



**Request for Proposal
for
NEK Broadband
Communications Union District
Permitting Services**

RFP #:NEK2023-2

Request for Intent to Respond: 2-15-23

Questions Deadline: 2-15-23

Proposal Submission Deadline:3-01-23

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1. Introduction and Purpose

NEK Broadband is a Communications Union District (CUD), a municipal organization established in May, 2020. NEK Broadband comprises 56 communities in the Northeast Kingdom with approximately 2,500-2,800 miles of planned fiber construction.

This RFP shall be for a project or series of broadband network projects on behalf of NEK BROADBAND. It is set up in a frame contract manner with orderable objects and pricing on a deliverable basis defined for each type of Permitting Service provided by Vendor and defined in more detail in this document to allow multiple deployments and projects to utilize this RFP. This RFP is for Permitting Services Vendor NEK Broadband will need over the next 12 - 24 months with potential renewals.

Any changes or additions to this RFP will be posted and delivered to those that have submitted an intent to respond. Any changes or additions to the scope of work will be addressed through addendums to the agreement via an addition or change order as outlined in section 6 of this document.

2. RFP Instructions and Procedures

- A) **Submissions** - Proposal must be received via email at rfps@nekbroadband.org. For consideration for initial work under a contract Vendors must respond to this RFP no later than 5:00 PM EST on March 1st. Email subject lines should reference the RFP name and number.
- B) **Intent to Respond- An intent to respond is required.** NEK does not always require an intent to respond, but is requiring one by February 14th. The list of specific permits necessary will be provided to those submitting an intent to respond.
- C) **Questions and Inquiries** - Any questions or inquiries regarding this RFP must be submitted in writing to NEK Broadband – rfps@nekbroadband.org. The deadline for submitting questions is February 14th. Responses to all questions and inquiries shall be emailed to all who submitted questions/inquiries or an intent to respond will be sent as quickly as reasonable. The source of the questions/inquiries will not be identified. Other than such inquiries, Vendors are prohibited from contacting any person or institution involved in the selection process concerning this RFP. Shape files of existing poles will be sent to those that submit an intent to respond.

- D) Addenda and updates - Any addenda and updates to this RFP shall be posted at nek broadband.org. Each Vendor is responsible for checking the website prior to submission of any Proposal to ensure that it has complied with all addenda and updates to this RFP.
- E) Cancellation and/or rejection - NEK Broadband reserves the right to cancel this RFP, in whole or in part, at any time. NEK Broadband may reject any or all Proposals received in response to this RFP in its sole discretion. NEK Broadband makes no guarantee or commitment to purchase, license or procure any goods or services resulting from this RFP.
- F) Costs and Expenses - Each Vendor is responsible for its own costs and expenses involved in the preparation and submission of its Proposal, and any supplemental information requested by NEK Broadband shall not reimburse any such costs or expenses.
- G) Contract Template and State of Vermont Grant Conditions - State and Federal funds will be used to support this work. The following clause will be incorporated into vendor contracts:

State of Vermont – Terms Supplement. The Parties agree to the terms in the State of Vermont Federal Terms Supplement hereto attached. The Parties agree to provisions 10, 11, 12, 14, 16, 18, 20, 22, 30, and 32.A of the State of Vermont Attachment C: Standard State Provisions for Contracts and Grants hereto attached. Notwithstanding anything in this Agreement to the contrary, in the case of any conflict or inconsistency between the specific provisions of this Agreement, relevant attachments, federal requirements or the Application, any conflict or inconsistency shall be resolved as follows: (a) State of Vermont Federal Terms Supplement; (b) State of Vermont Attachment C provisions identified; (c) this Agreement.

A template services contract will be provided as necessary. If you prefer to use your own template then a copy of the template contract must be submitted with the RFP response. The referenced State and Federal attachments are included as Exhibit A.

- H) Notification - NEK Broadband will notify Vendor of their selection for negotiation to become the contractor under the provisions of an Agreement to be negotiated after selection. NEK Broadband will attempt to make its selection within fourteen days of receipt of final proposals, but shall have full discretion to make its decision earlier or later.
- I) Public Information – NEK Broadband is a municipal organization that must conduct its business subject to existing laws and regulations. Accordingly, the

following principles will apply to the Proposal, negotiations, final Agreement and Work Order(s): The names of all Vendors submitting Proposals may be announced publicly, but the Proposals and individual negotiations with Vendors will not be made public. Any Agreement and Work Order negotiated with a Vendor, excluding business confidential material as agreed to by the Parties, will be made public after execution.

- J) Intellectual Property Rights - All work performed shall be “work for hire” and shall be owned exclusively by NEK Broadband and the Vendor shall not obtain or retain any rights or licenses from any work produced under the Agreement or Work Order, unless otherwise agreed to by the parties in writing. This includes all data obtained in fulfillment of service performance. Nor shall the Vendor provide the data to a third party in any form (digital, hard copy, etc.) or format except as permitted by NEK Broadband in writing.

3. Selection Criteria

This RFP is designed to enable NEK Broadband to determine which Vendor will best satisfy the organization’s requirements and ability to enter into a satisfactory Agreement. NEK Broadband reserves the right to select the best value for the performance of the Services, which may not necessarily be the lowest price bidder.

Each Vendor will be evaluated against the same set of criteria, which shall include:

1. Experience, key personnel, and references
2. Methodology, technology, accuracy, completeness and quality of response.
3. Proposed data and data format.
4. Price and basis for price.
5. Schedule / time frame to complete the scope(s) of work.
6. Acceptance of terms and conditions.

4. Proposal Format

- A. Proposals shall be submitted using the following format:
- a. Company name, address, point of contact with email and phone number
 - b. Experience, Qualifications and Accomplishments
 - c. Key Personnel
 - d. References with email and phone number

- e. Price, with breakdown and assumptions, for Services. Assumptions means an identification of the information and format necessary to meet the requirements of each individual permit reflecting what the vendor expects to supply. *For example*, mile marker on highways or mileposts on railroads and the level of detail drawing necessary.
- B. Vendor shall outline the process and lead time for deliverables.
- C. Proposed subcontractor information (if any)
- D. Assumptions and exclusions
- E. Miscellaneous information
- F. Relationships and conflicts of interest (if any) - Describe any relationship between the company and subcontractor, or any parent, subsidiary or related company, or any director or officer of any of them, with NEK Broadband, or members of its Board.
- G. Resumes of key personnel

5. Scope of Work

The following are individual Service functions offered for this RFP with inputs, assumptions, and deliverables for each. Deliverables include the development of engineered AutoCAD drawings, GIS drawings, and descriptions necessary for the submission of a permit to the authority. Please provide pricing for the following:

- A. **Permit research and discovery.** Verify the list of permits supplied by NEK Broadband or one of its contractors to determine if any other permits may be necessary in the proposed construction area.
- B. **Permit tracking.** NEK Broadband's construction manager is the National Rural Telecommunications Cooperative (NRTC). As the construction manager, NRTC provides a permit tracker and portal map that the vendor will be expected to interact with in order to keep the status of all permits up to date.
- C. **Permit Development Support.** Vendor will create the permit drawings via AutoCAD or in a GIS image format - whatever format meets the requirements of the permit and is most cost effective. If required by the permit, the drawings will be sealed by a Licensed Professional Engineer,
 - a. *Interstate Crossings.* Vendor is to create any required drawings, CAD drawings, or rolling road block plans to prepare permits for submission to VTrans for overhead interstate crossings.
 - b. *Highway Crossings - Underground.* Vendor is to create any required drawings, sketch, or CAD drawings to prepare permits for submission to VTrans for underground interstate and state highway crossings.

- c. *Railroad Crossings*. A plan and profile drawing in AutoCad for submission to railroad companies. Permit prepared by NEK Broadband.
 - d. *Municipal Underground*. Development of GIS and/or CAD drawings (please price both) for use with the municipal highway department / select board.
 - e. *Traditional Navigable Waterways*. Development of GIS and/or CAD drawings for Army Corps of Engineers.
 - f. *Non-navigable water - river crossings*. Development of GIS and/or CAD drawings for Agency of Natural Resources
 - g. *Wetland permit support*. Please identify and quote cost to develop probable requirements for permit.
- D. Pricing Grid: Please provide pricing using the following grid. The current list of permits required will be provided to qualified entities submitting an intent to respond by 02/14/2023. .

	Category Title	Description	Units Per
1	RR CAD	CAD Drawing of the project interaction with the railroad and railroad crossing	deliverable
2	GIS image permits one	One location image permits	ft
3	GIS image permits several locations	Multiple location image permit	ft
4	non RR CAD crossing	Any non-Rail Road CAD crossing (or parallel run up to 4,500 ft)	deliverable
5	non RR CAD long	Non-Rail Road CAD drawing over 4,500 ft	ft
6	Traffic Control Plan	Traffic Control Plan for Interstate crossing for VTrans	TCP

6. Change Requests

During the project, and from time to time, the request of work or the conditions during the execution of a task may be impacted. If NEK BROADBAND requests additional services or a change of services that may impact the level of effort or materials, NEK BROADBAND will notify Vendor of the requested change and Vendor will submit an estimate of the impact of this change. Due to unforeseen circumstances or unavoidable situations such as weather, a delay request may be issued. Additionally, if any of the schedule

is impacted due to inputs not being met before receiving a notice to proceed, a change request may be issued.