

JULY 18, 2018



CITY OF NEW BRAUNFELS

Request for Qualifications Partnership for Delivery of Products and Services For a Fiber-Optic Broadband Network

RFQ 18-038

**Request for Qualifications
Partnership for Delivery of Products and
Services
For a Fiber-Optic Broadband Network**

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SOLICITATION AND OFFER

City of New Braunfels
Purchasing
550 Landa Street
New Braunfels, Texas 78130

Solicitation Number: 18-038 “Partnership - For a Fiber-Optic Broadband Network”	<input type="checkbox"/> Invitation for Bid (IFB) <input checked="" type="checkbox"/> Request for Qualifications (RFQ)	Date Issued: July 18, 2018
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SOLICITATION

Pre-Submittal Meeting will be hosted on: **August 8, 2018, 2:00 P.M. (Central Time)**
 Questions may be submitted until close of day **August 10, 2018, 5:00 P.M. (Central Time)**
 Respondents must submit sealed SOQ containing one (1) signed original hardcopy and three (3) in electronic format (USB).
 Qualifications will be received at the office of the City Secretary at the address shown above until: **3:00 P.M. (CT), August 24, 2018**
 Qualifications received after the time and date set for submission will be returned, unopened, upon request.

For information regarding this solicitation, contact: <small>(NO collect calls, Telegraphic, Email, On-Line or Fax offers accepted)</small>	Barbara Coleman, Purchasing Manager	Email: BColeman@nbtexas.org Phone: (830) 221-4389 Fax: (830) 608-2112
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5% Proposal Bond Required:	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	
100% Payment Bond Required:	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	
100% Performance Bond Required:	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	

OFFER

(This portion must be fully completed by Proposer.)

Respondent will comply with the General Terms and Conditions required by the City of New Braunfels.

In compliance with the above, upon contract award the undersigned offers and agrees to furnish any or all items or services awarded at the prices stipulated for each item delivered at the designated point(s) and within the time specified herein.

CONTRACT AWARD SHALL INCLUDE ALL ASSOCIATED SOLICITATION DOCUMENTS, ATTACHMENTS, AND ADDENDA.
 SIGNATURE IS MANDATORY; **MANUALLY SIGN** ORIGINAL DOCUMENT AND, IF APPLICABLE, ALL REQUESTED COPIES SUBMITTED.

1) Respondent's State of Residence: _____

Name Address of Respondent:	Name and Title of Person Authorized to Sign Offer: E-Mail Address: Phone Number: Fax Number:
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Signature:	Date:
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Name, Address and Telephone Number of Person authorized to conduct negotiations on behalf of Respondent. <small>(Applies to Request for Qualifications only)</small>	
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1. Introduction

The City of New Braunfels (“City”) is requesting qualifications from organizations to assist the City in the ***New Braunfels Broadband Project*** (“the Project”).

The City of New Braunfels is a home-rule charter municipality located in Comal County, Texas.

A study was completed in 2016 (Appendix A) which evaluated the options available to the City to improve high speed Internet access and other broadband services within core business and industrial corridors of the community. The study recommended the City pursue a public-private partnership to build and operate services within these areas of the community.

The City has determined that new enterprise-grade broadband infrastructure located in the largely commercial and industrial business corridors throughout the City (Appendix B) will promote economic development in those specific areas, leading to job creation, greater commercial activity, and generate additional benefits to our businesses and property owners.

Accordingly, the City and its partners (New Braunfels Utilities, the New Braunfels Chamber of Commerce, and the New Braunfels Economic Development Corporation) are interested in receiving qualifications for the development of broadband infrastructure and retail operations that can support dedicated enterprise grade broadband services offering local business speeds greater than 1 GB while ensuring the highest standards of reliability, availability, quality, and customer service.

The purpose of this Request for Qualification (RFQ) is to solicit statement of qualifications from qualified telecommunication companies with appropriate experience that will allow the City and NBU to pursue the goals and objectives outlined in this project. The City and its partners are not soliciting qualifications based on any particular design, technology, business model, solution or cost at this time.

2. RFQ Schedule

The tentative schedule for this Request for Qualifications is as follows:

DATE	STEP 1 - MILESTONES
July 18, 2018	RFQ issued on http://www.bidnetdirect.com/texas and www.nbtexas.org/
August 8, 2018	Pre-Submittal Meeting
August 10, 2018	Deadline for questions and requests for clarification
August 24, 2018	Statement of Qualifications (“SOQ”) submission deadline
September 2018	City evaluation of SOQs submitted by firms

DATE	STEP 2 - MILESTONES
October 2018	Scoping meetings with City and top-ranked firms
October 2018	Final negotiations with top-ranked firm
November 2018	Anticipated timeframe for Recommendations to New Braunfels City Council, New Braunfels Utility Board and to New Braunfels Economic Development Corporation to consider award of contract

3. Pre-submittal Meeting

A Pre-submittal meeting will be held at 2:00 P.M. (Central Time) on August 8, 2018 at the New Braunfels City Hall, 550 Landa Street, New Braunfels, Texas 78130. Representatives will be present to discuss the Project. Attendance is not required; however, respondents are encouraged to attend and participate in the conference.



4. Community at a Glance

New Braunfels is strategically located in the Central Texas region, part of the Texas Triangle mega region, and is a city of regional significance, with a growing number of residents and jobs, a tourist mecca and an exceptional quality of life. Centered between Austin and San Antonio, each year more than three million visitors come to explore the shopping and recreational activities steeped in German and Hispanic culture and heritage. Comal County and New Braunfels are ranked as the ninth fastest growing county and the second fastest growing city in the nation and are experiencing an unprecedented growth rate – growing at an average of 4-5 percent per year or a 77 percent increase in the last decade.

New Braunfels was touted as the second fastest growing city with a population over 50,000 in America in 2017. This was the fourth consecutive year which New Braunfels was listed in the top 10 nationwide.

5. City Assets

The City of New Braunfels and New Braunfels Utilities (also referred to as “NBU”) own and operate approximately 55 miles of fiber optic cable with a minimum of 4 strands of fiber available for use with this project. Referenced maps in Appendix B generally depict the location of this fiber within the community. The City, through funding from the New Braunfels Economic Development Corporation, will consider funding at an amount to be determined for the expansion of existing fiber infrastructure, development of new fiber infrastructure or a combination of both in the identified commercial areas.



The City also owns and/or controls certain real estate, some underground conduit, has jurisdiction over most of the roadways and owns or in coordination with NBU may provide access to poles and towers through attachment agreements. As the City pursues capital improvement initiatives, especially along major roadways, there may be an opportunity to align scheduling of broadband infrastructure with these projects.

Respondents may include assumptions about the use of City assets in proposals, so long as all assumptions are fully explained and in compliance with current regulations. However, the City makes no representation regarding the availability or suitability of these assets, and nothing in this RFQ or other material provided by the City should be interpreted to indicate otherwise.

6. Project Overview and Goals

1. Establish the infrastructure needed to support the delivery of leading-edge broadband services that provide the best internet, television and other services that the market has to offer;
2. Support the operational needs of business through a platform of high-speed internet services;
3. Establish the conditions that ensure a competitive rate structure for the products and services delivered to end users over the network;
4. Establish our community as being at the forefront of the most connected communities in America;
5. Establish an innovative, long-term partnership with a qualified Respondent that:
 - a. Allows the community to maintain an active role in decisions related to the development and providing the best in class products and services now and in the future;
 - b. Ensures transparency; and
 - c. Ensures the qualified respondent is responsible for all aspects of providing and maintaining world-class products, services and a superior customer service experience.

6. Proceed as expeditiously as reasonably and professionally possible without compromising the integrity of the project.

7. Project Requirements

The City is seeking a private or public partner that will provide enterprise-grade internet services to businesses, visitors and community organizations. The City expects that the partner will provide a full “turnkey” solution for the delivery of products and service that include funding, design, engineering, procurement, construction, operation, maintenance and repair, and regulatory compliance network, and that it will be adaptable for future growth and technology. The City desires a revenue split model or other forms of suggested revenue enhancements that both establishes a long-term payback of the original investment with interest, to cover ongoing operation and maintenance cost, some free cash flow and sustainability well into the future.

If approved the City expects that construction of the network would occur over a 12 to 24-month period and services should be available in tandem with the build-out in phases. This construction timeline will depend somewhat on the partnership developed with the successful respondent; however, the respondent should be prepared to meet aggressive timelines for build-out, provisioning and activation of the network.

The network will support a distribution platform that meets the needs of the community and is capable of provisioning services up to a symmetrical 1 Gigabit service and a future Ten Gigabit service to end users. The City does not consider wireless, unlicensed or fixed licensed, a suitable sole option for long-term sustainability for its community’s broadband needs nor does it believe a community equipped with wireless business services will support increasing property values and economic development opportunities. However, providing wireless offerings in conjunction with a core hardline service connection may be considered.

The network will meet strong reliability and performance standards and provide redundancy throughout the backbone and trunk connectivity. The City realizes that connections to individual parcels may not be redundant. The respondent should demonstrate its ability to source sufficient backhaul capacity and backhaul redundancy to support the City’s goals for high availability of broadband services to its community.

Respondents are encouraged to provide innovative technology platforms to meet the City’s core service delivery requirements, which include:

- Required: Range of internet and managed point to point connections up to Gigabit speeds as a standard offering and a future roadmap to Ten Gigabit Internet services;
- Required: Symmetrical and asymmetrical considerations on all Internet packages;
- Optional: Expansion into residential neighborhoods
- Optional: Additional value-added and over-the-top services and applications that can

demonstrate the respondent's value to the community.

The City and its partners intend to select the most responsive offer based on the requirements but reserves the right to accept or reject any and all responses at its sole discretion.

The top organizations will be notified by the City at a future date and asked to provide additional information including but not limited to:

- Relevant market studies
- Proposed client adoption at 1, 3 and 5 years
- General fiber infrastructure design and facility location
- Proposed service offering inclusive of pricing
- Project timeline for fiber rollout
- Residential expansion capabilities and desires

Full details of what is expected, and the relevant timeline will be provided at the time of notification.

8. Selection Criteria

A committee will evaluate the responses submitted and will be evaluated on the following criteria:

- Relevant experience and qualifications (45 points)
- Financial soundness and capability of the organization (20 points)
- General business model proposed (20 points)
- Responses from references (15 points)

The review process – A committee will evaluate submittals based upon the criteria outlined above. The committee may, at their discretion, request presentations by or meeting with any or all respondents to clarify or discuss the submittal. Response should be submitted initially on the most favorable terms which the Offeror can propose.

The City anticipates the need for a negotiation period to finalize the terms of Development Agreement. Once a Provider has been selected the City and the Provider will enter into the negotiation period to refine the vision for the Project and finalize the terms of an Agreement.

8.1 Right to Accept or Reject. The City reserves the right to accept or reject any or all submissions as a result of this RFQ, to negotiate with all qualified sources, or to cancel in part or its entirety if found to be in the best interest of the City. The RFQ does not commit the City or its partners to award a contract, issue a purchase order, or pay any costs incurred in the preparation of a submission in response to this RFQ.

8.2 Solicitation to Remain Subject to Acceptance. All solicitations will remain subject to acceptance for one hundred twenty (120) days after opening without taking action.

8.3 Approval Required. The New Braunfels Economic Development Corporation, the City of New Braunfels City Council and the New Braunfels Utility Board must approve the firm selected to provide the services requested in this RFQ. The City reserves the right to authorize contract negotiations to begin without further discussion with firms submitting a response. Therefore, each SOQ should be submitted as completely and accurately as possible. The City reserves the right to request additional data, oral discussions, or presentations in support of the written SOQ.

8.4 Firm or Individual's Obligation Regarding Evaluation:

- a. Submission of Information. Submitters are cautioned that it is each firm and or individual's sole responsibility to submit information related to the evaluation categories, and the City is under no obligation to solicit such information if it is not included with the SOQ. Failure of a firm or individual to submit such information may cause an adverse impact on the evaluation of the specific SOQ.
- b. Submitter Review of RFQ. Submitters are responsible for examining and being familiar with all specifications, terms, conditions, provisions, and instructions of the RFQ and their responses. Failure to do so will be at the firm and/or individual's risk and will not be a determinative factor when awarding the contract for services.

8.5 Oral Non-Binding. Any non-written representations, explanations, or instructions given by City staff or City agents are not binding and do not form a part of, or alter in any way, the RFQ, a written agreement pertinent to the RFQ, or the awarding of the contract.

8.6 Lobbying Prohibited. Proponents are prohibited from directly or indirectly communicating with City Council, NBU Board of Directors and the NBEDC members regarding the Proponent's qualifications or any other matter related to the eventual award of a contract for the services requested under this RFQ. Proponents are prohibited from contacting city staff members regarding their qualifications or the award of a contract, unless in response to an inquiry from a staff member. Any violation will result in immediate disqualification of the proponent from the selection process.

9. RFQ Response Requirements

The City is requesting the following information from interested parties that seek to develop a partnership with the City to deliver Content and Services to its community. Responses to the following items will be used for evaluation. Submittals which do not contain responses to each of the requirements items may be considered incomplete and may be rejected.

To achieve a uniform review process and to obtain the greatest degree of comparability, the City of New Braunfels requires that SOQ be submitted with 1 original and 3 hard copies and 1 electronic copy of your response.

1. **Tab 1** - Provide a Letter of Transmittal on company letterhead stating why the respondent is interested in developing a partnership with the City and provide a listing of any requirements listed in this RFQ that you are unable to meet.

2. **Tab 2a** - Provide an overview of the respondent's organization, services and capabilities. Provide details on your company's (or its shareholders') knowledge, experience and operations within the broadband telecommunications industry and, if applicable, infrastructure development in the region, as well as key expertise that qualifies you to be considered in this RFQ.
3. **Tab 2b** - If you are a current broadband provider, provide an overview of your products and services, operations, total subscriber count, type of services (business/residential), local presence in the region and other markets served. Demonstrate any similar arrangements with municipalities, electric utilities or other public-private partnerships.
4. **Tab 3** - Provide detail on the business model the respondent would utilize in developing a partnership with the City. Include relevant details including who maintains ownership of developed fiber infrastructure, what in-kind services are you open to providing the City, and what investments are you willing to make into the community. Describe how this model meets the community's needs for services and goals and potential long-term recurring revenue opportunities.
5. **Tab 4** - If the respondent is a broadband provider, provide a project organizational chart that describes the relationship between the broadband and the City including any installation or service contractors already in place in the region.
6. **Tab 4** - If the respondent is a broadband enabler, provide a project organizational chart that describes the relationships between provider and the lead organizations and subordinate organizations in the proposed organizational chart including any installation or service contractors already in place in the region.
7. **Tab 5** - Provide an implementation plan based on the respondent's business model that demonstrates how you would achieve the desired results for the provisioning and activation of services.
8. **Tab 6** - Describe the respondent's operations plan for the project, detailing customer service, service calls, NOC services and provisioning, routine and emergency maintenance calls and escalation procedures.
9. **Tab 7** - Define the roles and responsibilities for the respondent, the City and other partners, if any, including customer uptake or other requirements.
10. **Tab 8** - Define how the respondent's proposal will comply with local, state, and federal Regulatory requirements.
11. **Tab 9** - Identify the potential financial commitments and any long-term liabilities to the City in the proposed solution. Provide a sheet that documents what financial commitments would be expected of the City, including any long-term obligations, appropriations or other financial liabilities that the City would incur in the proposed

solution.

12. **Tab 10** - Provide an overview of how the respondent's products and services would achieve the City's goals for the community and support the marketing of products and services.
13. **Tab 11** - Provide a detailed narrative explaining what barriers prevented you from entering this market in the past. e.g.: what do you need from the City that you cannot do yourself to make this a successful market for you?
14. **Tab 12** - Provide a minimum of 3 industry/municipality references that demonstrate the respondent's ability to successfully plan, implement and deploy broadband networks products and services using innovative public and/or private environments.
15. **Tab 13** – Other Support Documentation:
 - a. Provide potential conflict of interest disclosure that is a direct or indirect financial investor, partner, employee, or member of any corporation, partnership, or other legal entity making or participating in this proposal. See item 14.2 for more information.
 - b. Provide vendor certifications - Attachment 1.

10. RFQ Questions

Questions relating to definitions, interpretations, and/or requests for clarification must be in writing, on or before **August 10, 2018 at 5:00 P.M. (Central Time)**, directed to:

Purchasing Representative: Barbara Coleman, Purchasing Manager, via email bcoleman@nbtexas.org

All questions and/or clarification submittals shall identify the SOQ in the subject line of the email message as follows:

“Questions – RFQ 18-038 for Fiber Broadband”

No questions will be accepted after the deadline for questions has passed.

Responses to inquiries that directly affect an interpretation or change to this RFQ will be issued in writing by Purchasing as an addendum and posted at <http://www.bidnetdirect.com/texas> and the City's website www.nbtexas.org/. All such addenda issued by the Purchasing Representative before the time that SOQs are received shall be considered part of the RFQ.

11. Delivery Instructions

Responses must be submitted not later than 3:00 P.M. (Central Time), August 24, 2018.

Qualifications may be mailed or delivered (in person or by Express Mail or delivery service) to:

City of New Braunfels - City Secretary's Office
ATTN: Purchasing
550 Landa Street
New Braunfels, TX 78130

The outside of the envelope or package must state:

RFQ 18-038
Project Name: Fiber Broadband
Due: August 24, 2018 at 3:00 P.M.

It is the sole responsibility of the Respondent to ensure prompt delivery of SOQ. The City of New Braunfels will not be responsible for failure of service on the part of the U.S. Post Office, courier services, or any other form of delivery service chosen by the Respondent.

Qualifications may not be withdrawn after the time set for the closing, unless approved by the City Council.

Your response or a modification to your response is LATE if received after the time set for solicitation opening and shall be returned unopened and shall not be considered.

12. No Binding Commitments

The issuance of the RFQ and any subsequent response by a Respondent does not create a binding obligation on the part of the City to enter into any form of agreement or contract, or to pay any costs associated with the preparation of responses or submittals with the Respondent, for the development of a broadband network, delivery of products and services or otherwise. Nor shall the RFQ in any way create an association, partnership, or joint venture among Respondents and the City. The City reserves the right to waive responses to any part of this request if, in its sole judgment, it determines that it is in the best interests of the City to do so.

Nothing in the RFQ shall preclude the City from obtaining relevant information from other sources or through other processes. The City may require any submitter to participate in negotiations and to submit such other information or documentation as it may deem necessary as conditions of awarding a contract. The City reserves the right to vary or waive requirements for different submitters as shall fit the City's needs.

13. Clarification of Qualifications

Notwithstanding any other provision of this RFQ, the City reserves the right to:

1. Conduct discussions with any or all potential Respondents for the purpose of clarification;
2. Cancel or amend this RFQ or issue other requests for information or requests for qualifications;
3. Use any and all concepts presented in any response to obtain the most beneficial and effective path to achieving its desired goals for the project.

14. Miscellaneous Provisions

14.1 Response Costs

Respondents are responsible for all expenses they incur in preparing and submitting a response to this RFQ or any follow-up discussions with the City.

14.2 Conflict of Interest Questionnaire (Form CIQ)

In accordance with Chapter 176 of the Texas Local Government Code, “Disclosure of Certain Relationships with Local Government Officers,” persons, or their agents who seek to who seek to contract for the sale or purchase of property, goods, or services with the City, shall file a **Conflict of Interest Questionnaire (Form CIQ)** with the City Secretary if the vendor has a business relationship as defined by Section 176.001(1-a) with the City and the vendor meets requirements under Section 176.006(a).

Form CIQ is available from the Texas Ethics Commission by accessing the following web address: https://www.ethics.state.tx.us/filinginfo/conflict_forms.htm

The Conflict of Interest Questionnaire (Form CIQ) is required to be filed within 7 business days of:

- a. Beginning of discussions or negotiations to enter into a contract with the City; or
- b. Submission of an application, response to a request for qualifications correspondence or other writing related to a potential agreement with the City.

If requested in the solicitation document, all Respondents are to submit a completed Conflict of Interest Questionnaire (Form CIQ) with their response **in addition to** submitting a completed Form CIQ to the office of the City Secretary located at 550 Landa Street; New Braunfels, Texas 78130.

14.3 Certificate of Interested Parties (Form 1295)

A Form 1295 will be required with the awarded partner. A proponent that will be awarded a contract that is greater than \$25,000 is required to electronically create a Certificate of Interested Parties Form 1295 through the Texas Ethics Commission (“TEC”) website: https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm and submit a signed and notarized copy of the form to the City prior to the award of the contract. A contract, including a City-issued purchase order, will not be enforceable or legally binding until the City receives and acknowledges receipt of the properly completed Form 1295 from the vendor.

14.4 Errors and Omissions in the RFQ

If the City becomes aware of an error or omission in the RFQ, it will post a notice on the City’s website. If it discovers an error or omission after the responses are submitted, it may in its discretion proceed or reissue the RFQ. Even if it elects to reissue the RFQ, the City will not be liable for any costs or damages incurred by any Respondent in preparing and submitting the original response.

15. Ownership and Confidentiality of Responses

The City will not pay for any information requested, and all responses submitted become the property of the City. Responses will not be returned and may be subject to disclosure pursuant to the federal Freedom of Information Act and/or state law or code. The City may receive information that may be confidential as part of a response. If a Respondent believes that any portion of its response includes proprietary or other confidential information, it must be clearly labeled the confidential information as such, and the Respondent must state the basis for the claim to confidential treatment. Unless otherwise required by law, the City will treat such information as confidential and will not disclose it to a third party without prior notification and authorization.



RFQ 18-038 - Partnership - For a Fiber-Optic Broadband Network
ATTACHMENT 1
VENDOR CERTIFICATIONS

2. NON-COLLUSION CERTIFICATION:

A. Non-Collusion Certification: Do you certify that all of the following are true and correct concerning your company's cost estimate? Yes No

1. That you are fully informed of the contents of the solicitation and the circumstances of its preparation;
2. That your cost estimate is genuine and is not a collusive or sham cost estimate;
3. That neither you nor anyone else acting on behalf of your company has agreed, colluded, or conspired in any manner with any other respondent, firm or person to submit a collusive or sham cost estimate, or to refrain from responding, or sought by communication or conference with any other respondent, firm or person to fix the prices, overhead, profit, or any cost element in your cost estimate or in any other cost estimate, or to secure through any collusion, conspiracy, or agreement any advantage against the City of New Braunfels or any other respondent; and
4. The prices quoted in your cost estimate are fair and proper and are not affected by any collusion, conspiracy, connivance or unlawful agreement on the part of your company or anyone acting on its behalf.

3. HOUSE BILL 89 VERIFICATION

A. Contractor shall verify that it's named company, under the provisions of Subtitle F Title 10 Government Code Chapter 2270: Yes No

1. Does not boycott Israel currently; and
2. Will not boycott Israel during the term of the contract.

Pursuant to Section 2270.001, Texas Government Code:

1. "Boycott Israel" means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes; and
2. "Company" means a for-profit sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or any limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company or affiliate of those entities or business associations that exist to make a profit.

SEE NEXT PAGE FOR ACKNOWLEDGEMENT

ACKNOWLEDGEMENT

THE STATE
OF TEXAS
COUNTY
OF COMAL

I certify that I have read all of the specifications and general RFQ requirements and do here by certify that all items submitted meet specifications. I certify that my responses and the information provided are true and correct to the best of my personal knowledge and belief and that I have made no willful misrepresentations in this Questionnaire, nor have I withheld any relevant information in my statements and answers to questions. I am aware that any information given by me in this questionnaire may be investigated and I hereby give my full permission for any such investigation and I fully acknowledge that any misrepresentations or omissions in my responses and information may cause my response to this solicitation to be rejected.

Company's Name

Signature, Authorized Representative of Respondent

Title