



# Investing in Resilient Infrastructure: Desktop Study for the Development of a Submarine Communications Cable System in Puerto Rico

Request for Proposals

RFP Publication Date: December 4, 2024

Deadline for Submissions: **January 31, 2025**

RFP Number: PRBP-2024-CPF-PRBIF-001

[www.smartisland.pr.gov](http://www.smartisland.pr.gov)

**Addendum Date: December 23, 2024**



## RFP Addendum Change Log

All updates in the Request for Proposal correlate to changes listed below and are **Bold** in the RFP document, which is included.

- 1. Section 2 - Description of Procurement Process: Schedule of Key Dates** – Page 9, Table  
– The following dates are updated to reflect the extended **Proposal Submission Deadline of January 31<sup>st</sup>, 2025**: Evaluations (**February 3, 2025 – February 24, 2025**), Notice of Award (**February 28, 2025**)



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## Request for Proposals

The Puerto Rico Broadband Program (“PRBP”), of the Puerto Rico Office of Management and Budget (“OMB”), as defined hereunder in **Section 1.1** and **Section 1.2** of this Request for Proposals (“RFP”), respectively, issues this RFP to obtain proposals from qualified firms that can provide PRBP and/or the Government of Puerto Rico (“Government”) the professional services defined in **Section 3** of this RFP (“Services”). This RFP seeks responses from Applicants capable of providing the Services and completing the related tasks required hereunder, while developing a productive relationship with PRBP and other relevant stakeholders.

This RFP does not commit nor obligate PRBP to award a contract nor to pay any costs incurred in the preparation of a response and/or proposal in connection to this RFP. PRBP reserves the right to award contracts to more than one qualified firm(s), to accept or reject any or all proposals received for this RFP, to negotiate with any eligible Applicant(s) or to modify or cancel this RFP in part or in its entirety. See **Section 6** of this RFP for further disclaimers and reservation of rights by PRBP.

By submitting a proposal each Applicant certifies that it fully understands, acknowledges, and accepts all the terms and conditions of this RFP, and any amendments thereto, without any restriction whatsoever.

All Applicants must comply with the procurement requirements set forth by the Puerto Rico General Services Administration (“ASC”, for its Spanish acronym) pursuant to Act No. 73-2019, as amended, including but not limited to the ‘*Regulation on the Sole Registry of Bidders for the Government of Puerto Rico*’, Regulation No. 9301E, issued August 26, 2021.

## 1. Introduction

### 1.1 Puerto Rico Office of Management and Budget

The Puerto Rico Office of Management and Budget (“OMB”) is an instrumentality of the Government of Puerto Rico, adjunct to the Governor of Puerto Rico’s Office (“Governor”), created pursuant to Act No. 147-1980, as amended (“Organic Act”). OMB was created to advise the Government on budgetary, programmatic, and administrative management matters, as well as fiscal matters related to its ministerial duties, among other things.

Pursuant to the Organic Act, OMB has several powers, such as: those related to the Government of Puerto Rico’s budget formulation; those related to said budget’s administration, execution, and controls; those related to evaluation of managerial and programmatic analysis; those related to operational, managerial, or administrative audits. Furthermore, Article 2(b) of the Organic Act empowers OMB’s Executive Director to contract professional, technical, consulting, auditing, and other services deemed necessary for the execution of OMB’s ministerial duties.

### 1.2 Puerto Rico Broadband Program

On July 11, 2022, the Governor issued Executive Order No. OE-2022-040)<sup>1</sup> (“Broadband Executive Order”), creating the Puerto Rico Broadband Program (“PRBP”). PRBP was created in response to Puerto Rico’s need for resilient, equitably distributed broadband infrastructure and the social support required to access it knowledgeably and safely. Under the executive order, the Governor appointed OMB as the overseeing agency of PRBP. OMB provides administrative and operational resources to support and enhance PRBP initiatives, which involve coordinating the disbursement of local and federal funds allocated to Puerto Rico for the construction of broadband infrastructure on the island.

The Broadband Executive Order also created an Executive Committee tasked with administering PRBP, authorizing and supervising funds disbursed thereunder. The Executive Committee is composed of the following five members: [1] the Government’s Chief Executive of Innovation and Information (“CIQ”), [2] a representative of the Puerto Rico Telecommunications Bureau (“PRTB”), [3] a representative of OMB, [4] a representative of the Puerto Rico Treasury Department (“PRTD”), and [5] the Governor’s Auxiliar Secretary for Innovation, Data and Technology. The Broadband Executive Order authorized the Executive Committee to procure the contracting of the necessary resources for the sound administration and operation of PRBP through OMB, or any other duly empowered Government entity.

Furthermore, the Broadband Executive Order created a Technical Advisory Council (“Council”) to provide specialized advisory to the Executive Committee in government and public administration matters. The Council is composed of the following seven members: [1] representative for the Puerto Rico Financial Advisory and Fiscal Agency, [2] representative of the Department of Public Safety, [3] representative of OMB, [4] representative from the Puerto Rico

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<sup>1</sup> For more information on Executive Order No. OE-2022-04, see [Broadband\\_OE- 2022-040.pdf](#) and [Orden Ejecutiva- Comité Broadband -2024-008.pdf](#).

Highway and Transportation Authority, [5] Puerto Rico Majors Federation, [6] Puerto Rico Majors Association, and [7] the Puerto Rican Alliance of Telecommunications.

Lastly, the Broadband Executive Order instructed OMB to create a Strategic Plan for PRBP (“[Strategic Plan](#)”), to ensure that these funds are used within the terms established to do so, ensure the prompt construction of the broadband infrastructure necessary to close the digital gap in Puerto Rico, and establish necessary controls to ensure the funds are used pursuant to applicable regulations. On August 12, 2023, the Executive Committee issued the Strategic Plan, titled Five Year Plan of Action<sup>2</sup>.

### 1.3 PRBP’s Objective’s

Currently in Puerto Rico, the digital divide persists. Certain areas have limited or no access to high-speed internet connectivity. PRBP is working to bridge the digital divide and ensure widespread availability of broadband services for all. The overall objective of PRBP is to foster digital equity ensuring that all citizens have equal opportunities to internet access and can benefit from digital resources. This objective will be met through the deployment of broadband infrastructure projects and digital equity programs over the next five years. The program’s projects emphasize the importance of not just enhancing connectivity, but also providing skill-building opportunities to every citizen for the effective use of digital resources.

PRBP has defined four pillars that align with this objective:

- **Connectivity** – Connectivity for all residential, commercial, and governmental structures in Puerto Rico, so that every resident on the island has access to high-speed internet through the proper infrastructure.
- **Quality** – Quality and speed in connectivity reaching citizens’ homes, businesses, or offices, ensuring a recurring minimum capacity of 100 Mbps/20 Mbps.
- **Accessibility** – Accessibility for citizens to obtain high-speed internet reliably and at an affordable price.
- **Knowledge** – Basic knowledge so that every citizen can use the necessary technological equipment to connect to high-speed internet, whether for connecting with the government, school, healthcare providers, and/or work.

### 1.4 Broadband Funding in Puerto Rico

PRBP draws on both local and federal funds to support projects that accelerate broadband infrastructure development and increase broadband access and connectivity on the island of Puerto Rico. Among the program’s sources of funding, the U.S. Department of the Treasury’s (“[Treasury](#)”) Capital Projects Fund (“[CPF](#)”) represents one critical funding stream for PRBP’s infrastructure focused projects.<sup>3</sup> CPF is a federal funding program established under the

<sup>2</sup> For more Information on the Five Year Plan of Action, see [PRBB - 5YR Action Plan - 08-12-2023.pdf](#).

<sup>3</sup> In addition to CPF, the Commonwealth of Puerto Rico (“[Commonwealth](#)”) has made available over \$900 million in local and federal funding to date to support broadband infrastructure development and access on the island. Sources of funding include the National Telecommunications and Information Administration’s (NTIA) Broadband Equity, Access, and Deployment (BEAD) Program, the NTIA’s Digital Equity (DE) Competitive Grant Program, the Department of Housing and Urban Development’s (HUD)

American Rescue Plan Act of 2021, Pub. L. 117-2 (“ARPA”) to provide support to states, territories, and freely associated states respond to the economic and public health impacts of the COVID-19 pandemic. CPF provides grants to states, territories, and freely associated states for capital and infrastructure projects that directly enable work, education, and health monitoring, including remote options.<sup>4</sup> Eligible projects include broadband infrastructure that will expand access to affordable, reliable, high-quality broadband internet to locations that lack access to adequate service necessary for full participation in school, healthcare, employment, social services, government programs, and civic life.

On September 6, 2023, Treasury allocated \$158 million in CPF funding to Puerto Rico. PRBP has invested a portion of this funding (\$85.7 million) to establish the Puerto Rico Submarine Cable Resiliency Program (“SCRP”), described in **Section 1.5**.

In parallel, the Financial Oversight and Management Board for Puerto Rico (“FOMB-PR”) established the Puerto Rico Broadband Infrastructure Fund (“PRBIF”). The purpose of the PRBIF is to compliment federal funding programs to support broadband expansion efforts and overcome barriers to broadband access. The total allocated budget to the PRBIF is \$400m; it is anticipated that a portion of the PRBIF will be used to supplement CPF funding for the SCRCP.<sup>5</sup>

## 1.5 Puerto Rico Submarine Cable Resiliency Program

The Puerto Rico SCRCP seeks to improve the reliability of high-speed internet in Puerto Rico by enhancing the resilience and redundancy of the island’s submarine cable system. The program plans to invest in new cable segments, cable landing stations, and other auxiliary cable system infrastructure (e.g., carrier neutral exchanges, data centers) that would increase the geographical diversity of the island’s current subsea cable system, currently concentrated in the north of the island in and around San Juan.

Through these investments, SCRCP will mitigate the current risks faced by Puerto Rico’s submarine cable system given the current concentration of assets on the north side of the island. In addition, the capital investments precipitated through this program are intended to drive economic development in Puerto Rico. SCRCP is expected to bring about more reliable digital connectivity on the island, improving Puerto Rico’s attractiveness as a place to live and to conduct business.

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Community Development Block Grant – Mitigation Funds (CDBG-MIT), and the locally funded Puerto Rico Broadband Infrastructure Fund. These funding opportunities support a portfolio of projects that complement the work being funded by the Commonwealth’s CPF allocation (e.g., [the utilization of BEAD funds to develop a resilient open access underground conduit system](#)). Visit the PRBP website [www.smartisland.pr.gov](http://www.smartisland.pr.gov) to learn more about these initiatives.

<sup>4</sup> For more Information on the Capital Projects Fund, see the U.S. Department of the Treasury’s [Guidance For The Coronavirus Capital Projects Fund](#).

<sup>5</sup> Visit the PRBP website [www.smartisland.pr.gov](http://www.smartisland.pr.gov) to learn more about PRBIF.

## 2. Description of Procurement Process

### 2.1 Purpose of RFP

The Puerto Rico Broadband Program is seeking proposals from qualified firms to conduct a comprehensive Submarine Cable Route and Cable Landing Station Location Desktop Study (“Desktop Study”) to inform the design, construction, and operations of a more resilient and redundant submarine telecommunications cable system for the island. The Desktop Study should follow the International Submarine Cable Protection Committee (“ICPC”) Recommendation No. 9 Minimum Technical Requirements for a Desktop Study (also known as Cable Route Study).<sup>6</sup> Further details on the scope of work are outlined in **Section 3** of this RFP. Applicants should have a strong background and experience in studies of similar size, scope, and purpose.

The selected Applicant(s) under this RFP shall:

- Work with PRBP and any other personnel on all matters that may arise in connection with the terms of this RFP and/or the contract that could be awarded pursuant to this RFP (“Agreement”).
- Assume sole responsibility for the complete effort required to provide the Services, as defined in **Section 3** of this RFP.
- Refrain from assigning, transferring, conveying, or otherwise disposing of the Agreement, or its rights, titles, or interest therein, or its power to execute such Agreement, to any other person, firm, partnership, company, or corporation without the prior consent and approval in writing of PRBP.
- Comply with applicable federal, state, local, and foreign laws and regulations governing projects initiated or supported by the Government of Puerto Rico and/or the U.S. Government.

### 2.2 The Contracting Executive Order

On April 27, 2021, the Governor issued Executive Order No. 0E-2021-029 (“Contracting Executive Order”), which requires Puerto Rico’s public agencies, instrumentalities, public corporations, and component units, to perform an open, competitive, and public contracting process for contracts with a value above two hundred fifty thousand dollars (\$250,000), including any amendments thereto, during the same fiscal year.<sup>7</sup> This requirement applies to contracts funded completely or partially funded with federal funds if this requirement is not inconsistent with applicable federal regulations.

Thereafter, on June 7, 2021, OMB issued Circular Letter No. 013-2021, establishing uniform guidelines to comply with the Contracting Executive Order.

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<sup>6</sup> For more Information on ICPC standards, see [ICPC Recommendation No. 9](#)

<sup>7</sup> In alignment with U.S. Code of Federal Regulations (C.F.R) [simplified acquisition threshold](#) definitions





## 2.3 Schedule of Key Dates

A summary schedule of the major activities associated with the RFP process is presented below. Please note that the evaluation period and notice of award dates are subject to change from the schedule below. In such a case, Applicants shall be notified to their email of record, subject to PRBP disclaimers and reservation of rights indicated in **Section 6** of this RFP.

RFP Timeline		
Event	Date	Time (AST)
RFP Published on <a href="http://www.smartisland.pr.gov">www.smartisland.pr.gov</a>	December 4, 2024	4:30 PM
Deadline to Submit Questions via email at <a href="mailto:faq@smartisland.pr.gov">faq@smartisland.pr.gov</a>	December 16, 2024	4:30 PM
Responses to Questions Posted on <a href="http://www.smartisland.pr.gov">www.smartisland.pr.gov</a>	December 23, 2024	4:30 PM
Deadline to Submit Proposals via <a href="http://www.smartisland.pr.gov">www.smartisland.pr.gov</a> *	<b>January 31, 2025</b>	4:30 PM
Evaluations	<b>February 3, 2025 – February 24, 2025</b>	N/A
Notice of Award	<b>February 28, 2025</b>	4:30 PM

\*Please submit one (1) electronic copy through this RFP’s posting page on [www.smartisland.pr.gov](http://www.smartisland.pr.gov). Please note that no submissions will be accepted until seven days after RFP publication.

## 2.4 RFP Questions and Answers

PRBP is committed to a fair, open process for interested parties to receive information about the competitive solicitation process. Official responses to all questions and communications concerning this procurement process must be directed in writing to the PRBP, via electronic form using the following email address and subject line:

**[FAQ@smartisland.pr.gov](mailto:FAQ@smartisland.pr.gov)**  
**[Subject Line: RFP Submarine Cable Desktop Study](#)**

PRBP will not respond to verbal inquiries or emails sent to addresses not specified in this RFP. Questions must be submitted by the deadline specified in **Section 2.3**. Answers will be provided within five (5) business days of the submission deadline. PRBP reserves the right to extend this deadline based on the volume and timing of questions. For each question, PRBP will determine whether a response is appropriate or necessary, subject to the disclaimers and reservation of rights included in **Section 6** of this RFP. Answers will be posted on [www.smartisland.pr.gov](http://www.smartisland.pr.gov). All information posted is deemed incorporated into this RFP.

Communications by prospective Applicants with officials and/or representatives of PRBP, OMB, other government entities, the Government of Puerto Rico and any of its instrumentalities, or any other parties associated with PRBP regarding the contents of this RFP or its qualification

and selection process, are prohibited during the submission and selection processes. Failure to adhere to this requirement may result in the disqualification of submitted applications.

Furthermore, Applicants are hereby advised that from the date this RFP is published until a final determination is issued by the PRBP (i.e., Notice of Award, or equivalent notice, as indicated in Section 2.3 of this RFP), Applicants, and their agents or representatives, are prohibited from communicating with any employee of the PRBP 'involved' in any step of this procurement process, including PRBP's contractors (the "Blackout Period"). For purposes of the Blackout Period, the term 'involved' includes, but is not limited to, project management, design, development, implementation, procurement management, specifications development, and proposal evaluation.

In the event an Applicant is also a current PRBP contractor, the PRBP employees and the Applicant may contact each other with respect to their existing contract and duties only. Under no circumstances do the PRBP employees or current contractors discuss this RFP or corresponding procurement process or status. Any Applicant who breaches the Blackout Period may be excluded from this procurement process and may be liable to the PRBP in damages or subject to any other remedy allowed under law, including, but not limited to a ban in participating in any procurements issued by the Government, or any of its component units, for a period of ten (10) years, if it is determined that such action results in violation of the Anticorruption Code for a New Puerto Rico, Act No. 2-2018, as amended, and other relevant or incidental regulations.

## 2.5 RFP Amendments

PRBP reserves the right to amend the RFP at any time prior to the submission deadline defined in **Section 2.3** of this RFP. All RFP amendments will be posted on [www.smartisland.pr.gov](http://www.smartisland.pr.gov). Applicants are solely responsible to check this website for any modifications to the RFP. PRBP reserves the right to cancel this RFP at any time for any reason at no cost to PRBP. Any costs incurred by Applicants in preparing or submitting a proposal shall be the sole responsibility of the Applicant.

## 2.6 Proposal Submission

Applicants should submit proposal responses electronically via this RFP's posting page on the Smart Island portal, [www.smartisland.pr.gov](http://www.smartisland.pr.gov), by the proposal deadline stated in **Section 2.3**. Applicants should submit their responses in a single PDF of no more than 10 MB. Proposals must include all exhibits, appendices, and/or attachments to be deemed complete. Applicants' proposals should clearly identify one point of contact for all RFP-related correspondence, including email and phone number. Applicants who encounter issues when submitting their proposal should notify PRBP through email at [faq@smartisland.pr.gov](mailto:faq@smartisland.pr.gov) to receive alternate instructions on how to submit their response.

Any proposal that is delivered after the proposal deadline shall be considered late, rejected, and could be returned to the Applicant, subject to the disclaimers and reservation of rights levied in

**Section 6** of this RFP. PRBP assumes no responsibility for deliveries made or attempted outside of the times specified above, late deliveries, or the method of delivery chosen by the Applicant.

## 2.7 Conflicts of Interest

The selected Applicant(s) under this RFP will be required to be free of any real or perceived conflict of interest as defined herein and/or under the applicable laws and regulations of the Government and/or those issued by the United States Federal Government, its agencies, instrumentalities and/or component units ("U.S. Government"), to the extent applicable.

By submitting their respective proposals, Applicants acknowledge that in the event they are selected under this RFP, potential services rendered thereunder are to be provided exhibiting complete loyalty towards PRBP, including, but not limited to, having no adverse interest to PRBP.

Consequently, as part of the contracting process, selected Applicant(s) shall certify that they are not currently aware of any relationship that would create a conflict of interest with PRBP, or those parties in interest, according to the applicable Government's contracting requirements. Furthermore, Applicants must ensure that all actions related to their proposal are consistent with PRBP and the U.S. Government Guidelines for the Evaluation of Conflicts of Interest and Unfair Advantages in the Procurement of Contracts, and other applicable ethics regulations.

## 3. Statement of Work

### 3.1 Background and Overview

Submarine fiber optic cables are the backbone of the global telecommunications network, facilitating information flows across continents and countries. With increasing demand for high-speed internet, cloud services, and other data-intensive functions that form the foundation of economies of the future, the need for reliable, resilient, and secure undersea fiber optic systems have become increasingly critical.

Submarine fiber optic cable systems have many different components. These include interconnection points where transoceanic and regional cables meet and exchange traffic; submarine backhaul networks that connect cable landing stations to the interconnection points; terrestrial user premises including data centers, community anchor institutions, businesses, and residential locations; access aggregation points, and terrestrial backhaul and last mile networks (i.e., how end users typically view their internet service — as a wireline (e.g. copper /DSL, fiber to the home) or wireless (e.g. satellite, cellular, Wi-Fi) connection).

In Puerto Rico, submarine cable systems are uniquely important. The island geography of the commonwealth means that there are few, meaningful, ways to facilitate the flow of large volumes of telecommunications traffic at high rates to and from the island other than through subsea fiber optic cables. Further, the geography and climate of the island also means that the submarine cable systems serving Puerto Rico are often exposed to hurricanes and other natural disasters that jeopardize their ability to keep Puerto Rico connected to the world. In 2017, the

island experienced a devastating reminder of this risk with Hurricane Maria. The storm flooded a key cable landing station on the island, which significantly reduced internet traffic coming in and out of the island. There were follow-on impacts downstream of Puerto Rico too, as service in several South American countries also experienced slowdowns and disruption in the days following the natural disaster event.<sup>8</sup> Much of the island remained without reliable or stable broadband connectivity for weeks following Hurricane Maria. The extended period without broadband connectivity on the island greatly hindered recovery efforts, slowed economic productivity, and bore severe consequences for the island's education and healthcare systems, workforce, and physical security.<sup>9</sup>

Since Hurricane Maria, the government of Puerto Rico has prioritized making critical infrastructure on the island more resilient, and improving the resiliency of the island's submarine cable system has been a core part of this effort through SCRP, as described in **Section 1.5** of this RFP.

The SCRP, through this Desktop Study, hopes to identify the combination of submarine cable routes and terrestrial landing facilities that would make the cable network more resilient. One key issue is already known: currently, all major submarine telecommunications cables serving Puerto Rico land on the north shore of the island, near San Juan. Cables connect to the rest of the island's terrestrial network through five landing stations, all within roughly fifteen (15) miles of one another (**Figure 1**). Puerto Rico's lack of cables beyond those landing on the north side of the island creates a single point of failure in the system and limits the overall redundancy required to guarantee the resiliency of the island's critical broadband infrastructure network.

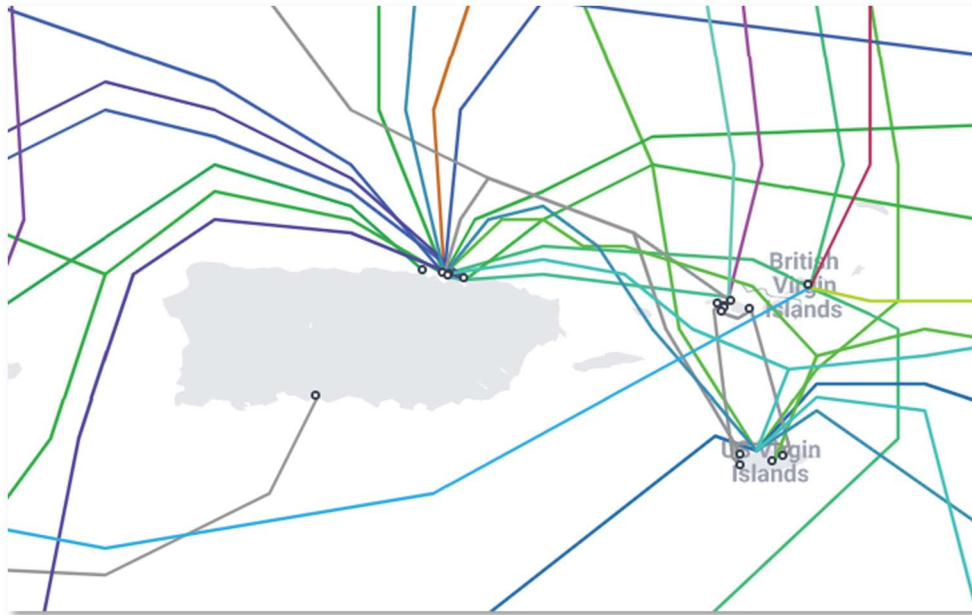
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<sup>8</sup> "Puerto Rico's Slow Internet Recovery," 2017. <https://medium.com/oracledevs/puerto-ricos-slow-internet-recovery-defaa0ebffc3>.

<sup>9</sup> "After Hurricane Maria, Puerto Rico's Internet Problems go from Bad to Worse," 2018. <https://www.pbs.org/wgbh/nova/article/puerto-rico-hurricane-maria-internet/>.



Figure 11. Submarine Cables in Puerto Rico<sup>10</sup>



Funded through SCRP, the Desktop Study that is the focus of this RFP will help PRBP learn more about what should be done to increase Puerto Rico’s submarine cable system redundancy. The Desktop Study will identify the best combination of submarine cable routes, landing points, and landing station locations that would increase overall submarine cable network redundancy and broadband infrastructure resiliency on the island.

Early engagement with industry indicated that a cable “ring” around the island, with external connections to the Dominican Republic and U.S. Virgin Islands, could be one way to increase system resiliency. The route would stretch from the eastern coast of the Dominican Republic to Aguadilla on Puerto Rico’s western coast, then southward to a second landing point in Ponce (the island’s second most populous city on the island’s southern coast), then eastward to a third landing point in Humacao. From that point, the cable would then head eastward to a landing point in the U.S. Virgin Islands (**Figure 2**). Subsequent feedback, however, suggests that alternate solutions may also fulfill the same desired outcomes around increased resiliency. Applicants of this RFP are thus duly encouraged to provide suggestions for alternate cable routes and landing points.

<sup>10</sup> Telegeography Submarine Cable Map, <https://www.submarinecablemap.com/>.



Figure 2. Early cable "ring" route and landing point concept



Relatedly, a key requirement of the Desktop Study is to evaluate and assess the viability of potential segments for submarine cable routes. The analysis will involve examining environmental, geological, and technical considerations to determine the feasibility of various segments and identify any potential risks or challenges. Additionally, the Desktop Study must include rough order of magnitude (ROM) cost estimates for each route, offering a high-level financial outlook that can help inform decision-making and support the planning process. This evaluation is crucial for optimizing route selection, managing project risks, and ensuring cost-effective implementation. The selected Applicant will, at a minimum, evaluate the potential route segments and landing station locations noted in **Figure 3**. The Desktop Study should also consider and recommend other solutions that better improve overall system resiliency, if identified.



Figure 3. Potential cable "ring" route segments and landing stations



Landing Station	Location	Description
A	San Juan	Existing facilities
B	Humacao	Low-cost landing facility
C	Ponce	Mid-range cost landing facility <sup>11</sup>
D	Aguadilla	Low-cost landing facility
E	Punta Cana	Existing facilities
F	St. Croix	Existing facilities
Cable Segment	Landing Stations	Description
1	D, E	Aguadilla – Punta Cana
2	C, D	Ponce – Aguadilla
3	B, C	Humacao – Ponce
4	B, F	Humacao – St. Croix
5	A, B	San Juan – Humacao
6	A, D	San Juan – Aguadilla
7	A, C	San Juan – Ponce
8	A, C	San Juan – Ponce
9	C, E	Ponce – Punta Cana
10	C, F	Ponce – St. Croix

<sup>11</sup> Expected to be an [Uptime Tier III](#) certified landing station.



## 3.2 Scope of Work

PRBP is seeking proposals from firms to develop a Submarine Cable Desktop Study (“Desktop Study”) that aligns with International Cable Protection Committee’s (“ICPC”) Recommendation #9 for minimum technical requirements for a desktop study. Specifically, the Desktop Study will consider, but is not limited to, the following study topics, discussed in greater detail in the sub-sections below:

- Optimal cable routes, landing points, and landing station locations
- Environmental assessment
- Hazard identification and assessment
- Potential permitting and regulatory issues

The successful applicant is expected to complete reporting and documentation requirements over the course of developing the Desktop Study to capture and synthesize findings.

### 3.2.1 Proposed Cable Route and Landing Points

The study should detail potential submarine cable paths and landing points to develop, at a minimum, one recommended cable route which, to the extent feasible, avoids any hazards, meets cable burial requirements, and satisfies the need for redundancy and resiliency that Puerto Rico is looking for. This analysis should also evaluate the potential landing points for the cable to make landfall, along with a recommendation on the quantity and location of potential landing points, and an assessment of the overall technical feasibility of the route. The analysis should include but is not limited to:

- Determining submarine cable origin and end points
- Identification of landing points along the route
- Technical feasibility of the proposed route, and how it addresses redundancy and resiliency
- Documentation of proposed locations through pictures, latitude and longitude coordinates, nautical charts, etc.
- Permitting requirements, including the identification of which permits may be needed to construct the route(s), how long it would take to acquire said permits, costs associated with their acquisition, and any regulatory entities and/or other stakeholders that may have to be engaged to obtain them
- Rough Order of Magnitude (ROM) costs/time for construction, installation, operation, and maintenance

In completing this work, Applicants are encouraged to identify alternative route and landing locations that could best address Puerto Rico’s desire for increased network resiliency/redundancy (i.e., applicants may propose different originating points than the Dominican Republic or the U.S. Virgin Islands or may propose originating points on other Caribbean islands or in South American countries, the mainland U.S., and elsewhere). Applicants may propose more or fewer landing sites and routes as they see fit, so long as the primary goal



of enhancing the resiliency / redundancy of the current cable system is achieved. Proposed alternatives should be evaluated to the same degree as originally proposed facilities / routes.

### 3.2.2 Identification of Landing Sites and Connection to Landing Points

The purpose of this analysis is to evaluate the feasibility and infrastructure requirements for connecting the submarine cable landing points identified in **Section 3.2.1** to not only the proposed cable landing sites, but also any other potential cable landing sites identified. It is a core aspect of this Desktop Study to identify and confirm the cable landing sites. This evaluation should assess key aspects such as geographic compatibility, environmental impact, permitting requirements, infrastructure accessibility, and cost implications. This analysis aims to inform critical decisions for route planning and installation by identifying potential challenges and opportunities associated with various landing points and sites. The analysis should be focused on the following key items:

- Identification, evaluation and recommendation of preferred cable landing sites including quantity, location and ownership requirements
- Proximity of cable landing points to cable landing sites and identification of terrestrial land route options including challenges along the route
- Accessibility of proposed facilities and any security issues that may impact construction or operation
- Identification of Right of Ways (ROW), construction types and length of runs
- Identification of cultural and environmental impacts that may affect both cable landing points and cable landing stations
- Identification of existing infrastructure for power, communications, and roads near cable landing points and cable landing sites
- Geotechnical analysis of proposed landing site locations to aid in the design, construction and improvement of landing facilities
- Permitting requirements and identification of key stakeholders (e.g., government agencies, local advocacy, environmental, groups)
- Documentation of proposed locations through pictures, latitude and longitude coordinates, street level maps, etc.

### 3.2.3 Environmental Risks Analysis (Geology, Climatology, Oceanography, Biological Factors)

This section should include research and analysis on different types of environmental risks associated with the installation of a submarine cable and its landing points and suggest measures to mitigate identified risks. These risks should be focused around 4 key areas:

1. Geology. Geological risks to the submarine cable include but are not limited to:
  - Seafloor topology, morphology and seabed lithology
  - Sediment transport, turbidity currents, sand waves
  - Seismicity, surface faulting, volcanic activity
  - Tectonic setting and tsunamis



- Offshore geology and cable burial assessment
2. Climatology. Climatology risks to the submarine cable include but are not limited to:
    - Climate and weather seasonal variations adjacent to and along the proposed cable route
    - Evaluation of major climatological controls (hurricanes, floods, “El Niño”, etc.)
    - Other weather-related factors
  3. Oceanography. Oceanography risks to the submarine cable include but are not limited to:
    - Sea states
    - Surface and bottom currents and bottom temperature
    - Wind, wave and tidal data
    - Other factors such as local and seasonal variations that may affect survey and installation
  4. Biological Factors. Biological risks to the submarine cable include but are not limited to:
    - Endangered species (both flora and fauna) located along the cable route and in proposed landing points
    - Protected areas both terrestrial and along the submarine cable path
    - Marine ecosystems and seabed communities (corals, shellfish, crustaceans)

### 3.2.4 Area Hazards Assessment

The Desktop Study should evaluate the impact of the proposed cable route and landing points to existing or planned commercial operations such as:

- Shipping channels and patterns
- Restricted or protected areas
- Commercial and research activities such as fishing, mining, pipelines, offshore energy installations, other submarine cables, etc.

### 3.2.5 Permitting and Regulatory Compliance

Permitting timelines and conditions play a crucial role in the selection of landing points and cable systems. The goal is to identify permitting requirements and likely issues as early as possible. The Desktop Study should provide information about the laws and regulations related to permitting such as:

- Detailed information of all applicable permits (including those required by the FCC), including average permit acquisition time
- Details of disputed waters and maritime boundaries
- Environmental studies needed for marine and terrestrial activities
- Right of Way (ROW) considerations and potential issues



### 3.2.6 Reporting

1. Status Reports. Regular, bi-weekly, Status Reports should be provided, at a minimum, to the client from the date of execution of the Contract until the completion of the Desktop Study. Status Reports should include, but not be limited to:
  - Work Plan, including timeline with major milestones
  - Progress updates on significant events such as site visits and desktop study findings
  - Summary of key issues found during research or site visits that may impact landing points or proposed routes
  - Critical path items that could impact the timeline for finishing the Desktop Study
2. Site Visit Reports. Site Visit Reports should be prepared for each potential location visited and should include:
  - Site selection reasoning and a summary of all observations from the visit (including photographs, any measurements taken, studies, constraints, security issues, environmental aspects, etc.)
  - Any conversations with local groups, organizations or authorities (e.g., natural resource agencies, local fishing organizations, community leaders)
  - Summary of next steps and recommended actions such as important permitting considerations, environmental approvals needed and stakeholders to engage
3. Route Recommendation Report. A Route Recommendation Report should be generated based on all the information gathered from the site visits and the desktop investigative work. This report should recommend at least one feasible cable route considering all the concerns identified during the study (technical, environmental, economic, permitting, etc.). The following information should be included for the recommended route:
  - Proposed Route Position List (RPL) and Straight Line Diagram (SLD)
  - Route position shown in latitude and longitude based on WGS84
  - Type of landing point (beach excavation or directional drilled conduits)
  - Seabed depths
  - Cable engineering recommendations such as cable types, quantities, slack and burial areas including depth of burial
  - Route engineering recommendations
4. Marine Study Report. The Marine Study Report should provide recommendations on acceptable surveys to adequately define the proposed cable route including length, type, and quantity of cable along with installation and burial requirements. These recommendations should be aligned with collecting the following data:
  - Bathymetry
  - Seabed and sub-seabed features and temperatures
  - Ocean currents
  - Cable burial assessment, including recommended techniques and equipment to be used



- Topographic and geotechnical data for each landing
- Survey swathe widths
- Cable route areas where further development is necessary

### 3.2.7 Charting Requirements

Charting requirements include a series of north up, adjoining, overlapping charts which should include data presentations showing the proposed cable route, bathymetry contours, existing cables, and other important features. The features should be annotated in terms of scale, composition and all charts should show identifying coordinates (latitude and longitude). All charts should be labeled with the appropriate identifying information like title, scale, legend, notes, datum, etc. Additionally, all charts should follow scaling requirements as written in ICPC Recommendation #9 Section 2.1.20.

### 3.2.8 Documentation Requirements

Desktop Study reports should be provided in a digital version, including all text, tables, photographs, and diagrams (including georeferenced mapping files for work outputs like cable routes and landing station coordinates). Consideration should be given to producing digital copies, including photographs, drawings, etc. in a machine independent universal platform such as Adobe's Acrobat software.

The ideal platform for displaying and manipulating diverse datasets simultaneously (as well as being a data management system) is a Geographical Information System that does not rely on data transfer to software specific formats. The digital copies should be provided electronically either on digital media or made available on an FTP or similar site.

## 3.3 Period of Performance

The period of performance for completing the Scope of Work set forth in this RFP is anticipated to be four (4) months from the effective date of the resulting executed contract. Proposals that reasonably demonstrate Applicants' ability to complete this work in a shorter period would also be welcomed. Amendments extending the period of performance may be allowable, at the discretion of PRBP.

## 4. Proposal Requirements

### 4.1 General Proposal Requirements

This section provides guidance for the submission requirements of this RFP, subject to the disclosures and reservation of rights indicated in **Section 6** of this RFP. PRBP expects proposals submitted under this RFP to provide enough information about the requested services to allow PRBP to evaluate, competitively rank, and choose an Applicant based on the Evaluation Criteria indicated in **Section 5** of this RFP.

### 4.2 Proposal Format Requirements

Proposals shall have all pages numbered consecutively within each section of the proposal and must conform to the page limitations identified in this RFP. Proposals must be presented in Arial (not Arial Narrow), 12-point font, including in diagrams, organizational charts, and other such graphics. Standard corporate brochures, awards and marketing materials shall not be included in the Proposal, and PRBP does not commit to review any materials included in a proposal that are not specifically required by the RFP.

All correspondence, documents, and related information submitted by Applicants for this RFP should be written in English. If documents are submitted in a language other than English, a full English translation should be provided.

### 4.3 Technical Proposal

Applicants should include the following information in their technical proposal, organized in the specified sections.

#### 4.3.1 Executive Summary

Proposals submitted by Applicants should lead with an Executive Summary, not exceeding four (4) pages. The Executive Summary should be written in a nontechnical style and contain sufficient information for reviewers with both technical and nontechnical backgrounds to become familiar with the Applicant's Proposal and its ability to satisfy the financial and technical requirements of the Project.

#### 4.3.2 Applicant Overview

Introduce the Applicant in this section. Provide a description of Team Members, if any, and the teaming arrangements that will be used to organize work across the members. Detail the Applicant's experience across the service areas described in the Scope of Work. The Applicant must show effective and substantive experience relative to proposed Scope of Work. Applicants are expected to display strong leadership, accountability, and continuity. Hence, the Applicant must demonstrate it has a staff and/or a team of experienced professionals and a dynamic collaborators network that include a broad range of private and government organizations. It is in the spirit of such capabilities that the Applicant shall discuss its experience herein.



In addition to the narrative overview of the Applicant team, proposals should also include a completed Form 1: Applicant Information

### 4.3.3 Team Structure

Introduce the Applicant, Lead Team Member and Team Members (if applicable). Describe any teaming and sub-contracting arrangements, existing or anticipated, including any technical, legal, and financial advisors/consultants that the Applicant anticipates retaining to assist in performance of the Desktop Study Services (or such other support anticipated to be required during the term of the agreement).

Applicants must demonstrate through their proposal that they have the capacity to successfully execute the Scope of Work, including their previous experience with Desktop Studies of a similar nature. The Applicant can be composed of a Lead Team Member and one or more Team Members. In areas where the Lead Team Member does not currently have the in-house capacity to carry out the Scope of Work as detailed in the above sub-sections, it is understood that the Lead Team Member, will either team with other firms, subcontract other firms or persons, and/or retain professional services (e.g. legal, technical, or financial advisors; collectively the “Team Members”) as required to fulfill the Scope of Work.

Applicants must:

- Identify the organizational structure for the team that it envisions carrying out and managing the Scope of Work
- Describe the experience and qualifications of the firm and the key individuals that will be engaged in the proposed project, including experience with endeavors like the Scope of Work (comparable size and complexity)
- Describe the length of time doing business, business experience, public sector experience, and other relevant engagements of the firm
- Include the identity of any firms that will provide the services

### 4.3.4 Desktop Study Experience

Applicants should detail their experience with developing desktop studies, which can include descriptions of the following:

- Applicant's experience with developing similar desktop studies and/or other relevant research endeavors, ideally within the last 5 years
- Provide evidence of expertise in the technical areas described in the Statement of Work (e.g., environmental assessment, route surveying, etc.)
- Present examples from case studies, or otherwise describe previous projects, highlighting objectives, scope, method and outcomes
- Highlight familiarity with overarching environmental and regulatory context in which submarine cable development would be taking place

### 4.3.5 Approach

Provide a narrative statement, not to exceed ten (10) pages, detailing the Applicant's technical approach to drafting the Desktop Study and outlining a proposed work plan to fulfill the Scope of Work as defined in **Section 3.2**. The narrative statement may include:

- Describe the Applicant's understanding of the various challenges that may be encountered over the course of drafting the Submarine Cable Desktop Study. Define key challenges in the provision of services and how these can most effectively be addressed through the Applicant's approach to completing this work.
- Provide a description of the Applicant's understanding of Puerto Rico's telecommunications ecosystem, including (i) main business models currently in place or proposed, (ii) current state of broadband service provision, including key gaps, (iii) advantages and disadvantages of potential operating and infrastructure delivery models for broadband service expansion, including public vs. private ownership, lease structures and wireless vs. FTTP provision.
- Provide a high-level summary of how the Applicant will achieve the goals, objectives, tasks, and deliverables outlined in the Scope of Work for this RFP. Specifically address how the Applicant will effectively communicate with PRBP regarding governance and organizational procedures for tasks identified in the Scope of Work.
- Provide a summary of how the integration and coordination of Applicant team capabilities described in **Section 4.3.3**: Team Structure will facilitate the satisfactory fulfillment of the Scope of Work.
- Provide a detailed Work Plan indicating how the Applicant will execute the project Scope of Work and meet the objectives stated in this RFP. The work plan shall include, at a minimum, a detailed list and description of (i) primary workstreams and work phases, (ii) key deliverables for each phase, (iii) key activities for each phase, and (iv) projected touch points for collaboration with PRBP and/or the Grant Committee.

### 4.3.6 Qualifications

Demonstrate Applicant's Desktop Study development experience by providing three (3) to five (5) qualifications per teaming member in compliance with the instructions and requirements set forth in Form 2.

For at least three (3) qualifications, provide a reference contact using the Applicant Reference: Form 3. The PRBP reserves the right to contact the references named in the Applicant's proposal. The results of discussions with the references will be used to inform proposal evaluation, as described in **Section 5** of this RFP.

### 4.3.7 Resumes

Applicants must provide resumes or curriculum vitae of the Key Personnel who would be assigned to the Scope of Work (each resume or curriculum vitae should not exceed three pages in length and must highlight relevant experience and qualifications with respect to the Services). Key Personnel are defined as those team members who will be assigned and perform the endeavors related to the Scope of Work, or a portion of them. Given the interactions with certain PRBP, it is preferred that key personnel be fluent in both English and Spanish.



Applicants must also identify any persons involved with PRBP that it knows would be obligated to disqualify themselves from participation in any transaction arising from or in connection to the Scope of Work object of this RFP, considering the applicable Conflict of Interest clauses mentioned hereunder, including, but not limited to, **Section 2.7** of this RFP.

Finally, each of the Applicant's Principal Member(s) must provide their professional background and qualifications relevant to the Scope of Work. Principal Member(s) are defined as the key figures in Applicant's management.

Provide a resume of not more than two (2) pages for each of the following Key Personnel and provide a resume of not more than one (1) page for each of the Additional Resources proposed (as applicable). Each resume must specify the following:

- The role that each person will fulfill for the project as Key Personnel or Additional Resource
- An overview of relevant experience, demonstrating how such experience will add value to the execution of the Grant Administration Services
- Language skills in Spanish and English

Applicants are urged to designate and proffer only those individuals they reasonably believe will be available for a given role. Applicants are advised that Selected Applicant personnel changes must be requested in writing and will be subject to PRBP's approval. Key Personnel changes without PRBP's prior approval may result in disqualification or removal of the Selected Applicant.

#### 4.3.8 Compliance, Risk, and Transparency

Describe the Applicant's approach to the following compliance, risk, and transparency considerations:

- How to best ensure overall financial and legal compliance and transparency
- How to best ensure environmental protection and project resiliency
- Key project risks at each phase of work when developing the Desktop Study
- Applicant's approach to managing the identified risks and proposed mitigation strategies

#### 4.3.9 Improvements and Modifications to SOW

Improvements and modifications to the activities specified in the Scope of Work are permitted. Please clearly note any proposed revisions and include justification for the changes in Applicants' proposal response.

Applicants are welcome to identify any gaps in the information provided in this RFP that would require additional information or outreach by the Applicant. In the case that gaps are identified, Applicants should provide a summary of a proposed plan for rectifying, if the Applicant is engaged for this scope.





## 4.4 Price Proposal

Applicants shall submit a price proposal to meet all requirements listed in **Section 3.2**, Scope of Work. Applicants should include the following information in their price proposal, organized in the specified sections.

### 4.4.1 Material Changes in Financial Condition

Information regarding any material changes in the financial condition of Applicant and each Team Member (if applicable) during its respective past three (3) fiscal years and anticipated for the next reporting period, must be provided. If no material change has occurred and none is pending, the Applicant and Team Member, as applicable, shall provide a signed letter from its CFO, treasurer, or equivalent officer so certifying. The letter must be dated not earlier than seven (7) calendar days prior to the proposal Due Date.

At the discretion of PRBP, any failure to disclose a prior or pending material change may result in disqualification from further participation in the selection process. In instances where a material change has occurred, or is anticipated, the affected entity shall provide a statement describing each material change in detail, the likelihood that the developments will continue during the period of performance of the Project, and the projected full extent of the changes likely to be experienced in the periods ahead.

Where a material change will have a negative impact, the affected entity shall also provide a discussion of measures that would be undertaken to insulate the Project from any recent material changes, and those currently in progress or reasonably anticipated in the future.

Set forth below is a representative list of events intended to provide examples of what PRBP considers a material change in financial condition. This list is indicative.

List of Representative Material Changes:

- An event of default or bankruptcy involving the affected entity.
- A change in credit rating (if applicable) for the affected entity.
- Inability to meet conditions of loan or debt covenants by the affected entity.
- The affected entity either: (i) the financial statements indicate that expenses and losses exceed income (i.e. negative net income excluding earnings from non-controlling interests); (ii) incurred a net operating loss (i.e. negative income before taxes, or negative earnings before taxes); or (ii) sustained negative cash flows from operating activities; in at least one of the last three fiscal periods, the affected entity shall provide a discussion of measures that will be undertaken to make the entity profitable in the future and an estimate of when the entity will be profitable.
- Other events known to the affected entity, or parent organization of the affected entity which represent a material change in financial condition over the past three (3) years or may be pending for the next reporting period.



## 4.4.2 Budget Breakdown

Provide a full description of the pricing structure, as well as sufficient information regarding performance metrics built into this structure.

Based on the proposed Approach described in **Section 4.3**, provide an estimated budget for the project. All costs must be detailed and not contain lump sums. Outline the cost breakdown and fee structure anticipated to fulfill the RFP scope, including both Desktop Study activities as well as any additional services that the Applicant will plan to use. The budget breakdown should clearly attribute fees by phase of work and/or specific task as defined in the Applicant's work plan in **Section 4.3.5**. Include a breakdown of (i) Desktop Study fees, (ii) Technical Advisory/Consultant fees, and (iii) any additional or optional consultant fees anticipated.

# 5. Proposal Evaluation

## 5.1 Proposal Evaluation Procedure

All responsive proposals received by the RFP closing date specified in **Section 2.3** will be evaluated and scored.

An Evaluation Committee, composed of at least three (3) members, will evaluate, and score each proposal submitted after review of all proposals and completion of oral presentations, if required. Committee members will be designated specific roles. There will be at least (i) one technical reviewer, (ii) one financial reviewer, and (iii) one programmatic reviewer. Members of the Evaluation Committee shall have experience to perform the review role for which they have been designated and shall conduct their independent evaluation of the proposals received in accordance with the evaluation criteria and contract conditions set forth in this RFP.

Evaluation Committee members will score proposals according to the stated evaluation criteria at their discretion. Point assignments from each member of the committee will be totaled for an overall proposal score. Applicants will be ranked based on these overall scores. In the event of a tie between two overall proposal scores, the Evaluation Committee will assess awarded scores to determine whether any adjustments are appropriate. If appropriate, any adjustments made will be approved by the PRBP. If no adjustments are warranted, the Government Parties may use individual scoring criterion within each evaluation criteria category to break the tie.

PRBP reserves the right to request additional information from the Applicant on an as-needed basis during proposal evaluation. During the process, PRBP may solicit the Applicant to expand or limit the scope of work and, as a result, adjust the budget estimate accordingly to the updated terms.



## 5.2 Proposal Evaluation Criteria and Scoring Method

The scoring and ranking of each proposal will be based on a scoring method using weighted formulas for technical merit (ability to meet scope of work/schedule), qualifications (expertise and references) and price. The total score for each proposal will be on a scale of 0 to 100 points. Three general categories will be used to evaluate the proposals:

Category	Maximum Number of Points Per Category
Overall Solution	55 points
Minimum Qualifications	30 points
Pricing	15 points
<b>Total</b>	<b>100 points</b>

Scores for the Overall Solution category will be primarily based on the quality of Applicants' Technical Proposal response. Evaluators will consider the degree to which the technical approach proposed by the Applicant to complete the Desktop Study sufficiently addresses Scope of Work requirements defined in **Section 3.2** of this RFP.

Minimum Qualification scores will be assessed based on Applicants' previous experience performing Desktop Studies for subsea cables, the applicant's local experience with services in Puerto Rico, and general compliance with submitting information requested in the RFP.

Pricing scores are expected to primarily be a function of cost. The proposal that offers the lowest price shall receive the maximum 15 points for the pricing section. The points allocated to higher priced proposals shall be equal to the lowest proposal price multiplied by the maximum points and then divided by the higher proposal cost.

An example case is provided below:

- Maximum points for pricing = 15 points
- Applicant A Total: \$250 (lowest cost) = Awarded 15 points
- Applicant B Total: \$275 (higher cost) =  $15 \times (250 / 275)$  = Awarded 13.6 points
- Applicant C Total: \$350 (higher cost) =  $15 \times (250 / 350)$  = Awarded 10.7 points

Applicants should note that the scoring criteria heretofore defined preferences alignment with Scope of Work requirements over price. While competitive pricing is a factor, the primary objective of evaluation will be to identify proposals that most fully address the objectives and specifications defined in **Section 3** of this RFP. Uncharacteristically low pricing found to suggest risks to overall quality and/or project success may be considered non-responsive or not competitive during evaluation.

## 5.3 Basis for Selection and Award of an Agreement for Services

PRBP will select and attempt to negotiate a mutually acceptable Agreement for Services with the first-ranked Applicant. If this cannot be accomplished within 15 calendar days after initial Selection, PRBP reserves the right to terminate contract negotiations with the first-ranked



Offeror and may select the second-ranked Applicant for negotiation of a potential award. This process may continue in order of Applicant ranking until a mutually acceptable Agreement for Services is achieved with the PRBP and an award is made to a selected Applicant.

## 6. Disclosures

### 6.1 General Disclosures, Rights, Options and Disclaimers

The issuance of this RFP, submission of a response by any firm/team, and the acceptance of such response by PRBP does not obligate PRBP. Applicant shall only be bound by its proposal for the period of sixty (60) days required in this RFP. Legal obligations will only arise upon the execution of a formal agreement between PRBP and the selected firm/team.

By responding to this RFP, Applicants acknowledge and consent to the following conditions relative to the procurement process. PRBP is not bound to accept any proposals if Applicants do not meet PRBP's requirements. Without limitation and in addition to other rights reserved by PRBP in this RFP, PRBP reserve and hold, at their sole discretion, the following rights, and options:

- To accept or reject all submittals, in whole or in part.
- To discuss, with any or all Applicants, different or additional terms to those included in this RFP or received in any response.
- To cancel this RFP in whole or in part, at any time, with or without substitution of another RFP if such cancellation is determined to be in the best interest of PRBP.
- To supplement, amend, or otherwise modify this RFP prior to the date of submission of the proposals.
- To receive written questions concerning this RFP from Applicants and to provide such questions, and PRBP responses, to all Applicants that received a copy of the RFP.
- To require additional information from one or more Applicants to supplement or clarify the proposals submitted.
- To conduct further investigations with respect to the qualifications and experience of each Applicant.
- To visit and contact the Applicant's client in any of the projects or engagements referenced in the proposals to obtain direct information regarding the Applicant's performance in such engagements.
- To waive any defect or technicality in any proposals received.
- To eliminate any Applicants that submit a nonconforming, non-responsive, incomplete, inadequate, or conditional proposal.
- To investigate the technical and financial qualifications of Applicants using sources in addition to what was included in the proposals.

All costs and expenses incurred by the Applicants in the preparation and delivery of a proposal will be the sole responsibility of the Applicants. PRBP will not be liable for any amounts to any Applicant in any manner, under any circumstances, including without limitation, due to the cancellation of the RFP process. The Applicants cannot make any claims whatsoever for reimbursement from PRBP for the costs and expenses associated with the process.

Applicants should submit their best proposals initially, since negotiations may not take place.

The laws of Puerto Rico shall govern this RFP process. Any disputes relating to this RFP must be resolved accordingly. The exclusive venue for a judicial challenge is the Appeals Court of Puerto Rico as provided for by the laws of Puerto Rico.

## 6.2 Accuracy of RFP and Related Documents

PRBP assumes no responsibility for the completeness or the accuracy of specified technical and background information presented in this RFP, or otherwise distributed or made available during this RFP process. Without limiting the generality of the foregoing, PRBP will not be bound by or be responsible for any explanation or interpretation of the RFP documents other than those given by it in writing. In no event may an Applicant to this RFP rely on any oral statement by PRBP's agents, advisors, or consultants.

## 6.3 Confidential or Proprietary Information

One copy of each proposal will be retained for PRBP's files and will not be returned. If an Applicant considers that its proposal contains material that is confidential and/or proprietary, the Applicant must clearly note or mark each section of material as confidential and/or proprietary. The PRBP will determine whether such material meets the requirements for an exemption from disclosure. If so, that information will not be disclosed pursuant to a request for public documents. If PRBP do not consider such material to meet the requirements for exemption from disclosure, the material will be made available to the public, regardless of the notation or markings. It is the responsibility of Applicants to be thoroughly informed and familiar with the requirements of disclosure of public documents.

Furthermore, by responding to this RFP, Applicants acknowledge and agree that PRBP will not be responsible or liable in any way for any losses that the Applicant may suffer from the disclosure of information or materials to third parties. It is the responsibility of the Applicant, as the real party in interest, to object any disclosure and defend any action that may be necessary to protect its confidential information.

## 6.4 Further Contract Conditions

The contents of the proposal prepared by the selected Applicant, with any amendment approved by PRBP, will become part of the Agreement with the selected Applicant as a result of this RFP process. The Agreement will include those clauses required when contracting services similar to those procured under this RFP and those included in contracts with the Government, such as contractual provisions requiring:

- Sole Registry of Professional Services Providers Certification ("RUP", for its Spanish acronym), issued by ASG pursuant to the Regulation for Sole Registry of Professional Services Providers, Regulation No. 9302E, issued on August 26, 2021.
- All data generated and systems used during the rendering of the Services, must comply with the public policies of data and technology issued by PRITS, pursuant to Act No. 75-2019, and applicable regulations.



- Original certifications evidencing that Applicant has complied with its responsibility in the filing of tax returns and payment of its taxes, including sale and use tax as applicable, to the Government, to the U.S. Government, and to the state or jurisdiction where its base of operations resides, to the extent applicable.
- Commercial Registration Certification, issued by the PRTD (i.e., “*Departamento de Hacienda*”).
- Certification of Compliance issued by the Puerto Rico Child Support Administration (“ASUME”). Corporations must file their request for said certification with the Employer Unit of ASUME. The same indicates that the employer complies with the orders issued in his name as employer to retain the salary of employees as a result of amounts owed for child support.
- Sworn statement, signed by the President or Chief Executive Office authorized to act on behalf of Applicant, indicating that Applicant, its subsidiaries, affiliates and/or parent companies, and their respective shareholders, directors, partners, officers, executives, or principals have neither been convicted nor has probable cause for their arrest been found against any of them, nor are they being investigated under any administrative, judicial or legislative procedure, whether within or outside of Puerto Rico, or any other legal provision penalizing crimes against the treasury and the public trust, and that the person signing the statement has not been investigated, arrested, convicted, or found guilty or sentenced as a result of said criminal conduct.
- Certification of Employer Registration and of Debt in Respect of Unemployment Insurance and Disability Insurance issued by the Workplace Safety Bureau, Tax Division, Collection Unit of the Puerto Rico Department of Labor and Human Resources (“PR-DLHR”). The same shall indicate that the contractor does not have a debt with the Disability Insurance and Unemployment Insurance Programs. If the person is not an employer, it shall indicate that the person is not registered as an Employer and therefore does not have any debt.
- Certification of Employer Registration and of Debt in Respect of Driver’s Insurance issued by the Persons with Non-Occupational Disabilities and Driver’s Insurance Bureau of the PR-DLHR. The same shall indicate that the contractor does not have a debt with the Non-Occupational Disability Insurance and Driver’s Insurance Programs. If the person is not an employer, it shall indicate that the person is not registered as an Employer and therefore does not have any debt.
- No debt Certification and copy of current policy issued by the Puerto Rico State Insurance Fund (“CFSE”, for its Spanish acronym).
- Certification of Existence or Certification of Authorization to do business in Puerto Rico. The Certification of Existence indicates that the applicant is incorporated under the laws of Puerto Rico and is issued by the Puerto Rico State Department (“PR-SD”). The Certification of authorization to do business in Puerto Rico applies to foreign companies. It indicates that the applicant is authorized to do business in Puerto Rico and is issued by the PR-SD. The certification indicates the date of issuance and authorization to do business in Puerto Rico.

All certifications must be current, that is, issued within thirty (30) days from the date the selected Applicant executes the Agreement with PRBP. The selected Applicant will be contractually required to abide by the laws of Puerto Rico as governing laws under the Agreement. PRBP shall reserve the right to terminate any contract entered into as a result of this RFP at any time, provided that written notice has been given at least thirty (30) days prior to such proposed termination date.

In addition to the foregoing, the Agreement will specify that any Deliverables and/or Work-Product related to the Services will include clauses directed towards making said Deliverables and/or Work Product shall become property of the corresponding PRBP, pursuant to applicable regulations.

## 6.5 General Federal Funds Requirements

PRBP anticipates that some or all the costs incurred under the contract that could be awarded pursuant to this RFP could be funded, partially and/or in whole, with federal funds. Consequently, any contract executed in relation to this RFP shall be governed by certain federal terms and conditions for federal grants, including any applicable circulars issued by the U.S. Government Office of Management and Budget ("USOMB").

Moreover, in the event any federal funding is used in the contract that could be awarded pursuant to this RFP, this procurement process is intended to be conducted in accordance with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, as codified under 2 C.F.R. Part 200, et seq., issued by the USOMB pursuant to the authority granted under 31 U.S.C. 503 ("Federal Uniform Administrative Requirements"), which outlines the methods of procurement to be followed by non-federal entities.

Furthermore, said potential contract shall be also governed by any specific terms and conditions set forth by the awarding federal agency(ies). Below is an indicative list of the applicable federal terms and provisions (collectively, the "Federal Fund Requirements"):

- Regulations and/or guidance issued by the U.S. Government regarding: the Infrastructure Act; the Families First Coronavirus Response Act of 2020 (Pub. L. 116-127); the Coronavirus Aid, Relief, and Economic Security Act of 2020 (Pub. L. 116-260); relevant disposition of the Consolidated Appropriations Act of 2021 (Pub. L. 116-260); and/or the American Rescue Plan Act of 2021 (Pub. L. 117-2).
- Department of Commerce's Financial Assistance Standard Terms and Conditions (R&D Award, and/or Federal-Wide Research Terms and Conditions, as adopted by the Department of Commerce.
- Department of Commerce's Specific Award Conditions for Multi Year Awards.
- Domestic Preference for Procurements, 2 C.F.R. Sec. 200.332.
- Equal Employment Opportunity requirements, including, but not limited to, those levied in the Equal Pay Act of 1963, the Civil Right Act of 1964, the Age Discrimination in Employment Act of 1967, the Equal Employment Opportunity Act of 1972, the American with Disabilities Act of 1990, and/or the Civil Rights Act of 1991.





- Contract Work Hours and Safety Standards, 40 U.S.C. 3701, et seq.
- Access to Records, 2 C.F.R. Sec. 200.337.
- Retention Requirements for Records, 2 C.F.R. Sec. 200.334.
- Contracting with Small and Minority Business, Women’s Business Enterprises, and Labor Surplus Area Firms, 2 C.F.R. Sec. 200.321.
- Byrd Anti-Lobbying Amendment, 31 U.S.C. Sec. 1352, as amended.
- The Federal Uniform Administrative Requirements.
- Contract Cost Principles and Procedures, 48 C.F.R. Part 31
- Davis Bacon Act, 40 U.S.C. Sec. 3141, et seq., as amended.
- Copeland Anti-Kickback Act, 40 U.S.C. Sec. 3145, as amended.
- Executive Order No. 12549 of 1986, Debarment and Suspension; and Executive Order No. 12689 of 1989, Debarment and Suspension (codified at 2 C.F.R. Part 180, and 2 C.F.R. Part 3000
- US Treasury’s Supplemental Guidance concerning the administration of funding for broadband projects, including, but not limited, to the SLFRF and CPF Supplementary Broadband Guidance issued on May 17, 2023, as they may be amended from time to time.
- FCC’s Ownership Disclosure Requirements for Applications, as codified in 47 C.F.R. § 1.2112(a)(1)-(7)

**By submitting their respective proposals, Applicants acknowledge, agree, and guarantee PRBP strict observance and compliance with the Federal Fund Requirements, to the extent applicable.**



## Attachment A. Form 1: Applicant Information

Name of Applicant:
Team Member Firm:
Year Established:
<b>Organization's Leadership (Executive Director/CEO/Chairman) Contact Details</b>
Name of Contact:
Title:
Telephone:
Email:
Headquarters Address:
Address of Office Performing Work (If different from Headquarters):
<b>Applicant Contact Details (if someone other than Organization's Leadership)</b>
Name of Contact:
Title:
Telephone:
Email:
Address:
<b>Organization Details</b>
Federal Tax ID No. (if applicable):
North American Industry Classification Code:



Business Organization (check one): <input type="checkbox"/> Corporation, <input type="checkbox"/> Unincorporated Association, <input type="checkbox"/> Partnership, <input type="checkbox"/> Foundation, or <input type="checkbox"/> Other (Describe): _____	
Not-for-profit Status:	
<b>If the Applicant is responding as a team - a Consortium, Partnership, Joint Venture, or Limited Liability Company - state the type of arrangement and structure between the firms, indicate the name and role of each member firm in the space below. Indicate which firm is the Lead Team Member. Complete a separate Information form (Form-1) for each member firm and attach it to the Proposal.</b>	
Team Arrangement and Structure:	
<u>Name of Member Firms</u>	<u>Role</u>
<b>Under penalty of perjury, I certify that the foregoing is true and correct, and that I am the firm's Official Representative:</b>	
By:	Print Name:
Title:	Date:
[Please make additional copies of this form as needed.]	



## Attachment B. Form 2: Applicant Qualifications

Complete the table below for each qualification selected for inclusion in Applicant response. Provide a narrative description for between three (3) and five (5) past and/or current engagements per teaming member that are most relevant to the RFP scope of work and best indicate the Applicant’s Desktop Study qualifications and experience. The project narrative description must include:

- The Applicant’s role in this project, (i) the nature of the Desktop Study arrangement, (ii) the research methodology applied, and (iii) any data collection and analysis techniques implemented.
- For each project, (as applicable), (i) what technical, legal, and/or financial technical expertise was integrated in the Desktop Study process, (ii) how teaming entities were organized, and (iii) the Applicant’s role in managing and/or coordinating technical, legal, and/or financial advisors.
- For each project, describe (i) the intent of the work, (ii) challenges encountered, and (iii) the outcomes/results.
- The name(s) of key personnel and additional resources proposed in response to this RFP that participated in each project and the functions they performed.

Please limit each completed qualification table to one page.

*Table 1. Qualification Table*

<b>Client Name:</b>	<b>Project Name:</b>	
<b>Applicant Name:</b>	<b>Location:</b>	<b>Sector:</b>
<b>Project Value (Usd):</b>	<b>Start Date:</b>	<b>End Date:</b>
<b>Key Personnel:</b>		
<b>Narrative Description of Project per Instructions Above</b>		
[Please make additional copies of this form as needed.]		



## Attachment C. Form 3: Applicant References

REFERENCE 1	
Applicant (or Team Member, as applicable)	
Name of the project on which the reference hired or worked with the referee	
Name of reference	
Reference's title/position	
Reference's organization	
Reference's office phone and/or cell numbers (2)	
Reference E-mail address	
Reference's address	
REFERENCE 2	
Applicant (or Team Member, as applicable)	
Name of the project on which the reference hired or worked with the referee	
Name of reference	
Reference's title/position	
Reference's organization	
Reference's office phone and/or cell numbers (2)	
Reference E-mail address	
Reference's address	
REFERENCE 3	
Applicant (or Team Member, as applicable)	
Name of the project on which the reference hired or worked with the referee	
Name of reference	
Reference's title/position	
Reference's organization	
Reference's office phone and/or cell numbers (2)	
Reference E-mail address	
Reference's address	