

Utah Telecommunication
Open Infrastructure Agency



Request for Proposal for
Internet Service Providers
RFP # 2023ISP-002

January 24, 2024

The Utah Telecommunication Open Infrastructure Agency (UTOPIA Fiber) invites you to submit a proposal to provide internet service on UTOPIA Fiber's infrastructure. This RFP outlines the requirements for your proposal.

All proposals must be received by **5:00 P.M. Mountain Time on February 16, 2024 via email** to Jeff Erwin (jerwin@utopiafiber.com). **PROPOSALS SUBMITTED AFTER THE DEADLINE WILL NOT BE CONSIDERED.**

Please use email to direct all questions to Jeff Erwin (jerwin@utopiafiber.com). Any questions received will be answered and provided to other respondents.

We look forward to receiving your response.

Sincerely,

A handwritten signature in black ink, appearing to read "Roger Timmerman", with a long horizontal flourish extending to the right.

Roger Timmerman
Executive Director
UTOPIA Fiber

UTOPIA Fiber

Request for Proposals

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1.0 Key Information for Respondents

1.1 Administrative Guidance

The requirements and recommendations included in this document are created to provide respondents with enough information to readily understand the level of proposals UTOPIA Fiber is looking for, but it is not intended to limit response content or to exclude any potential respondent from submitting a proposal. Respondents who do not meet certain requirements may still submit proposals so long as they include supporting documentation/information on why, and how the respondent may work to fulfill those requirements.

1.2 Scope of Terms and Conditions

Before submitting a response, the respondent shall understand all contract conditions referred to in this document, and any addenda issued before the RFP submission date. The respondent shall understand that a Notice of Intent to respond (Section 3.1) should be submitted before the deadline, and any proposals submitted without an Intent to Respond may not be considered. It shall be the respondent's responsibility to ensure that the response includes all addenda issued prior to the RFP submission date. By submitting a response, the respondent acknowledges and accepts the Terms and Conditions described herein.

1.3 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 63G-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.

1.4 Response Preparation Costs

UTOPIA Fiber is not liable for any cost incurred by the respondent associated with the preparation of their proposal nor the negotiation of a contract for serviced prior to the issuing of

the contract.

1.5 Proposal Terms

Submission of a proposal by the respondent shall constitute acceptance of these terms and conditions. Conditional responses may be rejected.

The issuance of this RFP does not constitute an assurance by UTOPIA Fiber that any contract will actually be entered into by UTOPIA Fiber. UTOPIA Fiber expressly reserves the right to:

- Reject any and all proposals
- Adjust or change requirements within the RFP
- Reissue the RFP
- Adjust or extend any due dates in the RFP process without advance warning.

UTOPIA Fiber reserves the unequivocal right to decline awarding the Request for Proposal to any of the participants at its sole discretion, without being bound to provide any justification or compensation for such decisions.

2.0 Introduction and Background Information

UTOPIA Fiber is accepting proposals from suitable qualified and experienced candidates to join our marketplace.

Respondents will coordinate with Jeff Erwin by email (jerwin@utopiafiber.com) for all acknowledgements, questions/inquiries, or to schedule meetings with key personnel such as Network Engineers for understanding standard network architecture.

2.1 The Entity

The Utah Telecommunication Open Infrastructure Agency (UTOPIA) is a political subdivision of the State of Utah created under the Utah Interlocal Cooperation Act in 2004 for the purpose of solving the last mile challenge in advanced communications for its member cities. UTOPIA is governed by a board of directors and currently has 15 member cities: Brigham City, Cedar City, Cedar Hills, Centerville, Layton, Lindon, Midvale, Murray, City of Orem, Payson, Perry, Riverton, Tremonton, Vineyard, and West Valley City. 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 is building an open-access fiber optic network providing wholesale transport for retail service providers. Currently, the 15 member cities account for a population base of more than 500,000 individuals, 150,000+ households, and 30,000+ businesses.

2.2 Philosophy and Goals

As an organization that represents its member communities, UTOPIA Fiber is the sum total of the communities we serve. Because of this, UTOPIA Fiber prefers to work with service providers who are based in Utah and are active in their communities. The member communities of UTOPIA have taken the initiative to assure world-class digital connectivity for their residents based on the following principles:

Open Access

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

As a “neutral” network owner and “neutral” system operator, UTOPIA Fiber encourages open access and a significant number of service providers, which will contribute to long term growth and stability for the benefit of the community.

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.

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.

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.

2.3 Network 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.

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

UTOPIA currently operates a 100 percent fiber-based network. It is an active ethernet topology with no GPON systems within the network. Network equipment is placed in climate-controlled environments that are constantly monitored by our Network Operations Team.

2.4 Service Delivery

UTOPIA 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 layer 2 transport circuit from the customer back to the Service Provider NNI. Each customer/circuit is configured

as a point-to-point circuit. UTOPIA uses Ethernet based switches with a one customer to one switch port ratio.

3.0 Objectives and RFP Schedule

UTOPIA Fiber’s objective is to identify and partner with service providers who can provide high-quality, reliable, and fast internet access alongside the highest levels of customer service, so that customers on the network have a wide range of dependable and competitive service providers to choose from.

The RFP includes base requirements for submitting a proposal as well as recommendations for proposals. The scope of services, as defined herein, may be modified after final selection of the respondent, if any. The general terms and conditions are part of any submitted proposal and will be incorporated into any subsequent contract.

3.1 Notice of Intent to Respond

An acknowledgement and letter of intent to submit a proposal, including the name and contact information for the primary contact, must be provided via email by 5:00 P.M. Mountain Time on 2/9/2024. Any proposals submitted without the respondent providing a Notice of Intent to respond by the due date may not be considered.

3.2 Period for Questions

Any questions pertaining to the RFP must be submitted via email and can be submitted at any point after the RFP is posted, up to the question deadline. Final questions must be submitted by 5:00 P.M. Mountain Time on 2/9/2024. UTOPIA Fiber shall provide a summary of all questions and UTOPIA Fiber’s response to all respondents who have submitted an Intent to Respond after the period for questions has passed.

3.3 RFP Schedule

Final submissions to this RFP must be submitted via email by 5:00 P.M. Mountain Time on 2/16/2024.

RFP Process	Date
Posting first available for RFP	1/24/2024
Final Notice of Intent to respond Due	2/9/2024
Final Request for Information Due	2/9/2024
Final Submissions for RFP Due	2/16/2024
UTOPIA Fiber Award Date	3/1/2024

4.0 Scope of Work

4.1 Administrative Requirements

Respondents must provide direct contact information for the following positions:

- Legal
- IT (Technology point of contact)
- Network Engineer

Respondents must also provide and manage email distribution groups for key groups included below:

- Customer Service
- Outages
- Planned Maintenance
- Legal
- IT (Technology point of contact)
- Network Engineering

These email distribution groups will be used internally to provide consistent communication regardless of staff changes and will not be shared with customers/partners unless previously approved by the respondent.

In addition, the respondent must provide a minimum of 3 business references to vouch for the company's financial stability, customer service, and/or character.

4.2 Legal Requirements and Attestations

Respondents must meet the following requirements:

- Respondent must provide proof that they are registered to do business in the State of Utah and authorized with a valid and current business license.
- Respondent must provide proof they are carrying a minimum liability insurance of \$1 million dollars (\$1,000,000.00).
- Respondent must provide proof of a non-discrimination clause in their hiring practices, including non-discrimination towards race, color, sex, language, religion or creed, national or social origin, disability, age, marital or family status, sexual orientation or gender identity.
- Respondent must provide a list of all ongoing litigation or potential political issues they are involved in.
- Respondent must provide a list of any lawsuits settled within the past 3 years pertaining to the operation of their business.

Respondents must also attest and confirm their participation and agreement to the following:

- Certify they are following all federal, state, and local regulations.
- Certify they understand they are subject to GRAMA when communicating with UTOPIA Fiber and will comply with GRAMA requests.
- Certify they will cooperate with all legal subpoenas received.

4.3 Finances

Respondents must meet the following financial requirements listed below:

- Respondents must provide third-party audited financial statements for the past year.
 - These include at minimum: Income Statement, Balance Sheet, and Statement of Cash flow. Tax returns or other similar tax documents will not be accepted. Respondents may optionally provide an Auditor’s Opinion or Notes, however UTOPIA Fiber understands some auditors may not provide those documents.
 - Financial statements meeting the above requirements provided by any external accounting firm are acceptable.
- Respondents must prove a positive operational cash flow from providing end-user internet service for the past 6 months.
- Respondents must prove a current cash balance large enough to cover operating expenses for at least 3 months.

4.4 Technology

Respondents who are accepted are expected to meet with UTOPIA Fiber technical representatives for a “technical onboarding” where the different organizations can establish a comprehensive, mutual understanding of technical requirements, expectations, and preferences.

Respondents must be able to meet minimum technical requirements, listed below:

- It is strongly recommended, but not required, that respondents integrate their tools with our API to streamline processes and communication between organizations, especially as it relates to customer relationship management such as customer onboarding.
- Respondents must meet and connect to our fiber in an approved data center, or else purchase circuits to do so.
- Respondents should maintain at least one transit or IX connection in the local region they are serving.
- The minimum interconnect available for respondents to purchase is one (1) ten gigabit (10Gbps) connection.
- Respondents should offer IPv4, as well as capability and support of IPv6, with at least a thousand (1,000) IPv4 IPs available.
- Respondents must provide a documented response plan to any DDoS attacks.
- Respondents shall maintain appropriate plans for lawful intercept, as well as contacts for abuse/DMCA notifications.
- Respondents must maintain historical logs of IP addresses to MAC addresses for identifying customers, retained for 6 months minimum for law enforcement purposes. This includes inactive subscribers.

4.5 Marketing and Customer Service

Respondents must provide a “pitch deck” or similar document providing the following information.

- Respondents must provide a business plan, marketing position, go-to-market strategy, or other similar document describing their product offering, how the respondent will execute it on the UTOPIA Fiber network, and how the respondent will differentiate themselves from other competitors on the UTOPIA Fiber network marketplace.
- Respondents will provide documentation of their customer service strategy, including whether they will be using door-to-door sales, availability/hours of their customer service

team, whether they will use a third-party call service, and whether they have technicians to roll out to customer's houses.

- Respondents must provide information on any additional services they plan to provide, such as routers, TV, phone, etc. Respondents should include descriptions of any additional support they will have for those additional services.
- If respondents are planning to provide managed router services, respondent should include information on any additional requirements to the installation process (such as how the managed router will be provided to the customer, if there are any requirements around placement of the managed router in the home, and who will be responsible for installing the router) as well as how the respondent plans to address service calls for repairing, replacing, servicing, and recovering managed routers.
- Respondent certifies they will conform to UTOPIA Fiber's principles and branding standards.