

REQUEST FOR EXPRESSION OF INTEREST (RFEI)

RFEI No. 21-85

BROADBAND INVESTMENT & NETWORK EXPANSION PARTNERSHIP

Buyer of Record: Andrew Miskell, CPPB

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SECTION A: SCHEDULE, BUYER OF RECORD, AND GENERAL SUMMARY OF NEEDS

A.1 SUMMARY OF NEEDS:

The City of Thornton (Thornton) is seeking to enter into a partnership with an interested firm with the capability of deploying a Citywide high speed broadband network to serve the residents of Thornton. Thornton’s objective with this RFEI is to identify interested parties and determine which firm(s) are qualified and capable of delivering an optimal system that offers dependable high speed (symmetrical gigabit service) internet services at competitive rates throughout much of Thornton. Responses to this RFEI will provide the basis of negotiation to enter into an agreement.

A.2 SCHEDULE OF EVENTS:

The following is a list of important items, dates, and times that pertain to this solicitation. All times listed below are in reference to the local Thornton, Colorado time (Mountain time zone).

<u>Solicitation Item</u>	<u>Date</u>	<u>Time</u>
RFEI Issued	January 11, 2023	
Pre-Proposal Conference	February 2, 2023	11:00 A.M.
Deadline to Submit Additional Questions	February 15, 2023	11:00 P.M.
Response to Written Questions	February 22, 2023	
Proposal Due Date	March 2, 2023	11:00 P.M.

A.3 BUYER OF RECORD:

The Buyer of Record for this solicitation will be the central point of contact throughout the solicitation process. All questions and inquiries must be submitted in writing via a direct email to the Buyer. No communication is to be directed to any other Thornton personnel.

The Buyer of Record’s contact information is as follows:

- Buyer Name: **Andrew Miskell, CPPB**
- Buyer Title: **Senior Purchasing Analyst**
- Buyer Email: Andrew.Miskell@ThorntonCO.gov

SECTION B: BACKGROUND, GOALS, AND OTHER CONSIDERATIONS

B.1 BACKGROUND:

The City of Thornton, Colorado (“City” or “Thornton”) is a home rule municipality that is located directly north of Denver, Colorado and is considered part of the Denver Metro area. Thornton has an expanding population with a current population that exceeds one hundred forty-seven thousand (147,000), which consists of a diverse cultural population throughout our four (4) City Wards. Within Thornton, there are both existing, well-established neighborhoods in the southern and western parts of Thornton, and there are also newer development areas in the northern and eastern regions of the City. Thornton operates under a Council-Manager form of government, with City Council being comprised of the Mayor and two (2) Council members for each of the City’s four (4) Wards.

Thornton recently completed a Fiber Master Plan and a study of the City’s broadband assets. The City has approximately forty-five (45) miles of fiber optic cable deployed as a middle-mile network serving most City owned facilities. This network is designed to be redundant and forms a loop around portions of the City and serves as the backbone of Thornton’s communications.

Thornton is seeking proposals from qualified organizations (“Respondent” or “Vendor”) who have an interest in partnering with the City to facilitate the development of a world-class broadband network to serve the City’s households and businesses as well as its unserved and underserved areas. Because broadband plays a central role in many facets of life and work, the City’s leadership is strongly supportive of a collaboration with a private provider. As part of this potential partnership, Thornton is willing to consider providing expedited ROW permitting as well as access to some existing City owned infrastructure (i.e. conduit & fiber assets) as available and helpful to a potential partner. The specific terms of a partnership are up for negotiation depending on the appeal and value of the public-private partnership (P3).

B.2 GOALS FROM THIS RFEI:

Thornton is seeking submissions from interested firms to partner with Thornton to build out a high-speed broadband network throughout the community. The City seeks input from interested potential partners regarding the terms and conditions under which partners would operate and manage internet service for residents and businesses using existing and future broadband infrastructure.

In this RFEI process, the City encourages Respondents to explain their plans and what ways the City could help those plans to become reality. Respondents are asked to address several potential solutions, including:

- The provision of ubiquitous last-mile services to all City businesses and residents.

- The opportunity to leverage and expand existing middle-mile network assets.
- The potential management and maintenance of the City's existing municipal fiber assets.
- Taking advantage of upcoming State and Federal grants in partnership with the City.

The main objectives of the completed system/partnership are as follows:

- 1) Deliver dependable high speed internet services to residents and businesses with a minimum of gigabit symmetrical (up and down) service.
- 2) Provide the above noted service at affordable rates to Thornton residents and businesses.
- 3) Help Thornton complete connectivity between Thornton-Owned Facilities or Community Anchor Institutions that may not already be connected.
- 4) Expedite the deployment of a broadband network throughout the City.
- 5) Minimize damage to City infrastructure (i.e., roads, sidewalks, landscaping, etc.) during installation. Note, Thornton is preparing a "Dig-once" policy to help facilitate this effort.
- 6) Minimize disruption to residents and businesses during installation.

The City is open to different forms of partnerships, but prefers partners who would be able to, at a minimum:

- Will support the construction of a last-mile fiber optic networks to unserved and underserved areas of the City.
- Will engage in a partnership with the City where low-cost dark fiber, open conduit, or other assets are made available to providers interested in solving last-mile connectivity.

To aid in telling the narrative of our background, we've included the following additional files:

- PDF of map of the fiber that has been installed, as well as a map of a proposed expansion of the existing network into an Expanded Ring topology. (See **Section F** at the bottom of this document).
- Contractual Agreements (Sections G and H).
- Digital GIS files (Included in conjunction with this document).

B.3 AWARD TERM LENGTH:

Thornton anticipates the agreement(s) that may result from this solicitation would be longer in term by nature to maximize value to the City and its residents. Therefore, the award term length is open to negotiation, but are anticipated to span up to twenty (20) years, perhaps longer, if deemed appropriate and/or advantageous to Thornton. Contract term will be dependent upon successful negotiations with the firm(s) who have been selected.

B.4 OTHER CONSIDERATIONS:

Though Thornton has listed a number of important objectives in the section above, as well as a desire to provide high quality internet services to businesses and residents, Thornton may also consider other factors in determining who to enter into an agreement with. Other considerations may include the following:

- 1) Priority level service and resolution of outages around network connectivity issues and service for Thornton's government buildings and citizens.
- 2) Priority implementation of network upgrades (expanded/upgraded fiber) to new and existing construction projects for governmental buildings.
- 3) Commitment to timely implementation and turnup of services to Thornton customers, and proven track record of meeting commitments on prior buildouts.
- 4) Compensation or other in-kind services offered to Thornton to offset additional staff time required to monitor construction, field calls, manage permits, and/or increased maintenance due to installations within the ROW. Note, Thornton's objective is NOT to maximize revenue to the City, only to ensure Thornton facilities remain in good condition and the other various services Thornton provides continue to meet expectations during and after system construction. Maintenance and upkeep of network infrastructure that is Vendor existing and/or implemented as part of this award.

B.5 DEMONSTRATIONS AND INTERVIEWS:

Thornton reserves the right to request demonstrations or visit sites or other cities where respondents have implemented similar broadband network services. It will be Thornton's sole discretion if demonstrations or site visits are deemed necessary during the evaluation phase of this solicitation.

In addition to demonstrations, Thornton may also elect to conduct interviews in order to clarify and answer additional questions. All interviews will be held at a physical/virtual location at Thornton's sole discretion and shall be at Thornton's decision if an interview is deemed necessary.

Note: Thornton shall not compensate respondents for any costs incurred related to demonstrations, site visits, or interviews.

B.6 VENDOR PERFORMANCE MANAGEMENT:

Thornton expects to administer a performance management program in conjunction with any final agreement that may result from this solicitation. The purpose of this program is to validate construction techniques and ensure compliance with agreement and/or related permit requirements.

B.7 COOPERATIVE PURCHASING:

Thornton encourages the proper use of cooperative purchasing and reserves the right to make results of this solicitation available to other governmental agencies seeking like equipment, goods, or services. Other agencies using this solicitation must do so according to regulations established by their individual organizations and accept sole responsibility for its use. The terms and conditions of any resulting transaction shall be exclusively between the buyer and the seller. Buyers and sellers using this solicitation in a cooperative or “piggy-back” fashion, agree to defend and hold harmless Thornton from any dispute or action arising from its use.

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SECTION C: PROPOSAL QUESTIONS TO PROSPECTIVE VENDOR**C.1 INSTRUCTIONS FOR ANSWERING QUESTIONS:**

Your proposal response must specifically address each of the questions/issues that are listed below. The quality and detail of your responses will be considered in the overall evaluation of your proposal. Proposers are encouraged to give examples and provide comprehensive information to support your compliance on each point.

All answers provided by the awarded Vendor may be incorporated into the final contract between the Vendor and Thornton as an additional exhibit or as part of a finalized Scope of Work.

To standardize the format of all proposals for evaluation, proposing firms are asked to respond to all questions in summary format in the order given and to list the item number and restate the question prior to giving their answer.

For some questions, it is anticipated that supplemental information (such as drawings, maps, pictures, etc.) will be needed to fully answer each question. Thornton asks respondents to please provide an appendix with this supplemental information and to reference where in that appendix the supplemental information resides in the summary response to each question below.

C.2 PROPOSAL QUESTIONS:**1) General Vendor Summary**

Please provide a brief description of the following:

- a) Full legal company name;
- b) Your headquarters address;
- c) Primary company contact including name, phone number, and email address;
- d) Year your firm was established;
- e) A cover letter, including a narrative of how your proposal is advantageous to the City; and
- f) A brief summary sheet of your firms' project approach/offers in short-form responses to each requirement of the RFEI.

2) Experience

Please provide a list identifying other networks your organization has designed, built, maintained, or operated; include the levels of broadband speed, availability, and adoption among different

categories of end-users and unique capabilities or attributes. Discuss other partnerships with other service providers, government, or non-profit entities you have undertaken. Explain how your firm is a suitable partner for this project. Please include:

- a) Respondent qualifications, such as previous experience with similar projects and staff qualifications. Identify other networks your organization has designed, built, maintained, or operated; include the levels of broadband speed, availability, and adoption among different categories of end-users and unique capabilities or attributes. .
- b) Describe partnerships with other service providers, government, or non-profit entities you have undertaken.

3) References

Please provide five (5) current client references that you have sold and implemented the same or like solutions to in the past five (5) years. Of these references, please list as many as available that are other governmental municipalities as possible.

- a) Include in your reference information:
 - i) Name of the municipality or firm;
 - ii) Client's headquarters address;
 - iii) Current reference contact;
 - iv) Reference's title;
 - v) Reference's phone number;
 - vi) Reference's email address;
 - vii) Project start date (date of signed contract);
 - viii) Project end date (end of burn-in period);
 - ix) Project description including all modules implemented; and
 - x) Estimated contractual value.

4) Vendor Engagement Team

Please provide the following:

- a) Each team member in the project engagement team's role;
- b) The responsibilities for each role; and
- c) Information regarding the team member's professional background:
 - i) Resumes may be included as an appendix but each resume shall not exceed one (1) page in length.

5) Vendor Recommended Roles and Responsibilities for Thornton, CO Project Team

Please provide the following:

- a) Identify recommended Thornton, CO project team roles;
- b) The responsibilities for each role; and
- c) Estimated hours recommended for each Thornton role that would be devoted to this project on a weekly basis required over the entire implementation life-cycle.

6) Service Areas

Please indicate what portion(s) of Thornton you anticipate servicing with your network solution, including but not limited to:

- a) Any areas where you provide existing service nearby. If possible, please include this information as a GIS shapefile, a KMZ, or another mapping format.
- b) Discuss your organization's willingness to meet a ubiquitous deployment requirement with last-mile coverage in the proposed area(s).
- c) Please note any areas of Thornton you do not believe can be economically serviced or could only be serviced with outside funding via grant or otherwise.
- d) A strategic statement for meeting the City's network expansion needs as it continues to experience population growth, new construction, and development.

7) Engagement Methodology

Thornton's expectation is that the awarded Vendor will use their expertise to provide proactive leadership, guidance, and direction to the Thornton, CO team throughout each phase of the project life cycle while working collaboratively to plan and implement the solution.

- a) Please describe your engagement methodology in detail, providing previous examples and additional documentation as necessary.
- b) Any existing expansion plans or interest in expanding into the region. If possible, please provide a GIS Shapefile, KMZ, or another mapping format for the area of desired expansion.
- c) Expectation or desire to provide end-user service in unserved and underserved areas outside of the municipal boundaries in unincorporated City of Thornton.

- d) Please describe the technology your firm will utilize for the network deployment (i.e., fiberoptic, wireless, etc.).
- e) To the extent these details are expected or planned, to the best of your ability, please provide details on the proposed network architecture that you anticipate delivering, and how this architecture will meet NTIA's definition of "Served" (aka, 100/20 Mbps upload/download speed)
- f) If you need to attached drawings or other documents to address this question, please reference where in the proposal documents this information can be found.

8) Thornton's Assets and Offerings

This part of the RFEI focuses on how the existing City-owned fiber network routes can help facilitate extending last-mile broadband service. Based on the City's preferred policy model, which focuses on the City's role as a facilitator through Public Private Partnerships (P3) solutions, there are two (2) options to develop a technical delivery plan in which the City and a private partner(s) can both leverage and expand existing fiber assets to serve both last-mile and public anchor institution needs. Please see **Section F** for the two Middle Mile options proposed by the City and address both in your response.

The City wishes to garner information from Respondents on their interest in managing, maintaining, and leasing conduit, dark fiber, or any other proposed arrangement based on the City's provided information, including:

- a) Collocating along any of the fiber ring routes as shown in **Section F**, including existing assets or either of the two proposed Middle Mile extension options.
- b) Leasing conduit or dark fiber from these routes for their network deployment projects and the number of fibers necessary for network function.
- c) Whether there is an alternate route that would be preferable while meeting the same connectivity objectives.
- d) Pertinent strategies for maximizing network security, user access management, and network redundancy and resiliency.
- e) Indicate your interest in partnering with the City and the proposed structure of partnership, including cost-sharing arrangements.

Note (1): If your firm is aware of something not listed that Thornton could do to help facilitate the deployment of a Citywide network, please feel free to note that in your proposal documentation for consideration. An example may be a request for Thornton to install conduit or fiber in particular

locations to assist in the accelerated deployment of the system, or to reach areas that may not be otherwise feasible.

Note (2): The City of Thornton is exempt from Colorado's SB-152 law, which enables the City a wide range of partnership possibilities between low and high levels of engagement by the City in network buildout possibilities. The City is not limited in its role when applying to upcoming project-based grant opportunities and the implementation of network deployment projects.

9) Project Schedule/Phasing/Milestones

Please provide a proposed project schedule outlining the phasing of the network planning, construction and operation. Please specifically address time and steps required for planning, and approximate schedule for construction and in various parts of the City, noting which areas of the City will receive service when.

If maps/drawings/Gantt charts are required for your response, please note here where in the proposal documents this information can be found.

10) Applications for Available Grants and Funding Alternatives

Due to recent legislative initiatives, several upcoming broadband grant opportunities can significantly benefit infrastructure investment. The State of Colorado is currently in the process of establishing processes and guidelines for broadband grants stemming from the American Rescue Plan Act (ARPA) and the Broadband Equity, Access & Deployment Program of the Infrastructure Investment and Jobs Act. These opportunities for Federal funding represent a once-in-a-lifetime opportunity to give residents the high-speed broadband access that is paramount to participating in the modern economy, education, and medical care.

The City is planning to partner with providers to take advantage of the Federal grant dollars and is releasing this RFEI for gaining a clear understanding of potential project opportunities and identify the most innovative, efficient and cost-effective solutions. Please provide any available information you may have on what grants or other outside funding you may seek in conjunction with the development of your network.

11) Right-of-Way Permitting

To help accelerate the development of a Citywide highspeed broadband network that is affordable and dependable, Thornton is willing to help facilitate permitting and potentially access to facilities as may be beneficial to the project. Thornton is willing to consider an expedited ROW permitting process based on agreed to terms and construction processes. Details regarding traffic control and street cutting/repair methods would need to be agreed to as part of the expedited process.

Please describe ways in which Thornton can facilitate a partner in the deployment of broadband networks through procedural operations. Thornton welcomes suggestions in collaboration strategies that may simplify and streamline its permitting process for broadband technologies, particularly fiber deployment. Possibilities could include providing conduit, use of fiber, expedited permitting, collocation, co-marketing, and other strategies.

12) Infrastructure Installation Methods and Materials

Please describe the installation methods utilized for deployment of your system and the materials used. Please be as specific as possible so that Thornton can evaluate the impacts on its Right-of-Ways. For example, please note if cables are to be direct buried, or installed in conduit; if infrastructure will be trenched or bored (or some combination); how will repairs to roads/landscaping or other infrastructure will be accomplished; etc. Please provide drawings and other pertinent information in an appendix if necessary.

13) Project Success and Acceptance Criteria

The successful implementation of a broadband project may be evaluated on a number of criteria, including buildout requirements (X percent in X years), adoption rates, financial efficiency, or other key performance indicators.

Please provide the following:

- a) Your implementation success and acceptance criteria and note any concerns or comments. Include a description of the approach used to close out an implementation.
 - i) If available, include an example of your Project Acceptance Form

14) Financial Capacity

Please provide information pertaining to your firm's ability to deploy a Citywide broadband network. This may include financial statements or other documentation indicating how the project will be financed.

Please also indicate if any of financing is dependent upon grant funding. If so, please also indicate the potential funding sources that you are considering/have considered, what grant(s) your firm is applying for, how those grants will benefit the project, and what will happen if that grant funding is not received.

Note: This section may be noted as confidential and provided in a separate document or file.

15) Service Plans and Affordability Programs

Please describe the service plans you anticipate offering residents once the system is operational. Please note any information available about the speeds of service, the monthly service charges, equipment sold, cost for residential/commercial connection fees, and any other pertinent related information.

There are people and groups in the City of Thornton who might have access to broadband, but because of financial reasons, language barriers, age related challenges, etc. are not able to adopt (or purchase) broadband services. There are existing Federal government programs to help with these issues, but the City could also take steps that are the City of Thornton-centric. Strategies that target socio-economically disadvantaged populations could enable those groups to participate more actively in the digital economy.

Respondents are asked to provide information on how they plan to help resolve ongoing broadband adoption issues in the City of Thornton. Despite connectivity services being available, residents are not taking advantage of high-speed bandwidth offerings. This pattern may be related to the cost of internet service plans, lack of technical skills, or other usability factors. Please note if you participate in the or the Affordable Connectivity Program (formerly the Emergency Benefit Program) that lowers the cost of internet service plans for subscribers. Any information or potential program to help improve adoption will be welcome ideas in this RFEI.

16) Customer Service

Please describe your customer service programs. Please be specific about how customers will engage with your firm to sign up for service and how customers will pay bills and report problems.

17) Requests of Thornton

As previously noted, Thornton is willing to provide some contributions to help accelerate the deployment of a Citywide broadband network. In your response, please summarize what contributions your firm will be seeking from Thornton and what benefit to the project those contributions will make. Note, the contributions do not need to be limited to those previously listed, but Thornton does want to understand how its contribution will help the project. Benefits might include an accelerated deployment schedule, reduced monthly charges for residents, greater coverage area, or others.

18) Other

Please provide any other information that would be relevant to partnering with the City on a broadband improvement effort for its residents. The City is interested in learning about different types of partnerships that are requested or preferred in a working relationship with one (1) or

more selected internet service provider(s), including for its internal connectivity needs. The City welcomes creative ideas for supporting broadband service availability, affordability, and adoption.

If available, please provide the following:

- a) Any standard Contract Agreements typically used by your company that will be relevant to any of the proposal details.
- b) Any additional information the Respondent deems necessary to inform the City.
- c) Any other partnership options that could be mutually beneficial.

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SECTION D: PROPOSAL INSTRUCTIONS, EVALUATION, AND AWARD**D.1 PROPOSAL POSTED LOCATIONS:**

This Request for Expression of Interest (RFEI) has been posted publicly to the following locations:

- BidNet® Direct: www.BidNetDirect.com
- Thornton's Purchasing website: <https://solicitations.thorntonco.gov/solicitations>

Thornton currently uses BidNet Direct® and its own website to distribute official records for all copies of publicly posted proposals for viewing. Both websites operate as a free to view and download option for prospective Vendors.

Upon request by a Proposing Vendor, the Purchasing Division will also make this solicitation available for viewing at the Contracts and Purchasing Division office. The address for the office is located on the cover page of this RFEI.

D.2 PRE-PROPOSAL CONFERENCE:

The Pre-Proposal Conference will be held via a Zoom virtual meeting room. Vendors who wish to attend the Pre-Proposal must email their request to attend to the Buyer, no less than one (1) business day prior to the Pre-Proposal Meeting. The Buyer will then send the requestor an email with the meeting link included the day before the pre-proposal conference.

D.3 PROPOSAL QUESTIONS:

Thornton shall not be bound by, and the Vendor shall not request or rely on any oral interpretation or clarification of this RFEI. Therefore, any questions regarding this RFEI are encouraged and shall be submitted in writing by email to the Buyer of Record listed within this RFEI.

Questions received up to deadline to submit question in the Schedule of Events will be answered in writing per the Schedule of Events. Answers to questions from any Vendor will be provided to all Vendors via a written addendum.

D.4 ADDENDA:

In the event it becomes necessary to revise, change, modify or cancel this RFEI or to provide additional information, an addenda will be issued and made available on BidNet® Direct and on Thornton's website. Changes, clarifications, and answers to RFEI questions that have been posted in a written addendum that affect or change the RFEI's Scope of Work shall be considered as to have replaced and superseded the original proposal's Scope of Work.

It is the responsibility of the proposer/contractor to confirm that they have acquired all addenda related to this proposal and they have reviewed/complied with the requirements therein.

D.5 SUBMISSION OF PROPOSALS:

Submission of proposals for this RFEI may be done electronically through a Vendor portal (currently done via BidNet Direct®). Proposals can be submitted at www.bidnetdirect.com, but shall not be completely submitted later than the date and time indicated in the Schedule of Events.

If you experience problems with BidNet Direct®, please call 1-800-835-4603 for assistance. There is no charge by BidNet Direct® for this service.

Proposing Vendors who are unable to submit a proposal through BidNet®, may request to submit a physical copy of their proposal for consideration. A proposing Vendor shall email the Buyer of Record prior to the question due date listed in the Schedule of Events, for instructions on where and how to submit their physical proposal. All physical proposal submissions shall be submitted and recorded no later than the date and time indicated in the Schedule of Events.

D.6 PROPOSAL SUBMISSION PAGE LENGTHS:

Thornton is seeking proposals from qualified firms with proposals from prospective Vendors that contain relevant information, answers to proposal questions, pricing, samples, and other items that support that Vendor's proposal submission.

With this in mind, Thornton is requesting that proposing Vendors work to limit their proposal responses to one hundred (100) pages or less. This page count does not include samples of previous work, as those should be submitted/uploaded as a separate file.

D.7 DOCUMENTS FOR FINAL VENDOR SUBMISSION:

Proposing Vendors are to ensure that they're submission is complete and responsive prior to a final submission. As a reminder this RFEI contains the following documents that will require completion by the proposing Vendor to be considered as initially responsive:

- 1) Section C.2 – Proposal Questions – Answers provided by the proposing Vendor:
 - a) All additional technical information in support of your proposal.
- 2) Section G.1 – Acceptance and Addenda Acknowledgement Form.
- 3) Section G.2 – References and Authorization Release Form.
- 4) If available, a copy of any standard terms and conditions expected with a future agreement.

It is not necessary for a proposing Vendor to submit this entire RFEI document that has been provided by Thornton with the Vendor's response. Only the above mentioned items are currently required with your proposal submission. Thornton reserves the right to request any clarification, ask any questions, or request additional documents that may aid in the evaluation of your proposal.

D.8 CONFIDENTIAL AND PROPRIETARY INFORMATION

As a Colorado home rule municipality, Thornton is subject to and must comply with the Colorado Open Records Act ("CORA"), C.R.S. § 24-72-201 *et seq.* All Vendor submitted documents are subject to requests for public records pursuant to CORA. **Proposing Vendors must clearly identify within their submissions any information that is confidential and proprietary by marking such information as "Confidential" or "Proprietary" information.** Any information a Vendor marks as confidential or proprietary shall comply with CORA and any other applicable statute(s).

Prior to a final award and contract, Vendor submitted information that is contained within the proposal may be held by Thornton as confidential and proprietary at Thornton's sole discretion. **In accordance with CORA, upon the conclusion of a final award and contract, Thornton may, in its sole discretion, release any and all portions of Vendor submissions not marked as confidential or proprietary.** Thornton shall be held harmless from any claims arising from the release of confidential and proprietary information not clearly designated as such by the proposing Vendor.

In general, it is not acceptable to Thornton to mark information other than the following as confidential or proprietary:

- 1) Financial statements;
- 2) Project financing data;
- 3) Litigation history;
- 4) Tax audit history; and
- 5) Client lists and references.

Thornton does not generally find it acceptable to mark proposal pricing, or the entirety of your proposal, as confidential or proprietary. Failure to adhere to these restrictions may result in your proposal being deemed as non-responsive.

For more information about Thornton's processes related to CORA, including using Thornton's Public Records Request Form or for submission of a CORA request, please visit the website of the office of Thornton's City Clerk at <https://www.thorntonco.gov/government/city->

[clerk/Pages/default.aspx](#) or you can reach the Clerk's office by email at Clerk@ThorntonCO.gov or by phone at (303) 538-7615.

D.9 LATE PROPOSAL SUBMISSIONS:

Proposing Vendors are expected to allow adequate time to upload a complete submission for consideration through the electronic Vendor portal (currently BidNet Direct®). The Vendor portal will not allow a Vendor to modify, save, nor upload their proposal after the submittal date and time have passed. It is **highly recommended** that as a proposing Vendor you do not wait until the last minute to submit your proposal.

Late proposals will not be accepted. Sole responsibility rests with the proposing Vendor to ensure that its proposal is completely uploaded through the Vendor portal or is received in the Purchasing Office prior to the submission deadline. Proposals that are left in a "Draft" status in the Vendor portal will not be accepted by Thornton for consideration.

All physical proposals received in the Purchasing Office after the submittal date and time will be immediately rejected without consideration.

D.10 PARTNERSHIP CONTRACT:

Due to the nature of this solicitation, Thornton intends to "short list" the most qualified respondents and enter into discussions to develop an agreement that is mutually beneficial to both the vendor, residents/businesses, and Thornton in general. With this understanding Thornton reserves the right to enter into a single agreement or multiple agreements with multiple companies depending on what is deemed in the best interest of Thornton and at Thornton's sole discretion. Note, no respondent will be forced to enter into an agreement under this solicitation if the terms of the agreement cannot be satisfactorily settled by the parties during the negotiations. Shortlisted respondents should anticipate supplying an agreement template that can serve as the basis for the final agreement development.

D.11 EVALUATION OF PROPOSALS:

All proposals will be evaluated by a Selection Committee assigned by the City Manager, or his designee. Proposals shall be evaluated on the basis qualifications, experience, and the vendors ability to meet the broadband network needs the community at large. The Evaluation Criteria noted herein are established to help guide the respondents in the preparation of their proposals and to aid the selection committee in determining which firms are able to offer the best value to Thornton's residents and businesses.

However, the Selection Committee is not bound to these criteria exclusively and may evaluate other factors that may not be listed as they deem appropriate. Please also note that any tools utilized by the Selection Committee in their evaluation process are only intended to facilitate the understanding

of the submissions received and facilitate the member's ability to weigh the merits of each proposal. Therefore, any tools utilized by the Selection Committee have no binding effect on their vote or any agreement made by Thornton as a result of this RFEI. The City Manager, or his designee(s), shall make the final determination of the firm(s) selected to enter into an agreement with Thornton.

D.12 EVALUATION CRITERIA:

Responses will be evaluated on completeness and compliance with the requirements. The City of Thornton will eliminate any responses that (a) are non-conforming, (b) do not meet the minimum requirements, (c) are not economically competitive with other responses, or (d) are submitted by Respondents that lack appropriate qualifications. Please be certain that all required information is included in your response, as the City of Thornton will not be required to notify you of incompleteness, seek clarification, or ask for additional information. Failure to provide the information set forth herein may be grounds for elimination of consideration.

Note, any scoring system that may be used is only intended to help guide the selection committee's evaluation and is not binding (in any way) upon any decision to enter into an agreement or negotiations with a respondent.

Evaluation criteria for this RFEI may include, but is not limited to, the following items:

- 1) Plausibility, financial capacity, and effectiveness of the Proposal for the requirements listed in the RFEI.
- 2) Completeness, overall professional organization, and quality of the response.
- 3) Qualifications, experience, and references.
- 4) The agreeability of the Vendor to Thornton's terms and conditions and the ability to contract with the awarded Vendor.
- 5) Approach to the following principles:
 - a) Responsiveness to the needs of Thornton and maximizing the appeal and value of the proposed partnership, including the time required to deploy network services throughout the City.
 - b) Willingness to facilitate last-mile service to the community at large.
 - c) Plans to participate in subsidized fee programs (e.g., Affordable Connectivity Program, Lifeline).

D.13 STANDARD PROPOSAL CONSIDERATIONS:

The City reserves the right to reject any and all proposals and is under no obligation to award a Contract. The City reserves the right to negotiate a contract with the highest evaluated Respondent as determined by the review committee. The City reserves the right to break off negotiations with all

firms and not award a contract. The responsibility for the final selection and award of a contract rest solely with the City Manager or his designees. The City shall not be liable to any Respondent for costs associated with responding to this RFEI, for Respondent's participation in any oral interview, any cost associated with negotiations, or any other costs associated with this RFEI.

The City of Thornton may consult references familiar with the Respondent regarding its prior operations and projects, financial resources, reputation, performance, or other matters. Submission of a response shall constitute permission for the City of Thornton to make inquiries and authorization to third parties to respond to them.

The City of Thornton may elect to initiate contract negotiations with one or more Respondents including negotiation of costs/price(s) and any other issues or terms and conditions, including modifying any requirement in the RFEI. The option of whether to initiate contract negotiations rests solely with the City of Thornton. No Respondent shall have any rights against the City of Thornton arising from such negotiations.

As a result of selection of a Respondent to supply products and/or services to the City of Thornton, the City of Thornton is neither endorsing nor suggesting that the Respondent's product or service is the best or only solution. The Respondent agrees to make no reference to the City of Thornton in any literature, promotional material, brochures, sales presentation, or the like without the express written consent of the City of Thornton.

This RFEI does not create any obligation on the City of Thornton to make any contract award.

D.14 COMPLIANCE WITH FEDERAL, STATE, AND LOCAL LAWS:

Respondent warrants in submitting a response and in the performance of an award as a result of the response, that Respondent has complied with, or will comply with, all applicable Federal, state, and local laws, ordinances and all lawful orders, rules, and regulations hereunder.

D.15 LIMITATION OF LIABILITY:

The City of Thornton makes no representations, warranties, or guarantees that the information contained herein is not subject to change. The dynamic and fluctuating nature of this process may compromise some of this information's accuracy, completeness, timeliness, or that such information accurately represents the conditions that would be encountered in pursuing the work now, or in the future. The furnishing of such information by the City of Thornton shall not create or be deemed to create any obligation or liability upon it for any reason whatsoever and each Respondent, by submitting its response, expressly agrees that it has not relied upon the foregoing information, and that it shall not hold the City of Thornton liable or responsible therefore in any manner whatsoever. Accordingly, nothing contained herein and no representation, statement or promise, of the City of Thornton, its directors, officers, agents, representatives, or employees, oral or in writing, shall impair

or limit the effect of the warranties of the Respondent required by this RFEI and that it shall not hold the City of Thornton liable or responsible therefore in any manner whatsoever.

City of Thornton Confidential Information

Specifications, drawings, sketches, models, samples, tools, computers or other apparatus programs, trade secrets, confidential research, development or commercial information, intellectual property, patents, and/or other technical or business data are hereinafter designated as “Confidential Information.” Confidential Information shall not include information that (a) is generally available to the public prior to the date of this Agreement; (b) enters the public domain during the term of this Agreement through no fault of the Respondent; (c) the Respondent can establish, through its own contemporaneous records, was in its possession prior to disclosure of the Confidential Information to the Respondent; or (d) is independently developed by the Respondent without reference to or use of the Confidential Information.

The Respondent shall: (a) hold and maintain all Confidential Information received in strict confidence; (b) restrict disclosure of Confidential Information only to those employees of the Respondent or its wholly owned subsidiaries who have been informed of the confidential nature of the information and have agreed to be bound by the restrictions of this Agreement governing disclosure of Confidential Information, and who need to know the Confidential Information for responses to the City of Thornton for furnishing material, software, documentation, or services hereunder; and (c) not duplicate, reproduce, distribute, store in any electronic information retrieval system, or disseminate Confidential Information in any other manner. All Confidential Information, whether written, oral, or other, furnished to the Respondent hereunder, or in contemplation hereof, shall remain the property of the City of Thornton. All copies of such Information in written, graphic, or other tangible form shall be returned to the City of Thornton or permanently destroyed at the City of Thornton’s request.

Respondent obligations with respect to the Confidential Information shall survive termination of this Agreement and remain in full force and effect for a period of five (5) years from the date of receiving of this Agreement.

Due Diligence

Prior to submitting a response, Respondents should carefully examine all the supplied materials, including plans, specifications, and designs related to this Project.

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SECTION E: OTHER CONSIDERATIONS

The following standard terms and conditions apply to this RFEI:

- 1) The Proposal must be signed by a duly authorized official of the proposing firm submitting the Proposal.
- 2) Each Proposing Vendor by submitting a Proposal represents that they have read and understand the RFEI and its Proposal is made in accordance therewith.
- 3) No Proposal will be accepted from any person, firm, or corporation that is in arrears for any obligation to Thornton, or that otherwise may be deemed irresponsible or unresponsive by Thornton staff or Thornton City Council.
- 4) Section 7.4 of the Thornton City Charter prohibits Thornton from entering into any Contracts involving an amount in excess of one hundred dollars (\$100) in which an elective or appointive officer or any member of the officer's family has any pecuniary interest, direct or indirect. Certain other restrictions may also apply to Contracts in which an employee, member of a board or commission, City Council Member or member of same's family has an existing or pending financial or personal interest. For the purposes of this Charter Section, a domestic partner shall be considered a family member. Therefore, the proposing firm shall submit the Acceptance and Acknowledgement Form, which is located within the Required Vendor Signature Forms section of the RFEI document.
- 5) No City Council Member, member of a board or commission, Municipal Judge, City Manager, City Attorney, or employee of the City of Thornton, or any such person's family member, domestic partner, or person assuming a relationship being the substantial equivalent of the above, may have an existing or pending direct or indirect financial, pecuniary, or personal interest in the proposing firm or this RFEI. Any deviation from this policy must be disclosed seven business days prior to submission. The Purchasing Agent will make any final determination if any disqualification is necessary.
- 6) Thornton reserves the right to request a client list from the proposing firm, for the purpose of determining potential conflicts of interest. Said list shall be considered proprietary.
- 7) Thornton will not return Proposals, or other information supplied to Thornton, to the proposing firms.
- 8) The successful proposing firm shall be prohibited from assigning or subcontracting the whole, or any part of the Agreement, without the prior written consent of Thornton.
- 9) The successful proposing firm shall not hire, discharge, promote, demote, or otherwise discriminate in matters of compensation, terms, conditions, or privileges of employment against any person otherwise qualified solely because of race, color, creed, religion, national origin, ancestry, gender, physical or mental disability, or age.

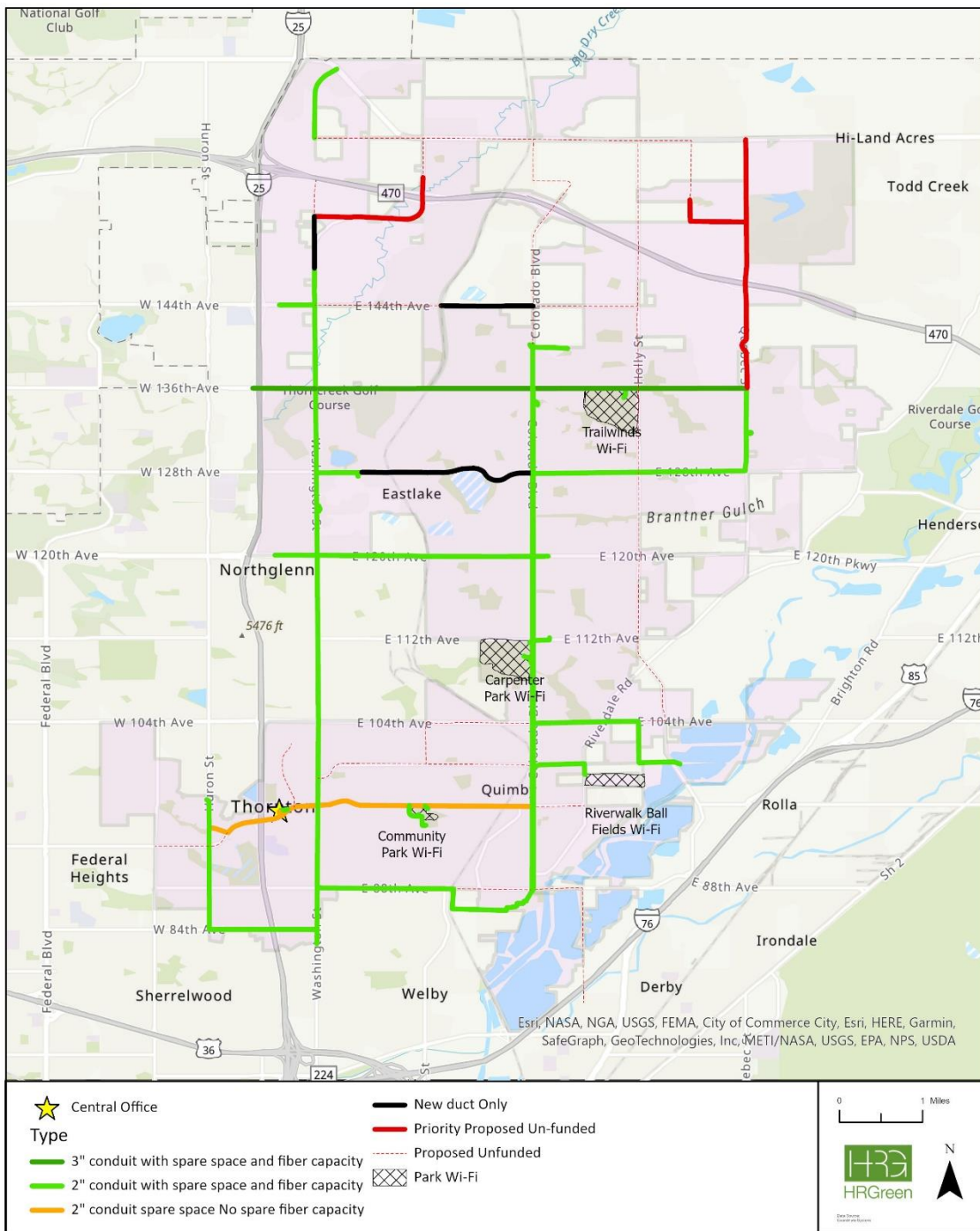
- 10) The successful proposing firm and its employees will operate as an independent contractor and will not be considered employees of Thornton.
- 11) For any RFEI documents provided in an electronic format, any alteration to the text and substance set forth in the proposal documents is absolutely prohibited and will result in the immediate rejection of the proposal. If exceptions are taken to the language provided in the Proposal Documents, they must be submitted as an attachment to the Proposal and not by alteration of the original text. Thornton's file copy of this document will be the official and binding version in determining a resolution to any discrepancy in the award or administration of a Purchase Order.
- 12) Proposal submitted by facsimile are not acceptable and will be rejected upon receipt. Proposing vendors will be expected to allow adequate time for delivery of their proposal either by upload through the electronic Vendor portal (currently BidNet Direct®), airfreight, postal service, or hand delivery.
- 13) The successful Proposing Vendor shall not discriminate on the basis of race, color, creed, national origin, ancestry, age, gender, religion, or physical or mental disability in any policy or practice.
- 14) Thornton maintains control of internal and third-party communications during the procurement process to prevent biased evaluations and compromises of confidential information, and to preserve the competitiveness and integrity of the procurement efforts. Therefore, Proposing Vendors shall not disclose their proposal criteria to any employees of Thornton other than the contact representative designated in the Proposal Documents. Attempts by Proposing Vendors to establish informal communications channels regarding this procurement will be viewed negatively and may result in rejection of the offending firm's Proposal.

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SECTION F: MAPS AND SUPPLEMENTAL INFORMATION

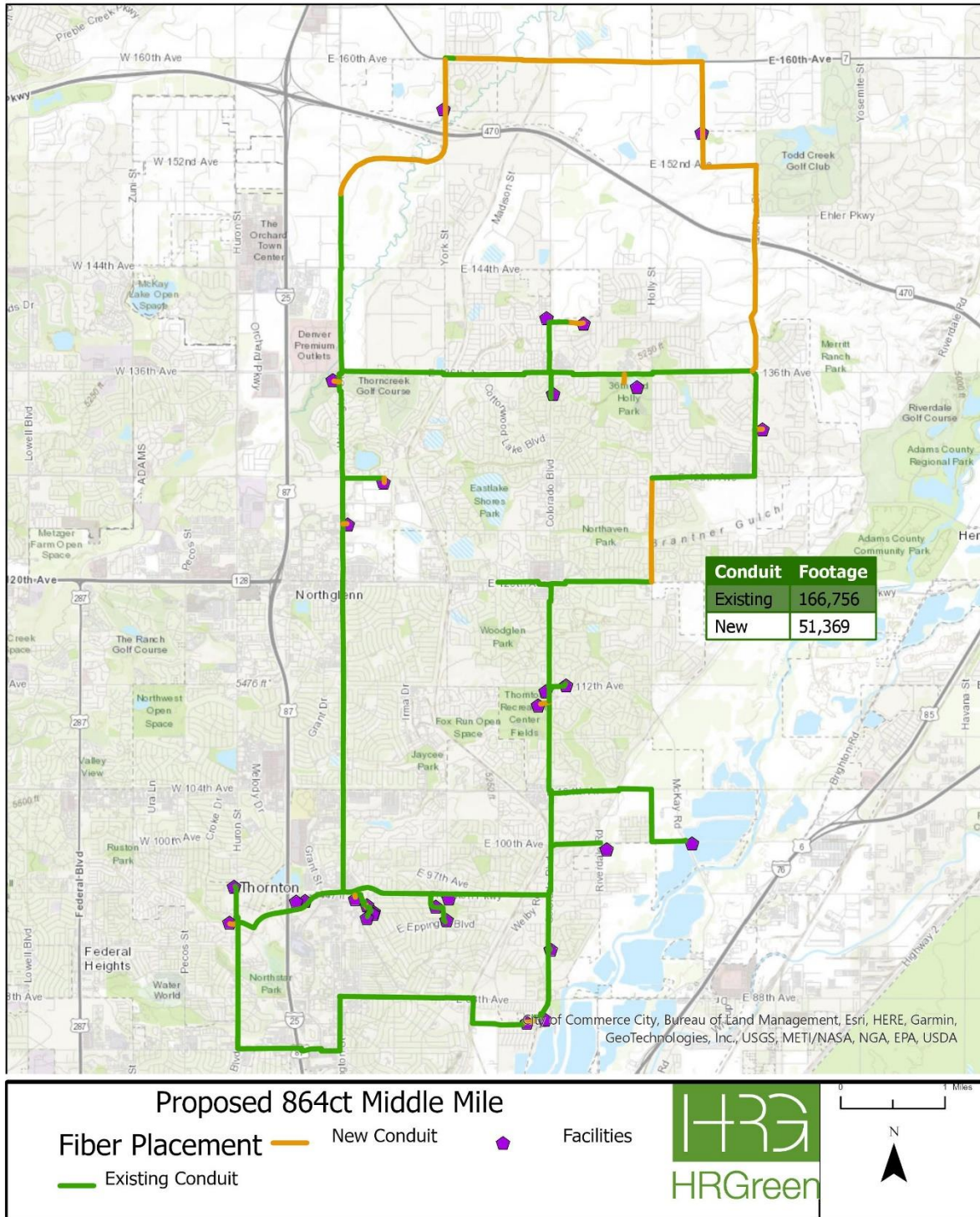
The following map demonstrates existing assets within the City of Thornton

Thornton Conduit & City Traffic Network Fiber



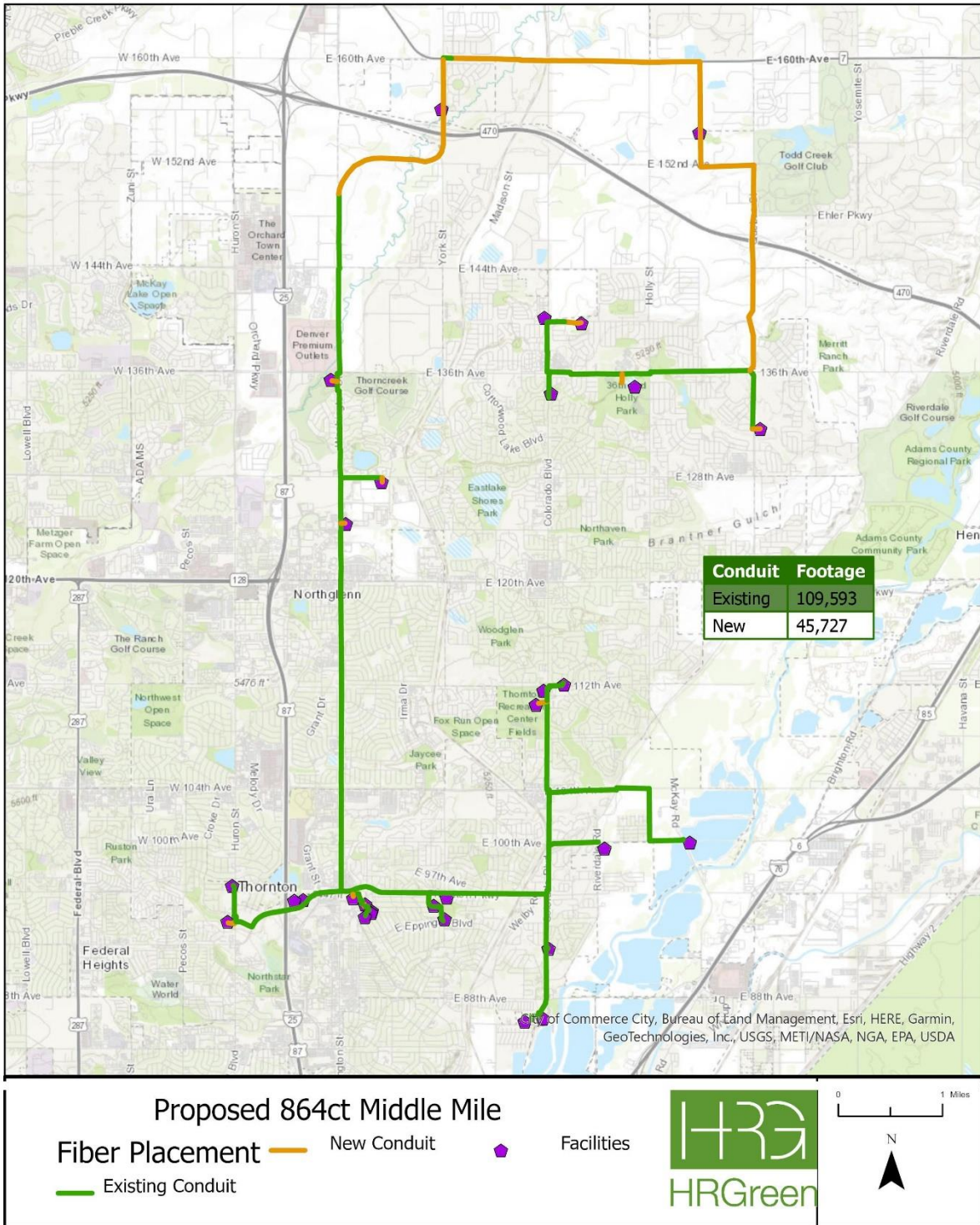
Proposed Option 1 for expansion of Middle Mile fiber with redundancy in the City of Thornton:

Thornton Extended Ring



Proposed Option 2 for expansion of Middle Mile fiber without redundancy in the City of Thornton:

Thornton Primary Facility Middle Mile





SECTION G: REQUIRED VENDOR SIGNATURE FORMS

G.1 ACCEPTANCE AND ADDENDA ACKNOWLEDGEMENT FORM:

Vendor indicates acceptance of the following conditions:

- 1) City of Thornton Charter Section 7.4 prohibits Thornton from issuing a Purchase Order to firms which employ certain family members of employees unless the Thornton Council determines it is in Thornton's best interest. For the purposes of this Charter Section, a domestic partner shall be considered equivalent to a family member. The Vendor attests to the following:

No City Council Member, member of a board or commission, Municipal Judge, City Manager, City Attorney, or employee of the City of Thornton, or any such person's family member, domestic partner, or person assuming a relationship being the substantial equivalent of the above, has an existing or pending, direct or indirect, financial, pecuniary or personal interest in the proposing firm or this Invitation for Bid, except as follows: (list, if any) _____

- 2) The undersigned Vendor, having examined the Proposal Documents, and having full knowledge of the product and/or services requested and described herein, hereby proposes that it will fulfill the obligations contained herein specifications set forth; and that it will furnish all required products and pay all incidental costs all in strict conformity with these Proposal Documents, for the stated prices as payment in full. Yes No

- 3) I acknowledge receipt of any and all published addenda and a copy of the sample agreement as provided by Thornton. : Yes No

- 4) I acknowledge that I have submitted all items and documents as required of the final proposal submission. Yes No

Proposing Vendor's Name: _____

Submitted By (Printed): _____

Submitted By (Signature): _____

Title: _____

Date: _____

Telephone Number: _____

Email: _____



G.2 REFERENCES AND AUTHORIZATION AND RELEASE FORM:

REFERENCE AUTHORIZATION FORM

By: _____, A Corporation
(Proposing firm) _____, A Partnership whose address is _____
An Individual (Circle One)

Proposing firm has submitted a sealed Proposal to the City of Thornton (Thornton) for this solicitation.

Proposing firm hereby authorizes Thornton to perform such investigation of proposing firm as Thornton deems necessary to establish the qualifications, responsibility, trustworthiness, and financial ability of the proposing firm. By its signature hereon, the proposing firm authorizes Thornton to obtain reference information concerning the proposing firm and releases the party providing such information named above and Thornton from any and all liability to the proposing firm as a result of any reference information provided.

Proposing firm further authorizes Thornton to discuss and release any and all information regarding the Proposing firm's performance on its forthcoming services related to this project or other past projects upon receiving a request for such information. Proposing firm releases Thornton from any and all liability associated with such a release of information.

Proposing firm further waives any right to receive copies of reference information provided to Thornton. A copy or facsimile of this executed Reference Authorization and Release Form may be used with the same effectiveness as an original.

Proposing Vendor's Name: _____

Submitted By (Printed): _____

Submitted By (Signature): _____

Title: _____

Date: _____

SECTION H: AUTHORIZATION FOR SOLICITATION POSTING**H.1 PURCHASING MANAGER FORM:**

All communications regarding this solicitation shall be directed to the Buyer of Record listed within this solicitation in Section A.3 – Buyer of Record.

This solicitation has been reviewed and approved for a public posting by the Thornton Purchasing Manager.

Megan deGrood, CPPB
Purchasing Manager