements of Section 4.0. Those not meeting the Section 4.0 requirements will be deemed non-responsive and discarded.

Town of Monterey, MA
Broadband Services Procurement
2018

7.2 Excluding items 5.1 through 5.3, those items of Section 5.0 grouped under Comparative Criteria (Items 5.4 through 5.8) will be ranked as described in Section 5.0. The Town selection committee, in their judgment, will assign a heavier weighting of 50% of the overall composite rating to Sections 5.4, 5.4.1, 5.4.2, and 5.6. During the evaluation period, the Town reserve the right to request clarification from any proposing Vendor as respects material included in its proposal.

7.3 The Town selection committee will carefully consider and assess the combined results of 7.1 and 7.2 above and by majority vote assign a composite rating for each Vendor, based on its considered judgment as to most advantageous and responsive, and then rank the qualifying proposals by that rating.

7.4 Only after the ranking is completed under Section 7.3 will the Town selection committee consider the separately submitted price proposals. The price proposals will be reviewed and ordered from lowest cost to highest cost. Each alternative payment proposal will be reviewed and ordered from lowest to highest based on a net present value analysis of the entire payment stream at a uniform discount rate to be determined at the sole discretion of the Town. All price proposals (both lump sum and present value) will be ordered from lowest to highest (i.e. the Lump Sum plus net present value of payment stream).

7.5 The Town selection committee will consider its prior ranking under Section 7.3 in combination with the associated price under Section 7.4 and select the combined proposal that, in its considered judgment, maximizes overall value to the Town. The selected Proposal will be recommended to the Town for approval and award, but the Board retains at their discretion the authority to accept or reject the recommendation.

8.0 Other Information

8.1 Contracting Commencement and Contingencies

Within fifteen calendar days of award, the selected Vendor will begin contract negotiations with the Town to finalize the Agreement. If evaluations of the proposal identify portions of such proposed plan that should be obtained by negotiation, such portions shall be negotiated. Given the complexity of the services to be provided, the selected Vendor shall be permitted to recommend provisions it believes should be included that may be unique or specific to the nature of the services to be provided. Any such Vendor-recommended provisions shall also be negotiated.

The Town's execution of a contract will be contingent on:

8.1 reaching acceptable terms and conditions between the parties;

8.2 Contracting parties

The Town of Monterey and selected Vendor

8.3 Mandatory contractual terms and conditions

The following contract provisions reference the Agreement in Exhibit E and are mandatory and not negotiable:

Town of Monterey, MA
Broadband Services Procurement
2018

- 3.4.
- 8.3.1 **Police Powers.** Article 2.4
 - 8.3.2 **Indemnification, Performance Bond, Insurance Carriers.** Articles 3.1, 3.3 and
 - 8.3.3 **Subscriber Rights and Consumer Protection.** Article 4 in its entirety.
 - 8.3.4 **Contract Payments.** Article 9.6.
 - 8.3.5 **Records and Reports.** Articles 11.1, 11.2, and 11.3.
 - 8.3.6 **Enforcement or Termination.** Article 12 in its entirety.
 - 8.3.7 **Miscellaneous Provisions.** Articles 13.3, 13.5, 13.6, and 13.8.

8.4 Procedural Matters

8.4.1 Vendors Please Note: Proposing Vendors with questions regarding this RFP may **submit their questions via email no later than December 3, 2018. Inquiries received after this time will not be considered.** All inquiries and requests for information or clarification regarding this RFP must be submitted by written email to **Broadband@montereyma.gov** . RFP submissions will not be accepted by email. See Section 8.4.2.1 below.

The manner in which the Town responds to inquiries or questions shall be by the issuance of written Addenda. Addenda responses will be distributed to all entities known to have requested a copy of this RFP on December 10, 2018.

8.4.2.1 Submission instructions and deadline. The proposing Vendor shall deliver its Proposal in a sealed envelope to:

Town of Monterey
435 Main Road
PO Box 308
Monterey, MA 01245

no later than the deadline, all as specified in Section 1.0. Please include six (6) hard copies and one CD in .pdf format of the complete proposal and other required submittals as outlined in Section 9.0, along with a transmittal letter signed by an authorized official of the firm.

8.4.2.2 If a proposal is submitted prior to the due date, modifications may be submitted in a sealed envelope prior to the deadline submittal date of January 7, 2019 by 2pm.

8.4.2.3 No proposal may be withdrawn within ninety (90) days after the submission due date.

8.4.3 Interviews. The Town reserves the right to interview all proposing Vendors in which case the award date will be extended by three days. Proposing Vendors that meet minimum required qualifications and are deemed responsive may be invited to meet with the Town to discuss their proposals and answer questions. Vendors who are so invited **shall** bring an executive, the person who will be the program manager and alternate program manager, and other members of the team as the Vendor deems appropriate, but not more than five individuals.

8.4.4 Award Date and Contract Negotiations: Month of February 2019

Date is dependent on potential Vendor interview schedule. Within fifteen calendar days the selected Vendor shall begin contract negotiations with the Town subject to contingencies noted in Sections 8.1.1 through 8.1.2.

8.4.5 Contract Completion. Negotiations and contract acceptance shall be complete no later than thirty (30) days from the Award Date.

Town of Monterey, MA
Broadband Services Procurement
2018

8.4.6 Any Addendum subsequently issued by the Town following the release of this RFP must be acknowledged by Vendor. All information given by the Town except by written addenda shall be informal and shall not be binding upon the Town nor shall it furnish a basis for legal action by any proposing Vendor or prospective Vendor against any of the Towns.

8.5 Miscellaneous provisions

8.5.1 All submitted proposals shall be prepared at the sole cost and expense of the proposing Vendor, and all proposals shall become the property of the Town.

8.5.2 The Town reserves the right to waive minor informalities or obvious clerical errors in a proposal, subject to the extent allowed by law, subject to being notified no later than 48 hours prior to final consideration and price opening.

8.5.3 The Town reserves the right to decline the making of an award based on its sole judgment that the proposals received do not meet its needs.

8.5.4 Unless clearly marked and submitted according to the instructions below, submitted materials are a matter of public record and will be open to public inspection.

If proposing Vendor wishes to maintain confidentiality of certain information, such as company financials for example, such information should be submitted in a separate sealed envelope clearly marked “Confidential and Proprietary Information Submitted by [Company Name and Contact Person] in Support of Broadband Network Service Proposal.” Note that meetings of the all Town Committees are open to the public and are recorded, in compliance with the Massachusetts Open Meeting Law. The law permits confidential proprietary information (but only such information) to be discussed in closed Executive Session.

The Town is subject to the requirements concerning disclosure of public records under the Massachusetts Public Records Act, Mass. G.L. ch. 66 (the “Public Records Act”), which governs the retention, disposition and archiving of public records. For purposes of the Public Records Act, “public records” include all books, papers, maps, photographs, recorded tapes, financial statements, statistical tabulations, or other documentary materials or data, regardless of physical form or characteristics, made or received by the Towns. As a result, any information submitted to the Town by a respondent to a request for response to an RFP, contractor, or any other party is subject to public disclosure as set forth in the Public Records Act, unless exempt. The Town disclaim liability for disclosure or damages arising from disclosure, and Vendor agrees to indemnify and hold the Towns harmless, resulting from any Town action or inaction, as relates to disclosure.

8.5.5 Proposals that are late, incomplete, not properly endorsed or signed, or otherwise contrary to instructions will be rejected by the Town as non-responsive.

8.5.6 The Town is exempt from Federal and Massachusetts State Sales and Excise Taxes, and no such taxes should be included in the proposal.

9.0 Submittal Requirements

All proposing Vendors must submit the following:

Town of Monterey, MA
Broadband Services Procurement
2018

9.1 Evidence of meeting or exceeding the Minimum Qualification Requirements of Sections 5.1 through 5.3 including audited financial statements of the entity proposing to enter into a Broadband Services Agreement with the Town. If a project subsidiary is to be formed, then provide a statement of parent indicating whether it is or is not willing to provide a guaranty of the performance of the subsidiary.

9.2 Completed Vendor proposal including all responses and specified plans as required in Sections 5.4 through 5.21.

9.3 Completed and signed Exhibit A.

9.4 Completed Price Proposal, Exhibit C.

9.5 Completed Vendor Self Evaluation, Exhibit D.

9.6 Any Vendor-prepared attachments clearly labeled and not among items listed below.

9.7 Proposing Vendor must name its primary and alternate Program Manager for the proposed project and provide full contact information.

9.8 Vendor submission of Rejected Contract Provision(s) and suggested alternate language, Section 8.1.

Town of Monterey, MA
Broadband Services Procurement
2018

Exhibit A
Certification and Signature Page

Must be completed and submitted with proposal.

The Undersigned proposing Vendor submits this Proposal to deliver a Broadband Network Service to the Towns of Monterey.122

Signature of authorized individual submitting proposal

Date:

Name of business:

Certificate of Non-Collusion

The undersigned certifies under penalties of perjury that this proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word "person" shall mean any natural person, business, partnership, corporation, union, committee, club, or other organization, entity, or group of individuals.

Signature of authorized individual submitting proposal

Date:

Name of business:

Tax Compliance Certification

Pursuant to M.G.L. c. 62C, §49A, I certify under the penalties of perjury that, to the best of my knowledge and belief, I am in compliance with all laws of the Commonwealth of Massachusetts relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

Signature of authorized individual submitting proposal

Date

Name of business

Town of Monterey, MA
Broadband Services Procurement
2018

Exhibit B
MBI Last Mile Planning Maps for
Monterey, MA

(Additional files included)

Files include: MBI-unserved-town-profiles-2016-05-17; TaxExempt Land 6.1; Buildable Lots-2016-12-

31

Monterey Maps Buildable Properties		Dec. 30, 2016							Dec 30, 201
Map Number	Property Number	Map Number	Property Number						
101	20,31,32,33,35,45	218	none						
102	none	219	8,10						
103	24+25,26+27,39	220	4,5,11,13,14,16,28,29,33,35						
104	5,6,11	221	5,11,13,50						
105	1,7	222	5,12,14,15,16						
106	none	223	32,39						
107	29,1,30	224	none						
108	9,15,16,28,29	225	none						
109	57,	226	none						
110	none	227	28,33,34,43						
111	none	228							
112	18,2,	229	none						
113	8,22,24	230	1,						
114	7,8,9	231	none						
201	none	232	21,30						
202	none	233	23,						
203	none	234	6,						
204	5,9,11,12	235	3,16						
205	none	237	none						
206	none	238	8,						
207	none	239	none						
208	none	240	2,						
209	7,9	241	none						
210	none								
211	none								
212	none								
213	33,1								
214	1,6								
215	none								
216	none								
217	26,28,1,28,2,38,3								

Town of Monterey, MA
Broadband Services Procurement
2018

EXHIBIT C
PRICE PROPOSAL FORM

The undersigned Vendor submits the following as its Price Proposal to the MLP for the Town of Monterey Broadband Network Service Procurement:

1. Vendor shall provide monthly Subscriber payment schedules listing tiers and optional offerings.
2. Pricing proposal should indicate if payment schedule is impacted by anticipated “take rates”.
3. Pricing proposal shall indicate promotional rates and any expiration dates. Pricing proposal shall indicate “bundle” discounts.
4. Pricing proposal shall indicate proposed sign-up or other fees beyond standard monthly rates.
5. Pricing proposal shall indicate length of time the proposed rates are in force.
6. Pricing proposal shall include discussion of seasonal policies and pricing.

Vendor acknowledges and agrees that any grant, to be negotiated with and paid by the MBI directly to the selected Vendor, will offset when paid, on a dollar for dollar basis, the sum of the monthly payments stated above in a manner to be agreed between the Vendor and a Town. Further, the Vendor agrees to negotiate the structure of the application of any grant.

Acknowledged and Agreed:

Authorized Vendor Official

Date

Town of Monterey, MA
Broadband Services Procurement
2018

Exhibit D
Vendor Self Response to Comparative Criteria

Please see attached template.

Section	Section Name	Vendor Self Response to Comparative Criteria			
		Highly Advantageous	Advantageous	Not Advantageous	Unacceptable
5.4	Internet Services Performance Requirements				
5.4.1	Present subscriber bandwidth satisfaction				
5.4.2	Subscriber portfolio satisfaction				
5.4.3.1	Network service availability				
5.4.3.2	Individual subscriber availability				
5.5	Service schedule to subscriber				
5.5.1	Subscriber connection				
5.5.2	On-premise equipment cost				
5.5.3	New premise subscriber request				
5.6	Business proposition				
5.7	Service value enhancement				