

NEK BROADBAND

REQUEST FOR PROPOSAL FIBER CONSTRUCTION MATERIALS

RFP #: 2021-10

December 2021

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1. Introduction

1.1. Background and Overview of the RFP

NEK Broadband is a Communications Union District formed under 30 V.S.A. Chapter 82 with 50 member towns in the Northeast Kingdom of Vermont. The State of Vermont has promoted the development of CUDs and committed \$150 million in ARPA funding toward the buildout of fiber-optic cable to those with less than 25/3 Mbps service. NEK Broadband has teamed with NRTC Broadband Solutions for construction management, Mission Broadband Inc. as adjunct staff, and Waitsfield and Champlain Valley Telecommunications (WCVT) as our network operator and retail internet services provider for a 2,300-mile fiber project. NEK Broadband has secured the fiber necessary for the 2022 construction season and intends to commence construction in April, 2022. An RFP for network equipment will be forthcoming.

1.2. Overview of the RFP

The purpose of this RFP is to ascertain pricing and lead times for fiber construction materials to facilitate the immediate ordering of materials for NEK Broadband's upcoming construction project. NEK BROADBAND intends to purchase on an "as needed" basis from the competitively awarded contract stemming from this RFP up to the amount of the full project. The quantities in the attached bid sheet represent 500 miles or the first phase of the project. The majority of the project will be strand and lash. However, NEK Broadband is taking ownership of a portion of previously built network that utilized ADSS. Respondents are welcome to submit their total line of available products and services as a supplement to the bid.

1.3. Rights Reserved

NEK Broadband reserves the right to:

- Accept or reject any or all responses, or any part thereof;
- Multiple awards may be awarded as a result of this RFP. Vendors may limit their proposals to less than the full list of items in the Bid List.
- Waive any informalities or technicalities contained in any response received;
- Conduct discussions with respondents and accept revisions of quotations after the closing date;
- Award based upon selection criteria defined in this RFP;
- Request clarification from any respondents on any or all aspects of its quotations;
- Cancel or re-issue this RFP at any time;
- Retain all quotations submitted in response to this RFP

1.4. State of Vermont – Terms Supplement

Funding is provided from the State of Vermont using federal ARPA funds. Consequently, the following contract terms are mandatory for any contract that uses these funds. The winning bidder must agree to the terms in the State of Vermont Federal Terms Supplement attached as Appendix B. In addition, the winning bidder must agree to provisions 10, 11, 12, 14, 16, 18, 20 and 22 of the State of Vermont Attachment C: Standard State Provisions for Contracts and Grants hereto attached. In the case of any conflict or inconsistency between the specific provisions of an agreement, relevant attachments, federal requirements or the Application, any conflict or inconsistency shall be resolved as follows: (a) State of

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Vermont Federal Terms Supplement; (b) State of Vermont Attachment C provisions identified; (c) the agreement.

2. Applicant Qualifications

All Applicants must meet the following qualifications:

- The Applicant must have experience distributing or manufacturing some or all of the items listed in the fiber construction materials bid sheet attached as Appendix A.
- The Applicant must be able to manage shipments to multiple locations.
- The Applicant must be in good standing with the State of Vermont.
- The Applicant must agree to the terms outlined in section 1.2 and attached in Appendix B.

3. Administrative Issues

3.1. Availability of the RFP, Amendments, and Q&A

- The RFP will be distributed to bid boards, known distributors and manufacturers, posted on the NEK Broadband website.
- Questions will be answered as soon as practical upon receipt and distributed to anyone that has submitted an intent to bid at the time the answer is ready.

3.2. Inquiries about the RFP

All inquiries about the RFP should be emailed to rfps@NEKBroadband.org.

4. Due Date for Applicant Proposals

DATE	EVENT
<i>December 8, 2021</i>	RFP Issued for Bids
<i>December 13, 2021</i>	Intent to bid
<i>December 8-14, 2021</i>	Questions submitted via email
<i>December 8-16, 2021</i>	Questions answered and returned to all bidders
<i>December 22, 2021</i>	Final bids due by COB (5PM EST)

5. Proposal Submission and Format

5.1. Proposal Submission

Email an electronic copy of your proposals to rfps@NEKBroadband.org no later than the due date and time for receipt of proposals.

Late proposals will not be accepted.

Offerors will be notified within 3 business days acknowledging receipt of their proposal.

5.2. What to Submit: Mandatory Proposal Content

A. Cover Letter

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Each Applicant submitting a proposal must provide a cover letter signed by an individual authorized and empowered to bind the Applicant to the provisions of this RFP and any contract awarded pursuant to it. The cover letter should include the following:

- The legal name of the Applicant
- Business Address
- Primary Point of Contact (POC) (Authorized to Bind the Company)
- Primary POC Telephone Number
- Primary POC Email Address
- A statement that the entity is qualified, licensed, insured, and otherwise authorized to do business of the sort contemplated in the project.
- Company Federal Employer Identification Number (FEID)
- DUNS Number

B. Applicant Experience

On the cover letter, provide 3 references with contact information of completed or mostly completed projects of similar size, scope, and complexity to this project. Briefly describe your experience and history in the distribution of materials. Describe your customer support including technical advice and sales support.

C. Bid Form

- Provide pricing on the included Bid Form in Appendix A. Descriptions for each unit are on the bid form.
- Complete all items based on the unit of measure and estimated quantities provided.
- Any item that is not generic in nature may be substituted with an equivalent item by entering the product information in the bid sheet along with an accompanying explanation. No description is intended to preclude any bidder.
- Each item with a bid price must have an accompanying lead time. Multiple lead times may be provided for sub quantities of each lead item. In other words, if a line item calls for 1000 units and you have 200 available for shipment in two weeks and the other 800 will be 12 weeks please identify those options.
- Excepting very standard items, please provide spec sheets with any relevant warranty information and return policy.
- As a municipality, all purchases will be exempt from Sales Tax. A tax-exempt certificate will be provided to the winning Applicant(s).
- The RFP must be valid until January 31st, 2022. Any item for which a firm price cannot be maintained through January 31st, 2022 must be identified specifically on the bid sheet in red with its firm price commitment date.

D. Terms

Please provide payment, order, and shipping terms. If shipping terms are specific to line items in the bid sheet then specify such on the bid sheet.

E. Disclosures

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- Applicant affirms that they have not given, offered to give, nor intend to give at any time hereafter any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor or service to a public servant in connection with this contract.
- The Applicant affirms that, to the best of their knowledge, the offer has been arrived at independently, and is submitted without collusion with anyone to obtain information or gain any favoritism that would in any way limit competition or give an unfair advantage over other vendors in the award of this contract.

***Note: Quantities included in the bid form are estimates of purchase quantities for unit pricing only. Actual quantities purchased may vary.**

6. Incurred Costs to Propose

NEK Broadband is not liable or responsible for any costs incurred by any Applicant in the preparation of proposals or related matters arising out of the same. All costs associated with responding to this RFP are incurred by the Applicant at its own cost.

7. Revisions to RFP

7.1. Errors and Omissions in an Applicant Proposal

An Applicant may revise a proposal on its own initiative at any time before the deadline for submission.

7.2. Errors and Omissions in the RFP

If an Applicant discovers any significant ambiguity, error, conflict, discrepancy, omission, or other deficiency in the RFP, the Applicant should immediately notify NEK BROADBAND of the error and request clarification of the RFP language. Should the RFP be amended, copies of the amended RFP will be provided to each selected Applicant receiving the RFP.

7.3. Objections to RFP Terms

Should an Applicant object on any ground to any provision or legal requirement set forth in this RFP, the Applicant must set forth with specificity the grounds for the objection, which is to be submitted as part of the Applicant's proposal. The failure of an Applicant to object in this manner shall constitute a complete and irrevocable waiver of such objection and the right to object. However, such objections may become a differentiating factor during the bid evaluation process.

7.4. Acceptance of RFP/Proposal

The contents of this RFP and the Applicant's proposal will become a portion of the contractual obligations and the definitive agreement if a contract award ensues. Failure of the Applicant to accept these obligations will result in cancellation of the award. NEK BROADBAND has final and complete discretion as to acceptance or non-acceptance of any proposal, for any reason. NEK BROADBAND may accept a proposal in part for any combination of line items.

A. No Waiver of RFP Provisions

No waiver by NEK BROADBAND of any provision of this RFP shall be implied from any failure by NEK BROADBAND to recognize or act on account of any failure by an Applicant to observe any provision of this RFP.

B. Ownership and Disclosure of Proposals

Proposals submitted in response to this competitive procurement shall become the property of NEK BROADBAND. NEK BROADBAND will share all proposals with its internal staff and Mission Broadband staff for the purposes of evaluating each proposal. All proposals received shall remain confidential, except for any information NEK BROADBAND is legally required to disclose as a governmental entity. If a vendor believes that its response, or parts of its response, may be exempted from disclosure, the vendor must specify page-by-page and line-by-line the parts of the response, which it believes, are exempt.

8. Contingencies

This RFP may not be considered as a Contract to purchase goods or services but is a Request for Proposal in accordance with the Terms and Conditions herein and will not necessarily give rise to a contract. However, RFP responses should be as detailed and complete as possible to facilitate the formation of a contract based on the RFP response(s) that are pursued, should NEK BROADBAND decide to do so. Applicants must submit a complete proposal package, but may submit price proposals for individual line items without submitting a price proposal for every line item. Failure to submit a complete proposal package will disqualify your RFP response submittal. Applicants must submit RFP responses by the due date and time as specified herein. Late proposals will not be accepted. Applicants will be considered nonresponsive if the above requirements are not submitted as requested.

9. Evaluation Criteria

NEK BROADBAND reserves the right to place purchase orders with multiple vendors.

- Pricing (40 points)
 - Competitive Prices
 - Length of firm pricing
 - Product Line depth
 - Services and Warranties
- Availability (30 points)
- Shipping, order, and payment terms (10 points)
- References (10 points)
- Manufacturing Relationships (10 points)

10. Appendix A – Bid Sheet

11. Appendix B – State and Federal Terms Sheet