



THE CITY OF  
**BENICIA**  
CALIFORNIA

## REQUEST FOR PROPOSAL

### *Benicia Industrial and Commercial Broadband Project*

*August 21, 2017*

Important Dates:

Deadline to submit written questions	September 8, 2017, 5:00 p.m.
Responses to written questions	September 15, 2017
Proposal Due Date:	<b>September 22, 2017, 2:00 PM</b>
Selection Interviews (if needed):	Week of October 2, 2017
Award of Agreement (tentative):	November 7, 2017

Contact:

Mario Giuliani  
Economic Development Manager / Acting Deputy City Manager  
250 East L Street  
Benicia, CA 94510  
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## I. INTRODUCTION

The City of Benicia (“City”) is requesting proposals from qualified organizations to assist the City in the *Benicia Industrial and Commercial Broadband Project*.

The City of Benicia is a general law city located in Solano County.

The City has determined that new industrial and commercial grade broadband infrastructure will promote economic development, leading to job creation, greater commercial activity, including retail, and generate additional revenue through increases in property values and the number and scale of business transactions. The City also recognizes that public access to broadband, such as that afforded by WiFi hotspots, enhances business districts.

Previous reports detailing broadband needs and initiatives in Benicia are available for downloading at [BeniciaBusiness.com](http://BeniciaBusiness.com).

The Benicia City Council has directed staff to proceed with development of a public/private partnership(s) to create the necessary infrastructure. The purpose of this Request for Proposal (RFP) is to solicit proposals that will allow the City to pursue this Benicia Industrial and Commercial Project (the Project).

The City is not soliciting proposals based on any particular design, technology, business model or solution. Any proposal presented to the City as a result of this RFP and the documents referenced herein will be the sole responsibility of the respondent.

## II. SCOPE OF PROJECT

This RFP encompasses three distinct elements:

- Technology.
- Partnership model (including financial details).
- Ongoing business model.

These elements are more fully described below. Respondents may present proposals that meet the requirements of one element, all elements or any combination of elements.

To the extent possible, this RFP is neutral regarding technology. Requirements may be met through any suitable means at the discretion and on the responsibility of the respondent.

### A. City Assets

The City of Benicia has earmarked \$750,000 for investment in the Project. The City has not specified how this money will be used or what consideration it will receive in return. It is up to each respondent to propose such terms, however the City retains full and final discretion as to the terms it will accept.

The City also owns and/or controls real estate, and has jurisdiction over most of the roadways within the City Limits. It is a major purchaser of broadband-related services and from time to time pursues capital improvement initiatives, including utility undergrounding, that might or might not be complementary to the Project. Respondents may include assumptions about the use of City assets in proposals, so long as all assumptions are fully explained. However, the City makes no representation regarding the availability or suitability of these assets, and nothing in this RFP or other material provided by the City should be interpreted to indicate otherwise.

## **B. Proposal Objectives**

The City's goal is to make access available to a complete range of broadband facilities and services, both bundled and unbundled, at competitive prices. Proposals may address:

1. Specific service proposals for the Benicia Industrial Park and Arsenal area (see map in Appendix A).
2. Availability of managed services (e.g. commercial grade DSL, T-1 or OC-3 class circuits with or without Internet connectivity).
3. Availability of unbundled broadband network elements (e.g. dark fiber, wholesale Internet bandwidth, long haul interconnects).
4. Quality of Service (QoS) standards, including reliability, and a sustainable means of guaranteeing those standards over time.
5. Options for supporting the City's internal IT networking needs.
6. Options for providing free public Internet access via WiFi or similar technologies in commercial and institutional areas.
7. Development of a competitive market for broadband services and facilities or other means of guaranteeing competitive access and pricing for the long term.
8. Economic sustainability of business and partnership models proposed, including particularly ensuring that the Project will continue to operate as intended over time without additional financial contributions from the City.

The City's participation in the Project is not conditional on achieving a specific financial return on investment, however the public benefits generated by the Project, including economic development benefits and future revenue accruing to the City, should be consistent with the public funds contributed.

There are no specified quantitative technical or financial performance requirements. Instead, respondents must show how their solutions will meet or exceed the technical, financial and economic development results achieved in cities that have already pursued such projects.

## **C. Technology Element**

Proposals should provide details on the technology that will be deployed to meet project goals and objectives, including, where applicable, performance metrics, reliability and the economic basis for choosing it. Network components include, but are not necessarily limited to:

1. Tier 1 Internet facility access.

2. Long haul fiber interconnection facilities.
3. Metropolitan and local interconnection facilities.
4. Backhaul to interconnection facilities.
5. Trunk and lateral connections, including access points.
6. Connections from laterals to individual parcels and buildings.
7. Customer premise equipment requirements and specifications.
8. Public WiFi access.
9. Where appropriate, ancillary facilities such as backup generators or equipment enclosures.
9. Network operations, including monitoring, repairs and ongoing maintenance.
10. Provisions for network expansion as needs develop over time.

Technical details should be sufficient to assess the flexibility, reliability, capacity, future-proofing and completeness of the proposed solution. Capacity should be expressed both in terms of bandwidth and physical media, for example the number of fiber strands or power and spectrum specifications proposed for each component.

## **D. Partnership Model**

The City is prepared to consider the full range of options for construction, ownership and operation of the Project, from full City ownership to full private sector ownership. **However, its preference is for a model that minimizes the City’s ongoing role in the project while ensuring that sufficient public benefits are generated by its investment, including, particularly, achievement of its economic development goals.**

Respondents should provide a conceptual proposal for structuring the partnership, including partner responsibilities and revenue sharing as appropriate.

Please note that the term “partnership” is used generically herein and does not refer to any specific type of organizational form or ownership and/or management structure, and the City is not expressing a preference for one particular type of model over another.

## **E. Ongoing Business Model**

Proposals should detail how the Project will be operated over time, including delineation of responsibilities among partners, financial responsibility and liability, operating costs of the proposed technology and a business plan summary.

The business plan summary should address:

1. Roles and responsibilities for the respondent, the City and other partners, if any, including financial responsibilities.
2. The services and facilities that will be available, where those services will be available, and how those services will be accessible by customers.
3. The services and facilities that will be offered directly by the respondent and indirectly via third parties.

4. The means by which these services and facilities will be marketed, provisioned, supported and maintained.
5. Pricing strategy, including provisions for maintaining competitive market-based rates over time.
6. Financial performance metrics necessary to ensure project sustainability.
7. Technical performance metrics that will be used to evaluate system performance over time.
8. Operational details, for example how network operations will be managed, customer support provided and maintenance scheduled and performed.

The City is willing to consider a wide range of business models and roles within those models. However, its preference is for a model that does not involve a direct City role in ongoing operations and does provide an opportunity for competitive providers to offer services, at some level, via the system created by the Project. The City will look favorably on proposals that strike an equitable balance between its economic development goals and partners' return on investment requirements.

## **F. Implementation schedule**

Respondents should provide a schedule for implementing the Project. The City will look favorably upon proposals that allow for completion of construction within six to nine month of the finalization of an agreement, and commencement of service shortly thereafter..

## **III. PROPOSAL FORMAT**

Proposals should include a description of the qualifications and capabilities of respondents, including examples of past projects, particularly of a similar nature. A summary of the financial structure and condition of the company should be included. The City reserves the right to require more extensive information during the evaluation, selection and negotiation process.

The proposal must include the name, contact information and a brief biography of the proposed project manager and the person who is the primary point of contact during the evaluation, selection and negotiation process, if different. Brief biographies of other key personnel should also be included.

The City does not wish to discourage respondents by requiring lengthy or time-consuming submissions. Proposals need not contain system designs or other such detailed and/or technical information, but should include sufficient technical, financial and service details to evaluate performance and technical and financial feasibility. Proposals should not exceed 10 pages in length, however additional material such as background information on the company, resumes, general product and technology specifications or other information the respondent considers relevant may be included as an appendix. Materials that are overly elaborate or of an advertising or promotional nature are not desired.

The City reserves the right to request additional information during the evaluation process and to require more extensive and detailed information in the course of any subsequent contract negotiations.

## **IV. SELECTION PROCESS**

### **A. Qualifications**

All proposals received by the due date will be evaluated by the City. Only information which is received in response to the RFP or any subsequent interview or information request will be evaluated. The City will judge the responses of each proposing firm in several critical areas. Selected proposers may be invited to an oral interview.

### **B. Selection Criteria**

The City will select the most qualified proposal based on the following factors. Responses to the RFP should address the qualities and indicators that are listed below:

1. *Ability of the Respondent to Design an Approach and Plan to Meet the Project Requirements.*

An assessment of the overall quality of the proposal. Qualities and indicators that will receive consideration include the proposer's performance in converting the Scope of Project into a plan that meets the City's objectives; the detail and clarity of the discussion as to the proposer's approach to undertaking the project; the proposer's performance in identifying any special problems or concerns which may be associated with the project and preliminary ideas about how these obstacles should be addressed; the inclusion of any unique approaches which are designed to save time and money or increase the benefits or effectiveness of the proposed work; the demonstrated ability to work with governmental bodies; and a full understanding of applicable laws or regulations that relate to the project.

2. *Ability of the Proposer to Carry Out and Manage the Proposed Project.*

An assessment of the past experience of the organization in general. Qualities and indicators that will receive consideration include the number and types of projects the organization or its employees have completed; the variety of projects completed and a demonstration of the organization's ability to undertake this project; the general level of experience in the areas of supervision, observing and monitoring projects; the organization's ability to realize timetables and quality control objectives; and the demonstrated general ability to bring about a successful completion of the projects under the proposer's direction.

3. *Capabilities of the Organization and/or Team.*

Assessment of the capabilities of the organization and individuals that will be engaged in the project. Qualities and indicators that will receive consideration include the individual professionals who will be working on each task; the various professional, technical, and educational achievements and registration/licenses of each organization

and individuals involved; the applicable experience of the proposed assigned staff; and the specific experience gained on similar projects.

4. *Current Workload of the Consultant Organization and/or Team.*

An assessment of the perceived ability of each organization to devote the necessary human resources and management attention to the project. Qualities and indicators that will receive consideration include the number and size of the projects presently being performed by each organization and the assigned staff; the status of existing projects; the past ability of the organization to deliver projects on a timely basis; and the nature of the existing projects that are behind schedule or past the completion date.

5. *The Proposer and/or Team's Proximity to the Project.*

An assessment of the geographic proximity to the project; the location of the office from which the proposed project will be administered; the perceived response time and general availability of the proposer's management to be on site; the perceived effect that project management location will have on price and the ability of the project to be completed on a timely basis; and the availability of special travel or communication plans which would effectively mitigate difficulties associated with location.

## **V. PROPOSAL DUE DATE, DELIVERY AND AWARD**

### **A. Proposed Selection and Project Schedule**

Tentative Selection Interviews Date: Week of October 2, 2017

Agreement Approval Date (tentative): November 7, 2017

### **B. Delivery**

The proposal, clearly marked with the project description, should be submitted no later than:

2:00 PM September 22, 2017

To the **physical addresses** below. All copies received by that time will be date and time stamped. Proposals will not be accepted after this time. Proposals should be addressed to:

City of Benicia  
Mario Giuliani  
Acting Deputy City Manager/Economic Development Manager  
250 East L Street  
Benicia, CA 94510



*Faxed and emailed proposals will not be accepted.*

## **C. Award of Contract**

It is anticipated that any award of an agreement for services will be made by the Benicia City Council at their November 7, 2017 meeting.

## **VI. CONDITIONS OF REQUEST**

### **A. General Conditions**

The City reserves the right to cancel or reject all or a portion or portions of the Request for Proposal without notice. Further, the City makes no representations that any agreement will be awarded to any organization submitting a proposal. The City reserves the right to reject any and all proposals submitted in response to this request or any addenda thereto.

The City also reserves the right to reject any subconsultant or individual working on a consultant team and to replace the subconsultant or individual with a mutually acceptable replacement.

Any changes to the proposal requirements will be made by written addendum.

### **B. Liability of Costs and Responsibility**

The City shall not be liable for any costs incurred in response to this Request for Proposal. All costs shall be borne by the person or organization responding to the request. The person or organization responding to the request shall hold the City harmless from any and all liability, claim or expense whatsoever incurred by or on behalf of that person or organization. All submitted material becomes the property of the City of Benicia.

The selected lead consultant will be required to assume responsibility for all services offered in the proposal whether or not they possess them within their organization. The selected lead consultant will be the sole point of contact with regard to contractual matters, including payment of any and all charges resulting from the contract.

### **C. Public Nature of Proposal Material**

Responses to this Request for Proposal become the exclusive property of the City. At such times as a formal recommendation to award an agreement to one proposer is made to the awarding authority, all submittals received in response to this Request for Proposal become a matter of public record and shall be regarded as public records, with the exception of those elements in each submittal which are defined by the proposer as business or trade secrets and plainly marked as "Confidential," "Trade Secret," or "Proprietary" or if disclosure is required

under the California Public Records Act. Any submittal which contains language purporting to render all or significant portions of the proposal “Confidential,” “Trade Secret,” or “Proprietary,” shall be regarded as non-responsive.

Although the California Public Records Act recognizes that certain confidential trade secret information may be protected from disclosure, the City may not be in a position to establish that the information that a proposer submits is a trade secret. If a request is made for information marked “Confidential,” “Trade Secret,” or “Proprietary,” the City will provide the proposer who submitted the information with reasonable notice to allow the proposer to seek protection from disclosure by a court of competent jurisdiction.

#### **D. Validity**

The proposer agrees to be bound by its proposal for a period of ninety (90) days commencing from the date proposals are due, during which time the City may request clarification or correction of the proposal for the purpose of evaluation. Amendments or clarifications shall not affect the remainder of the proposal, but only the portion so amended or clarified.

#### **E. Standard Agreement**

A sample agreement has been provided as Appendix B for the proposer’s review and comment. If a proposer wishes to take exception to any of the terms and conditions contained in the consultant agreement, these should be identified specifically; otherwise, it will be assumed that the proposer is willing to enter into the agreement as it is written. Failure to identify contractual issues of dispute can later be the basis for the City disqualifying a proposer. Any exceptions to terms, conditions, or other requirements must be clearly stated. Otherwise, the City will consider that all items offered are in strict compliance with the RFP, and the successful proposer will be responsible for compliance. The City will consider such exceptions as part of the evaluation process, which may constitute grounds for rejection of the proposal. The agreement will not be executed by the City without first being signed by the proposer.

#### **F. Permits and Licenses**

Proposer, and all of proposer’s subconsultants, at its and/or their sole expense, shall obtain and maintain during the term of any agreement, all appropriate permits, certificates and licenses including, but not limited to, a City Business License, which will be required in connection with the performance of services hereunder.

#### **G. Oral and Written Explanations**

The City will not be bound by oral explanations or instructions given at any time during the review process or after the award. Oral explanations given during the review process and after award become binding only when confirmed in writing by an authorized City official. Written responses to question(s) asked by one proposer will be provided to all proposers who received this Request for Proposal.

## **H. Proposer's Representative**

The person signing the proposal must be a legal representative of the firm authorized to bind the firm to an agreement in the event of the award.

## **I. Insurance**

General liability, automobile, professional liability, and compensation insurance are required in the amount set forth in the attached sample agreement.

## **VII. AVAILABILITY OF DOCUMENTS**

Copies of the two reports referenced above are available for review at the Economic Development office located at Benicia City Hall, 250 East L Street, Benicia, CA 94510.

The two reports are also available for download at: [BeniciaBusiness.com](http://BeniciaBusiness.com)