

Macon County, North Carolina

REQUEST FOR PROPOSAL

**Macon County High-Speed Internet Access Service
Expansion Project**

PROPOSAL DUE DATE: 4:00 p.m., Monday, November 2, 2020

All proposals submitted must be presented in a sealed envelope to:

“Macon County Finance Department

Attn.: Ms. Lindsay Leopard

5 West Main Street

Franklin, North Carolina 28734

RFP NO. 02-119900P”

In order to be considered for selection, a proposal must be received by 4:00 p.m. Monday, November 2, 2020.

Any proposal received after 4:00 p.m. Monday, November 2, 2020, will not be accepted or considered.

Faxed or emailed proposals will not be accepted.

Proposals will be opened by Macon County at 4:00 p.m., Monday, November 2, 2020.

1 **Background**

1.1 In accordance with N.C.G.S. 153A-349.60. Authorization to provide grants, The County of Macon is actively searching for an unaffiliated qualified private provider of high-speed Internet access service for the purposes of expanding the availability of high-speed Internet access service in all of the unserved areas of Macon County which are specified in **2.1** below for economic development in Macon County. The County currently has a large number of its residents and businesses in those areas of Macon County which are specified in **2.1** below who are unserved.

1.2 As used herein, RFP shall mean Request for Proposal.

1.3 For the purposes of this RFP, the definition of “highspeed Internet access service” is Internet access service with transmission speeds that are equal to or greater than the requirements for basic broadband tier 1 service as defined by the Federal Communications Commission for broadband data gathering and reporting.

1.4 For the purposes of this RFP, the definition of “qualified private provider” is a private provider of high-speed Internet access service in the State of North Carolina prior to the issuance of this RFP (grant proposal).

1.5 For the purposes of this RFP the definition of “unserved” is no highspeed Internet access service availability.

1.6 If an unaffiliated qualified private provider of high-speed Internet access service is identified as a result of this RFP, The County of Macon is prepared to consider, within its sole and absolute discretion, partial grant funding through a grant agreement for a project for the purposes of expanding the availability of high-speed Internet access service in in all of those unserved areas of Macon County which are specified in **2.1** below for economic development in Macon County in an amount set within its sole and absolute discretion and which shall not to exceed \$580,000.00 of the total project cost.

2 **Scope of Work**

2.1 The desired scope of this project consists of the purpose of making high-speed Internet access service expansion to the maximum number of unserved users over a one to seven year period within all of the areas of Addington Mill, Riverside, McDonald Mill, Otto, Norton, Mulberry, Tessentee, and Scaly Mountain of Macon County, North Carolina which are unserved by high-speed Internet access service for economic development in Macon County. The Proposer shall describe in detail the Proposer’s plan for expanding the availability of high-speed Internet access service within all of the areas of Addington Mill, Riverside, McDonald Mill, Otto, Norton, Mulberry, Tessentee, and Scaly Mountain of Macon County, North Carolina which are unserved by high-speed Internet access service for economic development in Macon County. The Proposer shall describe in its proposal the type(s) of technology that will be used and the service delivery method(s). All funding from Macon County, if any, must be applied to the initial two years of the initial one to seven year phase of the project. It is also desired that follow-up phases beyond the first seven years be

considered by the Proposer to connect additional customers on a demand basis. The additional phase(s) would be funded solely by the Proposer.

3 **Grant Funding Provisions**

3.1 In accordance with N.C.G.S. 153A-349.60. Authorization to Provide Grants, Macon County is prepared to consider, within its sole and absolute discretion, partial grant funding for a project with the purpose of expanding the availability of high-speed Internet access service in all of the areas of Addington Mill, Riverside, McDonald Mill, Otto, Norton, Mulberry, Tessentee, and Scaly Mountain of Macon County, North Carolina which are unserved by high-speed Internet access service for economic development in Macon County in an amount set within Macon County's sole and absolute discretion and which shall not exceed \$580,000.00 of the total project cost.

Any grants awarded shall be on a technology neutral basis and shall be open only to Proposers which are unaffiliated qualified private providers of high-speed Internet access service.

4 **Proposed Preparation Instructions**

4.1 Proposers must closely review Section 6, Evaluation Criteria, of this RFP and be aware that this is a **“Best Value” solicitation** where the successful Proposer will be selected based on evaluation criteria contained in Section 6 plus all other elements contained in this section.

4.2 Proposers must be an unaffiliated qualified private provider of high-speed Internet access service ensure and demonstrate the same as well as compliance with the administrative and other requirements contained in all sections of this RFP.

4.3 Proposers must include a map in their proposal showing the proposed area of high-speed Internet access service expansion in all of the areas of Addington Mill, Riverside, McDonald Mill, Otto, Norton, Mulberry, Tessentee, and Scaly Mountain of Macon County, North Carolina which are unserved by high-speed Internet access service for economic development in Macon County and shall include an estimate of the potential new customers for each such area within each expansion area and show their approximate locations. The Proposer shall commit to provide and make available to all such potential new customers high-speed Internet access service in the areas of Addington Mill, Riverside, McDonald Mill, Otto, Norton, Mulberry, Tessentee, and Scaly Mountain of Macon County, North Carolina which are unserved by high-speed Internet access service for economic development in Macon County within one - seven years from the date of any grant agreement entered into with Macon County. The Proposer shall include the approximate number of homes and businesses that will have high-speed Internet access service in each of the aforesaid areas of Macon County as a result of Proposer implementing its proposal to Macon County. The map must also show the location and specifications of the lines and other project equipment to be constructed by Proposer in accordance with the proposed project.

4.4 Proposer's proposal must demonstrate and show with specificity the positive impacts on economic development in Macon County associated with the proposed highspeed Internet

access service expansion including but not limited to increasing the population, taxable property, agricultural industries, employment, industrial output, and/or business prospects of Macon County

- 4.5** Proposers must provide a description of the future growth capacity of their proposed high-speed Internet access service solution and its ability to adapt to new broadband applications and requirements.
- 4.6** Proposers must describe in detail the type and specifications of technology that is being proposed including upload and download speeds and the service delivery method. Additional information should also be provided on the technical capabilities of the high-speed Internet access service system being proposed. The Proposer shall demonstrate and show how the proposed project will meet the technological needs of current and future businesses, public institutions, governmental buildings, volunteer fire departments, community centers, educational institutions and local residents within the all of the areas of Addington Mill, Riverside, McDonald Mill, Otto, Norton, Mulberry, Tessentee, and Scaly Mountain of Macon County, North Carolina which are unserved by high-speed Internet access service for economic development in Macon County. As a reminder, proposals must meet the definition of “high-speed Internet access service” as set forth 1.3 above.
- 4.7** Proposers must describe all services that will be provided as part of the highspeed Internet access service network being installed, examples being internet services, phone, television, home security, etc.
- 4.8** Proposers must provide a description of how customer service support will be provided and the wait times associated with service requests and service outages.
- 4.9** Proposer must provide available information on pricing for individual services and business services that will be available on the highspeed Internet access service network.
- 4.10** Proposer must provide a narrative that accurately describes the company's history and experience in providing highspeed Internet access service. Proposer shall provide Macon County with copies of its most recent profit and loss statements.
- 4.11** Proposer must address the infrastructure that will be used to provide services and whether that infrastructure is provider owned or if the infrastructure must be leased or procured from another owner.
- 4.12** Proposer must include in their proposal an executive summary (not to exceed two pages) that describes the project and funding that is being proposed.
- 4.13** Proposer must describe any enhanced features and network functionality that may add value to the highspeed Internet access service network being proposed.
- 4.14** If desired, Proposer may describe any business or teaming relationships with other providers that might positively affect the capability/services provided by the proposed highspeed Internet access service network.

- 4.15** Proposer must describe their service level agreement. Macon County will require time resolution of service outages. Provider shall provide a description of the process that will be used in the event of a service outage and whether customers will be notified when service outages occur.
- 4.16** Proposer must provide a description of their process for prioritizing service calls and what response times can be expected for making service repairs.
- 4.17** Proposer must provide the qualifications of the company's technical staff that will oversee and ensure reliable operation of highspeed Internet access service network.
- 4.18** Proposer must provide a detailed estimate of the total dollar cost of the first one to seven year phase of the project for which grant funding by Macon County may occur.
- 4.19** Proposer must provide an estimate of the number of un-served customers who will be provided highspeed Internet access service availability during the first one to seven years of the proposed project. Also Proposer shall comment on any estimates of additional un-served customers after the first one to seven year phase should also be included.
- 4.20** Proposer shall comment on how your company's selection might have a positive direct and/or indirect impact on economic development in the unserved area of high-speed Internet access service expansion proposed beyond the actual advantages resulting from the proposed expansion high-speed Internet access service connectivity.
- 4.21** Proposer shall elaborate on the process that your company will use to determine where the high-speed Internet access service expansion will be installed during the first one to seven years and then the post seven to twenty year period. If customer demand is the driver for either of these periods, Proposer shall describe how that demand will be assessed.
- 4.22** Proposer must demonstrate to the satisfaction of Macon County why it believes that a Grant from Macon County is necessary for the project proposed by Proposer to be constructed.
- 4.23** Proposer must demonstrate to the satisfaction of Macon County how large of a Grant is needed from Macon County in order to construct the project proposed by the Proposer.
- 4.24** Proposer will provide services within the project area for at least 20 years.
- 4.25** Proposer shall demonstrate and show how the proposed project is designed for future expansion into other parts of Macon County.
- 4.26** Proposer must specify the projected date by which its proposed project will be completed and the date service delivery will commence over the proposed infrastructure.
- 4.27** Proposer understands and agrees that Macon County accepts no responsibility for any expense incurred by the Proposer in the preparation and presentation of its proposal. Such expenses shall be borne exclusively by the proposer.
- 4.28** Proposer must demonstrate and show that it is a qualified private provider of high-speed Internet access service in the State of North Carolina prior to the issuance of this RFP (grant proposal) and at the time of responding.

- 4.29** During the performance under any grant agreement, the proposer shall not assign, transfer, convey, sublet, or otherwise dispose of any grant agreement or any or all of its rights, title or interest therein, without the prior written consent of Macon County.
- 4.30** Proposer is hereby required to be in compliance with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes concerning e-verification at the time of entering any grant agreement and at all times during the performance of any grant agreement. All subcontractors utilized by the Proposer are likewise required to comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes concerning e-verification at the time of entering into a contract and at all times during the performance of the contract. Proposer shall take necessary steps to include this provision in all contracts with subcontractors who will perform any portion of the work covered by the contract.
- 4.31** If Macon County enters into grant agreement with Proposer, then Proposer shall purchase and maintain in force, with an insurance company licensed to do business in the State of North Carolina, at its own expense, insurance that will protect the proposer from claims which may arise out of or result from the proposer execution of the work, whether such execution be by itself, its employees, agents, subcontractors, or anyone for whose acts any of them may be liable. If any of such work is to be performed on Macon County owned or leased premises, the proposer agrees to carry liability and workman's compensation insurance, satisfactory to Macon County, and to indemnify Macon County against all liability, loss, and damage arising out of any injuries to persons or property caused by the proposer, his subcontractors, employees or agents. The insurance coverage shall be such as to fully protect Macon County and the general public from any and all claims for injury and damage resulting by any actions on the part of the proposer or its forces enumerated above.
- 4.32** If Macon County enters into grant agreement with Proposer, then Proposer shall be an Independent Contractor with respect to Macon County thereunder.

5. Administrative

- 5.1** Two copies of the proposal to be considered for acceptance shall be sealed and clearly labeled with the legal name of the Proposer to Macon County Finance Department, Attn.: Ms. Lindsay Leopard, 5 West Main Street, Franklin, North Carolina 28734.
- 5.2** Questions concerning this RFP must be submitted in writing by email prior to 5:00 p.m. October 16, 2020, to Lindsay Leopard at 'lleopard@maconnnc.org'
- 5.3** Questions and answers will be posted on the Macon County Website under "Macon County High-Speed Internet Access Service Expansion Project Q&A".
- 5.4** All proposals must be signed with the Proposer name and by an officer or employee with authority to bind the Proposer to the proposal given in response to the RFP (legal title of the signer should be indicated). The officer or employee signing the proposal on behalf of the Proposer shall certify that he/she has carefully read the same and certify that the same is truthful in all regards. Obligations assumed by such signature must be fulfilled or Proposer shall be removed from Macon County's active file of providers.

- 5.5** All proposals should be submitted in a form that clearly addresses each of the requirements listed. The price quoted must include all costs associated with the requirements listed, including all installation costs and taxes, if applicable.
- 5.6** All prices or notations must be typed or written in ink. Proposals written with pencil will not be accepted. Carefully review all proposals before submission, as not corrections will be permitted after the proposals are opened.
- 5.7** The successful Proposer shall not be held responsible for delays in performance of the contract caused by strikes, lockouts, labor disturbances, lack of or failure by transportation, acts of the government or other causes similar to the foregoing which are beyond the control of and are not the fault of the Proposer.
- 5.8** Default by Provider. Macon County shall hold the provider responsible for any damage that may be sustained because of failure or neglect to comply with any term of condition listed herein. Proposer shall agree to pay attorneys fees incurred by Macon County to enforce the same or any agreement entered into with Proposer as a result of this RFP and the Proposer response to the same.
- 5.9** If the winning Provider fails or neglects to furnish or deliver any of the materials, supplies or services listed herein at the prices name and at the time and place herein stated, or otherwise fails or neglects to comply with the terms of the proposal or any grant agreement entered into with Macon County as a result of the same, Macon County may, upon 30 day written notice to the Proposer, by certified mail, treat the Contract as materially breached by the Provider and commence legal action against the Proposer for damages and attorneys fees.
- 5.10** All proposals must three (3) customer reference (including name, address, and phone number of the contact person) to help indicate the Proposer's fitness as an acceptable source for this project and possesses the ability to meet the RFP requirements.
- 5.11** Any Proposer may withdraw its proposal, either personally or by written request, at any time prior to the entry of a grant agreement with Macon County.
- 5.10** If Macon County will be required to sign a contract service agreement with the Proposer, a copy of the same must be provided with Proposer's response to this RFP.
- 5.11** In the event that Proposer is selected by Macon County, within its sole discretion, for a grant as provided for by this RFP, then and in that event Proposer will be required to enter into a grant agreement with Macon County which is satisfactory to Macon County and which is consistent in all regards to this RFP and Proposer's response to the same as a condition to receiving any grant from Macon County.

6 **Evaluation Criteria**

- 6.1** The following factors listed below will be used in evaluating Proposer's proposal responses:

- A. The added availability/potential number of unserved customers offered services during the first seven years.
 - B. Overall dollar investment share proposed by the highspeed Internet access service provider.
 - C. Best technical performance proposed.
 - D. Highspeed Internet access service Provider's plan for having a local presence in Macon County and adding local jobs and/or facilities in Macon County as part of the highspeed Internet access service network.
 - E. The highspeed Internet access service provider's stability, experiences, and record of past performance in delivering such services in North Carolina and otherwise.
 - F. Positive impacts on economic development in Macon County associated with the proposed highspeed Internet access service expansion project including but not limited to increasing the population, taxable property, agricultural industries, employment, industrial output, and/or business prospects of Macon County
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- 6.2** Macon County Government will consider entering a grant agreement for highspeed Internet access service expansion within 60 working days after the Proposal deadline in this RFP if a Macon County determines in its sole discretion that a suitable unaffiliated qualified private provider of high-speed Internet access service is found. Macon County intends to award the any grant agreement in accordance with applicable North Carolina laws.
- 6.3** Macon County reserves the right to reject any and all proposals and discontinue the RFP process without obligation or liability to any potential Provider and without obligation to enter into any grant agreement.
- 6.4** This solicitation is a **“Best Value” solicitation** and is not based only on lowest cost/price. Macon County reserves the right to select the proposal which in its sole judgment best meets the unserved high-speed Internet access service needs of Macon County.
- 6.5** Macon County reserves the right to waive any irregularities or informalities in any proposal or in the proposal process. Macon County reserves the right to unilaterally define irregularities or informalities should there be a need to do so.

- 6.6** Macon County reserves the right to award more than one grant agreement to one or more eligible Proposers. Proposer shall gain no franchise, exclusive franchise or other exclusive rights from Macon County.
- 6.7** Macon County has total discretion in the determination of evaluation criteria weights and how those weights are applied to the individual evaluation criteria contained in this RFP.
- 6.8** In the event of a dispute, the Proposer and Macon County agree that the venue and forum to decide such dispute shall be in the General Court of Justice for the State of North Carolina in Macon County.
- 7.0** **Other possible proposals unrelated to the project referenced hereinabove.**
- 7.1** Separate and apart from proposals regarding the Project referenced hereinabove, Proposer may in addition make an additional proposal or additional proposals to expand the availability of high-speed Internet access service in other unserved areas of Macon County for economic development in Macon County, other than those areas of Macon County specified in **2.1** above.
- 8.0** **Miscellaneous.**
- 8.1** Proposer is advised that it having partnership type arrangements which positively impact economics and/or the high-speed Internet access service coverage area would be favorable and those arrangements, if any, should be disclosed with some particularity as part of the proposal.
- 8.2** Proposer is encouraged to commit unto Macon County as part of its response to this RFP and in fact immediately pursue “GREAT Grants” from the State of North Carolina and other available Grants for the purpose of making high-speed Internet access service expansion to the maximum number of unserved users over a one to seven year period within all of the areas of Addington Mill, Riverside, McDonald Mill, Otto, Norton, Mulberry, Tessentee, and Scaly Mountain of Macon County, North Carolina which are unserved by high-speed Internet access service for economic development in Macon County, it being understood that such grants would enable Proposer to expand high speed Internet access service within such areas occur considerably more quickly than seven years .