

Utah Telecommunication  
Open Infrastructure Agency



Request for Proposal for  
OSP Engineering Services  
RFP # 2019OSPE-001

June 1, 2019

# Checklist

## UTOPIA RFP# 2019OSPE-001

To be considered as a potential participant for the UTOPIA project you must:

- Submit your RFP Acknowledgement Form by June 10<sup>th</sup>, 2019
- Submit questions IN WRITING by June 10<sup>th</sup>, 2019
- Deliver proposal NO LATER THAN 5:00 PM, MDT, June 24<sup>th</sup>, 2019 to:

Brian Kelsey, OSP Design Manager  
UTOPIA  
5858 S 900 E  
Murray, UT  
(801) 613-3800

Submission must include:

- Signed letter of Transmittal
- One electronic copy containing the entire proposal, including text, spreadsheets, graphics, equipment specifications and diagrams, submitted in the Appendices of the proposal. Submission shall be through email to [bkelsey@utopiafiber.com](mailto:bkelsey@utopiafiber.com).

The Utah Telecommunication Open Infrastructure Agency (UTOPIA) is seeking additional OSP engineering resources and invites you to submit a proposal to provide OSP engineering and design, permitting, final inspection and as-built services for UTOPIA fiber optic network construction projects. The attached Request for Proposal (RFP) describes the requirements that contractor(s) must meet to be eligible to respond. It includes questions regarding the organization of your proposed UTOPIA project team, engineering processes, permitting processes, company financial stability and production capacities, and successful project histories.

This RFP outlines format and content requirements for your proposal and includes a listing of critical dates. Of those dates, it is most important to note that all proposals must be received by **5:00 P.M. Mountain Time on June 24<sup>th</sup>, 2019 via email to [bkelsey@utopiafiber.com](mailto:bkelsey@utopiafiber.com).**

**PROPOSALS SUBMITTED AFTER THE DEADLINE WILL NOT BE CONSIDERED.**

Proposals will be submitted in an approved electronic format with a letter of transmittal.

Please use email to direct all questions to Brian Kelsey ([bkelsey@utopiafiber.com](mailto:bkelsey@utopiafiber.com)). Questions received prior to the close of business on June 10<sup>th</sup>, 2019 will be answered by a follow-up email to all known prospective respondents and posted on the website.

We look forward to receiving your response.

Very truly yours,



Roger Timmerman  
Executive Director  
UTOPIA

# UTOPIA

## Request for Proposal

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## **SECTION 1: GENERAL INFORMATION**

### **1.1        The Entity**

The Utah Telecommunication Open Infrastructure Agency (UTOPIA) or UTOPIA Fiber a political subdivision of the State of Utah created by an interlocal agreement among 11 municipalities for the purpose of solving the last mile challenge in advanced communications for its member cities. UTOPIA's goal is to provide every household and every business access to advanced communications infrastructure, and to enable choice among services and service providers. To accomplish this objective, UTOPIA has built and is continuing to build an open-access fiber optic network providing wholesale transport for retail service providers.

#### **1.1.1    Creation/History**

UTOPIA is a separate legal entity and political subdivision of the State of Utah. UTOPIA was created under the Utah Interlocal Cooperation Act and is governed by the First Amended and Restated Interlocal Cooperative Agreement of the Utah Telecommunication Open Infrastructure Agency, dated as of June 1, 2004, (the "Interlocal Cooperative Agreement").

The Interlocal Cooperation Act authorizes local governmental units to make the most efficient use of their powers by enabling them to cooperate with other governmental units on the basis of mutual advantage to provide services and facilities that will best accommodate the needs and development of local communities. An entity so formed is a political subdivision of the state with power to, among other things, (i) own, acquire, construct, operate, maintain and repair, or cause to be constructed, operated, maintained, and repaired, any facility or improvement provided for in its organization agreement, (ii) borrow money, incur indebtedness and issue revenue bonds or notes for the purposes for which it was created, and (iii) assign, pledge or otherwise convey as security or improvement within or without the State on terms deemed in the best interest of its participants.

#### **1.1.2    Membership/Organization/Governance**

UTOPIA currently has 11-member cities: Brigham City, Centerville, Layton, Lindon, Midvale, Murray, Orem, Payson, Perry, Tremonton, West Valley City (collectively, the "Members"). In addition to networks in the member cities, UTOPIA builds and operates networks in other cities throughout the state of Utah. UTOPIA Fiber is governed by the UTOPIA Board of Directors (the "Board").

To help facilitate growth, several cities formed UIA (The Utah Infrastructure Agency) as a separate entity to finance the growth of the UTOPIA Fiber network. It also enables additional cities to participate in future phases of expansion of the UTOPIA Fiber system. The UIA is a political subdivision of the State of Utah and was created in June 2010.

### **1.2        Philosophy and Goals**

The member communities of UTOPIA have taken the initiative to assure world-class digital connectivity for their residents based on the following principles:

### **1.2.1 Open Access**

Like a public airport, the UTOPIA network has been designed for use by several service and content providers. We believe that a single open network allows more providers to competitively offer more services at lower cost.

A “neutral” network owner and “neutral” system operator is expected to encourage open access and a significant number of service providers, which will contribute to long term growth and stability for the benefit of the community.

### **1.2.2 Standards Based Architecture**

The network is dependent, from a technical standpoint, on an open, standards-based architecture for broadband media content services. This assures flexibility of service, modularity, and interoperability in access, interconnection, and transport. Although the special needs of service providers can be accommodated, the principle of open standards must be preserved.

### **1.2.3 Scalability**

UTOPIA’s fiber optic network has the capability of delivering significantly higher bandwidth than the networks of incumbent last mile carriers. Its architecture has the inherent flexibility to accommodate future bandwidth demands of residential, business, educational, governmental, and other customers without major re-design or construction.

### **1.2.4 Carrier Class Reliability**

UTOPIA’s network strives to offer carrier class reliability enabling service providers to offer products that can compete with those available from incumbent carriers. All contracts with system operators and service providers must support this commitment.

## **1.3 The Network**

### **1.3.1 Physical Description**

UTOPIA is continuing the process of constructing a wholesale advanced communications network. The Network uses fiber optic technology, which provides transmission of voice, data and video at speeds that are significantly faster than existing copper, cable, or satellite systems. Fiber is currently used for the backbone of the Internet and other high-demand applications but has not been widely implemented over “the last mile” into homes and businesses. UTOPIA is laying the fiber optic cable necessary to connect each Member city and the homes and businesses within each Member city. The fiber optic cable is being laid both underground and overhead aerial. Other elements of the Network include conduits, innerducts, fiber cables, splices, switches, transmitters, terminals, internal power sources and all other items necessary to operate the Network.

The Network is divided into footprints (neighborhood service areas) and interconnecting rings with design and construction partially complete in eleven Members cities.

### **1.3.2 Service Delivery**

UTOPIA currently delivers services on a wholesale model in an open access environment. When a Service Provider customer signs up for a fiber connection to UTOPIA we provision a transport circuit over dark fiber from the customer edge to a service distribution location inside a hut or cabinet.

## **1.4        Purpose / RFP Process Overview**

This RFP is soliciting proposals from qualified contractors to bid on upcoming projects in the following categories:

- Engineering and Design
- Permitting and Right-of-Way
- Final Inspection and As-built Documentation

Contractors must respond to all of the above sections.

### **1.4.1 Award Period**

UTOPIA intends to award to multiple engineering firms. UTOPIA will not guarantee any volume based on an award.

### **1.4.2 Addendums, Supplements or Amendments to Request for Proposal**

If it becomes necessary to revise any part of this RFP, an addendum, supplement, or amendment to this RFP will be provided only to respondents who returned their Acknowledgement Form (see Appendix A).

## **1.5           Calendar of Events**

The following table outlines UTOPIA's planned calendar of major events related to the RFP distribution, proposal submission, evaluation, and selection processes.

1. RFP released to prospective respondents	June 3 <sup>rd</sup> , 2019
2. RFP Acknowledgment Form returned to UTOPIA	June 10 <sup>th</sup> , 2019
3. Last date for submission of written questions	June 10 <sup>th</sup> , 2019
4. Responses to Questions	June 17 <sup>th</sup> , 2019
5. Proposal submission deadline	June 24 <sup>th</sup> , 2019
6. Review Proposals	June 27 <sup>th</sup> , 2019
7. Select preferred respondent(s)	July 1 <sup>st</sup> , 2019
8. Notify selected respondent(s)	July 1 <sup>st</sup> , 2019
9. Finalize contract(s)	July 15 <sup>th</sup> , 2019

UTOPIA reserves the right to amend the above schedule as necessary.

## **SECTION 2: PROPOSALS**

Proposals must follow the format prescribed below and must include the requested information and the enclosed Proposal Response Forms. **Failure to complete and furnish all information requested in the form and format specified could result in disqualification. Proposals will not be accepted from any Vendor or Manufacturer that did not submit an Acknowledgement form as specified in paragraph 1.4. If you intend to partner with another Vendor or Manufacturer in making a proposal, the submission must be by the Vendor or Manufacturer that submitted the Acknowledgement form.**

### **2.1       Proposal Organization**

Your proposal must be organized and indexed in the following format and must contain all items listed below.

- a. Letter of Transmittal
- b. Table of Contents
- c. Section 1: Executive summary
- d. Section 2: Project Goals
- e. Section 3: Qualifications and Experience
- f. Section 4: Client references
- g. Section 5: Supplemental information
- h. Section 6: OSP Engineering Services
  - 1. Category 1: Engineering
  - 2. Category 2: Permitting and ROW
  - 3. Category 3: Final Inspection and As-built Documentation
  - 4. Category 4: Appendices
- i. Section 7: Cost / Pricing
- j. Section 8: Terms and Conditions / Bonding / Insurance

Respondents will be required to organize their proposals in the order outlined in this RFP.

**Any proposal that does not adhere to these requirements may be deemed non-responsive and may be rejected on that basis.**

Respondents may attach other materials that they feel may improve the quality of their responses. These materials must be included as items in a separate appendix with a cross-reference provided.

### **2.2       Electronic Proposal Format**

Respondents must submit their entire proposal electronically via email including text, spreadsheets, graphics and diagrams, and other materials submitted in the Appendices. Electronic files must be submitted as follows: word processing documents and graphics/diagrams in Microsoft Word and Adobe Acrobat (.pdf); spreadsheets in Microsoft Excel. The email or package and files must be clearly marked with the Vendor's name and the RFP number.

#### **2.2.1   Letter of Transmittal**

A single letter of transmittal must accompany any proposal. The letter must accompany

the proposals as a standalone page or file and must:

- a. Identify the submitting organization.
- b. Identify the name and title of the person authorized to contractually obligate the organization.
- c. Identify the name, title and telephone number of the person authorized to negotiate the contract.
- d. Identify the names, titles, and telephone numbers of persons to be contacted for clarification.
- e. Be signed by the person authorized to contractually obligate the organization.

## 2.2.2 **Table of Contents**

The table of contents must be placed immediately after any cover page and before the Executive Summary.

## 2.2.3 **Executive Summary**

Label this section “Section 1: Executive Summary” in your proposal. In two pages or less, highlight the significant aspects of your proposal including an outline of your organization, your management processes, financial strength and production capacities, qualifications and experience, client references, and anything else that is pertinent.

## 2.2.4 **Demonstration of Understanding of Project Goals and Expectations**

Label this section “Section 2: Project Goals” in your proposal. Proposals must indicate your understanding of project goals and expectations, specifically regarding the section to which you are responding. This section should explain, at a high level, how your proposal addresses the key project goals and criteria

## 2.2.5 **Qualifications and Experience**

Label this section “Section 3: Qualifications and Experience” in your proposal. Provide information on relevant personnel from your company with whom UTOPIA would work, should you win a contract; this is essentially the proposed team that UTOPIA would work with. Include also their general availability – will they be dedicated to UTOPIA and where will they be located. We require that you include resumes for these proposed personnel.

Additionally, in a subsection, provide information regarding the financial stability, track record, and support capabilities of your company. We require that you include the following:

- The two most recent audited financial statements
- Ownership of your company
- Number of years in business
- Number of support employees in Utah and adjacent states

## 2.2.6 **Client References**

Label this section “Section 4: References” in your proposal. Please provide a list of **at least five** paying customers of your company. The list must provide a customer name, description of the services provided, and a brief description of the project history

(timelines, challenges, etc.). For each customer reference, include contact names, phone numbers, and email addresses for staff in executive, project management, and financial positions

## 2.2.7 **Supplemental Information**

If included, label this section “Section 5: Supplemental Information” in your proposal. Company brochures, maps, and other supplementary and marketing materials may be included in this section of the proposal.

## 2.2.8 **Detailed Response to OSP Engineering Services**

Label this section “Section 6: OSP Engineering Services” in your proposal.

### 2.2.8.1 ***Engineering***

Label this category “Category 1: Engineering” in your proposal.

Deliver a point-by-point response to the corresponding specifications section (Section 3.2) of this RFP.

### 2.2.8.2 ***Permitting and Right-of-Way***

Label this category “Category 2: Permitting and Right-of-Way” in your proposal.

Deliver a point-by-point response to the corresponding specifications section (Section 3.2) of this RFP.

### 2.2.8.4 ***Final Inspection and As-built Documentation***

Label this category “Category 3: Final Inspection and As-built Documentation” in your proposal.

Deliver a point-by-point response to the corresponding specifications section (Section 3.2) of this RFP.

### 2.2.8.5 ***Appendices***

If included, label this category “Category 4: Appendices” in your proposal. Gantt charts and other supplementary materials may be included in this section of the proposal.

## 2.2.9 ***Cost/Pricing***

Label this section “Section 7: Cost/Pricing” in your proposal.

## 2.2.10 ***Terms and Conditions/Bonding/Insurance***

Label this section “Section 8: Terms and Conditions/Bonding/Insurance” in your proposal.

## **SECTION 3: OSP ENGINEERING SERVICES**

To allow creativity in the proposal process, this RFP does not define all requirements; rather, it identifies fundamental goals and high-level assumptions regarding the deployment of the outside plant and associated processes. Responses to this RFP must present a proposal addressing these goals and assumptions. Within those parameters, UTOPIA is open to any workable and cost-efficient proposal.

### **3.1 Assumptions**

Along with the goals listed in Section 1 above, UTOPIA has made these various high-level assumptions/requirements regarding OSP engineering services.

#### **3.1.1 Number of Units Passed**

Although the UTOPIA network will eventually expand to include tens of thousands, and even hundreds of thousands, of subscribers over its lifetime, UTOPIA uses a phased deployment approach. A specific scope of work will be determined at a future date.

#### **3.1.2 Subcontracting**

The winning respondents, when awarding contracts to subcontractors, may be required to provide copies of all bid responses to UTOPIA. This includes, but is not limited to, temporary staffing firms. See section 5.5.3 for more information regarding subcontractors.

#### **3.1.3 Warranty**

The winning respondent(s) shall warranty all OSP engineering for a minimum period of one (1) year after UTOPIA's acceptance of ownership.

## **3.2 Specifications**

This portion of the RFP is divided into three (3) categories: Engineering, Permitting and ROW, Final Inspection and As-built Documentation. **Responses must include the information as requested below for each individual category and a proposed unitized pricing form for the work without specific quantities or prices.**

#### **3.2.1 Engineering Response Requirements**

As part of the UTOPIA project, feasibility studies were prepared to estimate construction costs, determine pricing models, and forecast maintenance and operating expenditures. To do this, GIS data was collected from each member city and UTOPIA network service areas were mapped out for each city.

Contractors with the winning bid will be required to manage the entire civil engineering portion for each project in accordance with federal, state, city, and private entity regulations and ordinances. In this section of your RFP response, you should list the individuals that would be involved in the civil engineering and describe their responsibilities and how they would be organized.

In this section include discussions on civil engineering, fiber optic distribution and splicing design based on the requirements below. The responses to the following will be

used for evaluation and contractor selection. Note that all network designs, plans and specifications produced by the successful bidder become property of UTOPIA.

Engineering candidates will be required to:

- Receive high level designs documents include KMZ files, preliminary bill of materials, and plat data from UTOPIA and engineer those into a design infrastructure.
- Design the infrastructure to a suitable scale. Design requirements include but are not limited to plotting a running line, identifying the locations of major features such as poles, manhole lids, hydrants, and underground utilities. Conduit, handholds, and aerial features would be necessary. Overhead imagery would also be necessary for the design of the plant.
- Produce scaled drawings and deliver hard copy printouts of sections of the network to the permitting agencies and the contractors for construction as required. Maintain and manage contacts with permitting agencies, ROW entities etc., and submit for permit as well as provide needed documents for pole attachments, canals, and BLM so that construction contractors can proceed with requesting and receiving the permits.
- Create progress reports on the design of the network. Track and document any and all changes from original design. Soft copies shall be given to UTOPIA.
- Create the fiber optic cable distribution and splicing design. Create plans for fiber placement, document fiber aggregation and splice points, create splice diagrams or cut sheets, FAT (fiber allocation table (UTOPIA template), and identify materials needed for each splice location. Cable tag placement on all cables included with staking sheets.
- Provide a detailed organizational chart(s) of UTOPIA project teams, including field positions and management.
- Provide timelines as requested by UTOPIA, in weeks, outlining project ramp-up and phases as they relate to design and engineering, for example, obtaining high-level GIS designs, establishing relationships with local entities, etc.
- Provide contact information for all UTOPIA cities, the state of Utah, and federal entities that govern safety and environmental regulations.
- Provide CAD Overview Drawing shape files, PDF design documents, and FAT sheets.
- Populate drawings with DCID's. DCID's are UTOPIA's way of identifying facilities from a GIS perspective.

### 3.2.1.1 ***Cost/Pricing***

All costs associated with engineering response requirements.

### 3.2.2 **Permitting and ROW Response Requirements**

UTOPIA is an interlocal cooperative entity comprising eighteen separate municipalities, however in order to meet federal, state, city, and private entity regulations and ordinances, permits and rights-of-way must be obtained as if UTOPIA were a private company. Wherever possible, utility and other public easements will be used in the deployment of the UTOPIA network infrastructure. Designs will be considered when

applying for permits and ROW.

In this section discuss how you would obtain permits and ROW. Describe how the ROW and Permitting processes interacts with engineering activities to ensure that the network is designed, permitted, and deployed on time and within budget.

Responses to the following will be used for qualification, evaluation and contractor selection. Respondents to this section will be required to:

- Submit drawings for permitting and ROW and revise as needed throughout the entire permitting process in order to finalize engineering designs. Drawings shall be delivered to UTOPIA in a format compatible with current UTOPIA GIS systems and contain line and point attributes.
- Identify right of way entities including Federal, State, City, and private organizations etc.; including, but not limited to railroad, canal, and BLM entities.
- Manage the application process for pole attachments within given build areas.
- Build and maintain relationships as necessary to obtain specifications, requirements, ordinances etc.
- List the individuals that would be involved in the Permitting and ROW for UTOPIA project(s) and describe their responsibilities and how they will be organized.
- Outline processes to communicate permitting and ROW needs to UTOPIA engineering groups.
- Provide contact information for all UTOPIA cities, the state of Utah, and federal entities that govern safety and environmental regulations.

As part of your response, you must include a sample schedule. The schedule should not be dated, but should break out potential action plan items. Your schedule should reference dependencies over which you have control. The schedule should show periods of performance and milestones for ramp-up and service deliverables. Tasks to be performed by the respondent as well as by UTOPIA must be specifically stated and included in the schedule.

### 3.2.3.1 ***Cost/Pricing***

A total cost for ROW and Permitting will be required for each project.

### 3.2.3 **Final Inspection and As-built Documentation Response Requirements**

The network may require final inspection by engineering firms to ensure adherence to engineered drawings and specifications. UTOPIA may require that the network be documented concurrently using GPS equipment. The collected GPS data sets will then be ported into a GIS database. Stationary and/or mobile base stations should be used in the data collection process.

In this section include discussions on final inspection processes, as-built documentation, GPS & GIS systems, as well as data collection processes and methodologies. The responses to the following will be used for qualification, evaluation and contractor selection. Respondents will be required to:

- Provide final OSP plant inspection and associated punch list completion prior to turnover to UTOPIA.
- The ability to provide GPS equipment and software to create construction as-built documentation.
- The ability to work with UTOPIA GIS Staff to develop data dictionaries for GPS systems and finalize recording and reporting processes and procedures.
- Document network infrastructure as construction occurs including:
  - i. Provide location data for trench deployment. Documentation will include infrastructure description as well as placement.
  - ii. Provide location data for directional bores. Documentation may include coordinates for each rod length, utility crossing, access point, and hand hole. Other points will be documented as necessary.
  - iii. Provide location of aerial infrastructure with UTOPIA fiber optic attachments and documenting attached infrastructure. Documentation shall include attachment details such as pole type, pole class, use of extension arms, Point of attachment (POA) etc.
  - iv. Document curb and utility offset along construction routes.
- Submit as-built data to UTOPIA as as-built redlines and worksheets. Line and point attributes shall be appropriately formatted and accurately recorded.
- Demonstrate the ability to coordinate documentation with UTOPIA and UTOPIA contractors as needed.

In this section of your RFP response, you should list the individuals that will be involved in the documentation process and describe their responsibilities and how they will be organized. Include personnel positions and a list of the equipment and / or product names, models, etc. that you will use to document construction.

### 3.2.3.1            ***Cost/Pricing***

A total cost for final inspection and as-built documents will be required for each project.

## SECTION 4: COSTS/PRICING

As you prepare pricing and cost estimates for specific projects, be aware that ***your proposal must provide price commitments for the duration of the project.*** And, if performance and/or deliverables meet or exceed expectations, UTOPIA may extend the contract(s).

As indicated, the top proposals in each category will eventually be ranked based on their costs. As noted in section 2, cost represents the final criteria for ranking finalists' proposal(s). Based on responses to the information requested in section 3.2, UTOPIA will select the solution(s) **that satisfy the goals, address the assumptions, and deliver the functionality required for the UTOPIA network based on the current UTOPIA engineering standards document.**

Additional desired pricing, but not limited to, is as follows:

- Price per foot for underground construction design
- Price per foot for overhead construction design
- Business price for requests without high level design
- Professional services outside normal engineering activities
- Cost for FAT prep based on total number of fibers designed and not necessarily the number of addresses (10% spare fiber objective)

## **SECTION 5: TERMS AND CONDITIONS**

### **5.1 Response Material Ownership**

All material submitted regarding and in response to this RFP becomes the property of UTOPIA and will only be returned to the respondent at UTOPIA's option. Any person may petition to review responses after final selection has been made. UTOPIA has the right to use any or all system ideas presented in reply to this request, subject to limitations outlined below in "Proprietary Information." Disqualification of a respondent does not eliminate this right.

### **5.2 Proprietary Information**

UTOPIA is subject to the disclosure requirements of the Government Records Access and Management Act ("GRAMA"), Title 63, Chapter 2, Utah Code Annotated. UTOPIA generally considers Agreements, Contract Documents and all accompanying material to be public and subject to disclosure. A written claim of confidentiality and a concise written statement of reasons supporting the claim must accompany any material considered by respondents to be proprietary. Blanket claims that the entire Agreement or Contract Documents are confidential will be denied by UTOPIA. UTOPIA cannot guarantee that any information will be held confidential. Under Section 63-2-304 of the Government Records Access and Management Act, if a respondent makes a claim of confidentiality, UTOPIA, upon receipt of a request for disclosure, will determine whether the material should be classified as public or protected, and will notify the respondent of such determination. UTOPIA agrees to hold all information classified as protected in confidence and protect it from public disclosure in accordance with such statutes to the greatest extent permitted by Utah law. UTOPIA may disclose such information to the extent required by law; however, UTOPIA shall provide respondents prompt notice of a request for disclosure of such protected information and shall cooperate with respondents in seeking the issuance of a protective order.

Respondents are entitled under the Government Records Access and Management Act to appeal an adverse determination regarding the classification of information. UTOPIA is not required to notify respondents of a request for non-protected information and will not consider a claim of confidentiality unless the respondent's claim of confidentiality is made on a timely basis and in accordance with the Government Records Access and Management Act.

### **5.3 Conflicts of Interest**

Proposed solutions to this RFP must be defined in such a way as to prevent and prohibit conflict of interest between the respondent, UTOPIA, and any and all potential service providers that may offer services across the UTOPIA network. Specifically, respondents must avow that they have no intention of offering services across the UTOPIA network, either in the short term or at any point in the future, or they must acknowledge their intent. Furthermore, respondents must disclose any relationships, either formal or informal, with companies that may at any time offer competitive retail services across the network.

If respondents intend to offer competitive retail services at any point across the UTOPIA network, you must provide a complete explanation of how your proposed solution to this RFP does not advantage you in any way over potential competitors. Failure to do so will result in your permanent disqualification from offering competitive retail services across the UTOPIA network

## **5.4 Incurring Costs**

UTOPIA is not liable for any costs you incur prior to issuance of a formally signed and executed written agreement, contract or purchase order. Costs of developing the proposals, oral presentations or any other such expenses incurred by the respondent in responding to the RFP are entirely your responsibility and will not be reimbursed in any manner by UTOPIA.

## **5.5 Contract/Negotiations**

UTOPIA will negotiate individually with each contractor, firm or vendor(s) for each selected solution.

### **5.5.1 Contract Negotiations**

After selecting winning proposals, we will issue a letter of intent and, during the validation period, negotiate terms of the contract with the successful respondent(s). A contract must be completed and signed by all parties. You must state in your proposal that the terms and conditions in the proposal will remain valid and in effect for 120 days. UTOPIA reserves the right to negotiate with the respondent selected in the evaluation process for this RFP to acquire the combination of functionality, integration, and implementation assistance that best meets our needs within any limitations of available funding.

### **5.5.2 Type of Contract**

Contracts negotiated in response to this RFP will be on a not to exceed lump sum basis as determined by a uniform set of contracted pricing units and specific scope of work. UTOPIA reserves the right to negotiate final contracts in connection with this RFP based on functionality, integration, financing, and levels of respondent implementation. Desired contract length is two years with three additional option years.

Once contract has been executed, addendums to said contract can be initiated by both parties.

### **5.5.3 Contractor Responsibility**

UTOPIA will contract with a single primary respondent for each proposal. If you propose a multi-respondent or subcontracted approach, clearly identify the responsibilities of each party and the assurances of performance you offer, and then indicate which company will serve as the primary contractor. The primary contractor will be responsible, and must take responsibility, for the entire contract performance whether or not subcontractors are used.

In contractor/subcontractor arrangements involving more than one firm, it does not matter to UTOPIA which firm assumes the lead role. However, the primary contractor must assume full responsibility for the performance of all products and services contracted for, for integration between and among all products and services, and for implementation, ongoing maintenance, and support as delineated in the contract to be negotiated with UTOPIA.

Unless provided for in the contract negotiated and entered into in connection with this RFP, no contract may be made by the contractor with any other party for furnishing any

of the work or services requested in this RFP without the prior consent, guidance and approval of UTOPIA. Any subcontract entered into in connection with this RFP subsequent to the execution of the contract with the primary contractor, must be annotated "approved" by UTOPIA.

If use of subcontractors is planned, your proposal must include specific designation of the tasks that the subcontractor is to perform. Failure to provide information for subcontractors will disqualify the proposal. Under this RFP, UTOPIA retains the right to approve all subcontractors. Once a contract has been executed, subcontractors may not be added, substituted, replaced, or eliminated without the written approval of UTOPIA.

UTOPIA retains the right to require the removal of any subcontractor at their discretion; examples include but are not limited to safety and permit violations, poor practices, and unacceptable community interactions. The primary contractor will be responsible for all costs associated with removal and replacement of said subcontractor.

The contractor will be required to provide a payment bond with a surety company acceptable to UTOPIA to insure payment of all subcontracts and taxes including, but not limited to, unemployment insurance taxes.

Subcontractors may participate in more than one proposal submitted in connection with this RFP.

## **5.6 Payment/Delivery/Deployment Schedule**

As part of the contract negotiation process, UTOPIA will work with the winning respondent(s) to determine an anticipated payment and delivery schedule.

## **5.7 Miscellaneous**

### **5.7.1 No Discrimination in Employment**

In connection with the performance of work for this project, the respondent(s) agrees not to refuse to hire, discharge, promote or demote, or to discriminate in matters of compensation against any person otherwise qualified, solely because of race, creed, color, religion, sex, age, national origin, ancestry, or sexual orientation; and further agrees to insert the foregoing provision in all subcontracts hereunder.

### **5.7.2 News Releases/Advertising**

News releases and/or advertising pertaining to this procurement or any part of the subject may not be made without prior, written approval of UTOPIA.

### **5.7.3 Insurance**

The winning respondent(s) shall provide proof of insurance coverage for the duration of the project.

## APPENDIX A

### RFP Acknowledgment Form

#### UTAH TELECOMMUNICATION OPEN INFRASTRUCTURE AGENCY (UTOPIA)

RE: RFP No. 2019OSPE-001

#### ACKNOWLEDGMENT OF RECEIPT FORM

In acknowledgment of receipt of this Request for Proposal the undersigned agrees that he/she has received a complete copy, beginning with the title page and table of contents, and ending with appendix A.

The acknowledgment of receipt should be signed and received by the UTOPIA Purchasing Agent **no later than 5:00 PM on June 10<sup>th</sup>, 2019** (Email submissions are acceptable if the sender confirms receipt with the purchasing agent). Only potential Respondents who elect to return this form completed with the indicated intention of submitting a proposal will receive copies of all respondents written questions and UTOPIA's written responses to those questions as well as RFP amendments, if any are issued.

FIRM: \_\_\_\_\_

REPRESENTED BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

PHONE (\_\_\_\_) \_\_\_\_\_ FAX (\_\_\_\_) \_\_\_\_\_ Email \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE \_\_\_\_\_ ZIP: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

Firm's intention to respond to this Request for Proposals.

[ ] Does      [ ] Does Not

Return completed form to:

Brian Kelsey/OSP Design Manager  
UTOPIA  
[bkelsey@utopiafiber.com](mailto:bkelsey@utopiafiber.com)

## **APPENDIX B**

Attached Sample UTOPIA Service footprint.kmz and FAT sheet