



BUNCOMBE COUNTY

Request for Proposal High-Speed Internet Services

Date of Issue: 12/22/20

**Proposal Submission Deadline: 3/1/2021
At --- 2:00pm ET**

BUNCOMBE COUNTY
Request for Proposal
High-Speed Internet Services

FIRM PROPOSALS FOR SERVICES
DUE DATE: NO LATER THAN 2:00 PM March 01, 2021

QUESTIONS: Shall be emailed to Ron Venturella, Procurement Manager
Ron.Venturella@BuncombeCounty.org

BUNCOMBE COUNTY RESERVES THE RIGHT TO REJECT ANY OR ALL PROPOSALS RECEIVED, OR TO SELECT THE PROPOSALS, WHICH, IN OUR OPINION, IS THE BEST OVERALL INTEREST OF THE COUNTY.

MAIL OR DELIVER PROPOSALS IN A SEALED ENVELOPE IDENTIFIED “PROPOSAL ENCLOSED HIGH-SPEED INTERNET SERVICES”, YOUR FIRM NAME AND THE DUE DATE ON THE OUTSIDE OF THE ENVELOPE.

**SUBMIT TO: Ron Venturella
Procurement Manager
200 College Street
Asheville, NC 28801**

**P.O. Box 7526
Asheville, NC 28802**

RFP ISSUE DATE: DECEMBER 22, 2020
RFP SUBMISSION DEADLINE: MARCH 1, 2021 by 2:00p.m.

1. INTRODUCTION

Buncombe County, hereinafter referred to as “County” is located in the heart of western North Carolina, bordering Henderson, McDowell, Madison, and Haywood Counties. All county municipalities have strong collaborative ties with the broader County. Over the past two years, County leadership has actively documented and assessed the broadband environment. In 2018, a Broadband Demand Aggregation campaign was conducted which received more than 2,600 responses countywide. Additionally, the County has assessed infrastructure assets and has identified 40+ county towers.

As such, the County has gained unique insight into its broadband availability and competition levels within its borders. These studies determined the County has significant underserved and unserved areas. Currently the County is seeking partners to provide high-speed, low latency broadband service to residents, businesses, and community anchor institutions throughout the County. The County is specifically focused on increasing access for underserved and unserved residents. Given the recent impacts of the COVID-19 pandemic, the County believes that connection speeds of 100 Mbps are necessary for the routine daily activities of students, businesses, and residents. The proposed solutions should not be below 25 x 3 Mbps for residential customers and 25 x 25 Mbps for commercial customers.

The County desires to work with qualified service provider(s) to install broadband supporting infrastructure and to provide service to underserved and unserved areas. Proposed solutions must be highly reliable and provide service capable of multicast, real-time video streaming, and video conferencing. Prospective partners should demonstrate that the proposed solutions are “built to scale” and meet the long-term internet needs of the community. Prospective partners should not only be able to provide sustainable initiatives, but be community-oriented and willing to develop solutions for the betterment of the region. The County owns infrastructure, which can facilitate the deployment of broadband services, including a large number of towers. The County will also consider grant funds for unserved and underserved areas.

2. DEFINITIONS

- a. Broadband: 25Mbps down / 3Mbps up. As part of its 2015 Broadband Progress Report, the Federal Communications Commission changed the definition of broadband by raising the minimum download speeds needed from 4Mbps to 25Mbps, and the minimum upload speed from 1Mbps to 3Mbps.
- b. Service Area: Incorporated and Unincorporated Buncombe County including the following municipalities: City of Asheville, Town of Biltmore Forest, Town of Black Mountain, Town of Montreat, Town of Weaverville, and Town of Woodfin.
- c. Unserved Areas: Areas within Buncombe County that have no access to wireline broadband service.
- d. Underserved Areas: Areas within Buncombe County that have access to Internet service but additional areas that do not meet the definition of broadband.
- e. Provider: Business entity or entities that respond(s) to this RFP.

3. PROJECT SCOPE

Buncombe County is issuing this Request for Proposals (RFP) to identify potential partnerships with qualified existing or new broadband providers and other interested organizations to support the development of high-speed broadband infrastructure and services within all areas of the County. This RFP is released with the intent of generating interest from various entities wishing to use the County’s

assets to develop and implement new broadband services or enhance existing services and who are willing to enter into a partnership with the County to meet these objectives.

Potential customers include over 260,000 County residents in over 127,000 housing units as well as existing and future businesses, public institutions, educational institutions, and healthcare facilities that exist within the County territory. Based on County research, **the County estimates that of the total population, at least 35,000 addresses and 15,000 parcels are underserved.** The County is seeking network solutions and business models that are innovative and which prepare the region for future technological innovations while serving today's needs for higher speeds, more complete coverage, and a wider range of choices for consumers. This RFP is focused on providing internet solutions to unserved and underserved areas.

Current providers include, but are not limited to, Charter Spectrum, AT&T, RiverStreet, Skyrunner, and French Broad Electric. Additionally, fixed wireless and fiber to the home based-services are available, but limited, throughout the County. Network providers exist including, but not limited to, MCNC, Conterra, and ERC. Current providers are encouraged to consider this request, as well as new providers. It is anticipated that both fiber-based and fixed wireless-based solutions will be presented in the RFP responses and both will be considered.

Project Goals

The goals of this initiative are:

- Facilitate the development of cost-effective broadband in Buncombe County, with a focus on the underserved and unserved areas.
- Provide an architecture that enables the deployment of last-mile fiber, fixed wireless, and other technologies.
- Enable the deployment of state-of-the-art technologies, services, and applications that are often found in more developed urban areas but may not be currently available in the County.
- Establish partnerships between Buncombe County and interested providers for the betterment of the communities involved and for quality of life enhancements.
- Create a competitive advantage for the County with respect to economic development, job creation, and growth opportunities.
- Provide a framework to serve, and adapt to the needs of, the area for the foreseeable future.
- Achieve 100% coverage of the streets/street segments that providers are bidding on, including future new builds, unless the construction is unreasonably costly.

To achieve these goals, Buncombe County may provide access to existing fiber, towers and vertical assets, colocation space, and more. Where needed, Points of Presence (POPs) and co-location can be developed within towns and other desirable locations within each community.

4. PROJECT LOCATION AND POPULATION

Buncombe County, North Carolina, an area of 660 square miles in Western North Carolina, has a population of 259,103 (US Census, 2018 estimate). The City of Asheville is the county seat, with a population of 92,452 (US Census, 2018 estimate). Other municipalities within Buncombe County include Town of Biltmore Forest, Town of Black Mountain, Town of Montreat, Town of Weaverville, and Town of

Woodfin. Buncombe County is governed by a seven person Board of Commissioners that establishes local policy, approves budgets, and sets property tax rates.

Additional demographics are provided below per the Census Quick Facts¹.

- Population per square mile: 362.9
- Number of housing units: 127,972
- Owner-occupied housing rate: 63.8%
- Households with a computer: 87.5%
- Households with a broadband internet subscription: 80.9%
- Median Household Income: \$50,668
- Persons in Poverty: 11.5%
- Total employer establishments: 8,737

5. Technical Requirements

Buncombe County is seeking proposals that meet or exceed the following technical requirements.

- **Preferred Speed:** Residential: 100 x 10 Mbps; Commercial: 100 x 100 Mbps
- **Minimum Speed:** Residential: 25 x 3 Mbps; Commercial: 25 x 25 Mbps
- **Latency:** 70 milliseconds latency or less
- **Performance Metrics:** Provide summary network performance standards, including, but not limited to, error rates, jitter, Mean Time to Resolution (MTTR), etc.
- **Technical Sustainability:** Provider to demonstrate plans for:
 - Future Speed: Achieve at least >100 Mbps within 2 to 3 years and 1 Gbps service within a decade
 - Future Latency: Reduce customer latency by 25% or more in 3-5 years and 50% or more in 5-10 years.
- **Data Cap/Usage:** Include plan details (e.g., thresholds, throttling, pricing) per subscriber level/tier/offering (e.g., unlimited usage, basic usage, low income)

6. BUNCOMBE COUNTY FIBER NETWORK

Buncombe County's fiber network is located in the downtown area of Asheville and serves to connect various sets of infrastructure to Buncombe County's datacenters. To the extent that this fiber network could be useful to vendors and assuming Buncombe County has the capacity, access to the existing fiber network could be made available to vendors to support the fulfillment of the scope of this RFP. More detailed information regarding Buncombe County's fiber network can be made available to vendors upon request. County may charge Vendor(s) as may be authorized or required by law for access to County assets and infrastructure as set forth herein or as otherwise may be required by law.

7. COUNTY CELL TOWERS

Buncombe County owns several radio towers that can potentially be made available as wireless access points for fixed wireless service. Buncombe County also occupies space on other non-County owned towers, and while Buncombe County cannot guarantee access to these non-County owned towers, Buncombe County will make efforts to assist vendors gaining access to these sites if necessary. County

¹ <https://www.census.gov/quickfacts/buncombecountynorthcarolina>

may charge Vendor(s) as may be authorized or required by law for access to County assets and infrastructure as set forth herein or as otherwise may be required by law. See Appendix B for a map of County assets.

8. OTHER ASSETS TO BE MADE AVAILABLE BY THE COUNTY

Buncombe County may provide vendors with access to County-owned assets, services, and infrastructure to the extent available and needed by the vendors for the fulfillment of the scope of this RFP. Infrastructure may include, but will not be limited to, conduit, fiber, rack space, buildings, facilities, switch locations, available land, and other assets. Buncombe County may also leverage relationships with other local governments to facilitate utilization of existing resources, such as cell towers and other vertical assets. County may charge Vendor(s) as may be authorized or required by law for access to County assets and infrastructure as set forth herein or as otherwise may be required by law.

9. UNSERVED AND UNDERSERVED AREAS IN BUNCOMBE COUNTY

Appendix A provides a map that illustrates underserved and unserved customer/user locations in the County. This map is based on information gathered by the Buncombe Broadband Workgroup and may not be comprehensive, but is meant for illustrative purposes. Providers may have access to additional data that identifies underserved and unserved areas and that data may be utilized for the purposes of this RFP. Qualified proposals must address underserved areas and unserved as defined by this map and failure to do so will be considered non-responsive to this RFP.

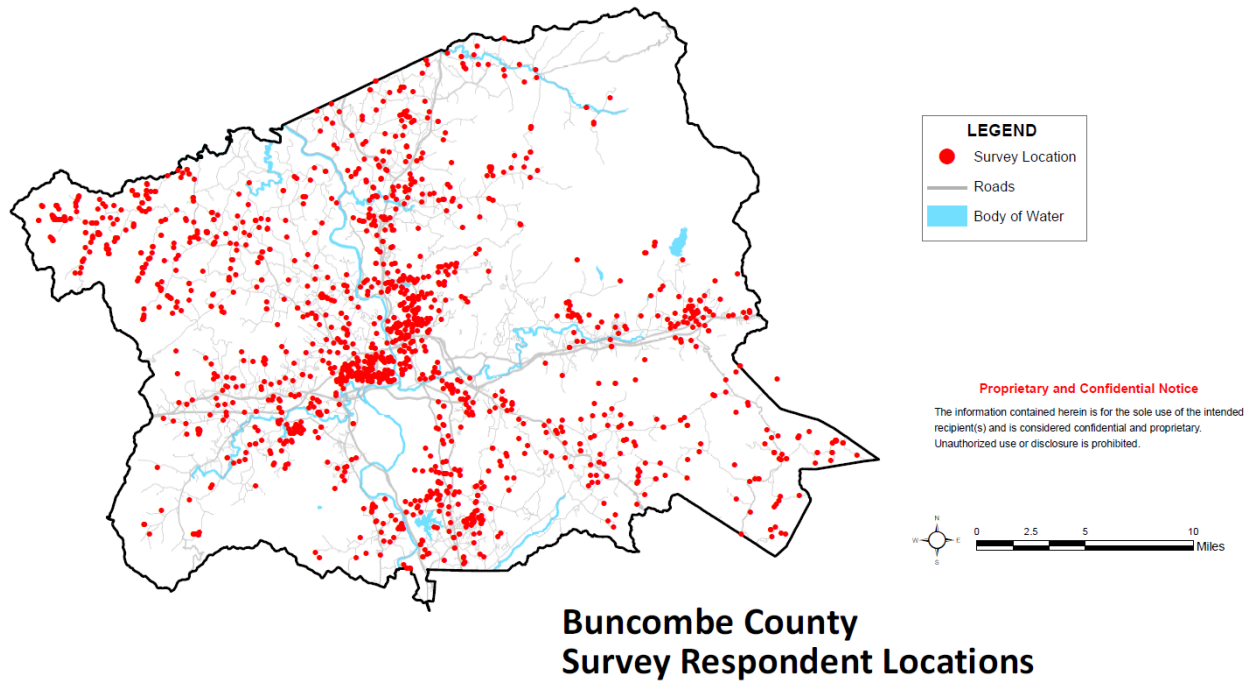
Providers are asked to share any mapping anomalies or errors with the County by the Written Question deadline documented in the “RFP Schedule” section of this RFP. Buncombe County will publish a final map with responses to all Written Questions.

Additionally, the County encourages providers to provide a plan for discounted services to residents that may be unable to afford high-speed internet services. Additional points will be awarded to providers that provide a plan for providing services to residents at or below 200% of the Federal Poverty Level (FPL). Buncombe County Health and Human Services may provide support to determine applicant eligibility, if needed.

Results of Broadband Survey Campaigns

In 2018, Buncombe County participated in the WestNGN Phase II demand aggregation study facilitated by Land of Sky Regional Council. The survey was marketed and delivered to the community with specific targeting to underserved/unserved areas. The survey addressed questions related to the availability of services customers were able to acquire from local providers and identified common digital activities to which customers are most engaged.

These efforts resulted in 2,612 participants from the community representing approximately 2.5% of the county’s population. According to the survey, 9.2% of the population reports not having internet access.



Additionally, Buncombe County has continued to build on this survey data through coordination with State of North Carolina and the local WNC Broadband Project. Both efforts are furthering the development of address-level data that identifies undeserved and underserved locations.

10. RESIDENTIAL POPULATION

The map in Appendix C illustrates the population of Buncombe County. This information identifies the number of households in certain areas and can be used to model broadband expansion to residential customers. This map was created by importing US Census Block Groups information into GIS.

11. PROVIDER SOLUTIONS

Provider solutions should address in detail the coverage area, services offered and any coverage exceptions. Please see below for additional details.

Coverage Area

Providers are encouraged to propose solutions that meet the Technical Requirements of this RFP and provide coverage to all areas of the underserved and unserved population. If a Provider chooses to propose to serve less than the whole, the Provider must provide details as to the specific service area(s) for which it is proposing, including technologies proposed and explanation of County assets most needed to make the solution feasible.

Provider should describe by proposed service area, the last-mile services to be provided, including capabilities expected to be available to the entities within the proposed area of service. The service area is defined as the geographic area within which the proposed network solution will be deployed. Provider shall include maps and other diagrams as necessary to sufficiently allow the County to review Provider's

solution. To facilitate analysis of these proposed solutions, Buncombe County requests maps and documentation in KML format.

Services and Plans Offered

Services to be provided are defined as the type, level, and capacities of the services that the Provider(s) anticipates providing to end customers. Services and plans offered must be compliant with the Technical Requirements defined in this RFP. As indicated in the Technical Requirements, pricing should include plan details (e.g., thresholds, throttling, pricing) per subscriber level/tier/offering (e.g., unlimited usage, basic usage, low income). Additionally, Providers must offer a plan for residents living below 200% of the Federal Poverty Level. In addition to monthly recurring expenses, these plans must consider any out-of-pocket, or one-time, resident expenses (e.g., capital).

Coverage Exceptions

The County requests a detailed explanation of coverage exceptions in order to better understand technical, operational, or financial challenges. Coverage exception may include areas that may not be served, or where the provider is unable to meet Technical Requirements defined in this RFP.

Responders are encouraged to submit other strategies for consideration. Response should also include details on a proposed pilot, if needed, and roll out schedule.

12. COUNTY GRANT FUNDING

Buncombe County may consider grant funding to support expansion in unserved and underserved areas. Providers should include the amount, if any, of grant funds which would be requested of the County to assist in the construction of the Provider's infrastructure. If County funds are accessible, and grants are made available, awards will be on a technology neutral basis.

If funds are available, Buncombe County grants may only be used by the Provider to offset expenditures incurred in this project related to underserved and unserved regions or residents. The County reserves the right to accept or reject all or any part of any proposal, waive informalities and award the contract to best serve the interest of the County.

13. GRANTS AND OTHER RESOURCES

Buncombe County will seek to identify and secure grants and loans that can be used for broadband expansion and development in this region. In particular, the NCGREAT Grant and the USDA ReConnect Grant/Loan programs are seen as potential funding opportunities. The County will provide selected Provider with assistance in applying for available grants and/or loans where the proceeds of such programs would be utilized to help fund for network(s) construction and allowed expenses.

14. PROJECT PROPOSAL EXPECTATIONS

Buncombe County shall review and award at its own discretion a contract(s) to Provider(s) whose responses best accommodate the various aspects of this RFP requirements. The County reserves the right to negotiate partnerships and award contract(s) to more than one responder and refuse any

response or contract without obligation to either the County or to any Provider offering or submitting information. The County reserves the right to accept or reject all or any part of any proposal, waive informalities, and award the contract to best serve the interest of the County.

15. RFP SCHEDULE

The table below shows the intended schedule for this RFP. The County will make every effort to adhere to this schedule.

EVENT	RESPONSIBILITY	DATE AND TIME
Issue RFP	County	12/22/2020
Submit Written Questions	Vendor	01/22/2021 5:00pm EST
Provide Responses to Questions	County	01/29/2021
Submit Letter of Interest	Vendor	02/01/2021 2:00pm EST
Submit Proposals	Vendor	03/01/2021 2:00pm EST

16. LETTER OF INTEREST

Because of the complexity and scope of this project Buncombe County wishes to learn which parties are interested in participating in this project. If your organization intends to submit a proposal please provide a letter of interest by **FEBRUARY 1, 2021 by 2PM**. Letters may be submitted via email to ron.venturella@buncombecounty.com. Please include in the email subject line “High-Speed Internet Services Letter of Interest”. While a letter of interest is not required, the County would use the data to prepare for receiving proposals, as well as learning about the organizations, and gather contact information.

17. PROPOSAL QUESTIONS

Upon review of the RFP documents, Vendors may have questions to clarify or interpret the RFP in order to submit the best proposal possible. To accommodate the Proposal Questions process, Vendors shall submit any such questions by the above due date.

Written questions shall be emailed to ron.venturella@buncombecounty.org by the date and time specified above. Vendors should enter “RFP High-Speed Internet Service Questions” as the subject for the email. Questions submittals should include a reference to the applicable RFP section.

Questions received prior to the submission deadline date, the County’s response, and any additional terms deemed necessary by the County will be posted in the form of an addendum. No information, instruction or advice provided orally or informally by any Buncombe County personnel, whether made in response to a question or otherwise in connection with this RFP, shall be considered authoritative or binding.

Providers are encouraged to submit additional data regarding mapping anomalies and errors for the underserved map in Appendix A. Any anomalies or errors will be reviewed and incorporated into a final version of Appendix A that will be published with the other written questions received.

18. DEADLINE TO SUBMIT PROPOSAL

All proposals must be received no later than the RFP Submission Deadline at which time they will be opened for public inspection and for consideration in the project proposal selection process. Responses must be submitted via priority mail, certified mail, or hand delivered to the addresses listed on Page 2 of this RFP. No corrections will be permitted after proposal opening.

19. PROPOSAL SUBMISSION FORMAT

Interested Providers shall submit one original plus two (2) hard copies by carrier or hand delivery of their proposal to the location listed on Page 2 of this RFP. In addition, an electronic PDF copy on thumb drive shall be included.

Proposals shall contain at a minimum the following items:

Cover Sheet (Attachment A)

- a. Provide company name, Provider's address, Provider's contact information (and preferred method of communication), Legal form of Provider (e.g. sole proprietor, partnership, corporation), Provider's Federal Employee Identification Number (FEIN), and Evidence of legal authority to conduct business in North Carolina (e.g. business license number).
- b. The cover sheet must be signed by an owner, corporate officer, or agent authorized by the Provider.

Proposal Form (Attachment B)

20. TRADE SECRETS AND PERSONAL IDENTIFICATION INFORMATION

- a. Definition.

Upon receipt by County, all materials submitted by a Vendor (including the Proposal) are considered public records except for (1) material that qualifies as "trade secret" information under N.C. Gen. Stat. § 66-152 et seq. ("Trade Secrets") or (2) "personally identifiable information" protected by state or federal law, to include, but not be limited to, Social Security numbers, bank account numbers, and driver's license numbers ("Personally Identifiable Information" or "PII").

- b. Instructions for Marking and Identifying Trade Secrets.

If any Proposal contains Trade Secrets or PII, such Trade Secrets and PII must specifically and clearly be identified in accordance with this Section 17 by clearly separating them from the rest of the Proposal. For hard copy documents, it must be submitted in a separate, sealed envelope, marked either "Personally Identifiable Information – Confidential" or "Trade Secret— Confidential and Proprietary Information." The confidentiality caption stated above must appear on each page of the Trade Secret or PII materials.

- c. Availability of Proposals to County Staff and Contractors.

By submitting a Proposal, each Vendor agrees that the County may reveal any Trade Secret materials and PII contained therein to all County staff and County officials involved in the selection process, and to any outside consultant or other third parties who serve on an evaluation committee or who are hired or appointed by the County to assist in the evaluation process.

d. Availability of Proposals via Public Records Requests.

Any person or entity (including competitors) may request Proposals submitted in response to an RFP. Only those portions of RFPs properly designated as Trade Secret or PII are not subject to disclosure. The public disclosure of the contents of a Proposal or other materials submitted by a Company is governed by N.C. Gen. Stat. §§ 132 and 66-152, et seq.

When determining whether to mark materials as Trade Secret, please note the following:

1. Entire Proposals may not be marked as Trade Secret
2. Pricing may not be marked as Trade Secret

The County may disqualify any Vendor that designates its entire Proposal as a trade secret, or any portion thereof that clearly does not qualify under applicable law as a Trade Secret or PII. Each Vendor agrees to indemnify, defend, and hold harmless the County and each of its officers, employees, and agents from all costs, damages, and expenses incurred in connection with refusing to disclose any material that the Vendor has designated as a Trade Secret or PII. This includes an obligation on the part of the Vendor to defend any litigation brought by a party that has requested Proposals or other information that the Vendor has marked Trade Secret or PII.

21. PROVIDER QUALIFICATIONS

Providers must demonstrate and provide evidence of the following in their responses:

- a. Experience in high-speed network design and operation. Provider(s) should provide a statement of experience highlighting similar network systems that it has designed, constructed, and operated, including project name, location, size, technology used, and names and phone numbers for reference contacts. Also, the response should indicate whether each system is owned by the Provider(s) or another entity. Any experience in partnering with municipalities should be noted.
- b. Financial stability. Provider(s) shall submit a statement on their financial viability. This information should demonstrate the proposer's ability to secure financing needed to perform the requirements of the proposal. The County may ask for additional information of selected Providers to permit a more detail review of financial stability and ongoing viability as a potential partner of the County. This information will be considered as confidential.
- c. Staff technical and managerial experience. Provider(s) should include a statement of experience and resumes of key individuals involved in a project. Information demonstrating the proposer's ability to provide staffing, implement tasks, and carry out all responsibilities necessary to perform the requirements of the proposal. Please indicate if these are company employees or contractors.
- d. Proposer must be an unaffiliated qualified provider of high-speed Internet access service as term is defined in NC General Statutes, G.S. 160A-340(4). High-speed Internet access service. – 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.

- e. Success in past Grant awards. Although not a requirement, any past success in federal and state broadband grant awards should be noted.

22. PROPOSED PROJECT SCHEDULE

The County is seeking a qualified partner(s) to begin the project(s) within 30 days of receipt of award (estimated June 2021) and to finish the project within three years. Respondents must provide project milestones (including kickoff date), locations, and delivery schedules as to project roll out and expected access to the County assets. Projects that are completed earlier may receive additional points in the scoring.

Please provide the methodology and plan for reporting on progress throughout the project lifecycle. Example reports should include number of new households implemented, total households served, actual costs expended, etc.

23. PROPOSED COSTS AND TIMELINE

Providers may respond to all, or some, of the areas of need identified in Appendix A. Qualified proposals must respond to underserved and underserved areas.

- a. Provider Proposed Project Costs. Provide information clearly identifying and specifying all elements of costs of the proposed solution for the term of the proposed contract, including the cost to purchase or lease of equipment and supplies, design, installation, operation, management and maintenance of any system and any proposed services. Project options should include estimated costs (e.g., total cost, cost per household) for each phase of the implementation. Phases should be defined based on locations and timing for implementation.
- b. Proposed Timeline. Provide a proposed timeline (e.g., gantt chart with Critical Path stop points).

24. PROCESS AND CRITERIA FOR EVALUATION OF RESPONSES

Criteria may change based on the nature, scope, and impact of any legislative and/or regulatory changes (state or local) that are necessary to facilitate the response. Key selection criteria selection shall include:

- a) Quality of response and solutions offered;
- b) Extent of the service area and services to be offered;
- c) Technical quality of design and support plan;
- d) Experience of project team;
- e) References;
- f) Provider(s) experience;
- g) Financial strength of Provider(s);
- h) Feasibility of Provider(s) financial response;
- i) Affordability of the anticipated services available to customers, including availability of a low-income plan;

- j) The extent to which the response meets the goals and objectives as set out in the Technical Requirements Section;
- k) The capability of the Provider to design, construct, finance, maintain, support, upgrade, and operate the Network(s); and
- l) The extent to which the response departs from the RFP and from the County's proposed terms.

All information submitted by the deadline will be reviewed and evaluated. Responses that lack sufficient information may cause Buncombe County to disqualify that Provider from consideration for partnership. The County shall reserve the right to cancel, suspend, and/or discontinue any proposal at any time they deem necessary or fit without obligation or notice to the proposing Provider.

ACKNOWLEDGEMENTS

Construction

Providers are responsible for all costs for construction of technologies or other assets as needed in areas where Provider(s) need/demand exists but no current asset is available. In such scenarios, the Provider(s) may also contract with the County to assist in the construction of new fiber and wireless or other assets. These fees will be negotiated between the Provider(s) and the County as necessary.

Availability of Assets

As previously discussed, the County, where possible, will make fiber, towers and other assets available through a number of different strategies, including but not limited to leases and revenue sharing. Responders are encouraged to submit other strategies for consideration. Review and acceptance will be the sole responsibility of Buncombe County.

Rights of Way

Construction and installation of equipment in the State, local, and privately-owned Rights of Way will be subject to the applicable requirements and ordinances governing ROW and easements. Provider(s) will be responsible for securing all needed Rights of Way, easements, franchise agreements, etc. needed to implement proposed solutions.

Buncombe County may allow Provider(s) to have access to necessary Rights of Way on property owned by the County and property on which it has an easement and authority to allow such access. Requested access will be reviewed and negotiated in accordance with the applicable requirements or ordinances.

Provider Relationship

The relationship between the Provider and Buncombe County shall be that of a Provider. Buncombe County shall share no liability of proposing Provider(s) cost structures and/or services provided unless identified, negotiated, and agreed to up front by all parties in writing. Unless otherwise negotiated, approved, and documented by Buncombe County, the Provider(s) selected shall bear all of the capital costs of the solutions proposed and implemented by said Provider, including but not limited to design, engineering, construction, and equipment costs for the network(s) up to the end user drop point or

network(s) interface device. In addition, the Provider(s) will bear all the operating and maintenance costs, including insurance costs and relevant taxes, of the network(s). Provider(s) should also demonstrate a clear and continuous upgrade path for the network(s) and its ability to meet future consumer demand and service departments.

25. RFP NOT AN OFFER

This RFP does not constitute an offer by the County. No binding contract, obligation to negotiate, or any other obligation shall be created on the part of the County unless the County and the Vendor execute a Contract. No recommendations or conclusions from this RFP process concerning the Vendor shall constitute a right (property or otherwise) under the Constitution of the United States or under the Constitution, case law, or statutory law of North Carolina.

26. REJECTION OF PROPOSAL

The County reserves the right to reject any and all proposals.

27. DEFAULT

Failure to satisfactorily perform the services required by the contract for the project will be grounds for County to declare the successful proposer in default. Unless otherwise provided herein, the contract may be canceled or annulled with a 30-day notice by County in whole or in part by written notice of default to the proposer upon nonperformance or violation of contract terms. An award may be made to another proposer for services specified, or they may be purchased on the open market and the defaulting vendor shall be liable to County for costs to the County in excess of the defaulted contract prices. The proposer shall continue the performance of this contract to the extent that any part is not terminated under the provisions of this clause.

28. INDEMNITY AND INSURANCE

Compliance with Laws. Vendor shall obtain and maintain all licenses, permits, liability insurance, worker's compensation insurance, and comply with any and all other standards or regulations required by Federal, State, or County statute, ordinances, and rules during the performance of any contract between Vendor and Agency.

Indemnity & Insurance. Vendor will indemnify and hold harmless the Agency, its officers, agents, and employees from and against all loss, cost, damage, expense and liability caused by accident or other occurrence resulting in bodily injury, including death and disease to any person, or damage or destruction to property, real or personal, arising directly or indirectly from operations, products, or services rendered or purchased under this Contract. The Vendor, at its sole expense, will purchase and maintain the insurance listed below as a, b, c, & d.

- a. Automobile – Automobile bodily injury and property damage liability insurance in an aggregate amount of not less than \$1,000,000.00.

- b. Commercial General Liability-Bodily injury and property damage liability as will protect Vendor from claims of bodily injury or property damages, which arise from operations of this Contract. The amounts of such insurance coverage shall not be less than \$2,000,000.00 per occurrence and \$3,000,000.00 aggregate coverage. This insurance shall include coverage for completed operations/products liability, personal injury liability and contractual liability.
- c. Professional Errors and Omissions Insurance -- with minimum limits of one million dollars (\$1,000,000.00) per occurrence and three million dollars (\$3,000,000.00) aggregate.
- d. Workers' Compensation and employers' liability—minimum amounts meeting the statutory requirements of the State of North Carolina.

Providing and maintaining adequate insurance coverage described herein is a material obligation of the Vendor and is of the essence of this Contract. All such insurance shall meet all laws of the State of North Carolina. Such insurance coverage shall be obtained from companies that are authorized to provide such coverage and that are authorized by the Commissioner of Insurance to do business in North Carolina.

The Vendor shall at all times comply with the terms of such insurance policies, and all requirements of the insurer under any such insurance policies, except as they may conflict with existing North Carolina laws or this Contract. The limits of coverage under each insurance policy maintained by the Vendor shall not be interpreted as limiting the Vendor's liability and obligations under the Contract.

Vendor shall provide Agency with a certificate of such insurance that shall name Buncombe County as an additional insured and contain the provision that Buncombe County will be given thirty (30) days written notice of any intent to amend or terminate said policy by either the insured or the insuring company. However, a ten (10) day notice is sufficient for cancellation by the insuring company due to non-payment of premium.

29. EQUAL OPPORTUNITY EMPLOYER

Buncombe County is an equal employment opportunity employer. The County is a federal contractor, and therefore the provisions and affirmative action obligations of 41 CFR § 60-1.4(a), 41 CFR 60-741.5(a), and 41 CFR 60-250.4 are incorporated herein by reference, where applicable.

30. E-VERIFY

Pursuant to N.C.G.S. § 143-133.3, the County shall not enter into a contract unless the awarded Vendor and each of its subcontractors comply with the E-Verify requirements of N.C.G.S. Chapter 64, Article 2. Vendors are directed to review the foregoing laws. Any awarded Vendor must submit a certification of compliance with E-Verify to the awarding agency, and on a periodic basis thereafter as may be required by the State.

31. READ, REVIEW, AND COMPLY

It shall be the Vendor's responsibility to read this entire document, review all enclosures and attachments, and comply with all requirements specified herein

Appendix A

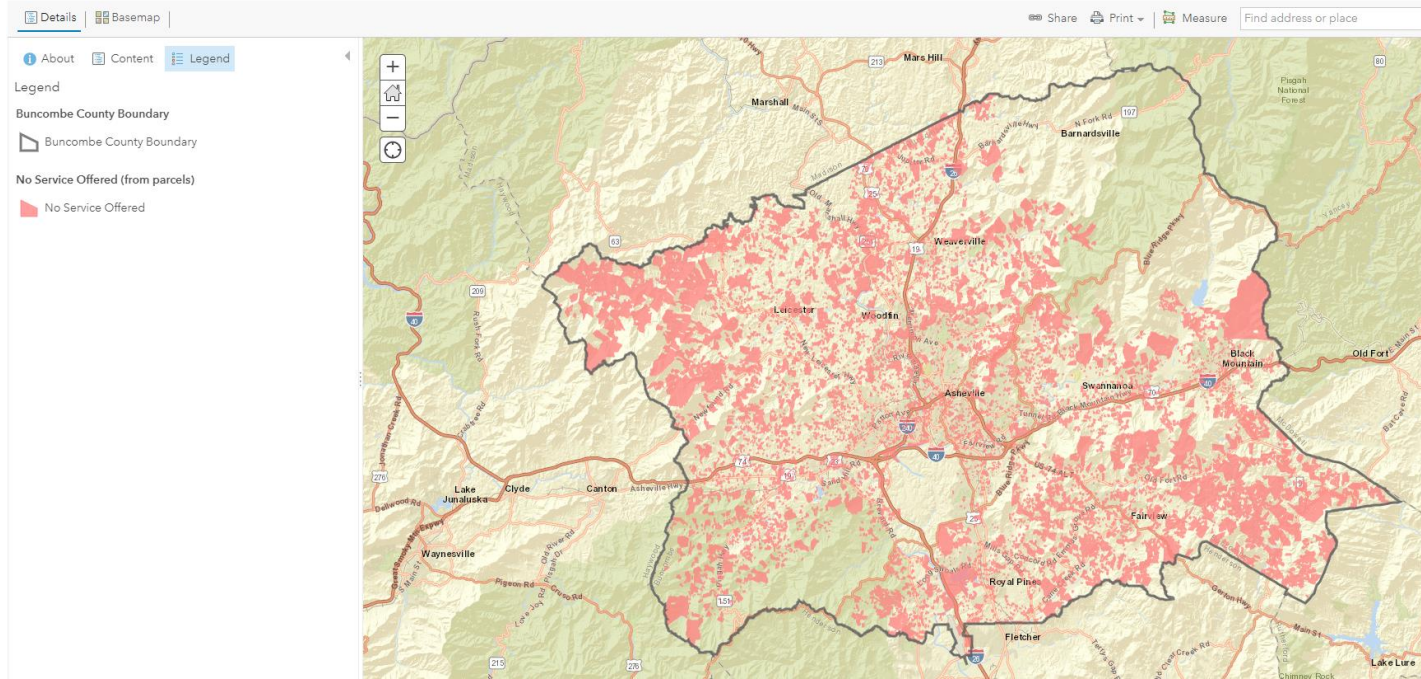
The below map is provided for illustrative purposes and identifies unserved and underserved areas in Buncombe County. This map is based on publicly available data, but may not be comprehensive. Providers are encouraged to report any anomalies or errors to Buncombe County. Detailed Buncombe County address data will not be shared with providers at this time.

An interactive version of the map is available at this link and provides a “street level” view of the data.

<https://unca.maps.arcgis.com/home/webmap/viewer.html?webmap=34a7bf0de90e40a9a46f7ae4ce7d9f39>

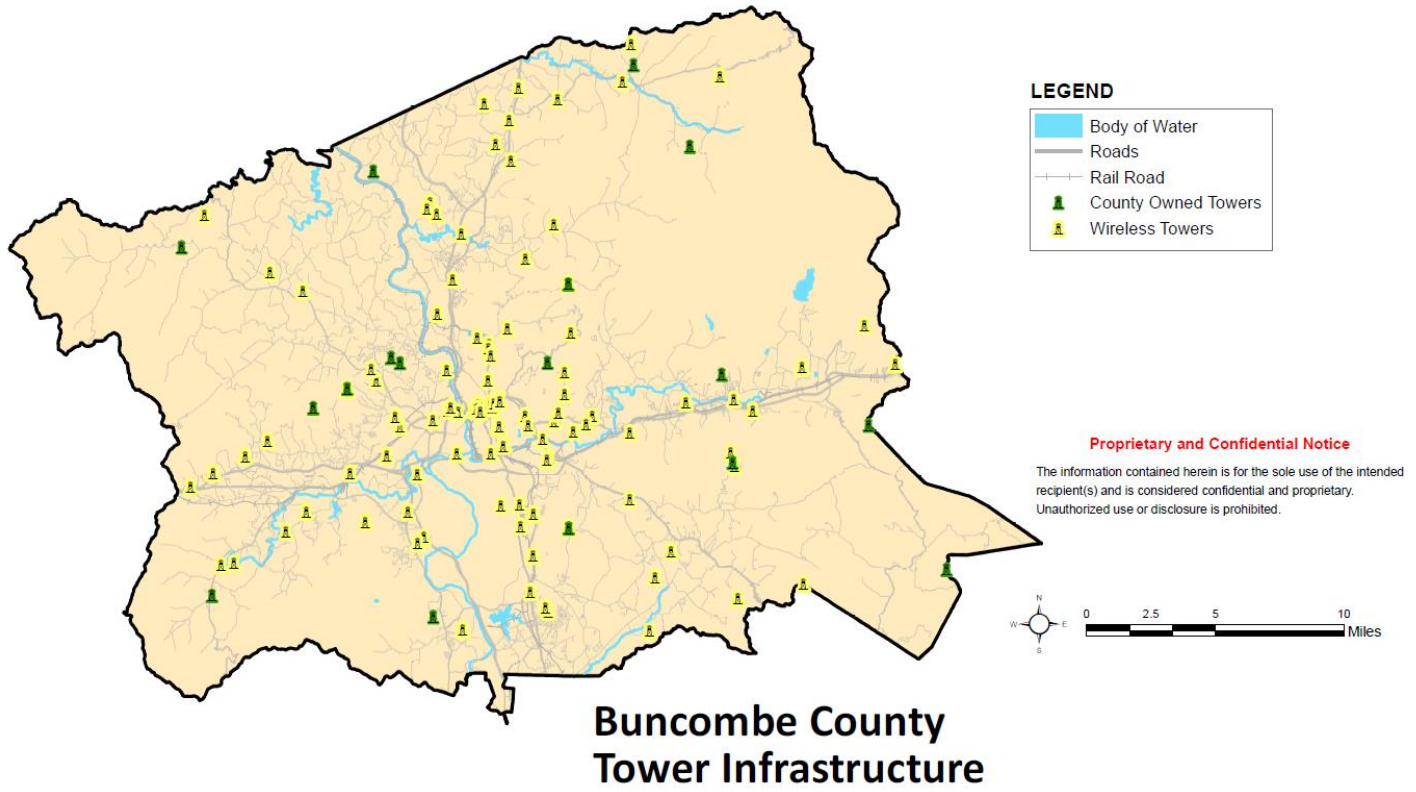
9f39

Home ▾ Broadband Coverage Map

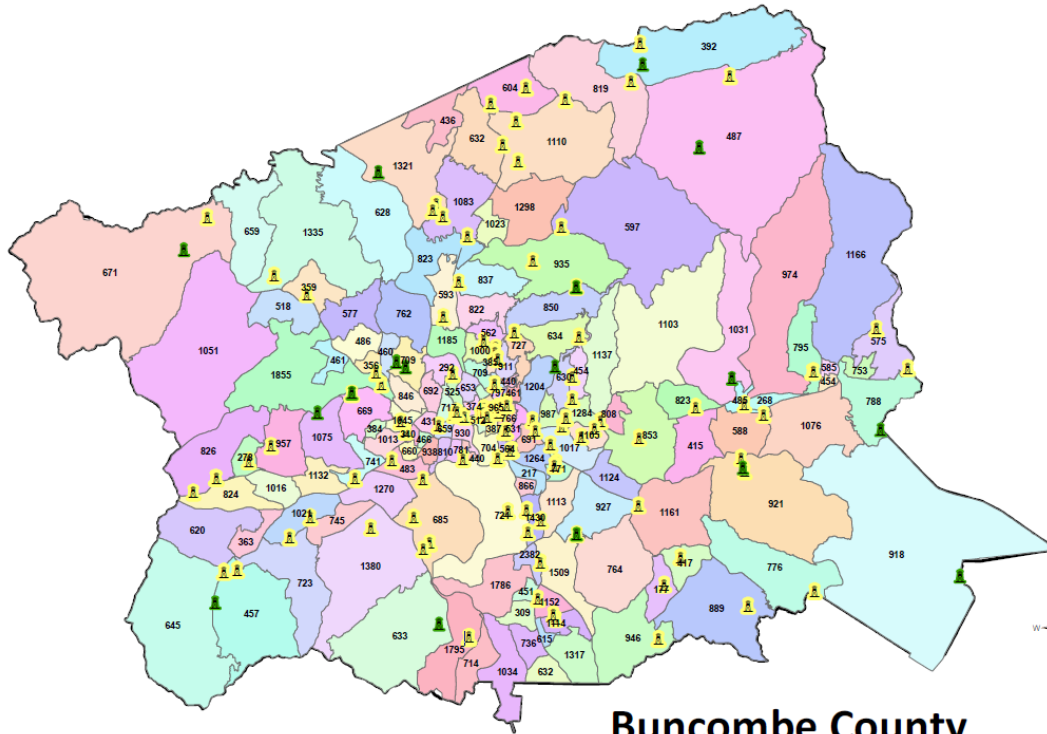


Appendix B

This map identifies tower assets located across Buncombe County. Additional tower data is available upon request.



Appendix C

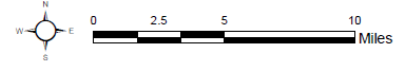


LEGEND

	Body of Water
	Roads
	Rail Road
	County Owned Towers
	Wireless Towers
	Number of Occupied Housing within a census block group

Proprietary and Confidential Notice

The information contained herein is for the sole use of the intended recipient(s) and is considered confidential and proprietary. Unauthorized use or disclosure is prohibited.



Buncombe County Census Data Map

Appendix D

Below is the Evaluation Sheet that will be utilized for RFP respondents. The County reserves the right to modify this evaluation sheet as needed.

Basic Response Information - (A "No" response to any of these questions would disqualify the proposal)		Yes	No		
Experience	Does the provider thoroughly express their relevant experience and				
Category		Scoring Criteria			
		Scoring Guidance			
		0 Points	1 Point	2 Points	3 Points
Provider/Project Overview					
Capability	Capability to perform all aspects of the project	No response	Minimal Quality Response	Medium Quality Response	High Quality Response
History	Displayed history of network reliability and customer satisfaction				
Capacity	Capacity to supply and maintain the equipment installed				
Partnering	Experience partnering with local governments on projects				
Quality	Quality and responsiveness of proposal				
Schedule	Ability to meet project schedule	Completed by year 3 Completed by year 2 Completed in year 1			
# Unserved Households	Using most recent FCC Data or other information provided (from NC BIO or Buncombe County), estimated # of unserved households to be served within the project area	Not addressing unserved households - knockout	500 or fewer	501-1,400	Over 1,400
Cost/Funding					
Cost Effectiveness	Affordability of anticipated service to the customer	No response	Above FCC Average cost to consumer	FCC Average cost to consumer	Less than the FCC nation-wide average
Low Income Plan	Does the respondent offer a low income plan? (Must offer a plan for residents living below the poverty level; must consider out-of-pocket expense (e.g., capital))		Offers a low income plan, but does not meet threshold requirements, or provides little detail	Offers a low income plan and provides a moderate amount of detail	Offers a low income plan, meets the required threshold, and provides sufficient detail
Technical Requirements					
Speed	Anticipated service speed	Below Minimum	Minimum Residential: 25 x 3 Mbps; Commercial: 25 x 25 Mbps	Between Minimum and Preferred	Preferred Residential: 100 x 10 Mbps; Commercial: 100 x 100 Mbps
Latency		Over 100	70-100	35- 70 milliseconds	Less than 35
Sustainability	Provides plans for: Future Speed: Achieve at least >100 Mbps within 2 to 3 years and to 1 Gbps service within a decade Future Latency: Achieve at least XYZ	No response	Minimal Quality Response	Medium Quality Response	High Quality Response
		Subtotal:			

Attachment A: Cover Sheet
BUNCOMBE COUNTY, NORTH CAROLINA
PROPOSAL FORM

High-Speed Internet Services

Name of Business or Organization:	
Legal form of Entity: (e.g. Partnership, Corp)	
Contact Person – Name	
Contact Person – Location Address	
Contact Person – Phone Number	
Contact Person – Email Address	
Authority to Conduct Business in NC	
Federal Tax ID Number (FEIN):	

By signing the Cover Sheet I hereby attest that I have read and understood all the terms listed in the RFP; I have read and understood all terms listed in this proposal; that I am authorized to bind the listed entity into this agreement; and that should this proposal be accepted, I am authorized and able to secure the resources required to deliver against all terms listed within this RFP as published by Buncombe County North Carolina, including any amendments or addenda thereto except as explicitly noted or revised in my submitted proposal.

Notice to Proceed

The undersigned, if awarded the contract for services, hereby agrees to execute a contract with Buncombe County in the form specified within ten (10) days after the award and to begin the implementation process to provide the in-home aide services listed in this proposal effective as of the date stated in the contract.

I certify that this proposal is made without prior understanding, agreement or connection with any corporation firm, or person submitting a proposal for the same services and is in all respects fair and without collusion or fraud. I understand collusive bidding is a violation of state and federal law and can result in fines, prison sentences, and civil damage awards. I agree to abide by all conditions of this proposal and certify that I am authorized to sign this proposal for the proposer of services.

Bidder Signature and Information

(Signature)

(Printed Name)

TITLE:

COMPANY:

ADDRESS:

TELEPHONE:

EMAIL:

Required Attachments to Proposal

- 1. Proposal Exceptions**
- 2. Evidence of Proposer's insurability** - certificate of insurance from the bidder's insurance provider or a letter from bidder's insurance agent summarizing the County's insurance requirements and stating that the bidder will be approved for the coverage if awarded the contract must be included with the bidder's proposal.

ATTACHMENT B: PROPOSAL FORM

Project Description:

- **Proposed Service area:** Indicate which areas this project is proposing to serve by detailing neighborhood level information and by showing on a map which areas will be served, so that the County may sufficiently review the proposed solution. Providers are asked to document responses in KML format.
- **Proposed Schedule and Timeline:** Anticipated deployment strategy, scope, and timing of proposed rollout (e.g., milestones, kickoff date, locations, delivery schedules), including if there would be multiple phases. If a pilot project is needed, provide proposed timeline for pilot.
- **Proposed Cost:** Provide information clearly identifying and specifying all elements of costs of the proposed solution for the term of the proposed contract, including the cost to purchase or lease of equipment and supplies, design, installation, operation, management and maintenance of any system and any proposed services. Include estimated costs by the total cost and by the cost per household.

Target Service Standard:

Scope of service: Provide turn-key, high-speed internet access service in compliance with the Technical Requirements defined in this RFP in the unserved and underserved areas of Buncombe County. All potential customers along the infrastructure should be able to access the internet.

Infrastructure and Service Map:

Provide a map that identifies proposed infrastructure to be implemented and services areas with levels of services along with a spreadsheet that shows estimated costs for service areas.

Pricing List:

Provide a complete list of products to be offered to customers including businesses, government, public, and residential and associated pricing – promotional and non-promotional – for each. Please also include your pricing for a low-income plan.