



OFFICE OF MANAGEMENT AND BUDGET

OMB

GOBIERNO DE PUERTO RICO

Investing in Resilient Infrastructure:

Design and Build of a Resilient Open Access Underground Conduit System

Request for Proposals (RFP)

Publication Date: **October 2, 2025**

Deadline for Submissions: **October 15, 2025**



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Request for Proposals

The Puerto Rico Broadband Program ("PRBP", or "Program"), 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 the 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 the PRBP and other relevant stakeholders.

No Right to Contract or Commitment

By submitting a proposal in response to this RFP, the Applicant acknowledges and agrees that such submission does not create or confer any right to a contract award, nor does it obligate the PRBP, the OMB, or the Government to enter into any agreement or to make any financial or other commitment of any kind, including, but not limited to, the reimbursement of any costs incurred in the preparation of a response and/or proposal. See **Section 9** of this RFP for further disclaimers and reservations of rights by the PRBP.

The PRBP and the Government expressly reserve the right, in their sole discretion, to reject any or all proposals received, to cancel this RFP as a whole or in part, to negotiate with one or more Applicants, or to take any other action deemed in the best interest of the Government, without incurring any liability or obligation to any Applicant.

No contract shall be deemed to exist unless and until a formal written agreement has been executed by duly authorized representatives of the PRBP and the selected Applicant, in accordance with the applicable laws and regulations of the Government. 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 restriction.



1. Puerto Rico Office of Management and Budget

1.1 Puerto Rico Office of Management and Budget

The Puerto Rico Office of Management and Budget (OMB), through its Puerto Rico Broadband Program (PRBP), collectively further known as “Government Entities,” issues this Request for Proposal (RFP) to obtain proposals for services as defined in this RFP (Services). The funding for this project is part of the National Telecommunications and Information Administration’s (NTIA) Broadband Equity and Access Deployment (BEAD) Program.

1.2 Puerto Rico Broadband Program

On July 11, 2022, the Governor issued Executive Order No. OE-2022-040 (“Executive Order”), creating the PRBP. The 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 the OMB as the overseeing agency of the PRBP. The OMB provides administrative and operational resources to support and enhance the 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.

On June 6, 2025, the National Telecommunications and Information Administration (NTIA) issued a Restructuring Policy Notice (RPN) that modified the Broadband Equity, Access, and Deployment (BEAD) Program’s foundational priorities. In a more sweeping change, the scoring framework was narrowed to focus solely on cost. Notably, key factors such as affordability, community engagement and support, strong labor standards, and climate resiliency were removed from formal consideration. These changes represent a new posture to the BEAD program. This RFP is issued in the context of that revised policy framework and reflects both the constraints and opportunities introduced by the June 2025 RPN.

1.3 Puerto Rico Underground Conduit System

The Government Entities are seeking responses from Qualified Entities



(Applicant(s)) who are capable of undertaking the complex tasks of comprehensively planning, designing and constructing of a buried conduit open-access neutral system for the Smart Island Broadband Network. A buried broadband conduit system requires the installation of underground conduits to house and protect future fiber optic cables. The project described in this RFP aims to establish a High-density polyethylene (HDPE) conduit system that allows multiple users and integrates the transmission network effectively, ensuring significant benefits for the existing industry. An essential function and minimum standards seek by the NTIA is providing the needed infrastructure and connectivity of minimum 1 GB Symmetrical speeds and less than 100 milliseconds latency to the unserved and underserved areas, in particular to the Community Anchor Institutions (CAIs) across the island referenced in the following sections of this RFP. As potential routes are explored for the fiber optic conduit system, through strategic planning, the design must be capable of interconnecting as many of Puerto Rico's municipalities and CAIs as possible to accomplish the intended aims of the RFP. The design must include connecting two (2) planned subsea landing stations and one (1) existing subsea landing station. Applicants will conduct the discovery activities during the plan and design phase in coordination with the Government Entities to ensure a resilient infrastructure for Internet Service Providers (ISPs) and connectivity for all customers within their service offering. The comprehensive needed services described in this RFP requires the applicant to demonstrate extensive knowledge of and a strong desire to partner with Puerto Rico and its residents.

To ensure that Puerto Rican residents, businesses, and communities have future-proof broadband access and connectivity, Government Entities aim to modernize the broadband infrastructure utilizing a Design – Build approach:

- Design Phase : Plan, design ,engineer cost out and permitting assessment for a comprehensive conduit system that will account for the Puerto Rican geography, population, service demand, resiliency, future scalability and connecting cable landing stations, CAI's (Government Buildings, Critical Infrastructure , etc) to build a robust and resilient Smart Island Broadband Network.
- The conduit network must be designed to fully accommodate future fiber-optic cabling, including specifications for conduit space, depth, fiber counts, hand holes, splice points, amplifier locations, points of presence (POPs), demarcation intervals, and other technical requirements to ensure that, once constructed, the conduit system can be seamlessly handed off to a fiber installation team for network lighting.



- Construction Phase: Permitting application and construction of the approved design engineered solution of the conduit system not limited to all its, construction methodology , (Open Trench, Directional Boring, Micro trenching), construction equipment, traffic control plans, materials, mobilization, staging areas, storage locations and any necessary component for the successful implementation of the System

1.4 Broadband Funding in Puerto Rico

The 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 Commerce ("Commerce") through one of its agencies NTIA (National Telecommunication and Information Association) funds the Broadband Equity and Access Deployment Program ("BEAD") representing one critical funding stream for the PRBP's infrastructure focused projects. The BEAD Program is a federal funding program established under the Infrastructure Investment and Jobs Act (IIJA) of 2021 to expand high-speed internet access across the United States, with a particular focus on unserved and underserved communities. The program allocates over \$42 billion to states and territories to support broadband infrastructure deployment, affordability initiatives, and connectivity to CAI's. Over time, however, policy shifts—such as the June 6, 2025 Restructuring Policy Notice—have reshaped the program's priorities, signaling a move toward a narrower, cost-centric framework.

Puerto Rico's Broadband Equity, Access, and Deployment (BEAD) program, under the PRBP, supports funding for this grant program. The Governor of Puerto Rico created PRBP through Executive Order 2022-40 on July 11, 2022. The primary purpose of this program is to coordinate, authorize, and execute the disbursement of local and federal funds assigned to the construction of broadband infrastructure in Puerto Ric

2. Description of the Procurement Process



2.1 Purpose of the RFP

The purpose of this Request for Proposals (RFP) is to solicit qualified entities to design and construct an Underground Conduit System to support the deployment of broadband infrastructure in Puerto Rico, with a strategic focus on serving Community Anchor Institutions (CAIs). This initiative is funded under the Broadband Equity, Access, and Deployment (BEAD) Program and aligns with both federal and local priorities for sustainable, and scalable broadband development. This RFP is directly informed by the Revised Program Notice (RPN) issued on June 6, 2025, which introduced significant updates to scoring and eligibility criteria under BEAD. These revisions emphasize a more targeted allocation of funds toward infrastructure projects that demonstrate measurable impact on critical connectivity gaps, particularly for CAIs such as schools, libraries, health clinics, and emergency service facilities. The underground conduit system envisioned in this RFP will serve as a critical backbone for long-term broadband deployment in Puerto Rico. It is intended to facilitate open-access fiber networks, reduce future construction costs, and accelerate deployment timelines by minimizing the need for repeated excavation or permitting. The system should be strategically routed to maximize coverage and access, with special consideration given to areas that currently lack sufficient middle-mile infrastructure. Conduit routes must be designed to enable direct lateral connections to CAIs, municipal networks, and other essential broadband nodes.

Installation of fiber optic cables and active network electronics are excluded from this contract; however, the Applicant must produce a comprehensive fiber installation design and specifications as part of the deliverables, to enable a future operator to equip and light the network. The Government will own the conduit network asset upon completion. The Design-Build contractor or contractors' deliverables must include a full fiber-ready design (Fiber route, conduit specifications, demarcation points, etc.) but no fiber deployment. This distinction is crucial for bidders to accurately scope their work.

This effort represents a foundational investment in Puerto Rico's broadband future. By building a shared, accessible conduit infrastructure, the selected project(s) will enable multiple service providers to deploy fiber more efficiently and cost-effectively, helping close the digital divide across the island. The conduit system must be scalable and constructed to national standards to ensure interoperability and support future broadband expansions. Priority will be given to proposals that demonstrate strategic alignment with Puerto Rico's broadband deployment goals.

2.2 The Contracting Executive Order

On April 27, 2021, the Governor issued Executive Order No. OE-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. 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, the OMB issued Circular Letter No. 013-2021, establishing uniform guidelines to comply with the Contracting Executive Order.

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 the PRBP disclaimers and reservation of rights indicated in **Section 9** of this RFP.

Date	Event
October 2 ,2025	Publication of RFP
October 6, 2025	Questions Due by 11:59 PM AST
October 8, 2025	Posting of answers to questions
October 15, 2025	Proposal Submission Deadline
October 17, 2025	Preliminary Award

Note : Preliminary Award is made due to provisional subgrantee selection, Final Proposal Public Comments and Final Proposal approval by the NTIA.



2.4 RFP Questions and Answers

The 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

Subject Line: Underground Conduit System Design-Build Services

Potential applicants may also submit written questions to PRBP. All questions should be submitted to FAQ@smartisland.pr.gov with the subject “BEAD Under Ground Conduit Solicitation Questions”. The deadline to submit questions is 11:59 p.m. EST on October 3rd, 2025. PRBP will post a Q&A document on October 7th, 2025. Due to the compressed timeframe for this solicitation, the PRBP will make its best effort to respond to all submitted questions. However, PRBP does not guarantee that every question will be addressed and reserves the right to prioritize responses to those questions deemed most pertinent and relevant.

Questions must be submitted by the deadline specified in **Section 2.3**. Answers will be provided within four (4) calendar days of the submission deadline. The PRBP reserves the right to extend this deadline based on the volume and timing of questions. For each question, the PRBP will determine whether a response is appropriate or necessary, subject to the disclaimers and reservation of rights included in **Section 10** of this RFP. Answers will be posted on www.smartisland.pr.gov. All information posted is deemed incorporated into this RFP.

Communications by prospective Applicants with officials and/or representatives of the PRBP, OMB, the Government and any of its instrumentalities, or any other parties associated with the 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 the 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, communications between PRBP employees and the Applicant shall be limited strictly to matters related to their existing contract and duties. Under no circumstances may the PRBP employees or 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 held liable to the PRBP for damages or any other remedy available 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

The 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. Applicants are solely responsible for checking this website for any modifications to the RFP. The PRBP reserves the right to cancel this RFP at any time for any reason at no cost to the 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 must submit their proposals electronically through this RFP's posting page on the Smart Island portal, www.smartisland.pr.gov, no later than the proposal deadline specified in **Section 2.3**. Submissions shall consist of a single PDF file not exceeding 10 MB and must include all required exhibits, appendices, and/or attachments in order to be deemed complete. Each proposal must designate a single point of contact for all RFP-related correspondence, including email and telephone number.

Applicants experiencing technical issues with the submission process shall promptly notify the PRBP by email at faq@smartisland.pr.gov to obtain alternate submission instructions.

Any proposal submitted after the deadline specified in **Section 2.3** shall be deemed late and will be automatically rejected. Such proposals may be returned to the Applicant,



subject to the disclaimers and reservations of rights set forth in **Section 9** of this RFP. The PRBP assumes no responsibility for late submissions, attempted deliveries outside of the specified timeframes, or delays resulting from the delivery method selected by the Applicant.

All applications must adhere to the Proposal Package requirements on 2.6.1 and Appendix 1 Phasing Responsibilities, use the required format, and include all the requested information.

Applicants are required to submit a general network design that illustrates the proposed network layout. The preferred file formats for submission are GIS formats, specifically ESRI file geodatabases (GDB) or shapefiles (SHP). Alternative acceptable file formats include Google Earth files (KML/KMZ) and QGIS project files (QGS/QGZ).

- Additionally, only one proposal package will be accepted by each Applicant. Include ROM and general Bill of Materials and everything requested in this RFP.

2.7 Proposal Contents and Organization

The proposal package, as described above, is an uploaded attachment described above. The following are required components of the proposal submission:

- ***Executive Summary:***

The Executive Summary of the project is one of the most important parts of the application. It gives the Government Entities its first overall view of your solution for the implementation of services, rates and technology to use. This is your opportunity to discuss the core aspects of the project and your approach to successful implementation.

- ***Description of Applicant (History of the Organization):***

- A description of the Applicant includes, but is not limited to, the history of the organization and any past or current similar projects. If the Applicant is describing a partnership as a solution, a description of the partnership, including how the partnership was developed and any financial or shared resource commitments. The partnership responsibilities must be defined with each member partner's responsibilities outlined in reference to [Appendix 1, Phasing Responsibilities](#)



- **Detailed Project Design and Construction Budget (Materials, Equipment , Storage and Mobilization) :**
 - A detailed project design and construction budget that includes expected projected expenses for all project phases as separate labor and material lines.
- **Conduit System design and construction Overview:**
 - A general overview of the conduit system to be constructed, including a preliminary route, the types of surveys or data reviewed, technologies, and methodologies that will be used. How and which types of conduit will be selected, depth, installation, types of ground disturbances, any aerial or body of water crossing, criteria for positioning of hand holes, manholes, pull boxes, colocation sites, demarcation points among other relevant technical details.
- **Detailed Master Project Plan: (Including design and construction phases)**
 - Implementation strategy for cost effective and agile construction including avoiding overbuilding, resiliency and future proof detailed master project plan, including timelines and milestones for all project phases.
- **Total Project Costs by Project Phase:**
 - Total Project Costs provided by phase (Design – Build). Costs should be provided as separate labor and material lines. Including ROM, general Bill of Materials and any component requested on the [Appendix 1, Phasing Responsibilities](#).
- **Experience Template/Non-Collusion Affidavit/ Eligibility Affidavit:**
 - See Appendixes A, B, And C beginning on pages 64-67 of this RFP.
- **Additional Supporting Documents**
 - Provide any additional supporting documentation added to the proposal as uploaded attachments, Example: bonding capacity and any other request identified in the Appendix of Phasing Responsibilities.



2.8 Conflict of Interest

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 the PRBP, including, but not limited to, having no adverse interest to the 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 the 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 the 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.

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.



3. Scope of Work, Project Objectives & Outcomes

The Government Entities recognize an outstanding need for reliable, climate-resilient infrastructure and a system that supports participation by multiple users, including the development and design and construction of an open access underground conduit route throughout Puerto Rico. Therefore, the Government Entities are seeking proposals from Applicants with proven results and applicable knowledge that will lead to long-term project success. The RFP includes a Design - Build approach while in partnership with the Government Entities for input and approvals: plan, design, and engineer (Design Phase), construction (Build Phase), collectively, the “Services” and/or “Scope of Work”.

The conduit system is highly desirable and crucial for both industry and the residents of Puerto Rico. This system ensures resiliency by providing the necessary robust infrastructure for housing fiber broadband and future connectivity that can withstand natural disasters, which are common in the region. The conduit system will enable the installation of fiber and equipment and of reliable and high-speed internet connectivity, stimulate economic development, attract businesses, and create job opportunities.

Additionally, it will enable Puerto Rico to ensure that all communities, including remote and underserved areas, have access to essential online services by enabling equitable access to digital services for all communities. This enhanced opportunity for connectivity supports education, healthcare, government and emergency services, improving the overall quality of life. In essence, the conduit system is a foundational element for a resilient, economically vibrant, and well-connected Puerto Rico. By fostering collaboration among stakeholders, the program supports industry innovation and development, creating a sustainable ecosystem that benefits the local economy and society.

The Scope of Work, Project Objectives, and Outcomes for the Design and Build Phases, are further divided into sub-phases, as detailed in the following sections. See [Appendix 1, Phasing Responsibilities](#), for a breakdown of the applicant's responsibilities per phase.



3.1 Phase 1. Plan, Design, and Engineering

The Applicant must design and construct the conduit network in accordance with all applicable standards as outlined in [Appendix 3, Industry Design Standards](#). The network must be designed to allow for the future installation and use of fiber optic cabling for middle mile broadband service including provisions for interconnection, points of presence, amplification, service cabinets, etc.

3.1.7 Plan and Design

During this phase, the Applicant will be tasked with designing a strategic buried, fiber conduit route, and deployment blueprint for the Smart Island Broadband Network. Capturing the current landscape of broadband infrastructure and environmental and regulatory compliance requirements of Puerto Rico while reflecting local, cultural, geographic, economic, and infrastructure development plans will require discovery and analysis. Performance of discovery, prior to planning and design, through the use of surveys and analysis, will identify potential usable infrastructure or barriers to site locations, ensuring the most feasible, efficient, and longest-lasting conduit system pathway.

The system will be designed as a buried, high-density conduit system, allowing for multiple providers to operate in each section. One conduit in the system will be reserved for the use of the Government Entity. Aerial fiber builds may be considered, but only in Highly Specialized and Unique Circumstances. For this RFP, the term Highly Specialized and Unique Circumstances refers to very specific situations that are impractical or unfeasible in deploying the new conduit system after consultation with the Government Entity.

Adhering to resilience and redundancy principles, the open access, open conduit requirements of this new conduit system must undergo meticulous strategic planning to optimize advantages along the proposed paths. The primary objective for designing the open access, open conduit system is to establish hardened conduit pathways that will extend into population centers, communities areas and CAI's currently lacking or having minimal access to broadband technologies and infrastructure. The conduit network will be designed with a strong commitment to high capacity and availability in mind, ensuring the best service for the people of Puerto Rico. The project described in this RFP aims to establish a robust and resilient conduit system that integrates the transmission network effectively, ensuring significant benefits for the existing industry.



By creating these high-capacity routes, the aim is to build a multi-duct conduit system, providing multiple pathways for service providers, government agencies, and other third parties that are otherwise unable to deploy infrastructure in cost-prohibitive areas. Additionally, the construction of colocation facilities, demarcation points (**Specification are identified in Section 5.1 and recommended equipment**) and other interconnection points to help facilitate interconnection with other providers, reduce last-mile and middle-mile backhaul costs, and offer opportunities for service providers to build a more resilient and hardened network for the future use of ISPs and other fiber users. The Smart Island Broadband Network will also connect to two (2) (Ponce and Mayaguez) planned and one (1) (San Juan) existing landing stations, allowing for additional interconnection points. These landing stations will coincide with an undersea fiber network, which will provide an alternative path to land-based terrestrial networks prone to tropical storms and other natural hazards.

During the Design Phase , the future uses of the conduit network shall be considered, ensuring a holistic and long-term approach to planning and route design. Once construction is complete (Build Phase) the vision for the future of the multi-duct conduit system is to provide a minimum one-gigabit symmetrical lit service and low latency (<100 ms), for CAIs.

The design will also require site surveys to determine the status of the proposed anchor or secondary lateral sites and any potential barriers. The proposed locations for hand holes, slack loops, and a potential aggregation point for the network's expansion will also be outlined during the plan and design phase (Design Phase).

The Applicant will be best positioned to demonstrate his knowledge and expertise of Puerto Rico's operating conditions and technical expertise in projects of this magnitude during the planning and design phase, including but not limited to the following expertise.

- Geography and Terrain Impact on construction and engineering
- Understanding of population centers, critical infrastructure, CAIs and municipal stakeholders
- Demonstrate seamless jurisdictional coordination
- Demonstrate knowledge of the island's infrastructure to the planning and design
- Utilize relationships with current and prospective ISPs to ensure



broad perspectives are represented

- Demonstrate knowledge of the Broadband Equity Access and Deployment Program (BEAD) requirements and its RPN emitted on June 6, 2025.
- Provide technical and strategic operations capabilities applicable to project scope and long-term success
- Rough Order of Magnitude, equipment and materials inventory, mobilization, material storage logistics, etc.

The Government Entities outlines the minimum requirements for the Design in [Appendix 1, Phasing Responsibilities](#).

3.7.2: Engineering

The final engineering work and plans will be produced by an engineer appropriately licensed by the Government of Puerto Rico in accordance with Act 173 of 1988 and will be based on the final accepted plans and designs approved in coordination with the PRBP. The Applicant will provide engineering services for the conduit system during construction and long-term operations.

During this phase, high-level and low-level documentation based on industry standards is required to support the plan and design provided. This includes a preliminary estimate and planning tool, and the level of detail provided is intentionally broad to reflect the uncertainties inherent in the early stages of a project. A work plan, route design considerations, and documentation, such as the anticipated route of the conduit, depth of burial, size, type, and number of conduits, review of critical sites along the route, collocation facilities, distribution points, manholes, handholes, bill of materials and other network design engineering parameters and equipment that influence the project's feasibility and cost.

The conduit backbone shall utilize ducts of sufficient size and quantity to support multiple high-count fiber cables. At minimum, the design must include a main conduit of 3 inches diameter (or larger) with inner-ducts or micro ducts to allow multiple fiber installations. There should be accessible demarcation or splice points at intervals of roughly 15 miles (no more than ~16 miles apart), with appropriate underground vaults/manholes/handholes. Additionally, the design should incorporate telecommunications enclosures or shelters at strategic locations by design (at least every 15–16 miles, and within 2 miles of the demarcation points) to allow for fiber optic amplification, cross-connection, and equipment housing. These facilities must be designed in detail considering weather hardened and



include provisions for power and backup as needed. Exact spacing and specs may vary based on terrain and network topology, and engineered specs but proposals should include the utilized network design parameters and guidelines.

Additionally, cost estimates, permitting requirements, utility coordination, and risk mitigation strategies should be included in a broad perspective.

The Applicant will be best positioned to demonstrate its knowledge and expertise in engineering projects of this magnitude during this phase through:

- Risk identification and mitigation strategies
- A work plan, route design and equipment, site specific considerations, and documentation
- Contingency and resource planning
- Environmental impact mitigation
- Construction sequencing, utility, and jurisdiction coordination
- Safety and Occupational Safety and Health Administration (OSHA) compliance

The Government Entities outline the minimum requirements for the Design in [Appendix 1, Phasing Responsibilities](#).

3.2 Phase 2: Construction and Management

3.2.1: Construction

During this phase, the Applicant will construct the PRBP-approved designed and engineered conduit system. Components of the construction phase include the launch of the construction project, contractor and vendor management to meet established and approved timelines agreed upon with PRBP, on-site services to support PRBP and the Applicant to ensure installation is completed per design/engineering plans, site visits, and review of the work performed, establishing a regular communication structure to provide a continuous status reports, operational challenges, and mitigate issues quickly with the selected contractor and vendors.

The Applicant will be best positioned to demonstrate its knowledge and expertise in construction projects of this magnitude during this phase through:



- Risk identification and mitigation strategies
- Route design, site-specific considerations , equipment installation
- Contingency and resource planning
- Environmental impact mitigation
- Construction sequencing, utility, and jurisdiction coordination
- Safety and OSHA compliance

Post-construction includes supplying the PRBP with an entire electronic set of as-built drawings and corresponding files, testing and inspecting reports, final work being performed along the route, facilitating the process of testing and activating the system once the physical installation is complete, handing it off for the Network Operator, and hosting an After Action Review meeting with the principals to initiate the close-out activities required of PRBP and National Telecommunications and Information Administration (NTIA).

4. Work Plan

Applicants must provide a detailed Work Plan indicating how they plan to execute the Phasing Responsibilities and meet the objectives stated in this RFP. This 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 the Government Entities and collaboration with key stakeholders such as CAIs and ISPs.

Applicants must detail how they will comply with the Government Entities' design philosophy, including the details of the applicant's existing infrastructure, if applicable, to meet the specified priorities described in the RFP. Applicants may reference past experiences with similar large-scale projects and services that were provided and how they approach the Phasing Responsibilities.

Furthermore, Applicants should provide a measure of confidence in their ability to adhere to the proposed timeline for the Phasing (Design- Build) Responsibilities and activity milestones in accordance with their past experiences and anticipated abilities (i.e., resources mobilization/availability, supply chain considerations, etc.). This section is important for Government Entities to consider during application reviews and requests for clarification, which may impact the Phasing Responsibilities and final project execution.



If Applicants anticipate obtaining support from subcontractors to execute the Phasing (Design- Build) Responsibilities, all subcontractor information must be included under this section following this format:

Vendor/ Subcontractor	Description of Products/Services Offered	Past Projects Utilizing Vendor/ Subcontractor

5. Requirements

Puerto Rico plans to build a Smart Island Broadband Network conduit system through a comprehensive and strategic approach, as outlined in the document. Here are the key steps and strategies:

- 1. Open Access Conduit System:** The network will be an open access system, allowing multiple users to share the infrastructure. This approach aims to maximize efficiency, minimize costs, and promote competition among service providers.
- 2. High-Density Conduit System:** The system will be designed as a buried, high-density conduit system, allowing for multiple providers to operate in each section. One conduit in the system will be reserved for the use of the Government Entity. Aerial fiber builds may be considered, but only in Highly Specialized and Unique Circumstances. For this RFP, the term Highly Specialized and Unique Circumstances means very specific situations that are impractical or unfeasible to deploy the new conduit system after consultation with the Government Entity.
- 3. Route Selection and Design:** The Puerto Rico Broadband Program will coordinate with a qualified, licensed engineering firm, as described in [Appendix 1, Phasing Responsibilities](#), to develop a high-level design, low level design, cost and equipment estimate for the conduit system. The design will prioritize resilient routes and consider the island's varied terrain. It is essential that the winning Applicant employs qualified engineers licensed in Puerto Rico for the design phase. The Government Entity will play a role in the review and approval process. The Applicant must be willing to incorporate input from the Puerto Rico Broadband Program into the design.
- 4. Competitive Bidding Process:** The program will conduct a fair, open, and competitive bidding process to select a single or multiple Applicant(s) for the



development and construction of the conduit system. The Applicant will be responsible for the design and construction of the network, ensuring open access and equitable participation for multiple users.

5. **Financial Sustainability:** The Applicant will be required to provide a letter of credit or performance bond per the federal BEAD requirements at the time of agreement and must indicate their understanding of this in their application. The Applicant will be required to provide two (2) years of audited financial statements, and a 5-year financial pro forma comprised of balance sheets, income statements, and cash flow statements as a part of the application.. The program will evaluate bids based on affordability, financial sustainability, and the ability to attract and retain tenants.
6. **Coordination with Other Federal funded Projects (US Treasury CPF Funding for Submarine Cable):** Applicants must coordinate with other federally funded broadband infrastructure projects, including the U.S. Treasury Capital Projects Fund (CPF) investments in submarine cable systems, to ensure efficient network integration and avoid duplication of efforts.
7. **Resiliency and Redundancy:** The conduit system will include multiple routes to ensure redundancy and minimize service outages. Colocation facilities will have redundant power systems and battery backup support to prevent extended outages.
8. **Recovery Strategies:** The Applicant will be required to develop an emergency plan, secure job sites, and have a detailed risk assessment to ensure quick recovery and restoration after natural disaster

5.1 Key Requirements

During the Design – Build Phases , engineering and construction, Applicants should consider options while planning, designing, and engineering that enable a strategic approach during construction. The Government Entity asks applicants to leverage an approach that facilitates the concurrent construction of the conduit system. Applicants may propose regional assignments to subcontractors or approaches that enable regional construction so as to operationalize portions of the network throughout the construction process. Applicants should propose regions for the conduit network and outline approaches, including vendors with a proven operational history and expertise in the specific geographic areas outlined in the proposal. Preference will be given to applicants who demonstrate the ability to coordinate and manage multiple subcontractors efficiently, ensuring timely delivery of project phases across all proposed regions. The applicant's approach should emphasize



capacity, experience, and familiarity with local conditions to optimize project execution and minimize delays.

Applicants for all phases must have the legal capacity and authority to manage and operate the broadband facilities as proposed for the application, enter into contracts, and otherwise comply with applicable local and federal regulations. If the Applicant is seeking to partner with other entities to design, engineer, or construct, , agreement(s) or draft agreement(s) must be provided with the application. The agreement(s) must address the specific financial terms of the partnership(s), and the specific entity or entities must be identified along with their qualifications to perform the work assigned to them. Applications that rely on such a relationship but do not provide pertinent details may be rejected, as the Government Entities can only determine the technical and financial feasibility of the project with such information. The Government Entities may consider an application based on such an agreement submitted with the application, but if the application is ultimately awarded, the PRBP reserves the right to require modifications to such agreements if they are found to contain terms that are unacceptable to the Government Entities.

Conduit Route proposed :

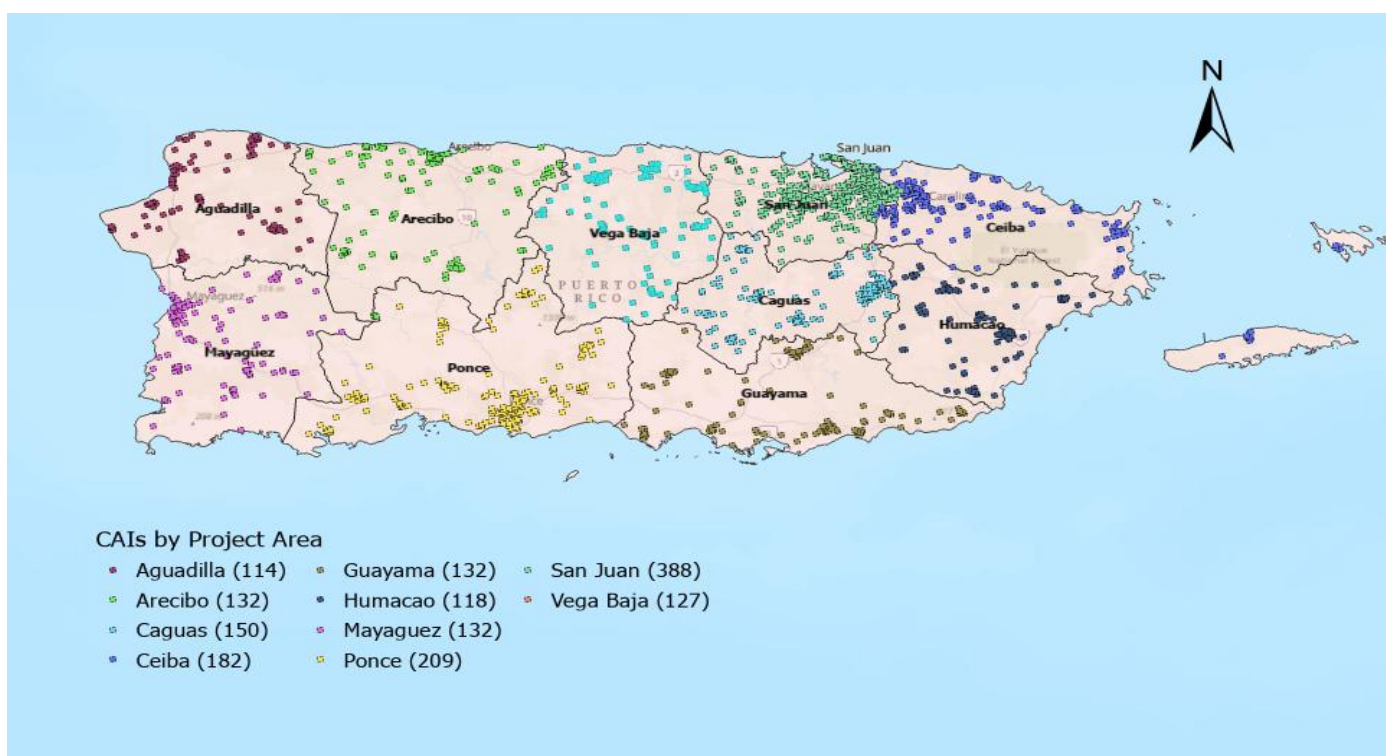




CAIS by Project Service Area (PSA) :



PRBP Zones	Municipalities	PRBP Zones	Municipalities	PRBP Zones	Municipalities	PRBP Zones	Municipalities	PRBP Zones	Municipalities
Aguadilla (AG01)	Aguadilla	Arecibo (AR02)	Arecibo	Vega Baja (VB03)	Vega Baja	Caguas (CA10)	Caguas	Ceiba (CE05)	Carolina
	Isabela		Utua		Vega Alta		Aibonito		Loíza
	Aguada		Camuy		Manatí		Cidra		Canóvanas
	Rincón		Quebradilla		Corozal		Aguas Buenas		Ceiba
	Añasco		Lares		Florida		Barranquitas		Rio Grande
	Moca		Hatillo		Ciales		Comerio		Luquillo
	San Sebastián		Barceloneta		Orocovis		Naranjito		Fajardo
Mayagüez (MA09)	Mayagüez	Ponce (PO08)	Ponce	Guayama (GU07)	Morovis	San Juan (SJ04)	Dorado	Humacao (HU06)	Trujillo Alto
	Las Marías		Adjuntas		Guayama		Toa Baja		Vieques
	Maricao		Guánica		Coamo		Cataño		Culebra
	San German		Guayanilla		Santa Isabel		Toa Alta		Humacao
	Cabo Rojo		Yauco		Patillas		Bayamón		Naguabo
	Sabana Grande		Peñuela		Maunabo		Guaynabo		Gurabo
	Hormigueros		Jayuya		Arroyo		San Juan		Juncos
	Lajas		Villalba		Cayey				San Lorenzo
			Juana Díaz		Salinas				Yabucoa
									Las Piedras





Minimum Technical Requirements and Map Design(Suggested) :

- a. Miles - 816
- b. CAIs - (As much as possible of the 1,684 identified organizations and no less than 90% CAI's PSA)
- c. Demarcation Point at least every 14-16 miles
- d. Telecommunications shelters or Collocation Facilities within two miles of each demarcation point

Note : Avoidance of Duplicity or Overbuilding

The Puerto Rico Broadband Program (PRBP) relies on the expertise each Applicant brings to this project, including prior experience, completed construction projects, and knowledge of existing conduit systems. PRBP expects Applicants to review and, if necessary, modify their proposed routes to ensure that duplication of existing infrastructure is avoided. This requirement is essential to maintain cost efficiency and comply with federal funding regulations.

Note : Previous Construction Experience and Knowledge of Existing Outside Plant

The Puerto Rico Broadband Program (PRBP) places high value on the expertise that each Applicant contributes to this initiative, particularly with respect to prior construction projects and knowledge of existing outside plant infrastructure. This includes familiarity with facilities such as Central Offices, Points of Presence (PoPs), and other ISP network elements located near the proposed conduit route.

To ensure the long-term success, usability, and interoperability of the conduit system, Applicants are encouraged to proactively engage with Internet Service Providers (ISPs) along the proposed route. As part of this engagement, Applicants should inquire whether ISPs support the inclusion of demarcation points or pull manholes that would allow for seamless future connections between the conduit and their facilities.

While this coordination is strongly recommended as a best practice, it is voluntary and not a mandatory requirement of this solicitation.

Minimum 3" multi-duct for backhaul routes:

- o 7ways 12/10mm Pe Sheath 1.2mm Direct Bury Hdpe Microduct Tube



Bundle With Tracer Wire Blowing Fiber Optical Cable fiber bundle



Example of Conduits and specs.

Example of Telecommunication Shelter and Colocation Facilities :
<https://www.envirobuildings.com/telecommunication-shelters/>

Equipment in the colocation facilities (Just an example of what could be included) :



Example of components in these colocation or telecommunication shelters facilities (There could be more equipment needed):



1. Dense Wavelength Division Multiplexing Switch (DWDMS)
2. Uninterruptible Power Supply Systems
3. Power Back Up
4. Rack
5. Fiber Optical Distribution Frame (FODC)
6. A/C
7. Electrical components and installation

Applicants must meet the following requirements also :

- Applicants must demonstrate adequate mobilization, equipment supplies and resources to perform the project or the ability to obtain them, enabling them to start the project quickly.
- Applicants must present agreement with conduit vendor and demonstrate that the conduit will be available after contracting process is completed, the conduit wait time should be minimum.
- Applicants must demonstrate a satisfactory record of performance, integrity, and business ethics.
- Applicants must demonstrate the necessary organization, experience, and technical skills in Puerto Rico, specifically in the Broadband sector.
- Neither Applicants nor any person or entity associated with partnering Applicants have been the subject of any adverse findings that would prevent PRBP from selecting Applicants.
- Applicants shall provide a listing and brief description of legal actions for the past five years.
- Applicants must commit to hiring employees for a full-time role for at least 12 months to be able to provide the funds to those employees.
- Applicants must submit a complete Proposal covering all necessary topics outlined in this RFP.
- Applicants must upload required documents as attachments with a response as detailed in Section 7 (Proposal Submission).

5.3 Performance Goals and Measurements

The Government Entities' performance goals are provided as a point of reference for Applicants when determining performance goals for this application. Metrics will be reported on a predetermined schedule throughout the work period. Additional metrics may be determined and required as the project develops. The following metrics include:



For All Project Phases (Design – Build) :

- Demonstrate coordination and timely responses to the PRBP
- Submit deliverables monthly and progress and performance reports by predetermined deadlines
- Submit invoices completed and by predetermined deadlines
- Demonstrate adherence to local, state, and federal compliance laws, including financial compliance requirements
- Demonstrate adherence to local, state, and federal engineering, environmental, code, and safety laws
- Demonstrate adherence to BEAD program requirements as described in Appendix 2 and RPN .

5.4 Project Term

Regional Expertise, and 24-Month Completion Target

The Puerto Rico Broadband Program (PRBP) recognizes that dividing the island into multiple regions and engaging contractors with direct knowledge and experience in those regions can significantly accelerate the deployment schedule. For this reason, PRBP strongly encourages Applicants to subcontract portions of the construction work to qualified local construction firms with proven expertise. This approach aligns both with PRBP's preference for leveraging regional expertise and with the overall goal of speed of deployment of the project.

Applicants should note that the use of subcontractors does not diminish or alter the Applicant's overall accountability. The Applicant remains solely and fully responsible for the successful completion and delivery of all project requirements, regardless of the involvement of subcontracted entities.

PRBP further strongly recommends that Applicants structure their project management and subcontracting approach to ensure full completion of the project within a 24-month period. This timeline reflects both the urgency of expanding broadband access across Puerto Rico and the federal funding requirements tied to timely execution. Applicants are therefore expected to plan, schedule, and resource their efforts in a manner that achieves substantial completion within 24 months of award. Moreover, the deployment of this conduit system will not only provide immediate connectivity benefits but also serve as a resilient backbone that can be leveraged for future broadband expansions, technology upgrades, and critical infrastructure deployments across the island, in alignment with the PRBP RFP, BEAD Benefit of the Bargain



Round for Community Anchor Institutions Services and Connectivity (CAIs) that is running in parallel.

5.5 Cost Sharing

This project is funded under the BEAD program and requires no Cost Sharing.

5.6 Allowable Uses of Funds

The funds awarded in this RFP must be used only for the activities listed in [Appendix 1, Phasing Responsibilities](#), and described in the [Eligible Use of Funds](#) section within this RFP.

5.7 Compliance

The PRBP will prioritize Applicants who demonstrate an understanding of compliance requirements, have managerial and financial capacity, and have the technical and operational capacity to deliver the conduit system.

All Applicants are required to remain in compliance with all applicable federal, state, and local laws throughout the project. Applicants will be required to certify compliance with all applicable local and federal laws relevant to carrying out the grant agreement. Applicants must provide a narrative describing the plan to comply with any relevant laws or regulations.

5.8 Payment Terms and Methods

Payment may be requested by the Applicant on a quarterly basis or longer. Payment will be made based on the presentation of labor and material documentation, including payroll documentation and/or invoices evidenced by the services provided and duly authorized by the Government Entities. Labor and material costs must be detailed, specific, and itemized as previously



approved by the Government Entities. Material requests must include a labor component for the installation of the material. The Government Entities will provide additional details in the award agreement. Applicants are encouraged to review eligible expenses.

6. Proposal Submission

Responses to the RFP submitted after the prescribed deadline will not be accepted. Proposals must include all exhibits, appendices, and/or attachments to be deemed complete. All correspondence, documents, and related information submitted by Applicants for this RFP shall be written in English. If documents are submitted in a language other than English, a full English translation shall also be provided.

Clearly identify one point of contact for all RFP correspondence, including email and phone number. This individual may not be in a key leadership position but is well-positioned to maintain situational awareness of emails and correspondence requiring rapid responses.

6.1 Proposal Format Requirements

All applications must adhere to the Proposal Package requirements, use the required format, and include all the requested information. Only one proposal package will be accepted by each Applicant. All proposals shall be prepared in English. All prices shall be quoted in United States dollars. The Government Entity shall not accept any proposal or modification of a proposal delivered by telephonic, electronic, or facsimile means except as provided herein.

All proposals shall be submitted electronically through the Smart Island portal platform: The subject on the electronic submittal shall read as follows:

‘Investing in Resilient Infrastructure: Development and Management of a Resilient Open Access Underground Conduit System’

Applicants must submit their proposals in digital format in searchable Adobe Acrobat PDF documents, bookmarked for ease of navigation. The Applicant’s name must be clearly marked on the name of each file. Ordinarily, individual electronic files should not exceed 10 MB. However, Applicants could submit electronic files exceeding the 10 MB threshold through a reliable and protected document-sharing platform (e.g., Dropbox, G Suite Google Drive, Microsoft One Drive, Bow Business, Citrix Share File) as long as the submission is completed before the Proposal Due Date, and the Cover Letter clearly and explicitly



mentions this. Proposals shall have all pages numbered consecutively within each section of the proposal, other than required forms, which shall be individually numbered.

They must conform to the page limitations identified in this RFP. Proposals must be presented in Arial (not Arial Narrow), 12-point font, including diagrams, organizational charts, and other such graphics.

The Government Entities will examine all Responses in a proper, objective, and timely manner to determine if the RFP requirements are met.

7. Response Evaluation

Scoring Criteria (100 points)

The final evaluation and selection will be based on the scoring criteria listed below:

Primary Criteria: The Government Entities must choose the option with the lowest cost based on minimal BEAD Program outlay. (20 Points)

- **Minimal BEAD Program Outlay.** The Eligible Entity must select the combination of project proposals with the lowest overall cost to the Program

Cost	Total Points
Highest cost per mile	5
Applicants will be scored depending on their relative position within the range of submitted costs.	10-15
Lowest cost per mile	20



Secondary Criteria: If an application proposes a project cost within 15% of the lowest-cost proposal received, the Government Entity must evaluate such competing applications based on the following Secondary Criteria. The project with the highest Secondary Criteria point total will be selected. **(20 Points)**

- **Speed to Deployment.** Greater consideration will be awarded to prospective subgrantees promising an earlier service provision date. Commitments will be binding and subject to contractual penalties. **(This project is expected to be completed in 24 months)**

Speed to Deployment	Total Points
Applicant does not provide binding commitment to provide service by an earlier date than required by grant agreement	0
Applicant provides binding commitment to provide service by a date earlier than two years (24 months) from the date on which the grant agreement is signed	10
Applicant provides binding commitment to provide service by a date earlier than 18 months from the date on which the grant agreement is signed	15
Applicant provides binding commitment to provide service by a date earlier than 12 months from the date on which the grant agreement is signed	20

Third Criteria: Technical Capabilities and Experience (20 Points) – Just one criteria will apply

Technical Capabilities and Experience	Total Points
Applicants must include at least three (3) examples of specific experience and indicate proven ability to implement similar projects for the firm and the individuals involved in the projects.	20 Points
Applicants must submit a summary of related projects with the original deadline and cost estimate versus the actual completion date and final variance cost of the project	5 Points



Fourth Criteria: Project Design and Scalability (40 Points)

Project Design and Scalability	Total Points
Project Overall Design (Demonstrate alignment with all requirements in this RFP and deliverables in Appendix 1 Phases Responsibilities)	20
Design compliance (Referenced Appendix 3 , example BICSI Outside Plant)	10
Demonstrate detailed Demarcation points design and required equipment (Point of access, interconnection points , colocation facilities, handholes and manholes)	10



8. Selection Process

A committee of Government Entity staff and/or consultants will review the proposals and evaluate them based on the scoring criteria above. The Government Entity staff and/or consultants reserve the right to request additional information from Applicants on an as-needed basis during the evaluation process. Following this, the Government Entity may enter negotiations with the Applicants to expand or contract the scope of work and adjust the grant amount accordingly.

9. Funding Disbursement & Allowable Use of Funds

The Government Entities reserve the right to make multiple awards under this RFP, to allocate different phases or components of the project to different applicants, or to decline to fund any phase if it is deemed to be in the best interest of the agency. Funding decisions will be based on the applications submitted, the agency's evaluation of the proposed approaches, and evolving program needs and priorities. The agency may also adjust the scope of funding allocations as necessary to align with program goals and available resources.

The Government Entities reserve the right to adjust award amounts based on the level of funding. Estimated amounts and dates are not final and are subject to change. The Government Entities, through PRBP, anticipate that some or all of the costs incurred under this grant award pursuant to this RFP will be funded partially and/or in whole with federal funds. Therefore, any award from this RFP shall be governed by certain federal terms and conditions for federal grants, including any applicable circulars issued by the US Government's Office of Management and Budget (US-OMB) or other federal agencies as described in [Appendix 2, Funding Conditions](#).

Funding will be disbursed to the Applicant according to proposed spending, proposed budget, and target outcomes in line with [Appendix 1, Phasing Responsibilities](#) of this RFP. Funding will be disbursed on a reimbursable, quarterly basis only for completed work, as determined by PRBP, for each Phase (Design and Build) as outlined in this RFP.



9.1 Eligible Activities and Costs

Eligible activities and costs related to the use of grant funds must:

- Be necessary, reasonable, and allocable to the award based on [Appendix 1, Phasing Responsibilities](#).
- Be determined to be capital expenses in accordance with generally accepted accounting principles.
- Be adequately documented.
- Shall include equipment, mobilization, storage, materials, and any other pertinent portion for the construction of the Smart Island Broadband Network conduit system and any allowable expense for conduit system development, including the engineering work required to design the Smart Island Broadband Network conduit system.
- Design and engineering of the Smart Island Broadband Network conduit system.
- Materials and Labor for the installation of Smart Island Broadband Network conduit system.
- Other incurred expenses as approved by the Government Entity.

9.2 Ineligible Activities and Costs

- Duplication of any existing Broadband Service that is not at maximum utilization and is available to other carriers under neutral lease contracts.
- Infrastructure that is not directly necessary for the construction of the Smart Island Broadband Network conduit system.

The purchase of towers, land, or buildings, or building renovations

10. Disclosures

The issuance of this RFP, the submission of a proposal by any firm or team, and the acceptance of such proposal by the PRBP shall not oblige the PRBP in any way. Applicants shall be bound by their proposals only for the sixty (60) days specified in this RFP. Legal obligations will arise solely upon the execution of a formal agreement between the PRBP and the selected firm or team.

By responding to this RFP, Applicants acknowledge and consent to the conditions applicable to this procurement process. The PRBP is under no obligation to accept any proposal that does not meet its requirements. Without limitation, and in addition to



other rights reserved by the PRBP in this RFP, the PRBP reserves and retains, at its sole discretion, the following rights and options:

- To accept or reject all submittals, in whole or in part.
- To discuss and negotiate with any or all Applicants terms that differ from, or are in addition to, those set forth in this RFP or contained in any proposal submitted.
- 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 the 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 any Applicant and to distribute such questions, together with the PRBP's responses, to all Applicants that have received a copy of this 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 disqualify any Applicants that submit a nonconforming, non-responsive, incomplete, inadequate, or conditional proposal.
- To investigate the technical and financial qualifications of Applicants through sources other than those contained in the proposals submitted.

All costs and expenses incurred by Applicants in the preparation and submission of a proposal shall be the sole responsibility of the Applicants. The PRBP shall not, under any circumstances, be liable for any such costs or expenses, including, without limitation, those arising from the cancellation of this RFP process. Applicants shall have no right to claim reimbursement from the PRBP or from any instrumentality of the Government for any costs or expenses related to their participation in this procurement.

Applicants should submit their best proposals initially, since negotiations are not guaranteed.



The laws of Puerto Rico 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.

10.1 Accuracy of RFP and Related Documents

The PRBP assumes no responsibility for the completeness or accuracy of any technical or background information provided in this RFP or otherwise distributed or made available during this procurement process. Without limiting the generality of the foregoing, the PRBP shall not be bound by, or held responsible for, any explanation or interpretation of the RFP documents except those issued in writing by the PRBP. Under no circumstances may an Applicant rely on any oral statement made by the PRBP's agents, advisors, or consultants.

10.2 Confidential or Proprietary Information

One copy of each proposal will be retained for the PRBP's records and will not be returned. If an Applicant believes that its proposal contains material that is confidential and/or proprietary, the Applicant must clearly mark each section of such material as "Confidential" or "Proprietary." The PRBP will, in its sole discretion, determine whether such material meets the requirements for exemption from disclosure under applicable laws and regulations, including Puerto Rico's public disclosure statutes. The Applicant may also submit a redacted version along with their submission to cover any claims of confidentiality.

If the PRBP determines that the material does not qualify for an exemption, such material may be made available to the public, if and to the extent required by applicable law, regardless of the Applicant's notation or markings. Applicants are solely responsible for becoming familiar with the disclosure requirements governing public documents in Puerto Rico.

By submitting a proposal, Applicants acknowledge and agree that:

- The PRBP shall have no responsibility or liability for the disclosure of any information submitted, whether or not marked as confidential or proprietary, if the PRBP determines that disclosure is required by law.
- Any Applicant asserting confidentiality shall be solely responsible, as the real party in interest, for objecting to disclosure and for defending any action necessary to protect its confidential information, at its own cost and expense.
- The PRBP will not be responsible or liable in any way for any losses or damages the Applicant may suffer as a result of disclosure of information or materials to third parties.



10.3 Further Contract Conditions

The contents of the proposal prepared by the selected Applicant or Applicants, with any amendment approved by the 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 at execution of an agreement, requiring:

- Sole Registry of Professional Services Providers Certification ("RUP", for its Spanish acronym), issued by the Puerto Rico General Services Administration ("ASG", for its Spanish acronym) 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 the Puerto Rico Innovation and Technology Services ("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 Puerto Rico Treasury Department.
- Certification of Compliance issued by the Puerto Rico Child Support Administration ("ASUME", for its Spanish acronym). Corporations must request this certification from ASUME's Employer Unit. The certification confirms that the employer is in compliance with all applicable child support withholding orders issued against it in its capacity as employer.
- Sworn statement, signed by the President or Chief Executive Office authorized to act on behalf of the Applicant, indicating that the 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 the PRBP. The selected Applicant will be contractually required to abide by the laws of Puerto Rico as governing laws under the Agreement. The 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 shall provide that all Deliverables and Work Product arising from the Services shall become the property of PRBP, in accordance with applicable laws and regulations.



10.4 Insurance Requirements

Selected Applicant, at its sole cost and expense, shall provide proof of insurance, upon execution of the Agreement by submitting a Certificate of Insurance to the PRBP. As a minimum, Selected Applicant shall provide and maintain insurance consistent with industry practice, required by law and the following minimum types and limits of insurance in compliance with all applicable laws with insurance carriers satisfactory to PRBP.

- Workers' Compensation: Occurrence based coverage providing benefits in the minimal amount required by applicable law, including, if applicable to the supply of goods or services under this Agreement, Workers Compensation Acts of applicable U.S. States, the U.S. Longshoremen's and Harbor Workers Compensation Act and the U.S. Jones Act.
- Professional Liability insurance to provide for errors, omissions, and negligent acts, for a minimum of \$1,000,000 per claim.
- Commercial General Liability Insurance: Occurrence based coverage with a combined single limit of at least \$1,000,000 per occurrence and in the aggregate for premises and operations; products and completed operations; contractual liability coverage for indemnities of Applicant contained within agreements with PRBP; broad form property damage (including completed operations); and personal injury and

To the fullest extent permitted by applicable law and to the extent of the obligations expressly assumed by the Applicant hereunder, all insurance policies maintained by Selected Applicant in accordance with the requirements set forth above shall include the PRBP as additional insured (except Workers' Compensation) and include a waiver of subrogation in favor of the PRBP. Applicant's insurance shall be regarded as primary and non-contributory with respect to the work outlined in this RFP and the Agreement.

10.5 General Federal Funds Requirements

The 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"):

- Registrations within the System for Award Management (SAM)
- 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).

10.5 Right of Reconsideration and Judicial Review

Petition for Reconsideration

Any Applicant adversely affected by the selection may file a motion for reconsideration before the OMB within ten (10) days after the Notice of Award is sent by electronic mail.

Motions for reconsideration shall be submitted to faq@smartisland.pr.gov.

The OMB shall resolve petitions for reconsideration within ten (10) days of receipt. The OMB's final adjudication of any petition for reconsideration, protest, or request for review shall constitute its final determination for purposes of judicial review. The term to seek judicial review shall begin to run on the date the notice of the OMB's final determination is sent. If the OMB does not issue a decision within the applicable ten (10)-day period, the petition shall be deemed denied by operation of law, and the term to seek judicial review before the Puerto Rico Court of Appeals shall begin to run as of that date.

Any party adversely affected by a final determination of the OMB may seek judicial review before the Puerto Rico Court of Appeals within twenty (20) days from the date on which the OMB's final decision is filed and notified. The filing of an appeal for



judicial review shall not stay or otherwise delay the award or execution of the contested RFP.

By submitting a proposal, each Applicant acknowledges, agrees, and warrants that it will strictly observe and comply with all applicable Federal Fund Requirements.

Appendix 1. Phasing Responsibilities

1. Phase 1 – Planning, Design, and Engineering

The Planning, Design, and Engineering of the project is considered critical for successful construction and implementation. The main objective of this phase is to provide a full conduit construction design with a detailed budget conception to a High-Level Design (HLD) to a construction ready Low-Level Design (LLD). PRBP will be provided with the opportunity to review and approve each level of the design.

All engineering work shall be completed in accordance with Puerto Rico Law 173, which requires firms that carry out design and engineering work to utilize engineers licensed by the Government of Puerto Rico and be certified by the College of Engineers of Puerto Rico.

Pre-Construction Planning Phase – During this phase, the Applicants will be tasked with creating an in-depth foundation for the design and eventual supervision of the engineering and construction of an open access buried conduit system for the Smart Island Broadband Network. A buried broadband conduit system requires the installation of conduits underground to house and protect the future fiber optic cables used for the transmission of wide bandwidth data over a high-speed internet connection through multiple types of technologies, including fiber optic, fixed wireless, cable, and satellite. This foundation will be based on the intent defined in this RFP to establish a high-density conduit system that allows for multiple users and integrates the transmission network effectively, ensuring significant benefits for the existing industry.

During this phase, the Applicants will employ methods such as interviews with current service providers and other relevant stakeholders, conducting field visits, to evaluate Puerto Rico's current broadband infrastructure's status, feasibility and avoid overbuild. The intent of the Planning Phase and the methods listed here, is to ensure, to the degree possible, the duplication of existing broadband services and the prevention of overbuilding. The Applicant must identify any existing ISP or middle mile routes and will design the conduit system to utilize existing island facilities, including dark fiber, lit fiber with excess capacity, easement, ROWs, etc., wherever feasible. The Applicants must strategically design a network that will allow for the development of a robust and resilient Smart Island Broadband Network that includes one conduit of sufficient capacity reserved for the use of the Government Entity. During this phase, the Applicants will work with the Government Entities to identify the primary anchor sites, to be served with the conduit system and

examine existing rights-of-way (ROW) for potential use in order to expedite the construction. The use of existing public ROWs, when possible, is an effective use of time and resources, limits the need for permitting, and may often simplify construction. However, it is anticipated that there may be times when it is necessary to depart from existing public ROWs. The Applicant will be responsible for obtaining easements or other conveyance document for this departure. The Government Entities will review and approve final conduit routes from this discovery phase. The Applicants will verify continuity for the conduit path or modify the conduit path to avoid obstacles and obstructions. This task shall validate the proposed route and identify any make ready improvements and costs required to complete each conduit segment. The selected Applicant must furnish an HLD that elucidates construction elements and alternative options, providing insights for budgetary considerations.

As part of this phase, Applicants will be required to provide the following documentation , reports with a conceptual design after the discovery phase and the creation of:

- o Stakeholders Interviews, Summary, and Analysis
- o Assumptions and Limitations
- o Site Assessment Reports, including photographs and diagrams
- o Existing Network Infrastructure Evaluation Reports
- o Technical Requirements Analysis Reports
- o Risk Assessment Reports
- o Preliminary Cost, equipment, mobilization, storage and materials Estimation Report
- o Timelines for detailed budget, HLD, and LLD Construction Ready Designs

During this phase, the Applicants will be required to present reports and findings to the Government Entities and relevant stakeholders.

- **Design Phase** – During this phase, the Applicants will be tasked with designing a strategic buried conduit deployment blueprint for the Smart Island Broadband Network. Aerial builds will be considered only in Highly Specialized Circumstances. For purposes of this RFP, the term Highly Specialized Circumstances means very specific situations that will make impractical or unfeasible the purposes of the Smart Island Broadband Network and/or the Strategic Plan after due consultation with the Government Entities. In adherence to resilience and redundancy principles, the open access conduit system must undergo meticulous strategic planning to optimize advantages along the proposed paths. The primary objective for designing the open access conduit system is to establish

hardened pathways that will extend into communities and areas currently lacking access to broadband technologies and infrastructure. This conduit system will be designed with high capacity and availability in mind and include one conduit reserved for Government Entity use. By creating these high-capacity routes, the Government Entities aim to build a multi-duct conduit system, providing multiple pathways to service providers, government agencies, and other third Entities that are otherwise unable to deploy infrastructure in cost prohibitive areas. Additionally, the Proponent will construct colocation facilities, demarcation points and other interconnection points to help facilitate interconnection with other providers, reduce last mile and middle mile backhaul costs, and offer opportunities for service providers to build a more resilient and redundant network by building it with other providers and entities on the island. The Smart Island Broadband Network will also connect to two (2) (Mayaguez and Ponce) planned and one (1) existing landing stations, allowing for additional interconnection. These landing stations will coincide with an undersea fiber network, which will provide an alternative path to land based terrestrial networks that are prone to tropical storms and other natural hazards. The Smart Island Broadband Network will stimulate economic development, foster connectivity, fortify infrastructure, provide competitively priced enterprise services, expand the reach of fiber into unserved and underserved areas and CAI's, increase competition, and provide additional resilient options for service providers, government agencies, and other third-party organizations involved in delivering broadband on the Island. The design will also require site surveys to determine the status of the proposed anchor or secondary lateral sites and any potential issues they may have. The proposed locations for vaults, hand holes, slack loops, demarcation points, co-location infrastructure, potential aggregation points, and other infrastructure necessary for the use and expansion of the network will also be outlined during the design for construction. The expected types of construction, trenching, boring, directional drilling, micro trenching, etc., should be identified as part of the work.

As part of this phase, the Applicant will assume responsibilities for assessing and recommending the following:

- o Formulating an initial tabletop design to determine the most optimal routes between specified endpoints.
- o Conduct field studies to identify special situations, private roads, unusual cable runs, remote parcels, or other potential obstacles that could impact installation costs and schedules.

- o Crafting a final recommended design, including a cost estimate (Bills of materials, ROM, mobilization, storage, etc.) for each span of the proposed network builds.
- o Identifying any necessary third-party approvals or permits, such as conservation, environmental, and historical preservation permits, waivers, and easements.
- o Locating suitable "hut" and distribution hub locations, equipment enclosures, etc.
- o Assisting in the make-ready application process if required.
- o Specifying testing and quality assurance procedures is essential to ensuring the completed network performs as designed and that all work meets high standards of quality and workmanship in accordance with industry standards.
- o Prepare comprehensive field construction details to be provided for Construction Phase. These details should encompass all specifications, the construction scope of work, and other necessary content for a comprehensive field construction program. This should include, at a minimum:
 - Design and engineering documents suitable for field construction of new construction segments, including industry standard construction staking sheets, with specific attention to details such as handholes, manholes, collocation facilities, and vault frequency, weight load specifications for handhole and vault covers, whether traffic or non-traffic loading, frequency of markers for buried fiber, frequency of interconnect cabinets and distinguishing frequency for higher density versus lower density population areas.
- o Propose a division of new construction segments, providing a narrative description of each route. For approved aerial segments, include any make ready work necessary for the work. For buried segments, include an initial soil description and an assessment of areas for plow/trench versus bore, specifically identifying areas where rock is expected.
- o Provide testing, consulting, and advisory services throughout the Construction Phase. The Applicant is responsible for the conduit network through construction and will provide all engineering services necessary for the successful completion of the project.
- o Generate a final detailed map in Geographic Information System (GIS) vector format, clearly illustrating the network's new build, interconnection points, collocation facilities and any component for

the successful use of the infrastructure. This map should be suitable for use for the Construction Phase the Indefeasible Right of Use (IRU) of the existing fiber technical package, and the resulting output, data, and/or results shall exclusively be the property of the Government Entities.

- o Identify and describe any additional functions and services necessary or recommended to ensure successful, timely, and responsive construction and provisioning of the Smart Island Broadband Network.
 - o Create a comprehensive budget for the build-out covering permitting, obtainment of the potential easement, rights of way, construction costs, connection fees, make ready costs, and other necessary line items necessary to show the full conduit system costs. Additionally, include line-item costs for co-location facilities, materials, storage, mobilization, and other necessary elements that will be necessary for the operation of a fiber optic network.
- **Engineering Phase** - Upon completion and approval of the Pre-Construction Planning and Design Phases, the Applicant will generate construction-ready documentation providing running line details, identifying key obstructions and potential issues, and providing construction-level details required by the Government Entities and local permitting. Tasks hereunder will include underground route mapping in Computer-Aided Design (CAD) format with profile views and right-of-way agreements as needed and industry standard staking sheets. In addition, the inventory of any existing ISP or partner-owned conduits should include all vaults, pull boxes, fiber cabinets, conduit occupancy (if applicable), and verification that the conduit is clear of debris or obstruction and usable. The required outcomes for this phase encompass a ROM preliminary cost estimate delineating the costs related to an ideal network design, including equipment, materials, storage, demarcation points, collocation facilities and any necessary component. The culmination of this engagement will involve creating an LLD, a detailed plan ready for construction that incorporates all specifications and associated costs. This LLD will be the foundational document for developing a Bill of Materials and construction elements, which are critical components for the Construction Phase.
- **Project Management Support** – Throughout the Planning, Design, and Engineering Phase, the Applicant will provide a dedicated Project Manager to oversee the design and engineering of the Smart Island

Broadband Network and serve as a liaison between the Government Entities and the Applicant as a single point of contact. The Project Manager will provide weekly updates throughout the planning, design, and engineering phases of the Smart Island Broadband Network design. The Project Manager will provide all engineering design drawings in electronic GIS compatible and paper form. The paper hardcopy of the network shall be neatly and professionally included in a binder.

All stated in this Appendix is needed and the identified below Deliverables should be submitted at a minimum, also PRBP reserves the right to request any information it deems critical for the overall implementation of the project:

1. Geographic Scope Report

Route map or corridor with start and end points, with general alignment of all the components necessary for successful implementation. Topographic maps with relevant data as elevation, soil conditions, geography, etc. GIS data layers with clearly identified roads, utilities, rights-of-way, parcels and all parameters.

2. Permitting & Regulatory Context Report

Right-of-way (ROW) ownership alignment such as public roads, DOT corridors, utility easements and others. Municipal permitting requirements must be documented and identified. Environmental or historical restrictions (wetlands, landmarks) must be accounted for and documented in a report for record keeping.

3. Demand and Capacity Planning Report

Current and future fiber demand core count needs for example (144, 288, 864 strands). The End-user locations as ISPs, schools, towers, community anchor institutions. Report on Growth and assumptions for future expansion, for example extra ducts for future use, leasing, or dark fiber. Demarcation Points and ramifications design should account for the density of CAIS of each PSA.

4. Soil and Infrastructure Conditions Report

Report on Geotechnical surveys as type of soil, water table, rock presence. Clearly identify in mapping tools Underground utility portions, power, water, gas, telecom, sewer.

5. Route Alignment and Path Study Report

Choose the optimal route based on shortest path, cost, accessibility, and permitting ease. Avoid high-risk zones (e.g., rock beds, floodplains, busy intersections). Prioritize co-location opportunities with existing utilities or public works.

6. Conduit Configuration Report

Choose conduit size and count, in the industry HDPE conduits are standard. Depth, Separation & length for the trenches, demarcation points and any necessary component for the functioning of the system. Use multiple conduits (e.g., 2–4) or install innerducts/micro ducts. Design for segregation of client fiber, future expansion, and power.

7. Handhole/Manhole Spacing & Design Report

Install analysis for handholes/ manholes, their distance, junctions or elevation changes. Design for pulling tension limits of fiber. Use tier-rated enclosures depending on traffic load (e.g., Tier 22 for sidewalks, Tier 35 for roads).

8. Fiber Path Design Report

Map out exact fiber cable routing within the conduit. Plan splice points, slack storage, cable entry/exit. Specify fiber type (single-mode, loose tube, armored, etc.) and core counts

9. Bill of Materials (BOM) Report

Conduits (HDPE), Innerducts or micro duct bundles, Pull tape / rope, Handholes, vaults, markers, Tracer wire, Fiber optic cables and all needed materials for the construction and functioning of the conduit.

10. Construction Drawings

Cross-sections, alignment sheets, elevation profiles, details for trenching, boring, backfilling, vault placement and all pertinent details to the as build drawings, its iterations and its revisions.

11. **Permitting & Environmental Report**

Apply for all necessary ROW, DOT, municipal, and utility permits. Coordinate with environmental and historical preservation offices if needed

12. **Develop Traffic Control & Safety Plans Report**

Required for road or sidewalk disruption

Includes detours, work zones, flaggers

13. **Phasing and Staging Report**

Break into construction zones . Identify staging areas for material storage and consider seasonal/weather delays

2. Construction Phase

- The construction of the network will require the most planning prior to starting work. The objective of this phase is to plan, permit, and construct the conduit system in accordance with the engineering design documents developed as part of the Design and Engineering portion of the RFP.
- **Planning** – Utilizing the approved engineering plans, The Applicant will familiarize themselves with the conduit route, associated geographic and topographic conditions, and objectives of the project. The Applicant should review US Federal, Puerto Rico Territorial, and local permitting requirements, reporting requirements, and other requirements of the funding source to ensure that compliance is maintained. Applicant should identify the location(s) of their project headquarters, the required material, and equipment storage yards. Construction operational facilities should not be located in or near any residential areas to reduce the impact of the construction activities on residents. A draft project schedule, final construction budget, and expected draw schedule based on the project schedule should be prepared for review by the Government Entities.

The Applicant should provide a plan on how they will ensure compliance with labor and employment practices, as well as that of its subcontractors, including:

- o Information on applicable wage scales and wage and overtime payment practices for each class of employees expected to be involved directly in the physical construction of the broadband network; and

- o How the Applicant will ensure the implementation of workplace safety committees that are authorized to raise health and safety concerns in connection with the delivery of deployment projects.
- o Paying prevailing wages and benefits to workers, including compliance with Davis-Bacon and Service Contract Act requirements, where applicable, and collecting the required certified payrolls.
- o Use of local hire provisions, pursuant to the Government's public policy established in Act No. 42-2018, as amended.
- o Use of an appropriately credentialed workforce (i.e., satisfying requirements for appropriate and relevant pre-existing occupational training, certification, and licensure).
- o The Applicant may provide a certification that all laborers and mechanics employed by contractors and subcontractors in the performance of the conduit project are paid wages at rates not less than those prevailing, as determined by the U.S. Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the "Davis-Bacon Act"), for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the civil subdivision of Puerto Rico. If such certification is not provided, the subgrantee must provide a Project Employment and Local Impact report detailing:
 - The number of employees of contractors and sub-contractors working on the project;
 - The number of employees on the project hired directly and hired through a third party;
 - The wages and benefits of workers on the project by classification;
 - Whether those wages are at rates less than those prevailing (as determined by the US Secretary of Labor in accordance with the Davis-Bacon Act).
- o The Applicant may provide a certification that a project includes a project labor agreement, meaning a pre-hire collective bargaining agreement consistent with section 8(f) of the National Labor Relations Act (29 U.S.C. 158(f)). If the subgrantee does not provide such a certification, the subgrantee must provide a project workforce continuity plan detailing:
 - How the recipient will ensure the project has ready access to a sufficient supply of appropriately skilled and unskilled labor to ensure high-quality construction throughout the life of the project, including a description of any required professional

- certifications and/or in-house training;
- How the recipient will minimize risks of labor disputes and disruptions that would jeopardize the timeliness and cost-effectiveness of the project;
- How the recipient will provide a safe and healthy workplace that avoids delays and costs associated with workplace illnesses, injuries, and fatalities, including descriptions of safety training, certification, and/or licensure requirements for all relevant workers (e.g., OSHA 10, OSHA 30);
- Whether workers on the project will receive wages and benefits that will secure an appropriately skilled workforce in the context of the local or regional labor market
- Whether the project has completed a project labor agreement.
- o The Applicant will describe how they plan to comply with the Build American Buy American requirements of the funding source.
 - Iron and Steel Products: All iron and steel products utilized by the subgrantee or any contractors and subcontractors in its proposed project have undergone all manufacturing processes, from the initial melting state through the application of coatings, in the U.S. unless a waiver is granted;
 - Manufactured Products: All manufactured products used in its BEAD-funded project are manufactured in the U.S. In determining whether a product is produced in America, the subgrantee must comply with the definitions included in Section 70912 of BABA, which provides that a manufactured product is considered produced in the United States if the manufactured product was manufactured in the United States and the cost of the components of the manufactures product that are mined, produced or manufactured in the United States is greater than 55 percent (55%) of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation;
 - Construction Materials: For construction materials, the subgrantee and its contractors must certify that construction materials including but not limited to non-ferrous metals; plastic and polymer-based products (including polymers used in fiber optic cables); glass (including optic glass); lumber; and drywall used by the subgrantee and any contractors and subcontractors have undergone all manufacturing processes

domestically;

- In addition to the provisions above, the subgrantee may not use BEAD funding to purchase or support any covered telecommunications equipment or service, as defined in Section 9 of the Secure and Trusted Communications Network Act of 2019 (47 U.S.C. § 1608);
- The IIJA expressly prohibits the subgrantee from using BEAD funding to purchase or support fiber optic cable and optical transmission equipment manufactured in the People's Republic of China unless a waiver of this requirement is received from the Assistant Secretary of Commerce for Communications and Information.

As part of this phase, the Applicant will be required to provide the following documentation and/or reports:

- o Comprehensive list of all permits that are required for the project
- o Project schedule
- o Final Construction Budget
- o Funding draw schedule based on anticipated work progress
- o Plan on how they will ensure compliance with labor and employment practices for their workforce and that of any subcontractors.
- o Describe how compliance with the Build American Buy American provisions will be maintained.
- ***Execution of Construction Operations*** – The Applicant is responsible for the proper management of the construction project. The Government of Puerto Rico assumes no responsibility for the project's construction management. Utilizing the approved engineering plans and project schedule, the Applicant should ensure the receipt of any required permits, including NEPA and Section 106 permits and any other required Environmental and Historic Preservation (EHP) permits. Some permitting may be obtained in alignment with the phasing schedule. The Applicant is responsible for obtaining all permits in a timely manner to ensure that construction activities remain on schedule. The Applicant is responsible for compliance with all applicable Government and Industrial Standards, including OSHA standards. Once ensuring that all required permits are in place, the Applicant will begin construction based on the schedule submitted to the Government Entities.
 - o Any variance from the submitted schedule must be communicated to the Government Entities. A quarterly schedule update must be

submitted to the Government Entities overseeing the project. The schedule update should show completed work and adjustments for non-completed work. If the schedule update shows a delay of more than three months in the completion of the project based on the original schedule, a plan for resolving the delay must be submitted.

- o All construction work will be completed in accordance with the approved engineering design. Deviation from the design must be approved by the engineer and Government Entity. Deviation from the design is defined as a significant change in the location of conduit placement, such as from one side of a road to another, rerouting the approved conduit location, change in depth of the conduit, and other similar changes to the approved engineering design. All changes should be properly noted on redline construction documents, a full copy of which will be delivered to the Government Entity at the end of the project. Final as-built drawings will be submitted by the Applicant at the end of the project. As-built drawings will be submitted with any reimbursement requests submitted by the Applicant as verification of completed work.
- o Documentation of testing must be maintained. Testing must be completed in accordance with the engineering requirements, and the results must be recorded. All required testing results must be submitted with any reimbursement requests submitted by the Applicant.
- o The Applicant is responsible for proper job site safety for its workers and the general public. No open trenches or other construction hazards without proper security and safety barriers in place will be permitted. The Applicant must comply with all applicable safety and security laws and best practices.
- o Restoration of the project area must be completed on pace with the construction. Areas with completed construction must be restored within 30 days of construction completion.
- **Quality Assurance** - The performance of the contractor and the quality of the work delivered shall be subject to review. The review shall be accomplished by the Government Entity or its representatives, who shall be permitted to review or observe work at all reasonable hours. Review by the Government Entity does not relieve the contractor of any responsibility for failure to meet contract requirements, which may be disclosed prior to final acceptance.

- ***Project Management Support*** – Throughout the Construction Phase, the Applicant will provide a dedicated Project Manager to manage the construction of the Smart Island Broadband Network and serve as a single point of contact between the Government Entities and the Applicant. The Project Manager will provide weekly updates throughout the construction phase of the Smart Island Broadband Network. Weekly updates should include any upcoming risk issues that require mitigation.

Appendix 2. Funding Conditions

The Government Entities anticipate that some or all of 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 US Government's Office of Management and Budget (US-OMB).

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 US-OMB pursuant to the authority granted under 31 U.S.C. 503 (Federal Uniform Administrative Requirements) outlines the methods of procurement to be followed by non-federal entities, among other things.

Furthermore, said potential contract shall also be governed by any specific terms and conditions set forth by the awarding federal agency(ies). Below is a representative list of the applicable federal terms and provisions. A final list will be included in the Award Agreement presented to the selected Applicant. Respondent shall describe experience in dealing with these and any other applicable provisions and requirements and affirmatively certify that Respondent shall comply, collectively, the "Federal Fund Requirements":

- Regulations and/or guidance issued by the US 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).
- Rights to Inventions Made by Non-Profit Organizations and Small Business Firms under Government Grants, Contracts, and Cooperative Agreements, 37C.F.R. Part 401.
- Prohibitions on Certain Telecommunications and Video Surveillance Services or Equipment, as codified under 2 C.F.R. Sec. 200.216.
- Build America Buy America Act, as established by the Infrastructure Act, amended through Pub. L. 117-328, and incidental regulations, including but not limited to 2 C.F.R. Part 184.

- 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 Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Equal Employment Opportunity Act of 1972, the Americans 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.
- Clean Water Act of 1972, Pub. L. 92-500, as amended.
- Clean Air Act of 1963, Pub. L. 88-206, as amended.
- Environmental and Historic Preservation processes (“EHP”), as established, reviewed, amended, and/or modified by the US Government and/or the US Department of Commerce from time to time.
- Comprehensive Environmental Response Compensation and Liability Act of 1980, Pub. L. 96-510.
- Endangered Species Act of 1973, Pub. L. 93-205.
- Marine Protection, Research, and Sanctuaries Act of 1972, Pub. L. 92-532.
- National Environmental Policy Act of 1970, Pub. L. 91-190.
- Resource Conservation and Recovery Act of 1976, Pub. L. 94-580.
- Contracting with Small and Minority Businesses, 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.
- 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.
- Guidance is provided at NTIA’s Internet for All, Frequently Asked Questions, and BEAD Program, as amended from time to time.
- FCC’s Letter of Credit Requirements and/or consistent with 47 C.F.R. Sec. 58.804(c)(2).
- FCC’s Ownership Disclosure Requirements for Applications, as codified in 47C.F.R. Sec. 1.2112(a)(1)-(7).

By submitting their respective applications, respondents acknowledge, agree, and guarantee the Government Parties strict observance and compliance with the Federal Fund Requirements, to the extent applicable.

Appendix 3. Industry Design Standards and any other standard, code, best practice as applicable

A. Local Regulations as applicable.

1. Regulations from Telecommunications Bureau of Puerto Rico
2. Regulations from the Federal Communications Commission
3. Puerto Rico Building Code 2018.
4. Design and Specifications Guideline from Puerto Rico Highway and Transportation Authority.
5. Design and Specification Guideline from the US Department of Transportation .
6. Manual, Rules and Technical Statements from Puerto Rico Power Authority.
7. Consolidated Regulation (Reglamento Conjunto) Puerto Rico Planning Board as applicable.

B. National Electrical Code and National Fire Protection Association (NFPA)

1. NFPA 70 – National Electrical Code
2. NFPA 1 Fire Code
3. NFPA 101-Life Safety Code
4. NFPA 70E – Standard for Electrical Safety in the Workplace
5. Any other NFPA and NEC standard, regulation and code applicable

C. National Electrical Contractors Association (NECA) /Fiber Optic Association (FOA)

1. National Electrical Contractors Association (NECA) /Fiber Optic Association (FOA) 301- Installing and testing fiber optics.
2. Any other NECA and FOA standard, regulation and code applicable

D. Building Industry Consulting Service International (BICSI)

1. BICSI 002 – Data Center Design and Implementation Best Practices
2. BICSI- Outside Plant construction and installation: Direct Buried Facilities

3. BICSI – Practices for Conduit and Duct Installation
4. BICSI – Practices for Installing Cabling within OSP ducts and conduits
5. BICSI – G4-23: OSP Direct Buried
6. BICSI 008 – Design and Implementation Practices for Optical Fiber Cabling
7. Any other BICSI best practice, standard or code applicable.

E. American National Standards Institute / Telecommunications Industry Association/ Electronic Industries Standards (ANSI/TIA/EIA)

1. TIA/EIA – 758 & TIA -568 (Telecommunications standards for structures cabling)
2. ANSI/TIA-607 – Grounding and bonding requirements for telecom infrastructure.
3. TIA 569 – Telecommunications Pathways and Spaces
4. TIA/EIA-455-226 , FOTP-226 IEC 61746 Calibration of Optical Time-Domain Reflectometers (OTDR's)
5. TIA-526-14-C Optical Power Loss Testing for Fiber Optic Cabling
6. TIA TSB-140 Additional Guidelines for Field- Testing Length, Loss and Polarity of Optical Fiber Cabling Systems
7. Any other ANSI/TIA/EIA standard or code that may apply

F. International Electrotechnical Commission (IEC)

1. International Electrotechnical Commission IEC 60794-3: Guidance for outdoor fiber optic cables, including direct buried, aerial, and duct applications
2. IEC 60794-3-10: Outdoor cables – Family specification for duct and directly buried optical cables
3. IEC 60794-3-10: Outdoor cables – Family specification for duct and directly buried optical cables
4. IEC TR 62691 – Fiber Management Systems (FMS)
5. Any other IEC standard or code applicable

G. Institute of Electrical and Electronics Engineers (IEEE)

1. 13.IEEE 1228 for optical fiber installation best practices.
2. IEEE C2 – National Electrical Safety Code.
3. IEEE 1185 – Guide for Fiber Optic Cable Installation on Transmission Structures

4. Any IEEE standard, best practice or code applicable

H. Occupational Safety and Health Administration (OSHA)

1. 29 CFR 1926 – Construction Industry Regulations
2. 29 CFR 1910 – General Industry Safety
3. Other OSHA codes or standards that may apply

I. National Electrical Manufacturers Association (NEMA)

1. Tray Cable 2 (NEMA) and Tray Cable 6/8 – Standards for rigid and flexible nonmetallic conduit
2. Any NEMA standard, best practice or code that may apply

J. ASTM (American Society for Testing and Materials)

1. D3035 (ASTM) – Standard for Polyethylene (PE) Plastic Pipe
2. Any ASTM standard, best practice or code that may apply

K. National Electrical Safety Code (NESC)

1. Any NESC code that may apply

L. Commission IEC 61300 series (International Electrotechnical Commission)

1. Optic component testing
2. Any IEC standard, best practice or code that may apply

M. National Institute of Standards and Technology (NIST)

1. Cybersecurity Frameworks
2. Any other NIST standards that may apply

N. 26. North American Electric Reliability Corporation (NERC)

1. Critical Infrastructure Protection (CIP)

O. National Aeronautics and Space Administration (NASA)

1. NASA-STD-8739.5 Workmanship standard for fiber optic terminations, cable assemblies, and installation

P. Telcordia

1. SR-1421, Telcordia Blue Book - Manual of Construction Procedures

Q. Federal Communications Commission(FCC)

1.47 CFR § 1755.902 Minimum performance Specification for fiber optic cables.

Appendix A – Experience Template

This template is referenced in **Section 7 Proposal Submission** of the RFP.

Provide information on similar projects or engagements carried out by your firm related to the Scope of Work of this RFP.

If you believe additional information on projects is desirable, please attach further information.

Representative Project 1:

Project Name: _____

Project Address: _____

Public Entity Name: _____

Public Entity Address: _____

Public Entity Phone: _____ Public Entity Fax: _____

Public Entity Email: _____

Describe key lessons learned:

Representative Project 2:

Project Name: _____

Project Address: _____

Public Entity Name: _____

Public Entity Address: _____

Public Entity Phone: _____ Public Entity Fax: _____

Public Entity Email: _____

Describe key lessons learned

Representative Project 3:

Project Name: _____

Project Address: _____

Public Entity Name: _____

Public Entity Address: _____

Public Entity Phone: _____ Public Entity Fax: _____

Public Entity Email: _____

Describe key lessons learned:

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Appendix B – Non-Collusion Affidavit

NON-COLLUSION AFFIDAVIT

I, _____, of legal age and resident of _____, certify for myself and for my organization _____, under oath and subject to the consequences and penalties or perjury, that to the best of my knowledge and belief:

- i. The fees presented in this proposal have been arrived at independently without collusion, consultation, communication, or agreement with any other proponent or with any competitor for the purpose of restricting competition.
- ii. No attempt has been made or will be made by myself or any member of my organization or associates to induce any other person or organization to submit or not to submit a proposal for the Project, or otherwise take any action in restraint of free competitive proposals for the Project.

Proponent Contact
Signature

Proponent Contact Name and
Title

AFFIDAVIT NO. _____

Sworn and subscribed before me by _____, of the personal circumstances set forth above, personally known to me, in _____, Puerto Rico, on this _____ day of _____, 202____.

Notary Public

Note: Providing false information may result in immediate disqualification of proponent criminal prosecution or administrative sanctions.

Appendix C – Eligibility Affidavit

ELIGIBILITY AFFIDAVIT

I, _____
(Proponent Contact), of legal age, civil status: _____,
profession: _____ and a resident of _____ (City,
State), in my capacity as _____ (officer) of _____ (the
"Proponent"), do hereby certify under penalty of perjury, that, except as noted below, the
Proponent and Proponent's owners, shareholders, partners, directors, officers, principals and
managers ("Proponent's Related Parties"):

- a. are not currently under suspension, debarment, voluntary exclusion or determination of ineligibility by any state or federal court of agency;
- b. have not been suspended, debarred, voluntarily excluded or determined ineligible by any state or federal court or agency within the past three (3) years;
- c. do not have a proposed debarment pending;
- d. will not use any subcontractors who are so debarred;
- e. have not been convicted or plead guilty in federal or state court, for the commission of misappropriation; extortion; construction fraud; fraud in the delivery of goods; undue intervention in public procurement processes; bribery; offer to bribe; undue influence; crimes against public funds; or preparation, presentation, possession or transfer of forged documents. The prohibition set forth herein shall also apply to convictions for other crimes equivalent to those of the above stated crimes;
- f. are not under investigation in federal, state, foreign or local jurisdictions, at any legislative, judicial or administrative level for the alleged commission of the abovementioned crimes; and
- g. I am a duly authorized representative of the Proponent and the Proponent Related Parties, with knowledge and authority to execute this sworn statement. Exceptions to the above are set forth in an attachment to this Appendix II, providing the name of the initiating agency, number of the complaint, names of all parties and dates of action.

Proponent Contact Signature

Proponent Contact Name and Title

AFFIDAVIT NO. _____

Sworn and subscribed before me by _____, of the
personal circumstances set forth above, personally known to me, in _____, Puerto
Rico, on this _____ day of _____, 202____.

Notary Public

Note: Providing false information may result in immediate disqualification of Proponent criminal prosecution or administrative sanctions