
REQUEST FOR PROPOSAL

By

EASTGATE REGIONAL COUNCIL OF
GOVERNMENTS

For

STRATEGIC BROADBAND
INFRASTRUCTURE MANAGEMENT
AND DEPLOYMENT FOR SPRINGFIELD
TOWNSHIP

RFP Issue Date: MAY 3, 2024

RFP Response Due Date: MAY 31, 2024

TABLE OF CONTENTS

	<u>Page</u>
I. Project Overview	1
II. RFP Responses	2
A. Respondent and Sub-Contractor Information	2
B. Respondent Background and Experience	3
C. Respondent Experience and Partnerships	3
D. Respondent Proposed Build-Out, Network Operations, Schedule, & Budget	3
E. Respondent Service Pricing Components	5
F. Respondent Existing and Future Operations within Mahoning County	5
III. Evaluation Criteria	6
IV. Proposal Format and Submittal Procedure	7
V. Examination of Documents and Requirements	8
VI. Post-Proposal Discussions with Respondents	8
VII. Terms, Conditions, Limitations, and Exceptions	8

REQUEST FOR PROPOSAL

I. Project Overview

The Eastgate Regional Council of Governments ("Eastgate") recently commissioned a broadband study that revealed portions of Mahoning County lacked adequate broadband service. For this project, per additional investment from the Board of Mahoning County Commissioners (BMCC), Springfield Township will be the focus.

Therefore, Eastgate is issuing this Request for Proposal ("RFP") for strategic broadband network engineering and deployment to improve broadband access for education, job creation, healthcare, and more in Springfield Township located in Mahoning County. It is Eastgate's intent through this RFP for a third-party provider to expand Broadband Infrastructure, as hereinafter defined, to benefit Springfield Township's residents, businesses, community institutions, government, and overall economic development, and catalyze local innovation. Eastgate further desires to create an environment that serves Springfield Township's citizens' current and future technology needs, and establishes a platform that supports and facilitates existing, as well as new ISP, telecom carrier, and data center services expansion into Springfield and throughout Mahoning County.

It is Eastgate's preference that any response ensures that Springfield Township's residents, businesses, and community institutions are provided with competitive, affordable, immediate, and long-term connectivity options. There is no preference for the type of broadband technology utilized. However, it must be capable of reaching at least 100 Mbps download and 10 Mbps upload speeds while being scalable to higher speeds in the long-term.

Any selected Respondent ("Awardee") shall be responsible for the construction, where applicable, maintenance, and operation of the Broadband Infrastructure as part of this project and the associated backhaul connectivity. Parties replying to this RFP ("Respondents") may propose a fiber-based, wireless, or hybrid solution for Eastgate's consideration. Further, Respondents may propose a privately owned and operated network solution, or a combination thereof (i.e., a public-private partnership or "P3"). Eastgate will consider any reasonable and responsible proposal that addresses the priorities listed above and positions Springfield Township for the future.

A suitable wireless deployment may include the Awardee strategically leasing existing vertical assets in Springfield Township including, but not limited to, wireless towers, water towers, and Township/County-owned buildings, as well as constructing new wireless towers in areas lacking vertical assets for fixed and/ or mobile wireless expansion. If a Respondent proposes wireless network management and deployment services, it shall also include managing and leasing existing broadband assets and creating new, lasting infrastructure in Springfield Township.

Eastgate understands the value of Broadband Infrastructure that is accessible to residents, businesses, Internet Service Providers ("ISPs"), data centers, education, telemedicine, and

research facilities, and more. This can be achieved through existing carrier relationships, services offered, data center connections, network management experience, collaboration with other partners, innovative business models, and others.

Eastgate expects that the awarded Project shall benefit Springfield Township. Eastgate shall retain the right to reevaluate the Project and the selected Awardee at any time during the network deployment. Upon award, the Awardee shall provide Eastgate with a suggested contract document for negotiation and proposed Project schedule and communicate with Eastgate, or their designated representative(s), throughout the Project regarding any schedule changes.

Eastgate anticipates the award of a single contract for the Project. Selection will be determined based on the criteria provided herein, with the Awardee being the respondent that best demonstrates its ability to deploy robust broadband connectivity the most cost-effectively, to the most locations, and at the most affordable rates in Springfield Township.

NOTE: Eastgate will contribute funds not to exceed \$250,000 for the Springfield Township Project. This project is being supported, in whole or in part, by funds awarded to the Board of Mahoning County Commissioners under Assistance Listing No. 21.027 by the U.S. Department of the Treasury.

II. RFP Responses

All responses must clearly and thoroughly address each of the components listed below. Respondents are advised to provide a level of thoroughness that will enable Eastgate to clearly understand how the proposal will allow Springfield Township and the BMCC to achieve their objectives. Respondents are advised to focus their responses on Springfield Township-specific elements as opposed to including generalized or marketing statements and collateral.

Respondents are advised that there is a twenty (20) page limit for responses to this RFP.

A. Respondent and Sub-Contractor Information

- Organization name, address, phone, email, and website
- Contact person name, title, address, phone, and email (if different from the above)
- MBE/WBE/VBE/DOBE Certifications
- Overview of Respondent's services and statement of core business competencies, particularly any such services currently available in the Eastgate Region (Ashtabula, Mahoning, & Trumbull Counties) and/ or surrounding counties.
- A brief explanation as to why the Respondent is interested in this RFP and expanding its broadband service offerings into or within Springfield Township, and

how such network expansion fits within the Respondent's broadband footprint.

- Partners or outside vendors that will be utilized to complete any portion of the Project. If a subcontractor or partner will be responsible for any portion of the services, Respondent should identify its plan for replacing the subcontractor or copartner if: (1) the subcontractor or partner's services are unsatisfactory, and/ or (2) they no longer are the subcontractor or partner. Be advised that Eastgate must be notified of any replacement subcontractor or partner in advance of such subcontract or partner commencing any work related to the Project.

B. Respondent's Background and Experience

- Overview of prior experience with leasing private and/or publicly owned assets and with fiber or wireless network construction, particularly in rural communities.
- From the Respondent's perspective and experience, what are the impediments to the success of such leasing programs?
- From the Respondent's prior experience, what are the impediments to fiber or wireless network expansion in rural communities?

C. Respondent Experience and Partnerships

- Overview of prior experience designing, planning, constructing, financing, operating, and/ or maintaining infrastructure and projects like the proposed project for Eastgate. Respondents are further required to provide a narrative, including references and any measurable benefits, for any similar projects to that which the Respondent is proposing for Eastgate.
- Overview of current partners for broadband expansion outside of the Eastgate Region and what use(s) the Respondent has of its partners' applications and/ or platforms.
- How would such partners' applications and/ or platforms be made available for Eastgate's use/ benefit should the Respondent be awarded under this RFP?
- Overview and resumes for Respondent's executive team and any individuals who will be directly involved in the proposed Project in Springfield Township.

D. Respondent Proposed Build-Out, Network Operations, Schedule, & Budget

- Proposed fiber or wireless, including the incorporation of existing vertical assets through mutually agreeable lease arrangements with Mahoning County or Springfield Township and the construction of new vertical assets, as needed (i.e., the Broadband Infrastructure).
 - o Respondent should further detail:

(1) the anticipated spectrum band for such deployment; (2) whether it is licensed or unlicensed; (3) whether the solution aligns with 4G/5G 3GPP standards; and (4) the approximate percentage of Broadband Infrastructure that will be new construction and the percentage of Broadband Infrastructure that will be existing Township/County-owned or privately owned assets.

- Respondents must provide a detailed timeline for project completion, including timelines for each phase proposed in their performance of the project.
- Respondents must provide a detailed project budget, detailed by each phase of the project.
- **NOTE:** All funds disbursed under this contract must be spent by December 31, 2025, per Eastgate's American Rescue Plan Act (ARPA) Subaward agreement with the Board of Mahoning County Commissioners (BMCC).
 - **Respondent should fully detail the information and/ or support that would be required from Eastgate and Springfield Township to meet the proposed timelines, including, but not limited to permits, consents, approvals, authorizations; access to available assets including fiber, conduits, real estate, and/ or vertical assets; public outreach and education campaigns; and network testing.**
 - **NOTE: The Awardee will be required to follow the Uniform Guidance Procurement Policy for American Rescue Plan Funds and any other requirements of the ARP-funded programs.**
 - **If the Respondent is seeking access to Springfield Township or Mahoning County-owned assets, it must provide a list of the asset(s) and cost that it is willing to contribute to be granted access to such asset(s).**
 - **What uses for the proposed Broadband Infrastructure, as well as additional services, hardware, software, or assets will be made available to the Township or County?**
- Any supply chain and/or labor needs or issues upon which the timeline is contingent. The Respondent shall further provide its plan for training and staffing of the Project to overcome any labor shortages.
- Scalability of the proposed Broadband Infrastructure as residential, commercial, and institutional bandwidth demands in Springfield Township continue to increase.
- Whether the Respondent currently owns and/ or operates broadband infrastructure within Mahoning County or Springfield Township and how would such infrastructure be contributed to the Project.

- Once installed, how does the Respondent monitor its network? What equipment and/ or land access will be required by the Respondent for ongoing monitoring of its network?
- How does the Respondent ensure user protections and the security of its network?
- Any Respondent awarded under this RFP is required to design projects to, upon completion, reliably meet or exceed symmetrical 100 Mbps download and upload speeds. In cases where it is not practicable, because of the excessive cost of the project or geography or topography of the area to be served by the project, eligible projects may be designed to reliably meet or exceed 100/20 Mbps and be scalable to a minimum of symmetrical 100 Mbps download and upload speeds. Please detail how the Respondent will ensure that the requisite broadband speeds are delivered to end users and provide information on such speeds to Eastgate and such users.
- How does the Respondent currently ensure network redundancy and how will the Respondent continue to ensure network redundancy in its build-out in Springfield Township?

E. Respondent Pricing Components

- Respondents shall provide their proposed rate structure for the various end users to which service will be available through the proposed build-out. Respondents must provide one-time costs, such as customer premise equipment ("CPE") installation, and recurring costs, such as monthly service costs, for residential customers, commercial customers, and institutional/ governmental customers.
- Respondents shall detail how it will provide its pricing structure(s) to end users and how users are notified of any changes to such pricing structures.
- Respondents are encouraged to consider and describe additional Respondent funding that could be included in this project. While not required, additional Respondent funding will be considered in the proposal evaluation criteria.

F. Respondent Existing and Planned Operations within Mahoning County or Springfield Township

- Current Respondent office(s) and/ or staff within Mahoning County/Springfield Township. If so, please provide the address of the office and/ or the number of staff within this area. If not, please provide the address of your closest office location to Mahoning County or Springfield Township.
- Middle-mile infrastructure currently owned, leased, or otherwise used by the Respondent in Mahoning County/Springfield Township. If additional middle mile construction is needed to provide the project contemplated herein, Respondent should detail such construction, including projected cost and timeline by phase, if applicable.
- Last-mile broadband service that the Respondent currently offers in Springfield Township, as well as what entities use and are permitted to use such service in the

township (e.g., residents, businesses, government, etc.) and the length of time that such service has been available within the township.

- Eastgate’s preference is to work in collaboration with the Awardee. Collaboration can take many forms. Please detail how the Respondent proposes to work with Eastgate and the purported benefits of such an arrangement for each party.
- How the Respondent will market the Broadband Infrastructure to users in Springfield Township once it is available. The Awardee shall provide clear information to end-users regarding monthly service rates and speeds supplied over the network.
- Any low-cost offers that would be made available with Respondent's service, such as the recently sunset Affordable Connectivity Program ("ACP"), a similar program, or the provider's low-cost offering.
- Any additional digital inclusion efforts included in the Respondent's Project.
- How many additional households, businesses, and institutions in Springfield Township will have access to broadband service as a result of this project, and at what speed tiers and pricing levels? Among the businesses and institutions, please include any small business, elementary school, higher education institution, library, healthcare facility, and public safety organization that will have increased access to broadband service.
- Any additional services that will be made available in Springfield Township through the Respondent's proposed project. This includes but is not limited to, Internet of Things ("IoT") use cases such as precision agriculture, smart utility monitoring, and others.

III. Evaluation Criteria

It is Eastgate’s main intent through this RFP for a third party to expand Last Mile Broadband Infrastructure to benefit Springfield Township residents, businesses, community institutions, government, and overall economic development, and catalyze innovation. Eastgate desires to create an environment that serves Springfield Township’s current and future technology needs, and establishes a platform that supports and facilitates existing, as well as new ISP, telecom carrier, and data center services expansion into the Township & County. Bearing these priorities in mind, RFP responses shall be evaluated based on the following criteria:

RESPONDENT EXPERIENCE: 20 possible points

PROPOSED BUILD-OUT, NETWORK OPERATION, SCHEDULE, &

BUDGET: 20 possible points

SERVICE OFFERING PRICING COMPONENTS: 20 possible points

TECHNICAL AND MANAGERIAL STABILITY: 10 possible points

EXISTING AND PLANNED OPERATIONS WITHIN THE TOWNSHIP/COUNTY: 10 possible points

PROVIDER CONTRIBUTION: 20 possible points

IV. Proposal Format and Submittal Procedure

All proposals must be electronically generated in a format capable of being used by Eastgate. Respondents must submit one (1) Portable Document Format (PDF) version of all proposal materials to Authorized Representative, Mark Ragozine via email at Mragozine@eastgatecog.org

Following the RFP Issue Date, Respondents may submit questions regarding this RFP at any time before 3:00 pm Eastern on May 17, 2024, via electronic mail to the following address (the "Eastgate Authorized Representative"): Mark Ragozine at mragozine@eastgatecog.org. Any individual who would like to receive future updates on this RFP must submit their name, organization, and email address to the Eastgate Authorized Representative by such deadline as well. Questions submitted to the Authorized Representative do not create exceptions to the terms and conditions of this RFP.

All questions submitted to, and answers provided by the Eastgate Authorized Representative shall be shared on or before May 17, 2024, on Eastgate's website at www.eastgatecog.org. Respondents shall not contact any person who is an employee of Eastgate concerning this RFP, except for the Authorized Representative. Eastgate may disqualify any Respondent who makes such contact.

The deadline for Eastgate's receipt of a Respondent's proposal, in the PDF version as outlined above, is **May 31st, at 2:00 PM Eastern**. Respondents may submit their proposals at any time before the above-stated deadline. Failure to submit the required format by this deadline may be subject to disqualification from the RFP process. Eastgate shall bear no responsibility for submitting proposals on behalf of any Respondent. **No extensions shall be granted for responses to this RFP.**

V. Examination of Documents and Requirements

Each Respondent shall carefully examine the RFP and thoroughly familiarize themselves with all requirements before submitting a proposal to ensure that the proposal meets the intent and requirements.

Before submitting a proposal, each Respondent shall be responsible for making all investigations and examinations necessary to ascertain conditions affecting the intent and requirements. Failure to make such investigations and examinations shall not relieve the Respondent from its obligation to comply, in every detail, with all RFP provisions and requirements.

VI. Post-Proposal Discussions with Respondents

Eastgate intends to commence final negotiations with the Respondent deemed most advantageous to Springfield Township and most likely to deploy broadband to the most township locations (the "Awardee"). Eastgate reserves the right to conduct post-proposal discussions with any Respondent.

VII. Terms, Conditions, Limitations, and Exceptions

1. This RFP does not commit Eastgate to issue an award or to pay any costs incurred in the preparation of a proposal in response to this RFP.
2. The proposals will become part of Eastgate's official files without any obligation on Eastgate's part.
3. Per Ohio Revised Code 307.862(C), all proposals received and any or all supporting documentation are subject to the State of Ohio Public Records Act and the provisions of Ohio Law after the award of the contract. Eastgate will use reasonable due diligence where lawful to protect materials marked by any Respondent as "proprietary," "trade secret "or "confidential". General technology approach or business model information does not constitute "proprietary," "trade secret" or confidential information.
4. Respondent(s) shall not offer any gratuities, favors, or anything of monetary value to any official or employee of Eastgate.
5. Respondent(s) shall not collude in any manner, or engage in any practices, with any other Respondent(s) or Third Party, which may restrict or eliminate competition or otherwise restrain trade. This is not intended to preclude subcontracts and joint ventures for the purposes of (1) responding to this RFP, or (2) establishing a project team with the required experience and/or capability to provide the services specified herein. Conversely, Eastgate can combine or consolidate proposals, or portions thereof, for the purposes mentioned herein.
6. All proposals submitted must be the original work product of the Respondent. The copying or paraphrasing of the work product of another Respondent is not permitted.
7. The RFP and the related responses of the selected Respondent may by reference become part of any formal agreement between the selected Respondent and Eastgate. Eastgate and the selected Respondent may negotiate a contract or contracts for submission to Eastgate for consideration and approval. In the event

an agreement cannot be reached with the selected Respondent, Eastgate reserves the right to select an alternative Respondent. Eastgate reserves the right to negotiate with alternative Respondent(s) the exact terms and conditions of the contract.

8. Respondents, their authorized representatives, and their agents are responsible for obtaining and will be deemed to have full knowledge of the conditions, requirements, and specifications of the RFP at the time a proposal is submitted to Eastgate.
9. Eastgate may terminate its review of a Respondent's proposal or an Awardee's performance under a contract in the event of a default by the Respondent or Awardee and a failure to cure such default after receiving notice of default from Eastgate. A default may result from the Respondent's or Awardee's failure to perform under the terms of the contract or from the Respondent or Awardee becoming insolvent, having a substantial portion of its assets assessed for the benefit of creditors, or having a receiver or trustee appointed.
10. Eastgate reserves the right to unilaterally disqualify any Respondent who in Eastgate's opinion fails to provide information or data requested or who provides materially inaccurate or misleading information or data. Further, Eastgate reserves the right to unilaterally disqualify any Respondent based on any real or apparent conflict of interest that is disclosed by the proposal submitted or any other data or information available to Eastgate. This disqualification is at the sole discretion of Eastgate. By submission of a proposal hereunder, the Respondent waives any right to object now, or at any future time, as to the exercise by Eastgate of such right to disqualify or as to any disqualification by reason of real or apparent conflict of interest determined by Eastgate.
11. Eastgate shall have the unilateral right to reject any Respondent RFP response including, but not limited to the following:
 - (a) Failure to submit the RFP response for Eastgate to receive it by the deadline of 2:00 PM May 31, 2024.
 - (b) Failure to submit the RFP response to the correct location.
 - (c) Failure to submit the RFP response in the prescribed format.
 - (d) Failure to include all requested information.
 - (e) Taking exception to the terms, conditions, and specifications herein.

NOTE: Any deviation/ omission from the preceding list may void a Respondent's response.

The issuance of this RFP and the acceptance of a proposal does not constitute an agreement by Eastgate that any contract or other agreement will be entered into by Eastgate. Eastgate expressly reserves the right to:

- (a) Reject any or all proposals.
- (b) Reissue the RFP.

- (c) Accept portions of individual or multiple RFP responses.
- (d) Request more information and/or clarification of proposals from any or all Respondents.
- (e) Waive immaterial defect(s) or informality(ies).

The foregoing granting of exclusive negotiation rights does not commit Eastgate to accept all or any of the terms of the proposal(s). The final terms of any agreement will be agreed upon during negotiations. Negotiations may be terminated at any time by Eastgate for failure to reach mutually acceptable terms.

- 12. Eastgate reserves the right to request clarification of any proposal after all proposals have been received.
- 13. Eastgate reserves the right to select elements from different individual proposals and to combine and consolidate them in any way that best serves Eastgate's interest. Eastgate reserves the right to reduce the scope of the project and evaluate only the remaining elements from all proposals. Eastgate reserves the right to reject specific elements contained in all proposals and to complete the evaluation process based only on the remaining items.
- 14. Any disputes arising out of any agreement that results in litigation shall be filed in the jurisdiction of an appropriate court, either state or federal, for Mahoning County, Ohio.
- 15. This RFP, the responses thereto, and any awarded contract thereunder shall for all purposes be construed and enforced in accordance with the laws of the State of Ohio and the United States of America without regard to conflict of law principles. All Respondents shall comply with any and all applicable orders, rules, or regulations of the Federal Communications Commission ("FCC"), Public Utilities Commission of Ohio ("PUCO"), and Federal and State law in submitting a response to this RFP, and during the term and in performance of any contract awarded as a result of this RFP. The Awardee shall adhere to the requirements of the American Rescue Plan Final Rules, and the requirements of all further guidance issued by the U.S. Department of Treasury, or other applicable federal agency, on the American Rescue Plan.
- 16. Entities submitting proposals must have the capacity to enter into a legally binding contract. All contract(s) amount(s), if any, resulting from this solicitation will be paid directly to the entity submitting accepted proposal(s). In any accepted proposal(s), to authorize payments directly to another third party upon contracting the proposing entity may be required to fully execute such proper payment authorization forms as acceptable to Eastgate.
- 17. Eastgate reserves the right to conduct, for security reasons, a lawful background investigation on the selected Respondents, its principal party, personnel, or

subcontractors. Respondents agree to cooperate with Eastgate in this endeavor and to provide any permitted, reasonably necessary information. Eastgate will, upon the Respondent's written request, provide a copy of such background investigations to the Respondent, to the extent allowable by law. Dependent upon the results of the background check, Eastgate may request the Respondents to immediately remove an individual from participation in this project. Respondents shall not knowingly assign any personnel with records of criminal conviction(s) to this Project without advising Eastgate of the nature and gravity of the offense. In fulfilling the obligations under this section, Eastgate and the Respondents shall comply with all laws, rules, and regulations relating to the making of investigative reports and the disclosure of the information contained therein. Respondents shall indemnify, defend, and Eastgate harmless against any wrongful disclosure by the indemnifying party, its employees, and/or agents of said reports and the information contained therein.

18. All selected Respondents shall be required during the project to cooperate fully, and in any reasonable manner Eastgate shall request, with all Eastgate employees, contractors, and subcontractors. If any problem or difficulty should arise regarding such attempts at cooperation and coordination, Eastgate shall be immediately informed and will determine the way the parties are to proceed.
19. **Publications.** Any publications produced with funds provided under this agreement must display the following language: "The project is being supported by, in whole or in part, by funds awarded to the Board of Mahoning County Commissioners under Assistance Listing No.21.027 by the U.S. Department of the Treasury".
20. **Public Relations.** When the RECIPIENT makes any advertisement, statement, interview, press release, or takes other similar public relations action, RECIPIENT shall mention that the Project was made possible by the Mahoning County Commissioners.