



REQUEST FOR INFORMATION
ALBEMARLE COUNTY
BROADBAND AUTHORITY

2021-RFI-706302
Broadband Projects

I. PURPOSE

The purpose of this Request for Information (RFI) is to collect expressions of interest from Internet Service Providers (ISPs) that are prepared to partner with Albemarle County through the Albemarle Broadband Authority (ABBA) to contribute to the county's goal of universal broadband with either fiber-to-the-home (FTTH) or DOCSIS-based hybrid-fiber coax (HFC) service. Albemarle will ensure the availability of broadband internet service countywide, on an aggressive schedule, and intends to provide subsidies to one or more ISPs to accomplish that. Some of those subsidies may include funding from the 2022 round of funding from the Virginia Telecommunication Initiative (VATI), from the American Rescue Plan Act, or from as-yet identified other funding sources, in addition to Albemarle County funds.

II. BACKGROUND

Over the last four years, ABBA has partnered with Comcast, Firefly, CenturyLink, and Shentel to leverage federal, state, and local funds to provide broadband to unserved and underserved areas of the County. Even with these efforts, many areas remain in the unserved and underserved category, which was highlighted during the recent COVID-19 pandemic. Given the increased economic, educational, medical and life-safety dependency on high-speed broadband, for the purposes of this RFI, underserved is herein defined as less than 100 Mbps downstream and 10 Mbps upstream. Each of the prior projects had defined boundaries due to various limitations. This is an effort to ensure all of Albemarle County has access to fiber or hybrid fiber coax broadband service in a coordinated, concerted and hopefully final push.

On April 30, 2021, ABBA entered into a memorandum of understanding (MOU), Attachment D, which is not binding on the parties but does have as its intention that Firefly will partner with ABBA on a plan to serve the unserved parts of Albemarle with fiber to the home. This RFI does not supersede the MOU, it is a vehicle to explore the available opportunities for meeting our Purpose.

A. Funding. ABBA and the County have access to both American Rescue Plan Act funds and other potential funding sources from the federal government or the Commonwealth, whether through a VATI application match or otherwise, in addition to any County appropriated funding. This RFI is intended to help identify costs to prepare projects strategically in support of the goal of universal broadband coverage and will assist in quick application upon further announcements of available funds.

B. Project Timeline:

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| • ABBA discussion of RFI Process | May 26, 2021 |
| • RFI Issuance | June 16, 2021 |
| • Potential Responders questions due by | June 21, 2021 |
| • Answers to questions by | June 23, 2021 |
| • June ABBA Meeting | June 23, 2021 |

- Responses due by June 30, 2021
- Negotiations for non-VATI potential projects start July 02, 2021
- Objections of project areas due by July 07, 2021
- Adjustment of project areas, if required, by July 21, 2021
- Adjusted project area offers (if any) due by July 26, 2021
- ABBA July Meeting July 27, 2021
- VATI 2022 project definitions due by July 27, 2021 (reference only)
- VATI 2022 application due by Sept. 14, 2021 (reference only)

- C. Project Area Interest. This RFI covers all of the unserved and underserved areas of Albemarle County. For ABBA's tracking purposes, we have subdivided the county into multiple project areas for the build-out of broadband internet connectivity, which may be listed as "of interest" on individually or in combinations, subject to the requirements in this RFI.
- D. Interest Linking. An ISP may link their interest on any given project area to a contingency of successfully winning a project to complete of one (1) other project area to facilitate synergies of what would typically be two adjoining or related project areas. This linking of interests can be recursive in nature. It can also include interest in partnerships with two more ISPs involved.
- E. Project Area Definitions. Each project area will be defined by an aggregation of parcels as defined on the Albemarle County Assessor's map, with serviceable units being defined as all parcels that have at least one addressable structure. Details for each project area, by addressable parcel, are given in the separate Attachment A, Project Area Detail List.
- F. Address Exclusions. ISPs may identify parcels with addresses that they wish to exclude from their build interest with a corresponding modified funding request in addition to a fully compliant response to the RFI. Determination of which expressions of interest to be accepted will be at the sole discretion of the County, and a function of other competing expressions of interest received, and a determination of the best use of County funds.
- G. Service Level. If the project moves to a solicitation, the ISP will be required to provide access to broadband of at least 100 Mbps download and 10 Mbps upload without data caps, for less than \$50 per month before government-imposed taxes and fees, to all addressable locations in the defined area with the conditions listed herein, and to provide an option for wired voice telephony. The offering of video, security, automation or other value-added services is desirable but not required.
- H. Monthly Recurring Charges. No additional constraints on monthly service charges are made, other than that there must be uniform pricing across the region, including the availability of any retention or other discounts made available to customers of the same service or package.
- I. Long Drops. In the event of an expression of interest moving forward to a solicitation, for customer locations requesting service that are more than the lesser of 650 feet from the parcel property line nearest the servicing infrastructure (applicable utility easement) or the servicing infrastructure (applicable utility easement), the offeror shall not charge the customer a fee for connecting the location due to distance. For locations defined above beyond 650 feet, a winning offeror may charge a customer up to \$2.00 per foot of additional distance beyond 650 feet. All customer installations on private property may be subject to a "rock clause" whereby any unforeseen expenses beyond a standard installation may result in an increased charge to the customer

representing the actual added expense of the winning offeror to provide service. This may be the case for instances such as but not limited to bedrock, streams, bridges, and pavement.

- J. Objections. Any entity, offeror or otherwise, may object to a project area's definition if it contains more than 10% of its locations being currently served by that entity with a service speed of 100 Mbps downstream and 10 Mbps upstream for less than \$50 per month before government-imposed taxes and fees. Such locations must be identified by address and will be verified by the County. If such locations receive at least 40% negative feedback in regard to customer satisfaction as documented by the County, the objection will be rejected. To resolve any remaining objection, the project area in question will be modified to remove the objected parcels, with the allowance of all offerors on such impacted project areas to modify their offers based on the new project area definition.
- K. Extended Service Areas. In the event of an expression of interest moving forward to a solicitation, nothing herein is meant to prevent a winning offeror from extending their service area beyond that required by their winning project areas, so long as it is at their own choosing and expense. The offeror will notify the County of any such extensions as soon as possible, but no later than 60 days prior to making service available.

III. REQUESTED INFORMATION:

- A. RFI Submission Materials. The following materials must be submitted as part of the ISP's RFI response to be considered complete.
1. Project Area Detail List Attachment A. The Excel template Project Area Detail List is the source of the project areas for which expressions of interest to serve should be provided. In responses to the RFI, please include a reference to the areas of interest through return of Attachment A with comments.
 2. Brief narrative of approach being used to provide broadband service, summary of previous and ongoing broadband deployments in Central Virginia.
 3. In the event of an expression of interest moving forward to a solicitation, Agreement to complete all Albemarle County procurement documentation within 30 days of award.
 4. In the event of an expression of interest moving forward to a solicitation, Agreement to have all Albemarle County required insurance requirements in place within 30 days of award, or start of construction, whichever is earlier.
- FOR COMMENT ONLY: Project Area Detail List Attachment A. Should a solicitation be issued, the Excel template provided in Attachment A, Project Area Detail List or similar will be required to be completed in total. Please provide comment on the structure of the Project Area Detail List and how, in the event of a solicitation, the Project Area Detail List will be completed.
- B. For Comment Only: Expression of Interest (EOI) to Partner Process Selection. If the project moves forward to a solicitation, the following criteria will be used in evaluating qualifying expressions of interests to move forward to the partnership process:
1. County-wide coverage – 20%. EOIs which cover all identified project areas and lead to complete coverage of the county will be rated higher than those which take a less complete approach, scaled by locations served.
 2. Minimum amount of funding required – 30%. EOIs requiring less County/Commonwealth/Federal funding on a per location served basis, by project area, will be rated higher than comparable EOIs.

3. Completion Date – 30%. EOIs with faster completion dates will be rated higher than those with slower completion dates, by project area. EOIs will be based on calendar months from the day of partnership agreement finalized.
 4. Customer Satisfaction – 20%. EOIs from providers with better local customer satisfaction as pre-determined by the County based from multiple sources will be rated higher than those with lower local customer satisfaction.
 5. Long Drop Policy – 15% bonus. EOIs that have a more accommodating long drop policy than that required herein may receive up to an additional 15% bonus. No charge up to 1000 ft: 5% bonus. No distance limit: 10% bonus. No rock clause: 5% bonus.
 6. For information and Comment, The intended scoring criteria methodology and calculations are provided in the Excel Spreadsheet, Attachment B, Proposed Scoring Model.
- C. For Comment Only: Progress Reports. Progress reports shall be submitted at least monthly through completion by the winning partner ISPs using the Excel spreadsheet provided, and shown in Attachment C, Proposed Project Area Periodic Reporting Form.
- D. For Comment Only : Payment. Funding payments to the winning ISP partners will be made after completion by individual project areas, defined as the following:
1. Installation of all fiber/coax as applicable along the service area routes, excluding customer drops. Proof of installation of at least the amount submitted in the proposal must be provided in the form of an as-built map.
 2. Installation of all fiber splitters or other devices in the network to provide connectivity to the active fiber electronics and internet connection. Proof of activation at the furthest fiber locations on each service branch must be provided in the form of a speed test documenting the location of testing.
 3. Proof of offering of service to customers in the form of sample of mailer with mailing lists and postal submission receipt, or other documentation acceptable to the County.
 4. List of all serviceable addresses in the project area.
- E. For Comment Only: Penalties. In order to help ensure competitive and good intentioned competition, the following penalties will be applied to the winning offeror’s funding payment by project area.
1. Grace period: 1 to 6 days late, no penalty.
 2. Late completion: 7-120 days late, 0.25% per day penalty, maximum 25% penalty.
 3. Termination rights: after 120 days, the County may terminate the impacted project areas of the contract without obligation of payment.
 4. Standard Force Majeure provisions shall be recognized to the extent they can be shown to cause delays beyond the control of the offeror, with the exception of weather other that associated with a locally declared state of emergency. Lack of available subcontractor labor shall not be a valid reason for delays under this paragraph.

IV.RFI SUBMISSIONS:

- A. Standard Albemarle County procurement terms and conditions applicable to this RFI are located on the Albemarle County Procurement Page:
<https://www.albemarle.org/government/finance/procurement/solicitations>

The County requests that interested ISPs with expertise in the areas outlined in this RFI submit information regarding creative ideas, recommended approaches, strategies, advice and the like. The County seeks input in any form deemed appropriate by the respondent, including but not limited to white papers, lessons learned, etc.

RFI Attachments	
ATTACHMENT A	Project Area Detail List
ATTACHMENT B	Proposed Scoring Model
ATTACHMENT C	Proposed Project Area Periodic Reporting Form
ATTACHMENT D	Memorandums of Understanding
ATTACHMENT E	Proprietary and Confidential Information Form

V. RFI TIMELINE:

Electronic responses to this **RFI are due by Wednesday, June 30, 2021 at 2:00pm**. An electronic copy of the proposal, in either Microsoft Word or PDF, is required and shall be sent to rfq@albemarle.org, and copies to: Scash2@albemarle.org, and Mculp@albemarle.org, prior to the established deadline. Responses not received by the designated time, will not be considered. It is the offeror’s responsibility to ensure timely delivery and electronic receipt of their package.

Responses and all communications regarding this RFI should be submitted to:
 Sharon Cash, Buyer II
 Albemarle County Purchasing Office
 401 McIntire Road, Room 248
 Charlottesville, VA 22902
Scash2@albemarle.org
 copy to: Mculp@albemarle.org

VI. QUESTIONS:

Questions with regard to this RFI can be sent to the attention of: Sharon Cash: scash2@albemarle.org, or at 434-296-5854 x 3135.

VII. DISCLAIMER:

Please be advised that this is a request for information only. This RFI is issued solely for information and planning purposes – it does not constitute a request for proposal or a promise to issue a solicitation in the future.

In the event that sufficient information is received, the County may, but is not required to, issue a competitive solicitation. This RFI is not a competitive solicitation and no contract award shall result. This RFI will not be used to evaluate, rank or select ISPs, nor will it be used to pre-qualify or screen ISPs for a subsequent competitive solicitation process, if any. If a subsequent competitive solicitation is issued, the County is under no obligation to advise any ISP responding to this RFI. ISPs are advised to monitor the County’s website for any such opportunities, which will be open to all ISPs regardless of whether or not a response to this RFI has been submitted.

The County will not pay for the preparation of any information submitted or for use of that information. The County reserves the right to utilize any information submitted in its best interest without any obligation, liability, or consideration on the part of the County.

Ownership of all data, materials and documentation originated and prepared for the County pursuant to this RFI shall belong exclusively to the County and be subject to public inspection in accordance with the Virginia Freedom of Information Act. Trade secrets or proprietary information submitted by

an ISP shall not be publicly disclosed under the Virginia Freedom of Information Act; however, the ISP shall invoke the protection of this section prior to or upon submission of the data or other materials and must identify the data or other materials to be protected and state the reasons why protection is necessary. Disposition of the proprietary materials after the RFIs are reviewed should be stated by the ISP. ISPs should indicate on Attachment E - Proprietary/Confidential Information Identification, the portions of their response that are proprietary and return Attachment E with their submission. Please list the page number(s) and reason(s) on the form, and if necessary, include an electronic redacted copy of the submission.

This RFI does not commit the Albemarle Broadband Authority or the County of Albemarle, Virginia (the "County") to contract for any supply or service whatsoever. Furthermore, the County is not at this time seeking proposals and will not accept unsolicited proposals. Parties responding are advised that the County will not pay for any information or administrative costs incurred in response to this RFI; all costs associated with responding to this RFI will be solely at the interested party's expense. Not responding to this RFI does not preclude participation in any future Solicitation, if any is issued. Any materials submitted in response to this RFI shall be the sole property of the Albemarle Broadband Authority or the County of Albemarle, Virginia.

