



**STATE OF NEW HAMPSHIRE
DEPARTMENT OF BUSINESS AND ECONOMIC AFFAIRS
Statewide Broadband Build for Unserved and Underserved
Communities
RFP DBEA 2022-11**

Section 1 – Overview and Schedule

A. Executive Summary

Through this Request for Proposal (RFP) the New Hampshire Department of Business and Economic Affairs (Agency) seeks a qualified contractor to conduct a statewide broadband build to connect unserved and underserved addresses of residents and businesses.

When the COVID-19 pandemic began in early-2020 shuttering businesses and schools throughout New Hampshire, officials recognized the opportunity being lost on some of the most rural residents who had limited access to a reliable internet connection. This lack of connectivity prevented children from learning, families from working, and individuals from being able to seek critical health care services. In 2020 when Congress passed the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), the State of New Hampshire made the decision to allocate its \$13 million grant to enhance broadband infrastructure in New Hampshire's most rural regions. In total, New Hampshire funded 16 projects that brought connectivity to over 4,500 households. Since the development of this infrastructure, the State has heard countless testimonials from residents whose children were able to maintain their schooling and who were able to keep their jobs even though the world had shifted into remote access – opportunities that were only possible because of the investment that the State made in critical broadband infrastructure.

Section 9901 of the American Rescue Plan Act of 2021 (ARPA) amended Section 604 of the Social Security Act (SSA) to include a provision for the Coronavirus Capital Projects Fund (CPF), giving states access to federal grants to invest in projects that meet three main criteria:

- Invest in capital assets designed to directly enable work, education, and health monitoring;
- Address a critical need that resulted from or was made apparent or exacerbated by the COVID-19 public health emergency; and
- Are designed to address a critical need of the community to be served by in.

New Hampshire has allocated CPF funding to continue its work to expand broadband infrastructure across the state and bring broadband access to households and businesses that are currently unserved¹ by an existing broadband network.

The Agency is seeking proposals from qualified applicants to provide high speed broadband connectivity (100Mbps symmetrical upload and download speeds) to as many unserved New Hampshire properties, residences, and businesses as possible; at the least cost to the Agency; and in compliance with all issued CPF guidance and requirements. The Agency anticipates awarding this contract to a single applicant.

As ARPA federal funds are being used, the Grant Agreement issued will be a sub-award and BEA will be ensuring compliance with all federal guidance and requirements, including the applicable requirements of the Code of Federal Regulations Part 200 (Uniform Guidance) or 2 CFR 200.

The winning bidder will be awarded a portion of the allocated CPF funds, not to exceed \$50 million.

Projects must be completed as soon as possible but no later than **December 31, 2026**, including the submission and approval of all project closeout documentation to BEA. Any costs incurred by the Applicant after December 31, 2026, will not be eligible for invoicing to the State.

The ongoing operation and maintenance of the project will be the sole responsibility of the awarded Applicant.

Projects that have already commenced the construction/build process are not eligible for this program. Planned and permitted projects that have not commenced construction are eligible. Projects related to existing rural broadband expansion commitments or other existing contractual commitments are not excluded. However, CPF funds must complement and not supplant any existing funding commitments. CPF grant funding cannot be used for costs that will be reimbursed by other federal or state funding streams.

Grant Payments will be made as follows:

- 30% of awarded Grant funds will be provided no more than seven (7) business days after contract is executed and approved by the Governor and Executive Council;
- 30% of awarded Grant funds will be provided at a specific point in the construction phase, to be identified / determined at the time of contract negotiations;

¹ For the purposes of broadband infrastructure projects funded with Capital Projects Fund grant money, “unserved property” means any property that does not have access to reliable internet service, whether that be lacking service entirely or consistently experiencing speeds below 100Mbps download/20Mbps upload.

- 40% of awarded Grant funds will be provided after completion of construction and acceptance of the Projects by the State.

Projects will require a performance bond for the duration of the Grant Agreement and for 3 months following acceptance of the Project by the State (“Acceptance”).

To meaningfully affect the State of New Hampshire’s response to COVID-19 and to comply with CPF requirements, all expenditures under this program will end by December 31, 2026. The pro rata portion, as determined by the State, of any Projects not completed by December 31, 2026, will not be eligible for funding and must be completed at the Applicant’s sole expense. The ongoing operation and maintenance of the Projects will be the sole responsibility of the Applicant.

B. Schedule

The following table provides a Schedule of Events for this RFP through contract finalization and approval. The Agency reserves the right to amend this Schedule at its sole discretion and at any time through a published Addendum.

EVENT	DATE	LOCAL TIME
RFP Released to Proposers (Advertisement)	June 10, 2022	
Proposer Inquiry Period Ends	June 17, 2022	3:00 PM
Final Agency Responses to Proposer Inquiries	June 24, 2022	4:00 PM
Proposers Submit Proposals	July 22, 2022	3:00 PM
Estimate Timeframe for Proposer Oral Presentations and Interviews (if applicable)	August 5, 2022	
Estimated Notification of Selection and Begin Contract Negotiations	August 12, 2022	

Section 2 - Description of Agency/Program Issuing the Request for Proposals

The Department of Business and Economic Affairs, home of New Hampshire’s Broadband Office, is dedicated to enhancing the economic vitality of the State of New Hampshire while promoting it as a destination for domestic and international visitors. For more information visit www.nheconomy.com or www.choosenh.com.

Section 3 – Proposed Scope of Work

The Agency seeks to provide broadband connectivity to as many New Hampshire properties currently unserved at the least cost to the State. The scope of this project includes planning, construction, and installation of all necessary broadband infrastructure and equipment for providing access to broadband for Unserved Properties. Per CPF guidance, the program requires the project to be designed so that it reliably meets or exceeds 100 Mbps download speeds and

between 20 Mbps and 100 Mbps upload speeds and be scalable to a minimum of 100 Mbps symmetrical for download and upload speeds. To accomplish these speeds, the project will prefer fiber-optic technology.

Ongoing operations and maintenance of the system will be the sole responsibility of the selected Applicant. Additionally, any costs incurred for properties that do not meet the definition of Unserved Property, as defined by the State (refer to footnote 1, page 2) are not eligible to be covered by the State under this RFP.

The selected Applicant will be responsible for providing connectivity, as defined by Section I.C.a. in the **Guidance for the Coronavirus Capital Projects Fund (Attachment F)**, to as many Unserved Properties in New Hampshire at the lowest cost to the State.

The vendor is responsible for compliance with all applicable local, state, and federal laws, codes, and regulations relative to the project and shall acquire all necessary permits, approvals, and agreements.

At a minimum the following requirements must be met:

1. Project must provide broadband access to Unserved Properties in New Hampshire;
2. Project is designed to deliver upon completion, service that reliably meets or exceeds symmetrical download and upload speeds of 100 Mbps. If applicant deems these speeds impracticable, because of geography, topography, or excessive cost, the project must be designed so that it reliably meets or exceeds 100 Mbps download speeds and between 20 Mbps and 100 Mbps upload speeds and be scalable to a minimum of 100 Mbps symmetrical for downloads and uploads speeds.
3. Project must be completed as soon as possible, but no later than December 31, 2026;
4. Applicant(s) must be a NH municipality or qualified New Hampshire broadband provider, or both, and must be able to support the internet service once it is built; and
5. The proposed technology must have demonstrable efficacy and broad consumer acceptance in the market.
6. Participate in, or intend to before execution of the project contract, the Affordable Connectivity Program and are committed to participating in any future federal subsidy program, as applicable;
7. The successful bidder must include at least one low-cost option offered at speeds that are sufficient for a household with multiple users to simultaneously telework and engage in remote learning. Any future, low-cost option mandated by the federal government would negate this requirement

Section 4 – Process for Submitting a Proposal

A. Proposal Submission, Deadline, and Location Instructions

Proposals submitted in response to this RFP must be received by the Agency no later than the time and date specified in the Schedule section, herein. Proposals must be submitted electronically, in PDF format with subject line as **RFP DBEA 2022-11** to an email address below. Proposals must be addressed to:

State of New Hampshire
Department of Business and Economic Affairs
c/o
Bridgett Beckwith

Bridgett.E.Beckwith@livefree.nh.gov

Proposals must be clearly marked as follows:

STATE OF NEW HAMPSHIRE
RESPONSE TO RFP DBEA 2022-11
Statewide Broadband Build for Unserved and Underserved Communities

Unless waived as an immaterial deviation in accordance with Section 6H, late submissions will not be accepted and will be returned to the proposers unopened. Delivery of the Proposals shall be at the Proposer's expense. The time of receipt shall be considered when a Proposal has been officially documented by the Agency, in accordance with its established policies, as having been received at the location designated above. The Agency accepts no responsibility for misaddressed or mislabeled documents not delivered or undeliverable for whatever reason.

All Proposals submitted in response to this RFP must consist of:

- a) One original electronic copy of the Proposal; and
- b) One electronic copy of the Proposal with all Confidential Information fully redacted, as provided for in Section 7E of this RFP.

Proposers who are ineligible to bid on proposals, bids or quotes issued by the Department of Administrative Services, Division of Procurement and Support Services pursuant to the provisions of RSA 21-I:11-c shall not be considered eligible for an award under this proposal.

B. Proposal Inquiries

All inquiries concerning this RFP, including but not limited to, requests for clarifications, questions, and any changes to the RFP, shall be submitted via email to the following RFP designated Points of Contact:

Bridgett.E.Beckwith@livefree.nh.gov

Inquiries must be received by the Agency's RFP Point of Contact no later than the conclusion of the Proposer Inquiry Period (see Schedule of Events section, herein). Inquiries received later than the conclusion of the Proposer Inquiry Period shall not be considered properly submitted and may not be considered.

The Agency intends to issue official responses to properly submitted inquiries on or before the date specified in the Schedule section, herein; however, this date is subject to change at the Agency's discretion. The Agency may consolidate and/or paraphrase questions for sufficiency and clarity. The Agency may, at its discretion, amend this RFP on its own initiative or in response to issues raised by inquiries, as it deems appropriate. Oral statements, representations, clarifications, or modifications concerning the RFP shall not be binding upon the Agency. Official responses by the Agency will be made only in writing by the process described above. Vendors shall be responsible for reviewing the most updated information related to this RFP before submitting a proposal.

C. Restriction of Contact with Agency Employees

From the date of release of this RFP until an award is made and announced regarding the selection of a Proposer, all communication with personnel employed by or under contract with the Agency regarding this RFP is forbidden unless first approved by the RFP Point of Contact listed in the Proposal Inquiries section, herein. Agency employees have been directed not to hold conferences and/or discussions concerning this RFP with any potential contractor during the selection process, unless otherwise authorized by the RFP Point of Contact. Proposers may be disqualified for violating this restriction on communications.

D. Validity of Proposal

Proposals must be valid for one hundred and eighty (180) days following the deadline for submission of Proposals in Schedule of Events, or until the Effective Date of any resulting Contract, whichever is later.

Section 5 - Content and Requirements for a Proposal

Applicants must follow the proposal format provided below and shall include the following:

Organization and Experience

- Provide SAM number and proof of registration at www.SAM.gov
- Complete “Contractor Data Sheet” (Attachment A).
- A written one-page introductory statement including:
 - Experience in providing services as described in Section 3.
 - Expertise of participating personnel including, but not limited to, those identified in Attachment A and a description of training and development programs that ensure all personnel assigned to contract are capable and qualified.
- Proposals must address strategy, tactics and budget of each item listed in Section 3: Scope of Work.
- Demonstrate the Offeror’s financial capability to provide the work described in Section 3: Scope of Work.
- Provide resumes/portfolios of individuals or subcontractors performing major duties and functions under the proposed contract; include role, responsibility, and qualifications.
- Demonstrate experience within the economic development/workforce sector.
- Provide relevant case studies.
- Financial Terms - Complete “Rates and Fees Schedule” (Attachment B).
- Standard Terms and Conditions of the State of New Hampshire-Form Number P-37 (Attachment C)
- A written description of research capabilities.
- An oral presentation of proposed strategy, methodologies, and execution (if requested).
- Provide at least four recent client references; include contract/service dates and contact information.
- Evidence of experience serving rural New Hampshire residents with broadband
 - Project community(ies) impacted. For each community, please include:
 - Geographic coverage impacted: whole community or only those who are unserved?
 - Size and scope of the project
 - Total number of miles of wire anticipated
 - Total project cost
 - Cost per mile (total cost/number of miles of wire)
 - Key point of contact in each community for the project
 - Explanation of how unserved properties were identified
 - Total number of unserved properties anticipated to be brought service, broken down by community
 - Properties should include a breakdown of the number of households, the number of businesses, and the number of government offices, including schools
- Evidence of certification as either a cooperative, non-profit, or government-affiliated organization authorized to perform business in New Hampshire
- Any anticipated sub-contracts that will be required to complete this project work.

Project Details

- Data mapping (spreadsheet) down to the street/address level for each property the project will serve, as well as the anticipated speed to be made available for each property
- Breakdown of major project milestones and associated cost of each milestone. To include but not be limited to:
 - Project planning activities
 - Construction activities
 - Installation activities
- A summary of the pricing packages that will be available to properties served, including the speeds available at that price and any differences between residential and business property pricing
- Justification of affordability for lowest speed tier
- Justification for any properties anticipated to not reliably have access to 100/100 Mbps speeds after deployment
- A detailed description of the deployment strategy
- A detailed description of how the Applicant plans to get the required pole access needed for the deployment and evidence of Pole Attachment Agreements as needed
- A detailed project timeline that shows evidence that the Applicant has considered the December 31, 2026, deadline for project completion. The project plan can be presented in the format desirable by the Applicant but should include at a minimum:
 - Awarded project
 - Contract signed
 - Financing finalized
 - Submission of all pre-project documentation to The Agency, as required by the project contract
 - Lead-time for necessary materials
 - Lead-time for necessary approvals (permits, etc.)
 - Stakes in the ground
 - First house/business on-line
 - Last house/business on-line
 - Project completion, including approval of all final deliverables by BEA
 - A description of the Applicant's anticipated take rate by residences and their mitigation strategies for risk exposure in the event of low take
 - A description of the Applicant's Operation and Maintenance Plan after completion of the project

- Applicant must provide written assurance in the form of an affidavit that they intend to be in compliance with the following requirements:
 - that no portion of the proposed project has already commenced construction or build out;
 - that they participate in, or intend to before execution of the project contract, the Affordable Connectivity Program and are committed to participating in any future federal subsidy program, as applicable;

All completed forms, as found in the attachments at the end of this document.

Section 6 – Evaluation of Proposals

A. Criteria for Evaluation and Scoring

Each responsive Proposal will be evaluated and considered with regard to the following criteria:

- Experience and Qualifications of key staff and subcontractors (25 points)
 - Information on broadband network owned, operated, by or affiliated with local governments, non-profits, and co-operatives
- Overall strategy and approach, methodology (35 points)
 - # of unserved properties below 100/20Mbps to be served
 - Most unserved properties to be served
 - 2nd most unserved properties to be served
 - 3rd most unserved properties to be served
- Offered speeds (25 points)
 - 100/100 symmetrical
 - 100/20 scalable to 100/100
- Cost/unserved property (total bid/unserved properties to be served) (15 points)
 - Lowest cost per property to be served
 - 2nd lowest cost per property to be served
 - 3rd lowest cost per property to be served

Grand Total (100 points)

If the Agency, determines to make an award based on these evaluations, the Agency will notify the selected Proposer(s). Should the Agency be unable to reach agreement with the selected Proposer(s) during Contract discussions, the Agency may then undertake Contract discussions with the next preferred Proposer and so on, or the Agency may reject all proposals, cancel this RFP, or solicit new Proposals under a new acquisition process.

B. Planned Evaluations

The Agency plans to use the following evaluation processes:

- Initial screening to ensure that the Proposals are in compliance with submission requirements;
- Preliminary evaluation of the Proposals;
- Oral interviews and Product Demonstrations (if necessary);
- Final Evaluation of Technical Proposals and scoring;
- Final Evaluation of [other categories] and scoring (If Applicable);
- Review of Price Proposals and final scoring;
- Best and Final Offer (BAFO) if appropriate; and
- Select the highest scoring Proposer (s) and begin contract negotiation.

C. Initial Screening

The Agency will conduct an initial screening step to verify Applicant’s compliance with the technical submission requirements set forth in the RFP and the minimum content set forth in Section 5 of this RFP. The Agency may waive or offer a limited opportunity to cure immaterial deviations from the RFP requirements if it is determined to be in the best interest of the State.

A. Preliminary Technical Scoring of Proposals

The Agency will establish an evaluation team to initially score the Technical Proposals. This evaluation team will review the technical proposals and give a preliminary score to the technical proposals under the guidelines set forth in Section 6. Should a Proposer fail to achieve 70 Points in the preliminary scoring, it will receive no further consideration from the evaluation team.

B. Oral Interviews and Product Demonstrations

If the Agency determines that it is appropriate, proposers may be invited to oral interviews and/or product demonstrations including demonstrations of any proposed automated systems or technology components. The Agency retains the sole discretion to determine whether to conduct oral interviews, with which proposers; and the number of interviews. Proposers are advised that the Agency may decide to conduct interviews with less than all responsive proposers.

The purpose of oral interviews and product demonstrations is to clarify and expound upon information provided in the written Proposals. Proposers are prohibited from altering the basic substance of their Proposals during the oral interviews and product demonstrations. The Agency may ask the Proposer to provide written clarifications of elements in their Technical Proposal regardless of whether it intends to conduct Oral Interviews.

Information gained from oral interviews and product demonstrations will be used to refine technical review scores assigned from the initial review of the Proposals.

C. Final Technical Scoring of Proposals

Following Oral Interviews, Product Demonstrations, Reference Checks (if appropriate) and/or review of written clarifications of proposals requested by the Agency, the evaluation team will determine a final score for each Technical Proposal.

D. Final Selection

The Agency will conduct a final selection based on the final evaluation of the initial proposals or, if requested, as a result of the Best and Final Offer and begin contract negotiations with the selected Proposer(s).

E. Rights of the Agency in Accepting and Evaluating Proposals

The Agency reserves the right to:

- Make independent investigations in evaluating Proposals;
- Request additional information to clarify elements of a Proposal;
- Waive minor or immaterial deviations from the RFP requirements, if determined to be in the best interest of the State;
- Omit any planned evaluation step if, in the Agency's view, the step is not needed;
- At its sole discretion, reject any and all Proposals at any time; and
- Open contract discussions with the second highest scoring Proposer and so on, if the Agency is unable to reach an agreement on Contract terms with the higher scoring Proposer(s).

Section 7 – Terms and Conditions Related to the RFP Process

A. RFP Addendum

The Agency reserves the right to amend this RFP at its discretion, prior to the Proposal submission deadline. In the event of an addendum to this RFP, the Agency, at its sole discretion, may extend the Proposal submission deadline, as it deems appropriate.

B. Non-Collusion

The Proposer's signature on a Proposal submitted in response to this RFP guarantees that the prices, terms and conditions, and Work quoted have been established without collusion with other Proposers and without effort to preclude the Agency from obtaining the best possible competitive Proposal.

C. Property of the Agency

All material received in response to this RFP shall become the property of the State and will not be returned to the proposer. Upon Contract award, the State reserves the right to use any information presented in any Proposal.

D. Confidentiality of a Proposal

Unless necessary for the approval of a contract, the substance of a proposal must remain confidential until the Effective Date of any Contract resulting from this RFP. A Proposer's disclosure or distribution of Proposals other than to the Agency will be grounds for disqualification.

E. Public Disclosure

Pursuant to RSA 21-G:37, VII, notwithstanding RSA 91-A:4, information relating to the grant Applications shall remain confidential until the grant contract is approved by the Governor and Executive Council.

The content of each Proposer's Proposal shall become public information upon the award of any resulting Contract. Any information submitted as part of a response to this request for proposal (RFP) may be subject to public disclosure under RSA 91-A. In addition, in accordance with RSA 9-F:1, any contract entered into as a result of this RFP will be made accessible to the public online via the website Transparent NH (<http://www.nh.gov/transparentnh>). However, business financial information and proprietary information such as trade secrets, business and financials models and forecasts, and proprietary formulas may be exempt from public disclosure under RSA 91-A:5, IV. If you believe any information being submitted in response to this request for proposal, bid or information should be kept confidential as financial or proprietary information; you must specifically identify that information in a letter to the agency, and must mark/stamp each page of the materials that you claim must be exempt from disclosure as "CONFIDENTIAL." A designation by the Proposer of information it believes exempt does not have the effect of making such information exempt. The Agency will determine the information it believes is properly exempted from disclosure. Marking of the entire Proposal or entire sections of the Proposal (e.g., pricing) as confidential will neither be accepted nor honored. Notwithstanding any provision of this RFP to the contrary, Proposer pricing will be subject to disclosure upon approval of the contract. The Agency will endeavor to maintain the confidentiality of portions of the Proposal that are clearly and properly marked confidential.

If a request is made to the Agency to view portions of a Proposal that the Proposer has properly and clearly marked confidential, the Agency will notify the Proposer of the request and of the date the Agency plans to release the records. By submitting a Proposal, Proposers agree that unless the Proposer obtains a court order, at its sole expense, enjoining the release of the requested information, the Agency may release the requested information on the date specified in the Agency's notice without any liability to the Proposers.

F. Non-Commitment

Notwithstanding any other provision of this RFP, this RFP does not commit the Agency to award a Contract. The Agency reserves the right, at its sole discretion, to reject any and all Proposals, or any portions thereof, at any time; to cancel this RFP; and to solicit new Proposals under a new acquisition process.

G. Proposal Preparation Cost

By submitting a Proposal, a Proposer agrees that in no event shall the Agency be either responsible for or held liable for any costs incurred by a Proposer in the preparation of or in connection with the Proposal, or for Work performed prior to the Effective Date of a resulting Contract.

H. Ethical Requirements

From the time this RFP is published until a contract is awarded, no bidder shall offer or give, directly or indirectly, any gift, expense reimbursement, or honorarium, as defined by RSA 15-B, to any elected official, public official, public employee, constitutional official, or family member of any such official or employee who will or has selected, evaluated, or awarded an RFP, or similar submission. Any bidder that violates RSA 21-G:38 shall be subject to prosecution for an offense under RSA 640:2. Any bidder who has been convicted of an offense based on conduct in violation of this section, which has not been annulled, or who is subject to a pending criminal charge for such an offense, shall be disqualified from bidding on the RFP, or similar request for submission and every such bidder shall be disqualified from bidding on any RFP or similar request for submission issued by any state agency. A bidder that was disqualified under this section because of a pending criminal charge which is subsequently dismissed, results in an acquittal, or is annulled, may notify the department of administrative services, which shall note that information on the list maintained on the state's internal intranet system, except in the case of annulment, the information, shall be deleted from the list.

I. Challenges on Form or Process of the RFP

Any challenges regarding the validity or legality of the form and procedures of this RFP, including but not limited to the evaluation and scoring of Proposals, shall be brought to the attention of the Agency at least ten (10) business days prior to the Proposal Submission Deadline. By submitting a proposal, the Proposer is deemed to have waived any challenges to the agency's authority to conduct this procurement and the form and procedures of this RFP.

Section 8 – Contract Terms and Award

A. Non-Exclusive Contract

Any resulting Contract from this RFP will be a non-exclusive Contract. The State reserves the right, at its discretion, to retain other Contractors to provide any of the Services or Deliverables identified under this procurement or make an award by item, part or portion of an item, group of items, or total Proposal.

B. Award

If the State decides to award a contract as a result of this RFP process, any award is contingent upon approval of the Contract by Governor and Executive Council of the State of New Hampshire and upon continued appropriation and availability of funding for the contract.

C. Standard Contract Terms

The Agency will require the successful bidder to execute a Firm Fixed Price Contract using the Standard Terms and Conditions of the State of New Hampshire; attached as Attachment C.

The Term of the Contract will be from the effective date of the Grant agreement through December 31, 2026.

To the extent that a Proposer believes that exceptions to the standard form contract will be necessary for the Proposer to enter into the Agreement, the Proposer should note those issues during the Proposer Inquiry Period. The Agency will review requested exceptions and accept, reject or note that it is open to negotiation of the proposed exception at its sole discretion. If the Agency accepts a Proposer's exception the Agency will, at the conclusion of the inquiry period, provide notice to all potential proposers of the exceptions which have been accepted and indicate that exception is available to all potential proposers. Any exceptions to the standard form contract that are not raised during the proposer inquiry period are waived. In no event is a Proposer to submit its own standard contract terms and conditions as a replacement for the State's terms in response to this solicitation.