

**REQUEST FOR PROPOSALS FOR DESIGN, BUILD, FINANCE, AND OPERATE
MIAMI COUNTY BROADBAND EXPANSION THROUGH A PUBLIC-PRIVATE
PARTNERSHIP AGREEMENT
PURSUANT TO INDIANA CODE 5-23**

Issued: April 18, 2023

Questions Due: May 26, 2023

Responses Due: June 1, 2023, @ 4:00 p.m. EST

Contact: Jim Tidd, jtidd@miamicountyeda.com

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1. INTRODUCTION

1.1. Statement of Intent and Project Overview

The Miami County Commissioners (“County”) invite any and all qualified parties to submit responses (“RFP Response”) to this Request for Proposal (“RFP”) regarding a proposed approach to designing, constructing, financing, operating, and maintaining and/or transferring the development of an extension of broadband services further described below (“Project”) under a public-private partnership. The purpose and intent of the Project is to increase the availability of high-speed broadband service for the benefit of all the citizens of the County.

1.2. Scope, Goals, and Objectives of the Project

This RFP reflects the commitment of the County that high-speed broadband is available to as many residents and businesses in the County to further economic development. The successful internet service provider or other organization responding to this RFP will be expected to deploy a network that meets the eligibility requirements set forth in the American Rescue Plan Act of 2021 (ARPA), PL 117-2 (March 11, 2021), which amends Title VI of the Social Security Act (42 U.S.C. 801 et seq.), including the Treasury Final Rule [31 CFR Part 35 RIN 1505-AC77]. Successful Respondents will demonstrate a clear and achievable plan to deliver high-speed, reliable, and affordable broadband communications services in the County. This RFP is the first step in a procurement process which encourages Respondents to offer innovative and creative plans to complete the Project. Through this public-private partnership, the County seeks (1) creativity in design and execution; (2) innovative approaches to delivery and financing; and (3) an expedient and integrated design and construction timeline that will create the greatest value for the County’s citizens.

1.3. Overview of Procurement Process

This RFP requests prospective Respondents to formally express their interest in bidding on the development of the Project. It is the intent of the County after receipt of the RFP Responses to issue an award of a public private agreement to one or more Respondents to partner with the County in Providing high-speed broadband services to the residents of the County.

The County will review RFP Responses to determine Respondents’ experience, expertise, proposed approach, and creative ideas to achieving the Project. In addition to submitted materials, the County may meet with selected Respondents to discuss approach and requirements of the project. The information gathered from this process will inform the award.

2. GENERAL ASPECTS OF THE PROJECT

The County seeks creative ideas and innovations in response to this RFP. The general aspects of the Project which Respondents should consider are as follows:

2.1. Business Case of Services

2.1.1. Miami County

Miami County competes across Indiana as an attractive place to live or to conduct business. Local and regional economic development is strong and is expected to significantly increase due to ongoing economic development activities. The County is largely unincorporated with a relatively low population density rate. Large areas are dedicated to agriculture in row crop, animal production, and timber. Various river watersheds dominate significant land areas and create terrain changes along with densely forested areas. While these characteristics make the County attractive to residents, these same items also contribute to the challenge of providing broadband services.

2.1.2. Available Project Incentives

The County acknowledges that creating adequate broadband services in the unserved and underserved areas in the County will require a private enterprise to invest capital and operational expense in advance of demonstrated market demand for defined products. As such, the County is prepared to invest up to \$1,200,000.00 to catalyze a broadband solution with qualified and committed partners. The award may be granted to one (1) Respondent in full or distributed among multiple Respondents that commit to meeting the goals and conditions outlined in this RFP. and in subsequent negotiations.

2.1.3. Desired Broadband Solution

The County seeks to make available high-speed broadband services to as many premises in the County as possible, specifically to unserved and underserved households and businesses. The broadband network will be expected to support remote learning, remote workers, telehealth, precision agriculture, and advanced manufacturing to bolster the County's economic growth.

For additional information, see the County's *Broadband Strategy Report* dated March, 2023, which may be found on the County's website at www.miamicountyin.gov or the Miami County Economic Development Authority website at www.miamicountyeda.com.

The high-speed broadband services shall specifically provide a service designed to reliably meet, or exceed, a symmetrical speed of 100 Mbps download and 100 Mbps upload; or in cases where the symmetrical 100/100 Mbps service is not practicable, provide a service designed to reliably meet or exceed 100 Mbps download and at least 20 Mbps upload speeds, and be scalable to a minimum of 100 Mbps download and 100 Mbps upload. Final Rule [31 CFR Part 35 RIN 1505- AC77].

Both wireless and wireline solutions will be considered, but all RFP Responses must consider guidelines for broadband infrastructure included in the American Rescue Plan Act (ARPA”). Additionally, the County desires the following:

- a) universal coverage across the County;
- b) delivery of desired levels of broadband services at affordable price points; and
- c) systems to ensure reliable service uptime with consideration of environmental factors.

The ability of a Respondent’s RFP Response to meet all ARPA requirements is important, but not essential to Respondent’s involvement in the Project. However, a Respondent shall clearly and thoroughly define any proposed solutions or technical alternatives which may not meet the eligibility requirements of ARPA due to constraints with geography, topography, or excessive costs, but will expand high-speed internet to un/underserved premises.

2.2. Desired Service Locations

The County desires that Broadband service extend to all unserved and underserved areas of the County, as identified in the County *Broadband Strategy Report*.

The County understands providing broadband internet to every premise is challenging for a range of reasons and may require additional projects or funding to accomplish. Thus, the County seeks proposals that state clearly how many premises will be covered and at what levels of service. When evaluating RFP Responses, the County will view favorably those that maximize the number of premises the solution would reach while meeting as many of the goals and recommendations outlined in the County’s *Broadband Strategy Report*.

2.3 Reporting Requirements

During the period of Project build out, the successful Respondents will be required to submit quarterly reports to the County detailing the status of the Project to include percentage of the build out completed, amount of County funding utilized, amount of Respondent funding utilized, and description of the build out to be completed over the next calendar quarter. Upon completion of the Project, the requirement for quarterly reports will end. However, successful Respondents will be required to provide annual reports to the County for the next five (5) years, including information such as the number of new customers added, actual speed test data for those customers, monthly cost of service to the customer, and future expansion plans whether or not the County participates financially in that expansion. All reports will be in a format satisfactory to the County.

3. SOLICITATION & RFP REQUIREMENTS

3.1. Submission Deadline

RFP Responses must be received by the County by 4:00 p.m., EST, on June 1, 2023

3.2. Delivery of RFP Response

All RFP Responses shall be delivered as an electronic PDF to the following via e-mail (“Contact”): Jim Tidd, jtidd@miamicountyeda.com

3.3. Questions

Direct all questions to Jim Tidd, jtidd@miamicountyeda.com

3.4. Anticipated Schedule

| KEY NEXT STEPS | EXPECTED TIMING |
|-------------------------------------------------------------------------------------------|------------------------|
| RFP issued | April 18, 2023 |
| Deadline for questions and clarifications | May 26, 2023 |
| RFP Responses due | June 1, 2023 |
| Committee Announcement of Respondents Selected for Further Due Diligence and Negotiations | June 15, 2023 |
| Anticipated negotiation with responsible respondents | Through July 7, 2023 |
| Best and final proposals due to County (if required) | July 21, 2023 |
| County recommends respondents as developers for the Project | August 8, 2023 |

THIS SCHEDULE IS FOR ILLUSTRATION PURPOSES ONLY AND SHOULD NOT BE CONSTRUED AS BINDING, EXCEPT THAT ALL RFP RESPONSES SHALL BE SUBMITTED BY OR BEFORE JUNE 1, 2023.

4. FORMAT AND CONTENT OF RFP RESPONSE

4.1. Format of RFP Response

The RFP Response shall be typed, single sided, on 8 1/2" x 11" paper in English using no less than 11-point font with 1" margins on all sides; shall include a table of contents, which identifies the major response sections as outlined herein, and any illustrations, tables, charts, graphics or exhibits included in the RFP Response; and shall not exceed 25 pages, excluding exhibits.

Respondents shall submit one (1) electronic copy of its RFP Response via e-mail in searchable and printable format.

4.2. Content of Response

All RFP 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 RFP Responses on County-specific elements as opposed to including generalized or marketing statements and collateral.

4.2.1. Respondent and Sub-Contractor Information

- Organization name, address, phone, email, and website
- Contact person name, title, address, phone, and email (if different from above)
- 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 broadband service offerings into or within the County, and how such network expansion fits within Respondent's broadband footprint.
- Name and address of each partners or outside vendor 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 copartner if: (1) the subcontractor or partner's services are unsatisfactory, and/ or (2) they no longer are the subcontractor or partner. The County must be notified of any replacement subcontractor or partner at the time the change is made and in advance of agreement execution or commencing of work under such subcontract or partner relating to the Project, as applicable.

4.2.2. Respondent Experience, Partnerships and Financials

- Provide an overview of experience designing, planning, constructing, financing, operating, and/ or maintaining infrastructure and projects like the Project, and provide a narrative, including references and any measurable benefits, for any similar projects to that which the Respondent is proposing for the County.
- Provide an overview of and resumes for Respondent’s executive team and any individuals who will be directly involved in the proposed Project in the County.
- Provide three (3) years of Respondent’s audited financial statements or alternatively a comprehensive set of financial documents that would provide the County with information to satisfy the County that Respondent possesses adequate financial stability and resources to undertake and complete Respondent’s the proposals described in the RFP Response.

4.2.3. Respondent Proposed Build-Out and Network Operations

- Describe the proposed wireless and fiber network architecture, including the incorporation of existing vertical assets through mutually agreeable lease arrangements with the County and the construction of new vertical assets, as needed. A copy of an asset list is contained in the County’s *Broadband Strategy Report*.
- If the Respondent is proposing a fiber solution, 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.
- If the Respondent is proposing a fixed wireless solution, detail: (1) the anticipated spectrum band for such deployment; (2) whether it is licensed or unlicensed; (3) whether the solution aligns with 4G/5G 3GPP standards; and (4) the approximate percentage of Broadband Infrastructure that will be new construction and the percentage of Broadband Infrastructure that will be existing County-owned or privately owned assets.

- Include proposed phases, cost, and estimated timeline for each phase, if applicable; and estimated cost and timeline for full Project completion.
- Describe the overall cost of the proposed project and what percentage does the County contribution represent as compared to the Respondent's investment.
- The County would prefer an open access network. Detail how 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.
- Any Respondent awarded under this RFP shall deliver service of at least 100 Mbps download/ 20 Mbps upload and scalable to meet, or exceed, 100 Mbps download and 100 Mbps upload ("symmetrical") service to end-users in the County. 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.
- State the percentage of County residents who will be served with 100 Mbps download/ 20 Mbps upload, or greater, broadband service upon completion of the proposed Project, and the percentage of County residents who will be served with 100 Mbps download/100 Mbps upload symmetrical, or greater, broadband service upon completion of the proposed Project.

4.2.4. Respondent Pricing Components

- Include a proposed rate structure for the various end users to which service will be available through the proposed Project, including one-time costs, such as customer premise equipment.
- Installation, and recurring costs, such as monthly service costs, for residential customers, commercial customers, and institutional/ governmental customers.
- 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 not a requirement. Nevertheless, Respondents should include any proposed revenue-sharing opportunities in sufficient detail for the County to analyze any such benefits.

4.2.5. Respondent Existing and Future Operations within Miami County

- Identify 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.
- The County's preference is to work in collaboration with Respondents. Collaboration can take many forms. Detail how the Respondent proposes to work with the County and the purported benefits of such arrangement for each party.
- State how the Respondent will market the broadband infrastructure to users in the County, once available, and what assistance is expected from the County for such outreach.
- Include any low-cost offers that would be made available with Respondent's service, such as the Affordable Connectivity Program ("ACP"). **NOTE:** Should the County contribute a portion of the County's ARP funds to the Project, the Respondent will be required to participate in the ACP program, per the Federal Rules.
- Any additional digital inclusion efforts included in the Respondent's Project.
- State 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 such businesses and institutions, identify any small business, elementary school, higher education institution, library, healthcare facility and public safety organization that will have increased access to broadband service.
- Identify any additional services that will be made available in the County through the Project, including, but not limited to, Internet of Things ("IoT") use cases such as precision agriculture, smart utility monitoring, and others.

4.2.6. Specificity of Outcomes

- Minimum speeds of 100/20 mbps.
- At least 50% of solution should meet ARPA broadband requirements. Please indicate, to the best of Respondent's knowledge, which parts of the solution will meet those requirements.

- Include solutions that describe Respondent’s proposed method or plans for future broadband growth in county toward 100% connectivity of residents and businesses.
- The County favors solutions that meet or exceed the goals and recommendations contained in the County Broadband Strategy Report.
- Respondents may also propose additional solutions that may include broader options for resolution of desired outcomes. Any solution proposed shall detail with specificity any additional financial or other contributions of the County which would be necessary to accomplish such solution.

4.2.7. Solution Overview Sheet

- Respondent must complete and submit the Solution Overview Sheet found in Appendix A.

If the Respondent should include any confidential information in its RFP Response, such shall be clearly marked as “CONFIDENTIAL.” Respondent is solely responsible for reviewing Indiana’s Public Records Act, and applicable law governing disclosure of public records by the County. Under no circumstances will the County be responsible or liable to Respondent/Developer or any other party as a result of disclosing materials that it determines, in its sole discretion, are not protected by Indiana’s Public Records Act, including, without limitation, materials marked “CONFIDENTIAL.”

5. EVALUATION CRITERIA

RFP Responses shall be evaluated based on the following criteria. This is not intended to be a comprehensive list, nor is the arrangement of the criteria meant to imply order of importance in the selection process:

- PROPOSED BUILD-OUT AND NETWORK OPERATIONS: 40 possible points
 - Number of addresses and areas covered by proposed solution
 - Service level speed and price points to end users
 - Timeline for completion and deployment of broadband solution
 - Capability of future operations to achieve County goals
 - Ability to meet goals and recommendations outlined in the County’s *Broadband Strategy Report*

- FINANCIAL COMPONENTS: 25 possible points
 - County financial investment
 - Respondent’s financial contribution
 - Upfront cost to end user

- RESPONDENT EXPERIENCE AND PARTNERSHIPS: 25 possible points
 - Knowledge and technical competence
 - Customer service and acquisition capabilities
 - Financial stability

- INNOVATION: 10 possible points

6. INVESTIGATIONS AND EXAMINATIONS

Respondent shall be responsible for making all investigations and examinations necessary to ascertain conditions affecting their RFP Response.

7. POST-PROPOSAL DISCUSSIONS WITH RESPONDENTS

The County reserves the right to conduct negotiations with those Respondent with whom it may award contracts.

8. TERMS, CONDITIONS, LIMITATIONS AND EXCEPTIONS

The County will not be responsible for expenses incurred by a Respondent in submitting an RFP Response.

All RFP Responses shall be the property of the County.

All proposals received and any or all-supporting documentation are subject to the State of Indiana Public Records Act and the provisions of Indiana 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.

Respondents may not collude in any manner or engage in any practices that may restrict or eliminate competition or otherwise restrain trade.

The County reserves the right to unilaterally disqualify any Proposal which in the County’s opinion fails to provide information or data requested or which provides materially inaccurate or misleading information or data or is not responsive to this RFP. The County reserves the right to unilaterally disqualify any Respondent based on any real or apparent conflict of interest.

The issuance of this RFP and the acceptance of RFP Responses does not obligate the County to enter into any contract with any Respondents. The County expressly reserves the right to:

- A. Reject any or all RFP Responses.**
- B. Reissue the RFP.**
- C. Accept portions of individual or multiple RFP Responses.**
- D. Request more information and/or clarification of RFP Responses.**
- E. Waive immaterial defects and informalities.**

The County reserves the right to request clarification of the content of any RFP Responses.

By submitting a RFP Response, Respondent is agreeing that the exclusive jurisdiction for any litigation arising out of this RFP and any RFP Response shall be in the courts situated in Miami County, Indiana.

This RFP, the RFP Responses thereto, and any award arising therefrom shall for all purposes be construed and enforced in accordance with the laws of the State of Indiana 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 Indiana ("PUCO"), and Federal and State 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 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 ARPA, should the County utilize ARPA funds in issuing an award under this RFP.

The County reserves the right to conduct, for security reasons, a lawful background investigation on the selected Respondents, its principal party(ies), 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, if allowed by law, indemnify, defend, and hold each other harmless against any wrongful disclosure by the indemnifying party, its employees, and/or agents of said reports and the information contained therein.

**Appendix A: Solution Overview
Sheet**

| | | Proposed solution meeting County's minimum requirements | | Respondent Alternative Solution Proposal | |
|-------------------------|------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|---------------------|-------------------------------------------------|------------------|
| SERVICE OVERVIEW | | Circle answer or fill in the answer | | Circle answer or fill in the answer | |
| 1 | Does the proposal meet ARPA requirements? | Fully - Partially - No | | Fully - Partially - No | |
| 2. | Broadband service levels and cost point. Respondent should list the service plan that best matches the service speed tiers listed below. | Plan Speeds (download/upload) | Plan Price Point | Plan Speeds (download/upload) | Plan Price Point |
| | <i>Example:</i> 100/100 500/500 1G/1G | <i>Plan name</i> ABC plan ABC Plus Plan ABC Best Plan | Providers Speeds | Monthly cost rate | |
| 2a | 100/100 | | | | |
| 2b | 500/500 | | | | |
| 2c | 1G/1G | | | | |
| 2d | Low household income product | | | | |
| BUILD OVERVIEW | | | | | |
| 3, | Number of premises (passings) to be served | | | | |
| 4. | Number of premises served by wireline to the premise (specify wireline type, i.e., fiber, etc.) | | | | |
| 5. | Number of premises served by wireless (if any) | | | | |
| 6. | Estimated miles of fiber to be constructed (if any) | Aerial : | Buried: | Aerial | Buried |
| 7. | Number of towers to be constructed (if any) | | | | |
| 8. | Build duration (in months) | | | | |
| 9. | Ability to begin project build in 2024 | Yes - Unsure - No | | Yes - Unsure - No | |
| | | | | | |

FINANCIAL OVERVIEW

| | | | | | |
|-----|-------------------------------------------------------|--------------------------------------|--|--------------------------------------|--|
| 10. | Equipment costs or startup costs to end user | | | | |
| 11. | Total capital cost of project | | | | |
| 12. | Ownership of assets and infrastructure | Respondent - County - Shared - Other | | Respondent - County - Shared - Other | |
| 13. | Cost per premise served | | | | |
| 14. | Total capital requested from county | | | | |
| 15. | Total Respondent investment: | | | | |
| 16. | Respondent Contribution as a Percentage of total cost | | | | |
| 17. | Likelihood to request tax abatement | Yes - No | | Yes - No | |