



**TOWN OF BRISTOL**  
**230 Lake Street, Bristol, NH 03222**

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**Request for Proposals**

Town of Bristol, New Hampshire

Legal Services for Municipal Fiber Optic Network

December 7, 2018

## **Section 1. General Information**

### **A. Objective**

The Town of Bristol seeks proposals from qualified respondents for legal services during the development and implementation phases of an approximate three-mile, middle mile fiber optic network (FON). The selected firm will also be expected to work with the rest of the Town's team, including the selected consultants for design, engineering, construction, and the bandwidth provisioning/operational validation/management.

The FON will be owned by the Town and will be capable of high-speed internet (ranging from 1 gigabit/sec (gbs) to 10 gbs with low latency, in support of application that include voice, data, video, network backups, cellular service, robotics, telemedicine and other needs. It will connect nine municipal buildings, potentially other municipal assets (security cameras), and eventually (not in this contract time frame), be available for businesses and residents to tie into. During this project deployment, the network will leverage private investment from cell carriers. It is expected that the network will facilitate workforce development, create and retain jobs, and increase tourism opportunities in the extended Bristol region.

This project will be partially funded with Federal funds from the Northern Border Regional Commission, and therefore is subject to the Federal laws and regulations associated with that program.

### **B. Questions About and Clarifications of the Request for Proposals**

All questions regarding this Request for Proposals (RFP) shall be submitted via e-mail. Questions will be accepted and answered in accordance with the terms and conditions of this RFP.

All questions shall be submitted on or before December 24, 2018 at 12:00 pm., and should be addressed as follows:

Scope of Work/Proposal Content questions shall be emailed to Bill Dowey at [economicdevelopment@townofbristolnh.org](mailto:economicdevelopment@townofbristolnh.org).

RFP Process and Compliance questions shall be emailed to Nik Coates at [townadmin@townofbristolnh.org](mailto:townadmin@townofbristolnh.org).

Should any prospective consultant be in doubt as to the true meaning of any portion of this RFP, or should the consultant find any ambiguity, inconsistency, or omission therein, the consultant shall make a written request for an official interpretation or correction by the due date above.

All interpretations, corrections, or additions to this RFP will be made only as an official addendum that will be posted to the Bids & Proposals section of the Town's website and shall be the consultant's responsibility to ensure they have received all addenda before submitting a proposal. Any addendum

issued by the Town shall become part of the RFP and must be incorporated in the proposal where applicable.

### **C. Proposal Format**

To be considered, each firm must submit a response to this RFP using the format provided in Section 3. No other distribution of proposals is to be made by the consultant. An official authorized to bind the consultant to its provisions must sign the proposal in ink. Each proposal must remain valid for at least ninety days from the due date of this RFP.

Proposals should be prepared simply and economically providing a straightforward, concise description of the consultant's ability to meet the requirements of the RFP.

Respondents will not be compensated for their development, submission and potential interviews associated with the RFP response and selection process.

### **D. Selection Criteria**

Responses to this RFP will be evaluated using a point system as shown in Section 3. A selection committee comprised of staff and volunteers from the Town will complete the evaluation.

After initial evaluation, the Town will determine top consultants and will then determine which, if any, firms will be interviewed. During the interviews, the selected firms will be given the opportunity to discuss their proposal, qualifications, past experience, and their fee proposal in more detail. The Town further reserves the right to interview the key personnel assigned by the selected consultant to this project. If the Town chooses to interview any respondents, the interviews will be tentatively held the week of January 28, 2019. Consultant must be available on these dates.

All proposals submitted may be subject to clarifications and further negotiation. All agreements resulting from negotiations that differ from what is represented within the RFP or in the consultant's response shall be documented and included as part of the final contract.

### **E. Sealed Proposal Submission**

All proposals are due and must be delivered to the Town on or before, January 18, 2019 at 12:00 pm. Proposals submitted late or via oral, telephonic, telegraphic, electronic mail or facsimile will not be considered or accepted.

Each respondent must submit in a sealed envelope

- one (1) original proposal, including fee proposal
- three (3) additional proposal copies
- one (1) digital copy of the proposal preferably on a USB/flash drive as one file in PDF format

Proposals submitted must be clearly marked "Fiber Legal Proposal" and list the consultant's name and address. Proposals must be addressed and delivered to:

Town of Bristol  
Nik Coates, Town Administrator  
230 Lake Street  
Bristol, NH 03222

All proposals received on or before the due date will be opened by the Town Administrator and recorded on the due date. No immediate decisions will be rendered.

Hand delivered proposals must be delivered between the hours of 8:00 am. and 4:00 pm. Monday through Friday, excluding Holidays.

The Town will not be liable to any consultant for any unforeseen circumstances, delivery, or postal delays. Postmarking on the due date will not substitute for receipt of the proposal. Consultants are responsible for submission of their proposal. Additional time will not be granted to a single consultant. However, additional time may be granted to all consultants at the discretion of the Town.

Proposals that fail all required documentation in complete form upon proposal opening will be deemed non-responsive and will not be considered for award.

Please do not provide any other forms in the separately sealed Fee Proposal envelope.

#### **F. Confidentiality & RFP Ownership**

All responses to the RFP will become the property of the Town of Bristol and will not be returned. Per New Hampshire State Law (reference NH Revised Statutes Annotated Chapter 91-A, Access to Governmental Records), all materials received or created by the Town of Bristol are considered public records. These records include but are not limited to bid or proposal submittals, agreement documents, contract work product, or other information submitted by a vendor to the Town.

NH RSA 91-A requires that public records must be promptly disclosed by the Town upon request unless that NH RSA 91-A or another NH RSA specifically exempts records from disclosure. Exemptions are narrow and explicit and are listed in NH RSA 91-A.

If you believe any of the records you are submitting to the Town as part of your informational material are exempt from disclosure, you can request that they not be released before you receive notification. To do so, you must contact Town Administrator Nik Coates. You should very clearly and specifically identify each record and the exemption(s) that may apply.

**G. Contract**

The Town reserves the right to award the total proposal, to reject any or all proposals in whole or in part, and to waive any informality or technical defects if, in the Town's sole judgment, the best interests of the Town will be so served.

This RFP and the selected consultant's response thereto, shall constitute the basis of the scope of services in the contract by reference.

**H. Cost Liability**

The Town of Bristol assumes no responsibility or liability for costs incurred by the consultant prior to the execution of a Professional Services Agreement. The liability of the Town is limited to the terms and conditions outlined in the Agreement. By submitting a proposal, consultant agrees to bear all costs incurred or related to the preparation, submission, and selection process for the proposal.

**I. Debarment**

Submission of a proposal in response to this RFP is certification that the Respondent is not currently debarred, suspended, proposed for debarment, and declared ineligible or voluntarily excluded from participation in this transaction by any State or Federal departments or agency. Submission is also agreement that the Town will be notified of any changes in this status.

**J. Proposal Protest**

All proposal protests must be in writing and filed with the Town Administrator within five (5) business days of the award action. The consultant must clearly state the reasons for the protest. The Town Administrator will provide the consultant with the appropriate instructions for filing the protest. The protest shall be reviewed by the Town Administrator, whose decision shall be final.

**K. IRS Form W-9**

The selected consultant will be required to provide the Town of Bristol an IRS form W-9.

**L. Reservation of Rights**

1. The Town reserves the right in its sole and absolute discretion to accept or reject any or all proposals, or alternative proposals, in whole or in part, with or without cause.
2. The Town reserves the right to waive, or not waive, informalities or irregularities in terms or conditions of any proposal if determined by the Town to be in its best interest.
3. The Town reserves the right to request additional information from any or all consultants.
4. The Town reserves the right to reject any proposal that it determines to be unresponsive and deficient in any of the information requested within RFP.

5. The Town reserves the right to determine whether the scope of the project will be accepted entirely as described in the RFP, a portion of the scope, or a revised scope be implemented.

6. The Town reserves the right to select one or more consultants to perform services.

7. The Town reserves the right to retain all proposals submitted and to use any ideas in a proposal regardless of whether that proposal is selected. Submission of a proposal indicates acceptance by the firm of the conditions contained in this RFP, unless clearly and specifically noted in the proposal submitted.

8. The Town reserves the right to disqualify proposals that fail to respond to any requirements outlined in the RFP, or failure to enclose copies of the required documents outlined within RFP.

## **Section 2. Scope of Services**

### **A. General**

Firms will be chosen based on how closely their expertise fits with the project, their proposed work plan and fees. If a partnership is required between two firms, then the lead firm will submit qualifications, work plan and fee proposal for the sub-consultant, which will be evaluated as part of the proposal.

Projects related to this RFP will primarily be requested from external sources, but the Town will project manage all future FON expansion projects in partnership with the selected contractor(s).

The Town will also be seeking a design contractor, engineering and construction contractor, and bandwidth provider/network manager in separate proposals. The legal services consultant will be asked to be part of these facets of the project as needed.

### **B. About Bristol**

Bristol, incorporated in 1819, is a beautiful New England town that encompasses the southern portion of Newfound Lake, the fifth largest lake in the State. Bristol is located just twenty-five miles northwest of Concord, New Hampshire, New Hampshire's capital. Bristol offers all the benefits of small-town living, remaining close to major recreational attractions and business centers. The Town of Bristol has a year-round population of approximately 3,300 and a seasonal summer population of approximately 6,500 inhabitants. It is home to the international manufacturing company Freudenberg, the Newfound Area School District, Mid-State Health Center, and other regional and local businesses. The Town government has identified ubiquitous, high quality broadband and cellular coverage as necessary utilities for connecting municipal offices, businesses, residents and visitors to remain economically competitive.

### **C. About the Network**

Recognizing that high-quality broadband access is critical to the future of educating the region's future workforce, the Newfound Area School District (SAU 4) deployed a lit fiber network in 2018 connecting its schools and main office located in Bristol. The Town was awarded a Northern Border Regional

Commission grant in 2018 and intends to use funds from the grant and from a Town appropriation to expand upon the SAU 4 network to connect municipal facilities, facilitate educational/training opportunities, foster economic growth for existing and new business, and be the backhaul for cellular carriers and other wireless needs.

It is expected that the network will be built to meet the first three miles and be expandable in the future to serve as middle mile fiber for other fiber to the premises connections. The Town will be encouraging businesses and residents to complete the “last mile” to their homes and businesses and plans to seek out other grant funds to facilitate last mile connectivity.

#### **D. Requirements**

The scope of anticipated services the contractor is expected to perform is described below. It is anticipated that this project and future projects will require all these services detailed below but it is possible the selected contractor(s) may be asked to perform only a portion of the services.

- Pole processes: a) Agreements/easements for pole placement, and b) pole licensing.
- Contracting and service level agreements for consultants, including: a) design, engineering and construction of network; b) provision of internet service; c) maintenance and management of network; and d) validation testing and inspection.
- Right of Way permitting for poles or underground burial (if needed)
- Contracting and service level agreements with cellular carriers
- Agreements/easements for siting, including co-location space for wireless antennas
- Insurance and bonding agreement review (and edits as needed)
- As/if needed: Negotiate a regional cooperative agreement with other towns for future fiber deployment
- As/if needed: Developing contracts for future fiber deployments to businesses

#### **E. Consultant’s Proposal**

In keeping with the objective, the description, the requirements, and the consultant’s tasks as previously indicated in this Request for Proposals, the consultants submitting proposals shall outline in detail the manner in which the consultant shall work with the Town to fulfill the Town’s needs.

**F. The outline at a minimum shall address:**

1. Staffing and personnel.
2. Communication and coordination.
3. Compatibility with Town’s standards, goals, and objectives.
4. Working relationship between consultant and Town staff.
5. Information which will assist the Town to determine the consultant’s capability of performing the work.

**Section 3. Minimum Information Required**

**A. Proposal Format**

Consultants should organize Proposals into the following Sections:

- A. Professional Qualifications
- B. Past Involvement with Similar Projects
- C. Proposed Work Plan
- D. Fee Proposal
- E. Authorized Negotiator

The following describes the elements that should be included in each of the proposal sections and the weighted point system that will be used for evaluation of the proposals.

A. Professional Qualifications – 25 points

1. State the full name and address of your organization and, if applicable, the branch office or other subsidiary element that will perform, or assist in performing, the work hereunder. Indicate whether it operates as an individual, partnership, or corporation. If as a corporation, include whether it is licensed to operate in the State of New Hampshire.
2. Include the name of executive and professional personnel by skill and qualification that will be employed in the work. Show where these personnel will be physically located during the time they are engaged in the work. Indicate which of these individuals you consider key to the successful completion of the project. Identify only individuals who will do the work on this project by name and title. Resumes and qualifications are required for all proposed project personnel.

3. State the history of the firm, in terms of length of existence, types of services provided, etc. Identify the technical details that make the firm uniquely qualified for this work.

**B. Past involvement with Similar Projects – 20 points**

The written proposal must include a minimum of two (2) examples of specific experience and indicate proven ability in implementing similar projects for the firm and the individuals to be involved in the project. A complete list of client references must be provided for similar projects recently completed. It shall include the firm/agency name, address, telephone number, project title, and contact person.

**C. Proposed Work Plan – 30 points**

Provide a detailed and comprehensive description of how the Consultant intends to provide the services requested in this RFP.

**D. Fee Proposal - 25 points**

Fee quotations shall clearly state the total lump sum price for the scope of work outlined in Section 2 D. Fee quotations are to include the names, title, hourly rates, overhead factors, and any other details by which the overall and project element costs have been derived. The fee quotation is to relate to each item of the scope of work in Section 2 D. Consultants shall be capable of justifying the details of the fee proposal relative to personnel costs, overhead, how the overhead rate is derived, material and time.

**E. Authorized Negotiator**

Include the name, phone number, and e-mail address of persons(s) in your organization authorized to negotiate the agreement with the Town.

**B. Proposal Evaluation**

1. The selection committee will evaluate each proposal by the above-described criteria and point system to select a short-list of firms for further consideration. The Town reserves the right to reject any proposal that it determines to be unresponsive and deficient in any of the information requested for evaluation. A proposal with all the requested information does not guarantee the proposing firm to be a candidate for an interview. The committee may contact references to verify material submitted by the consultants.

2. The committee then will schedule interviews with the selected firms if necessary. The selected firms will be given the opportunity to discuss in more detail their qualifications, past experience, proposed work plan and fee proposal.

3. The interview should include the team members expected to complete a majority of work on the project, but no more than six members total. The interview shall consist of a presentation of up to thirty minutes (or the length provided by the committee) by the consultant, including the person who will be the project manager on this contract, followed by approximately twenty minutes of questions and answers. Audiovisual aids may be used during the oral interviews.

4. The firms interviewed will then be re-evaluated by the above criteria, and adjustments to scoring will be made as appropriate. After evaluation of the proposals, further negotiation with the selected firm may be pursued leading to the award of a contract by the Select Board, if suitable proposals are received.

The Town reserves the right to waive the interview process and evaluate the consultants based on their proposals and fee schedules.

The Town will determine whether the final scope of the project to be negotiated will be entirely as described in this RFP, a portion of the scope, or a revised scope.

Work to be done under this contract is generally described through the detailed specifications and must be completed fully in accordance with the contract documents.

Any proposal that does not conform fully to these instructions may be rejected.

### **C. Preparation of Proposals**

Proposals should have no plastic bindings but will not be rejected as non-responsive for being bound. Staples or binder clips are acceptable. Proposals should be printed double sided on recycled paper. Proposals should not be more than 30 sheets (60 sides), not including required attachments and resumes.

Each person signing the proposal certifies that he or she is the person in the consultant's firm/organization responsible for the decision as to the fees being offered in the Proposal and has not and will not participate in any action contrary to the terms of this provision.

### **D. Addenda**

If it becomes necessary to revise any part of the RFP, notice of the addendum will be posted to the Town of Bristol website in the Bids & Proposals section for all parties to download.

Each consultant must acknowledge in its proposal all addenda it has received. The failure of a consultant to receive or acknowledge receipt of any addenda shall not relieve the consultant of the responsibility for complying with the terms thereof. The Town will not be bound by oral responses to inquiries or written responses other than official written addenda.