



ADDENDUM TO
REQUEST FOR PROPOSAL
Broadband Network Expansion

Delaware County is hereby extending the RFP response due date from August 9, 2024, by 4:00PM EST to September 9, 2024, by 4:00PM EST. Accordingly, questions on the RFP will be accepted until August 2, 2024, and all responses to RFP questions will be posted on August 9, 2024. **All RFP responses are now due on September 9, 2024, by 4:00PM EST.** If you have any questions or concerns, please do not hesitate to reach out to Lauren Stenger at lstenger@taftlaw.com. Thank you.

Date: July 19, 2024

REQUEST FOR PROPOSAL

BY

DELAWARE COUNTY, OHIO

FOR

BROADBAND

RFP Issue Date: July 1, 2024

RFP Response Due Date: September 9, 2024 by 4:00 p.m.

Projected RFP Award Date: September 23, 2024

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REQUEST FOR PROPOSAL

I. Project Overview

The Delaware County (“County”) Board of Commissioners (“Commissioners”) commissioned a study (“Study”) that revealed:

- The areas of the County identified as having the highest population of unserved (defined as broadband service speeds less than 25 Mbps download and 3 Mbps upload) and underserved (defined as broadband service speeds less than 100 Mbps download and 20 Mbps upload) and/or low or no fiber network penetration were Radnor, Marlboro, Troy, Brown, Kingston, Scioto, Delaware, Trenton, Berkshire, and Orange Townships.
- The areas showing the greatest need for infrastructure are Radnor, Marlboro, Troy, Kingston, and Trenton Townships.
- Pursuant to a large survey, 36% of the populated area and 5% of households do not have access to internet connectivity that meets the FCC’s definition of 25 Mbps download and 3 Mbps upload.¹

The County Commissioners are issuing this Request for Proposal (“RFP”) for strategic broadband network engineering and deployment to improve broadband access for education, job creation, healthcare, and other users in the County (collectively the “Project”). It is the County Commissioners’ intent through this RFP for a third party to expand fiber Broadband Infrastructure, as hereinafter defined, to benefit County residents, businesses, community institutions, government, overall economic development, and catalyze local innovation. The Commissioners further desire to create an environment that serves Delaware County citizens’ current and future technology needs, and establishes a platform that supports and facilitates existing, as well as new Internet Service Providers (“ISPs”), telecom carriers, and data center service expansions into and within the County.

It is the Commissioners’ preference that any response hereto (“Response” or “Proposal”) take into consideration the content of the Study and include either or both fiber last-mile and fixed wireless solutions (collectively the “Broadband Infrastructure”) to ensure County residents, businesses, community institutions, and government are provided with competitive, affordable, immediate, and long-term connectivity options. Given the topography, demographics, population density, and existing infrastructure within the County, we anticipate that a hybrid fiber/wireless deployment may be the most cost- and time-effective solution to meeting local connectivity needs in the short- and long-term. However, while a hybrid fiber/wireless option may be viable, the County does not wish for a wireless deployment to be a permanent solution. It is the County’s preference to have Fiber-to-the-Home as a long-term solution for its residents.

¹ https://dam.assets.ohio.gov/image/upload/broadband.ohio.gov/countyprofiles/Delaware%20County_BBOH.pdf

Parties replying to this RFP (“Respondents”) may propose a fiber-only or a hybrid solution for the Commissioners’ consideration. Further, Respondents may propose a privately owned and operated network solution, a publicly owned network solution, or a combination thereof (i.e., a public-private partnership or “P3”). The Commissioners will consider any reasonable and responsible proposal that addresses the priorities listed above and positions the County for the future. Any selected Respondent (“Awardee”) shall be responsible for the construction, and, where applicable, maintenance and operation of the Broadband Infrastructure under the Project, and any associated backhaul connectivity.

A suitable fiber deployment may include the Awardee strategically leasing existing fiber and/or conduit in the County, as well as constructing additional fiber networks.

A suitable hybrid fiber-wireless deployment may include use of a fiber middle-mile network and wireless last-mile service at the outset, with the expectation that additional last-mile fiber will be constructed, and the wireless service will remain a subscription option.

The Commissioners understand the value of Broadband Infrastructure that is accessible to residents, businesses, 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.

It is the Commissioners’ expectation that the awarded Project shall target areas of most need and/or highest technical feasibility. Attached as **Exhibit A** are two maps that depict the areas of most need, based on the Study and the Ohio Department of Development’s BroadbandOhio study. Respondents may propose to serve some or all of these areas of need. Delaware County shall retain the right to reevaluate the Project and selected Awardee at any time during the network deployment. Some areas in the northwest corner of Delaware County depicted in Exhibit A are projected for build out under the FCC’s rural Digital Opportunity Fund (“RDOF”) Program.

Upon award, the Awardee shall provide the County with a suggested contract document for negotiation and proposed Project schedule and communicate with the Commissioners, or their designate representative(s), throughout the Project regarding any schedule changes.

The Commissioners anticipate, but shall not be required to award, a single contract for the Project. Selection will be determined based on the criteria provided herein, with the Awardee being the Respondent(s) 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 Delaware County.

The Commissioners may be willing to contribute funds to enhance reliable broadband service in the County. Any such expectation of the County shall be included in a Respondent’s proposal.

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 the County to clearly understand how the proposal will allow the County to achieve its objectives. Respondents should

focus their responses on the County-specific elements as opposed to including generalized or marketing statements and collateral.

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 County and/ or surrounding counties.
- Brief explanation as to why the Respondent is interested in this RFP and expanding its broadband service offerings into or within the County, and how such network expansion fits within 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 partner if: (1) the subcontractor or partner's services are unsatisfactory to the County, and/ or (2) they no longer are the subcontractor or partner. Be advised that the Commissioners 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 Experience and Partnerships

- Overview prior experience designing, planning, constructing, financing, operating, and/ or maintaining infrastructure and projects like the Project for the County. 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 the County.
- Overview and resumes for Respondent's executive team and any individuals who will be directly involved in the proposed Project in the County.

C. Respondent Proposed Build-Out and Network Operations

- Proposed wireless and fiber network architecture, including, if applicable: the incorporation of existing vertical assets through mutually agreeable lease arrangements with the County and the construction of new vertical assets, as needed.

- If the Respondent is proposing a fiber solution, please further detail: (1) whether the network will be Gigabit Passive Optical Network (“GPON) or Ethernet Passive Optical Network (“EPON”), or otherwise; (2) whether the fiber infrastructure will be provided to the home (“Fiber-to-the-Home” or “FTTH”)/ to the premise (“Fiber-to-the-Premise” or “FTTP”), to the node (“Fiber-to-the-Node” or “FTTN”), or other; (3) the total number of strands proposed in the network; and (4) how many of said strands will be allocated to the County for its use.
- Proposed phases, cost, and estimated timeline for each phase, if applicable; and estimated cost and timeline for full Project completion.
- **Respondent should fully detail the information and/ or support that would be required from the Commissioners in order to meet the proposed timelines, including, but not limited to financial contribution, 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.**
 - **If Respondent is seeking financial contribution from the County, it must detail what percentage this constitutes of the overall project cost.**
 - **If Respondent is seeking access to the County-owned assets, it must provide a list of the asset(s) and cost or improvements that it is willing to contribute in order to be granted access to such asset(s).**
- 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 the County continue to increase.
- Whether the Respondent currently owns and/ or operates broadband infrastructure within the County and how would such infrastructure be contributed to the Project.
- How the Respondent will ensure open access of the Broadband Infrastructure and what carriers, ISPs, data centers, etc. are currently utilizing the Respondent’s network(s) within the County or otherwise.
- How does the Respondent ensure user protections and the security of its network?

- Any Respondent awarded under this RFP shall deliver initial service of at least 100 Mbps download/20 Mbps upload and scalable to 100 Mbps download and 100 Mbps upload (“symmetrical”) service to end-users in the County. It is the County’s expectation that any selected Respondent be able to offer 100 Mbps download and 20 Mbps upload within two (2) calendar years following start of construction. Please detail how the Respondent ensure that the requisite broadband speeds are delivered to end users and provide information of such speeds to the County and/or such users.
- What percent of the County residents will be served with 100 Mbps download/ 20 Mbps upload, or greater, broadband service upon completion of the proposed project? What percentage of the County residents will be served with 100 Mbps download/ 100 Mbps upload symmetrical, or greater, broadband service upon completion of the proposed project?

D. Respondent Pricing Components

- Respondent shall provide its 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.
- Respondent 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.
- Respondent shall explain network monitoring and customer support/ customer service protocols, including network redundancy, short- and long-term maintenance and upgrades to the proposed network.
- Revenue-share opportunities for the County from the Project are considered secondary to the County’s priorities. However, Respondents should include any proposed revenue-share opportunities in sufficient detail for the Commissioners to analyze the potential benefit prior to issuing award under the RFP.
- If applicable, Respondent should describe additional funding opportunities that could support its efforts with the County (for this project or others in the future).

E. Respondent Existing and Future Operations within the County

- If existing, Respondent shall identify and describe current Respondent office(s) and/ or staff within the County. If so, please provide the address of the office and/ or number of staff in the County. If not, please provide the address of your closest office location to the County.

- If existing, Respondent shall identify and describe middle mile infrastructure currently owned, leased, or otherwise used by the Respondent in the County. If additional middle mile construction will be needed in order to provide the project contemplated herein, Respondent should detail such construction, including projected cost and timeline by phase, if applicable. Respondents shall further detail what proportion of such cost they would seek from the County Commissioners as a contribution to the total project deployment.
- If existing, Respondent shall identify and describe last-mile broadband service that the Respondent currently offers in the County, as well as what entities use and are permitted to use such service the County (e.g., residents, businesses, government, etc.) and the length of time that such service has been available within the County.
- The County’s preference is to work in collaboration with the Awardee. Collaboration can take many forms. Please detail how the Respondent proposes to work with the County and the purported benefits of such arrangement for each party.
- Respondent shall describe how the Respondent will market the Broadband Infrastructure to users in the County, once available and what assistance is expected from the Commissioners for such outreach. The Awardee shall provide clear information to end-users regarding monthly service rates and speeds supplied over the network.
- Respondent shall describe any low-cost offers that would be made available with Respondent’s service, such as the Affordable Connectivity Program (“ACP”). **NOTE:** Should the Commissioners contribute a portion of the County’s ARP funds to the Project, the Awardee will be required to participate in the ACP program, per the Federal Rules.
- Respondent shall describe any additional digital inclusion efforts included in the Respondent’s Project.
- Respondent shall describe how many additional households, businesses, and institutions in the County will have access to broadband service as a result of this project, and at what speed tiers and pricing level. 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.
- Respondent shall describe any additional services that will be made available in the County 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

RFP responses shall be evaluated based on the following criteria:

RESPONDENT EXPERIENCE AND PARTNERSHIPS: 20 possible points

PROPOSED BUILD-OUT AND NETWORK OPERATIONS: 25 possible points

PRICING COMPONENTS: 20 possible points

FINANCIAL, TECHNICAL AND MANAGERIAL STABILITY: 15 possible points

EXISTING AND FUTURE OPERATIONS WITHIN THE COUNTY: 10 possible points

INNOVATION: 10 possible points

IV. Proposal Format and Submittal Procedure

All Proposals must be electronically generated in a format capable of being used by the County. Respondents must submit four (4) printed paper copies of their Proposal and one (1) Portable Document Format (PDF) version of all proposal materials saved on a USB flash drive to the County Commissioners at **91 N. Sandusky Street, Delaware, Ohio 43015**.

Following the RFP Issue Date, Respondents may submit questions regarding this RFP at any time prior to **4:00 pm Eastern on August 2, 2024** via electronic mail to the following address (the "Authorized Representative"): Lauren A. Stenger at lstenger@taftlaw.com. Any individual who would like to receive future updates on this RFP must submit their name, organization, and email address to the 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 Authorized Representative shall be shared on or before **4:00 pm Eastern on August 9, 2024** with those individuals who submitted their name, organization, and email address in accordance with the requirements above. Respondents shall not contact any person who is an employee, officer, elected official or agent of the County with respect to this RFP, except for the Authorized Representative. The Commissioners may disqualify any Respondent who makes such contact.

The deadline for the County's receipt of a Respondent's Proposal, in both the printed and PDF versions as outlined above, is **September 9, 2024 at 4:00 pm Eastern**. Respondents may submit their Proposals any time prior to the above stated deadline. Failure to submit the required formats and number of copies by this deadline may be subject to disqualification from the RFP process. The County 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 prior to 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

It is the Commissioners' intent to commence final negotiations with the Respondent deemed most advantageous to the County and most likely to deploy broadband to the most County locations (the "Awardee"). The County reserves the right to conduct post-proposal discussions with any Respondent.

VII. Terms, Conditions, Limitations and Exceptions

- This RFP does not commit the County to issue an award or to pay any costs incurred in the preparation of a proposal in response to this RFP.
- The Proposals will become part of the County's official files without any obligation on the County's part.
- 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. The County will use reasonable due diligence where lawful to protect materials clearly 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.
- Respondent(s) shall not offer any gratuities, favors, or anything of monetary value to any official or employee of the County.
- 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, the County can combine or consolidate Proposals, or portions thereof, for the purposes mentioned herein.
- 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.
- Any Awardee's responsive RFP proposal, in full, shall become part of an appendix, to any contract(s) or other agreements between the County and the Awardee

resulting from the RFP. As such, any and all portions of a responsive RFP proposal submitted by the selected Respondent, including but not limited to any “additional services made available,” shall become part of the contract(s) at the County’s sole discretion.

- The RFP and the related responses of the selected Respondent may by reference become part of any formal agreement between the selected Respondent and the County. The County and the selected Respondent may negotiate a contract or contracts for submission to the County for consideration and approval. In the event an agreement cannot be reached with the selected Respondent, the County reserves the right to select an alternative Respondent. The County reserves the right to negotiate with alternative Respondent(s) the exact terms and conditions of the contract.
- 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 the County.
- The County may terminate its review of a Respondent’s Proposal or an Awardees’ 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 the County. 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.
- The County reserves the right to unilaterally disqualify any Respondent who in the County’s opinion fails to provide information or data requested or who provides materially inaccurate or misleading information or data. Further, the County 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 the County. This disqualification is at the sole discretion of the County. By submission of a Proposal hereunder, the Respondent waives any right to object now, or at any future time, before anybody or agency, including but not limited to, the County’s elected officials, officers, agents, or employees, or any court, as to the exercise by the County of such right to disqualify or as to any disqualification by reason of real or apparent conflict of interest determined by the County.
- The County shall have the unilateral right to reject any Respondent RFP response including, but not limited to the following:
 - (a) Failure to submit the Proposal for the County to receive it by the deadline of **September 9, 2024 at 4:00pm Eastern.**
 - (b) Failure to submit the Proposal to the correct location.

- (c) Failure to submit the Proposal in the prescribed formats and number of copies.
- (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 Proposal.

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

- Reject any or all Proposals.
- Reissue the RFP.
- Accept portions of individual or multiple Proposal(s).
- Request more information and/or clarification of Proposals from any or all Respondents.
- Waive immaterial defect(s) or informality(ies) of any Proposal.

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

- The County reserves the right to request clarification of any Proposal after all proposals have been received.
- The County reserves the right to select elements from different individual Proposals and to combine and consolidate them in any way that best serves the County's interest. The County reserves the right to reduce the scope of the Project and evaluate only the remaining elements from all Proposals. The County reserves the right to reject specific elements contained in all Proposals and to complete the evaluation process based only on the remaining items.
- Any disputes arising out of this agreement that result in litigation shall attorn to the jurisdiction of an appropriate court, either state or federal, in Delaware County, Ohio.
- 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

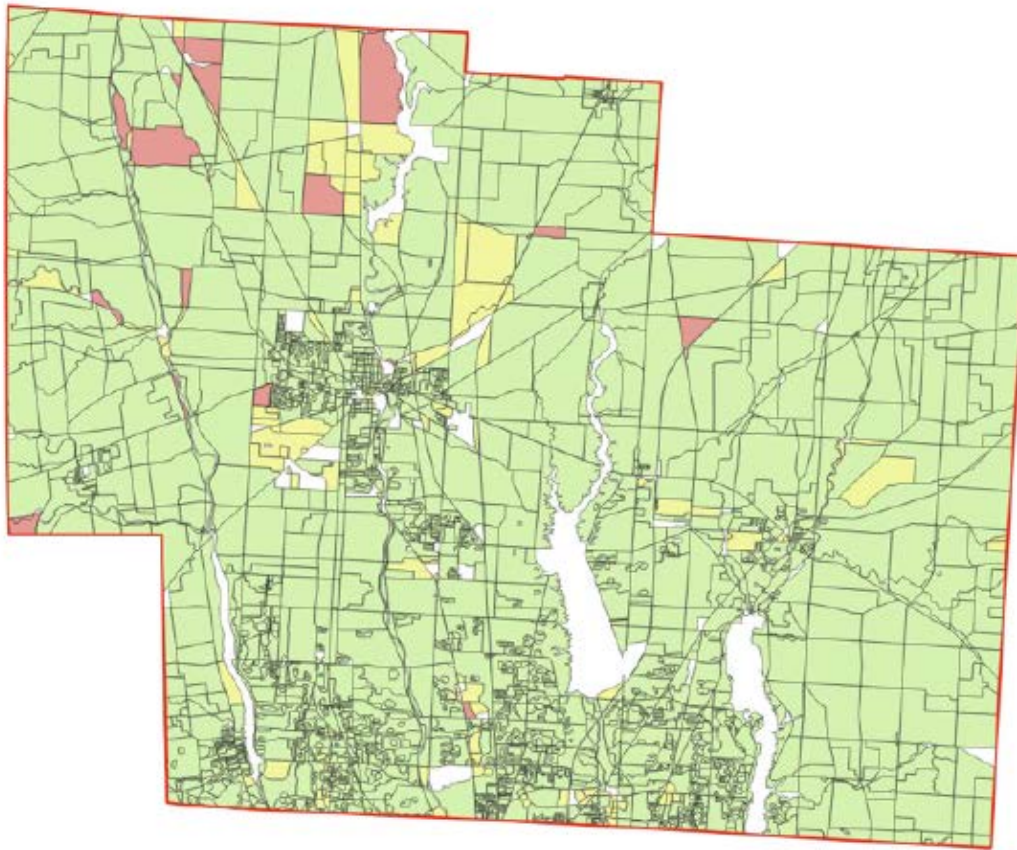
Commission of Ohio (“PUCO”), Ohio Department of Transportation (“ODOT”), Federal Trade Commission (“FTC”), U.S. Department of Commerce (“DOC”), Broadband Equity, Access, and Deployment (“BEAD”) rules and requirements, Rural Digital Opportunity Fund (“RDOF”) requirements, and any other Federal, State, and local 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 Act (“ARPA”) 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, should the County utilize American Rescue Plan funds in issuing an award under this RFP.

- 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 the County.
- The County 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 the County in this endeavor and to provide any permitted, reasonably necessary information. The County will, upon the Respondent’s written request, provide a copy of such background investigations to the Respondents, to the extent allowable by law. Dependent upon the results of the background check, the County may request the Respondents to immediately remove an individual from participation on this project. Respondents shall not knowingly assign any personnel with records of criminal conviction(s) to this Project without advising the County of the nature and gravity of the offense. In fulfilling the obligations under this section, the County 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. the County and the Respondents shall, indemnify, protect, defend, and hold the County its elected officials, agents, employees and volunteers harmless against any wrongful disclosure by the County, its employees, and/or agents of said reports and the information contained therein.
- All selected Respondents shall be required during the Project to cooperate fully, and in any reasonable manner that the County shall request, with all the County officials, officers, agents, employees, and volunteers. Further, selected Respondents shall be required to coordinate their implementation(s) with all other selected Respondents and all other projects that are being undertaken by the County. If any problem or difficulty should arise regarding such attempts at cooperation and coordination, the County shall be immediately informed and will determine the way the parties are to proceed.

END

EXHIBIT A

Priority Areas based on Maximum ISP Technology per Census Block



LEGEND

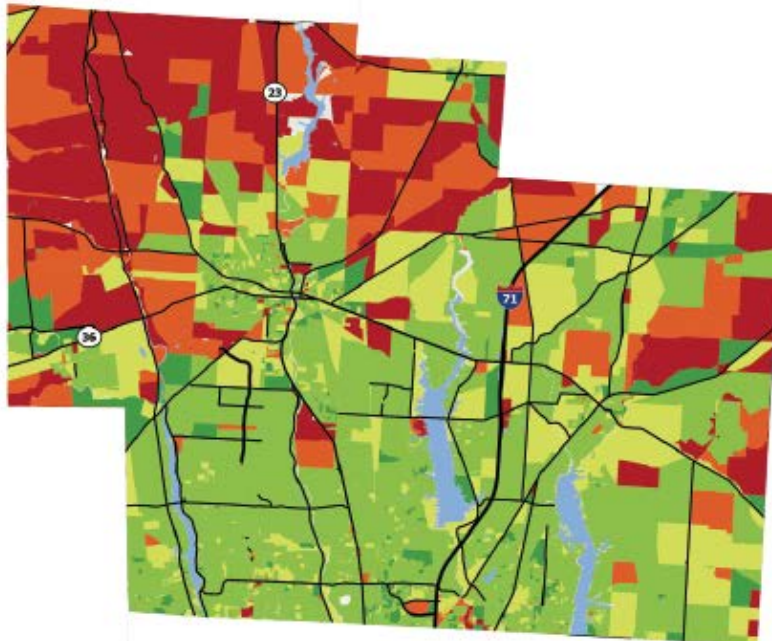
- Lower Priority Areas (Download Speed ≥ 100 Mbps and Upload Speed ≥ 20 Mbps)
- Medium Priority Areas ($25 \leq$ Download Speed < 100 Mbps and $3 \leq$ Upload Speed < 20 Mbps)
- Higher Priority Areas (Download Speed < 25 Mbps and Upload Speed < 3 Mbps)
- Delaware County Boundary

DELAWARE COUNTY

broadband profile

BroadbandOhio

Ohio Department of Development



36%
of the populated area

& 5%
of households

**DO NOT HAVE ACCESS
TO MINIMUM 25/3 Mbps**

the county has

443 mi²
of populated area

▶ **160 mi² are unserved**

81,753 households

▶ **4,218 are below 25/3**

40%

below 10/1 Mbps
= 1,671 households