

GREENE COUNTY, STATE OF NEW YORK

REQUEST FOR PROPOSALS TO DESIGN, FURNISH, INSTALL AND MAINTAIN HIGH-SPEED FIBER OPTIC INTERNET SERVICE TO UNSERVED AREAS OF GREENE COUNTY, NEW YORK

PLEASE TAKE NOTICE that Greene County, New York, hereby requests proposals for the design, furnishing, installation and maintenance of high-speed fiber optic broadband internet service to the target areas, roads, and unserved households specified herein and located in Greene County.

Greene County is committed to ensuring high-speed broadband is available to unserved areas within the County. The County recognizes many residents already have access to high-speed service from Charter One Spectrum, Mid-Hudson Cable, State Telephone, and Margaretville Telephone, or other providers because they live in areas where it is technically feasible and cost-effective for local internet service providers (ISP'S) to provide it. However, high-speed broadband service is not available everywhere in Greene County due to the high costs associated with construction and in many cases a low number of households per mile in rural areas. These hurdles can include low-density development, rights-of-way restrictions, underground construction, make-ready work for pole replacement and licensing, and topography. In short, ISPs cannot provide ubiquitous coverage and obtain a reasonable rate of return everywhere in the County.

The County has declared that high-speed broadband internet is a priority for all residents of the County and continues to work toward the potential for closing this broadband availability gap in identified ("Target Areas") by offering a financial subsidy to qualified and committed private sector partners. In this RFP, Greene County is soliciting proposals to provide a grant to one or more ISPs or other entities ("Applicants") that commit to meeting the goals and conditions outlined in this RFP and in subsequent negotiations. The purpose of the grant will be to defray the cost of the infrastructure necessary to meet the requirements of the RFP, which are likely to include construction of fiber optic cables, conduit and/or poles to provide service ("Assets").

The County welcomes the responses of incumbent ISP's, competitive providers, and non-profit institutions and cooperatives, which are interested in offering service under innovative business models, in accordance with the following:

1. General Conditions.

- a. Each Applicant is responsible for reviewing and understanding all terms of this Request for Proposal (the "RFP"). Failure to thoroughly examine or request clarification on RFP terms may result in disqualification.
- b. Any proposal may be withdrawn at any time prior to the due date with a written request signed by the authorized Applicant. Revised proposals may be submitted up to the original due date/time.
- c. Issuance of this RFP and receipt of proposals does not commit Greene County to move forward with an award or complete the project described. Greene County reserves the right to postpone the RFP award process, to accept or reject any or all proposals received

in response to this RFP, and to modify the scope of the project at any time.

- d. An award under this RFP may not be based solely on the lowest price but will be made to the Applicant that can best fulfill the requirements of the RFP. The successful proposal will meet the project design guidelines, within the time restrictions enumerated, and provide a level of service and cost acceptable to Greene County in its sole discretion.
- e. Upon award, successful Applicants shall secure all appropriate licenses and approvals as may be necessary to complete the scope of work included in this RFP.

2. RFP Schedule.

- a. Proposals are due by **July 13, 2022 at 2:00 p.m. in electronic (PDF Format) less than 20MB in size.**
- b. This timeline may be modified at the discretion of Greene County. An addendum will be issued in the event of any scheduling changes.

3. Request for Information.

- a. Please submit proposals and/or questions to Greene County via email addressed to:

Warren Hart
Deputy County Administrator
Economic Development, Tourism and Planning
411 Main Street, Catskill, NY 12414
whart@discovergreene.com

All questions and responses will be shared with all proposers.

4. Project Objectives.

- a. Provide high-speed fiber optic broadband internet access and deliver such service to the Target Areas and roads specified herein and located in Greene County. In limited circumstances coaxial cable hybrid alternative may be proposed on roads where it isn't practicable or financially feasible to use coaxial cable. Any Applicant that proposes to use coaxial cable must specifically identify the road and households, the circumstances, and provide a written justification.
- b. Maximize high-speed fiber optic broadband internet access to the most unserved Target Areas and towns within Greene County.

5. Funding Support.

- a. Applicants are required to detail requested funding considerations by Greene County for each Target Area. The County will not provide funding for individual connections to the home, this will be the responsibility of the Applicant. The County will consider incentives as may be needed to build high-speed fiber optic broadband internet where none exists and

as will be required to serve unserved homes and businesses within Greene County.

- b. Greene County may also negotiate individual commitments to purchase services needed for Greene County's operations (e.g., Inter facilities networking capacity, Internet access, voice, video, security monitoring, cloud computing, and storage) through the incentivized network(s).
- c. No incentives will be provided to applicants that have been awarded or intend to solicit grant awards for the areas proposed, or for which pole licenses have already been obtained and the ISP is already intending to serve the roads and households in a specified area. Greene County intends to provide funding to lessen the burden of building infrastructure needed to bring broadband to unserved areas of the County.

6. Project Description.

- a. The Target Areas specifically includes the mapped areas and roads identified on the map attached as **Schedule A** and incorporated herein. (The "Target Areas").
- b. The Project shall include the installation of fiber optic cable and all network upgrades necessary to deliver high-speed fiber optic broadband internet to the Target Areas.
- c. Applicants may provide proposals in more than one Target Area.
- d. The Unserved Roads and Households to be served by the Project are listed on **Schedule B** by Target Area, Road and by Town.
- e. Applicants shall provide Project Costs for all Unserved Households by Target Area, Road, and Town on the spreadsheet provided in this RFP identified as **Schedule C**.
- f. Applicants shall provide proposals by Target Area. **Applicants providing proposals within a Target Area shall provide service to ALL UNSERVED HOUSEHOLDS WITHIN THE TARGET AREA.** While not encouraged, should an Applicant choose to propose service to less than the whole Target Area, Applicant must provide details on which roads and households intending to be excluded with a written explanation and justification on **Schedule C**.

7. Scope of Work.

- a. The goal of this RFP is to identify high-speed fiber optic broadband internet provider(s) with the necessary experience to ensure a fully installed, managed, operated and well executed project. The successful Applicant will have demonstrated experience designing, planning, scheduling, permitting, constructing, and operating a high-speed fiber optic broadband internet network.
- b. Applicant shall be responsible for all permitting, make ready work, such as utility pole permits, replacement, or special construction requirements.
- c. Applicant must have familiarity with all applicable regulations.

d. Applicant must have established safety standards.

8. Design Guidelines.

The Applicant will bear all operating and maintenance costs, including insurance costs and relevant taxes of the network(s). Applicant should also demonstrate a clear and continuous upgrade path for the network(s) to meet future consumer demand, business demand, community anchor institution demand, and service developments.

- a. **DESIRED SPEED:** Symmetrical 100Mbps download (down) and 100Mbps upload (up).
- b. **GURANTEED PRICING:** Applicants shall guarantee that all new households funded as part of the project shall be charged no more than \$59.99 for internet service for 24 months following completion of the Project and commencement of services on the network.
- c. **PREFERRED SERVICES:** The infrastructure should be able to support delivery of internet protocol (IP) voice, data, and video services; tele- health, tele-work, tele-schoolwork, and homework solutions.
- d. **VERIFICATION OF SERVICE:** Selected Applicants must be able to provide its own system for verifying new service including verification to the County as may be requested.
- e. **REQUESTED COUNTY FINANCIAL SUPPORT:** Applicants must clearly identify funds being requested from Greene County to support this initiative and to identify what the requested funds will be used for.
- f. **SERVICE PERIOD:** Greene County will decide based upon winning bid or bids.
- g. **EXPANSION:** Provides a comprehensive high-speed fiber optic broadband internet infrastructure that can be expanded to serve new development and competitive expansion when deemed practicable.
- h. **ACCESS TO ASSETS:** Identify access, if any, to assets owned or controlled by Greene County such as Rights of Ways which the proposer would like access to.

9. Eligible Applicants.

Eligible Applicants shall meet the following requirements:

- a. A business must be certified to operate in New York State and shall possess and maintain all professional licenses and/or certifications required to perform the tasks undertaken in connection with the work described herein.
- b. Minimum of 10 years of operations providing high-speed internet service or IP based network technology services.

- c. Be in good financial standing. Applicants should have a positive cash flow and a positive credit history.
- d. Applicants are not eligible if they have past due tax liabilities, tax liens, or delinquencies in Greene County property taxes.
- e. Applicants are not eligible if they are currently in bankruptcy (corporate or personal), have outstanding Federal, State, or local back taxes owed.
- f. Financial ability to capitalize the Project.
- g. Each Applicant will be an independent contractor that provides all design, construction, and operation services for the network(s). Greene County will have no ownership in the Applicant's company or network(s). Greene County will have no ownership in fiber, equipment, peripherals, poles, conduit, etc. as part of any award. Greene County does not plan to regulate the business, nor to grant a franchise for its activities and operations. Greene County expects that the contracts and property instruments associated with this effort shall establish terms and conditions governing the use of public assets that are utilized by Applicant in its service delivery to its customers.

10. Costs of Construction and Services.

- a. Network access shall include building up to the end user drop point or the end user network(s) interface device.
- b. It is understood that the successful Applicant will gain new customers and preference will be given to the proposal that most thoroughly recognizes the new revenue to be generated by the Project for the successful Applicant and reduces the upfront costs of the Project accordingly.
- c. The successful Applicant will be paid on a reimbursement basis to be negotiated between the parties based on the timeline for distribution of those funds awarded to the Project, timeline for start of construction, progress of construction, and timeline for completion.

11. Source and Use of Funds.

- a. The County is scheduled to receive approximately \$9.0 million in aid through the Coronavirus Local Fiscal Recovery Fund established under the American Rescue Plan Act of 2021 (ARPA). The final rule took effect in April 1, 2022. The County intends to expend ARPA funds in accordance with rules issued by the United States Department of the Treasury. ARPA specifically authorizes the use of funds to provide for high-speed broadband infrastructure in areas of need that the recipient identifies, such as areas without access to adequate speeds, affordable options, or where connections are inconsistent or unreliable. Completed projects must participate in a low-income subsidy program.

- b. Under the Coronavirus State and Local Fiscal Recovery Program (SLFRF) program, all funds must be used for costs incurred on or after March 3, 2021. Further, funds must be obligated by December 31, 2024, and expended by December 31, 2026. This time period, during which recipients can expend funds, is the “Period of Performance”.
- c. ARPA Recipients must require the service provider for a completed broadband infrastructure investment project that provides service to households to either participate in the Federal Communications Commission’s (FCC) Affordable Connectivity Program (ACP), or otherwise provide access to a broad-based affordability program to low income consumers in the proposed service area of the broadband infrastructure that provides benefits to households commensurate with those provided under the ACP.

12. Timeline for Construction.

- a. Proposals shall include a construction schedule from award of contract to completion.
- b. Contracts shall include ARPA SLFRF requirements, including the requirement that all Projects be completed and funds expended during the ARPA SLFRF Period of Performance.

13. Proprietary Information.

- a. Proprietary Information submitted as part of the proposal shall be clearly marked with the word “CONFIDENTIAL.” Proprietary information will not be shared outside the project team.

14. Additional Requirements.

- a. All work to be completed in a workmanlike manner.
- b. Per ARPA SLFRF prevailing wages will not be required.
- c. If an Applicant is accepted for award, the Applicant shall provide appropriate insurance naming the County of Greene.
- d. If an Applicant is accepted for award, the Applicant shall provide Operating Finances as described below:
 - 1. Current year and one (1) prior year Profit and Loss statement(s)
 - 2. The most recent annual audited financial statement to permit analysis of financial resources.
 - 3. Letter of credit or other commercial lending commitment in an amount satisfactory to complete the Project.
- e. If an Applicant is selected for an award, the Applicant shall work with the County and provide capital and operating financial information via a Capital Asset Calculator developed by the County to assist in the opportunity evaluation of an acceptable subsidy award relative to Margin, Cumulative Net Margin, Internal Rate of Return, Net Present Value, and

Annualized Return on Investment.

15. Proposal Format.

- a. The following information shall be submitted in the proposal in the following order.
 1. Cover/Transmittal letter: Cover letter must be addressed to Greene County and signed by a legally authorized representative of the Respondent.
 2. Company Profile: Years in business, description of respondent's background, applicable state licensing, OSHA background and safety protocol, Insurance, Quality Assurance/Quality Control documentation.
 3. Project Team: Organization chart and bios (length of time with firm, key projects) of key team members, capability to perform work/workload capacity. Clearly identify the project manager.
 4. Organizational Information: A brief statement of experience highlighting similar network(s) systems designed, constructed, operated, and owned.
 5. Proposals shall breakdown the cost of the Project following the spreadsheet template found in **Schedule C**, as follows:
 - i. Total Amount for all Project work, including make ready, fees, licenses, labor and capital construction necessary to provide service to the Target Area;
 - ii. Breakdown of price showing total construction costs and amount Applicant is requesting in financial subsidy.
 6. Proposed Schedule – Identify key Project milestones and include a construction schedule from award of contract to completion.
 7. Appendices – Include Appendices Forms A through E.

16. Selection Process.

- a. Proposals will be reviewed to ensure that the proposal is substantially complete and meets other eligibility requirements. If these standards are not met, the proposal will not receive further consideration. Proposals will not be returned to the applicant.
 1. **Timeliness.** Proposals will be reviewed to verify submission by the submission deadline. Greene County will reject proposals that do not meet the submission deadline.
 2. **Completeness.** Proposals will be reviewed to verify completeness. Greene County will reject proposals that do not address all items in these sections and are thus materially incomplete.

3. **Eligible Target Areas.** Proposals will be reviewed to ensure that proposed infrastructure projects will deliver services to areas designated in Schedule A.
4. **Eligible Activities.** Proposals will be reviewed to ensure that the activities for which assistance is requested are eligible for funding.
5. **Financial Capacity and Negotiations:** Upon selection of an Applicant, the specified financial information shall be submitted to verify the eligibility and financial capabilities of the applicant and the Capital Asset Calculator shall be prepared to assist in evaluating and determining an acceptable financial subsidy.
6. **Sustainability.** Vendors' plans will be reviewed to ensure that the business plan will be sustainable over the long term.
7. **Appeals Process:** There will be no appeals process.

17. Evaluation Process.

Proposals that are deemed complete will be reviewed and ranked using but not limited to the following criteria:

a. Ability to Complete the Project:

1. Includes a realistic and expeditious project implementation timeline
2. Describes specific design and implementation activities to be carried out as part of this project
3. Ability to provide the needed financing

b. Capacity to Complete the Project:

1. Depth of past/current experience
2. Staff capacity and experience
3. Financial documents are in good standing

c. Achieves Desired Goals:

1. Provides desired services to unserved areas with completeness
2. Technical superiority to services proposed by others and as may be currently available in the area

d. Customer Service/ Customer Offerings:

1. Proven quality customer service offerings
2. Marketing plan and experience to ensure that target audience will be reached
3. Monthly cost to subscribers

e. Long-Term Sustainability:

1. Includes a well thought-out and realistic explanation of how the provider will continue this project after the project has been constructed.

2. The solution will provide long-term upgradeability
3. Business sustainability, and quality of service

f. Cost:

1. Total project costs
2. Financial incentive requested from Greene County. Greene County intends to use a capital asset calculator with input from the selected Applicants to determine/validate the incentive requested from Greene County.

18. Appendices:

[Appendix A – Addenda Registration Form](#)

[Appendix B – Incorporation Form](#)

[Appendix C – Debarment Status Form](#)

[Appendix D – Non-Collusion Form](#)

[Appendix E – Non-Discrimination Form](#)

[Appendix F – Greene County Broadband Study Map](#)

[Schedule A -Target Areas Map](#)

[Schedule B – Target Areas Roads Spreadsheet](#)

[Schedule C – Project Costs Spreadsheet](#)