

REQUEST FOR PROPOSALS

seeking

TELECOMMUNICATIONS CONDUIT DESIGN and ENGINEERING SERVICES

for

The Puerto Rico Broadband Program of the Puerto Rico Office of Management and Budget

RFP Number: PRBP-2023-PRBIF-01-004

RFP Issuance Date: November 22, 2023

RFP Deadline: January 10, 2024

<https://www.smartisland.pr.gov/rfps>

REQUEST FOR PROPOSALS

The Puerto Rico Broadband Program (“PRBP”), of the Office of Management and Budget (“OMB”), as defined hereunder in **Section 1.5**, and **Section 1.1**, respectively, issues this Request for Proposals (“RFP”) to obtain proposals from dully competent firms that can provide PRBP and/or the Government of Puerto Rico (“Commonwealth”; together with PRBP, the “Government Parties”) the services defined in **Section 2.2** of this RFP (“Services”). This RFP seeks proposals from duly qualified respondents capable of providing the Services and completing the tasks required thereunder, while developing a productive relationship with the Government Parties and other relevant stakeholders.

This RFP does not commit nor obligate the Government Parties to award any contract nor to pay any costs incurred in the preparation of a response and/or proposal in connection with this RFP. The Government Parties reserves the right to award contracts to more than one qualified firm(s), to accept or reject any or all proposals received in response to this RFP, to negotiate with any eligible firm or to modify or cancel the RFP in part or in its entirety. The Government Parties will consider responses under this RFP following the Commonwealth’s public policy established in Act No. 42-2018, as amended, and its relevant dispositions, as discussed in **Section 3.3.2** of this RFP. See **Section 6** of this RFP for further disclaimers and reservation of rights of the Government Parties.

The respondent(s) selected under this RFP (“Selected Respondents”) 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 Commonwealth and/or those issued by the United States Federal Government, its agencies, instrumentalities and/or component units (collectively, the “US Government”), to the extent applicable.

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

RFP Due Date: January 10, 2024, at 11:59 PM (Eastern Standard Time¹)

Please submit one (1) electronic copy through the Smart Island portal:
<https://www.smartisland.pr.gov/rfps/telecommunications-conduit-design-and-engineering-services>

Please refrain from submitting general marketing materials that do not explicitly respond to the content and questions contained in this RFP.

¹ Taking into consideration Daylight Savings Time.

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1. INTRODUCTION

1.1 The Puerto Rico Office of Management and Budget

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

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

1.2 The Contracting Executive Order

On April 27, 2021, the Governor issued Executive Order No. OE-2021-029 ("**Contracting Executive Order**"), which requires the Commonwealth's agencies, instrumentalities, public corporations, and component units, to perform an open, competitive, and public contracting process for contracts with a value above **\$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, OMB issued Circular Letter No. 013-2021, establishing uniform guidelines to comply with the Contracting Executive Order. Copy of this circular letter can be found following this link: https://ogp.pr.gov/Memorandos_CartasCirculares/CartasCirculares/CC-013-2021.pdf.

1.3 Broadband Infrastructure Assessment

In 2011, the Puerto Rico Broadband Taskforce ("**Taskforce**"), a public-private partnership of broadband stakeholders, was formed with the primary goal of ascertaining the size and scope of the digital divide in Puerto Rico and identifying strategies to close it. Thereafter, in 2012, the Taskforce completed the **Puerto Rico Broadband Strategic Plan**, copy of which can be found through this link: docs.pr.gov/files/Broadband/Documentos/Puerto%20Rico%20Broadband%20Strategic%20Plan%202012.pdf, which addressed both demand and supply-side challenges with three inter-related policy goals: access to networks, adoption of broadband, and utilization of broadband solutions. As a starting point, this strategic plan assessed the size and scope of the digital divide across Puerto Rico by commissioning a mapping initiative to develop an inventory of available broadband infrastructure across Puerto Rico, as well as research to survey and analyze adoption and usage trends across the residential and business sectors in Puerto Rico. Following the assessment, this strategic plan adopted specific recommendations for actionable strategies designed to achieve its goals.

Following the **Puerto Rico Broadband Strategic Plan**, the Taskforce created the 2015 Puerto Rico Broadband Strategic Assessment, titled **The Gigabit Island Plan**, copy of which can be found through this link: docs.pr.gov/files/Broadband/Documentos/The%20Gigabit%20Island%20Plan%202015.pdf, which aimed to continue moving the broadband capacity goals forward and set new goals that would provide Puerto Rico residents, businesses, and public institutions with access to broadband speeds of one (1) gigabit per second. The **Gigabit Island Plan** was built on a 2014 assessment that evaluated the state of broadband in Puerto Rico, examined strategies to accelerate broadband expansion across Puerto Rico and enabled the establishment of the gigabit network connectivity goals for increased household coverage, network speeds and capacity.

For the avoidance of doubt, the above-mentioned Puerto Rico Broadband Strategic Plan and the Gigabit Island Plan are mentioned in this RFP for context and historical reference purposes only and should not be used by respondents as basis for their proposals. All proposals submitted under this RFP – and the Services defined in Section 2.2 of this RFP - shall take into consideration the Strategic Plan defined in Section 1.5 of this RFP.

1.4 Broadband Equity, Access, and Deployment Program

On November 15, 2021, the US Government enacted the Infrastructure Investment and Jobs Act, Pub. L. 117-58 (“Infrastructure Act”), which authorized funds for roads, bridges, transportation safety programs, passenger and freight rail, electric vehicle chargers, power infrastructure, and broadband development, among other things.

The National Telecommunications and Information Administration (“NTIA”) is an agency of the US Government’s Department of Commerce (“Department of Commerce”), created pursuant to the National Telecommunications and Information Administration Organization Act of 1992, Pub. L. 102-538. The NTIA that serves as the U.S. President’s principal advisor on telecommunications policies pertaining to the United States economic and technological advancement and the regulation of the telecommunications industry. Pursuant to the Infrastructure Act, on May 12, 2022, the NTIA awarded certain grants for the Broadband Equity, Access, and Deployment Program (“BEAD Program”), through certain Notice of Funding Opportunity (“NOFO”)

Funding available under the BEAD Program is geared towards accelerating the expansion and adoption of digital technologies, particularly broadband infrastructure, to bridge the digital divide and enhance connectivity across communities. Established to foster inclusive and equitable access to digital resources, the BEAD Program seeks to support initiatives that facilitate the deployment of broadband networks, especially in underserved or rural areas. By strategically allocating financial resources, these funds aim to stimulate technological advancement, empower businesses, and improve educational opportunities, promoting economic development and societal progress through widespread access to digital technologies. A significant portion will be allocated to support the construction of the open access conduit and fiber network and colocation facilities. This program’s core focus is deploying broadband services to underserved locations (*i.e.*, those without any broadband service at all or those with limited broadband access²).

The National Institute of Standards and Technology (“NIST”) is an agency of the Department of Commerce, created pursuant to the National Institute of Standards and Technology Act of 1988, Pub. L. 100-418, whose mission is to promote United States innovation and industrial competitiveness. On November 15, 2022, NIST, servicing for the NTIA, awarded OMB, on behalf of the Commonwealth, \$5,000,000 for initial planning funds for the BEAD Program. Subsequently, on June 30, 2023, the Department of Commerce notified OMB a total allocation for the Commonwealth of \$334,614,510.70 under the BEAD Program for the programs and/or measures levied in the NOFO. As of the date this RFP is issued, the BEAD Program’s performance period is from November 15, 2022, through November 14, 2027, inclusive.

1.5 PRBP and the Broadband Strategic Plan

On July 11, 2022, the Governor issued Executive Order No. OE-2022-040 (“Broadband Executive Order”), creating the PRBP, which includes BEAD Program funding, other available federal funding, and local funding. 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. PRBP’s main purpose is to coordinate, authorize, and execute the disbursement of local and federal funds allocated to Puerto Rico for the construction of broadband infrastructure on the Island.

² Broadband with speeds below 25 megabits per second (“Mbps”) for down streaming, and/or 20 Mbps for up streaming.

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

Furthermore, the Broadband Executive Order created a Technical Advisory Council ("Council") to provide specialized advisory to the Executive Committee in government and public administration matters. The Council is composed of the following seven members: [1] representative for the Puerto Rico Financial Advisory and Fiscal Agency, [2] representative of the Department of Public Safety, [3] representative of OMB, [4] representative from the Puerto Rico Highway and Transportation Authority, [5] Puerto Rico Majors Federation, [6] Puerto Rico Majors Association, and [7] the Puerto Rican Alliance of Telecommunications.

Additionally, the Broadband Executive Order instructed OMB to create a Strategic Plan for the PRBP ("Strategic Plan"), to ensure that these funds are used within the terms established to do so, ensure the prompt construction of the broadband infrastructure necessary to close the digital gap in Puerto Rico, and establish necessary controls to ensure the funds are used pursuant to applicable regulations. On August 12, 2023, the Executive Committee issued the Strategic Plan, titled Five Year Plan of Action, copy of which can be found following this link: docs.pr.gov/files/Broadband/Documentos/PRBB%20-%205YR%20Action%20Plan%20-%202008-12-2023.pdf

PRBP funds complement existing federally funded programs to accelerate growth and support expansion efforts in broadband access and expand the use of online resources by residents of each municipality. This fund intends to help overcome barriers to broadband expansion, ensure that all Puerto Rico residents, businesses, and public institutions benefit from this capability, and ensure that critical public institutions (for example, schools, hospitals, libraries, and government) can stay connected. It is also intended to help encourage private sector investment in broadband to build and improve access to higher-speed offerings in underserved areas. The use of this fund will be to support the engineering and management of the program, as well as the expansion and building of the open access middle mile network.

2. PURPOSE OF THIS RFP

2.1 Objectives

Through Available Funding, as defined in **Section 2.5** of this RFP, the Government Parties are working towards addressing many of the Island's broadband challenges, leveraging on the Puerto Rico Broadband Strategic Plan and the Gigabit Island Plan indicated in **Section 1.3** of this RFP, to ensure that Puerto Rican residents have proper access to internet broadband connections. The Government Parties aim to modernize Puerto Rico's broadband infrastructure through the Scope of Work and/or Services solicited hereunder in **Section 2.2**.

2.2 Scope of Work

Through this RFP the Government Parties are seeking to obtain proposals from duly competent firms that can assist with the design and engineering of a buried conduit and fiber optic network that will interconnect up to the seventy-eight (78) Municipalities of Puerto Rico and, additionally, up to three (3) planned and one (1) existing subsea landing stations in connection with the PRBP and/or the Strategic Plan, as further defined hereunder (the "Services", or the "Scope of Work"):

- **Pre-Construction Planning Phase** – during this phase the Selected Proponent will be tasked with creating

an in-depth foundation for the design, and eventual supervision of engineering and construction, of an open access broadband network for the transmission of wide bandwidth data over high-speed internet connection³, through multiple types of technologies including fiber optic, fixed wireless, cable, and satellite (“Smart Island Broadband Network”). This foundation will be based on the Strategic Plan defined in **Section 1.5** of this RFP. During this phase, the Selected Proponent will employ methods such as interviews with current service providers and other relevant stake holders, conducting field visits, and validating existing documentation to evaluate Puerto Rico’s current broadband infrastructure's status and feasibility. The Selected Proponent must strategically design a network that will allow for the development of a robust and resilient Smart Island Broadband Network. During this phase the Selected Proponent will work with the Government Parties to identify the primary anchors sites to be served with the conduit system and a highway-based path to facilitate routing of the fiber cabling. The Government Parties will review and approve final conduit routes from this discovery phase. The Selected Proponent will verify continuity for the conduit path or modify conduit path to avoid obstacles and obstructions. This task shall validate the proposed route and identify any make ready improvements and cost required to complete each conduit segment.

- The main objective of this phase is to provide a full design from Rough Order of Magnitude (“ROM”, as defined in **Section 2.3.3** of this RFP) conception to a High-Level Design (“HLD”, as defined in **Section 2.3.3** of this RFP), to a construction ready Low-Level Design (“LLD”, as defined in **Section 2.3.3** of this RFP).

Selected Proponent will be required to provide the following documentation and/or reports with a conceptual design after the discovery phase and the creation of a ROM (for additional specifications of this phase, refer to **Section 2.3.1** of this RFP):

- Stakeholders Interviews, Summary, and analysis
- Assumptions and Limitations
- Site assessment reports including photographs and diagrams
- Existing Network Infrastructure evaluation reports
- Technical requirements analysis reports
- Risk Assessment Reports
- Preliminary Cost Estimation report (BOM)
- Timelines for ROM, HLD, and LLD construction-ready designs

During this phase, the Selected Proponent will be required to present reports and findings to the Government Parties and relevant stakeholders.

- **Design Phase** – during this phase the Selected Proponent will be tasked with designing a strategic buried and fiber route deployment blueprint for the Smart Island Broadband Network (with aerial builds 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 Parties). In adherence to resilience and redundancy principles, the open access conduit and fiber network must undergo meticulous strategic planning to optimize advantages along the proposed paths. The primary objective for designing the open access conduit network is to establish hardened pathways that will extend into communities and areas currently lacking access to broadband technologies and infrastructure. This conduit network will be designed with high capacity and availability in mind. By creating these high-capacity

³ As defined by the US Government and/or its Federal Communications Commission (“FCC”), created pursuant to the Communications Act of 1934, Pub. L. 73-416, as amended. According to the FCC, the definition of broadband internet is a minimum of 25 Mbps download, and 3 Mbps upload speeds.

routes, the Government Parties aims to build a multi-duct conduit system, providing multiple pathways to service providers, government agencies and other third parties that are otherwise unable to deploy infrastructure in cost prohibitive areas. Additionally, the Government Parties will construct colocation facilities and other interconnection points to help facilitate interconnection with other providers, reduce last mile and middle mile backhaul costs, and offers 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 three (3) 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 secondary objective of this design phase is the implementation of an open-access middle-mile fiber network. This network will promise to provide a minimum one-gigabit symmetrical lit service for public schools, public or multi-family housing, libraries, medical or healthcare providers, community colleges or other higher education institutions, and any other nonprofit or governmental community support organization (collectively, "Community Anchor Institutions") where a need is identified in near proximity to the Smart Island Broadband Network. Additionally, 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 areas, 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 status and any potential issues with proposed anchor or secondary lateral sites. The proposed locations for hand holes, slack loops, and potential aggregation point for expansion of the network will also be outlined during the design.

- During this phase the Selected Proponent will assume responsibilities for assessing and recommending the following (for additional specifications of this phase, refer to **Section 2.3.2** of this RFP:
 - Formulating an initial tabletop design to determine the most optimal routes between specified endpoints.
 - Conducting field studies to identify special situations, private roads, unusual cable runs, remote parcels, or other potential obstacles that could impact installation costs and schedule.
 - Crafting a final recommended design, including a cost estimate for each span of the proposed network builds.
 - Identifying any necessary third-party approvals or permits, such as conservation, environmental, and historical preservation permits, waivers, and easements.
 - Locating suitable "hut" and distribution hub locations, equipment enclosures, etc.
 - Assisting in the make-ready application process if required.
 - Specifying testing and quality assurance procedures essential to ensuring the completed network performs as designed and that all work meets high standards of quality and workmanship.
 - Prepare comprehensive field construction details to be provided to construction crews. 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, with specific attention to details such as handhole frequency, weight load specifications for handhole covers, frequency of markers for buried fiber, frequency of interconnect cabinets, and recommendations distinguishing frequency for higher density versus lower density population areas.
 - Propose a division of new construction segments, providing a narrative description of each route. For aerial segments, include a pole survey outlining initial load assessments and potential replacements. For buried segments, include an initial soil description and an assessment of areas for pole/trench versus

bore, specifically identifying areas where a rock adder fee may be necessary.

- Offer construction management, testing, consulting, and advisory services as part of the proposal.
 - Generate a final detailed map in Geographic Information System (“GIS”) vector format, clearly illustrating the network’s new build and leased sections. This map should be suitable for inclusion in both the new construction bid package and the Indefeasible Right of Use (“IRU”) of the existing fiber technical package, and the resulting output, data, and/or results shall exclusively be property of the Government Parties
 - 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.
 - Create a comprehensive budget for the build-out covering permitting, potential easement and rights of way, construction costs (including cable installation, "hut" construction, and all other construction elements), construction oversight, network equipment (including premise terminal equipment), connection fees, and more.
 - Develop options for operational management and maintenance of the system, including ongoing costs for maintenance and operations of leased fiber segments, maintenance, and operations of new build fiber segments, and estimated locate costs for new build fiber segments.
- **Engineering Phase** - upon completion and approval for the Pre-Construction Planning and Design Phases, the Selected Proponent will generate construction ready documentation providing running line details, identifying key obstructions and potential issues, and providing construction level details required for the Government Parties and local permitting. Selected Proponent will provide engineering services for both the underground and fiber portions of the Smart Island Broadband Network. Tasks hereunder will include underground route mapping in Computer Aided Design (“CAD”) format with profile views, and right-of-way agreements if needed. In addition, inventory of existing and partner owned conduit to include all pull boxes, fiber cabinets, conduit occupancy (if applicable) and verification conduit is clear of debris or obstruction. The required outcomes for this phase encompass a preliminary cost estimate known as a Rough Order of Magnitude (“ROM”, as further defined in **Section 2.3.3** of this RFP), delineating the expenses related to an ideal network design. Moreover, the selected candidate must furnish an HLD, as defined in **Section 2.3.3** of this RFP) that elucidates construction elements and alternative options, providing insights for budgetary considerations. The culmination of this engagement will involve creating an LLD, as defined in **Section 2.3.3** of this RFP), a detailed plan that intricately incorporates all specifications and associated costs. This LLD will be the foundational document for developing a Bill of Materials and construction elements, critical components for obtaining final budget approvals.

Respondents are hereby notified that after this Engineering Phase is completed, the Government Parties will pursue a subsequent construction process for the Smart Island Broadband Network (“Construction Phase”) that could be initiated by a subsequent request for proposals for those construction tasks (including, but not limited to, a more in depth, comprehensive process in which the Government Parties and the partner(s) that could be selected through said solicitation process, will complete the construction, operations, and maintenance responsibilities for the Smart Island Broadband Network).

- **Project Management Support** – Selected Proponent will provide a dedicated Project Manager to manage the fiber network design and engineering of the Smart Island Broadband Network and serve as a liaison between the Government Parties and the Selected Proponent. The Project Manager will provide weekly updates throughout the engineering stage of the Smart Island Broadband Network design and identify all costs including any make ready work necessary. The Project Manager will provide all engineering and as-built design drawings in electronic GIS compatible and paper form. The paper hardcopy of the network design shall be included in a binder in a neat and professional manner.

- **Post Final Plan Support** - the Selected Proponent will itemize cost to provide support to the Government Parties, for a reasonably time frame as determined by the Government Parties considering the Smart Island Broadband Network needs and following applicable profession/industry standards, after the final milestone of the Final Project Plan for the Smart Island Broadband Network is delivered according to the timeline indicated in **Section 2.3.1** of this RFP.
- **Incidental Support** – related to the core endeavors under the Scope of Work, as reasonably requested by the Government Parties, which might include the following assistance:
 - **Stakeholder Interviews** - conduct interviews with relevant stakeholders, in conjunction with input from the Government Parties, aiming to gathering insights from the relevant stakeholder expectations, requirements and concerns related to the Smart Island Broadband Network.
 - **Cost Estimation** - development of a preliminary cost estimate for the Smart Island Broadband Network Construction Phase, as defined above, based on all the gathered information to include cost for materials, equipment, labor, permits, and any other relevant expenses, provide a breakdown of cost highlighting major cost drivers and potential areas for cost optimization.

2.3 Scope of Work Minimum Requirements, Specifications and Definitions

2.3.1 Design Phase Additional Specifications

Below are the minimum specifications and requirements for the Scope of Work Design Phase:

- **Fielding/Walkout/Make Ready:**
 - The Government Parties are interested in reviewing proposals that use different methods of collecting information from the field. Technologies like GPS-based route geolocation, incorporation of GIS systems into data capture, drone surveys, LiDAR technologies, high-resolution aerial photography, GPRs (Ground Penetrating Radar), and ultrasonic testing for pole integrity are recommended but not required.
 - Selected Proponent is responsible to ensure that all routes have approved access & rights-of- way for all proposed cables installations.
 - Selected Proponent will provide any information or points of contact to allow selected contractor and its subcontractors to facilitate the route prep ‘make-ready’ and actual cable installation.
 - Selected Proponent is responsible for pulling all required construction permits, including, but not limited to, the corresponding prior or pre-permits (e.g., consults, exclusions, descriptive memoranda, *et als.*) issued by the Puerto Rico Permits Management Office (“OGPe”, for its Spanish acronym). Selected Proponent will provide officials at PRBP with any information necessary to pull these permits in a timely fashion.

- **Building Laterals:**

The Government Parties will prioritize facilitating Smart Island Broadband Network connectivity to participating Community Anchor Institutions and other third-party facilities. Refer to enclosed **Appendix A – Target Locations Template** - list for more details. The exception to this will be the locations deemed regeneration sites and/or co-location facilities locations, which will be the primary and secondary termination points for the Smart Island Broadband Network and act as the meet-me point for all external service provider partners.

- **Fiber Cables:**

- All fiber optic cables must be ITU G-652.D compliant.
- The Selected Proponent must plan to use rollable, spider, or high-density fiber cables.
- The Government Parties does not have a preference on specific manufacturer of the fiber cable but must abide by all federal and state funding program requirements.
- Slack coil sizes should have a minimum of 100' at midspan / maintenance slack locations.
- Slack coil should have a minimum of 100' on each end for butt splice locations.
- Major road intersections.
- Entry way into community anchor institution, colocation hut or priority site.
- The Selected Proponent will have capacity to propose other solutions feasible that surpass or abide applicable requirements and/or the requirements set forth in this RFP.

- **Splice Enclosures:**

The Government Parties recommend using CommScope FOOSC splice cases for both outdoor and indoor installations.

Enclosure	Dimensions	Single Mode / Ribbon	Tray Capacity	Cable Capacity	Splices Per Tray	Splice Capacity	Number of Drops	
FOOSC400 A	183mm x 420mm	Single Mode		4	4	12/24	48/72	4
FOOSC400 A	183mm x 420mm	Ribbon	N/A	N/A	N/A	N/A		4
FOOSC 450B	9.8"Dx24"L	Single Mode		6	6	6/12	72	4
FOOSC 450B	9.8"Dx24"L	Ribbon		3	6	12	144	4
FOOSC 450D	11.0"Dx30"L	Single Mode		8	8	72	576	8
FOOSC 450D	11.0"Dx30"L	Ribbon		4	8	216	864	8
FOOSC 600D	10.8"Dx32.6"L	Single Mode		9	8	72	648	8
FOOSC 600D	10.8"Dx32.6"L	Ribbon		6	8	288	1728	8

However, the Selected Proponent will have capacity to propose other solutions feasible that surpass or abide applicable requirements and/or the requirements set forth in this RFP.

- **Conduit Distribution:**

The Selected Proponent must provide details on type and quantity of conduit for main distribution and laterals based on terrestrial requirements, fiber counts, distribution hubs, serviceable areas, and types of construction methodology. Directional Bore, Road Crossings and Micro Trenching should all be detailed in final construction as-builts.

Design must follow these minimum requirements:

- System must be able to support fiber cable sizes ranging from 12 to 1728 fibers.
- For buried installs, the Selected Proponent will consider the installation of hand-holes and place marker/locator posts, as approved by the Government Parties.
- The Selected Proponent will provide entry/exit holes into colocation facilities for routing cables to distribution frames unless otherwise noted.
- The Selected Proponent will provide specific details of cable placement using aerial photography and CAD drawings.

- Design will account for use of Duraline Future Path or similar product micro-ducts.
- Support interconnection with multiple service providers, technologies, and other third parties for communication needs.

Respondents under this RFP, and the Selected Proponent, shall suggest the Government Parties the ideal, most practicable and feasible specifications (*i.e.*, measures) for the following: (i) all bores measures, below the ground or deeper; (ii) all lows, below the ground or deeper; and (iii) facilities clearing spaces. These suggestions shall take into account the specific location(s) and reasonable clearing spaces from existing facilities.

- **Microtrenching:**

- In heavy traffic areas all micro-trenches must be at 24" with an assumption that cables can be placed at shallower depths with supplementary protection such as metal plating or other hardened materials. As per NESC Rule 352D2b.
- Minimum trench width should be 3/4" but can be larger depending on number of conduits being placed.
- However, the Selected Proponent will have capacity to propose other solutions feasible that surpass or abide applicable requirements and/or the requirements set forth in this RFP.

- **Colocation Infrastructure:**

- The Selected Proponent will work directly with the Government Parties on identifying prospective colocation sites that support interconnection with other service providers. These sites must also support any regeneration and equipment for long haul and last mile services.
- All facilities must have diverse connections feeding into the hut.
- All sites must be a minimum of 100'x100' to allow for expansion and growth.
- Sites must be able to support the construction of tower structures.
- Site must have space to accommodate permanent backup power solutions.
- Selected Proponent must create rack elevation diagrams, power requirement specifications and interconnection recommendations for each of the colocation sites.
- The Selected Proponent will be responsible for overseeing the design, engineering, siting and installation of any new equipment huts or colocation facilities.
- However, the Selected Proponent will have capacity to propose other solutions feasible that surpass or abide applicable requirements and/or the requirements set forth in this RFP.

- **Hand Holes / Vaults:**

- All handhole and vaults must be rated at ANSI- 77 Design Test Load Tier 22.
- In areas of heavy traffic, handholes or vaults must be rated AASHTO H-20.
- Recommended hardware may be determined by local city or municipality.
- Handholes should be placed every 1000'-1500' or required.
- Major road intersections.

- Entry way into community anchor institution, colocation hut or priority site.

Below is a list of the recommended size handholes to use in the design:

Handhole Size	Description
36"x60"x36" Tier 22	36x60x36 Grade level vault with torsion assisted lid Tier 22
30"x60"x30" Tier 22	30x60x30 handhole assembly with 2 cover, struts, Mouseholes and separate bottom
36"x60"x36" Tier 22	Complete Handhole assembly with split lid, struts and Mouseholes
36"x60"x48" Tier 22	Complete Handhole assembly with split lid, struts and Mouseholes
36"x60"x36" Tier 22	Complete Handhole assembly with split lid for pad mount for distribution cabinet applications, struts and Mouseholes
36"x60"x36" Tier 22	Complete Handhole assembly with split lid for pad mount for distribution cabinet applications, struts and Mouseholes
36"x60"x48" Tier 22	Complete Handhole assembly with split lid for pad mount for distribution cabinet applications, struts and Mouseholes
36"x60"x48" Tier 22	Complete Handhole assembly with split lid for pad mount for distribution cabinet applications, struts and Mouseholes

- **Data Management / Attribute Field Schemas:**

- All design information must be entered and maintained into a fiber management database system.
- All building and structure information must be designed in a CAD based system.
- All materials should be defined in these systems.
- All attribute information must adhere to ISO and Open Geospatial Consortium standards.
- All attribute information schemas must be approved by the PRBP.
- The Selected Proponent should be proficient in developing geospatial databases in Open Access GIS Systems (e.g., PostGIS, SQL Server Spatial).
- The Selected Proponent should be skilled in working with various types of data, including Point Cloud, GeoTIFF, Lidar, and other raster-based formats.
- The vendor should be capable of handling vector data in different formats, such as ESRI Shapefile, MapInfo (TAB), GeoJSON, QGIS, KML & KMZ, as well as CAD formats (DWG & DXF).
- The Selected Proponent should have the expertise to create and manage web maps and should be familiar with both publishing and utilizing web-based services (WMS, WMTS, WFS, etc.) for remote data access.

2.3.2 Scope of Work Engineering Phase Additional Definition Details

Below are additional details on relevant definitions of the Scope of Work Engineering Phase described in **Section 2.2** of this RFP:

- **ROM** - is 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. As the project progresses and more information becomes available, these estimates can be refined in subsequent project planning documents.

- Cost Estimates: An approximate estimation of costs associated with various project aspects, including materials, labor, equipment, permits, and other relevant expenses. This is usually presented as a range to reflect the level of uncertainty at the early project stage.
- High-Level Scope: A concise description of the project's scope, outlining the major components and objectives of the open access conduit and fiber network.
- Schedule Estimates: Initial estimates of the project timeline, highlighting key milestones and the expected duration of different phases. This helps in setting preliminary expectations regarding project completion.
- Risk Identification: Early identification of potential risks or uncertainties that may impact the project, along with a brief assessment of their potential effects.
- Route Design Considerations: Basic design considerations, such as the anticipated route of the conduit, depth of burial, size, type, and number of conduits, review of critical sites along the route and other engineering parameters that influence the project's feasibility and cost.
- Colocation Site Design Considerations: Proposer needs to determine possible sites, proximity to power, site spacing requirements, zoning restrictions, and other elements that go into the design and engineering of the site.
- Vertical Structure Design Considerations: A needs assessment of how wireless networks can be incorporated into the design. Decisions as to where vertical structures can be installed, size and type of structure, power, site spacing requirements, zoning restrictions, budget, and other elements that go into the design and engineering of the structure.
- Equipment Design Engineering – A determination of what type of open access network architecture and equipment is optimal for running the middle mile fiber network.
- Data Management: Identification of GIS, engineering design tools, and database systems to be used for recording, updating, and capturing information throughout the project.
- Assumptions and Constraints: Explicitly stating any assumptions made during the estimation process and outlining any constraints that may affect the project.
- Alternatives and Options: Identification of potential alternatives or options that could impact the project's cost or schedule, providing stakeholders with an understanding of available choices.
- Regulatory and Permitting Considerations: Preliminary insights into the regulatory requirements and permitting processes that may impact the project, along with an estimation of associated costs and application approval timelines.
- Site-Specific Factors: Consideration of site-specific factors that might influence the construction process, such as soil conditions, environmental considerations, or property rights.
- Contingency Planning: Initial plans for contingency measures to address unexpected challenges or

changes that may arise during the project.

- Resource Planning: The required level of resources to support this project from beginning to end.
- **HLD** - serves as a crucial document in the project's progression, offering stakeholders a clearer understanding of the technical aspects and requirements associated with the open access conduit and fiber network. The HLD serves as a foundation for subsequent phases of the project, such as the LLD and construction planning. Iterations of an HLD should include a Good-Better-Best type of proposals to cover different approaches for a final design.
 - Detailed Scope of Work: A comprehensive description of the project's scope, specifying the components and features of the buried conduit system in greater detail than the ROM.
 - Engineering Specifications: Detailed engineering specifications for the buried conduit system, including material specifications, construction methods, and design standards.
 - Route Design and Alignment: Specific details about the route and alignment of the buried conduit, considering factors such as geography, existing infrastructure, special crossings, and optimal pathways.
 - Depth and Trenching Details: Precise information on the depth at which the conduit will be buried, trenched, bored, plowed, or micro duct specifications, and any considerations for specific soil conditions.
 - Cable Path and Capacity: Identification of the cable paths within the conduit, along with considerations for the capacity and type of cables to be installed.
 - Manhole and Access Point Locations: Designation of locations for manholes and access points along the conduit system, including details on their size, specifications, and spacing.
 - Colocation Site Design Considerations: Site survey and preliminary engineering for site design, cable management, cabinet and relay rack design, cabling, UPS, backup power design and other requirements for systems related to the site design.
 - Vertical Structure Design Considerations: Site survey and preliminary engineering for the structure and site design has started, a proposed route design should be created for backhaul, if necessary, a vertical site map for the structure needs to be generated. Consideration of antennas and radios needs to be started.
 - Equipment Design Engineering: What type of transport, switches, storage, cybersecurity, and application delivery equipment will be needed at each colocation site.
 - Data Management: Defining file schema and requirements for recording all OSP and ISP components that will be included in the design management system, such as GIS, CAD, or a comparable alternative.
 - Construction Sequencing: An outline of the recommended sequencing of construction activities, ensuring

efficient and systematic implementation.

- Permitting Requirements: Detailed information on specific permitting requirements, regulatory compliance, and environmental considerations to be addressed during construction.
- Utility Coordination: Plans for coordinating with existing utilities, leverage synergies, and ensuring minimal interference with other infrastructure and compliance with utility regulations.
- Risk Mitigation Strategies: A more refined assessment of potential risks and detailed strategies for mitigating or addressing these risks throughout the project.
- Quality Assurance/Quality Control (“QA/QC”): Preliminary plans for implementing QA/QC measures during construction to ensure that the buried conduit system meets required standards.
- Cost Estimates: More detailed and refined cost estimates based on the specific engineering details provided in the High-Level Design.
- **LLD** - serves as the final detailed blueprint for conduit and fiber network. It provides construction teams with the specific instructions and information needed to implement the project according to engineering specifications and industry best practices.
 - Detailed Engineering Drawings: Precise engineering drawings illustrating the layout, dimensions, and specifications of the conduit, manholes, access points, fiber cable path.
 - Material Specifications: Specific details regarding the materials to be used, including types of conduits, fiber cable, manhole components, equipment, facilities, and other construction materials, with adherence to industry standards.
 - Construction Details: Comprehensive construction details, specifying installation methods, trenching requirements, and any special considerations for challenging terrain or environmental conditions.
 - Depth and Trenching Calculations: Precise calculations and considerations for the depth of burial and trenching based on soil conditions, load-bearing requirements, and local regulations.
 - Cable Management and Routing: Detailed plans for cable management within the conduit, including routing specifics, cable bundling, and separation requirements.
 - Access Point and Manhole Design: Specific design details for access points and manholes, including dimensions, structural specifications, and safety features.
 - Splicing and Termination Details: If applicable, detailed plans such as splice prints, fiber allocation plans, manhole butterfly drawings, relay rack layouts for splicing and termination points, specifying the equipment and techniques to be employed.
 - Colocation Site Design Considerations: Final engineering for site design, cable management, cabinet and relay rack design, cabling, UPS, backup power design, security and ground spacing and other

requirements for systems related to the site design.

- Vertical Structure Design Considerations: Final engineering for the structure and site design has commenced. Any wireless backhaul routes should undergo frequency coordination with the FCC. Additionally, all other permitting and zoning tasks, including FAA and FCC registrations and notices, as well as environmental and structural permits, should begin. The selection of antennas, radios, and equipment must be finalized.
- Equipment Design Engineering: Final decisions should be made on equipment for lit services, switches, cybersecurity, and application delivery needs that need to be installed at data centers and colocation sites.
- Data Management: All elements from the final design should be integrated into a GIS / CAD based system. This information encompasses Site information, conduit details, handholes, cabling, slack, tower structures and other relevant information that should be inputted into the system. All attribute information should be clearly defined and completed for subsequent updates during the construction and operation phases of the project. The system should be able to provide a Bill of Materials ("BOM") Materials and equipment. All splicing and duct schematics should be finalized.
- Environmental Impact Mitigation: Comprehensive strategies and measures to mitigate environmental impact during construction, including erosion control and restoration plans.
- Testing and Verification Procedures: Protocols for testing and verifying the continuity of the conduit system, and end-to-end OTDR and fiber characterization testing, including any necessary certification processes.
- Regulatory Compliance Documentation: Documentation and plans demonstrating compliance with local, regional, and national regulations, permits, and environmental requirements.
- Safety and Risk Management: Detailed safety plans, risk assessments, and contingency measures to ensure the safety of personnel and prevent potential hazards during construction.
- QA/QC Implementation: Detailed plans for implementing QA/QC measures during construction to ensure that the conduit and fiber systems meet required standards.
- As-Built Documentation: Plans for creating comprehensive as-built documentation, capturing any changes or deviations from the original design during construction, to be used for future expansion, operations, and maintenance.

2.3.3 Scope of Work Post Final Plan Support Timetable:

Below is the timetable for the Scope of Work Post Final Plan Support described in **Section 2.2** of this RFP:

The Selected Proponent will itemize cost to provide support to the Government Parties, for a reasonably time frame as determined by the Government Parties considering the Broadband Network needs and following applicable profession/industry standards, after the final milestone of the Final Project Plan for the Smart Island Broadband Network is delivered according to the following timeline:

STEP	TASK	Monthly Timeline (suggested template)					
Post- Design Firm Selection		X	X	X	X	X	X
1	Identify Major Routes (work from existing sources and validate)						
2	Identify Other Routes (collect additional routes from entity discussions and prioritize)						
3	Create conceptual design drawing (from route identification)						
4	Conduct ROM Walkouts (start with major routes and add additional routes when identified)						
5	Explore technology specifications (from survey findings and industry research/past projects.						
6	Create High-Level Design (from conceptual Design, informed by ROM findings)						
7	Create Low-Level Design (from High-Level Design, and completed ROM Walkouts)						
8	Finalize Overall Costs and Design (From Bill of Materials and other factors)						
9	Develop Final Project Plan (Informed by entire project discovery process, design, and final costs)						
10							

As indicated in **Section 5.1** of this RFP, one of the Evaluation Committee’s parameters for evaluating responses under this RFP are proposals that aim, and demonstrate, to optimize and reasonably shorten the above timeline, in light of the Strategic Plan defined in **Section 1.5** of this RFP.

2.4 Key Deliverables

Deliverables shall be considered those tangibles and resulting work products which are to be delivered to the Government Parties, such as draft documents, data, meetings, presentations, and reports (collectively, the “Deliverables”). Deliverables shall include detailed narrative including assumptions and clarifications, and any other information or documentation that was used to reach the conclusions as established in the corresponding Deliverables. Deliverables must also establish each resource that participated in their development.

Deliverables shall be in an editable format such as Word, Excel, PowerPoint, Adobe Illustrator, Photoshop, Indesign, or Visio and/or other formats. All Deliverables and resulting work products from this RFP and/or related to the Scope of Work will become the property of the Government Parties. Proponents shall certify the accuracy of its Deliverables to the Government Parties.

Proponents shall outline the types of Deliverables and timelines they produce, in performing the services being procured through this RFP, as assigned through Task Orders. At a minimum, the key Deliverables to be provided may include such items as:

- Comprehensive reports on actions taken and advice given.
- Work papers and analysis providing information about the process used to develop Deliverables.

- Deficiencies, errors and/or limitations identified, if any, in existing processes and
- recommendations for improvements, as well as potential efficiencies to be gained (if any)
- after review.
- Discussion of any potential concerns from pertinent US Government agencies and/or findings, as well as a corrective plan of action (if applicable).
- Analysis and recommendations with regards to applicant’s management.
- Quarterly reports on Scope of Work activities.
- Reporting and updating timelines.
- Services work plans, timeframes, and budget tools.
- Proposed system(s) and template(s) used to capture and report information.

The Deliverables will be considered complete only when presented in their entirety to the Government Parties and only for the purpose stated herein. Respondents are hereby advised that any invoicing and/or payments under the potential contract that could be executed pursuant to this RFP will be ‘Deliverable Based’; hence the importance of the Deliverables defined hereunder.

2.5 Available Funding for the Scope of Work

Available funding for the Scope of Work might include one or more of the following source(s), and/or any combination thereof: [i] BEAD Program funds; [ii] Puerto Rico Broadband Infrastructure Fund (“PRBIF”); and/or [iii] Commonwealth’s Capital Project Fund (“CPF”; together with BEAD Program funds and the PRBIF, the “Available Funding”).

The BEAD Program funds, available under the Infrastructure Act, provides funds to build high-speed internet infrastructure (such as the Smart Island Broadband Network), job training support, assistance to provide necessary equipment, and promoting local associations so that everyone can be connected to the internet.

The PRBIF complements existing federally funded programs to accelerate growth and support expansion efforts in broadband access and expand the use of online resources for the Municipalities residents. The PRBIF should help overcome barriers to broadband expansion, ensure that all residents, businesses, and public institutions in Puerto Rico benefit from this capability, and ensure that critical public institutions (e.g., schools, hospitals, libraries) can remain connected. This fund also aims to help incentivize private sector investments in broadband to build and improve access to higher speed offerings in underserved areas.

The CPF helps state and territorial governments to finance capital and infrastructure projects, for the expansion of high-speed internet allowing delivering vital services that will ensure all communities have access to a high-quality modern infrastructure (such as the Smart Island Broadband Network) needed to access critical services.

Partial or complete Available Funding will fund the full deployment of the Services contemplated under this RFP.

3. PROPOSAL SUBMISSION REQUIREMENTS

3.1 General Proposal Requirements

This section provides guidance for the submission requirements of this RFP, subject to the Government Parties disclaimers and reservation of rights indicated in **Section 6** of this RFP. The Government Parties expect proposals submitted under this RFP to provide enough information about the requested information to allow the Government Parties to evaluate, competitively rank and choose a Selected Proponent based on the Evaluation Criteria indicated

in **Section 5.1** of this RFP. The Government Parties strongly encourage proponents to review and analyze the data included in the following portals prior to submitting their proposals:

- <https://www.smartisland.pr.gov/>
- <https://asg.pr.gov/publicacionesreglamentos>

All proposals must meet the requirements stated in this RFP. The proposal shall be submitted no later than **January 10, 2024, at 11:59 PM, Eastern Standard Time⁴** (“Proposal Due Date”). Proposals may be delivered at any time, provided that the proposal is delivered no later than the Proposal Due Date. The time of delivery shall be the time set forth in the electronic communication received by the Government Parties.

Any proposal that is delivered after the Proposal Due Date shall be considered late, rejected, and could be returned to the respondent, subject to the Government Parties disclaimers and reservation of rights levied in **Section 6** of this RFP. The Government Parties assume no responsibility for deliveries made or attempted outside of the times specified above, late deliveries or the method of delivery chosen by the proponent.

PROPOSALS SHALL BE VALID FOR THE REASONABLE TIME PERIOD THAT WILL FACILITATE THE GOVERNMENT PARTIES TO COMPLETE THE PURPOSES OF THIS RFP.

All proposals shall be prepared in English. All prices shall be quoted in United States dollars. The Government Parties 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 (also specified in the Cover Letter of this RFP): <https://www.smartisland.pr.gov/rfps/telecommunications-conduit-design-and-engineering-services> . The subject on the electronic submittal shall read as follows:

Re: ‘Proposal for Telecommunications Conduit Design and Engineering Services’

3.2 Proposal Format Requirements

Respondents must submit their proposals in digital format in two separate, searchable Adobe Acrobat PDF documents, bookmarked for ease of navigation. The proponent’s name must be clearly marked on the name of each file. Ordinarily, individual electronic files should not exceed 10 MB. However, respondents 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: submission is completed before the Proposal Due Date, and the Cover Letter – referenced in **Section 3.3.1** of this RFP – clearly and explicitly mentions this.

Proposals must be set up on 8-1/2” x 11” sized pages. Double sided reproductions are encouraged. Although 11” x 17” pages are allowed for schematics, maps, organizational charts, drawings, tables, and schedules. However, narrative text cannot be included on such 11” x 17” pages, except for brief captions necessary to title or describe graphics. Any other narrative text included on an 11” x 17” page may be disregarded by the Government Parties. Each 11” x 17” page will be counted as a single page. Printed lines may be single-spaced. Insofar as is practical or economical, all paper stock used shall be composed of recycled materials.

Proposals shall have all pages numbered consecutively within each section of the proposal, other than required forms which shall be individually numbered, including any 11” x 17” pages and must conform to the page limitations identified in this RFP. Proposals must be presented in Arial (not Arial Narrow), 12-point font, including in diagrams, organizational charts, and other such graphics.

⁴ Taking into account Daylight Savings.

Standard corporate brochures, awards and marketing materials shall not be included in the Proposal, and the Government Parties do not commit to review any materials included in a proposal that are not specifically required by the RFP.

3.3 Proposal Contents and Organization

Proposals submitted under this RFP must contain the following sections, organized pursuant to the requirements set forth in this **Section 3.3**:

Section	Description
Section A	Cover Letter & Executive Summary
Section B	Background on Firm & Team Qualifications
Section C	Availability of Resources
Section D	Work Plan
Section E	Local Engagement Approach
Section F	Project Experience & References
Section G	Budget Breakdown
Section H	Financial Information
Section I	Unique or Unusual Respondent Capabilities
Section J	Other Matters Deemed Relevant by Respondent
Section K	Compliance Forms

3.3.1 Section A: Cover Letter & Executive Summary

A duly authorized official of respondent must execute the transmittal letter. For proponents that are joint ventures, partnerships, limited liability companies or other associations, the transmittal letter shall have appended to it letters by authorized officials of each of said entities, stating that representations, statements and commitments made by the a lead proponent on behalf of the other firms have been authorized to do so, are correct, and accurately represent the role of the lead firm in proponent’s team.

The Executive Summary, not exceeding five (5) pages, shall be written in a nontechnical style and shall contain sufficient information for reviewers with both technical and nontechnical backgrounds to become familiar with proponent’s proposal and its ability to satisfy the financial and technical requirements of the Scope of Work.

3.3.2 Section B: Background on Firm & Team Qualifications

Respondents must demonstrate that they possess all capabilities to successfully execute the Scope of Work and must show effective and substantive experience relative to the Scope of Work. Respondents are expected to display strong leadership, accountability, continuity, and the willingness to work with a broad range of entities, and stakeholders both within the public and private sectors. Hence, respondents must demonstrate it has a staff and/or a team of experienced professionals and a dynamic collaborators network that include a broad range of organizations, relative to the Scope of Work. It is in the spirit of such capabilities that proponents shall discuss its experience under this section.

The Government Parties will consider responses under this RFP following the Commonwealth's public policy established in Act No. 42-2018, as amended, and its relevant dispositions, known as the 'Preference Law for Construction Contractors and Suppliers'. Furthermore, in observance of the 'Contracting with Small and Minority Business, Women's Business Enterprises, and Labor Surplus Area Firms' requirements indicated in **Section 4.6** of this RFP, the Government Parties will prefer locally domiciled respondents and/or respondents already doing business in the jurisdiction of Puerto Rico, subject to the disclaimers and reservation of rights indicated in **Section 6** of this RFP.

The Government Parties will not accept proposals from joint ventures, consortiums, syndicates, professional pools, nor entities with similar arrangements, under this RFP. However, subcontracting may be allowed, subject to prior written approval from the Government Parties.

Under this section respondents must: (i) address the legal structure of the firm making the proposal; (ii) identify the organizational structure for the team that it envisions carrying out and managing the Scope of Work; (iii) describe the experience and qualifications of the firm and the key individuals that will be engaged in the proposed project, including experience with endeavors similar to the Scope of Work (comparable size and complexity); (iv) describe the length of time doing business, business experience, public sector experience, and other relevant engagements of the firm; and (v) include the identity of any firms that will provide the Services.

Furthermore, under this section respondents must also provide the names, addresses, and telephone numbers of persons within the firm who may be contacted for further information regarding its submission under this RFP. Respondents must also provide resumes or *curriculum vitae* of the Key Personnel who would be assigned to the Scope of Work (each resume or *curriculum vitae* should not exceed three pages in length and must highlight relevant experience and qualifications with respect to the Services). Key Personnel are defined as those team members who will be assigned and perform the endeavors related to the Scope of Work, or a portion of them. Given the interactions with certain Government Parties, at a minimum, fifty percent (50%) of the Key Personnel must be completely fluent in both English and Spanish; all Key Personnel should be fluent in English. Moreover, respondents must identify the individual(s) who will be providing the Project Management Support, as defined in **Section 2.2** of this RFP.

Respondents must also identify any persons involved with the Government Parties that it knows would be obligated to disqualify themselves from participation in any transaction arising from or in connection to the Scope of Work object of this RFP, considering the applicable Conflict of Interest clauses mentioned hereunder, including, but not limited to, **Section 4.3** of this RFP.

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

3.3.3 Section C: Availability of Resources

Under this section respondents must detail available personnel resources, emphasizing Key Personnel, and how quickly they can be deployed to render the Services requested under this RFP. Respondents are encouraged to designate and proffer only those individuals they reasonably believe will be available for roles relevant to the Scope of Work. Respondents are advised that Key Personnel changes must be notified and requested in writing to the Government Parties and will be subject to their approval. Key Personnel changes without the Government Parties' prior written approval may result in disqualification or removal of the Selected Proponent.

3.3.4 Section D: Work Plan

Under this Section respondents must provide a detailed Work Plan indicating how they plan to execute the Scope of Work 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 Parties.

Additionally, under this section respondents must detail how they will accommodate for the Government Parties design philosophy and leverage their own existing infrastructure to meet the specified priorities under this RFP. Respondents may reference past experiences with similar endeavors where similar services were provided, and how they anticipate approach to the Scope of Work under this RFP could differ.

Furthermore, respondents should provide a measure of confidence in their ability to adhere to the proposed timeline for Scope of Work 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 the Government Parties to consider while navigating indirect factors that could affect the Scope of Work execution.

As indicated in **Section 3.3.2** of this RFP, although the Government Parties will not accept proposals from joint ventures, consortiums, syndicates, professional pools, nor entities with similar arrangements, under this RFP, subcontracting may be allowed, subject to prior written approval from the Government Parties.

In the event respondents envisions or anticipate obtaining support from subcontractors to execute the Scope of Work, said information must be included under this section following this format:

Key Vendor/ Subcontractor	Description of Products/Services Offered	Past Projects Utilizing this Entity
X	Y	Z

3.3.5 Section E: Local Engagement Approach

Given that the Government Parties have the objective of fostering the participation of local parties in providing, or assisting to provide the Services under this RFP, under this section respondents must address their approach to assist the Government Parties to achieve said objective. Additionally, under this section respondents must discuss how they suggest transferring to the applicable Government Parties entities the know-how related to the Scope of Work, during the term of the potential contract that could be executed as a result of this RFP. Finally, respondents should describe any needs assessment and/or stakeholder engagement processes undertaken by proponent in prior experience in a technologically innovative capacity, including engagement with the unserved or underserved communities as indicated in this RFP.

3.3.6 Section F: Experience & References

Under this section respondents must provide a brief overview of its experience with engagement similar and/or related to the Scope of Works of this RFP. Respondents should provide enough information for the Government Parties to assess their expertise across the endeavors described in the Scope of Work. Respondents must show effective and substantive experience relative to the Scope of Work.

Additionally, respondents must provide details of three (3) previous engagements providing similar Services than those requested under this RFP. Under this section, respondents must include a description of the scope and type of the project as well as references (i.e., names and contact information) whom the Government Parties can contact to inquire about their past performance. Enclosed **Attachment B** of this RFP- 'Experience Template' - should be used to capture this information. As necessary, additional pages may be attached to provide the required information.

3.3.7 Section G: Budget Breakdown

Under this section, respondents must provide a full explanation of the pricing structure, as well as sufficient information regarding performance metrics built into this structure. Respondents should also show a breakdown of their fees depending on sections of the potential engagement or the fees for conducting specific tasks. Based on respondent's Work Plan, their estimated budget must outline the cost breakdown and fee structure anticipated to fulfill the Scope of Work, as well as any technical, financial, legal, or other additional advisory services that respondent plans to subcontract, pursuant to **Section 3.3.4** of this RFP.

Respondents are advised that payments under the potential contract that could be awarded pursuant to this RFP, could be scheduled in the form of 'task-orders'. Furthermore, in the event such contract is awarded, respondents are advised that their budget breakdown and/or proposed pricing structure could be reasonably updated/adjusted following well-grounded market conditions.

3.3.8 Section H: Financial Information

Respondents must provide audited financial statements for the last three (3) fiscal years, showing how it manages its resources and demonstrating that it has the financial capability to carry out the Scope of Work, as determined by the Government Parties. Financial statements must include the following: Opinion Letter (i.e., Auditor's Report), Balance Sheet, Income Statement, Statement of Cash Flows, and the corresponding footnotes. Furthermore, financial statements must be prepared in accordance with U.S. Generally Accepted Accounting Principles ("US-GAAP"), or International Financial Reporting Standards ("IFRS"; the latter, only for applicable entities). Under no circumstances the Government Parties will accept audited financial statements prior to the calendar year 2020.

Respondents are advised that any failure to disclose a prior or pending material change(s) in its financial condition may result in disqualification from further participation in the selection process.

In instances where a material change has occurred, or is anticipated, the affected entity shall provide a statement describing each material change in detail, the likelihood that the developments will continue during the period of performance of the Scope of Works, and the projected full extent of the changes likely to be experienced in the periods ahead. Where a material change will have a negative impact, the affected entity shall also provide a discussion of measures that would be undertaken to insulate the potential project(s) object of this RFP from any recent material changes, and those currently in progress or reasonably anticipated in the future. For illustrative and indicative purposes only, the Government Parties consider material changes in financial condition any of the following: (1) an event of default or bankruptcy involving the affected entity; (2) a change in credit rating (if applicable) for the affected entity; (3) inability to meet conditions of loan or debt covenants by the affected entity; (4) the affected entity either: (i) the financial statements indicate that expenses and losses exceed income (i.e. negative net income excluding earnings from non-controlling interests); (ii) incurred a net operating loss (i.e. negative income before taxes, or negative earnings before taxes); or (ii) sustained negative cash flows from operating activities; in at least one of the last three fiscal periods, the affected entity shall provide a discussion of measures that will be undertaken to make the entity profitable in the future and an estimate of when the entity will be profitable. Other events known to the affected entity, or parent organization of the affected entity, represent a material change in financial condition over the past three (3) years or may be pending for the next reporting period.

3.3.9 Section I: Unique or Unusual Capabilities of Respondent

Under this Section respondents should describe any unusual or unique capabilities, experience, tools, or perspectives respondent possesses relative to the Scope of Work. It is possible to expand upon topics covered in previous sections or to introduce new information about respondent or its team members under this section.

Additionally, under this Section respondents could describe how they could perform the Services by regions and/or identify which Services could be executed as soon as possible, addressed firsthand or in parallel with other endeavors, and/or with relatively low efforts (i.e., identify 'low-hanging-fruits'). Furthermore, hereunder

respondents could suggest the Government Parties alternate approaches to complete the Scope of Work in a more efficient manner, if possible.

3.3.10 Section J: Other Matters Deemed Relevant by Respondent

Respondents may submit additional information they consider necessary and appropriate for the consideration of the Government Parties, relative to the requirements of this RFP. For example, if the firm has experience with Smart/IoT deployments, please detail some key projects and possible solutions that could be deployed for the Broadband Program.

3.3.11 Section K: Compliance Forms.

Respondents must submit the following forms attached to this RFP as part of their submission:

Attachment A — Target Locations Template

Attachment B — Experience Template

Attachment C – Non-Collusion Affidavit

Attachment D – Eligibility Affidavit

4. RFP GENERAL TERMS & CONDITIONS

4.1 Procurement Process Schedule

A summary schedule of the major activities associated with the procurement process is presented below, through the completion of this RFP process. The post-proposal schedule may vary from the schedule indicated below. In such a case, respondents shall be notified to their email of record, subject to the Government Parties disclaimers and reservation of rights indicated in **Section 6** of this RFP.

Date	Activity
December 22, 2023	Last date for submission of questions or requests for clarifications to the RFP.
January 10, 2024	Proposals due to the Government Parties
February 14, 2024**	Complete evaluation of proposals and issue notices to Selected Proponent.

** *Might be subject to change.*

4.2 Communications Protocol

The Government Parties are committed to a fair, open process for interested parties to receive information about the competitive solicitation process. As such, communications shall be conducted in accordance with this RFP.

No interpretation or clarification of the meaning of any part of the RFP will be made orally by the Government Parties to any proponent. All questions and communications concerning this procurement process must be directed in writing to the Government Parties, via the identified form within the specified web page, no later than the date specified in **Section 4.1** of this RFP.

All questions concerning this RFP should be directed **IN WRITING** via electronic form in:

Where appropriate, responses to formal questions will be distributed by email to all proponents on our record as having received a copy of this RFP. In each case, the Government Parties will determine whether a response is appropriate or necessary, subject to the Government Parties disclaimers and reservation of rights included in **Section 6** of this RFP.

4.3 Conflict of Interest

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

Consequently, as part of the contracting process, Selected Proponent shall certify that they are not currently aware of any relationship that would create a conflict of interest with the Government Parties, or those parties in interest, according to the applicable Government's contracting requirements.

Furthermore, respondents must ensure that all actions related to their proposal are consistent with the Government Parties and the US Government Guidelines for the Evaluation of Conflicts of Interest and Unfair Advantages in the Procurement of Contracts, and other applicable ethics regulations.

Respondents must provide a list of any other current or prior consulting contracts that the firm has or had with the Government Parties, or which bear any direct or indirect relation to the activities of the Government Parties.

In the event of real or apparent conflicts of interest of a respondent, the Government Parties reserve the right, in the Commonwealth's best interest and at its sole discretion, to reject a proposal(s) outright or to impose additional conditions upon respondent. Said respondent shall accept any reasonable conflict mitigation strategy employed by the Government Parties, including but not limited to the use of an independent subcontractor(s) to perform the portion of work that gives rise to the actual or potential conflict.

As part of the submission requirements, respondents must provide a list of any other current or prior consulting contract(s) that the firm has or had with the Government Parties, or which may bear any direct or indirect relation to the activities of the Commonwealth ("Other Government Contracts"). Given the inherent potential conflict of interest that might arise from the nature of the services rendered under Other Government Contracts with the Scope of Work under this RFP, it should be noted that any respondent that has previously performed for the Government Parties similar, related and/or incidental services than those considered under the Scope of Works is precluded from participating in this RFP. Furthermore, and considering that the Government Parties could issue additional request for proposals related to the Scope of Work and/or Services considered hereunder, respondents acknowledge and accept that the Government Parties will not award both contracts to the same firm(s) if bidders choose to participate in both procurement processes. Accordingly, in case a respondent's proposals receive the top score from the Evaluation Committees, as defined in **Section 5.1** of this RFP in both procurement processes, then the Government Parties reserves the right, in their absolute discretion, to select which contract to award to such respondent. These prohibitions shall apply also to all subcontractors, team members, and representatives of all respondents. Any respondent and/or subcontractor who is found to be in non-compliance with the above will be disqualified from this RFP process.

In addition to the foregoing, respondents are hereby advised that the Selected Proponent under this RFP will be prohibited to participate in any subsequent procurement procedures for the Construction Phase defined in Section 2.2 of this RFP, given that the Government Parties will consider any contract executed pursuant to this RFP as Other Government Contracts, as defined herein.

4.4 Blackout Period

The *'Blackout Period'* is a specified period during a competitive procurement process in which any proponent, bidder, or its agent or representative, is prohibited from communicating with any employee or contractor of the Government Parties involved in any step in the procurement process about this procurement. The Blackout Period applies not only to the Government Parties employees, but also to any current contractor of the Government Parties. *'Involvement'* in the procurement process includes but may not be limited to project management, design, development, implementation, procurement management, development of specifications, and evaluation of proposals for a particular procurement. This solicitation designates the contact person ("RFP Coordinator") and all communications to and from potential proponents and/or their representatives during the blackout period must be in accordance with this RFP's defined method of communication with the RFP Coordinator. The Blackout Period begins on the date that the Government Parties first issued a Public Notice of Intent to Issue this RFP. The blackout period will end when a contract is duly executed by both parties.

In the event a prospective proponent may also be a current Government Party contractor, the Government Party employees and the prospective proponent may contact each other with respect to their existing contract and duties only. Under no circumstances the Government Parties employees or current contractors discuss this RFP or corresponding procurement process or status.

Any bidder, proponent, or Government Party contractor who violates the Blackout Period may be excluded from the awarding contract and/or may be liable to the Government Parties in damages and/or subject to any other remedy allowed under law, including but not limited to a ban in participating in any procurements issued by or for the Government Parties, or any entity of the Commonwealth, for a period of ten (10) years, if it is determined that such action results in violation of the Anticorruption Code, Puerto Rico Act No. 2-2018, and other relevant and/or incidental regulations.

4.5 Further Contract Conditions

The contents of the proposal prepared by the Selected Proponent, with any amendment approved by the **Government Parties**, will become part of the agreement that will be executed with such proponent as a result of this RFP process.

The contract will include those clauses required when contracting services similar to those procured under this **RFP** and those included in contracts with the **Government**, such as contractual provisions requiring:

- Sole Registry of Professional Services Providers Certification ("RUP", for its Spanish acronym), issued by ASG pursuant to the Regulation for Sole Registry of Professional Services Providers, Regulation No. 9302E, issued on August 26, 2021.
- Compliance with applicable environmental permitting regulations, including, but not limited to, the Single Permit levied pursuant to Act No. 161-2009, as amended.
- 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 Service ("PRITS"), pursuant to Act No. 75-2019.
- Original certifications evidencing that respondent 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 Commonwealth of Puerto Rico, to the US 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 Department of Treasury (i.e., '*Departamento de Hacienda*').
- Certification of Compliance issued by the Puerto Rico Child Support Administration ("ASUME"). Corporations must file their request for said certification with the Employer Unit of ASUME. The same indicates that the employer complies with the orders issued in his name as employer to retain the salary of employees as a

result of amounts owed for child support.

- Sworn statement, signed by the President or Chief Executive Office authorized to act on behalf of respondent, indicating that respondent, 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. 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 Department of Labor and Human Resources. 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.
- 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 Puerto Rico's State Department. 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 Puerto Rico State Department. 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 Proponent executes the contract with the Government Parties.

The Selected Proponent will be contractually required to abide by the laws of Puerto Rico as governing laws under the agreement.

The Government Parties 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.

Furthermore, Selected Proponent shall:

- Work with the Government Parties and any other personnel on all matters that may arise in connection with the engagement as per the terms of this RFP and the contract to be executed between the parties;
- Assume sole responsibility for the complete effort required to provide the Services;
- Refrain from assigning, transferring, conveying, or otherwise disposing of the contract, or its rights, titles or interest therein, or its power to execute such agreement, to any other person, firm, partnership, company or corporation without the prior consent and approval in writing of the Government Parties; and
- Comply with applicable federal, state, Commonwealth and foreign laws and regulations governing projects initiated or supported by the Government of Puerto Rico.

The Government Parties 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"), which outlines the methods of procurement to be followed by non-federal entities, among other things.

Furthermore, said potential contract shall be also governed by any specific terms and conditions set forth by the awarding federal agency(ies). Below is a list of the applicable federal terms and provisions. Respondent shall provide a description of 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, 37 C.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 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.
- 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 Federal Emergency Management Agency ("FEMA") 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 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.
- 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 provided at NTIA’s Internet for All, Frequently Asked Questions, 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 47 C.F.R. Sec. 1.2112(a)(1)-(7).

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

5. PROPOSAL EVALUATION PROCEDURE AND CRITERIA

5.1 Evaluation Committees & Evaluation Criteria

All proposals will first be screened for completeness and adherence to the requirements of this RFP. For that initial evaluation state, the Government Parties will appoint a compliance evaluation committee (“Compliance Evaluation Committee”), who will be tasked of evaluating submitted proposals, examining them for completeness and compliance with the General Terms of this RFP, among other factors. The criteria to be considered by the Compliance Evaluation Committee can be found in **Exhibit 1** of this RFP. For a proponent to approve the Compliance Evaluation Committee’s assessment, it will have to obtain a score of seventy five percent (75%) or higher. Respondents that fail the Compliance Evaluation Committee’s assessment will be disqualified and will not be considered for formal evaluation by the Government Parties.

After proposals have passed through the Compliance Evaluation Committee’s screening process, they will be evaluated and ranked by a technical evaluation committee (“Technical Evaluation Committee”; together with the Compliance Evaluation Committee, the “Evaluation Committees”) pursuant to the criteria set forth in **Exhibit 2** attached to this RFP. The Technical Evaluation Committee will be composed of the following three (3) members, as designated by the PRBP: (i) one technical reviewer; (ii) one financial reviewer; and (iii) one programmatic reviewer. Each member of the Technical Evaluation Committee shall have experience to perform the review role for which they have been designated, and shall conduct his or her independent evaluation of the proposals received by said panel in accordance with the aforementioned criteria, and the terms and conditions set forth in this RFP. Point assignments for each evaluation criterion will be at the discretion of each member of the Technical Evaluation Committee. Total point assignments from each member of the Technical Evaluation Committee will be added together for a total overall score. This total score for each respondent will determine the order of the proposal’s rankings.

In the event of a tie between two proposals, the Technical Evaluation Committee will assess awarded scores to

determine whether any adjustments are appropriate. If appropriate, any adjustments made will be approved by the PRBP. If no adjustments are warranted, the Government Parties will follow the minimal BEAD Program outlay score as the tiebreaker.

The Government Parties will only consider proposals from firms that are duly registered to conduct business in the jurisdiction of Puerto Rico. Proposals that are not disqualified will be evaluated as to the substantive material, provided however that, in addition to the rights reserved under **Section 6** of this RFP, the Government Parties reserve the right to waive any defect or technicality in any proposals received, and modify or postpone or terminate the RFP process in its entirety or with respect to any proponent, at any time, for any reason or no reason.

The Government Parties, by means of the Evaluation Committees, may request a proponent to clarify a proposal if ambiguities or uncertainties are presented in the proposal or to obtain more information necessary for the Evaluation Committees to make a comprehensive evaluation. The Evaluation Committees shall report its findings and make its recommendations to the Government Parties. The Government Parties, however, may accept the recommendation of the Evaluation Committees, award the contract to another proponent or proponents, or exercise any of the rights reserved by the Government Parties. The Government Parties' acceptance of a particular proposal does not imply that every element of that proposal has been accepted.

Respondent's suggested Budget Breakdown is only one of the criteria to be considered and the Government Parties are not legally bound to award the lowest priced proposal. The Government Parties may enter into simultaneous or subsequent negotiations with proponents to determine the final selection of the awardee. The Government Parties reserve the right to interview key personnel of the proponent before the award of the contract. The Government Parties reserve the right to conduct discussions with each and every proponent and to request that proponents submit a revised experience and technical proposal and/or price proposal. The Government Parties shall award the contract to the proponent that submits the most advantageous proposal found to be technically sufficient and acceptable, subject to the Government Parties disclaimers and reservation of rights levied in **Section 6** of this RFP.

5.2 Responsiveness

The Evaluation Committee shall first review and determine if each proposal completed all requirements as to format and content. Each proposal will be reviewed for: (i) conformance to the RFP instructions regarding organization and format; and (ii) responsiveness to the requirements set forth in this RFP.

Those proposals not responsive to this RFP may be excluded from further consideration. The Government Parties may also exclude from consideration any proponent whose proposal contains a material misrepresentation.

Proposals that fail to pass the Government Parties determination regarding no conflict of interest, including, but not limited to, those levied in **Section 4.3** of this RFP and its Appendixes, shall be deemed unacceptable and unresponsive, and shall be disqualified without further evaluation.

5.4 General Selection Criteria

The Government Parties seeks to procure the professional services of experienced respondents that can provide the Services described in this RFP. Subject to the Evaluation Criteria indicated in **Section 5.1** of this RFP, the Government Parties scoring criteria will reflect a preference for proposals that address and prioritize the following:

- Proposed network systems that maximize cost effectiveness by leveraging and incorporating into the proposed design: vacant existing underground infrastructure opportunities, IRU or dark fiber opportunities, as well as identifying any other potential underground pathway opportunities.
- Provide well vetted recommendations for alternative network design and implementation cost saving measures that do not compromise network effectiveness or contradict the PRBP's core network directives.
- Proposed network systems that prioritize and facilitate routing to accommodate community anchor

institutions and the four proposed landing stations.

- Proposers who have experience designing on similar scale projects and who have a successful solid proven track record working with the Commonwealth, or other State and Federal government entities.

The Government Parties will assess the proposals based on the Evaluation Criteria specified in **Section 5.1** of this RFP, subject to the disclaimers and reservation of rights levied in **Section 6** of this RFP. The Government Parties may opt to interview one or more bidders. Following the review phase, the Government Parties could identify a respondent for negotiation and inform all other respondents through an "intent to award" notification, subject to the disclaimers and reservation of rights levied in **Section 6** of this RFP. If an agreement cannot be reached with the chosen respondent, the next-highest-scoring respondent will be contacted, initiating negotiations. This process will continue until successful negotiations are achieved or the Government Parties decide to proceed pursuant to **Section 6** of this RFP. The Government Parties explicitly retain the right to negotiate with any respondent, leveraging the submitted proposal as a foundation, to obtain the best and final offer. Upon successful negotiations and signing agreements by all parties, the Government Parties could issue a Notice of Award to all participating respondents under this RFP, subject to the disclosures and reservation of rights indicated in **Section 6** of this RFP.

6. DISCLOSURES

6.1 General Disclosures, Rights, Options and Disclaimers

The issuance of this RFP, submission of a response by any firm and/or team, and the acceptance of such response by the Government Parties does not obligate the Government Parties. Proponents shall only be bound by its proposal for a reasonable period, pursuant to the terms and conditions of this RFP.

Legal obligations will only arise upon the execution of a formal agreement between the Government Parties and the Selected Proponent regarding the Scope of Work.

By responding to this RFP, proponents acknowledge and consent to the following conditions relative to the procurement process. The Government Parties are not bound to accept any proposals if proponents do not meet the Government Parties' requirements. Without limitation and in addition to other rights reserved by the Government Parties under this RFP, the Government Parties reserves and holds, at their sole discretion, the following rights, and options:

- To accept or reject any and all submittals, in whole or in part.
- To discuss, with any or all proponents, different or additional terms to those included in this RFP or received in any response.
- To cancel this RFP in whole or in part, at any time, with or without substitution of another RFP if such cancellation is determined to be in the best interest of the Government Parties.
- 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 proponents and to provide such questions, and Government Parties responses, to all Proponents that received a copy of the RFP.
- To require additional information from one or more proponents to supplement or clarify the proposals submitted.
- To conduct further investigations with respect to the qualifications and experience of each proponent.
- To visit and contact the proponent's client in any of the projects or engagements referenced in the proposals to obtain direct information regarding proponent's performance in such engagements.
- To waive any defect or technicality in any proposals received.
- To eliminate any proponents that submit a nonconforming, non-responsive, incomplete, inadequate, or

conditional proposal.

- To investigate the technical and financial qualifications of proponents using sources in addition to what was included in the proposals.

The Government Parties retain the right to leverage any concepts presented in any proposal to determine the most advantageous and practical approach in accomplishing the project's desired goals. The decision to accept or reject proposals does not impact this right. Each proposal will undergo evaluation, and, at the Government Parties discretion, an award may be granted to the respondent(s) demonstrating the highest capability to fulfill the scope of work most promptly and efficiently feasible.

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

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

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

6.2 Accuracy of RFP and Related Documents

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

6.3 Confidential or Proprietary Information

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

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

[THIS SPACE INTENTIONALLY LEFT BLANK]
[ENCLOSURES & APPENDIXES PAGES FOLLOW]

Attachment A - Target Locations Template

This template is referenced in **Section 2.3.2** of the RFP.

All respondents must consider including fiber connection points and service provisioning to these locations in their proposals, with considerations for budget and timeframes. If the proposal identifies any of these connection points as beyond what can be reasonably provided within budget, there must be necessary accommodations considered in the approach to expand access cost-effectively.

A core primary route will cover areas most in need of paths to more resilient service, especially those regions traditionally considered too rural for development. The Selected Proponent will also provide a secondary route of access points that bidders may elect to include in their application.

Starting point: The proposed routes will start at two (2) major data center or interconnection points, Ponce and Humacao, where multiple service providers can exchange traffic and access a variety of networks.

Major population centers: The routes would then follow a path that connects major population centers, such as cities, towns, and rural communities. The secondary intent is to cost-effectively provide enough conduit infrastructure through the Commonwealth that will enable low-cost connections to municipalities and identified community anchor institutions. This would help to provide broadband services to many users and businesses, including currently underserved populations.

Data centers: The route would also connect to data centers, which are facilities that house large numbers of servers and other IT equipment and play a critical role in internet operation. A sister solicitation to this RFP is currently awaiting responses from offerors interested in developing new Data Centers in more remote areas of the Island, so respondents of this solicitation should be prepared to help co-develop routes with these entities for the Scope of Work.

Community Anchor Institutions: The route would also facilitate last-mile connections to Community Anchor Institutions, such as hospitals, schools, public safety, and government facilities, which are critical to the operation of the community and require at minimum one-gigabit symmetrical service for critical operational services. The proposed routes will also be examined for specific resilience and redundancy requirements.

Peering points: The route would also connect to peering points, where multiple service providers exchange traffic with one another. These peering points are essential to the operation of the internet and help to ensure that data is delivered quickly and efficiently. These will mostly be concentrated in existing and newly proposed data centers, but can also include existing provider's facilities, subsea landing stations, and any facility that is identified as a Network Access Point/Internet Exchange Point.

End point: The route would end at interconnection points, where the traffic can be handed off to another network. This category can be considered a catch-all for any other facility which requires a high-speed connection, not already listed. This also extends to towers, "Smart Poles", and key utility infrastructure.

Attachment B – Experience Template

This template is referenced in **Section 3.3.6** of the RFP.

Provide information on similar projects or engagements carried out by your firm related to the Scope of Works 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:

Attachment C – 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.

Attachment D - 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.

Pursuant to **Section 5.1** of this RFP, the Compliance Evaluation Committee will consider the following criterion in its assessment of the proposals received under this RFP:

I. General Format & Submission Requirements:

- 1.1 Proposal received before the Proposal Due Date?.....(10 Points)
 - 1.2 Proposal compliance with the Format Requirements (Sec. 3.2)?.....(5 Points)
 - 1.3 Proposal responsiveness to the RFP General Requirements (Sec. 5.2)?.....(5 Points)
- TOTAL: 20 Points**

II. Public Policy and Engagement in Puerto Rico:

- 2.1 Proponent’s added value to the public policy of Act 42-2018 (Sec. 3.3.2)?.....(15 Points)
 - 2.1 Proponent is dully registered and/or already doing business in Puerto Rico (Sec. 3.3.2)?.....(15 Points)
- TOTAL: 30 Points**

III. Proposal Contents and Organization:

Did the proposal include the following requirements (Sec. 3.3):

- 3.1 Cover Letter & Executive Summary (Sec. 3.3.1)?.....(5 Points)
 - 3.2 Firm Background & Team Qualifications (Sec. 3.3.2)?.....(5 Points)
 - 3.3 Availability of Resources (Sec. 3.3.3)?.....(5 Points)
 - 3.4 Work Plan (Sec. 3.3.4)?.....(5 Points)
 - 3.5 Local Engagement Approach (Sec. 3.3.5)?.....(5 Points)
 - 3.6 Scope of Work/Services Experience & References (Sec. 3.3.6)?.....(5 Points)
 - 3.7 Budget Breakdown (Sec. 3.3.7)?.....(5 Points)
 - 3.8 Financial Information (Sec. 3.3.8)?.....(5 Points)
- TOTAL: 40 Points**

IV. Compliance Forms:

Did the proposal include the following Compliance Forms (Sec. 3.3):

- 4.1 Attachment A – Target Locations Template?.....(2 Points)
 - 4.2 Attachment B – Experience Template?.....(2 Points)
 - 4.3 Attachment C – Non-Collusion Affidavit?.....(3 Points)
 - 4.4 Was Attachment D – Eligibility Affidavit?.....(3 Points)
- TOTAL: 10 Points**

TOTAL EVALUATION SCORING: 100 Points

Exhibit 2 – Technical Evaluation Committee, Evaluation Criteria

Pursuant to **Section 5.1** of this RFP, the Technical Evaluation Committee will consider the following criterion in its assessment of the proposals received under this RFP:

I. Introduction

A clear understanding of the project requirements and objectives	(5 Points)
Demonstrated knowledge of Puerto Rico's telecom infrastructure challenges	(5 Points)
A concise and compelling introduction to the proposed solution	(5 Points)
TOTAL: 15 Points	

II. Technical Review: Technical Proposal

A. Design and Technology

Comprehensive description of the proposed conduit and fiber system design, including open-access feature	(10 Points)
Utilization of cutting-edge technology ensuring high capacity, resiliency, and redundancy	(5 Points)
Explanation of disaster resilience measures, including hardened resiliency and Redundancy	(5 Points)
TOTAL: 20 Points	

B. Implementation Plan

Detailed project timeline with milestones, clearly indicating engineering and design phases	(15 Points)
Resource allocation and project management approach, emphasizing resiliency Planning	(10 Points)
Accelerated timeline for construction drawings off the Target Timeline in section 4.3.....	(15 Points)
TOTAL: 25 Points	

C. Network Standards, Best Practices, and Quality Control Recommendations

Develop industry approved network engineering standards and best practices to be utilized throughout the duration of the project.....	(1 Point)
Recommendations for quality control measures for conduit installation and fiber deployment, ensuring industry standards are met or exceeded	(1 Point)
Detail recommended testing protocols for the entire system, including redundancy testing. Scenarios.....	(1 Point)
TOTAL: 3 Points	

III. Financial Review: Budget and Cost Effectiveness

Transparency and accuracy in budget breakdown, including specialized engineering, design, and permitting costs	(5 Points)
Cost-effectiveness of the proposed solution in relation to the project scope, considering long-term maintenance costs	(5 Points)
Demonstrated ability to maximize grant funds and provide value for money	(5 Points)
TOTAL: 15 Points	

Explanation of how the project will create jobs, stimulate the local economy, and support local talent (5 Points)
 Comprehensive community engagement strategies, including public consultations, addressing concerns, and stakeholder involvement..... (5 Points)
TOTAL: 10 Points

V. Programmatic Review: Environmental Considerations

Recommend considerations for environmentally friendly construction practices and materials usage, emphasizing sustainable and recyclable resources (3 Points)
 Identify any potential opportunities to implement energy-efficient infrastructure and equipment selection, minimizing the environmental footprint (3 Points)
TOTAL: 6 Points

VI. Programmatic Review: Compliance and Risk Management

Provide the necessary assurances that the proposer is in good standing with, and possesses all required licensing and documentation to contract with government entities (2 Points)
 Demonstrate compliance to local and federal regulations, standards, and permits, emphasizing safety and legal adherence (2 Points)
 Develop a Risk Mitigation Plan that addresses any potential challenges and delays, focusing on and redundancy and fallback options..... (2 Points)
TOTAL: 6 Points

TOTAL EVALUATION SCORING: 100 Points